



Oregon Fish and Wildlife Commission Minutes

Meeting:
Friday, January 13, 2023– 8:00 AM
Oregon Department of Fish and Wildlife
Commission Room/Hybrid Meeting
4034 Fairview Industrial Dr SE
Salem, OR 97302

1 Notice of these meetings had been made by press release of statewide media circulation. Those
2 attending part or all the meeting included:
3

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

4
5 **MEETING**

6 On Friday, **January 13, 2023, 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 **EXPENDITURE REPORT**

11 Staff: Shannon Hurn, Deputy Director for Administration

12
13 Shannon reported that federal revenues continue to increase with new grants arriving from federal
14 partners under the Infrastructure Investment and Jobs Act. General and Other Funds spending is
15 below projections. November is consistently the slowest month of the year for sport license sales, a
16 moderate reduction in operating reserves is common and was expected. The next ODFW Audit
17 Committee meeting will be in March. Shannon also reported that ODFW’s internal auditor has
18 been invited to be part of the Oregon Department of Emergency Management audit committee.

19
20 *This report is available in the meeting materials and at*
21 [https://www.dfw.state.or.us/agency/commission/minutes/23/01_Jan/Commission%20Financial%20](https://www.dfw.state.or.us/agency/commission/minutes/23/01_Jan/Commission%20Financial%20Report%20Jan%202023.pdf)
22 [Report%20Jan%202023.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/01_Jan/Commission%20Financial%20Report%20Jan%202023.pdf)
23
24
25

26 **ADAPTING TO CLIMATE AND OCEAN CHANGE REPORT**

27 **Off-shore Wind Energy Development**

28 Dr. Caren Braby, Marine Resources Program Manager

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2 *This presentation is located in the commission material and can be viewed at*
3 [https://www.dfw.state.or.us/agency/commission/minutes/23/01_Jan/Presentation_Renewable%20E](https://www.dfw.state.or.us/agency/commission/minutes/23/01_Jan/Presentation_Renewable%20Energy%20Update_1-13-23.pdf)
4 [nergy%20Update_1-13-23.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/01_Jan/Presentation_Renewable%20Energy%20Update_1-13-23.pdf)
5

6 **FEDERAL INFRASTRUCTURE FUNDING UPDATE**

7 Dr. Debbie Colbert, Deputy Director of Fish and Wildlife Programs
8 Andrea Hanson, Conservation Policy Coordinator
9 Jeff Yanke, Grande Ronde Watershed District Manager
10 Sara Evans-Peters, Pacific Birds Habitat Joint Venture
11

12 *This presentation is located in the commission material and can be viewed at*
13 [https://www.dfw.state.or.us/agency/commission/minutes/23/01_Jan/Presentation_Infrastructure%2](https://www.dfw.state.or.us/agency/commission/minutes/23/01_Jan/Presentation_Infrastructure%20Investment%20and%20Job%20Act_1-13-23.pdf)
14 [0Investment%20and%20Job%20Act_1-13-23.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/01_Jan/Presentation_Infrastructure%20Investment%20and%20Job%20Act_1-13-23.pdf)
15

16 **ADOPT TEMPORARY RULES**

17 Curt Melcher, Director

18 The Commission ratified the following temporary rules. These eight (8) temporary rules were
19 previously adopted by the director under his emergency action authority
20

21 **1) 635-023-0095**

22 **Reduce Retention of Sturgeon in Bonneville and The Dalles Pools and Tributaries**

23 Adopted 12/20/2022: effective 1/1/2023 through 4/22/2023.

24 This amended rule reduces the retention season for white sturgeon on the mainstem
25 Columbia River in the Bonneville (Bonneville Dam upstream to The Dalles Dam) and The
26 Dalles (The Dalles Dam upstream to the John Day Dam) pools and all adjacent tributaries.
27 Retention will be allowed on January 1 then Monday, Wednesday, and Saturdays from
28 January 2 through March 22 in the Bonneville Pool and January 2 through March 4 in
29 The Dalles Pool.
30

31 **2) 635-019-0090**

32 **Close Recreational Steelhead Fishing in the John Day River**

33 Adopted 12/21/2022: effective 1/1/2023 through 6/26/2023.

34 This amended rule extends steelhead protections in the John Day River and tributaries by
35 closing all fishing for steelhead from January 1 through April 30.
36

37 **3) 635-023-0125**

38 **Angling Closures to Protect Steelhead in the Columbia River Above Bonneville**

39 Adopted 12/21/2022: effective 1/1/2023 through 3/31/2023.

40 These amended rules increase protections for wild summer steelhead in the Columbia
41 River Basin by prohibiting retention of steelhead in the Columbia River upstream of
42 Bonneville Dam.
43

44 **4) 635-016-0090**

45 **Set bag limit for wild spring Chinook on the Mainstem and North Umpqua River**

46 Adopted 12/27/2022: effective 2/1/2023 through 6/30/2023.
47
48

1 This amended rule sets the number of wild spring Chinook allowed for harvest on the
2 Mainstem Umpqua River and North Umpqua River while allowing for retention of
3 hatchery Chinook salmon from February 1 through June 30.
4

5 **5) 635-019-0090**

6 **Close Recreational Steelhead Fishing in the Walla Walla River**

7 Adopted 12/29/2022: effective 1/1/2023 through 6/26/2023.

8 This amended rule closes angling for steelhead in the Walla Walla River January 1
9 through April 30.
10

11 **6) 635-023-0125**

12 **Angling Closure to Protect Steelhead in the Columbia River Above The Dalles Dam**

13 Adopted 1/5/2023: effective 1/6/2023 through 3/31/2023.

14 These amended rules increase protections for wild summer steelhead in the Columbia
15 River Basin by prohibiting angling for and retention of steelhead in the Columbia River
16 upstream of The Dalles Dam.
17

18 **7) 635-005-0465**

19 **Commercial Dungeness Crab Season Opening**

20 Adopted 1/6/2023: effective 1/6/2023 through 3/31/2023.

21 This amended rule sets the opening dates by area for the Oregon 2022-2023 ocean
22 commercial Dungeness crab fishery.
23

24 **8) 635-023-0095**

25 **Close Retention of Sturgeon in Bonneville Pool and Adjacent Tributaries**

26 Adopted 1/11/2023: effective 1/12/2023 through 3/22/2023.

27 This amended rule closes the retention season for white sturgeon on the mainstem
28 Columbia River in the Bonneville Pool (Bonneville Dam upstream to The Dalles Dam)
29 and all adjacent tributaries.
30

31 **Action:**

32 Commissioner King moved to ratify the eight (8) temporary rules set forth on the January
33 13, 2023, agenda. Commissioner Spelbrink seconded the motion, and the motion carried seven
34 (7) in favor.
35

36 **COMMISSION UPDATES**

37 Commissioners Labhart and Hatfield-Hyde provided an update on the recent 2023
38 Winter Western Association of Fish and Wildlife Agencies (WAFWA) meeting that
39 they attended in New Mexico.
40

41 Chair Wahl acknowledged that the Commission received a letter from the Nez Perce
42 Tribe and Confederated Tribes of the Umatilla Indian Reservation concerning the
43 recently amended fish passage rules. Chair Wahl stated that the Commission takes
44 tribal communication and consultation seriously and will continue to respect that
45 process. When an issue comes to the Commission, the department is asked to frame
46 that issue and provide a recommended path forward for the Commission. Those
47 recommendations are not the end of the discussion but are an important starting point.

1 The Fish and Wildlife Commission hopes that department and tribal staff will work
2 together to clarify the differences that exist, and what a path forward might look like.

3
4 **OTHER BUSINESS**

5
6 **PUBLIC FORUM**

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

9
10 *Devils Lake grass carp*

11 *Larry Brown*

12
13 *John Day steelhead closure economic impact and propose regulation change*

14 *Mia Sheppard*

15
16 *Wild steelhead conservation in Oregon*

17 *David Moskowitz, the Conservation Angler*

18
19 *Final steelhead numbers over Winchester Dam*

20 *Becky Rea*

21
22 *Recently adopted fish passage rules*

23 *Miles Johnson*

24
25 *Status of North Umpqua wild summer steelhead*

26 *Jeff Dose*

27
28 *Rules regarding Dungeness Crab opener*

29 *Eric Brickenstein, Oregon Crab Fishers*

30
31 **Exhibit A: COMMISSION MINUTES**

32 Action:

33 Commissioner Hatfield-Hyde moved to approve the December 16, 2022, meeting minutes
34 with continued authority to correct grammar and punctuation. Commissioner King seconded the
35 motion, and the motion carried seven (7) in favor.

36
37 **EXHIBIT B: TRIBAL CONSULTATION ON NORTH UMPQUA HATCHERY**
38 **SUMMER STEELHEAD**

39 The Commission met with interested federally recognized Tribes to hear additional
40 information from the Tribes regarding the Commission decision to terminate the North
41 Umpqua Summer Steelhead Hatchery program.

42
43 https://www.dfw.state.or.us/agency/commission/minutes/23/01_Jan/Exhibit%20B_Presentation.pdf

44
45 Cow Creek Band of Umpqua Tribe of Indians

46 Kelly Coats, Natural Resources Director

47 Anthony Broadman, Tribal Legal Counsel

1 The Confederated Tribes of the Grand Ronde
2 Kelly Dirksen, Fish and Wildlife Program Manager
3
4 Colby Drake, Natural Resources Manager
5

6 Coquille Indian Tribe
7 John Ogan, Assistant Executive Director for Natural Resources
8

9 Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians
10 Colin Beck, Director of Forest Management
11 Ashley Russell, Assistant Director for Natural Resources
12

13
14 No Public Testimony
15 Consultation
16

17 **EXHIBIT C: 2023 SCHEDULE OF DAMAGES FOR COMMERCIAL FISHING**
18 **VIOLATIONS**

19 The Commission established average market values of food fish for determining damages
20 related to commercial fishing violations.

21 Staff: Ken Loffink, Administrative Services Division Administrator

22 Presentation: Ken provided the Commission with an overview of ORS:526.720, “damages for
23 unlawful taking of food fish”. Ken’s presentation also provided information on the proposed
24 amendments to OAR 635-006-0232; and a proposed 2023 Legislative Concept that will allow the
25 agency to use “Fair Market Value” as defined in OAR 635-006-0001 and will change damages for
26 all species to 2x Fair Market Value, removing the requirement for the Commission to adopt a
27 schedule of damages every year.
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/23/01_Jan/C/Exhibit%20C_Presentation.](https://www.dfw.state.or.us/agency/commission/minutes/23/01_Jan/C/Exhibit%20C_Presentation.pdf)
31 [pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/01_Jan/C/Exhibit%20C_Presentation.pdf)
32

33 No Public Testimony
34 Rulemaking
35

36 Action:

37 Commissioner Hatfield-Hyde moved to amend OAR 635-006-0232 as proposed by staff in
38 Attachment 3. Commissioner Spelbrink seconded the motion, and the motion carried seven (7) in
39 favor.
40

41 **EXHIBIT D: ROCKY MOUNTAIN GOAT FIRE-IMPACTED HUNTS**

42 The Commission extended the hunting opportunity to the 2023 season for three tag holders that
43 were not able to hunt in five 2022 Rocky Mountain goat hunts due to impacts from wildfire.

44 Staff: Brian Wolfer, Deputy Administrator, Wildlife Division
45
46

1 Presentation: Brian provided the Commission with background on Rocky Mountain Goat Hunting,
2 the 2022 wildfire season, wildfire impacts on Rocky Mountain Goats, the 2022 hunting season,
3 and actions taken by the department related to the impacted goat hunts.
4

5 *This presentation is located in the commission material and can be viewed at*
6 [https://www.dfw.state.or.us/agency/commission/minutes/23/01_Jan/D/Exhibit%20D_Presentation](https://www.dfw.state.or.us/agency/commission/minutes/23/01_Jan/D/Exhibit%20D_Presentation_1-12-23.pdf)
7 [_1-12-23.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/01_Jan/D/Exhibit%20D_Presentation_1-12-23.pdf)
8

9 Public Testimony

Nick Obradovich, Bend	
Tyler Dungannon, Central Point	Oregon Hunters Association

10 Rulemaking

11
12 Action:

13 Commissioner Labhart moved to amend OAR Chapter 635; Division 067 as
14 proposed by staff in Attachment 3, including Addendum 1. Commissioner Spelbrink
15 seconded the motion, and the motion carried seven (7) in favor.
16

17 **EXECUTIVE SESSION**

18 The Commission met in Executive Session, pursuant to ORS 192.660 (2)(e) and (2)(f), which
19 allows the Commission to meet in executive session to conduct deliberations with persons
20 designated by the governing body to negotiate real property transactions and to consider
21 information or records that are exempt by law from public inspection, such as real estate appraisal
22 information. The Commission also met in Executive Session for consultation with legal counsel
23 concerning current litigation or litigation likely to be filed pursuant to ORS 192.660(2)(h).
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26 Chair Wahl adjourned the meeting at 1:20 p.m.