



Meeting:  
Friday, February 12, 2021 – 8:00 AM  
Oregon Department of Fish and Wildlife  
Virtual Meeting  
4034 Fairview Industrial DR SE  
Salem, Oregon 97302

1  
2 Notice of these meetings had been made by press release of statewide media circulation. Those  
3 attending part or all of the meeting included:  
4

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 General
	Michelle Tate, Executive Assistant
	Cedric Cooney, Interim Fish Division Administrator
	Doug Cottam, Wildlife Division Administrator
	Casey Thomas, Captain Oregon State Police

5 **MEETING**

6  
7 On Friday, **February 12, 2021 at 8:00 AM**, Chair Wahl called the **Oregon Fish and Wildlife**  
8 **Commission** (the Commission) meeting to order.  
9

10 **DIRECTOR'S REPORT**

11  
12 Field Reports – in written form only; *this report is available in the meeting materials and at*  
13 [https://www.dfw.state.or.us/agency/commission/minutes/21/02\\_Feb/Field%20Report%20February](https://www.dfw.state.or.us/agency/commission/minutes/21/02_Feb/Field%20Report%20February.pdf)  
14 [.pdf](https://www.dfw.state.or.us/agency/commission/minutes/21/02_Feb/Field%20Report%20February.pdf)  
15

16 Expenditure Report

17 Staff: Erica Kleiner, Deputy Director for Administration

18 Erica reported overall, revenues remain healthy and expenditures remain in alignment with  
19 existing funding and limitation. Preparations continue for the upcoming public hearing on  
20 ODFW's budget, which will be heard in the Ways & Means Natural Resources subcommittee. The  
21 hearing is expected to occur sometime in March or April.  
22

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

24 [https://www.dfw.state.or.us/agency/commission/minutes/21/02\\_Feb/Commission%20Financial%20](https://www.dfw.state.or.us/agency/commission/minutes/21/02_Feb/Commission%20Financial%20Report%20February%202021.pdf)  
25 [Report%20February%202021.pdf](https://www.dfw.state.or.us/agency/commission/minutes/21/02_Feb/Commission%20Financial%20Report%20February%202021.pdf)  
26

27

28

**Adopt Temporary Rules**

1 Curt Melcher, Director, requested the Commission ratify the following temporary rules. The eight  
2 (8) temporary rules were previously adopted by the director under his emergency action authority.  
3

4 1. 635-042-0130

5 Set 2021 Columbia River Commercial Smelt Fisheries

6 Adopted January 28, 2021: effective January 28, 2021 through February 25, 2021.

7 This amended rule implements the 2021 Columbia River commercial smelt season for Zones  
8 1 through 3 beginning January 28 through February 25, 2021. Modifications are consistent  
9 with action taken January 26 by the Departments of Fish & Wildlife for the States of Oregon  
10 and Washington at a meeting of the Columbia River.  
11

12 2. 635-041-0065

13 Set 2021 Columbia River Winter Treaty Commercial Fisheries

14 Adopted January 29, 2021: effective February 1, 2021 through February 6, 2021.

15 This amended rule implements the 2021 winter treaty tribal commercial gillnet fishery season  
16 for The Dalles and John Day pools beginning February 1, 2021. Modifications are consistent  
17 with action taken January 26 by the Departments of Fish & Wildlife for the States of Oregon  
18 and Washington at a meeting of the Columbia River.  
19

20 3. 635-041-0065

21 Set 2021 Columbia River Winter Treaty Commercial Fisheries and Season Revisions

22 Adopted February 3, 2021: effective February 3, 2021 through February 6, 2021.

23 This amended rule correctly limits the 2021 winter treaty tribal commercial gillnet fishery  
24 season to The Dalles and John Day pools. Modifications are consistent with action taken  
25 January 26 by the Departments of Fish & Wildlife for the States of Oregon and Washington at  
26 a meeting of the Columbia River.  
27

28 4. 635-006-0210

29 Commercial Dungeness crab Season Opening North of Cape Falcon

30 Adopted February 8, 2021: effective February 8, 2021 through August 3, 2021.

31 This amended rule updates Oregon's crab Harvest Area map to include all individual  
32 Washington crab Harvest Areas (also known as fish ticket areas) so that crab harvested from  
33 Washington and landed or shipped into Oregon can be traced by area through the market  
34 chain under Oregon's crab traceability rules.  
35

36 5. 635-005-0465

37 Commercial Dungeness crab Season Opening North of Cape Falcon

38 Adopted February 8, 2021: effective February 8, 2021 through February 15, 2021.<sup>1</sup>

39 This amended rule sets the opening date and related management measures for the 2020-2021  
40 ocean commercial Dungeness crab fishery from Cape Falcon (45° 46' 00" N. Lat.) northward  
41 to the Washington border (46° 15' 00" N. Lat.) on February 16, 2021 at 9:00 a.m.  
42

43 6. 635-006-0210

44 Return Correct Language after Incorrect Filing

45 Adopted February 10, 2021: effective February 10, 2021 through August 3, 2021.

46 This amended rule returns this rule to the correct language after a temporary rule was  
47 incorrectly filed on this rule instead of on the correct number (635-006-0201).

1  
2 7. 635-006-0201  
3 Commercial Dungeness crab Season Opening North of Cape Falcon  
4 Adopted February 10, 2021: effective February 10, 2021 through August 3, 2021.  
5 This amended rule updates Oregon’s crab Harvest Area map to include all individual  
6 Washington crab Harvest Areas (also known as fish ticket areas) so that crab harvested from  
7 Washington and landed or shipped into Oregon can be traced by area through the market chain  
8 under Oregon’s crab traceability rules.  
9

10 8. 635-041-0065  
11 Set 2021 Columbia River Winter Treaty Commercial Fisheries  
12 Adopted February 11, 2021: effective February 12, 2021 through February 15, 2021  
13 The amended rule is needed to implement 2021 winter season commercial treaty gillnet  
14 fisheries on the Columbia River  
15

16 <sup>1</sup> A current temporary rule for this section expires February 15, 2021, so this rule will be  
17 refiled for an additional period.  
18

19 Action:

20 Commissioner Labhart moved to ratify the eight temporary rules set forth in the  
21 today’s tan agenda. Commissioner Spelbrink seconded the motion, and the motion  
22 carried unanimously, six (6) in favor.  
23

24 **OTHER BUSINESS**

25 Property Sale and Acquisition Delegation of Authority

26 Staff: Ken Loffink, Administrative Services Deputy Administrator  
27

28 **COMMISSION UPDATES**

29 Columbia River 2021 Fisheries; Working with Washington

30 Chair Wahl  
31

32 Beaver Management and Trap Check Working Groups update

33 Commissioner Wolley  
34

35 **PUBLIC FORUM**

36 This part of the agenda is for comments on topics not scheduled on the agenda. The Commission  
37 will be unable to take action on items brought to their attention in this forum.  
38

39 *Information on Rulemaking Petition Regarding Mink in Oregon*

40 *Michael Whelan, Executive Director of Fur Commission USA*  
41  
42  
43  
44  
45

46 **Exhibit A: COMMISSION MINUTES**

47 Action:

1 Commissioner Wolley moved to approve the January 15, 2021 meeting minutes with  
2 continued authority to correct grammar and punctuation. Commissioner Zarnowitz seconded the  
3 motion and the motion was carried six (6) in favor.  
4

5 **Exhibit B: SUSPENSION OF RECREATIONAL ABALONE FISHERY**

6 The Commission approved a rule to extend the current closure of the recreational  
7 abalone fishery for three years.

8 Staff: Steve Rumrill, Shellfish Program Leader

9 *Presentation:* Steve provided the Commission with a presentation on the poor  
10 environmental conditions for abalone and kelp in rocky marine habitat; very low densities of red  
11 abalone, and the suspension of the recreational abalone fishery (March 2018-March 2021).  
12

13 *This presentation is located in the commission material and can be viewed at*

14 [https://www.dfw.state.or.us/agency/commission/minutes/21/02\\_Feb/B/Exhibit%20B\\_Presentation.](https://www.dfw.state.or.us/agency/commission/minutes/21/02_Feb/B/Exhibit%20B_Presentation.pdf)  
15 [pdf](https://www.dfw.state.or.us/agency/commission/minutes/21/02_Feb/B/Exhibit%20B_Presentation.pdf)  
16

17 Public Testimony  
18 Ann Vileisis, Port Orford

19 Rulemaking

20 Action:

21 Commissioner Zarnowitz moved to amend the 2021 Oregon Sport Fishing Regulations for  
22 the Marine Zone contained in OAR 635-039-0090 as proposed by staff in Attachment 3.

23 Commissioner Hatfield-Hyde seconded the motion and the motion was carried six (6) in favor.  
24

25 **Exhibit C: REMOVAL OF BORAX CHUB FROM THREATENED AND ENDANGERED**  
26 **SPECIES LIST**

27 The Commission removed Borax Chub from the state list of threatened and endangered  
28 species.

29 Staff: Michele Weaver, ESA Program Specialist

30 *Presentation:* Michele provided the Commission with a presentation including background  
31 on Federal ESA and state list; recovery plan criteria; recovery actions; Borax Lake  
32 Chub abundance, Borax Lake habitat and temperature; the Federal delisting in 2020;  
33 and the state delisting criteria.  
34

35 *This presentation is located in the commission material and can be viewed at*

36 [https://www.dfw.state.or.us/agency/commission/minutes/21/02\\_Feb/C/Exhibit%20C\\_Presentation.](https://www.dfw.state.or.us/agency/commission/minutes/21/02_Feb/C/Exhibit%20C_Presentation.pdf)  
37 [pdf](https://www.dfw.state.or.us/agency/commission/minutes/21/02_Feb/C/Exhibit%20C_Presentation.pdf)  
38

39 No Public Testimony

40 Rulemaking

41 Action:

42 Commissioner Zarnowitz moved to amend OAR 635-100-0125 as shown in Attachment 3  
43 to remove Borax Lake Chub from the State List of Threatened and Endangered Species, because  
44 the Commission finds the delisting criteria in 635-100-0112 are met. Also, the Commission finds  
45 that the sensitive species listing criteria are met, and advises that Borax Lake Chub be put on to the  
46

1 sensitive species list. Commissioner Spelbrink seconded the motion and the motion was carried six  
2 (6) in favor.

3 **Exhibit D: 2020 LOWER COLUMBIA RIVER WHITE STURGEON POPULATION AND**  
4 **FISHERIES UPDATE**

5 Staff updated the Commission on population status of white sturgeon and review 2020  
6 sturgeon fisheries.

7 Staff: Tucker Jones: Ocean Salmon and Columbia River Program Manager

8 *Presentation:* Tucker provided the Commission with a presentation including White Sturgeon  
9 background; 2020 stock status and fisheries; pinniped predation; and 2021  
10 projections and management plans.

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/21/02\\_Feb/D/Exhibit%20D\\_Presentation.](https://www.dfw.state.or.us/agency/commission/minutes/21/02_Feb/D/Exhibit%20D_Presentation.pdf)  
14 [pdf](https://www.dfw.state.or.us/agency/commission/minutes/21/02_Feb/D/Exhibit%20D_Presentation.pdf)

15 No Public Testimony  
16 Informational

17 **Exhibit E: APPOINTMENT OF COMMERCIAL FISHERY PERMIT BOARD MEMBERS**

18 The Commission appointed six members to the Commercial Fishery Permit Board.

19 Staff: Linda Lytle, License Services Manager  
20

21 No Public Testimony  
22 Rulemaking  
23

24 Action:

25 Commissioner Hatfield-Hyde moved to appoint the following members to the Commercial  
26 Fishery Permit Board:

- 27 • Donna Johnson to represent the public-at-large;  
28 • Brian Trotter to represent the black rockfish and blue rockfish industry;  
29 • Gary Klein to represent the Oregon Dungeness crab industry;  
30 • Zachary Best to represent the ocean troll salmon industry;  
31 • Lavine Linker to represent the ocean troll salmon industry; and  
32 • Nicholas Jerkovich to represent the sardine industry.

33 Commissioner Zarnowitz seconded the motion and the motion was carried six (6) in favor.  
34

35 Chair Wahl adjourned the meeting at 12:00 p.m.  
36