



Oregon Fish and Wildlife Commission Minutes

Fish and Wildlife Commission Tour
Thursday, October 10, 2019; 8:30 -4:30
Holiday Inn Express; Lobby
212 SE 10th St.
Ontario, OR 97914

Meeting:
Friday, October 11, 2019 – 8:00 AM
Four Rivers Cultural Center
676 SW 5th Ave.
Ontario, OR 97914

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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 | Mike Finley, Chairman | Curt Melcher, Director |
| | Mary Wahl, Vice-Chair Commissioner | Erica Kleiner, Deputy Director |
| | Greg Wooley, Commissioner | Shannon Hurn, Deputy Director |
| | Mark Labhart, Commissioner | Bruce Eddy, East Region Manager |
| | Jill Zarnowitz, Commissioner | Bernadette Graham-Hudson, West Region Manager |
| | | Anika Marriott, Assistant Attorney General |
| | | Erin Donald, Assistant Attorney |
| | | Michelle Tate, Executive Assistant |
| | | Chris Kern, Fish Division Deputy Administrator |
| | | Doug Cottam, Wildlife Division Administrator |
| | | Casey Thomas , Captain Oregon State Police |

7
8 **MEETING**

9
10 On Friday, **October 11, 2019 at 8:00 AM, Chair Mike Finley called the Oregon Fish**
11 **and Wildlife Commission** (the Commission) meeting to order.

12
13 Commissioners Bittle and Spelbrink are excused for personal business.

14
15 **DIRECTOR’S REPORT**

16
17 Field Reports – in written form only; *this report is available in the meeting materials and at*
18 [https://www.dfw.state.or.us/agency/commission/minutes/19/10_Oct/October%202019%20](https://www.dfw.state.or.us/agency/commission/minutes/19/10_Oct/October%202019%20Field%20Report.pdf)
19 [Field%20Report.pdf](https://www.dfw.state.or.us/agency/commission/minutes/19/10_Oct/October%202019%20Field%20Report.pdf)

20
21 Expenditure Report

22 Staff: Erica Kleiner, Deputy Director for Administration
23 Overall, revenues are coming in at a steady pace, with some reductions. Federal
24 revenues, in particular, will continue to lean towards flat funding or reductions. Other
25 Funds spending is slightly below projections. Expenditures are expected to land within
26 budgeted limitations.

27
28 *This report is available in the meeting materials and at*
29 [https://www.dfw.state.or.us/agency/commission/minutes/19/10_Oct/Commission%20Fina](https://www.dfw.state.or.us/agency/commission/minutes/19/10_Oct/Commission%20Financial%20Report%20October%202019.pdf)
30 [ncial%20Report%20October%202019.pdf](https://www.dfw.state.or.us/agency/commission/minutes/19/10_Oct/Commission%20Financial%20Report%20October%202019.pdf)

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2 Eastern Oregon Research
3 Darin Clark, Wildlife Research Project Leader, South Coast Shellfish
4 Biologist
5

6 *This report is available in the meeting materials and at*
7 [https://www.dfw.state.or.us/agency/commission/minutes/19/10_Oct/Eastern%20Oregon%
8 20Research.pdf](https://www.dfw.state.or.us/agency/commission/minutes/19/10_Oct/Eastern%20Oregon%20Research.pdf)
9

10 American Wildlife Values Survey
11 Allen Molina, Economist
12

13 *This report is available in the meeting materials and at*
14 [https://www.dfw.state.or.us/agency/commission/minutes/19/10_Oct/Americas%20Wildlife
15 %20Values_CommissionOct2019.pdf](https://www.dfw.state.or.us/agency/commission/minutes/19/10_Oct/Americas%20Wildlife%20Values_CommissionOct2019.pdf)
16

17 Thermal Refugia
18 Tucker Jones, Ocean Salmon and Columbia River Program Manager
19

20 *This report is available in the meeting materials and at*
21 [https://www.dfw.state.or.us/agency/commission/minutes/19/10_Oct/Tucker-
22 CWR_Directors%20Report_OSCR_P_20191011.pdf](https://www.dfw.state.or.us/agency/commission/minutes/19/10_Oct/Tucker-CWR_Directors%20Report_OSCR_P_20191011.pdf)
23

24 *Representative Helm – Testimony on Oregon Conservation Recreation Fund*
25

26 PUBLIC FORUM

27 This part of the agenda is for comments on topics not scheduled on the agenda. The
28 Commission will be unable to take action on items brought to their attention in this forum.
29

30 Recovery Plan for Upland Game Birds
31 Dave Stiefvater, Pheasants Forever – provided written testimony
32 [https://www.dfw.state.or.us/agency/commission/minutes/19/10_Oct/Recovery%20Pla
33 n%20for%20Upland%20Game%20Birds_%20Stiefvater.pdf](https://www.dfw.state.or.us/agency/commission/minutes/19/10_Oct/Recovery%20Plan%20for%20Upland%20Game%20Birds_%20Stiefvater.pdf)
34

35 Thermal Refugia
36 David Moskowitz, The Conservation Angler – provided written testimony
37 [https://www.dfw.state.or.us/agency/commission/minutes/19/10_Oct/Public%20Forum
38 -%20Moskowitz%20_TCA%20Memo%20on%20EPA%20CWR%20Report%2010-8-
39 19.pdf](https://www.dfw.state.or.us/agency/commission/minutes/19/10_Oct/Public%20Forum-%20Moskowitz%20_TCA%20Memo%20on%20EPA%20CWR%20Report%2010-8-19.pdf)
40

41 *Senator Bentz – Welcome to Ontario, Issues Related to Oregon State Senate District 30*
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1
2
3 **Adopt Temporary Rules**

4 Curt Melcher, Director, requested the Commission ratify the following temporary rules.
5 The fourteen (14) temporary rules were previously adopted by the Director under his
6 emergency action authority.
7

8 **1.) 635-041-0075**

9 **Treaty Indian Fall Commercial Gillnet Fishery Modified**

10 Adopted September 12, 2019: effective September 16, through December 31, 2019.

11 This amended rule modifies the fall Treaty commercial gillnet fishery for the
12 Columbia River mainstem effective 6:00 a.m. September 16, 2019. Modifications are
13 consistent with action taken September 12, 2019 by the Departments of Fish &
14 Wildlife for the States of Oregon and Washington in cooperation with the Columbia
15 River Treaty Tribes at a meeting of the Columbia River Compact.
16

17 **2.) 635-041-0075**

18 **Treaty Indian Fall Commercial Gillnet Fishery Modified**

19 Adopted September 18, 2019: effective September 18, through December 31, 2019.

20 This amended rule modifies the fall Treaty commercial gillnet fishery for the
21 Columbia River mainstem effective 6:00 p.m. September 18, 2019. Modifications are
22 consistent with action taken September 17, 2019 by the Departments of Fish &
23 Wildlife for the States of Oregon and Washington in cooperation with the Columbia
24 River Treaty Tribes at a meeting of the Columbia River Compact.
25

26 **3.) 635-023-0134**

27 **Modify temporary fall Chinook bag limit to allow retention of one wild adult per**
28 **day.**

29 Adopted September 17, 2019: effective September 17, through December 31, 2019.

30 This change will allow harvest of one (1) wild adult Chinook as part to the six (6)
31 fish daily bag limit. One (1) may be wild; there are no mark restrictions and no daily,
32 possession, or season limits for jack fall Chinook salmon; and barbless hooks are
33 required.
34

35 **4.) 635-016-0090**

36 **Illinois River Angling Regulations**

37 Adopted September 20, 2019: effective September 20, through December 31, 2019.

38 This amended rule responds to public concern about angling violations, closing the
39 river to fishing to reduce the risk of illegal harvest of fall Chinook salmon.
40

41 **5.) 635-041-0075**

42 **Treaty Indian Fall Commercial Gillnet Fishery Modified**

1 Adopted September 24, 2019: effective September 25, through December 31, 2019.
2 This amended rule modifies the fall Treaty commercial gillnet fishery for the
3 Columbia River mainstem effective 6:00 p.m. September 25, 2019. Modifications are
4 consistent with action taken September 24, 2019 by the Departments of Fish &
5 Wildlife for the States of Oregon and Washington in cooperation with the Columbia
6 River Treaty Tribes at a meeting of the Columbia River Compact.
7

DRAFT

1 **635-023-0130**

2 **Recreational Salmonid Fishery Closed on Mainstem Columbia River**

3 Adopted September 24, 2019: effective September 25, through December 31, 2019.

4 Retention of Chinook and coho salmon and steelhead prohibited effective
5 September 26 through at least October 31, 2019 on the mainstem Columbia River
6 upstream of Tongue/Rocky Point line. Failure to adopt these rules would result in
7 recreational salmonid fisheries further exceeding their allowed ESA take limits for
8 Snake River wild fall Chinook.
9

10 **6.) 635-019-0090**

11 **Reduced salmon and hatchery steelhead bag limit on the Umatilla and Walla**
12 **Walla River**

13 Adopted September 25, 2019: effective September 26, through April 30, 2020.

14 Reduce daily bag limit to one adult fall Chinook, or one adult coho or one hatchery
15 steelhead per day. This amended rule is needed due to lower than expected returns
16 of fall Chinook, coho, and summer steelhead returning to the Umatilla and the Walla
17 Walla Rivers. Implementation of this rule will protect wild steelhead and returning
18 adults for hatchery broodstock from potential handling mortality.
19

20 **7.) 635-042-0032**

21 **Coho Tangle Net Season Set for the Mainstem Columbia River**

22 Adopted September 25, 2019: effective September 30, through October 16, 2019.

23 This rule authorizes seven 12-hour commercial coho tangle net fishing periods in
24 Zones 1-3 of the Columbia River from 6:00 a.m. through 6:00 p.m. the following days;
25 Monday, September 30, Wednesday, October 2, Monday, October 7, Wednesday,
26 October 9, Friday, October 11, Monday October 14, and Wednesday October 16,
27 2019. Authorized sales include hatchery Coho, as well as Chinook and Pink Salmon.
28 Modifications are consistent with action taken September 25, 2019 by the Columbia
29 River Compact agencies of the states of Oregon and Washington.
30

31 **8.) 635-050-0045**

32 **General Furbearer Regulations**

33 **635-050-0210**

34 **Areas Closed to Hunting or Trapping**

35 Adopted: September 29, 2019 - Effective Dates: September 29, 2019 through March
36 23, 2020

37 At the September 13, 2019 Oregon Fish and Wildlife Commission Meeting, the
38 Commission voted to amend OARs 635-050-0045, 635-050-0110, and 635-050-
39 0210. However, in the Hearing Notice submitted by the Department, only OAR 635-
40 050-0110 was proposed for amendment. Therefore, to provide additional protection
41 for the Oregon coastal Marten population and to fully enact the rule making action
42 voted upon by the Commission.
43

44 A Temporary Rule is needed to modify OAR 635-050-0045 to ban the use of traps
45 or snares suspended in trees in the Siskiyou and Siuslaw National Forests. A trap
46 suspended in trees is a method, which can be used to target marten. Failure to
47 restrict this trapping method will result in serious prejudice to the public interest

1 because Commission action was to reduce the risk of trapping mortality of coastal
2 marten in general furbearer seasons.
3

4 A Temporary Rule is needed to modify 635-050-0210 to close the Oregon Dunes
5 National Recreation Area, which has a small but dense population of coastal marten,
6 to trapping of furbearing and unprotected mammals. Failure to act promptly will result
7 in serious prejudice to the public interest because trapping for other species in the
8 Dunes creates the risk of incidentally trapping coastal marten.
9

10 **9.) 635-041-0075**

11 **Treaty Indian Fall Commercial Gillnet Fishery Modified**

12 Adopted October 2, 2019: effective October 3, through December 31, 2019.

13 This amended rule modifies the fall Treaty commercial gillnet fishery for the
14 Columbia River mainstem effective 6:00 a.m. October 3, 2019. Modifications are
15 consistent with action taken October 2, 2019 by the Departments of Fish & Wildlife for
16 the States of Oregon and Washington in cooperation with the Columbia River Treaty
17 Tribes at a meeting of the Columbia River Compact.
18

19 **10.) 635-023-0134**

20 **Modify Temporary Bag Limit to Restrict Retention of Wild Adult Fall Chinook**

21 Adopted October 3, 2019: effective October 5, through December 31, 2019.

22 This amended rule reduces the bag limit to exclude harvest of wild adult fall
23 Chinook. Bag limits for hatchery fish will remain at six (6) adult hatchery fall Chinook.
24 This rule will go into effect at 12:00 a.m. on October 5, 2019.
25

26 **11.) 635-042-0060**

27 **Non-Treaty Commercial Zone 4-5 Gillnet Fisheries Adopted**

28 Adopted October 7, 2019: effective October 8, through October 16, 2019.

29 This rule authorizes a late fall non-Treaty commercial gillnet fishery in Zones 4 and
30 5 of the lower Columbia River. Modifications are consistent with action taken October
31 7, 2019 by the Departments of Fish and Wildlife for the States of Oregon and
32 Washington at a meeting of the Columbia River Compact.
33

34 **12.) 635-023-0095**

35 **2019 White Sturgeon Recreational Fishery Established in the Mainstem
36 Columbia**

37 Adopted October 7, 2019: effective October 8, through December 31, 2019.

38 This amended rule allows recreational retention of white sturgeon on the mainstem
39 lower Columbia River for one day effective October 12, 2019. Retention of white
40 sturgeon is allowed from the Wauna power lines upstream to Bonneville Dam,
41 including the Cowlitz River. Legal size is 44-inch minimum and 50-inch maximum fork
42 length. Revisions are consistent with action taken October 7, 2019 by the
43 Departments of Fish and Wildlife for the States of Oregon and Washington.
44

45 **13.) 635-042-0060**

46 **Non-Treaty Commercial Zone 4-5 Gillnet Fisheries Rescinded**

47 Adopted October 10, 2019: effective October 10 through October 10, 2019.

1 This rule rescinds three days of the late fall non-Treaty commercial gillnet
2 fishery in Zones 4 and 5 of the lower Columbia River previously adopted on October
3 7, 2019. Modifications are consistent with action taken October 10, 2019 by the
4 Departments of Fish and Wildlife for the States of Oregon and Washington at a
5 meeting of the Columbia River Compact.

6
7 **Action:**

8 Commissioner Labhart moved to ratify the thirteen (13) temporary rules in today's agenda
9 and the one temporary rule set forth in today's supplemental memo. Commissioner
10 Wolley seconded the motion, and the motion carried unanimously, five (5) in favor.

11
12 **Exhibit A: COMMISSION MINUTES**

13 **Action:**

14 Commissioner Zarnowitz moved to approve the September 13, 2019 meeting
15 minutes with continued authority to correct grammar and punctuation. Commissioner
16 Wahl seconded the motion and the motion was carried five (5) in favor.

17
18 **EXHIBIT B: EXHIBIT B: CONSERVATION AND RECREATION ADVISORY**
19 **COMMITTEE**

20 The Commission was asked to approve rules for establishing the Conservation
21 and Recreation Advisory Committee and expenditures from the Oregon Conservation
22 and Recreation Fund

23 Staff: Davia Palmeri, Conservation Policy Coordinator

24
25 Presentation: Davia provided a presentation to the Commission on the Conservation
26 and Recreation Fund and Advisory Committee. The presentation included information
27 on the recommendations of the Joint Interim Task Force: Funding for Fish, Wildlife
28 and Related Outdoor Recreation and Education; House Bill 2829; and the staff
29 recommendation.

30
31 *This presentation is located in the commission material and can be viewed at*
32 [https://www.dfw.state.or.us/agency/commission/minutes/19/10_Oct/Ex%20B_OCRF%20](https://www.dfw.state.or.us/agency/commission/minutes/19/10_Oct/Ex%20B_OCRF%20Presentation.pdf)
33 [Presentation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/19/10_Oct/Ex%20B_OCRF%20Presentation.pdf)

34
35 **Public Testimony**

Todd Nash, Oregon Cattleman's Association	
Jim Akenson, Oregon Hunters Association	
Bob Sallinger, Portland Audubon	
David Moskowitz, The Conservation Angler	

36 **Approval**

37
38 **Action:**

39 Commission Chair Finley moved to adopt OAR Chapter 635, Division 098 as
40 proposed by staff with the following amendments: in OAR 635-098-0020 (2), insert the
41 words "wildlife viewing" in front of the word "hunting"; and for OAR 635098-0040, adopt

1 the language proposed in addendum 1 to Exhibit B, with (1) the addition of the word
2 “scientific” between the words demonstrable expertise” in subsection (1) (b), (2) changing
3 the language to be “shall” live in **and** possess demonstrable scientific expertise...” in
4 subsection (1) (b); and (3) adding the words “such as communities of color, tribes, and
5 low income communities “ after the word “audiences” in subsection (1) (d). Commissioner
6 Zarnowitz seconded the motion and the motion was carried five (5) in favor.
7

8 **EXHIBIT D: DISPOSTION OF ELK TAKEN WITH A KILL PERMIT TO ADDRESS**
9 **WILDLIFE DAMAGE**

10 The Commission was be asked to approve rules related to disposition of elk taken
11 with a kill permit to address wildlife damage.

12 Staff: Kevin Blakely, Wildlife Division Deputy Administrator
13

14 Presentation: *Kevin provided a presentation to the Commission that included*
15 *information on the Statewide Policy, resolving big game damage, and the staff*
16 *recommendation.*
17

18 *This presentation is located in the commission material and can be viewed at*
19 https://www.dfw.state.or.us/agency/commission/minutes/19/10_Oct/Exhibit%20D_Presentation.pdf
20
21

22 Public Testimony

Todd Nash, Wallowa County	
Paul Anderes, Union County	
Jim Akenson, Oregon Hunters Association	
Greg Barreto, Representative, District 58	

23 Rulemaking
24

25 Action:

26 Commissioner Labhart moved to adopt OAR Chapter 635, Division 002 as
27 proposed by staff. Commissioner Wolley seconded the motion and the motion was carried
28 five (5) in favor.
29

30 **Exhibit C: ADOPTION OF ADMINISTRATIVELY SET FEES**

31 The commission was be asked to approve the adoption fee schedules for 2020

32 Staff: Mathew Oeder, Management Resources Division Administrator

33 NO Public Testimony

34 Rulemaking
35

36 Action:

37 Commissioner Labhart moved to amend Chapter 635, Divisions 001, 007, 043,
38 044, 046, 047, 049, 050, 055, 075, 200 and 435 relating to increasing administratively set
39 licenses and fees, as proposed by staff in Attachment 3. Commissioner Wahl seconded
40 the motion and the motion was carried five (5) in favor.
41

1 **EXHIBIT E: STURGEON ANGLING SANCTUARIES UPSTREAM OF**
2 **BONNEVILLE DAM**

3 The Commission was asked to approve amendments to the permanent rules for
4 time and area in the sturgeon spawning and angling sanctuaries upstream of the
5 Bonneville Dam.

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

8 *Presentation: Tucker provided a presentation to the Commission on the Columbia*
9 *River Sturgeon Angling Regulations Upstream of Bonneville Dam. The presentation*
10 *included background and the need for the proposed amendments; the temporal*
11 *expansion of sanctuaries and regulation consistency; spatial expansion of the John*
12 *Day Reservoir Sanctuary; and the retention closure in McNary Reservoir.*
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/19/10_Oct/Exhibit%20E/Presen](https://www.dfw.state.or.us/agency/commission/minutes/19/10_Oct/Exhibit%20E/Presentation.pdf)
16 [tation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/19/10_Oct/Exhibit%20E/Presentation.pdf)
17

18 Public Testimony

David Moskowitz, the Conservation Angler	Provided written testimony
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19 Rulemaking
20

21 Action:

22 Commissioner Wolley moved adopt the amendment to OAR 635-023-0095 as
23 proposed in Attachment 3. Commissioner Finley seconded the motion and the motion
24 was carried five (5) in favor.
25

26 **OTHER BUSINESS**

27 2020 Meeting dates - Approved

28 Conservation Stamp Judge – Commissioner Zarnowitz

29 Audit Committee Commission Representative – Not Identified
30

31 Chairman Mike Finley adjourned the meeting at 2:17 PM p.m.
32
33