



Meeting:
Friday, April 23, 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.*

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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 | Nick Myatt, 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 On Friday, April 23, 2021 at 8:00 AM, Chair Wahl called the Oregon Fish and Wildlife
9 Commission (the Commission) meeting to order.

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11 **DIRECTOR’S REPORT**

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13 Field Reports – in written form only; *this report is available in the meeting materials and at*
14 https://www.dfw.state.or.us/agency/commission/minutes/21/04_Apr/Field%20Report/Final%20Field%20Report_April.pdf

15
16
17 **Expenditure Report**

18 Staff: Erica Kleiner, Deputy Director for Administration
19 Erica provided the Commission with a report that department wide, expenditures continue to be
20 below spend rates and are within available revenues; monthly revenue increases continue into
21 2021; and ODFW’s unrestricted cash balance currently sits at \$56 million. Ways & Means Natural
22 Resources subcommittee on April 26 and 28, 2021, with public testimony set to occur the
23 following week, on May 3, 2021.

24
25 *This report is available in the meeting materials and at*
26 https://www.dfw.state.or.us/agency/commission/minutes/21/04_Apr/Field%20Report/Commission%20Financial%20Report%20April%202021.pdf

1 **ADAPTING TO CLIMATE AND OCEAN CHANGE REPORT**

2 “Update on Implementing Executive Order 20-04 - Directing State Agencies to Take Actions
3 to Reduce and Regulate Greenhouse Gas Emissions” and “Climate Adaptive Inland Angling
4 Policy Framework”.

5 Davia Palmeri, Conservation Policy Coordinator

6 Dr. Charlotte Regula Whitefield, Acting Senior Policy Analyst

7 *This report is available in the meeting materials and at*

8 https://www.dfw.state.or.us/agency/commission/minutes/21/04_Apr/Field%20Report/April%2020201%20Climate%20Update.pdf and

9
10
11 https://www.dfw.state.or.us/agency/commission/minutes/21/04_Apr/Field%20Report/ODFW%20Climate%20Resiliency%20for%20Inland%20Angling%20Policy_04.23.21.pdf

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14 **PYGMY RABBITS**

15 Kaly Adkins, Regional Diversity Biologist

16 *This report is available in the meeting materials and at*

17 https://www.dfw.state.or.us/agency/commission/minutes/21/04_Apr/Field%20Report/PygmyRabbits_4_23_21.pdf

18
19
20 **GRAY WOLF 2020 ANNUAL REPORT**

21 Roblyn Brown, Regional Wildlife Diversity Biologist

22 *This report is available in the meeting materials and at*

23 https://www.dfw.state.or.us/agency/commission/minutes/21/04_Apr/Field%20Report/2020%20Annual%20Wolf%20Report%20FINAL.pdf

24
25
26 *Presentation:*

27 https://www.dfw.state.or.us/agency/commission/minutes/21/04_Apr/Field%20Report/210423%20Commission%20Wolf%20Annual%20Report%20presentation%20.pdf

28
29
30 **Adopt Temporary Rules**

31 Curt Melcher, Director, requested the Commission ratify the following temporary rules. The
32 eighteen (18) temporary rules were previously adopted by the director under his emergency action
33 authority.

34
35 **1.) 635-043-0175, 635-066-0010, 635-067-0004**

36 **Animal parts check-in requirements for hunter harvested bear/cougar, and Roadkill
37 Salvage Permit animals**

38 Adopted: March 22, 2021 – Effective Dates: March 22, 2021 through September 17, 2021

39 Due to continued Department office closures in response to the COVID-19 Emergency and
40 the expected increase of harvested animals with the 2021 hunting seasons, Temporary
41 Rules are needed to continue compliance with CDC guidelines for social distancing and
42 Governor Kate Brown’s Emergency Declaration and directives designed to reduce the
43 spread of COVID-19 by reducing social contact.

1 **2.) 635-042-0145**

2 **Revise 2021 Commercial Fishing Seasons in Youngs Bay Select Area**

3 Adopted March 24, 2021: effective March 25, 2021 through July 29, 2021.

4 This amended rule modifies the fishing area for two previously adopted commercial fishing
5 periods (on March 25 and 29,) in the Youngs Bay Select Area.
6

7 **3.) 635-042-0160, 635-042-0170**

8 **Revise 2021 Commercial Fishing Seasons in Knappa Slough, South Channel, and Tongue
9 Point Select Areas**

10 Adopted March 24, 2021: effective March 25, 2021 through July 2, 2021.

11 635-042-0160

12 This amended rule increases the open hours for two previously adopted periods in Knappa
13 Slough.

14 Modifications are consistent with action taken March 23 by the Departments of Fish &
15 Wildlife for the States of Oregon and Washington at a meeting of the Columbia River
16 Compact.

17 635-042-0170

18 This amended rule includes the following changes to Select Area commercial fisheries:

- 19 • Provides two additional fishing periods in the Tongue Point Select Area; and
20 • Modifies the open hours of one previously adopted period in South Channel for
21 consistency with the new Tongue Point periods.

22 Modifications are consistent with action taken March 23 by the Departments of Fish &
23 Wildlife for the States of Oregon and Washington at a meeting of the Columbia River
24 Compact.
25

26 **4.) 635-019-0090**

27 **Close Angling for and Retention of Steelhead Upstream of McKay Dam**

28 Adopted March 24, 2021: effective March 24, 2021 through June 30, 2021.

29 This amended rule closes recreational steelhead angling and retention upstream of McKay
30 Dam including the McKay Reservoir, McKay Creek, and all tributaries from April 1
31 through June 30, 2021.
32

33 **5.) 635-042-0145**

34 **Revise 2021 Commercial Fishing Seasons in Youngs Bay Select Area**

35 Adopted March 31, 2021: effective April 1, 2021 through July 29, 2021.

36 This amended rule modifies the fishing area for a previously adopted commercial fishing
37 period (April 1), and adds two reduced-area fishing periods in the Youngs Bay Select Area.
38

39 **6.) 635-042-0180**

40 **Set 2021 Commercial Fishing Seasons in the Deep River Select Area**

41 Adopted March 31, 2021: effective April 1, 2021 through July 2, 2021.

42 This amended rule provides one additional fishing period in the Deep River Select Area.
43 Modifications are consistent with action taken by the Departments of Fish & Wildlife for
44 the States of Oregon and Washington at the March 30 Columbia River Compact.
45
46
47

1 **7.) 635-042-0160, 635-042-0170**

2 **Revise 2021 Commercial Fishing Seasons in Knappa Slough, South Channel, and Tongue**
3 **Point Select Areas**

4 Adopted March 31, 2021: effective April 1, 2021 through July 2, 2021.

5 This amended rule includes the following changes to Select Area commercial fisheries:

- 6 • Provides one additional fishing period in the Tongue Point Select Area;
- 7 • Modifies the open hours of one previously adopted period in South Channel for
- 8 consistency with the new Tongue Point periods; and
- 9 • Increases the open hours for four previously adopted periods in Knappa Slough.

10
11 **8.) 635-042-0145**

12 **Revise 2021 Commercial Fishing Seasons in Youngs Bay Select Area**

13 Adopted April 8, 2021: effective April 8, 2021 through July 29, 2021.

14 This amended rule modifies the fishing area for a previously adopted commercial fishing
15 period (April 8), and adds one additional fishing period in the Youngs Bay Select Area.

16
17 **9.) 635-042-0170**

18 **Revise 2021 Commercial Fishing Seasons in South Channel and Tongue Point Select**
19 **Areas**

20 Adopted April 8, 2021: effective April 8, 2021 through July 2, 2021.

21 This amended rule includes the following changes to Select Area commercial fisheries:

- 22 • Provides two additional fishing period in the Tongue Point Select Area; and
- 23 • Modifies the open hours of two previously adopted periods in South Channel for
- 24 consistency with the new Tongue Point periods.

25 Modifications are consistent with action taken by the Departments of Fish & Wildlife for
26 the States of Oregon and Washington at the April 7 Columbia River Compact.

27
28 **10.) 635-042-0180**

29 **Revise 2021 Commercial Fishing Season in the Deep River Select Area**

30 Adopted April 8, 2021: effective April 8, 2021 through July 2, 2021.

31 This amended rule provides one additional fishing period in the Deep River Select Area.

32 Modifications are consistent with action taken by the Departments of Fish & Wildlife for
33 the States of Oregon and Washington at the April 7 Columbia River Compact.

34
35 **11.) 635-005-0355**

36 **Close Tillamook Bay Commercial Cockle Dive Fishery**

37 Adopted April 9, 2021: effective April 12, 2021 through October 8, 2021.

38 This amended rule closes the commercial Tillamook Bay cockle dive fishery on April 15.

39 The annual harvest quota allowed under bay clam catch limits is 185,000 pounds, and the
40 fishery is projected to reach that quota by April 14.

41
42 **12.) 635-018-0090**

43 **Open Hatchery Chinook Fishery on the Hood River**

44 Adopted April 9, 2021: effective May 1, 2021 through June 30, 2021.

45 This amended rule authorizes recreational retention of one hatchery Chinook and five
46 hatchery jack salmon in portions of the Hood River from May 1 through June 30.

1 **13.) 635-021-0090**

2 **Eliminate Size and Bag Limits for Trout in Chickahominy Reservoir Due to Low Water**

3 Adopted April 9, 2021: effective April 12, 2021 through October 8, 2021.

4 This rule will temporarily lift all size limits (minimum and maximum), as well as daily
5 limits for trout in Chickahominy Reservoir from April 14 through October 10.
6

7 **14.) 635-043-0175, 635-066-0010, 635-067-0004**

8 **Animal parts check-in requirements for hunter harvested bear/cougar, and Roadkill**

9 **Salvage Permit animals**

10 Adopted: March 22, 2021 – Effective Dates: March 22, 2021 through September 17, 2021

11 Due to continued Department office closures in response to the COVID-19 Emergency and
12 the expected increase of harvested animals with the 2021 hunting seasons, Temporary
13 Rules are needed to continue compliance with CDC guidelines for social distancing and
14 Governor Kate Brown’s Emergency Declaration and directives designed to reduce the
15 spread of COVID-19 by reducing social contact.
16

17 **15.) 635-042-0145**

18 **Revise 2021 Commercial Fishing Season in Youngs Bay Select Area**

19 Adopted April 13, 2021: effective April 14, 2021 through July 29, 2021.

20 This amended rule adds one 4-hour fishing period (April 14) in the Youngs Bay Select
21 Area.
22

23 **16.) 635-042-0145**

24 **Close Angling for and Retention of Spring Chinook in the Umatilla River**

25 Adopted April 15, 2021: effective April 15, 2021 through June 30, 2021.

26 These amended rules close recreational spring Chinook retention in the Umatilla River
27 Basin from

28 April 16 through June 30, 2021. The closure extends from the mouth of the Umatilla
29 upstream to the Confederated Tribes of the Umatilla Indian Reservation (CTUIR)
30 reservation boundary, and from the upper border of the reservation to the Umatilla
31 headwaters, including all tributaries.

32 Modifications are consistent with action taken by the CTUIR for the portion of the
33 Umatilla River that is within the CTUIR reservation.
34

35 **17.) 635-023-0134**

36 **Open Hatchery Chinook salmon Fishery in the Snake River**

37 Adopted April 15, 2021: effective April 24, 2021 through July 31, 2021.

38 This amended rule allows retention of hatchery spring Chinook salmon in the Snake River
39 from Dun Bar boat ramp upstream to Hells Canyon Dam from April 24 through July 31.
40

41 **18.) 635-418-0005, 635-418-0015, 635-418-0025**

42 **Establishes regional dry maintenance time periods for removal of sediment in dry,**
43 **traditionally maintained channels**

44 Adopted: April 19, 2021 – Effective Dates: April 22, 2021 through October 18, 2021

45 HB2437 (2019) directed the Department to establish regional dry maintenance time periods
46 for removal of sediment in dry, traditionally maintained channels for agricultural drainage.

1 The temporary rules define the dry regional maintenance time period for removal of
2 sediment in watersheds across the state.

3
4 Action:

5 Chair Wahl moved to ratify the numbers one (1) through seventeen (17) temporary rules set forth
6 in the today's tan agenda. Commissioner Zarnowitz seconded the motion, and the motion carried
7 unanimously, six (6) in favor.

8
9 Commissioner Zarnowitz moved to ratify temporary rule numbered eighteen (18) set forth in the
10 today's tan agenda. Commissioner Spelbrink seconded the motion, and the motion carried
11 unanimously, six (6) in favor

12
13 **Other Business**

14 **Commission Updates**

15
16 **Exhibit A: COMMISSION MINUTES**

17 Action:

18 Commissioner Spelbrink moved to approve the March 19, 2020 meeting minutes with
19 minor correction made on pages 5, 6, and 7 and with continued authority to correct grammar and
20 punctuation. Commissioner Zarnowitz seconded the motion and the motion was carried six (6) in
21 favor.

22 **EXHIBIT B: 2021 PACIFIC HALIBUT FISHERIES REGULATIONS**

23 The Commission amended the 2021 regulations for recreational and commercial Pacific
24 halibut fisheries.

25 Staff: Christian Heath, Groundfish & Halibut Assistant Project Leader

26 *Presentation:* Christian provided the Commission with a presentation on sport and
27 commercial Pacific halibut fisheries in 2021. This report included information on Halibut
28 Management Partners, International Pacific Halibut Commission (IPHC) regulatory areas, 2020
29 stock assessment, the biology, spawning grounds and migration patterns, growth and recruitment
30 to the fishery, environmental factors, Oregon halibut fisheries, process timeline, Area 2A catch
31 limit, Area 2A catch sharing plan, Oregon sport halibut allocations, changes to the catch sharing
32 plan, sport fishing seasons, Columbia River subarea, Oregon Coast subarea, Central Oregon Coast
33 subarea, Southern Oregon Coast subarea, Commercial Fisheries, and changes to Commercial
34 Fisheries.

35
36 *This presentation is located in the commission material and can be viewed at*

37 [https://www.dfw.state.or.us/agency/commission/minutes/21/04_Apr/B/Exhibit%20B_Presentation.](https://www.dfw.state.or.us/agency/commission/minutes/21/04_Apr/B/Exhibit%20B_Presentation.pdf)
38 [pdf](https://www.dfw.state.or.us/agency/commission/minutes/21/04_Apr/B/Exhibit%20B_Presentation.pdf)

39
40 No Public Testimony

41 Rulemaking

42 Action:

43 Commissioner Spelbrink moved to adopt the staff recommendations for the 2021 sport and
44 commercial Pacific Halibut fisheries as shown in Attachment 3. Commissioner Zarnowitz
45 seconded the motion and the motion was carried six (6) in favor.

1 **EXHIBIT C: 2021 OCEAN SALMON FISHERIES AND OCEAN TERMINAL FISHERIES**
2 **RULEMAKING**

3 The Commission adopted the 2021 ocean salmon fishing seasons and terminal fisheries for
4 Oregon state waters.

5 Staff: Christine Mallette, Ocean Salmon Technical Services Manager

6 Presentation: Christine provided the Commission with a presentation on Chinook and coho
7 salmon. The presentation included comparison of salmon life cycles, climate change; the 4H's-
8 harvest, habitat, hydro, and hatcheries; PFMC climate-related actions; Chinook stocks; coho
9 stocks; 2021 Ocean Commercial Season; 2021 Ocean Recreational season; and other
10 considerations.

11
12 *This presentation is located in the commission material and can be viewed at*
13 [https://www.dfw.state.or.us/agency/commission/minutes/21/04_Apr/C/Exhibit%20C_Presentation.](https://www.dfw.state.or.us/agency/commission/minutes/21/04_Apr/C/Exhibit%20C_Presentation.pdf)
14 [pdf](https://www.dfw.state.or.us/agency/commission/minutes/21/04_Apr/C/Exhibit%20C_Presentation.pdf)

15
16 No Public Testimony

17 Rulemaking

18 Action:

19 Commissioner Labhart moved to amend OAR 635 Division 003 and 013 as proposed by
20 staff in Attachment 3. Commissioner Zarnowitz seconded the motion and the motion was carried
21 six (6) in favor.

22
23 **EXHIBIT D: 2021-2022 OREGON GAME BIRD REGULATIONS**

24 The Commission will be asked to adopt the game bird season and regulations for 2021-22

25 Staff: Brandon Reishus, Migratory Bird Coordinator; and

26 Mikal Cline, Upland Game Bird Coordinator

27 Presentation: Mikal provided the Commission with a presentation on 2021- 22 proposed
28 upland game bird regulations. The presentation included information on the population status;
29 climate change and bird management; 5-year regulation framework; regulation proposals; special
30 hunt opportunities; and controlled sage-grouse seasons.

31 Invited guest Dr. Christian Hagen provided the Commissioners a presentation on sage-
32 grouse hunter harvest in Oregon. The presentation included information on sage-grouse life
33 history; review data from Oregon studies; compensatory vs. additive mortality; and how sage-
34 grouse fit into the compensatory –additive continuum.

35 Brandon provided a presentation on the 2021 – 22 migratory game birds hunting seasons
36 and regulation proposals. The presentation included information on the regulation setting process;
37 seasons and bag limits; wildlife area hunt programs and department lands.

38
39 *This presentation is located in the commission material and can be viewed at*
40 [https://www.dfw.state.or.us/agency/commission/minutes/21/04_Apr/D/Exhibit%20D_Presentation](https://www.dfw.state.or.us/agency/commission/minutes/21/04_Apr/D/Exhibit%20D_Presentation_Upland%20Game%20Birds.pdf)
41 [Upland%20Game%20Birds.pdf](https://www.dfw.state.or.us/agency/commission/minutes/21/04_Apr/D/Exhibit%20D_Presentation_Upland%20Game%20Birds.pdf) and
42 [https://www.dfw.state.or.us/agency/commission/minutes/21/04_Apr/D/Exhibit%20D_Presentation](https://www.dfw.state.or.us/agency/commission/minutes/21/04_Apr/D/Exhibit%20D_Presentation_Migratory%20Game%20Birds.pdf)
43 [Migratory%20Game%20Birds.pdf](https://www.dfw.state.or.us/agency/commission/minutes/21/04_Apr/D/Exhibit%20D_Presentation_Migratory%20Game%20Birds.pdf)

1 Public Testimony
David Stiefvater, Ontario; Habitat Coordinator, Malheur County Chapter Pheasants Forever
Tyler Dungannon, Central
Point; Oregon Hunters Association, Conservation Coordinator

2 Rulemaking

3 Action:

4 Commissioner Spelbrink moved to amend OAR Chapter 635, Division 008, 045, 051, 052,
5 053, 054, 0and 060 as proposed by staff. Commissioner Hatfield-Hyde seconded the motion and
6 the motion was carried six (6) in favor.

7
8 The Commission met in Executive Session pursuant to ORS 192.660(2) (e), (2) (f) and (2)
9 (h), which allows the Commission to meet in executive session to conduct deliberations with
10 persons designated by the governing body to negotiate real property transactions, to consider
11 information or records that are exempt by law from public inspection, and to consult with legal
12 counsel with respect to litigation filed against the Commission.

13
14 Chair Wahl adjourned the meeting at 3:40 p.m.