



Oregon Fish and Wildlife Commission Minutes

Meeting:
Thursday, December 16, 2021, 9:00-2:00
Fish and Wildlife Commission
Virtual Meeting
4034 Fairview Industrial Dr SE
Salem, OR 97302

Meeting:
Friday, December 17, 2021– 8:00 AM
Oregon Department of Fish and Wildlife
Virtual Meeting
4034 Fairview Industrial Dr SE
Salem, OR 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. Those
4 attending part or all of the meeting included:

5
Mary Wahl, Chair
Bob Spelbrink, Commissioner
Mark Labhart, Commissioner
Jill Zarnowitz, Commissioner
Becky Hatfield-Hyde, Commissioner
Kathayoon Khalil, Commissioner
Leslie King, Commissioner

Curt Melcher, Director
Shannon Hurn, Deputy Director
Debbie Colbert, Deputy Director
Nick Myatt, East Region Manager
Chris Kern, Interim West Region Manager
Anika Marriott, Assistant Attorney General
Erin Donald, Assistant Attorney General
Michelle Tate, Executive Assistant
Mike Harrington, Fish Division Administrator
Bernadette Graham Hudson, Wildlife Division Administrator

6 **MEETING**

7
8 On Friday, **December 17, 2021, at 8:00 AM, Chair Wahl called the Oregon Fish and Wildlife**
9 **Commission** (the Commission) meeting to order.

10
11 **DIRECTOR’S REPORT**

12
13 **FIELD REPORTS**

14 Provided in written form only; *this report is available in the meeting materials and can be viewed*
15 *at*
16 https://www.dfw.state.or.us/agency/commission/minutes/21/12_Dec_17/DECEMBER%20Field%20Report.pdf
17 https://www.dfw.state.or.us/agency/commission/minutes/21/12_Dec_17/DECEMBER%20Field%20Report.pdf

18
19 **EXPENDITURE REPORT**

20 Staff: Shannon Hurn, Deputy Director for Administration
21 Shannon provided the Commission with a report on agency expenditures. Expenditures and
22 revenue are both on track for the biennium. ODFW’s unrestricted cash balance as of November 30,
23 2021, was \$60.3 million. Products for the 2022 licensing year became available for sale to
24 customers on December 1, 2021. Budget development has begun for the 2023-25 biennium. In the
25 spring the agency will convene the External Budget Advisory Committee to discuss the proposed
26 budget in detail. As part of public engagement with the budgeting process, the agency regularly
27 convenes Town Hall meetings throughout the state. This year the agency is reviewing how to

1 conduct community outreach in a more engaging manner as recommended by the Racial Justice
2 Council and Governor Brown’s Office of Equity and Racial Justice. The ODFW Audit Committee
3 will meet in January to discuss meeting the annual requirement in ORS 184.360 for a risk-based
4 audit.

5
6 *This report is available in the meeting materials and can be viewed at*
7 [https://www.dfw.state.or.us/agency/commission/minutes/21/12_Dec_17/Commission%20Financial](https://www.dfw.state.or.us/agency/commission/minutes/21/12_Dec_17/Commission%20Financial%20Report%20December%202021.pdf)
8 [%20Report%20December%202021.pdf](https://www.dfw.state.or.us/agency/commission/minutes/21/12_Dec_17/Commission%20Financial%20Report%20December%202021.pdf)

9
10 **HABITAT DIVISION UPDATE**

11 Debbie Colbert, Deputy Director of Fish and Wildlife Programs
12 Sarah Reif, Habitat Division Administrator

13
14 *This presentation is available in the meeting materials and can be viewed at*
15 [athttps://www.dfw.state.or.us/agency/commission/minutes/21/12_Dec_17/Dec2021%20Co](https://www.dfw.state.or.us/agency/commission/minutes/21/12_Dec_17/Dec2021%20Commission_Hab_Division_12.17.21.pdf)
16 [mmission_Hab_Division_12.17.21.pdf](https://www.dfw.state.or.us/agency/commission/minutes/21/12_Dec_17/Dec2021%20Commission_Hab_Division_12.17.21.pdf)

17
18 **KLAMATH ANADROMOUS FISHES REINTRODUCTION UPDATE AND**
19 **COMPLETION OF THE IMPLEMENTATION PLAN.**

20 Mark Hereford, Klamath Fisheries Reintroduction Coordinator

21
22 *This presentation is available in the meeting materials and can be viewed at*
23 [https://www.dfw.state.or.us/agency/commission/minutes/21/12_Dec_17/Dec%20Commissi](https://www.dfw.state.or.us/agency/commission/minutes/21/12_Dec_17/Dec%20Commission%20meeting_Klamath%20Anadromous12-17-2021.pdf)
24 [on%20meeting_Klamath%20Anadromous12-17-2021.pdf](https://www.dfw.state.or.us/agency/commission/minutes/21/12_Dec_17/Dec%20Commission%20meeting_Klamath%20Anadromous12-17-2021.pdf)

25
26 **ADOPT TEMPORARY RULES**

27 Curt Melcher, Director

28 Director Curt Melcher requested the Commission ratify the following temporary rules. The four
29 (4) temporary rules were previously adopted by the director under his emergency action authority.

30
31 **1.) 635-005-0387**

32 **Close Commercial Intertidal Cockle Fishery in Tillamook Bay**

33 Adopted 11/10/2021: effective 11/10/2021 through 12/31/2021.

34 This amended rule closes the commercial Tillamook Bay intertidal cockle fishery on June 26. The
35 annual harvest quota allowed for this fishery is 80,000 pounds, and the fishery is projected to have
36 reached that quota on June 25.

37
38 **2.) 635-004-0275**

39 **Federal Actions and Management Measures Implemented for Commercial Groundfish**
40 **Fisheries.**

41 Adopted 11/16/2021: effective 11/16/2021 through 12/11/2021.

42 This amended rule adopts in-season actions previously adopted by the federal government for
43 2021-2022 Pacific Coast commercial groundfish fisheries, including but not limited to extension of
44 the primary sablefish season end date for bottom longline vessels from October 31, 2021 to
45 December 31, 2021, and increase trip limits for lingcod and sablefish for Limited Entry and Open
46 Access vessels using longline or other hook and line gear.

1 **3.) 635-08-0126**

2 **Amend Minam River Wildlife Area (Wallowa County) Rules to Establish Seasonal Access**
3 **Restrictions**

4 Adopted: 12/1/21: effective 12/1/21 through 5/29/22.

5 Approximately 4,600 acres of land that was formerly in private ownership were acquired by
6 Oregon Department of Fish and Wildlife (department) on November 23, 2021 and added to the
7 previously 440-acre Minam Wildlife Area. These temporary rules will ensure the habitat values of
8 the newly acquired property are protected until permanent rulemaking is initiated. The temporary
9 rules will change the name of the wildlife area to Minam River Wildlife Area, restrict public
10 access to protect wintering deer and elk, and prohibit ATV and snowmobile use to protect habitat.

11
12 **4.) 635-004-0275**

13 **Federal Actions and Management Measures Implemented for Commercial Groundfish**
14 **Fisheries.**

15 Adopted 12/10/2021: effective 12/12/2021 through 12/31/2021.

16 This amended rule adopts in-season actions previously adopted by the federal government for
17 2021-2022 Pacific Coast commercial groundfish fisheries, including but not limited to re-opening
18 of the primary sablefish season for pot gear from December 10, 2021 to December 31, 2021 and
19 increasing trip limits for lingcod and sablefish for Limited Entry and Open Access vessels using
20 pot gear.

21
22 Action:

23 Commissioner Spelbrink moved to ratify the four (4) temporary rules set forth in the agenda.
24 Commissioner Labhart seconded the motion, and the motion was carried seven (7) in favor.

25
26 **OTHER BUSINESS**

27 Action:

28 Commissioner Hatfield-Hyde moved to nominate Commissioner Jill Zarnowitz as Vice-Chair.
29 Commissioner. Khalil seconded the motion, and the motion was carried seven (6) in favor Wahl,
30 Spelbrink, Labhart; Hatfield-Hyde, Khalil; Zarnowitz; one (1) abstained King.

31
32 **COMMISSION UPDATES**

33 The Commissioners provided updates on the working groups that they participate in:

34 Wildlife Response Working Group Update: Mark Labhart

35 Elk Depredation Working Group Update: Mark Labhart

36 Trap Check Working Group Update: Jill Zarnowitz

37 Beaver Management Working Group Update: Becky Hatfield- Hyde

38
39 **PUBLIC FORUM**

40 *Note: This part of the agenda is for comments on topics not scheduled elsewhere on*
41 *the agenda.*

42
43 *Planning for the Future of Oregon's Dungeness Crab Fisheries: 2040 Scenarios*
44 *Gway Kirchner, The Nature Conservancy*

45
46 *Mid-Columbia Tributary closures impacts on business*
47 *Mia Sheppard*

1
2 *Chronic Wasting Disease (CWD) Prevention*
3 *Tyler Dugannon, Oregon Hunters Association*

4
5 *Recreational Angling River Closures Impact on Oregon Communities*
6 *Ben Kirsch, Deschutes River Alliance*

7
8 *Columbia River Fisheries Issues*
9 *Jim Coleman*

10
11 *Commission's Conservation Mission*
12 *David Moskowitz, The Conservation Angler*

13
14 *Status of the Summer Run Wild Steelhead*
15 *Becky McRea, North Umpqua Coalition*

16
17 **Exhibit A: COMMISSION MINUTES**

18 **Action:**

19 Commissioner Spelbrink moved to approve the October 15, October 25, and
20 November 4, 2021, meeting minutes with continued authority to correct grammar and
21 punctuation. Commissioner Hatfield-Hyde seconded the motion, and the motion was carried
22 seven (7) in favor.

23
24 **EXHIBIT B: ROGUE-SOUTH COAST MULTI-SPECIES CONSERVATION**
25 **AND MANAGEMENT PLAN**

26 The Commission approved the Rogue-South Coast Multi-Species Conservation and
27 Management Plan.

28
29 Staff: Dr. Chris Lorion, Conservation Planning Coordinator
30 Dr. Shaun Clements, Deputy Administrator Fish Division

31
32 The Commission took public comment on the ROGUE SOUTH COAST MULTI SPECIES
33 CONSERVATION and MANAGEMENT PLAN on Thursday, December 16.

34
35 *Presentation:* Shaun and Chris provided the Commission with a presentation on the Rogue
36 South Coast Multi-Species Conservation and Management Plan (RSP). The presentation included
37 information on the RSP species and populations, Key features, public involvement and the final
38 draft.

39
40 *This presentation is located in the commission material and can be viewed at Link*
41 https://www.dfw.state.or.us/agency/commission/minutes/21/12_Dec_17/B/Exhibit%20B_Presentation%20for%20Web.pdf

42
43
44 Commissioner Labhart comments
45 https://www.dfw.state.or.us/agency/commission/minutes/21/12_Dec_17/B/Labhart_South%20Coast%20Plan%20Comments%20Dec.%2017%202021.pdf

1 Action:

2 Commissioner Zarnowitz moved to select Alternative 1 in Decision 1 for the final draft
3 Rogue-South Coast Multi-Species Conservation and Management Plan considered for approval by
4 the Oregon Fish and Wildlife Commission, except the addition of the MEA designation for the
5 Winchuck is not approved and the entire Winchuck is designated as Wild Fish Emphasis Area.
6 Commissioner Khalil seconded the motion, and the motion was carried seven (7) in favor.
7

8 Commissioner Khalil moved to select Alternative 2 in Decision 2 for the final draft Rogue-
9 South Coast Multi-Species Conservation and Management Plan considered for approval by the
10 Oregon Fish and Wildlife Commission, Commissioner Wahl seconded the motion, and the motion
11 fails: 0 in favor; 7 opposed
12

13 Commissioner Labhart moved to select Alternative 1 in Decision 2 for the final draft
14 Rogue-South Coast Multi-Species Conservation and Management Plan considered for approval by
15 the Oregon Fish and Wildlife Commission, Commissioner Spelbrink seconded the motion, and the
16 motion was carried seven (7) in favor.
17

18 Commissioner Spelbrink moved to select Option B in Decision 3.2 for the final draft
19 Rogue-South Coast Multi-Species Conservation and Management Plan considered for approval by
20 the Oregon Fish and Wildlife Commission. Commissioner Labhart seconded the motion, and the
21 motion was carried seven (7) in favor.
22

23 Commissioner Zarnowitz moved to select Alternative 1 in Decision 3.1 for the final draft
24 Rogue-South Coast Multi-Species Conservation and Management Plan considered for approval by
25 the Oregon Fish and Wildlife Commission. Commissioner Spelbrink seconded the motion, and the
26 motion was carried five (5) in favor Zarnowitz, King, Spelbrink, Labhart, Hatfield-Hyde; two (2)
27 opposed Khalil, Wahl.
28

29 Commissioner Labhart moved to approve the final draft of the Rogue-South Coast Multi-
30 Species Conservation and Management Plan as contained in Attachment 3 but modified consistent
31 with decisions made about alternatives in Attachment 4 that are not staff recommendations. In
32 addition, Labhart moved to adopt Oregon Administrative Rules for the Rogue-South Coast Multi-
33 Species Conservation and Management Plan as proposed by staff in Attachment 5. Commissioner
34 Spelbrink seconded the motion, and the motion was carried seven (7) in favor.
35

36 The Commission directed staff to provide an annual report to the Commission. The report is to
37 include an update on adult monitoring and how that information was incorporated, winter and
38 summer status and the basis for assessment, coho status and the basis for assessment, climate and
39 ocean conditions and the basis for assessment, adaptive management actions implemented, harvest
40 levels and basis for assessment, and the habitat actions in each stratum, and staff and funding
41 resources added.
42

43 **EXHIBIT C: 2022 GROUND FISH FISHERIES REGULATIONS AND 2020**
44 **NEARSHORE LOGBOOK REPORT**

45 The Commission adopted regulations for the 2022 recreational and commercial
46 groundfish fisheries and review the 2020 commercial nearshore logbook report.
47

1 Staff: Maggie Sommer, Marine Fishery Management Section Leader
2 Public Testimony: 48-hour Advance [Registration](#) Required
3 Rulemaking
4

5 Presentation: Maggie provided the Commission with a presentation on the Nearshore
6 Fishery Report and the 2022 Groundfish Regulations. The presentation included information on
7 the commercial nearshore fishery annual report, updated federal rules, state harvest guidelines,
8 commercial management measures and regulation management measures.
9

10 *This presentation is located in the commission material and can be viewed at*
11 https://www.dfw.state.or.us/agency/commission/minutes/21/12_Dec_17/C/Exhibit%20C_Presentation%20for%20web.pdf
12
13

14 Public Testimony

Walt Markee, Dallas	Black Rock Fish Permit holder
Joe Watkins, Nehalem	

15 Action:

16 Commissioner Zarnowitz moved to adopt amended OAR Chapter 635 Divisions 004 and
17 039 as proposed by staff in Attachment 3. Commissioner Hatfield-Hyde seconded the motion, and
18 the motion was carried seven (7) in favor.
19
20

21 **EXHIBIT D: OREGON REVISED RULE FOR SB320: PROVIDE NO-
22 CHARGE DAILY ANGLING LICENSES TO ORGANIZATIONS FOR
23 EXCURSIONS WITH VETERANS AND SERVICE MEMBERS**

24 The Commission amended rules to implement SB320 (2018 LAW)

25 Staff: Ken Loffink, Administrative Services Deputy Administrator
26

27 Presentation: Ken provided the Commission with a presentation on proposed Oregon
28 Administrative Rule (OAR) 635-010-0159. This presentation included proposed amendments and
29 information on SB 320 (2021).
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/21/12_Dec_17/D/Exhibit%20D_Presentation%20for%20Web.pdf
33

34 No Public Testimony
35

36 Action:

37 Commissioner Spelbrink moved to amend OAR Chapter 635; Division 010 as proposed by
38 staff in Attachment 3. Commissioner Labhart seconded the motion, and the motion was carried
39 seven (7) in favor.
40

41 **EXHIBIT E: LATE TAG SALES IN ELECTRONIC LICENSING SYSTEM**

42 The Commission amended rules to facilitate late tag purchases using the Electronic
43 Licensing System.
44

45 Staff: Steve Bergmann, Administrative Services Administrator

1
2 Presentation: Steve provided the Commission with a presentation on late tag sales in the
3 Electronic Licensing System (ELS), including the current process and proposed rule changes.
4

5 *This presentation is located in the commission material and can be viewed at*
6 https://www.dfw.state.or.us/agency/commission/minutes/21/12_Dec_17/E/Exhibit%20E_Presentation_Late%20Tag%20Sales%20in%20Electronic%20Licensing%20System_12-17-21.pdf
7

8 No Public Testimony
9

10 Action:

11 Commissioner Hatfield-Hyde moved to amend OAR Chapter 635, Divisions 065-0015 and
12 010-0019 as proposed by staff. Commissioner Spelbrink seconded the motion, and the motion was
13 carried seven (7) in favor.
14

15 **EXHIBIT F: INCLUDE ELK IN URBAN DEER POPULATION CONTROL**
16 **PROGRAM**

17 The Commission amended the urban deer population control rules to include elk.

18 Staff: Brian Wolfer, Game Program Manager
19

20 Presentation: Brian provided the Commission with a presentation on the Urban Deer
21 Population Control Pilot Program, urban elk issues, Senate Bill 761 (2021), and proposed
22 administrative rules.
23

24 *This presentation is located in the commission material and can be viewed at*
25 https://www.dfw.state.or.us/agency/commission/minutes/21/12_Dec_17/F/Exhibit%20F_Presentation_Include%20Elk%20in%20Urban%20Deer%20Population%20Control%20Program_12-17-21.pdf
26
27

28 Public Testimony

Amy Patrick	Oregon Hunters Association
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29
30 Action:

31 Commissioner Labhart moved to adopt OAR 635; Division 043, as proposed by staff in
32 Attachment 4. Commissioner Zarnowitz seconded the motion, and the motion was carried seven
33 (7) in favor.
34

35 **EXHIBIT G: INCLUDE BIGHORN SHEEP IN TAGS FOR TERMINALLY**
36 **ILL CHILDREN**

37 The Commission amended the Terminally Ill Children program rules to include
38 bighorn sheep along with other big game species.
39

40 Staff: Brian Wolfer, Game Program Manager

41 Public Testimony: 48-hour Advance [Registration](#) Required
42

43 Presentation: Brian provided the Commission with a presentation on the Tags for
44 Terminally ill Children Program; Hunting tags for Disabled Veterans Program; bighorn sheep
45 management, and proposed changes to the programs.
46

1 *This presentation is located in the commission material and can be viewed at*
2 https://www.dfw.state.or.us/agency/commission/minutes/21/12_Dec_17/G/Exhibit%20G_Presentation%20Include%20Bighorn%20Sheep%20in%20Tags%20for%20Terminally%20Ill%20Children-12-17-2021.pdf
3
4
5

6 Public Testimony

7 Mike Totey	8 Oregon Hunters Association
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9 Action:

10 Commissioner Spelbrink moved to adopt OAR Chapter 635; Division 065, as proposed by
11 staff in Attachment 3. Commissioner Labhart seconded the motion, and the motion was carried
12 seven (7) in favor.

13
14 Chair Wahl adjourned the meeting at 3:00 p.m.

DRAFT