



Meeting:
Friday 10, July, 2020 – 8:00 AM
Oregon Department of Fish and Wildlife
Virtual Meeting
4034 Fairview Industrial DR SE
Salem, Oregon 97302

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

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

- 5
- | | |
|-------------------------------------|---|
| Mary Wahl, Commission Chair | Curt Melcher, Director |
| Greg Wolley, Commission Vice- Chair | Erica Kleiner, Deputy Director |
| Bob Spelbrink, Commissioner | Shannon Hurn, Deputy Director |
| Mark Labhart, Commissioner | Bruce Eddy, East Region Manager |
| Jill Zarnowitz, Commissioner | Bernadette Graham Hudson, West Region Manager |
| Beck Hatfield-Hyde, Commissioner | Anika Marriott, Assistant Attorney General |
| | Erin Donald, Assistant Attorney General |
| | Michelle Tate, Executive Assistant |
| | Doug Cottam, Wildlife Division Administrator |
| | Captain Casey Thomas, Oregon State Police |

6 **MEETING**

7
8 On Friday, **July 10, 2020 at 8:03 AM, Chair Wahl called the Oregon Fish and Wildlife**
9 **Commission** (the Commission) meeting to order.

10
11 **DIRECTOR'S REPORT**

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/20/07_Jul/July%202020%20Field%20Re](https://www.dfw.state.or.us/agency/commission/minutes/20/07_Jul/July%202020%20Field%20Report.pdf)
14 [port.pdf](https://www.dfw.state.or.us/agency/commission/minutes/20/07_Jul/July%202020%20Field%20Report.pdf)

15
16 Expenditure Report

17 Staff: Erica Kleiner, Deputy Director for Administration
18 Erica provided the Commission the Financial Report for the 2019-21 biennium as of May
19 31, 2020.

20
21 *This report is available in the meeting materials and at*
22 [https://www.dfw.state.or.us/agency/commission/minutes/20/07_Jul/Commission%20Financial%20](https://www.dfw.state.or.us/agency/commission/minutes/20/07_Jul/Commission%20Financial%20Report%20July%202020.pdf)
23 [Report%20July%202020.pdf](https://www.dfw.state.or.us/agency/commission/minutes/20/07_Jul/Commission%20Financial%20Report%20July%202020.pdf)

24
25 Conservation and Recreation Advisory Committee Update

26 Staff: Davia Palmeri, Conservation Strategy Coordinator
27 Guest: Dr. Karl Wenner, Chairman, Conservation and Recreation
28 Advisory Committee

1
2 *This presentation is available in the meeting materials and at*
3 [https://www.dfw.state.or.us/agency/commission/minutes/20/07_Jul/OCRF%20July%20for%20Co](https://www.dfw.state.or.us/agency/commission/minutes/20/07_Jul/OCRF%20July%20for%20Commission.pdf)
4 [mmission.pdf](https://www.dfw.state.or.us/agency/commission/minutes/20/07_Jul/OCRF%20July%20for%20Commission.pdf)
5

6 Delisting of ESA Fish in Oregon: A Public/Private Conservation Success Story
7 Staff: Bruce McIntosh, Assistant Administrator, Inland Fisheries
8 Brian Bangs, Native Fish Investigations Project Biologist
9

10 *This presentation is available in the meeting materials and at*
11 [https://www.dfw.state.or.us/agency/commission/minutes/20/Presentation_Delisting%20ESA%20F](https://www.dfw.state.or.us/agency/commission/minutes/20/Presentation_Delisting%20ESA%20Fish%20in%20Oregon_7-10-20.pdf)
12 [ish%20in%20Oregon_7-10-20.pdf](https://www.dfw.state.or.us/agency/commission/minutes/20/Presentation_Delisting%20ESA%20Fish%20in%20Oregon_7-10-20.pdf)
13

14 **Adopt Temporary Rules**

15 Curt Melcher, Director, requested the Commission ratify the following temporary rules.
16 The 15 temporary rules were previously adopted by the director under his emergency
17 action authority.
18

19 **1.) 635-017-0095**

20 **2020 Lower Willamette River Sturgeon Fishery**

21 Adopted June 17, 2020: effective June 20 through June 27, 2020.

22 The amended rule opens white sturgeon retention on Saturday June 20, 2020 and
23 Saturday June 27, 2020 in the Lower Willamette River (downstream of the annual
24 spawning sanctuary) including the Multnomah Channel.
25

26 **2.) 635-021-0090**

27 **Malheur River Salmon Fishery**

28 Adopted May 21, 2020: effective June 19 through August 15, 2020.

29 The amended rule allows Burns Paiute Tribal members to angle for hatchery
30 Chinook salmon released in the Malheur River using traditional methods as regulated by
31 adopted tribal regulations. The general public is allowed to fish for hatchery salmon with a
32 valid angling license and using methods allowed by the 2020 regulations. This rule is
33 needed to allow recreational harvest of spring Chinook salmon in the Malheur River from
34 the Bluebucket Creek confluence upstream to the headwaters of McCoy Creek, Lake
35 Creek, Big Creek and tributaries, and Bosonberg Creek.
36

37 **3.) 635-023-0128**

38 **Columbia River Recreational Salmon and Steelhead Summer Season Closure**

39 Adopted June 24, 2020: effective June 25 through July 31, 2020.

40 The amended rule closes summer recreational fisheries for hatchery steelhead and
41 sockeye in mainstem Columbia River effective June 25, 2020. This amended rule is
42 needed to prohibit angling for and retention of salmon and steelhead in the mainstem
43 Columbia River from the Astoria-Megler Bridge upstream to the Oregon/Washington
44 boarder (above McNary Dam). Failure to restrict retention will result in further exceeding
45 the Federal ESA harvest guideline for sockeye in non-treaty fisheries.
46
47

1 **4.) 635-004-0355**

2 **Commercial Nearshore Fishery In-season Black Rockfish Trip Limit Increases for**
3 **Periods 4-6.**

4 Adopted June 29, 2020: effective July 5 through December 31, 2020.

5 The amended rule increases the in-season trip limits for the commercial black
6 rockfish fishery for periods 4-6 (July thru December 2020) by 600 pounds for each
7 remaining period. Period 4 (July thru August 2020) will increase from 1,800 pounds to
8 2,400 pounds. Periods 5 (September thru October 2020) & 6 (November thru December
9 2020) will each increase from 1,500 pounds to 2,100 pounds. This rule is needed to
10 increase opportunity for attaining a larger proportion of the black rockfish commercial
11 harvest guideline.

12
13 **5.) 635-041-0076**

14 **Treaty Indian Commercial Summer Salmon Fisheries**

15 Adopted June 30, 2020: effective July 1 through July 31, 2020.

16 The amended rule authorizes the sales of fish caught in Treaty Indian commercial
17 summer salmon gillnet fisheries downstream of Bonneville Dam as follows: From 6:00
18 a.m. Wednesday, July 1, 2020 through 6:00 p.m. Friday, July 3, 2020 (2.5 days) with a
19 minimum 7-inch mesh size gear restriction. From 6:00 a.m. Monday, July 6, 2020 through
20 6:00 p.m. Thursday, July 9, 2020 with no minimum mesh size gear restriction.

21
22 **6.) 635-016-0090**

23 **Umpqua River Wild Chinook Salmon Bag Limit Reduction**

24 Adopted June 10, 2020: effective July 1 through November 30, 2020.

25 The amended rule reduces the bag limit of adult wild Chinook salmon from the
26 Umpqua River to no more than one per day and five for the period of July 1 through
27 November 30, 2020. Spawner returns in 2019 were unexpectedly and unusually low and
28 there is uncertainty in the abundance forecast for 2020.

29
30 **7.) 635-018-0090**

31 **Angling Regulation Modifications in Eagle Creek and the Deschutes River**

32 Adopted May14, 2020: effective July 1 through September 15, 2020

33 The amended rule reduces the daily bag limit for hatchery steelhead to one fish
34 when retention is allowed in the summer and fall for Eagle Creek and the Deschutes
35 River. This amended rule is needed to reduce harvest related mortalities of hatchery and
36 wild steelhead due to the low predicted upriver steelhead return in 2020.

37
38 **8.) 635-019-0090**

39 **Angling Regulations Modifications in the Lower John Day River**

40 Adopted May14, 2020: effective July 1 through August 31, 2020

41 The amended rule 1) reduces the daily bag limit for hatchery steelhead to one fish
42 when retention is allowed in the summer and fall in the lower John Day River, and 2)
43 close steelhead retention in the lower John Day River from September 1 through
44 December 31 consistent with regulations for the adjacent section of the mainstem
45 Columbia River. This amended rule is needed to reduce harvest related mortalities of
46 hatchery and wild steelhead due to the low predicted upriver steelhead return in 2020.

47

1 **9.) 635-023-0128**

2 **Columbia River Recreational Chinook Salmon Limited Summer Season**

3 Adopted July 1, 2020: effective July 4 through July 8, 2020.

4 This amended rule opens recreational adult Chinook salmon retention in the
5 Columbia River mainstem effective July 4, 2020 through July 8, 2020 from Tongue Point-
6 Rocky Point upstream to the OR/WA border (upstream of McNary Dam).

7
8 **10.) 635-005-0290, 635-005-0355**

9 **Establish Commercial Yaquina Bay Gaper Clam Fishery Quota and Harvest Area**

10 Adopted July 2, 2020: effective July 2 through December 28, 2020.

11 Rule establishes a 20,000 pound annual harvest quota and designates a harvest
12 area for the commercial Gaper Clam Fishery in Yaquina Bay. Commercial dive harvests
13 of gaper clams in Yaquina Bay increased markedly in 2018, and recent stock assessment
14 data indicates that repeated harvest at similar levels may not be sustainable. Analysis of
15 survey biomass data and estimates of anticipated harvest rates indicate that a harvest
16 quota of 20,000 pounds is an appropriate level for the season opening July 1, 2020.
17 Additional work to determine appropriate management measures for the long-term is
18 underway.

19
20 **11.) 635-017-0090**

21 **2020 Clackamas River Hatchery Spring Chinook Closure**

22 Adopted July 2, 2020: effective July 4 through November 30, 2020.

23 This amended rule temporarily closes the Clackamas River, including Estacada
24 Lake, and Eagle Creek (a tributary to the Clackamas River) to the retention of hatchery
25 spring Chinook from July 4, 2020 through November 30, 2020. This rule is needed to
26 reduce the number of fish harvested to help meet broodstock needs of the spring Chinook
27 program at Clackamas Hatchery. Current adult returns are extremely low, and at the
28 current pace of returns broodstock needs will not be met.

29
30 **12.) 635-004-0275**

31 **Federal Actions and Management Measures Implemented for Commercial**
32 **Groundfish Fisheries**

33 Adopted June 10, 2020: effective July 6 through December 31, 2020.

34 This amended rule adopts in-season actions previously adopted by the federal
35 government for 2019-2020 Pacific Coast commercial groundfish fisheries, including but
36 not limited to increased trip limits for sablefish, flatfish, lingcod, and several rockfish
37 market categories or species in the Limited Entry Fixed Gear and Open Access fisheries.

38
39 **13.) 635-042-0160, 635-042-0170**

40 **Modifications to 2020 Columbia River Select Area Commercial Fisheries**

41 Adopted July 8, 2020: effective July 9 through July 30, 2020.

42 This amended rule adds five fishing periods for 2020 summer commercial salmon
43 seasons in Blind/Knappa Slough and Tongue Point/South Channel Select Areas.

44
45 **14.) 635-023-0128**

46 **Columbia River Recreational Chinook Salmon Summer Season Extended**

47 Adopted July 8, 2020: effective July 9 through July 31, 2020.

1 This amended rule 1) opens recreational Chinook salmon retention in the Columbia River
2 mainstem effective July 9, 2020 through July 15, 2020 from Tongue Point-Rocky Point
3 upstream to the OR/WA border (upstream of McNary Dam), and 2) closes shad angling in
4 Bonneville Pool (Bonneville Dam upstream to The Dalles Dam) to minimize additional
5 ESA-listed sockeye handle.

6
7 **15.)635-041-0076**

8 **Treaty Indian Commercial Summer Salmon Fisheries**

9 Adopted July 8, 2020: effective July 8 through July 31, 2020.

10 These amended rules authorize the sales of fish caught in Treaty Indian
11 commercial summer salmon gillnet fisheries on the Columbia River downstream
12 of Bonneville Dam from 6:00 a.m. Monday, July 13, 2020 through 6:00 p.m.
13 Thursday, July 16, 2020 with no minimum mesh size gear restriction.

14
15 Action:

16 Commissioner Spelbrink moved to ratify the 15 temporary rules set forth on today's
17 agenda. Commissioner Zarnowitz seconded the motion, and the motion carried with, six
18 (6) infavor

19
20 *This document is available in the meeting materials and at*

21 [https://www.dfw.state.or.us/agency/commission/minutes/20/07_Jul/Temporary%20Oregon%20Ad
22 ministrative%20Rules%20filed%20June%2012%20through%20July%207%202020.pdf](https://www.dfw.state.or.us/agency/commission/minutes/20/07_Jul/Temporary%20Oregon%20Administrative%20Rules%20filed%20June%2012%20through%20July%207%202020.pdf)

23
24 **Exhibit A: COMMISSION MINUTES**

25 Action:

26 Commissioner Zarnowitz moved to approve the [June 12, 2020 meeting minutes](#)
27 with continued authority to correct grammar and punctuation. Commissioner Wolley
28 seconded the motion and the motion was carried six (6) infavor.

29
30 **Exhibit B: 2021-2023 Budget**

31 The Commission approved the draft Proposed 2021-2023 [Agency Budget](#).

32 Staff: Erica Kleiner, Deputy Director for Administration

33 Brandy Nichols, Budget and Economic Services Manager

34
35 *Presentation:* Erica and Brandy provided the Commission with an informational
36 presentation on the 2021-23 Agency Requested Budget review: the Governor's vision
37 and ODFW budget principles, public engagement; budget development; and policy
38 option package.

39
40 *This presentation is located in the commission materials and can be viewed at*

41 [https://www.dfw.state.or.us/agency/commission/minutes/20/07_Jul/B/Exhibit%20B_Presentation.
42 pdf](https://www.dfw.state.or.us/agency/commission/minutes/20/07_Jul/B/Exhibit%20B_Presentation.pdf)

43
44 Approval

45 Action:

1 Commissioner Zarnowitz moved to move POP 119 (Jordan Cove Energy Project
2 Liaison) out of the Wildlife Management Division and in to the Habitat Division.
3 Commissioner Labhart seconded the motion and the motion was carried six (6) in favor.
4

5 Commission Chair Wahl moved to move the “New Funding” POPs to the top of the
6 priority list and “Continuation” POPS right under that. Commissioner Zarnowitz seconded
7 the motion and the motion was carried six (6) in favor.
8

9 Commissioner Hatfield-Hyde moved to change priority ranking of POP 103
10 (Klamath Reintroduction & Monitoring Biologist) above POP 110 in the list of
11 “Continuation” packages. Commissioner Spelbrink seconded the motion and the motion
12 was carries six (6) in favor.
13

14 Commissioner Labhart moved to approve the department’s 2021-2023 Agency
15 Requested Budget as proposed and as amended by prior actions. Commissioner
16 Hatfield-Hyde seconded the motion and the motion was carried six (6) infavor.
17

18 **Exhibit C: CLIMATE and OCEAN CHANGE POLICY**

19 The Commission adopted a Climate and Ocean Change policy that provides
20 overarching guidance on a coordinated, effective, and efficient agency response to
21 changing climates and ocean conditions.

22 Staff: Davia Palmeri, Conservation Policy Coordinator;
23 Shaun Clements, Senior Policy Advisor

24 Presentation: Davia and Shaun provided the Commission with a presentation on
25 Climate and Ocean Change. The presentation included information on the primary
26 impacts of climate/ocean change: marine; inland; habitat; and broad impacts. The
27 presentation also included information on managing the risk; ODFW actions; West Coast
28 Leadership; and the Climate and Ocean Change Policy.
29

30 *This presentation is located in the commission materials and can be viewed at*
31 [https://www.dfw.state.or.us/agency/commission/minutes/20/07_Jul/C/Exhibit%20C_Presentation](https://www.dfw.state.or.us/agency/commission/minutes/20/07_Jul/C/Exhibit%20C_Presentation_Climate%20and%20Ocean%20Change%20Policy.pdf)
32 [Climate%20and%20Ocean%20Change%20Policy.pdf](https://www.dfw.state.or.us/agency/commission/minutes/20/07_Jul/C/Exhibit%20C_Presentation_Climate%20and%20Ocean%20Change%20Policy.pdf)
33

34 **Public Testimony**

| | |
|--------------------------------|-------------------------------------|
| Rich Nawa, Klamath | Klamath Siskiyou Wildlands Center |
| Michael O’Casey, Bend | The Wildlife Society Oregon Chapter |
| David Forjan, Barton, New York | Did not testify |
| Chandra Ferrari, Salem | Trout Unlimited |
| Sristi Kamal, Portland | Defenders of Wildlife |
| Quinn Read, Portland | Center for Biological Diversity |
| Fran Recht, Depot Bay | |
| Helen Kennedy, Marcola | |
| Kirk Blaine, Roseburg | Native Fish Society |

1 Rulemaking

2 Action:

3 The Commission asked that the Department to report back to the Commission on the
4 implementation of the policy in one year.

5
6 Commissioner Hatfield- Hyde moved to adopt OAR Chapter 635, Division 900, as
7 set forth in Attachment #3 Addendum #1; with the changes just made by DOJ [elimination
8 of parenthicals in proposed OAR 635-900-0007(2), (3), and (4)], and with the words “in
9 areas” deleted from [OAR 635-900-0017](7)(b) and (7)(c)]. Commissioner Zarnowitz
10 seconded the motion and the motion was carried six (6) in favor.

11
12 **EXHIBIT D: COMMERCIAL COASTAL PELAGIC FISHERIES**

13 The Commission amended rules related to commercial coastal pelagic species
14 along the Oregon Coast consistent with Federal regulations for these fisheries.

15
16 Staff: Maggie Sommers, Marine Fisheries Program Manager

17
18 Maggie provided the Commission a presentation 2020-21 Federal harvest specifications
19 and management measures for sardines; historical sardine trends; stock status; harvest
20 limits; and federal sardine management.

21
22 *This presentation is located in the commission materials and can be viewed at*
23 [https://www.dfw.state.or.us/agency/commission/minutes/20/07_Jul/D/Exhibit%20D_Presentation.](https://www.dfw.state.or.us/agency/commission/minutes/20/07_Jul/D/Exhibit%20D_Presentation.pdf)
24 [pdf](https://www.dfw.state.or.us/agency/commission/minutes/20/07_Jul/D/Exhibit%20D_Presentation.pdf)

25 Public Testimony
26 Rulemaking

27
28 Action:

29 Commissioner Spelbrink moved to adopt the staff recommended rules for Coastal
30 Pelagic Species fisheries as proposed in Attachment 3, including the appropriate citations
31 to the federal regulations. Commissioner Wolley seconded the motion and the motion was
32 carried six (6) in favor.

33
34
35 **OTHER BUSINESS**

36
37 Chair Wahl adjourned the meeting at 1:34 p.m.