



Oregon Fish and Wildlife Commission Minutes

Workshop:
Thursday, March 17, 2022, 1:00 - 4:00
Oregon Department of Fish and Wildlife
Virtual Meeting
4034 Fairview Industrial DR SE
Salem, OR 97302

Meeting:
Friday, March 18, 2022, 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. Those
4 attending part or all of the meeting included:

Mary Wahl, Chair	Debbie Colbert, Deputy Director
Jill Zarnowitz, Vice- Chair	Shannon Hurn, Deputy Director
Bob Spelbrink, Commissioner	Nick Myatt, East Region Manager
Mark Labhart, Commissioner	Chris Kern, Acting West Region Manager
Becky Hatfield-Hyde, Commissioner	Anika Marriott, Assistant Attorney General
Kathayoon Khalil, Commissioner	Erin Donald, Assistant Attorney General
Dr. Leslie King, Commissioner	Michelle Tate, Executive Assistant
	Mike Harrington, Fish Division Administrator
	Bernadette Graham Hudson, Wildlife Division Administrator
	Casey Thomas, Captain Oregon State Police

6 **MEETING**

7
8 On Friday, **March 18, 2022, 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 – in written form only; *this report is available in the meeting materials and at*
14 https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/Field%20Report_March%202022.pdf

15
16
17 Expenditure Report

18 Staff: Shannon Hurn, Deputy Director for Administration

19 Shannon provided the Commission with a report that the agency revenue and expenditure levels
20 are on track and appear very similar to the seven-month mark in the prior biennium. Unrestricted
21 cash finished at \$63.5 million while restricted cash came in at \$27.8 million. As anticipated, we
22 have seen the start of an upwards trend in cash balance following an increase in license sales at the
23 start of the year.

24
25 *This report is available in the meeting materials and at*
26 https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/Commission%20Financial%20Report%20March%202022.pdf

1
2 **2022 LEGISLATIVE SESSION UPDATE**

3 Dr. Debbie Colbert, Deputy Director

4
5 *This report is available in the meeting materials and at*

6 https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/2022_Leg_Update%20030722%20FINAL.pdf

7
8
9 **ADAPTING TO CLIMATE AND OCEAN CHANGE REPORT**

10 Oregon Action Team for Ungulate Migration, in conjunction with the Oregon Connectivity
11 Assessment Mapping Project (OCAMP) update.

12 Bernadette Graham Hudson, Wildlife Division Administrator

13 Dr. Rachel Wheat, Wildlife Connectivity Coordinator

14 Mike Totey, Oregon Hunters Association

15
16 *This report is available in the meeting materials and at*

17 [https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/Wildlife%20Habitat%20Con](https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/Wildlife%20Habitat%20Connectivity%203.18.22.pdf)
18 [nectivity%203.18.22.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/Wildlife%20Habitat%20Connectivity%203.18.22.pdf)

19
20 **2022 COLUMBIA RIVER SALMON STOCK STATUS**

21 John North, Acting Fish Division Deputy Administrator

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

24 [https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/Wildlife%20Habitat%](https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/Wildlife%20Habitat%20Connectivity%203.18.22.pdf)
25 [20Connectivity%203.18.22.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/Wildlife%20Habitat%20Connectivity%203.18.22.pdf)

26
27 **Adopt Temporary Rules**

28 Debbie Colbert, Deputy Director, requested the Commission ratify the following temporary rules.
29 The nine (9) temporary rules were previously adopted by the director under his emergency action
30 authority.

31
32 **1.) 635-041-0065**

33 **Set Treaty Commercial Winter Fisheries**

34 Adopted 02/23/2022: effective 02/24/2022 through 03/19/2022.

35 These amended rules authorize the sales of fish caught in Zone 6 treaty gillnet fisheries to
36 include open periods from March 2 through March 4 in the Bonneville Pool, February 24
37 through February 28 in The Dalles Pool, and extending the open period through February 28
38 in the John Day Pool.

39
40 **2.) 635-042-0145, 635-042-0160, 635-042-0170, 635-042-0180**

41 **Adopt Select Area Commercial Fisheries**

42 Adopted 02/23/2022: effective 02/24/2022 through 07/31/2022.

43 These rules allow possession and sales of legal-sized white sturgeon from February 24
44 through July 28 in the 2022 winter, spring, and summer Select Area commercial fisheries. The
45 following fisheries are addressed by these rules:

- 46 • Blind/Knappa Slough,
47 • Tongue Point/South Channel,

- Youngs Bay, and
- Deep River.

3.) 635-019-0090

Open Lower John Day River Fisheries

Adopted 02/28/2022: effective 03/01/2022 through 05/31/2022.

This amended rule opens the lower portion of the John Day River to harvest of some fish species from March 1 through May 21.

4.) 635-023-0125

Set Recreational Spring Salmon Season in the Columbia River

Adopted 02/28/2022: effective 03/01/2022 through 06/15/2022.

This amended rule sets the Columbia River and modifies the Select Area recreational salmon fisheries from March 1 through June 15.

5.) 635-023-0095

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

Adopted 02/28/2022: effective 03/01/2022 through 06/15/2022.

This amended rule allows retention of white sturgeon on the mainstem Columbia River from Bonneville Dam upstream to The Dalles Dam (Bonneville Pool) and adjacent tributaries on March 9 and March 16. The amended rule also extends the limited 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 through March 30.

6.) 635-042-0130

Adopt Non-Treaty Columbia River Commercial Mainstem Smelt Fishery

Adopted 03/01/2022: effective 03/01/2022 through 03/18/2022.

This rule extends 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 March 18.

7.) 635-023-0095

Close White Sturgeon Retention Fishery in the John Day Pool

Adopted 03/09/2022: 03/10/2022 through 06/26/2022.

This amended rule closes retention of white sturgeon on the mainstem Columbia River from the John Day Dam upstream to McNary Dam (John Day Pool) and adjacent tributaries beginning March 10.

8.) 635-041-0065

Set Treaty Commercial Fishing Period

Adopted 03/09/2022: effective Start Date through End Date.

These amended rules authorize the sales of fish caught in Zone 6 treaty gillnet fisheries to include an open period from March 12 through March 16 in the John Day Pool.

1 **9.) 635-023-0095**

2 **Rescind White Sturgeon Retention Fishery in the Bonneville Pool**

3 Adopted 3/15/22: effective 3/16/22 through 6/26/22.

4 This amended rule rescinds the previously adopted retention fishing day on March 16 for white
5 sturgeon on the mainstem Columbia River from Bonneville Dam upstream to The Dalles Dam
6 (Bonneville Pool) and adjacent tributaries
7

8 Action:

9 Commissioner Spelbrink moved to ratify the nine (9) temporary rules set forth in the the
10 agenda. Commissioner Zarnowitz seconded the motion, and the motion carried
11 unanimously, seven (7) in favor.
12

13 **OTHER BUSINESS**

14
15 **COMMISSION UPDATES**

16 Trap Check Working Group

17 Commissioner Zarnowitz

18 [https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/ODFW%20Trap
19 %20Check%20Report%20-%20202-28-22.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/ODFW%20Trap%20Check%20Report%20-%20202-28-22.pdf)
20

21 Beaver Management Working Group

22 Commissioner Hatfield-Hyde
23

24 Wildlife Response Working Group

25 Commissioner Labhart
26

27 **PUBLIC FORUM**

28 This part of the agenda is for comments on topics not scheduled on the agenda. The Commission
29 does not act on items brought to their attention in this forum.
30

31 *Rock Creek Fish Hatchery*

32 *Tom Kress, Douglas County Commissioner*
33

34 *Southern Oregon Community Support to Reconstruct Rock Creek Hatchery*

35 *Matt Hill, Executive Director; Douglas Timber Operators*

36 [https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/2022-
37 03%20Rebuild%20Rock%20Creek%20Petition%20Public%20Forum_.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/2022-03%20Rebuild%20Rock%20Creek%20Petition%20Public%20Forum_.pdf)
38

39 *Columbia River Allocation between User Groups; Loss of Enhancement Money*

40 *Steve Fick*

41 *Jim Wells*
42

43 *The Need for Clear, Objective Temperature Guidelines for Angling Closures*

44 *Liz Perkin, Native Fish Society*
45

46 *Recognition of dedication to public service and recent decisions*

47 *Lyle Curtis*

1 *North Umpqua summer steelhead*

2 *Rod Kirschner, The Conservation Angler*

3 *Kirk Blaine, Native Fish Society*

4 https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/NUC%20Letter%20to%20ODFW%203-10-22%20public%20forum.pdf

7 *Hatchery summer steelhead on the North Umpqua.*

8 *Becky McRae*

10 *Columbia River wild steelhead*

11 *David Moskowitz*

12 https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/TCA%20Testimony%20to%20the%20OR%20FWC%20March%2018_2022.pdf

15 **Exhibit A: COMMISSION MINUTES**

16 Action:

17 Commissioner Spelbrink moved to approve the February 18, 2022, meeting minutes with
18 continued authority to correct grammar and punctuation. Commissioner Labhart seconded
19 the motion, and the motion was carried seven (7) in favor.

21 **Exhibit B: ACCESS AND HABITAT PROGRAM FUNDING AND BOARD**
22 **RECOMMENDATIONS**

23 The Commission approved the Access and Habitat Board recommendations for project
24 funding and appointed one Landowner Representative and a Chair to the Access and
25 Habitat Board.

26 Staff: Travis Schultz, Access & Habitat Program Coordinator

28 *Presentation:* Travis provided the Commission with a presentation on the Board
29 recommended projects; appointment of the Board Chair; and appointment of a Landowner
30 Representative.

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

33 [https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/B/Exhibit%20B_Presentation](https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/B/Exhibit%20B_Presentation_Access%20and%20Habitat%203-18-22.pdf)
34 [_Access%20and%20Habitat%203-18-22.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/B/Exhibit%20B_Presentation_Access%20and%20Habitat%203-18-22.pdf)

36 No Public Testimony
37 Approval and Appointment

39 Action:

40 **ISSUE 1:** Commissioner Zarnowitz moved to approve the two projects recommended for
41 funding by the Access & Habitat Board. Commissioner Spelbrink seconded the motion,
42 and the motion was carried seven (7) in favor.

44 **ISSUE 2:** Commissioner Hatfield-Hyde moved to appoint Amy Patrick to represent the
45 public and serve as chair of the Access and Habitat Board for her second four-year term.
46 Commissioner Spelbrink seconded the motion, and the motion was carried seven (7) in
47 favor.

1
2 **ISSUE 3:** Commissioner Hatfield-Hyde moved to reappoint John Breese to serve a second
3 four-year term as Landowner Representative on the Access and Habitat Board effective
4 from the end of John’s first term appointment. Commissioner Spelbrink seconded the
5 motion, and the motion was carried seven (7) in favor.
6

7 **Exhibit C: ADMINISTRATIVE RULES FOR ENVIRONMENTAL RESTORATION**
8 **WEIRS (HB 2298)**

9 The Commission approved rules for a program authorizing voluntary stream restoration
10 projects through the construction of environmental restoration weirs. These rules are
11 required by House Bill 2298.

12 Staff: Katherine Nordholm, Fish Screens and Passage Coordinator
13 Dr. Shaun Clements, Fish Division Deputy Administrator
14

15 *Presentation:* Katherine provided the Commission with a presentation on environmental
16 restoration weirs (ERW). The presentation included an overview of the program implementation
17 of HB 2298 and intentions of the program. Katherine also provided information on the public
18 process, public comments, beaver dam analogues and ERWs, ODFW rules for ERW, eligibility
19 criteria for qualifying stream and fish passage, applications materials, and conditional approval,
20 monitoring and reporting, department reports and Task Force recommendation to the Commission.
21

22 *This presentation is located in the commission material and can be viewed at*
23 [https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/C/Exhibit%20C_Presentation](https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/C/Exhibit%20C_Presentation.pdf)
24 [.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/C/Exhibit%20C_Presentation.pdf)
25

26 **Public Testimony**

Kristen Shelman, Commissioner	Harney County Commission
Rocky Dallun, Portland	Tonkin Torp (on behalf of Silvies Valley ranch)
James Fraser, Portland	Trout Unlimited
Jefferson Jacobs, Bend	Oregon Natural Desert Association
Brian Posewitz, Portland	WaterWatch of Oregon

27 **Rulemaking**

28
29 **Action:**

30 Commissioner Labhart moved to adopt OAR Chapter 635 Division 635-412-0045 through
31 635-412-0065 as presented in Amended Attachment 3 as read into the record.

32 Commissioner Spelbrink seconded the motion, and the motion was carried seven (7) in
33 favor.
34

35 **EXHIBIT D: INDIAN CREEK FISH PASSAGE WAIVER**

36 The Commission approved a fish passage waiver and associated mitigation for a fish
37 passage obstruction on Indian Creek with fish passage improvements on Evans Creek.

38 Staff: Pete Baki, ODFW-ODOT Fish Passage Liaison
39 Dr. Shaun Clements, Fish Division Deputy Administrator
40
41
42

1 *Presentation:* Pete provided the Commission with a presentation on the Indian Creek Fish
2 Passage Waiver. The presentation included information on the net benefit analysis, development of
3 the mitigation package, the proposed mitigation, and the Fish Passage Task Force
4 recommendation.

5
6 *This presentation is located in the commission material and can be viewed at*
7 [https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/D/Exhibit%20D_Presentation](https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/D/Exhibit%20D_Presentation.pdf)
8 [.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/D/Exhibit%20D_Presentation.pdf)

9 No Public Testimony
10 Approval

11
12 Action:

13 Commissioner Khalil to approve the Oregon Department of Transportation’s request for a
14 fish passage waiver at the Indian Creek culvert on Highway 281 at mile point 0.845, finding
15 that the proposed mitigation in Evans Creek provides a net benefit to native migratory fish
16 consistent with applicable law. Commissioner Hatfield-Hyde seconded the motion, and the
17 motion was carried seven (7) in favor.

18
19 **EXHIBIT E: OCEAN SALMON BRIEFING**

20 The Commission was updated on 2022 ocean salmon fishery planning leading up to the
21 March 15, 2022, salmon season start date.

22 Staff: Christine Mallette, Ocean Salmon Technical Services Manager
23 John North, Fish Division Deputy Administrator

24
25 *Presentation:* Christine provided the Commission with a presentation on the 2022
26 Ocean Salmon Regulations process and schedule, abundance forecast, Key constraints, and
27 season option for public discussion.

28
29 *This presentation is located in the commission material and can be viewed at*
30 [https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/E/Exhibit%20E_Presentation.](https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/E/Exhibit%20E_Presentation.pdf)
31 [pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/E/Exhibit%20E_Presentation.pdf)

32 No Public Testimony
33 Informational

34
35 **EXHIBIT F: RECREATIONAL AND COMMERCIAL HARVEST OF SHELLFISH**
36 **TO ADDRESS NEARSHORE ECOSYSTEM CONDITIONS AND MANAGEMENT**
37 **OF FISHERIES**

38 The Commission approved a package of management actions proposed to address issues
39 regarding the commercial and recreational harvest of shellfish.

40 Staff: Dr. Steve Rumrill, Shellfish Program Lead

41
42 *Presentation:* Steve provided the Commission with an overview of Oregon recreational and
43 commercial shellfish fisheries and the proposed changes to the shellfish rules.

44
45 *This presentation is located in the commission material and can be viewed at*
46 [https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/F/Exhibit%20F_Presentation.](https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/F/Exhibit%20F_Presentation.pdf)
47 [pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/03_Mar/F/Exhibit%20F_Presentation.pdf)

1 No Public Testimony
2 Rulemaking

3
4 Action:
5 Commissioner Zarnowitz moved OAR Chapter 635, Divisions 005, 006, and 039 as
6 proposed by staff in Attachment 3 to establish regulations for the commercial and
7 recreational shellfish fisheries. Commissioner Khalil seconded the motion, and the motion
8 was carried seven (7) in favor.

9
10 Chair Wahl adjourned the meeting at 3:10 PM p.m.

DRAFT