



Oregon Fish and Wildlife Commission Minutes

TOUR:
Thursday, October 13, 2022, 8:00
Fish and Wildlife Commission Tour
The Mill Casino
3201 Tremont Ave
North Bend, OR 97459

MEETING:
Friday, October 14, 2022, 8:00 AM
The Mill Casino
Salmon Room West
3201 Tremont Ave
North Bend, OR 97459

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 the meeting included:

Jill Zarnowitz, Vice Chair	Curt Melcher, Director
Bob Spelbrink, Commissioner	Shannon Hurn, Deputy Director of Administration
Mark Labhart, Commissioner	Nick Myatt, East Region Manager
Jill Zarnowitz, Commissioner	Chris Kern, West Region Manager
Becky Hatfield-Hyde, Commissioner	Anika Marriott, Assistant Attorney General
Kathayoon Khalil, Commissioner	Erin Donald, Assistant Attorney General
Leslie King, Commissioner	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, **October 14, 2022, at 8:00 AM**, Vice Chair Zarnowitz called the **Oregon Fish and**
9 **Wildlife Commission** (the Commission) meeting to order.

10
11 Chair Wahl excused for personal business

12
13 **DIRECTOR’S REPORT**

14
15 Field Reports – in written form only; *this report is available in the meeting materials and at*
16 [https://www.dfw.state.or.us/agency/commission/minutes/22/10_Oct/Oct%202022%20Field%20Re](https://www.dfw.state.or.us/agency/commission/minutes/22/10_Oct/Oct%202022%20Field%20Report%20Final%20dc.pdf)
17 [port%20Final%20dc.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/10_Oct/Oct%202022%20Field%20Report%20Final%20dc.pdf)

18
19 Expenditure Report

20 Staff: Shannon Hurn, Deputy Director for Administration
21 Shannon reported to the Commission that the Agency remains on track for expenditures this
22 biennium. There are no new updates on the 2023-25 Agency Requested Budget submission.

23
24 *This report is available in the meeting materials and at*
25 [https://www.dfw.state.or.us/agency/commission/minutes/22/10_Oct/Commission%20Expenditure%](https://www.dfw.state.or.us/agency/commission/minutes/22/10_Oct/Commission%20Expenditure%20Report%20Oct%202022%20Final.pdf)
26 [20Report%20Oct%202022%20Final.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/10_Oct/Commission%20Expenditure%20Report%20Oct%202022%20Final.pdf)

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

3 Renewable Energy

4 Sarah Reif, Habitat Division Administrator

5 Mike Moore, Regional Habitat Biologist, Klamath Watershed District

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

7 [https://www.dfw.state.or.us/agency/commission/minutes/22/10_Oct/Renewable%20Energy%20Pre](https://www.dfw.state.or.us/agency/commission/minutes/22/10_Oct/Renewable%20Energy%20Presentation.pdf)
8 [sentation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/10_Oct/Renewable%20Energy%20Presentation.pdf)

9
10 **Adopt Temporary Rules**

11 Director Curt Melcher requested the Commission ratify the following temporary rules. The twelve
12 (12) temporary rules were previously adopted by the director under his emergency action
13 authority.

14
15 **1) 635-019-0090**

16 **Open Grande Ronde River Coho Salmon Fishery**

17 Adopted 9/21/2022: effective 9/24/2022 through 12/31/2022.

18 This amended rule opens a recreational coho fishery on the Grande Ronde River from September
19 24 through November 30.

20
21 **2) 635-016-0090**

22 **Increase Hatchery Chinook Daily Bag Limit in Elk River**

23 Adopted 9/22/2022: effective 9/26/2022 through 12/31/2022.

24 This amended rule increases the daily hatchery adult Chinook bag limit in the Elk River from two
25 to three fish starting September 26.

26
27 **3) 635-042-0060**

28 **Authorize Mainstem Columbia River Non-Treaty Commercial Fisheries**

29 Adopted 9/22/2022: effective 9/25/2022 through 12/31/2022.

30 These rules authorize commercial non-treaty gillnet and tangle net fishing periods in the mainstem
31 Columbia River below Bonneville Dam from September 25 through October 28.

32
33 **4) 635-041-0075**

34 **Set Treaty Commercial Fall Gillnet Fisheries**

35 Adopted 9/22/2022: effective 9/22/2022 through 12/31/2022.

36 These amended rules authorize the sale of fish caught in Zone 6 treaty gillnet fisheries during an
37 open period modified to extend through September 23 and during a period September 26 through
38 September 29.

39
40 **5) 635-021-0090**

41 **Close Angling in the Crooked River and Ochoco Creek**

42 Adopted 9/22/2022: effective 9/24/2022 through 10/31/2022.

43 This amended rule closes angling in the Crooked River downstream of Prineville Reservoir and in
44 Ochoco Creek downstream of Ochoco Reservoir from September 24 through October 31.

45 **6) 635-041-0075**

46 **Set Treaty Commercial Fall Gillnet Fisheries**

47 Adopted 9/29/2022: effective 10/3/2022 through 12/31/2022.

1 These amended rules authorize the sale of fish caught in Zone 6 treaty gillnet fisheries during an
2 open period from October 3 through October 6.

3
4 **7) 635-042-0060**

5 **Authorize Mainstem Columbia River Non-Treaty Commercial Fisheries**

6 Adopted 9/29/2022: effective 10/2/2022 through 12/31/2022.

7 These rules authorize commercial gillnet fishing periods in commercial zones 4 and 5 in the
8 mainstem Columbia River from October 2 through October 13.

9
10 **8) 635-023-0130**

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

12 Adopted 9/29/2022: effective 10/1/2022 through 12/31/2022.

13 This amended rule reopens the lower Columbia River recreational Chinook fisheries from October
14 1 through December 31.

15
16 **9) 635-005-0387**

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

18 Adopted 9/29/2022: effective 10/1/2022 through 12/31/2022.

19 This amended rule closes the Tillamook Bay commercial intertidal cockle fishery as the fishery is
20 projected to have reached the 80,000-pound quota.

21
22 **10) 635-004-0275**

23 **Federal Actions and Management Measures Implemented for Commercial Groundfish**
24 **Fisheries**

25 Adopted 10/4/2022: effective 10/4/2022 through 12/31/2022.

26 This amended rule adopts in-season actions previously adopted by the federal government for
27 2021-2022 Pacific Coast Limited Entry Fixed Gear and Open Access commercial groundfish
28 fisheries, including, but not limited to, increases in sablefish, lingcod, and canary rockfish trip
29 limits.

30
31 **11) 635-042-0060**

32 **Rescind Mainstem Columbia River Non-Treaty Commercial Fisheries**

33 Adopted 10/6/2022: effective 10/7/2022 through 12/31/2022.

34 These rules rescind commercial gillnet fishing periods in commercial zones 4 and 5 in the
35 mainstem Columbia River from October 9 through October 13.

36
37 **12) 635-023-0130**

38 **Amend Columbia River Recreational Fall Salmon Retention Fisheries**

39 Adopted 10/6/2022: effective 10/8/2022 through 12/31/2022.

40 This amended rule closes the Columbia River recreational Chinook fisheries from October 8
41 through December 31.

42
43 Action:

44 Commissioner Labhart moved to ratify the twelve (12) temporary rules set forth in the agenda.

45 Commissioner Spelbrink seconded the motion. The motion carried unanimously, six (6) in favor;
46 one excused-Wahl.

1 **OTHER BUSINESS**

2 Delegation to Director for Approval and Implementation of Property Transfer
3 Agreement; Klamath Parcel B Lands

4
5 Commissioner Spelbrink moved to delegate to director approval and
6 implementation of the property transfer agreement related to the Klamath Parcel B
7 Lands. Commissioner Hatfield-Hyde seconded the motion, and the motion was
8 carried six (6) in favor; one excused-Wahl.

9
10 **COMMISSION UPDATES**

11
12 **PUBLIC FORUM**

13 This part of the agenda is for comments on topics not scheduled on the agenda.

14
15 *Floating offshore wind energy Development off the Oregon coast*
16 *Mike Okoniewski, Fisheries Consultant to Pacific Seafood*

17
18 *Potential impact the Tribal MOU may have on the overall herd numbers*
19 *Casey Ferguson*

20
21 *Columbia River Steelhead*
22 *David Moskowitz, The Conservation Angler*

23
24 **Exhibit A: COMMISSION MINUTES**

25 Action:

26 Commissioner Khalil moved to approve the September 2022 meeting minutes with continued
27 authority to correct grammar and punctuation. Commissioner Spelbrink seconded the motion, and
28 the motion was carried unanimously, six (6) in favor; one excused-Wahl

29
30 **Exhibit B: SALMON CARCASS DISPOSITION**

31 The Commission adopted revised rules for the disposition of excess hatchery salmon carcasses that
32 reflect direction in House Bill 3191 (2021).

33 Staff: Dr. Shaun Clements, Fish Division Deputy Administrator

34
35 *Presentation:* Shaun provided the Commission with a presentation on the proposed salmon
36 carcass disposition rule revision.

37
38 *This presentation is located in the commission material and can be viewed at*

39 [https://www.dfw.state.or.us/agency/commission/minutes/22/10_Oct/B/Exhibit%20B_Presentation.](https://www.dfw.state.or.us/agency/commission/minutes/22/10_Oct/B/Exhibit%20B_Presentation.pdf)
40 [pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/10_Oct/B/Exhibit%20B_Presentation.pdf)

41
42 No Public Testimony
43 Rulemaking

1 Action:

2 Commissioner Hatfield-Hyde moved to amend OAR 635-007-0530 and OAR 635-007-1000 as
3 proposed by staff in attachment 3. Commissioner Labhart seconded the motion, and the motion
4 was carried six (6) in favor; one excused-Wahl.

5
6 **Exhibit C: JUMP CREEK FISH PASSAGE EXEMPTION**

7 The Commission approved fish passage exemptions for ten artificial barriers on Jump Creek
8 in the Silvies Basin.

9 Staff: Katherine Nordholm, Fish Screens and Passage Coordinator
10 Dr. Shaun Clements, Fish Division Deputy Administrator

11
12 Presentation: Katherine provided the Commission with a presentation on the Jump Creek Fish
13 Passage Exemption. Information provided included project location, background,
14 exemption requests, fish passage barriers at the confluence, and water rights
15 information.

16
17 *This presentation is located in the commission material and can be viewed at*

18 [https://www.dfw.state.or.us/agency/commission/minutes/22/10_Oct/C/Exhibit%20C_Presentation.](https://www.dfw.state.or.us/agency/commission/minutes/22/10_Oct/C/Exhibit%20C_Presentation.pdf)
19 [pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/10_Oct/C/Exhibit%20C_Presentation.pdf)

20
21 **Public Testimony**

Elizabeth Howard	Attorney for Applicant
Brian Posowitz	Water Watch
David Moskowitz	The Conservation Angler

22
23 **Approval**

24
25 Action:

26 Commissioner Spelbrink moved to approve the fish passage exemption requests for 10 artificial
27 structures on Jump Creek because the Commission finds that there would be no appreciable benefit
28 to native migratory fish if passage were provided at these structures. Commissioner King seconded
29 the motion, and the motion was carried six (6) in favor; one excused-Wahl.

30
31 **EXHIBIT D: REVOCATION OF COMMERCIAL FISHING LICENSES**

32 The Commission authorized the revocation of two commercial fishing licenses held by Mr.
33 Richard Shore for the remainder of 2022 and for a period of one year.

34 Staff: Ken Loffink, ASD Administrator

35 Presentation: Ken provided the Commission with a presentation on the rules, statutes, and facts to
36 support the revocation of Richard Shore's Residential Commercial Fishing
37 Licenses.

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/22/10_Oct/D/Exhibit%20D_Presentation](https://www.dfw.state.or.us/agency/commission/minutes/22/10_Oct/D/Exhibit%20D_Presentation_Revocation%20of%20Commercial%20Licenses.pdf)
41 [Revocation%20of%20Commercial%20Licenses.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/10_Oct/D/Exhibit%20D_Presentation_Revocation%20of%20Commercial%20Licenses.pdf)

42
43 No Public Testimony

1 Approval

2
3 Action:

4 Commissioner Khalil moved that the Commission revoke the 2022 Resident Individual
5 Commercial Fishing License Permit #16307 and Resident Limited Fish Seller Permit #108G7, held
6 by Richard Shore, for the remainder of 2022 and to refuse issuance of commercial fishing licenses
7 or permits for a period of one year from the date of issuance of the final order. Commissioner King
8 seconded the motion, and the motion was carried six (6) in favor; one excused-Wahl.
9

10 **EXHIBIT E: OREGON CONSERVATION AND RECREATION FUND PROJECT**
11 **APPROVAL**

12 The Commission approved a total expenditure of \$715,000 (which includes a
13 \$550,000 restricted private project donation and \$165,000 in OCRF matching funds)
14 from the Oregon Conservation and Recreation Fund for the Special Project.

15 Staff: Dr. Charlotte Regula-Whitefield, Oregon Conservation and Recreation
16 Fund Coordinator
17

18 Presentation: Charlotte provided the Commission with a presentation on the competitive
19 grant process, direct awards outside of the competitive fund process, overarching goals related to
20 the Trout Creek Ranch project, project partnerships and outreach. The presentation included
21 information on the Trout Creek Ranch Conservation competitive grant project and the accelerated
22 restoration timeline.
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/22/10_Oct/E/Exhibit%20E_Presentation
26 [OCRF%20Special%20Project.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/10_Oct/E/Exhibit%20E_Presentation)
27

28 No Public Testimony
29

30 Approval

31
32 Action:

33 Commissioner Hatfield-Hyde moved to approve the expenditure from the Oregon Conservation
34 and Recreation Fund of up to \$715,000 for the project “Trout Creek Ranch and Pueblo Mountains
35 Conservation Area” contingent upon the receipt of restricted donations of \$550,000. Commissioner
36 King seconded the motion, and the motion was carried six (6) in favor; one excused-Wahl.
37

38
39 Vice-Chair Zarnowitz adjourned the meeting at 10:00 a.m.