



Meeting:
Friday, November 13, 2020 – 8:00 AM
Oregon Department 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.*

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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:

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- | | |
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| 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, acting 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 |
| | Michelle Tate, Executive Assistant |
| | Cedric Cooney, acting Fish Division Administrator |
| | Doug Cottam, Wildlife Division Administrator |

7
8 **MEETING**

9
10 On Friday, **November 13, 2020 at 8:00 AM, Chair Wahl called the Oregon Fish and**
11 **Wildlife Commission** (the Commission) meeting to order.

12
13 **DIRECTOR’S REPORT**

14
15 Field Reports – in written form only; *this report is available in the meeting materials and at*
16 [https://www.dfw.state.or.us/agency/commission/minutes/20/11_Nov/November%20Field](https://www.dfw.state.or.us/agency/commission/minutes/20/11_Nov/November%20Field%20Report.pdf)
17 [%20Report.pdf](https://www.dfw.state.or.us/agency/commission/minutes/20/11_Nov/November%20Field%20Report.pdf)

18
19 Expenditure Report

20 Staff: Erica Kleiner, Deputy Director for Administration

21 Erica reported to the Commission that revenue from license sales remains healthy;
22 overall agency budget is strong for 2020; there are still some uncertainties in the overall
23 statewide funding; continuing to build our unrestricted cash balance; staff is working with
24 the State Chief Financial Officer and the Governor’s Office on a budget appeals process.

25
26 *This report is available in the meeting materials and at*
27 https://www.dfw.state.or.us/agency/commission/minutes/20/11_Nov/index.asp

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1 **Adopt Temporary Rules**

2 Curt Melcher, Director, requested the Commission ratify the following temporary rules.
3 The seven (7) temporary rules were previously adopted by the director under his
4 emergency action authority.

5 Curt Melcher, Director

6
7 **1.) 635-004-0355**

8 **Commercial Nearshore Fishery In-season Other Nearshore Rockfish Daily Trip**

9 **Limit Implementation & Bimonthly Limit Decrease**

10 Adopted October 15, 2020: effective October 23, 2020 through December 31, 2020

11 This amended rule implements a daily trip limit of 15 pounds of other nearshore rockfish
12 combined from October 23 through December 31, 2020, and decreases the other
13 nearshore rockfish cumulative trip limit to 45 pounds from November 1 through December
14 31, 2020.

15
16 **2.) 635-004-0275**

17 **Federal Actions and Management Measures Implemented for Commercial**
18 **Groundfish Fisheries**

19 Adopted October 22, 2020: effective October 22, 2020 through December 31, 2020

20 This amended rule adopts in-season actions previously adopted by the federal
21 government for 2019-2020 Pacific Coast commercial groundfish fisheries, including but
22 not limited to increased trip limits for sablefish in the Limited Entry Fixed Gear and Open
23 Access fisheries.

24
25 **3.) 635-042-0032**

26 **Set Columbia River Commercial Mainstem Coho Salmon Fisheries**

27 Adopted October 23, 2020: effective October 26, 2020 through December 31, 2020

28 This rule authorizes late fall non-Treaty commercial tangle net fisheries in the Columbia
29 River, including three tangle net fishing periods in Zones 1-3. Sturgeon may not be
30 retained. Modifications are consistent with action taken October 22, 2020 by the
31 Departments of Fish and Wildlife for the States of Oregon and Washington at a meeting
32 of the Columbia River Compact.

33
34 **4.) 635-039-0085**

35 **Maintain Open Recreational Pacific Halibut Fishery on the Central Oregon Coast**
36 **per Federal Guidelines**

37 Adopted October 26, 2020: effective October 26, 2020 through December 31, 2020

38 This amended rule will maintain the Central Coast open period through October 31, 2020
39 for the Central Oregon Coast Subarea and reference the current federal guidelines as
40 amended on May 1, 2020.¹

41
42 **5.) 635-048-0005**

43 **Allow youth to hunt with a supervising adult after passing classroom component of**
44 **Hunter Education.**

45 Adopted: October 28, 2020 – Effective Dates: October 28, 2020 through March 31, 2021

46 OAR 635-048-0005 states in part that anyone younger than 18 years of age shall have
47 proof of hunter education in their possession when hunting, except youth participating in

1 the Mentored Youth Program; and that hunter education training must include both a
2 classroom (physical or virtual) component and a field day. Amendment is to allow
3 individuals under 18 years of age to hunt, with a Hunter Education "Online Course"
4 Completion Certificate issued by the Department, when in the presence of a supervisory
5 adult who is 21 years of age or older.

6
7 **6.) 635-019-0090, 635-023-0130**

8 **Increase Adult Steelhead Bag Limit in Columbia and Lower John Day Rivers**

9 Adopted October 30, 2020: effective November 1, 2020 through December 31, 2020

10 This amended rule allows retention of one hatchery steelhead in the Columbia River
11 upstream of The Dalles Dam and in the lower John Day River downstream of Tumwater
12 for the remainder of the year. Revisions are consistent with action taken October 29, 2020
13 by the Departments of Fish and Wildlife for the States of Oregon and Washington.

14
15 **7.) 635-004-0275**

16 **Federal Actions and Management Measures Implemented for Commercial
17 Groundfish Fisheries**

18 Adopted November 5, 2020: effective November 5, 2020 through December 31, 2020

19 This amended rule adopts in-season actions previously adopted by the federal
20 government for 2019- 2020 Pacific Coast commercial groundfish fisheries, including but
21 not limited to extending the 2020 sablefish primary fishery from October 31, 2020 to
22 December 31, 2020.

23
24 Action:

25 Commissioner Zarnowitz moved to ratify the seven (7) temporary rules set forth in the
26 today's tan agenda. Commissioner Hatfield-Hyde seconded the motion, and the motion
27 carried unanimously, five (5) in favor; one (1) not present (Spelbrink)

28
29 **OTHER BUSINESS**

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31 **COMMISSION UPDATES**

32 Commissioner Mark Labhart; Oregon Conservation and Recreation
33 Fund Report

34 [https://www.dfw.state.or.us/agency/commission/minutes/20/11_Nov/OCRF
35 %20Commissioner%20Update%20Nov%202020.pdf](https://www.dfw.state.or.us/agency/commission/minutes/20/11_Nov/OCRF%20Commissioner%20Update%20Nov%202020.pdf)

36
37 **PUBLIC FORUM**

38 This part of the agenda was for comments on topics not scheduled elsewhere on the
39 agenda. No action could be taken on items brought to the Commission's attention in this
40 forum, at this meeting.

41 *Native Fish Society, Oregon Coast Steelhead 5 year CMP review*

42 *Kirk Blaine*

43 *Jeff Hickman*

44 [https://www.dfw.state.or.us/agency/commission/minutes/20/11_Nov/Public%20For
45 um/Blaine_NFS%20Testimony%20to%20Commission%2011_13.pdf](https://www.dfw.state.or.us/agency/commission/minutes/20/11_Nov/Public%20Forum/Blaine_NFS%20Testimony%20to%20Commission%2011_13.pdf)

1 *Land Owner; Land Owner Preference Criteria*
2 *Jerry Aplin*

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4 *Oregon Anglers Alliance, Welcome to the Oregon Anglers Alliance*
5 *Leonard Krug*

6 https://www.dfw.state.or.us/agency/commission/minutes/20/11_Nov/Public%20Forum/Krueg_Oregon%20Anglers%20Alliance.pdf

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9 *ODFW's Response to Fire-related Impacts at Hatcheries*
10 *David Moskowitz, the Conservation Angler*

11 https://www.dfw.state.or.us/agency/commission/minutes/20/11_Nov/Public%20Forum/Moskowitz_TCA%20Memo%20to%20OFWC%20on%20ODFW%20Fire%20Response%2011-13-2020.pdf

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15 **EXHIBIT A: COMMISSION MINUTES**

16 Action:

17 Commissioner Wolley moved to approve the October 9, 2020 meeting minutes with
18 continued authority to correct grammar and punctuation. Commissioner Zarnowitz
19 seconded the motion and the motion was carried six (6) in favor.

20
21 **EXHIBIT B: RESTORATION AND ENHANCEMENT PROJECT APPROVAL AND**
22 **BOARD APPOINTMENT**

23 The Commission approved project funding for the Restoration and Enhancement (R&E)
24 Board recommended (Cycle 5) and appoint one new R&E Board member.

25 Staff: Kevin Herkamp, STEP and R&E Program Coordinator

26 *Presentation:* Kevin provided the Commission with a presentation on sources of
27 R&E funding; types of projects funded; Board appointments; current R&E Board
28 Members; Board selection criteria; applicants, recommendations, and existing
29 R&E Board Members; and recommended projects.

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/20/11_Nov/Exhibit%20B/Exhibit%20B_Presentation.pdf

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35 Public Testimony
Donna Mulvey

36
37 Approval

38 Action:

39 Commissioner Labhart moved to appoint Kay Brown to a four-year term as the
40 Public Representative on the Fish Restoration and Enhancement (R&E) Board.
41 Commissioner Zarnowitz seconded the motion and the motion was carried six (6) in favor.

42
43 Commissioner Zarnowitz moved to approve the project recommended by the Fish
44 Restoration and Enhancement (R&E) Board set forth in Attachment 3. Commissioner
45 Spelbrink seconded the motion and the motion was carried six (6) in favor.

1 Approval

2 Action:

3 Commissioner Labhart moved to approve the two projects recommended for
4 funding by the Access & Habitat Board. Commissioner Spelbrink seconded the motion
5 and the motion was carried five (5) in favor. One (1) abstained- Wahl
6

7 **EXHIBIT E: PETITION TO PERMANENTLY CLOSE COMMERCIAL AND**
8 **RECREATIONAL BEAVER TRAPPING AND HUNTING ON FEDERALLY**
9 **MANAGED PUBLIC LANDS**

10 The Commission denied an Administrative Procedure Act (APA) petition to “initiate
11 rulemaking to amend OAR 635-050-0070 to permanently close commercial and
12 recreational beaver trapping and hunting on federally-managed public lands and the
13 waters that flows through these lands”

14 Staff: Derek Broman; Carnivore/Furbearer Coordinator

15 *Presentation:* Derek provided the Commission with a presentation on APA
16 Petition, the current rule, recent history, evaluation of the petition and staff
17 summary.
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19 *This presentation is located in the commission material and can be viewed at*
20 [https://www.dfw.state.or.us/agency/commission/minutes/20/11_Nov/EX%20E%20-](https://www.dfw.state.or.us/agency/commission/minutes/20/11_Nov/EX%20E%20-%20BEAVER%20PETITION/Exhibit%20E_Presentation_Beaver%20Petition.pdf)
21 [%20BEAVER%20PETITION/Exhibit%20E_Presentation_Beaver%20Petition.pdf](https://www.dfw.state.or.us/agency/commission/minutes/20/11_Nov/EX%20E%20-%20BEAVER%20PETITION/Exhibit%20E_Presentation_Beaver%20Petition.pdf)

22 Public Testimony

Representative David Brock Smith

John Mellgren for Representative Pam Marsh, Eugene

Jefferson Jacob, Bend

Nick Cady, Eugene- Cascadia Wildlands-Cascadia Wildlands

Suzanne Fouty, Baker City

Ernie Niemi, Dexter

Sristi Kamal, Portland-Defenders of Wildlife-Defenders of Wildlife

Quinn Read, Portland- Center of Biological Diversity

Wally Sykes, Joseph

Chuck Ericson, Coos Bay

Michelle Blake, Salem

Michael O’Casey, Bend- The Wildlife Society -provided written testimony

Jacob Hupp, Columbus, Ohio

Brian Posewitz, Portland

Patricia McDowell, Eugene

Paul Engelmeyer

~~Kelly Larkin, Portland~~

~~Hillary Tiefer, Portland~~

~~Rob Bodner, Portland~~

~~Dan Rosenberg, Corvallis~~

~~Sally Maish, Roseburg~~

~~Robin Carpenter, Coos Bay~~

~~Kimberley Lopez, Alsea~~

~~Yvette Perry, Roseburg~~

Judy Skopek

~~Alice Picott, Riddle~~
~~C GROVES, Aloha~~
~~Tim Grabe, Portland~~
Stan Steele
~~Suzanne Seiber, Ashland~~
~~Debra Smith, Milwaukie~~
Bob Salinger, Portland
~~Linda Voci, Redmond~~
~~Erik Landis, Creswell~~ -Provided written testimony
David Moskowitz, Portland- The Conservation Angler
~~Wayne Davison, Ashland~~--Invalid email address, left phone message
~~Chelsea Stewart-Fusek, Portland~~
Lisa Brown, Portland -Water Watch
~~Ann Nowicki, Eugene~~
~~Amy Roberts, Albany~~
Cindy Haws, Myrtle Creek
Stanley Petrowski, Tiller
Fran Recht, Depoe Bay
~~Marney Reed, Florence~~
Mary Anne Cooper, Salem, Oregon Farm Bureau
~~Deborah Kreuser, Beaverton~~
Boone Kaufmann, Ph.D., Corvallis
Robert Beschta, Ph.D., Corvallis
~~Chris Jordan, Ph.D., Corvallis~~
~~Don Wright, Bend~~
Theresa Israel, Terrebonne
Leland Brown, Portland – The Wildlife Society - provided written testimony
Amy Patrick, Sublimity – Oregon Hunters Association - provided written testimony
~~Margarita Perez, Portland~~
Ryan Niehus, Klamath Falls
John Daniel, Birchwood Tennessee
~~Lary McMee, Gervais~~
~~Doug Nichol, Aumsville~~
Katy Nalven
Jim Soars – Oregon Trappers Association

1 Approval
2 Action:
3 Commissioner Zarnowitz moved to direct staff to initiate rulemaking and to analyze
4 and provide recommendations on beaver management in the context of climate change,
5 habitat, benefits to fish and other species, and water flow, retention and temperature, in
6 close cooperation with the Oregon Fish and Wildlife Commission liaison on this issue and
7 use the newly-formed beaver management workgroup as a key part of the public
8 engagement on this issue. Chair Wolley seconded the motion and the motion failed, three
9 (3) in favor- Wahl, Wolley, Zarnowitz; three (3) opposed- Spelbrink, Labhart, Hatfield-
10 Hyde.
11

1 Commissioner Zarnowitz moved to direct staff to analyze and provide
2 recommendations on beaver management in the context of climate change, habitat,
3 benefits to fish and other species, and water flow, retention and temperature, in close
4 collaboration with the Oregon Fish and Wildlife Commission liaison on this issue and use
5 the newly-formed beaver management workgroup as a key part of the public engagement
6 on this issue. Chair Wahl seconded the motion and the motion was carried five (5) in
7 favor- Wahl, Spelbrink, Labhart, Hatfield-Hyde; Zarnowitz; one (1) opposed- Wolley.
8
9 Chair Wahl adjourned the meeting at 3:12 p.m.

DRAFT