



Oregon Fish and Wildlife Commission Agenda

Meeting:
Friday, February 18, 2022 - 8:00 AM
Oregon Department of Fish and Wildlife
Virtual Meeting
4034 Fairview Industrial DR SE
Salem, OR 97302

Friday, February 18, 2022

See notes on the last page of this agenda for instructions on how to [Registration](#) to testify on exhibit items.

DIRECTOR'S REPORT

FIELD REPORTS – in written form only

EXPENDITURE REPORT

Shannon Hurn, Deputy Director

ADAPTING TO CLIMATE AND OCEAN CHANGE REPORT

Council on Ocean Acidification and Hypoxia: Science, Collaboration, Change
Dr. Caren Braby, Marine Resources Program Manager

ADOPT TEMPORARY RULES

Curt Melcher, Director

1.) 635-042-0130

Adopt Non-Treaty Columbia River Commercial Mainstem Smelt Fishery

Adopted 1/25/2022: effective 1/26/2022 through 2/28/22.

This rule implements the 2022 non-Treaty commercial smelt fishery in Zones 1-3 of the lower Columbia River on Mondays, Wednesdays, and Fridays from 5 a.m. to 5 p.m. from January 26 through February 28.

2.) 635-006-0210

Require Electronic Fish Tickets for the Commercial Clam Fisheries

Adopted 1/27/2022: effective 1/28/2022 through 3/31/2022.

This revised rule requires dealers to submit electronic fish tickets for commercial harvest of intertidal and subtidal clams (except razor clams).

3.) 635-023-0095

Modify Columbia River Basin White Sturgeon Retention Fisheries in Bonneville and The Dalles Pools

Adopted 1/28/2022: effective 1/29/2022 through 6/26/2022.

This amended rule closes the white sturgeon retention fishery on the mainstem Columbia River from Bonneville Dam upstream to The Dalles Dam (Bonneville Pool) and adjacent tributaries effective January 30 and extends the on-going white sturgeon retention fishery on the mainstem Columbia River from The Dalles Dam upstream to John Day Dam (The Dalles Pool) and adjacent tributaries.

4.) 635-041-0064 & 635-041-0065

Set Treaty Commercial Winter Fisheries

Adopted 1/31/22: effective 2/1/2022 through 3/19/2022.

These amended rules authorize the sales of fish caught in Zone 6 treaty fisheries. Platform hook and line fisheries are open from February 1 through March 19. Gillnet fisheries include open periods from February 1 through February 5 in The Dalles Pool and from February 1 through February 12 in the John Day Pool.

5.) 635-041-0065

Set Treaty Commercial Winter Fisheries

Adopted 2/9/2022: effective 2/10/2022 through 3/19/2022.

These amended rules authorize the sales of fish caught in Zone 6 treaty gillnet fisheries to include open periods from February 10 through February 12 in The Dalles Pool and extending the open period through February 19 in the John Day Pool.

6.) 635-041-0065

Set Treaty Commercial Winter Fisheries

Adopted 2/15/2022: effective 2/16/2022 through 3/19/2022.

These amended rules authorize the sales of fish caught in Zone 6 treaty gillnet fisheries to include open periods from February 16 through February 18 in The Dalles Pool and extending the open period through February 26 in the John Day Pool.

7.) 635-042-0145, 635-042-0160, 635-042-0170, and 635-042-0180

Adopt Select Area Commercial Fisheries

Adopted 2/16/2022: effective 2/17/2022 through 7/31/2022.

These rules implement the 2022 winter, spring, and summer Select Area commercial fisheries from February 17 through July 31. The following fisheries are addressed by these rules:

Blind/Knappa Slough, Tongue Point/South Channel, Youngs Bay, and Deep River.

OTHER BUSINESS

Request for Declaratory Ruling on North Umpqua

COMMISSION UPDATES

PUBLIC FORUM

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

Please [contact](#) the Oregon Department of Fish and Wildlife Office of the Director before 8:00 AM, February 16, 2022 (at least 48 hours prior to the meeting) to be included in the public forum).

Lostine Wildlife Area rules, suspected pattern of poaching, wildfire concerns, and consideration of a "Safety Zone"

Michael Eng

Southern Resident Orcas and Oregon's Role in Their Recovery

Sristi Kamal, Defenders of Wildlife

North Umpqua Summer Steelhead and Management Issues

David Moskowitz, The Conservation Angler

North Umpqua Summer Steelhead

Kirk Blaine, Native Fish Society

Jeff Dose

Rod Kirschner, The Conservation Angler
Mark Sherwood, Native Fish Society

Columbia River Fisheries
Steve Fick
Jim Wells

MINUTES

The Commission will be asked to approve draft Commission meeting minutes from January 14, 2022.

EXHIBIT B: ODFW/GRAND RONDE TRIBE MEMORANDUM OF UNDERSTANDING FOR SHELLFISH LICENSING

The Commission will be asked to approve a Memorandum of Understanding and amend OAR to address licensing requirements for harvest of shellfish by Grand Ronde tribal members in the Trask Wildlife Management Unit and in the ocean adjacent to Trask Unit.

Staff: Chris Kern, Acting West Region Manager
Public Testimony: 48-hour Advance [Registration](#) Required
Rulemaking

EXHIBIT C: ODFW/ODOT CULVERT REPAIR AGREEMENT

The Commission will be asked to approve a 10-year Culvert Repair Programmatic Agreement to allow the Oregon Department of Transportation to make temporary repairs to state highway system culverts if a significant fish passage improvement can be provided.

Staff: Pete Baki, ODFW-ODOT Fish Passage Liaison
Dr. Shaun Clements, Fish Division Deputy Administrator
Public Testimony: 48-hour Advance [Registration](#) Required
Approval

EXHIBIT D: SHELLFISH MARICULTURE TRANSPORT BIOSECURITY REGULATION UPDATES

The Commission will be asked to amend rules to increase shellfish transport biosecurity.

Staff: Matthew Hunter, Shellfish Project Leader
Dr. Steven Rumrill, Shellfish Program Manager
Public Testimony: 48-hour Advance [Registration](#) Required
Rulemaking

EXHIBIT E: COMMERCIAL MARKET SQUID MANAGEMENT MEASURES

The Commission will be provided an informational presentation and will be asked to amend rules to establish a limited entry control date; clarify rib line requirement; and prohibit cable purse lines.

Staff: Troy Buell, State Fishery Management Program Leader
Public Testimony: 48-hour Advance [Registration](#) Required
Rulemaking

EXHIBIT F: LOWER COLUMBIA RIVER WHITE STURGEON POPULATION AND FISHERIES UPDATE

The Commission will be provided an informational update on the current population status of lower Columbia River white sturgeon and a review of 2021 sturgeon fisheries.

Staff: Tucker Jones, Ocean Salmon and Columbia River Program Manager
Public Testimony: 48-hour Advance [Registration](#) Required
Informational

EXHIBIT G: REGIONAL DRY MAINTENANCE TIME PERIODS

The Commission will be asked to adopt rules for regional dry maintenance time periods.

Staff: Jon Germond, Land Resources Program Manager

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

Rulemaking

EXECUTIVE SESSION

This Executive Session is held pursuant to ORS 192.660 (2)(f) to consider information or records that are exempt by law from public inspection, as well as to consult with legal counsel concerning legal rights and duties regarding current litigation likely to be filed as authorized by ORS 192.660 (2)(h).

ADJOURN

FUTURE PROPOSED COMMISSION TOPICS

* Written public comments for future Commission Topics can be submitted in writing prior to the meeting date at ODFW.Commission@odfw.oregon.gov or mailed to 4034 Fairview Industrial Drive SE Salem, OR 97302.

March 18, 2022 – Salem

**Written public comment period opened January 15, 2022*

- Administrative Rules for Environmental Restoration Weirs (HB 2298)-*Rulemaking*
- Access and Habitat Project Funding - *Approval*
- Ocean Salmon Briefing - *Informational*
- Recreational and Commercial Harvest of Shellfish – *Rulemaking*
- Indian Creek Fish Passage Waiver – *Approval*
- Oregon Action Team for Ungulate Migration, conjunction with an OCAMP update – *Director's Report*

April 22, 2022 – Astoria

**Written public comment period opened February 15, 2022*

- 2022-2023 Oregon Game Bird Regulations – *Rulemaking*
- 2022 Ocean Salmon Fisheries and Ocean Terminal Fisheries – *Rulemaking*
- Amend Burns Paiute Tribe Ceremonial Harvest Permit Hunt Area – *Rulemaking*
- North Umpqua Summer Steelhead Hatchery Program – *Approval*
- 2022 Pacific Halibut Fishing Regulations- *Rulemaking*
- Beaver Management Working Group Report- *Director's Report*

May 13, 2022 – HOLD *No Meeting Scheduled*

**Written public comment period will open March 15, 2022*

June 17, 2022 – TBD

**Written public comment period will open April 15, 2022*

- Furbearer and Unprotected Mammal Regulations – *Rulemaking*
- Access and Habitat Project Funding - *Approval*
- 2023 Auction/Raffle Tag Allocation- *Approval*

July 15, 2022 – HOLD *No Meeting Scheduled*

**Written public comment period will open May 15, 2022*

August 5, 2022 – Salem

**Written public comment period will open June 15, 2022*

September 16, 2022 – TBD

**Written public comment period will open July 15, 2022*

- Access and Habitat Project Funding - *Approval*
- Big Game Regulations; 2023 Tag Setting, Seasons, and Regulations - *Rulemaking*

October 14, 2022 – Salem

**Written public comment period will open August 15, 2022*

November 18, 2022 – HOLD *No Meeting Scheduled*

**Written public comment period will open September 15, 2022*

December 16, 2022 – TBD

**Written public comment period will open October 15, 2022*

- Access and Habitat Project Funding- *Approval*

PLEASE NOTE

AGENDA

The Commission meeting will begin at 8:00 a.m. February 18, 2022. If you wish to receive written materials prepared for any of the agenda items, please contact the Director's Office in Salem at 503.947.6044 or see the agency's website at <https://www.dfw.state.or.us/agency/commission/minutes/>.

The Commission will take a lunch recess as close to 12:00 p.m. as the agenda will accommodate.

PUBLIC TESTIMONY REGISTRATION

If you wish to give verbal testimony on Exhibits scheduled on the Friday, February 18 agenda, you **must register (Registration) before 8:00AM Wednesday February 16, 2022; a minimum of 48 hour prior to the meeting.**

HOW TO REGISTER TO SPEAK AT THE COMMISSION MEETING

When registering to testify please provide ***first and last name, topic, a valid email address, and phone number.***

Listed below are three ways that you can register:

- 1) Click on the link provided on the agenda: fill out the [registration form](#); and click submit.
- 2) Send an email the ODFW.Commission@odfw.oregon.gov; in your email, the information listed above must be provided.
- 3) Call the Department at 503-947-6044

PUBLIC TESTIMONY

You will be called to testify by the Commission Chair. The Commission places great value on information received from the public and wants to avoid arbitrary limits on the time or attention allocated to each witness. Therefore, persons desiring to testify or otherwise present information to the Commission are encouraged to:

- 1) Limit testimony to three (3) minutes, recognizing that substance, not length, determines the value of testimony or written information.
- 2) Endorse rather than repeat testimony of other witnesses; and
- 3) Groups or organizations wishing to testify should designate one spokesperson whenever possible.

PUBLIC FORUM

If you wish to give testimony on any item not scheduled elsewhere on the agenda, please contact the Director's Office, Oregon Department of Fish and Wildlife, 503.947.6044, or ODFW.Commission@odfw.oregon.gov. **You must register before 8:00AM Wednesday February 16, 2022; a minimum of 48 hour prior to the meeting.** Please provide written summaries or other materials to the Commission Assistant prior to your testimony. The Commission is unable to act on items brought to their attention in this forum.

Materials delivered to the Director's Office sufficiently in advance of the meeting will be distributed to the Commission prior of the meeting day; any correspondence or materials received less than 72 hours prior to the meeting will be provided to the Commissioners the day of the meeting. If you have questions regarding this Agenda, please contact Michelle Tate, Director's Office, Oregon Department of Fish and Wildlife, 4034 Fairview Industrial Drive SE, Salem, Oregon, 97302, or call 503- 947-6033.

THANK YOU FOR TAKING THE TIME TO PRESENT YOUR VIEWS

REASONABLE ACCOMMODATION OF DISABILITIES

Reasonable accommodation, such as assistive hearing devices, sign language interpreters, and materials in large print or audiotape, will be provided as needed. In order to ensure availability, please contact the Director's Office at 503.947.6044 at least 72 hours prior to the meeting to make your request. TTY users can reach ODFW by using the Oregon Telecommunications Relay Service. Please dial 711 and ask to connect to 503-947-6044.