



Oregon Fish and Wildlife Commission Minutes

Tour:
Thursday, December 15, 2022, 8:30 am
Sheraton Portland Hotel
Hotel Lobby
8235 NE Airport Way
Portland, OR 97220

Meeting:
Friday, December 16, 2022 – 8:00 am
Sheraton Portland Hotel
Mt. Adams Room
8235 NE Airport Way
Portland, OR 97220

1 Notice of these meetings had been made by press release of statewide media circulation. Those
2 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	Debbie Colbert, Deputy Director Fish & 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
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

4 **MEETING**

5
6 On Friday, **December 16, 2022, at 8:00 AM, Chair Wahl called the Oregon Fish and Wildlife**
7 **Commission** (the Commission) meeting to order.

8
9 **DIRECTOR’S REPORT**

10
11 Field Reports – in written form only; *this report is available in the meeting materials and at*
12 [https://www.dfw.state.or.us/agency/commission/minutes/22/12_Dec/Dec.%202022%20Field%20R](https://www.dfw.state.or.us/agency/commission/minutes/22/12_Dec/Dec.%202022%20Field%20Report%20working%20final%20dc.pdf)
13 [eport%20working%20final%20dc.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/12_Dec/Dec.%202022%20Field%20Report%20working%20final%20dc.pdf)

14
15 Expenditure Report

16 Staff: Shannon Hurn, Deputy Director for Administration

17 Shannon reported that unrestricted cash balance for October finished at \$67.2 million and
18 restricted cash came in at \$47.9 million, for a total of \$115.1 million. This represents a \$3 million
19 decline in unrestricted cash from the prior month. The agency anticipates this downward trend to
20 continue until the sale of 2023 license products increase. Shannon also shared that the Governor’s
21 Recommended Budget is expected to be published in early 2023.

22
23 *This report is available in the meeting materials and at*
24 [https://www.dfw.state.or.us/agency/commission/minutes/22/12_Dec/Commission%20Financial%2](https://www.dfw.state.or.us/agency/commission/minutes/22/12_Dec/Commission%20Financial%20Report%20Dec%202022.pdf)
25 [0Report%20Dec%202022.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/12_Dec/Commission%20Financial%20Report%20Dec%202022.pdf)

1 ADAPTING TO CLIMATE AND OCEAN CHANGE REPORT

2 ODFW Carbon Reduction Plan - in written form only; *this report is available in the*
3 *meeting materials and at*

4 [https://www.dfw.state.or.us/agency/commission/minutes/22/12_Dec/Carbon%20Reduction%20Pla](https://www.dfw.state.or.us/agency/commission/minutes/22/12_Dec/Carbon%20Reduction%20Plan%20-Commission%2012.16.22.pdf)
5 [n%20-Commission%2012.16.22.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/12_Dec/Carbon%20Reduction%20Plan%20-Commission%2012.16.22.pdf)

6
7 ROGUE SOUTH COAST CONSERVATION PLAN UPDATE - in written form only; *this report*
8 *is available in the meeting materials and at*

9 [https://www.dfw.state.or.us/agency/commission/minutes/22/12_Dec/2022%20RSP%20Annual%20](https://www.dfw.state.or.us/agency/commission/minutes/22/12_Dec/2022%20RSP%20Annual%20Report%2012.16.22.pdf)
10 [Report%2012.16.22.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/12_Dec/2022%20RSP%20Annual%20Report%2012.16.22.pdf)

11
12 **ADOPT TEMPORARY RULES**

13 Curt Melcher, Director

14
15 **1) 635-014-0090**

16 **Authorize Retention of Hatchery Coho in the Lower Skipanon River**

17 Adopted 10/17/2022: effective 10/18/2022 through 12/31/2022.

18 These amended rules will allow harvest of hatchery coho in the lower Skipanon River
19 from October 18 through December 31.

20
21 **2) 635-004-0355**

22 **Reduce Commercial Nearshore Fishery Black Rockfish Bi-monthly Trip Limit for**
23 **Period 6**

24 Adopted 10/18/2022: effective 10/18/2022 through 12/31/2022.

25 This rule reduces two-month cumulative trip limits for the commercial nearshore black
26 rockfish fishery for period 6 (November thru December 2022) from 1,800 pounds to 200
27 pounds.

28
29 **3) 635-016-0090**

30 **Chetco and Winchuck Rivers Gear Restrictions Due to Low Water Conditions**

31 Adopted 10/31/2022: effective 11/1/2022 through 12/31/2022.

32 This amended rule extends the current fly angling gear restrictions and salmon/steelhead
33 bobber fishing rule in portions of the Chetco and Winchuck rivers through November 15.

34
35 **4) 635-067-0000**

36 **Amend Rules to Modify Season Dates for a 2022 Oregon Controlled Bighorn Sheep**
37 **Hunt**

38 Adopted: November 04, 2022 – Effective Dates: November 04, 2022, through December
39 31, 2022

40 Oregon Administrative Rules establishing season dates for 2022 controlled bighorn sheep
41 hunts were adopted by the Commission on September 17, 2021. Amendment of these rules
42 is necessary as a result of wildfires significantly impacting the ability of tag holders to
43 participate in certain controlled hunts. Need for maintaining the extended rocky mountain
44 goat season dates is also due to wildfire impacts as addressed in the temporary
45 administrative rule certificate and order filed on September 9, 2022.

46
47 **5) 635-010-0019**

1 **Modify Dates for Specified Controlled Deer Hunts and Hunt Area Boundary for**
2 **Controlled Youth Elk Hunt**

3 Adopted: Adopted: November 04, 2022 – Effective Dates: November 04, 2022, through
4 January 01, 2023
5

6 Oregon Administrative Rules establishing season dates for 2022 controlled eastern Oregon
7 deer hunts, deer bow hunts, and controlled elk hunts were adopted by the Commission on
8 September 17, 2021. The “2022 Oregon Big Game Regulations” describing hunt areas and
9 seasons was distributed in December 2021. Season dates adopted at that time included
10 date errors for three hunts shown in the hunt tables presented to the Commission. These
11 rule amendments are needed to correct the seasons for hunt 131R2 and hunt 640T to
12 reflect the accurate dates published on tags for these hunts.
13

14 OAR chapter 635, division 073 also needs amendment because one of the landowners
15 participating in an Access and Habitat Program project that provided access to tag holders
16 for hunt 252T2 unexpectedly withdrew from the project after controlled hunt tags were
17 drawn. This modification of the hunt area boundary for 252T2 will account for the
18 unexpected reduction in hunter access by expanding the hunt area.
19

20 **6) 635-016-0090**

21 **Lift Temporary Low Flow Angling Closure for the Sixes River**

22 Adopted 11/8/2022: effective 11/9/2022 through 12/31/2022.

23 This amended rule lifts a temporary closure that was put in place on the Sixes River to
24 protect fall Chinook due to low water conditions.
25

26 **7) 635-005-0465**

27 **Delay Commercial Dungeness Crab Season Opening**

28 Adopted 11/18/2022: effective 12/1/2022 through 3/31/2023.

29 This amended rule delays the opening date for the Oregon 2022-2023 ocean commercial
30 Dungeness crab fishery.
31

32 **8) 635-005-0355**

33 **Close Commercial Dive Gaper Clam Fishery in Tillamook Bay**

34 Adopted 12/9/2022: effective 12/10/2022 through 12/31/2022.

35 This amended rule extends the August 8 closure of the Tillamook Bay commercial dive
36 gaper clam fishery which closed based on projections that the 235,000-pound quota would
37 be achieved.
38

39 **Adopt Temporary Rules**

40 Director Curt Melcher requested the Commission ratify the temporary rules. The eight (8)
41 temporary rules were previously adopted by the director under his emergency action authority.
42

43 Action:

44 Commissioner Labhart moved to ratify the eight (8) temporary rules set forth in the agenda.
45 Commissioner Spelbrink seconded the motion, and the motion carried unanimously, seven (7) in
46 favor.
47

48 **COMMISSION UPDATES**

1 **PUBLIC FORUM**

2 This part of the agenda is for comments on topics not scheduled on the agenda.
3

4 *Wolves*

5 *Bea Dames, Student*

6 *Amaroq Weiss, Center for Biological Diversity*
7

8 *Ocean fishing proposed law changes*

9 *Jeff Wilmarth, Pacific Pond Charter*
10

11 *Rogue South Coast Multi- Species Conservation and Management Plan and report*

12 *Kirk Blain, Native Fish Society*

13 *Charles Gehr*

14 *Leonard Krug, Oregon Anglers Alliance*
15

16 **Exhibit A: COMMISSION MINUTES**

17 **Action:**

18 Commissioner Spelbrink moved to approve the October 14, 2022, meeting minutes with continued
19 authority to correct grammar and punctuation. Commissioner Hatfield -Hyde seconded the
20 motion, and the motion was carried seven (7) in favor.
21

22 **EXHIBIT B: MEMORANDUM OF AGREEMENT WITH THE COW CREEK**
23 **BAND OF UMPQUA TRIBE OF INDIANS**

24 The Commission approved a Memorandum of Agreement and adopted OARs to implement
25 the terms of the agreement.

26 Staff: Davia Palmeri, Conservation Policy Coordinator

27 Carla Keene, CCBUTI Tribal Chairman

28 Michael Rondeau, CCBUTI CEO & Tribal Administrator

29 Jason Robison, CCBUTI Land and Resources Officer

30 Kelly Coates, CCBUTI Director of Natural Resources

31 Anthony Broadman, CCBUTI Legal Counsel
32

33 *Presentation:* The Commission was provided with a presentation on the Cow Creek Band
34 of Umpqua Tribe of Indian's (CCBUTI) History, Tribal Government, and the Tribe as a
35 steward of the land and resources. The presentation included information about relevant
36 Commission authority over wildlife management and authority to enter into agreements,
37 development of the agreement, and geographic scope. Information on cooperative
38 management, Tribal harvest, Tribal Regulation, dispute resolution, Prosecution Referral
39 Agreement; equity of cooperative management agreements; and Cow Creek Umpqua
40 Tribal Action on the Agreement was also presented.
41

42 *This presentation can be viewed at*

43 https://www.dfw.state.or.us/agency/commission/minutes/22/12_Dec/EX%20B%20-%20COW%20CREEK%20-%20PDF%20FILES%20FOR%20WEB/Exhibit%20B_Presentation_CCBUTI-ODFW%20Agreement.pptx
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48

1 Public Testimony

Gary Jackson – in person	CCBUTI Tribal Vice Chair Board
Armand Crispen – in person	CCBUTI Tribal Elder
Eston Barney – in person	CCBUTI Tribal youth
Brandi Knutzen	CCBUTI Tribal member and Tribal staff Curatorial Specialist
Brian McLachlan, Portland	
David Moskowitz, Portland -in person	The Conservation Angler
Mike Totey, Albany	Oregon Hunters Association

2 Approval and Rulemaking

3
4 Action:

5 Commissioner Hatfield-Hyde moved to approve the Memorandum of Agreement in Attachment 3
6 and adopt new OAR 635-800-0200 as proposed by staff and shown in Attachment 4, addendum 2.
7 Commissioner Spelbrink seconded the motion, and the motion was carried seven (7) in favor.

8
9 **EXHIBIT C: MEMORANDUM OF AGREEMENT WITH THE CONFEDERATED**
10 **TRIBES OF SILETZ INDIANS- CANCELLED**

11
12 **EXHIBIT D: CONSERVATION AND RECREATION FUND EXPENDITURE**
13 **APPROVAL**

14 The Commission approved expenditures from the Oregon Conservation and Recreation Fund
15 (OCRF) for competitive grant projects approved at the December 6 meeting of the Oregon
16 Conservation and Recreation Advisory Committee.

17 Staff: Dr. Charlotte Regula-Whitefield, OCRF Program Coordinator

18
19 No Public Testimony
20 Approval

21
22 Action:

23 Commissioner Labhart moved to approve the 25 projects recommended for funding by the Oregon
24 Conservation and Recreation Advisory Committee as described in Attachment 2. Commissioner
25 King seconded the motion, and the motion was carried seven (7) in favor.

26
27 **EXHIBIT E: ACCESS AND HABITAT PROJECT FUNDING**

28 The Commission approved project funding requests recommended by the Access and
29 Habitat (A&H) Board at the October 17th, A&H Board meeting.

30 Staff: Travis Schultz, Access & Habitat Program Coordinator

31 No Public Testimony
32 Approval

33
34 Action:

35 Commissioner Zarnowitz moved to approve the three projects recommended for funding by the
36 Access & Habitat Board and described in Attachment 2. Commissioner Khalil seconded the
37 motion, and the motion was carried seven (7) in favor.

1 **EXHIBIT F: RESTORATION AND ENHANCEMENT & SALMON AND TROUT**
2 **ENHANCEMENT PROGRAMS REPORTS; R&E BOARD APPOINTMENTS**

3 The Commission approved project funding requests recommended by the R&E Board for
4 cycle 4 of 4 for the 2021-23 biennium.

5 Staff: Marty Olson, R&E Program Coordinator

6
7 No Public Testimony
8 Approval and Appointment

9
10 Action Issue 1:

11 Commissioner Khalil moved to approve funding the projects recommended by the Restoration and
12 Enhancement Board as set forth in Attachments 2 and 3. Commissioner Spelbrink seconded the
13 motion, and the motion was carried seven (7) in favor.

14
15 Action Issue 2:

16 Commissioner Labhart moved to appoint Tom VanderPlaat to a four-year term as a sport fishing
17 representative on the Restoration and Enhancement Board. Commissioner Hatfield-Hyde seconded
18 the motion, and the motion was carried seven (7) in favor.

19
20 **EXHIBIT G: FISH PASSAGE PROGRAM RULES**

21 The Commission approved revised fish passage rules.

22 Staff: Greg Apke, Statewide Fish Passage Program Coordinator
23 Dr. Shaun Clements, Deputy Fish Division Administrator

24
25 Presentation: Greg provided the Commission with a presentation on the Fish Passage
26 administrative rule revisions.

27
28 *This presentation can be viewed at*

29 [https://www.dfw.state.or.us/agency/commission/minutes/22/12_Dec/G/Exhibit%20G_Presentation](https://www.dfw.state.or.us/agency/commission/minutes/22/12_Dec/G/Exhibit%20G_Presentation.pdf)
30 [.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/12_Dec/G/Exhibit%20G_Presentation.pdf)

31 Public Testimony

Brian Posewitz, Portland	Water Watch of Oregon
Les Perkins, Hood River	Farmers Irrigation District
James Fraser, Portland – in person	Trout Unlimited
Adam Zucker, Portland	Zucker Engineering & Design
Mary Fleischmann, Bend	Central Oregon Bitter Brush Broads Chapter/ Great Old Broads for Wilderness
Jean Castillo, Sacramento	NOAA Fisheries
David Moskowitz, Portland	The Conservation Angler
Michael Tripp, Bend	Deschutes Chapter of Trout Unlimited
Tim Elder, Ashland	Wild Salmon Center
Brenna Vaughn, Lake Oswego	Northwest Hydroelectric Association
Troy Brandt, Corvallis	Oregon Chapter of the American Fisheries Society
Kenneth Bierly	Fish Passage Task Force, Chairman
Terry Turner, Gladstone	Fish Passage Taskforce
April Snell	Oregon Water Resource Congress

1 Rulemaking

2
3 Action:

4 Commissioner Zarnowitz moved to adopt OAR 635-412-0001 and amend OARs 635-412-0005,
5 635-412-0010, 635-412-0015, 635-412-0020, 635-412-0025, 635-412-0030, 635-412-0035, and
6 635-412-0040 as proposed by staff in Attachment 3. Commissioner King seconded the motion, and
7 the motion was carried seven (7) in favor.

8
9 **EXHIBIT H: GROUND FISH FISHERIES REGULATIONS AND 2021 NEARSHORE**
10 **LOGBOOK REPORT**

11 The Commission adopted regulations for the 2023 recreational and commercial groundfish
12 fisheries and reviewed the 2021 commercial nearshore logbook report.

13 Staff: Jessica Watson, Marine Fisheries Section manager
14 John North, Deputy Fish Division Administrator

15
16 Presentation: Jessica provided the Commission with a report on the 2021 Annual Nearshore
17 Fisheries Report and the 2021 Commercial Nearshore permits, catch area and landings
18 (logbook. Jessica's presentation included information on the 2023 groundfish regulation,
19 the 20233 Federal Rules, state harvest guidelines, commercial management measures and
20 recreational management measures.

21
22 *This presentation can be viewed at*

23 https://www.dfw.state.or.us/agency/commission/minutes/22/12_Dec/H/Exhibit%20H_Presentation
24 [.pdf](#)

25 No Public Testimony
26 Rulemaking

27
28 Action:

29 Commissioner Labhart moved to amend OAR Chapter 635 Divisions 004 and 039 as proposed by
30 staff in Attachment 3. Commissioner Spelbrink seconded the motion, and the motion was carried
31 seven (7) in favor.

32
33 **EXECUTIVE SESSION**

34 The Commission met in Executive Session pursuant to ORS 192.660 (2)(f) to consider
35 information or records that are exempt by law from public inspection, as well as to
36 consult with legal counsel concerning legal rights and duties of a public body with
37 regard to current litigation or litigation likely to be filed as authorized by ORS 192.660
38 (2)(h).

39
40 **EXHIBIT I: PETITION TO PROHIBIT COYOTE KILLING CONTESTS IN**
41 **OREGON**

42 The Commission denied a petition received from fifteen non-government
43 organizations requesting the Commission to promulgate rules to prohibit coyote killing
44 contests in Oregon. The Commission also, directed staff to draft rules that are
45 consistent with the Commission's authority and stop coyote killing contests.

1
2 The Commission denied a petition and directed staff to draft rules that are consistent
3 with the Commission’s authority and stop coyote killing contests.
4

5 Staff: Derek Broman; Furbearer Program Coordinator
6 Brian Wolfer, Wildlife Division Deputy Administrator
7

8 Presentation: Derek provided the Commission with information on the petition to
9 prohibit coyote killing contests in Oregon and relevant authorities of the Commission
10 and the Department of Agriculture.
11

12 *This presentation can be viewed at*
13 https://www.dfw.state.or.us/agency/commission/minutes/22/12_Dec/EX%20I%20-%20COYOTE%20PETITION%20-%20PDF%20FILES%20FOR%20WEB/Exhibit%20I_Presentation.pdf
14
15
16
17

Public Testimony

Kelly Peterson, Portland	The Humane Society of the United States
Nicholas Arrivo, Chicago	Humane Society of the United States
Renee Seacor, Stanfordville	Project Coyote
Michelle McSwain, Prineville	
Randy Comeleo, Corvallis	
Stephanie Richard, New Mexico	New Mexico Commissioner of Public Lands
Quinn Read, Portland	Center for Biological Diversity
Adam Bronstein	
Ted Chu, Nehalem	
Cierra Buer, Powell Butte	HSVMA
Rene Tatro, Lake Oswego	
Michelle Lute, Santa Fe	Project Coyote
Brian Posewitz	Humane Voters Oregon
Kristen Shelman, Burns	Harney County Commissioner
Bethany Cotton, Eugene	Cascadia Wildlands
John Rosapepe, Seattle	Endangered Species Coalition
Robert Wielgus, Bend	Retired WSU, school of environment
Stan Steel, Corvallis	Oregon Trappers Assoc. & Oregon Outdoor Council
Debra Merskin, Powell Butte	University of Oregon, Professor
Leonard Krug, Brookings	Oregon Anglers Alliance
Paul Donheffner, Salem	Oregon Hunters Association

18 Petition

19 Action:

20
21 Vice-Chair Zarnowitz moved to deny the petition and direct staff to work with the Department of
22 Justice to draft rules stopping coyote killing contest that are consistent with the Commission’s
23 authority. Chair Wahl seconded the motion, and the motion was carried six (6) in favor: Wahl.
24 Zarnowitz, King, Kahlil, Labhart, Hatfield-Hyde; one (1) opposed: Spelbrink
25

1 **OTHER BUSINESS**

2

3

4 Chair Wahl adjourned the meeting at 5:25 p.m.