



Meeting:
Friday, February 12, 2021 – 8:00 AM
Oregon Department of 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. Those
5 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 General |
| | Michelle Tate, Executive Assistant |
| | Cedric Cooney, Interim Fish Division Administrator |
| | Doug Cottam, Wildlife Division Administrator |
| | Casey Thomas, Captain Oregon State Police |

7 **MEETING**

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

11
12 **DIRECTOR'S REPORT**

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

17
18 Expenditure Report

19 Staff: Erica Kleiner, Deputy Director for Administration

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

24
25 *This report is available in the meeting materials and at*

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

28
29

1 **Adopt Temporary Rules**

2 Curt Melcher, Director, requested the Commission ratify the following temporary rules. The eight
3 (8) temporary rules were previously adopted by the director under his emergency action authority.
4

5 1. 635-042-0130

6 Set 2021 Columbia River Commercial Smelt Fisheries

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

8 This amended rule implements the 2021 Columbia River commercial smelt season for Zones
9 1 through 3 beginning January 28 through February 25, 2021. Modifications are consistent
10 with action taken January 26 by the Departments of Fish & Wildlife for the States of Oregon
11 and Washington at a meeting of the Columbia River.
12

13 2. 635-041-0065

14 Set 2021 Columbia River Winter Treaty Commercial Fisheries

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

16 This amended rule implements the 2021 winter treaty tribal commercial gillnet fishery season
17 for The Dalles and John Day pools beginning February 1, 2021. Modifications are consistent
18 with action taken January 26 by the Departments of Fish & Wildlife for the States of Oregon
19 and Washington at a meeting of the Columbia River.
20

21 3. 635-041-0065

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

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

24 This amended rule correctly limits the 2021 winter treaty tribal commercial gillnet fishery
25 season to The Dalles and John Day pools. Modifications are consistent with action taken
26 January 26 by the Departments of Fish & Wildlife for the States of Oregon and Washington at
27 a meeting of the Columbia River.
28

29 4. 635-006-0210

30 Commercial Dungeness crab Season Opening North of Cape Falcon

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

32 This amended rule updates Oregon's crab Harvest Area map to include all individual
33 Washington crab Harvest Areas (also known as fish ticket areas) so that crab harvested from
34 Washington and landed or shipped into Oregon can be traced by area through the market
35 chain under Oregon's crab traceability rules.
36

37 5. 635-005-0465

38 Commercial Dungeness crab Season Opening North of Cape Falcon

39 Adopted February 8, 2021: effective February 8, 2021 through February 15, 2021.¹

40 This amended rule sets the opening date and related management measures for the 2020-2021
41 ocean commercial Dungeness crab fishery from Cape Falcon (45° 46' 00" N. Lat.) northward
42 to the Washington border (46° 15' 00" N. Lat.) on February 16, 2021 at 9:00 a.m.
43

44 6. 635-006-0210

45 Return Correct Language after Incorrect Filing

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

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

3
4 7. 635-006-0201

5 Commercial Dungeness crab Season Opening North of Cape Falcon

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

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

11
12 8. 635-041-0065

13 Set 2021 Columbia River Winter Treaty Commercial Fisheries

14 Adopted February 11, 2021: effective February 12, 2021 through February 15, 2021

15 The amended rule is needed to implement 2021 winter season commercial treaty gillnet
16 fisheries on the Columbia River

17
18 ¹. A current temporary rule for this section expires February 15, 2021, so this rule will be
19 refiled for an additional period.

20
21 Action:

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

25
26 **OTHER BUSINESS**

27 Property Sale and Acquisition Delegation of Authority

28 Staff: Ken Loffink, Administrative Services Deputy Administrator

29
30 **COMMISSION UPDATES**

31 Columbia River 2021 Fisheries; Working with Washington

32 Chair Wahl

33
34 Beaver Management and Trap Check Working Groups update

35 Commissioner Wolley

36
37 **PUBLIC FORUM**

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

40
41 *Information on Rulemaking Petition Regarding Mink in Oregon*

42 *Michael Whelan, Executive Director of Fur Commission USA*

1 **Exhibit A: COMMISSION MINUTES**

2 Action:

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

6
7 **Exhibit B: SUSPENSION OF RECREATIONAL ABALONE FISHERY**

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

10 Staff: Steve Rumrill, Shellfish Program Leader

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

14
15 *This presentation is located in the commission material and can be viewed at*
16 [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)
17 [pdf](https://www.dfw.state.or.us/agency/commission/minutes/21/02_Feb/B/Exhibit%20B_Presentation.pdf)

18
19 Public Testimony
Ann Vileisis, Port Orford

20
21 Rulemaking

22 Action:

23 Commissioner Zarnowitz moved to amend the 2021 Oregon Sport Fishing Regulations for
24 the Marine Zone contained in OAR 635-039-0090 as proposed by staff in Attachment 3.
25 Commissioner Hatfield-Hyde seconded the motion and the motion was carried six (6) in favor.

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

29 The Commission removed Borax Chub from the state list of threatened and endangered
30 species.

31 Staff: Michele Weaver, ESA Program Specialist

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

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

40
41 No Public Testimony

42 Rulemaking

43
44 Action:

45 Commissioner Zarnowitz moved to amend OAR 635-100-0125 as shown in Attachment 3
46 to remove Borax Lake Chub from the State List of Threatened and Endangered Species, because

1 the Commission finds the delisting criteria in 635-100-0112 are met. Also, the Commission finds
2 that the sensitive species listing criteria are met, and advises that Borax Lake Chub be put on to the
3 sensitive species list. Commissioner Spelbrink seconded the motion and the motion was carried six
4 (6) in favor.

5 **Exhibit D: 2020 LOWER COLUMBIA RIVER WHITE STURGEON POPULATION AND**
6 **FISHERIES UPDATE**

7 Staff updated the Commission on population status of white sturgeon and review 2020
8 sturgeon fisheries.

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

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

13
14 *This presentation is located in the commission material and can be viewed at*
15 [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)
16 [pdf](https://www.dfw.state.or.us/agency/commission/minutes/21/02_Feb/D/Exhibit%20D_Presentation.pdf)

17 No Public Testimony
18 Informational

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

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

21 Staff: Linda Lytle, License Services Manager

22
23 No Public Testimony
24 Rulemaking

25
26 Action:

27 Commissioner Hatfield-Hyde moved to appoint the following members to the Commercial
28 Fishery Permit Board:

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

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

36

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

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