



**Oregon Fish and Wildlife Commission Minutes**

Tour:  
Thursday, Sept. 15, 2022, 8:00 AM  
Oregon Department of Fish and wildlife  
Hines Office  
237 Hwy 20 South  
Hines, OR 97738

Meeting:  
Friday, September 16, 2022 – 8:00 AM  
The Historical Central Hotel  
The Grand Central Room  
171 N Broadway  
Burns, Oregon 97720

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	Curt Melcher, Director
Jill Zarnowitz, Vice- Chair	Shannon Hurn, Deputy Director of Administration
Bob Spelbrink, Commissioner- Virtual	Debbie Colbert, Deputy Director Fish and Wildlife Programs
Mark Labhart, Commissioner	Nick Myatt, East Region Manager
Becky Hatfield-Hyde, Commissioner	Chris Kern, West Region Manager
Kathayoon Khalil, Commissioner	Anika Marriott, Assistant Attorney General -Virtual
Leslie King, Commissioner	Erin Donald, Assistant Attorney General
	Michelle Tate, Executive Assistant
	Mike Harrington, Fish Division Administrator
	Bernadette Graham Hudson, Wildlife Division Administrator
	Sarah Reif, Habitat Division Administrator
	Casey Thomas, Captain Oregon State Police

6                    **MEETING**

7  
8                    On Friday, **September 16, 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/22/09\\_Sep/September%20Field%20Repor](https://www.dfw.state.or.us/agency/commission/minutes/22/09_Sep/September%20Field%20Report%20.pdf)  
15                    [t%20.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/09_Sep/September%20Field%20Report%20.pdf)

16  
17                    **FINANCIAL REPORT**

18                    Staff: Shannon Hurn, Deputy Director for Administration  
19                    Shannon reported that the unrestricted cash balance at the end of July was at \$71.2 million, and  
20                    that restricted cash came in at \$40.8 million. This increase in restricted cash was caused by the  
21                    receipt of General Fund dedicated to the Oregon Conservation and Recreation Fund through House  
22                    Bill 5202 (2022). The agency remains on track for expenditures during the 2021-23 biennium. It  
23                    was also reported that the department submitted the 2023-25 Agency Request Budget to the Chief  
24                    Financial Office (DAS) on August 31.

25

1 *This report is available in the meeting materials and at*  
2 [https://www.dfw.state.or.us/agency/commission/minutes/22/09\\_Sep/Commission%20Financial%20](https://www.dfw.state.or.us/agency/commission/minutes/22/09_Sep/Commission%20Financial%20Report%20Sept%202022.pdf)  
3 [Report%20Sept%202022.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/09_Sep/Commission%20Financial%20Report%20Sept%202022.pdf)

#### 5 **ADAPTING TO CLIMATE AND OCEAN CHANGE REPORT**

6 Modeling stream flows and temperature to advance our understanding of the effects of climate  
7 change.

8 Staff: Dr. Shaun Clients, Fish Division Deputy Administrator  
9 Courtney Zambory, Assistant Project Leader

10  
11 *This presentation is available in the meeting materials and at*  
12 [https://www.dfw.state.or.us/agency/commission/minutes/22/09\\_Sep/Climate%20and%20Ocean%20](https://www.dfw.state.or.us/agency/commission/minutes/22/09_Sep/Climate%20and%20Ocean%20Change%20Update.pdf)  
13 [Change%20Update.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/09_Sep/Climate%20and%20Ocean%20Change%20Update.pdf)

#### 15 **CHRONIC WASTING DISEASE**

16 Dr. Colin Gillin, State Wildlife Veterinarian

17  
18 *This presentation is available in the meeting materials and at*  
19 [https://www.dfw.state.or.us/agency/commission/minutes/22/09\\_Sep/CWD%20Comm%20Report%](https://www.dfw.state.or.us/agency/commission/minutes/22/09_Sep/CWD%20Comm%20Report%209-16-22.pdf)  
20 [209-16-22.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/09_Sep/CWD%20Comm%20Report%209-16-22.pdf)

#### 22 **Adopt Temporary Rules**

23 Curt Melcher, Director, requested the Commission ratify the following temporary rules. The  
24 twenty-two (22) temporary rules were previously adopted by the director under his emergency  
25 action authority.

##### 27 **1.) 635-039-0085**

#### 28 **Increase Recreational Halibut Days and Bag Limit in Central Coast and Southern Oregon** 29 **Subareas**

30 Adopted: 8/10/2022 Effective: 9/1/2022 through 10/31/2022.

31 This amended rule authorizes fishing seven days per week for Pacific halibut in the recreational  
32 fishery in the Central Coast Subarea all-depth area (Cape Falcon to Humbug Mountain) and  
33 increases the bag limit to two fish in the Central Coast and Southern Oregon (South of Humbug  
34 Mountain) subareas from September 1 through October 31.

##### 36 **2.) 635-017-0090**

#### 37 **Close Retention of Chinook in Green Peter Reservoir**

38 Adopted: 8/16/2022 Effective: 8/16/2022 through 10/31/2022.

39 This amended rule will close retention of Chinook in Green Peter Reservoir through October 31  
40 consistent with similar waterbodies in the Willamette Zone (Detroit and Foster reservoirs) where  
41 Chinook have been released above dams.

##### 43 **3.) 635-041-0075**

#### 44 **Set Treaty Commercial Fall Gillnet Fisheries**

45 Adopted: 8/19/2022 Effective: 8/22/2022 through 12/31/2022.

46 These amended rules authorize the sales of fish caught in Zone 6 treaty gillnet fisheries to include  
47 open periods from August 22 through September 10.

1       **4.) 635-023-0095**

2       **Modify the White Sturgeon Retention fishery in the Mainstem Columbia River Downstream**  
3       **of Bonneville Dam**

4       Adopted: 8/19/2022 Effective: 9/10/2022 through 12/31/2022.

5       This amended rule modifies the white sturgeon fishery on the mainstem Columbia River from  
6       Wauna powerlines upstream to Bonneville Dam to allow for retention on September 10, 14, and  
7       17.

8  
9       **5.) 635-019-0090**

10       **Close Recreational Steelhead Retention in John Day, Umatilla, and Walla Walla Rivers**

11       Adopted: 8/19/2022 Effective: 9/1/2022 through 12/31/2022.

12       This amended rule closes retention of steelhead in portions of the John Day, Umatilla, and Walla  
13       Walla Rivers from September 1 through December 31.

14  
15       **6.) 635-016-0090**

16       **2022 Fall Wild Coastal Coho Seasons**

17       Adopted: 8/19/2022 Effective: 9/15/2022 through 10/31/2022.

18       This amended rule sets recreational wild coho seasons in specified Oregon coastal rivers during the  
19       fall season from September 10 through December 31.

20  
21       **7.) 635-014-0090**

22       **2022 Fall Wild Coastal Coho Seasons**

23       Adopted: 8/19/2022 Effective: 9/10/2022 through 12/31/2022.

24       This amended rule sets recreational wild coho seasons in specified Oregon coastal rivers during the  
25       fall season from September 10 through December 31.

26  
27       **8.) 635-039-0090**

28       **Revise General Marine Fish Bag Limit and Prohibit Retention of Cabezon, China, and**  
29       **Copper**

30       Adopted: 8/22/2022 Effective: 9/6/2022 through 12/31/2022.

31       This amended rule prohibits retention of cabezon, China, and copper rockfish and reduces the daily  
32       general marine fish bag limit to four fish when fishing from a boat. People fishing from shore may  
33       continue to retain these species as part of their daily bag limit, and their daily general marine fish  
34       bag limit remains at five fish.

35  
36       **9.) 635-063-0010**

37       **Modification of Hunting Area Allowed with Landowner Preference Tags for Certain Hunts**  
38       **with Limited Tags**

39       Adopted: 8/25/2022 Effective: 8/25/2022 through 1/31/2023

40       Oregon Administrative Rules establishing 2022 season dates and bag limits for elk hunting were  
41       adopted September 17, 2021. Numerous changes to the structure of elk hunt seasons resulted in a  
42       number of hunts sharing the same season dates and bag limits as six elk hunts with a limit on the  
43       number of LOP tags that may be issued pursuant to OAR 635-075-0020(1)(c). An amendment of  
44       OAR 635-075-0010 is needed so that landowners with property in multiple hunt areas are not able  
45       to circumvent the tag limits established in OAR 635-075-0020(1)(c) by using an LOP elk tag  
46       obtained for a hunt with no limit on LOP tags to hunt in a hunt area where LOP tags are limited.

1       **10.) 635-023-0130**

2       **Close Chinook Retention in the Buoy 10 Fishery**

3       Adopted: 8/30/2022 Effective: 8/30/2022 through 12/31/2022.

4       This amended rule closes retention of Chinook from the mouth of the Columbia River at Buoy 10  
5       upstream to the west Puget Island line. The change started on August 31.

7       **11.) 635-023-0130**

8       **Modify Individual Lower Columbia River Bag Limit**

9       Adopted: 8/31/2022 Effective: 8/31/2022 through 12/31/2022.

10       This amended rule allows a critically ill child, sponsored by Northwest Dream Hunts, to retain a  
11       total of three adult Chinook or hatchery coho as their daily salmon bag limit while fishing on  
12       September 6 in the lower Columbia River.

14       **12.) 635-004-0355**

15       **Commercial Nearshore Fishery Cabezon and Greenling Trip Limit Increases for Periods 5-6**

16       Adopted: 9/1/2022 Effective: 9/1/2022 through 12/31/2022.

17       This rule increases two-month cumulative trip limits for the commercial nearshore fishery for  
18       periods 5-6 (September thru December 2022). For cabezon, period 5 (September thru October  
19       2021) and period 6 (November thru December 2021) will each increase from 1,500 pounds to  
20       2,000 pounds. For greenling, period 5 (September thru October 2021) and period 6 (November  
21       thru December 2021) will each increase from 1,000 pounds to 1,2000 pounds.

23       **13.) 635-023-0130**

24       **Close Chinook Retention in the Buoy 10 Fishery**

25       Adopted: 9/1/2022 Effective: 9/2/2022 through 12/31/2022.

26       This amended rule closes salmon angling and retention from the mouth of the Columbia River at  
27       Buoy 10 upstream to Bonneville Dam starting September 2.

29       **14.) 635-019-0090**

30       **Close Recreational Steelhead Retention in John Day River**

31       Adopted: 9/6/2022 Effective: 9/15/2022 through 12/31/2022.

32       This amended rule closes fishing of steelhead in the John Day River from September 15 through  
33       December 31.

35       **15.) 635-010-0019**

36       **Amend Rules to Allow Exchange of Tags for Select Controlled Hunts Impacted by Wildfire**

37       Adopted: 9/07/2022 Effective: 9/07/2022 through 13/31/2022

38       Oregon Administrative Rules establishing hunting season dates for 2022 controlled and general  
39       season hunts and adopting the “2022 Oregon Big Game Regulations” into administrative rule by  
40       reference, were adopted September 17, 2021. Amendment of these rules is necessary as a result of  
41       wildfires significantly impacting the ability of tag holders to participate in certain controlled hunts.

43       **16.) 635-041-0075**

44       **Set Treaty Commercial Fall Gillnet Fisheries**

45       Adopted: 9/9/2022 Effective: 9/12/2022 through 12/31/2022.

46       These amended rules authorize the sales of fish caught in Zone 6 treaty gillnet fisheries during an  
47       open period from September 12 through September 17.

1           **17.) 635-067-0000**

2   **Amend Rules to Modify Season Dates for Specified 2022 Oregon Controlled Rocky Mountain**  
3 **Goat Hunts**

4   Adopted: 9/09/2022 Effective Dates: 9/09/2022 through 12/31/2022

5   Oregon Administrative Rules establishing season dates for 2022 controlled Rocky Mountain goat  
6   hunts were adopted by the Commission on September 17, 2021. Amendment of these rules is  
7   necessary as a result of wildfires significantly impacting the ability of tag holders to participate in  
8   certain controlled hunts

9  
10           **18.) 635-021-0090**

11 **Reduce Angling Restrictions in Haystack Reservoir**

12   Adopted: 9/12/2022 Effective: 9/16/2022 through 12/31/2022.

13   This amended rule addresses fishing regulations in Haystack Reservoir. The dam that holds back  
14   water creating Haystack Reservoir needs emergency maintenance. The maintenance requires the  
15   reservoir to be drained to a very low water level that will likely not be suitable for fish. To allow  
16   anglers to harvest the fish prior to the low water conditions, all size limits, bag limits, and gear  
17   restrictions for gamefish are lifted from September 16 through November 30.

18  
19           **19.) 635-041-0075**

20 **Set Treaty Commercial Fall Gillnet Fisheries**

21   Adopted: 9/14/2022 Effective: 9/19/2022 through 12/31/2022.

22   These amended rules authorize the sales of fish caught in Zone 6 treaty gillnet fisheries during an  
23   open period from September 19 through September 22.

24  
25           **20.) 635-042-0060**

26 **Modify Select Area Sales and Authorize Mainstem Columbia River Commercial Fisheries**

27   Adopted: 9/14/2022 Effective: 9/18/2022 through 12/31/2022.

28   These rules authorize fishing periods on September 18 through September 23 in the mainstem  
29   Columbia River Commercial Zones 4-5 and prohibit retention and sale of white sturgeon in the  
30   Blind/Knappa Slough, Tongue Point/South Channel, Youngs Bay, and Deep River Select Area  
31   fisheries.

32  
33           **21.) 635-023-0130**

34 **Amend Lower Columbia River Recreational Fall Salmon Retention Fisheries**

35   Adopted: 9/14/2022: Effective: 9/15/2022 through 12/31/2022.

36   This amended rule reopens the lower Columbia River recreational salmon fisheries with reduced  
37   area from September 15 through October 31.

38  
39           **22.) 635-042-0145, 635-042-0160, 635-042-0170, 635-042-0180**

40 **Modify Select Area Sales and Authorize Mainstem Columbia River Commercial Fisheries**

41   Adopted: 9/14/2022 Effective: 9/18/2022 through 12/31/2022.

42   These rules prohibit retention and sale of white sturgeon in the Blind/Knappa Slough, Tongue  
43   Point/South Channel, Youngs Bay, and Deep River Select Area fisheries.

1 Action:

2 Commissioner Hatfield-Hyde moved to ratify the twenty-two (22) temporary rules set forth in the  
3 today's tan agenda. Commissioner Labhart seconded the motion, and the motion carried  
4 unanimously, seven (7) in favor.

5  
6 **OTHER BUSINESS**

7 High Desert Partnership (HDP)

8 Brenda Smith, Executive Director

9 Josh Hanson, HDP Forest and Wildfire Collaborative Coordinator

10 Melissa Petschauer, HDP Wetlands Collaborative Coordinator

11 Bob Salinger, Portland Audubon & Harney Basin Wetlands Collaborative partner

12  
13 *This presentation is available in the meeting materials and at*

14 [https://www.dfw.state.or.us/agency/commission/minutes/22/09\\_Sep/HDP%20ODFW%20Commission%20Presentation%209-15-22.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/09_Sep/HDP%20ODFW%20Commission%20Presentation%209-15-22.pdf)

15  
16  
17 Commission Meeting Dates

18 Michelle Tate, Executive Assistant to the Commission and Director, presented the  
19 proposed 2023 meeting dates for commission approval and the results of a recent survey  
20 of commissioners on topics and locations of interest in the coming year.

21 [2023 Commission meeting dates – approved](#)

22  
23 **PUBLIC FORUM**

24 This part of the agenda is for comments on topics not scheduled on the agenda. The Commission  
25 is unable to take action on items brought to their attention in this forum.

26  
27 *Wolf Management*

28 *Amy Patrick, Oregon Hunters Association*

29 *John Williams*

30  
31 *Wolf Conservation and Management Plan, Process for Stakeholder Review*

32 *Danielle Moser, Oregon Wild*

33  
34 *Elk River*

35 *Leonard Krug, Oregon Anglers Alliance*

36  
37 **Exhibit A: COMMISSION MINUTES**

38 Action:

39 Commissioner Labhart moved to approve the August 5, 2022, meeting minutes with  
40 continued authority to correct grammar and punctuation. Commissioner Khalil seconded the  
41 motion, and the motion was carried seven (7) in favor.

42  
43 **Exhibit B: BIG GAME REGULATIONS 2023 TAG SETTING, SEASONS AND**  
44 **REGULATIONS**

45 The Commission approved the Big Game tag numbers, seasons, and regulations for 2023

46 Staff: Brian Wolfer, Game Program Manager

47 Dr. Don Whittaker, Ungulate Species Coordinator

1 Derek Broman, Carnivore/Furbearer Coordinator

2  
3 *Presentation:* Wildlife Division Game Program staff provided a presentation on the  
4 process for big game regulation development, an update on the Big Game Regulation Review  
5 Project update, and the proposed 2023 regulations.

6  
7 *This presentation is located in the commission material and can be viewed at*  
8 [https://www.dfw.state.or.us/agency/commission/minutes/22/09\\_Sep/B/Ex%20B\\_Presentation\\_2022%20Big%20Game%20Regulations.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/09_Sep/B/Ex%20B_Presentation_2022%20Big%20Game%20Regulations.pdf)  
9

10  
11 **Public Testimony**

Amy Patrick	Oregon Hunters Association
Steve Hagan	Oregon Hunters Association
Tyler Dungannon	Oregon Hunters Association
Robert Bourland	

12 **Rulemaking**

13  
14 **Action:**

15 Commissioner Hatfield-Hyde moved to adopt the staff proposals in Attachment 3  
16 amending OAR Chapter 635, Divisions 008, 045, 060, 065, 066, 067, 068, 069, 070, 071, 072,  
17 073, 075, and 90 as proposed by staff. Commissioner Zarnowitz seconded the motion, and the  
18 motion was carried seven (7) in favor.

19  
20 **Exhibit C: ACCESS AND HABITAT PROGRAM BOARD APPOINTMENT**

21 The Commission appointed a Landowner Representative to the Access and Habitat Board.

22 Staff: Travis Schultz, A&H Program Coordinator -Virtual  
23 Brian Wolfer, Game Program Manager  
24

25 *Presentation:* Travis provided the Commission with a presentation on the appointment of a  
26 Landowner Representative to the Access and Habitat Board.

27  
28 *This presentation is located in the commission material and can be viewed at*  
29 [https://www.dfw.state.or.us/agency/commission/minutes/22/09\\_Sep/C/Ex%20C\\_Presentation\\_A%20and%20H.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/09_Sep/C/Ex%20C_Presentation_A%20and%20H.pdf)  
30

31  
32 **No Public Testimony**  
33 **Approval**

34  
35 **Action:**

36 Commissioner Hatfield-Hyde moved to appoint Jeff McNerney to serve a four-year term as the  
37 Landowner Representative on the Access and Habitat Board. Commissioner Vice-Chair Zarnowitz  
38 seconded the motion, and the motion was carried seven (7) in favor.

39  
40 **EXHIBIT D: JOHN DAY WATERSHED OFFICE LAND ACQUISITION**  
41 **PROJECT**

42 The Commission approved the acquisition of 10 acres of land in Pendleton, Oregon, which  
43 will be the future home of the John Day Watershed District Office.

1 Staff: Nick Myatt, East Region Manager

2  
3 Presentation: Nick provided the Commission with a presentation on the acquisition of land  
4 for the ODFW Pendleton office. This presentation included information on the existing office, the  
5 proposed land acquisition, and the next steps.

6  
7 *This presentation is located in the commission material and can be viewed at*

8 [https://www.dfw.state.or.us/agency/commission/minutes/22/09\\_Sep/D/Ex%20D\\_Pr](https://www.dfw.state.or.us/agency/commission/minutes/22/09_Sep/D/Ex%20D_Presentation_Pendleton%20Office%20Land%20Acquisition.pdf)  
9 [esentation\\_Pendleton%20Office%20Land%20Acquisition.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/09_Sep/D/Ex%20D_Presentation_Pendleton%20Office%20Land%20Acquisition.pdf)

10 No Public Testimony  
11 Rulemaking

12  
13 Action:

14 Commissioner Khalil approved the acquisition of the Southgate property in Pendleton,  
15 approximately 9.25 acres in Umatilla County, and directed staff to proceed to closing upon  
16 completion of all processes required under Oregon law for land acquisition. Commissioner  
17 Labhart seconded the motion, and the motion was carried seven (7) in favor

18  
19 **EXHIBIT E: CONSERVATION AND RECREATION FUND RULE AMEDMENT**

20 The Commission amended the Oregon Conservation and Recreation Fund (OCRF)  
21 rules in Division 098.

22 Staff: Dr. Charlotte Regula-Whitefield, OCRF Program Coordinator- Virtual  
23 Sarah Reif, Habitat Division Administrator

24  
25 Presentation: Charlotte provided the Commission with a presentation on the proposed  
26 OCRF rule amendment. The presentation included information on the OCRF background and  
27 history and on the currently funded projects, granting structure, the grant review process, and the  
28 proposed rule amendment.

29  
30 *This presentation is located in the commission material and can be viewed at*

31 [https://www.dfw.state.or.us/agency/commission/minutes/22/09\\_Sep/E/Ex%20E\\_Presentation\\_OC](https://www.dfw.state.or.us/agency/commission/minutes/22/09_Sep/E/Ex%20E_Presentation_OC)  
32 [RF.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/09_Sep/E/Ex%20E_Presentation_OC)

33 No Public Testimony  
34 Rulemaking

35  
36 Action:

37 Commissioner Labhart to amend OAR 635-098-0060 as proposed by staff. Commissioner  
38 Hatfield-Hyde seconded the motion, and the motion was carried seven (7) in favor.

39  
40 **EXHIBIT F: OREGON AGRICULTURAL HERITAGE COMMISSION, FISH AND**  
41 **WILDLIFE HABITAT REPRESENTATIVE APPOINTMENT**

42 The Commission approved a recommendation to the Oregon Watershed Enhancement  
43 Board (OWEB) on an appointment of a fish and wildlife habitat member to Oregon  
44 Agricultural Heritage Commission (OAHC).

45 Staff: Sarah Reif, Habitat Division Administrator

1 Presentation: Sarah provided the Commission with a presentation on Fish and Wildlife  
2 Habitat Representative Recommendation to the Oregon Agricultural Heritage Commission  
3 (OAHC). The presentation included background of the Oregon Agricultural Heritage Program and  
4 the Oregon Agricultural Heritage Commission, OWEB's public recruitment for the position, and  
5 the four applications reviewed by staff.

6  
7 *This presentation is located in the commission material and can be viewed at*  
8 [https://www.dfw.state.or.us/agency/commission/minutes/22/09\\_Sep/F/Ex%20F\\_Presentation\\_OA](https://www.dfw.state.or.us/agency/commission/minutes/22/09_Sep/F/Ex%20F_Presentation_OA_HC.pdf)  
9 [HC.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/09_Sep/F/Ex%20F_Presentation_OA_HC.pdf)

10 No Public Testimony  
11 Rulemaking

12  
13 Action:

14 Commissioner Labhart moved to approve the recommendation of Eduardo Contreras to the Oregon  
15 Watershed Enhancement Board for his appointment to the Oregon Agricultural Heritage  
16 Commission as a fish and wildlife habitat member, for a four-year term beginning January 2023.

17 Commissioner Hatfield- Hyde seconded the motion and the motion was carried seven (7) in favor.

18  
19 Chair Wahl adjourned the meeting at 3:00 p.m.