



Meeting:  
Friday, December 11, 2020 – 8:00 AM  
Oregon Department Fish and Wildlife  
Virtual Meeting  
4034 Fairview Industrial DR SE  
Salem, Oregon 97302

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2           *Commission minutes are considered draft until approved by the Commission.*

3  
4 Notice of these meetings had been made by press release of statewide media circulation.  
5 Those attending part or all of the meeting included:

- 6
- |                                   |  |
|-----------------------------------|--|
| Mary Wahl, Chair                  | Curt Melcher, Director                             |
| Greg Wolley, Vice-Chair           | Erica Kleiner, Deputy Director                     |
| Bob Spelbrink, Commissioner       | Shannon Hurn, Deputy Director                      |
| Mark Labhart, Commissioner        | Mike Harrington, Interim East Region Manager       |
| Jill Zarnowitz, Commissioner      | Bernadette Graham-Hudson, West Region Manager      |
| Becky Hatfield-Hyde, Commissioner | Anika Marriott, Assistant Attorney General         |
|                                   | Erin Donald, Assistant Attorney                    |
|                                   | Michelle Tate, Executive Assistant                 |
|                                   | Cedric Cooney, Interim Fish Division Administrator |
|                                   | Doug Cottam, Wildlife Division Administrator       |

7  
8 **MEETING**

9  
10 On Friday, **December 11, 2020 at 8:00 AM, Chair Wahl called the Oregon Fish and**  
11 **Wildlife Commission** (the Commission) meeting to order.

12  
13 **DIRECTOR’S REPORT**

14  
15 Field Reports – in written form only; *this report is available in the meeting materials and at*  
16 [https://www.dfw.state.or.us/agency/commission/minutes/20/11\\_Nov/November%20Field](https://www.dfw.state.or.us/agency/commission/minutes/20/11_Nov/November%20Field%20Report.pdf)  
17 [%20Report.pdf](https://www.dfw.state.or.us/agency/commission/minutes/20/11_Nov/November%20Field%20Report.pdf)

18  
19 Expenditure Report

20           Staff: Erica Kleiner, Deputy Director for Administration

21 Erica reported to the Commission that revenue from license sales remains healthy;  
22 overall agency budget is strong for 2020, there are still some uncertainties in the overall  
23 statewide funding; continuing to build our unrestricted cash balance; ODFW will present  
24 the Recommended Budget to the Legislature in early 2021.

25  
26 *This report is available in the meeting materials and at*  
27 [https://www.dfw.state.or.us/agency/commission/minutes/20/12\\_Dec/Commission%20Fina](https://www.dfw.state.or.us/agency/commission/minutes/20/12_Dec/Commission%20Final%20Report%20December%202020.pdf)  
28 [ncial%20Report%20December%202020.pdf](https://www.dfw.state.or.us/agency/commission/minutes/20/12_Dec/Commission%20Final%20Report%20December%202020.pdf)

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30  
31

1 **GOVERNOR'S RECOMMENDED BUDGET UPDATE**

2 Staff: Erica Kleiner, Deputy Director for Administration

3 Brandy Nichols, Budget and Economic Services Manager

4 *This report is available in the meeting materials and at*

5 [https://www.dfw.state.or.us/agency/commission/minutes/20/12\\_Dec/2021-](https://www.dfw.state.or.us/agency/commission/minutes/20/12_Dec/2021-23%20Governor's%20Recommended%20Budget%20Update.pdf)  
6 [23%20Governor's%20Recommended%20Budget%20Update.pdf](https://www.dfw.state.or.us/agency/commission/minutes/20/12_Dec/2021-23%20Governor's%20Recommended%20Budget%20Update.pdf)

7  
8 **Adopt Temporary Rules**

9 Curt Melcher, Director, requested the Commission ratify the following temporary rules.

10 The five (5) temporary rules were previously adopted by the director under his emergency  
11 action authority.

12  
13 **1) 635-016-0090<sup>1</sup>**

14 **Temporary low flow angling closures lifted for Chetco, Winchuck, and Sixes Rivers**

15 Adopted November 16, 2020: effective November 17, 2020 through November 30, 2020

16 This amended rule removes temporary low flow angling closures in the Winchuck,  
17 Chetco, and Sixes Rivers. Reduced wild chinook harvest and bag limits remain in effect.<sup>1</sup>

18  
19 **2) 635-005-0465**

20 **Commercial Dungeness Crab Season Opening Delay**

21 Adopted November 19, 2020: effective November 20, 2020 through February 15, 2020

22 This amended rule delays the opening of the 2020-2021 commercial ocean Dungeness  
23 crab fishing season from December 1, 2020 until at least December 16, 2020 in  
24 accordance with the Tri-State Memorandum of Understanding and Preseason Testing  
25 Protocol. Additional Temporary Rules will be promulgated to open the fishery in  
26 accordance with that agreement.

27  
28 **3) 635-023-0130**

29 **Increase Adult Steelhead Bag Limit in Columbia River**

30 Adopted December 3, 2020: effective December 3, 2020 through December 31, 2020

31 This amended rule allows retention of one hatchery steelhead in the Columbia River  
32 upstream of The Dalles Dam for the remainder of the year.

33  
34 **4) 635-016-0090<sup>2</sup>**

35 **Coastal Wild Chinook Salmon Bag Limit Reduction, Area Closures, and Lifting of**  
36 **Low Flow Restrictions**

37 Adopted December 8, 2020: effective December 8, 2020 through December 31, 2020

38 This amended rule modifies bag limits and other measures for harvest of wild salmon in  
39 specified Oregon coastal rivers and removes temporary low flow angling closures in the  
40 Winchuck, Chetco, and Sixes Rivers.<sup>2</sup>

41  
42 **5) 635-005-0465**

43 **Commercial Dungeness Crab Season Opening South of Cape Falcon**

44 Adopted December 9, 2020: effective December 9, 2020 through February 15, 2020

45 This amended rule sets the opening date and related management measures for the  
46 2020-2021 ocean commercial Dungeness crab fishery from Cape Falcon (45° 46' 00"

1 N. Lat.) southward to the California border (42° 00' 00" N. Lat.) on December 16,  
2 2020. The commercial Dungeness crab fishery will remain closed from Cape Falcon  
3 (45° 46' 00" N. Lat.) northward to the Washington border (46° 15' 00" N. Lat.).  
4

5 <sup>1</sup> A current temporary rule for this section expires November 30, 2020, so this rule will be  
6 refiled for the remainder of the period.

7 <sup>2</sup> A current temporary rule for this section expired, so this rule was refiled for the  
8 remainder of the period.  
9

10 Action:

11 Commissioner Labhart moved to ratify the five (5) temporary rules set forth in the today's  
12 tan agenda. Commissioner Spelbrink seconded the motion, and the motion carried  
13 unanimously, six (6) in favor.  
14

### 15 PUBLIC FORUM

16 This part of the agenda was for comments on topics not scheduled elsewhere on the  
17 agenda. No action could be taken on items brought to the Commission's attention in  
18 this forum, at this meeting.  
19

20 *Mule Deer Management Plan*

21 *Mike Totey, Oregon Hunters Association*  
22

23 *Public Participation with Commission and OR Coastal Winter Steelhead Fishing*  
24 *Issues*

25 *David Moskowitz, the Conservation Angler*  
26

### 27 COMMISSION UPDATES:

28 The Western Association of Fish & Wildlife Agencies will hold the 2021 Winter  
29 Meeting as a fully virtual event! The meeting will be held online from Tuesday,  
30 January 5 – Friday, January 8. Vice-Chair Wolley will be attending and there is  
31 opportunity for one or two additional Commissioners to participate.  
32

33 There are ongoing discussions to setting up membership for the Beaver  
34 Management Work Group; Vice-Chair Wolley will provide a fuller update in  
35 January.  
36

37 The Joint-State Columbia River Salmon Fishery Policy Review Committee met  
38 in early November to discuss the joint state policy and regulatory concurrence  
39 between the states. Both states want to focus on the resource and conservation  
40 aspects. Planning to meet again in January after Oregon's Commission meeting.  
41

### 42 EXHIBIT A: COMMISSION MINUTES

43 Action:

44 Commissioner Zarnowitz moved to approve the November 13, 2020 meeting  
45 minutes with continued authority to correct grammar and punctuation. Commissioner  
46 Hatfield-Hyde seconded the motion and the motion was carried six (6) in favor.  
47

1           **EXHIBIT B: CONSERVATION AND RECREATION FUND ADVISORY**  
2           **COMMITTEE PROJECT APPROVAL**

3           The Commission approved expenditures from the Oregon Conservation and  
4 Recreation Fund for projects approved at the September 11 meeting of the Fish and  
5 Wildlife Commission. Expenditures all consist of restricted gifts received to expand the  
6 scale of the previously approved projects.

7           Staff: Davia Palmeri, Conservation Strategy Coordinator

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9           Presentation: Davia provided the Commission with an update on funding status;  
10 approved projects; and recommended expenditures of restricted donations.

11  
12 *This presentation is located in the commission material and can be viewed at*  
13 [https://www.dfw.state.or.us/agency/commission/minutes/20/12\\_Dec/B/Exhibit%20B\\_Pres](https://www.dfw.state.or.us/agency/commission/minutes/20/12_Dec/B/Exhibit%20B_Presentation.pdf)  
14 [entation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/20/12_Dec/B/Exhibit%20B_Presentation.pdf)

15  
16           No Public Testimony

17           Approval

18           Action:

19           Commissioner Labhart moved to approve the increased expenditures for the three  
20 (3) projects as recommended by the Oregon Conservation & Recreation Advisory  
21 Committee with the continued authority for the Advisory Committee to expend  
22 restricted gifts for any of these projects. Vice-Chair Wolley seconded the motion  
23 and the motion was carried six (6) in favor.

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25           **EXHIBIT C: CEREMONIAL HARVEST BY THE BURNS PAIUTE TRIBE OF**  
26           **OREGON**

27           The Commission amended rules for ceremonial hunting and fishing by Burns Paiute  
28 tribal members.

29           Staff: Kevin Blakely, Wildlife Deputy Administrator

30           Mike Gauvin, Recreational Fisheries Manager

31  
32           Presentation: Kevin and Mike provided the Commission a presentation with  
33 information on the Malheur Indian Reservation, proposed changes to increase  
34 elk tags and expanded big game season dates; and Malheur River spring  
35 Chinook fisheries.

36  
37 *This presentation is located in the commission material and can be viewed at*  
38 [https://www.dfw.state.or.us/agency/commission/minutes/20/12\\_Dec/C/Exhibit%20C\\_Pres](https://www.dfw.state.or.us/agency/commission/minutes/20/12_Dec/C/Exhibit%20C_Presentation.pdf)  
39 [entation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/20/12_Dec/C/Exhibit%20C_Presentation.pdf)

40  
41           No Public Testimony

42           Rulemaking

43           Action:

44           Commissioner Hatfield-Hyde move to amend OAR Chapter 635, Divisions 043 and  
45 021 for ceremonial hunting and fishing opportunities by the Burns Paiute Tribes as

1 proposed by staff. Commissioner Zarnowitz seconded the motion and the motion was  
2 carried six (6) in favor.

3 **EXHIBIT D: 2021 GROUND FISH FISHERIES REGULATIONS AND 2019**  
4 **NEARSHORE LOGBOOK REPORT**

5 The Commission will be asked to adopt the 2021 recreational and commercial  
6 groundfish fisheries and review the 2019 Commercial Nearshore Logbook Report.

7 Staff: Maggie Sommer, Marine Fisheries Section Manager  
8

9 Presentation: Maggie provided the Commission with a presentation on the  
10 Nearshore Fishery Report and the 2021 Groundfish Regulations.

11 This presentation is located in the commission material and can be viewed at  
12 [https://www.dfw.state.or.us/agency/commission/minutes/20/12\\_Dec/D/Exhibit%20D\\_Pres](https://www.dfw.state.or.us/agency/commission/minutes/20/12_Dec/D/Exhibit%20D_Presentation.pdf)  
13 [entation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/20/12_Dec/D/Exhibit%20D_Presentation.pdf)  
14

15 No Public Testimony

16 Rulemaking

17 Action:

18 Vice-Chair Wolley moved to adopt amend OAR Chapter 635 Divisions 004 and 039 as  
19 proposed by staff in Attachment 3 Addendum. Commissioner Spelbrink seconded the  
20 motion and the motion was carried five (5) in favor- Wolley, Spelbrink, Labhart, Zarnowitz,  
21 Hatfield-Hyde; one (1) opposed- Wahl.  
22  
23

24 **EXECUTIVE SESSION**

25 The Executive Session is held pursuant to ORS 192.660(2) (f) to consider information or  
26 records that are exempt by law from public inspection, as well as to consult with legal  
27 counsel concerning legal rights and duties regarding current litigation or litigation likely to  
28 be filed as authorized by ORS 192.660(2) (h).  
29

30 Chair Wahl adjourned the meeting at 12:20 p.m.