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## Oregon Fish and Wildlife Commission Agenda

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Meeting:  
Friday, March 19, 2021 - 8:00 AM  
Oregon Department of Fish and Wildlife  
Virtual Meeting  
4034 Fairview Industrial DR SE  
Salem, OR 97302

**Friday, March 19, 2021**

*See notes on the last page of this agenda for instructions on how to [register](#) to testify on the exhibit items.*

### **DIRECTOR'S REPORT**

Field Reports – in written form only

### **EXPENDITURE REPORT**

Erica Kleiner, Deputy Director for Administration

Review of Salmon Forecast Status, 2021

Chris Kern, Deputy Fish Division Administrator

Focused Investment Partnerships

Meta Loftsgaarden, Executive Director- Oregon Watershed Enhancement Board (OWEB)

Jackie Couples, US Fish and Wildlife Service

Brandi Neider, Lake County Umbrella Watershed Council

Kristen Walz, North Fork John Day Watershed Council

Eric Williams, OWEB

Andrew Dutterer, OWEB

### **ADOPT TEMPORARY RULES**

Curt Melcher, Director

#### **1. 635-005-0466**

Commercial Dungeness Crab Evisceration Requirement for Oregon/Washington Border to Point Chehalis, Washington

Adopted February 12, 2021: effective February 12, 2021 through August 6, 2021.

This amended rule prohibits landing of Dungeness crab harvested for commercial purposes from the Oregon/Washington border (46° 15' 00" N. Lat.) northward to the Point Chehalis, Washington (46° 53' 18" N. Lat.), unless they are processed in accordance with Oregon Department of Agriculture temporary OAR 603-025-0424, pertaining to requirements to eviscerate crab commercially harvested from areas with elevated biotoxins.

#### **2. 635-042-0145**

Set 2021 Non-Tribal Commercial Fishing Seasons in Youngs Bay Select Area

Adopted February 17, 2021: effective February 18, 2021 through July 29, 2021.

This amended rule sets the 2021 open fishing periods and gear requirements for non-tribal commercial winter, spring, and summer season salmon fisheries in Youngs Bay and Upper Youngs Bay.

**3. 635-042-0160**

Set 2021 Commercial Fishing Seasons in Blind Slough and Knappa Slough Select Areas

Adopted February 18, 2021: effective February 18, 2021 through July 2, 2021.

This amended rule sets the 2021 open fishing periods and gear requirements for commercial winter, spring, and summer season salmon fisheries in the Blind Slough and Knappa Slough Select Areas.

*Modifications are consistent with action taken February 16 by the Departments of Fish & Wildlife for the States of Oregon and Washington at a meeting of the Columbia River Compact.*

**4. 635-042-0180**

Set 2021 Commercial Fishing Seasons in the Deep River Select Area

Adopted February 18, 2021: effective February 18, 2021 through July 2, 2021.

This amended rule sets the 2021 open fishing periods and gear requirements for commercial winter and spring season salmon fisheries in Deep River.

*Modifications are consistent with action taken by the Departments of Fish & Wildlife for the States of Oregon and Washington at the February 16 Columbia River Compact.*

**5. 635-042-0170**

Set 2021 Commercial Fishing Seasons in Tongue Point and South Channel Select Areas

Adopted February 18, 2021: effective February 18, 2021 through July 2, 2021.

This amended rule sets the 2021 open fishing periods and gear requirements for commercial winter, spring, and summer season salmon fisheries in the Tongue Point and South Channel Select Areas.

*Modifications are consistent with action taken February 16 by the Departments of Fish & Wildlife for the States of Oregon and Washington at a meeting of the Columbia River Compact.*

**6. 635-041-0064**

2021 Columbia River Winter Treaty Commercial Fisheries Area and Season Revisions

Adopted February 23, 2021: effective February 23, 2021 through March 19, 2021.

This amended rule closes the 2021 winter treaty tribal hook and line platform fishery effective March 19, 2021.

*Modifications are consistent with actions taken January 26, 2021 by the Departments of Fish & Wildlife for the States of Oregon and Washington at a meeting of the Columbia River Compact.*

**7. 635-041-0065**

Set 2021 Columbia River Winter Treaty Commercial Fisheries

Adopted February 23, 2021: effective February 24, 2021 through March 5, 2021.

This amended rule implements the 2021 winter treaty commercial gillnet fishery season from February 24-26 in the John Day Pool and March 1-5 in the Bonneville Pool.

*Modifications are consistent with actions taken February 23, 2021 by the Departments of Fish & Wildlife for the States of Oregon and Washington at a meeting of the Columbia River Compact.*

**8. 635-042-0130**

Extend the 2021 Columbia River Commercial Smelt Fishery

Adopted February 24, 2021: effective February 26, 2021 through March 11, 2021.

This amended rule extends the 2021 Columbia River commercial smelt season for Zones 1 through 3 through March 11, 2021.

*Modifications are consistent with action taken February 24 by the Departments of Fish & Wildlife for the States of Oregon and Washington at a meeting of the Columbia River Compact.*

**9. 635-023-0125**

Set 2021 Recreational Spring Fishing Seasons in the Columbia River

Adopted February 26, 2021: effective February 26, 2021 through March 31, 2021.

This amended rule sets the 2021 open fishing periods and requirements for recreational spring salmon fisheries in the Columbia River and Select Areas. The rule establishes seasons for spring salmon by modifying permanent regulations in areas downstream of Bonneville Dam and updating bag limits in areas upstream of Bonneville Dam beginning March 16, 2021.

*Modifications are consistent with actions taken February 23, 2021 by the Departments of Fish & Wildlife for the States of Oregon and Washington at a meeting of the Columbia River Compact.*

**10. 635-023-0125**

Set 2021 Recreational Spring Fishing Seasons in the Columbia River

Adopted February 26, 2021: effective April 1, 2021 through June 15, 2021.

This amended rule extends the 2021 open fishing periods and requirements for recreational spring salmon fisheries in the Columbia River and Select Areas. The rule modifies permanent regulations through April 4, 2021 in areas downstream of Bonneville Dam and establishes seasons for spring salmon in areas upstream of Bonneville Dam through May 5, 2021.

*Modifications are consistent with actions taken February 23, 2021 by the Departments of Fish & Wildlife for the States of Oregon and Washington at a meeting of the Columbia River Compact.*

**11. 635-005-0466**

Commercial Dungeness Crab Evisceration Requirement for Areas Outside Oregon With Elevated Domoic Acid in Viscera

Adopted March 3, 2021: effective March 3, 2021 through August 6, 2021.

This amended rule prohibits landing of Dungeness crab harvested for commercial purposes from an area outside Oregon in which crab viscera samples showed domoic acid levels of 30 ppm or higher, unless they are processed in accordance with Oregon Department of Agriculture temporary OAR 603-025-0425, pertaining to requirements to eviscerate crab commercially harvested from areas with elevated biotoxins.

**12. 635-042-0145**

Revise 2021 Commercial Fishing Seasons in Youngs Bay Select Area

Adopted March 5, 2021: effective March 8, 2021 through July 29, 2021.

This amended rule extends the fishery length an additional 8 hours per day for the March 8, March 10, and March 11, 2021 open salmon fishing periods in the Youngs Bay Select Area.

**13. 635-003-0003, 635-013-0003**

Adopt Early-Season 2021 Ocean Salmon Fisheries by Reference to Existing Federal Regulations

Adopted March 9, 2021: effective March 15, 2021 through May 15, 2021.

This amended rule implements 2021 ocean salmon fishing seasons for Oregon state waters occurring prior to May 16, 2021 to match those implemented in 2020 by the National Marine Fisheries Service (NMFS). This subset of expected fishery seasons may be modified by federal in-season action prior to May 16, 2021.

*At their scheduled April 23, 2021 hearing, the Oregon Fish and Wildlife Commission (OFWC) will consider permanent rules to adopt, by reference, new federal rules that will begin May 16, 2021.*

#### **14. 635-023-0095**

Close White Sturgeon Recreational Retention in John Day Pool

Adopted March 16, 2021: effective March 19, 2021 through June 30, 2021.

This amended rule closes the retention of white sturgeon in the John Day Pool and adjacent tributaries of the Columbia River. Catch projections indicate retention of white sturgeon after March 18, 2021 would exceed the allowable quota. Catch and release sturgeon fishing remains open in these waters, except for within the sturgeon

### **OTHER BUSINESS**

#### **COMMISSION UPDATES**

Columbia River 2021 Fisheries; Upcoming meeting March 31, 2021

Chair Wahl

ODFW Commission Beaver Management and Trap Check Working Groups Update

Commissioner Wolley

### **PUBLIC FORUM**

*Note: This part of the agenda is for comments on topics not scheduled elsewhere on the agenda. Please contact the Oregon Department of Fish and Wildlife Office of the Director before 8:00 AM March 17, 2021 (at least 48 hours prior to the meeting) to be included in the public forum.*

*Amending the Coastal Species Management Plan*

*Jeff Dose*

*North Umpqua River and Rock Creek Hatchery*

*David Moskowitz, Executive Director - The Conservation Angler*

*Rock Creek Hatchery*

*Kirk Blain, Southern Oregon Regional Coordinator- Native Fish Society*

### **EXHIBIT A: COMMISSION MINUTES**

The Commission will be asked to approve draft Commission meeting minutes from February 12, 2021.

### **EXHIBIT B: RENDERING RECOMPENSABLE ASSISTANCE TO OTHER STATE AGENCIES**

The Commission will be asked to amend rules to remove the issuance of information statements and authorizes the issuance of invoices for recompensable assistance to executive department agencies as required in House Bill 3315 (2015).

Staff: Mat Oeder, Management Recourses Division Administrator

Public Testimony: 48 hour Advance [Registration](#) Required

Rulemaking

### **EXHIBIT C: ACCESS AND HABITAT PROGRAM, PROJECT FUNDING APPROVAL AND ACCESS AND HABITAT STATE BOARD MEMBER APPOINTMENT**

The Commission will be asked to approve the Access and Habitat Board recommendations for project funding and Appointment of a Hunter Representative to the Access and Habitat Board

Staff: Travis Schultz, A&H Coordinator

Public Testimony: 48 hour Advance [Registration](#) Required  
Approval

### **EXHIBIT D: FISH SCREENING TASK FORCE MEMBER APPOINTMENT**

The Commission will be asked to appoint a new member to the Fish Screening Task Force.

Staff: Alan Ritchey, Fish Screening and Passage Program Manager

Public Testimony: 48 hour Advance [Registration](#) Required  
Appointment

### **EXHIBIT E: 2021 OCEAN SALMON FISHERIES INFORMATIONAL BRIEFING**

The Commission will be given an update on the 2021 salmon fishery planning.

Staff: Christine Mallette; Section Manager, Salmon Technical Resources

Public Testimony: 48 hour Advance [Registration](#) Required  
Informational

### **EXHIBIT F: COMMERCIAL MARKET SQUID MANAGEMENT MEASURES**

The Commission will be asked to adopt new regulations for the commercial market squid fishery including, but not limited to, gear requirements to reduce benthic impacts, periodic closures to protect spawning squid, logbook requirements for “light boats”, and clarifying that “light boats” are prohibited from operating in the Cascade Head South Marine Protected Area.

Staff: Troy Buell, State Fishery Management Program Leader

Public Testimony: 48 hour Advance [Registration](#) Required  
Rulemaking

### **EXHIBIT G: PETITION TO ADD MINK TO LIST OF PROHIBITED SPECIES IN OAR CHAPTER 635, DIVISION 56**

The Commission will consider a petition from The Center of Biological Diversity requesting to amend OAR 635-056-0050 to add mink to the listed Prohibited Species. The Commission will be asked to either deny the petition or accept the petition and initiate rulemaking proceedings. **The Commission requests public comment on whether options exist for achieving the rule’s substantive goals in a way that reduces the negative economic impact on businesses.**

Staff: Kevin Blakely, Wildlife Division Deputy Administrator

Public Testimony: 48 hour Advance [Registration](#) Required  
Consideration to accept or deny petition

### **EXECUTIVE SESSION**

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

### **ADJOURN**

## FUTURE PROPOSED COMMISSION TOPICS

\* Written public comments for future Commission Topics can be submitted in writing prior to the meeting date at [ODFW.Commission@state.or.us](mailto:ODFW.Commission@state.or.us) or mailed to 4034 Fairview Industrial Drive SE Salem, OR 97302.

### **April 23, 2021 – Salem**

*\*Written public comment period will open February 15, 2021*

- 2021-2022 Oregon Game Bird Regulations- Rulemaking
- 2021 Pacific Halibut Fisheries Regulations - Rulemaking
- 2021 Ocean Salmon Fisheries and Ocean Terminal Fisheries – Rulemaking
- Gray Wolf Population Annual Update- Director’s Report

### **May 14, 2021 - HOLD**

*\*Written public comment period will open March 15, 2021*

*No Meeting Scheduled*

### **June 18, 2021 – Salem**

*\*Written public comment period will open April 15, 2021*

- A&H Project Funding – Approval
- 2022 Big Game Auction and Raffle Tag Allocations – Approval
- R&E Board's recommendations for project funding – Approval

### **July 9, 2021 – HOLD**

*\*Written public comment period will open May 15, 2021*

*No Meeting Scheduled*

### **August 6, 2021 – Salem**

*\*Written public comment period will open June 15, 2021*

- 2022 Sport Fish Regulations - Rulemaking

### **September 17, 2021 – Salem**

*\*Written public comment period will open July 15, 2021*

- Big Game Regulations – Rulemaking
- A&H Project Funding - Approval

### **October 15, 2021 – Salem**

*\*Written public comment period will open August 15, 2021*

### **November 19, 2021 – HOLD**

*\*Written public comment period will open September 15, 2021*

*No Meeting Scheduled*

### **December 17, 2021 – Salem**

*\*Written public comment period will open October 15, 2021*

- A&H Project Funding – Approval
- Groundfish Fisheries and Nearshore Logbook Report – Rulemaking
- R&E Project Approval, Appointments, STEP Annual Report –Approval

PLEASE NOTE

**AGENDA**

The Commission meeting will begin at 8:00 a.m. March 19, 2021 and proceed chronologically through the agenda. If you wish to receive written materials prepared for any of the agenda items, please contact the Director's Office in Salem at 503.947.6044 or see the agency's website at <https://www.dfw.state.or.us/agency/commission/minutes/>.

The Commission will take a lunch recess as close to 12:00 p.m. as the agenda will accommodate.

**PUBLIC TESTIMONY REGISTRATION**

***If you wish to give verbal testimony on any Exhibit item scheduled on the March 19 agenda, you must register before 8:00AM Wednesday March 17, 2021; a minimum of 48 hour prior to the meeting.***

**HOW TO REGISTER TO SPEAK AT THE COMMISSION MEETING**

When registering to testify please provide *first and last name, topic, a valid email address, and phone number*.

Listed below are three way that you can register:

- 1) Click on the link provided on the agenda: fill out [the registration form](#); and click submit. ,
- 2) Send an email the [ODFW.Commission@state.or.us](mailto:ODFW.Commission@state.or.us) ; in your email, the information listed above must be provided.
- 3) Call the Department at 503-947-6044 or 503-507-5546.

**PUBLIC TESTIMONY**

You will be called to testify by the Commission Chair. The Commission places great value on information received from the public, and wants to avoid arbitrary limits on the time or attention allocated to each witness. Therefore, persons desiring to testify or otherwise present information to the Commission are encouraged to:

- 1) Limit testimony to three (3) minutes, recognizing that substance, not length, determines the value of testimony or written information;
- 2) Endorse rather than repeat testimony of other witnesses; and
- 3) Groups or organizations wishing to testify should designate one spokesperson whenever possible.

**PUBLIC FORUM**

If you wish to give testimony on any item not scheduled elsewhere on the agenda, please contact the Director's Office, Oregon Department of Fish and Wildlife, 503.947.6044, ***you must register before 8:00AM Wednesday March 17, 2021; a minimum of 48 hour prior to the meeting.***

Please provide written summaries or other materials to the Commission Assistant prior to your testimony. The Commission is unable to take action on items brought to their attention in this forum.

**THANK YOU FOR TAKING THE TIME TO PRESENT YOUR VIEWS**

Materials delivered to the Director's Office sufficiently in advance of the meeting will be distributed to the Commission prior of the meeting day; any correspondence or materials received less than 72 hours prior to the meeting will be provided to the Commissioners the day of the meeting. If you have questions regarding this Agenda, please contact Michelle Tate, Director's Office, Oregon Department of Fish and Wildlife, 4034 Fairview Industrial Drive SE, Salem, Oregon, 97302, or call 503- 947-6033.

**REASONABLE ACCOMMODATION OF DISABILITIES**

Reasonable accommodation, such as assistive hearing devices, sign language interpreters, and materials in large print or audiotape, will be provided as needed. In order to ensure availability, please contact the Director's Office at 503.947.6044 at least 72 hours prior to the meeting to make your request. TTY users can reach ODFW by using the Oregon Telecommunications Relay Service. Please dial 711 and ask to connect to 503-947-6044.