



## Oregon Fish and Wildlife Commission Agenda

Workshop:  
Thursday, February 16, 2023, 10:00 AM  
The Benson Hotel, Mayfair Room  
309 SW Broadway  
Portland, OR 9720597220

Meeting:  
Friday, February 17, 2023 - 8:00 AM  
The Benson Hotel, Mayfair Room  
309 SW Broadway  
Portland, OR 97205

### Friday, February 17, 2023

*The Fish and Wildlife Commission has moved to hybrid meetings, meaning that you have the option to attend in-person or virtually. Those who would like to provide testimony virtually must register ([Registration](#)) in advance to receive a testimony link to the meeting. In-person registration will be available at the meeting.*

*This meeting will be live streamed to YouTube and can be viewed at <https://www.youtube.com/user/TEODFW/videos>*

## DIRECTOR'S REPORT

### EXPENDITURE REPORT

Shannon Hurn, Deputy Director for Administration

### GOVERNOR RECOMMENDED BUDGET UPDATE

Shannon Hurn, Deputy Director for Administration  
Brandy Nichols, Budget and Economics Program Manager

### ADAPTING TO CLIMATE AND OCEAN CHANGE REPORT

Migratory Bird Conservation Under a Changing Climate  
Emily VanWyk, Sensitive Species Coordinator  
Brandon Reishus, Migratory Bird Coordinator

### ADOPT TEMPORARY RULES

Curt Melcher, Director

#### 1.) 635-041-0065, 635-042-0130

#### **Adopt Non-Treaty Columbia River Commercial Mainstem Smelt Fishery and Commercial Tribal Sales**

Adopted 1/24/2023: effective 1/25/2023 through 3/16/2023.

These rules implement the 2023 non-treaty commercial smelt fishery in Zones 1-3 of the lower Columbia River from January 25 through March 16 and authorizes sales of fish caught in treaty Indian winter gillnet fisheries in The Dalles and John Day pools during early February.

#### 2.) 635-023-0095

#### **Close Retention of Sturgeon in The Dalles and John Day Pools and Adjacent Tributaries**

Adopted 1/25/2023: effective 1/26/2023 through 3/22/2023.

This amended rule closes the retention season for white sturgeon on the mainstem Columbia River in The Dalles Pool (The Dalles Dam upstream to the John Day Dam) and the John Day Pool (John Day Dam to McNary Dam) and all adjacent tributaries.

**3.) 635-005-0465**

**South Coast Commercial Dungeness Crab Season Opening**

Adopted 1/26/2023: effective 1/26/2023 through 3/31/2023.

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

**4.) 635-017-0090**

**Allow Temporary Use of Two Rod Validation in the Willamette River**

Adopted 1/31/2023: effective 3/1/2023 through 8/15/2023.

This amended rule allows use of the two-rod validation while fishing for all species, except sturgeon, in the Lower Willamette River and tributaries from March 1 through August 15, 2023 and in the Upper Willamette River from April 16 through August 15, 2023.

**5.) 635-004-0275**

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

Adopted 2/3/2023: effective 2/3/2023 through 8/1/2023.

This amended rule adopts in-season actions previously adopted by the federal government for 2023-2024 Pacific Coast Limited Entry Fixed Gear and Open Access commercial groundfish fisheries, including, but not limited to, increases in sablefish, lingcod, and canary rockfish trip limits.

**6.) 635-041-0065**

**Modify Treaty Commercial Fishing Periods**

Adopted 2/10/2023: effective 2/11/2023 through 3/16/2023.

These amended rules authorize the sales of fish caught in Zone 6 treaty gillnet fisheries to include open periods from February 13 through February 14 in The Dalles Pool, and extending the open period through February 20 in the John Day Pool.

**7.) 635-023-0095**

**Modify Sturgeon Recreational Retention in the John Day Pool and Adjacent Tributaries**

Adopted 2/10/2023: effective 2/11/2023 through 3/22/2023.

This amended rule adds 3 retention days for white sturgeon on the mainstem Columbia River in The John Day Pool (John Day Dam upstream to the McNary Dam) and all adjacent tributaries.

**8.) 635-041-0065**

**Modify Treaty Commercial Fishing Periods**

Adopted 2/15/2023: effective 2/15/2023 through 3/16/2023.

These amended rules modify prior authorization of sales of fish caught in Zone 6 treaty gillnet fisheries to reflect recent tribal action to rescind a period from February 13 through February 14 in The Dalles Pool, and modify the end date and time for the fishery in the John Day Pool.

**9.) 635-042-0145, 635-042-0160, 635-042-0170, 635-042-0180**

**Adopt Select Area Commercial Fisheries**

Adopted 2/15/2023: effective 2/16/2023 through 7/31/2023.

These rules implement the 2023 winter, spring, and summer Select Area commercial fisheries from February 16 through July 31. The following fisheries are addressed by these rules:

- Blind/Knappa Slough,
- Tongue Point/South Channel,
- Youngs Bay, and
- Deep River

## COMMISSION UPDATES

### OTHER BUSINESS

#### PUBLIC FORUM

Note: **This part of the agenda is for comments on topics not scheduled elsewhere on the agenda.** Please [contact](#) the Oregon Department of Fish and Wildlife Office of the Director before 8:00 AM, Wednesday, February 15, 2023 (at least **48** hours prior to the meeting to be included in the public forum).

*Future Wildfire Infrastructure Needs in Water Planning*

*Kyle Williams, Director of Forest Protection, Oregon Forest Industries Council*

#### EXHIBIT A: COMMISSION MEETING MINUTES

The Commission will be asked to approve draft Commission meeting minutes from January 13, 2023.

#### EXHIBIT B: GRASS CARP PLACEMENT IN DEVIL'S LAKE AND AUTHORIZING SPECIAL DISTRICT TO REQUEST EXCEPTIONS

The Commission will be asked to adopt rules to allow the Commission to grant exceptions to existing rules in some circumstances and approve a permit for stocking of grass carp into Devils Lake.

Staff: Chris Kern, West Region Manager

Public Testimony (Virtual Testimony 48- hour Advance [Registration](#) Required)

Rulemaking

#### EXECUTIVE SESSION

The Commission will hold an executive session to review and evaluate the employment-related performance of the chief executive officer of a public body, a public officer, employee, or staff member who does not request an open hearing as authorized by ORS 192.660(2)(i).

#### EXECUTIVE SESSION

The Commission will hold an executive session pursuant to ORS 192.660 (2)(f) to consider information or records that are exempt by law from public inspection, as well as to consult with legal counsel concerning legal rights and duties regarding current litigation likely to be filed as authorized by ORS 192.660 (2)(h).

#### ADJOURN

## FUTURE PROPOSED COMMISSION TOPICS

\* Written public comments for future Commission Topics can be submitted in writing prior to the meeting date at [ODFW.Commission@odfw.oregon.gov](mailto:ODFW.Commission@odfw.oregon.gov) or mailed to 4034 Fairview Industrial Drive SE Salem, OR 97302.

### **March 17, 2023- Salem**

*\*Written public comment period will open January 15, 2023*

- Access and Habitat Project Funding- *Approval*
- Squid Fishery Lightboat Prohibition -*Rulemaking*

### **April 21, 2023 – TBD**

*\*Written public comment period will open February 15, 2023*

- Oregon Game Bird Regulations – *Rulemaking*
- Pacific Halibut Fisheries- *Rulemaking*
- Ocean Salmon Fishery- *Rulemaking*
- Fish Screening Task Force Appointment- *Appointment*
- Marbled Murrelet Endangered Species Management Plans -*Approval*

### **May 12, 2023 - HOLD *No Meeting Scheduled***

*\*Written public comment period will open March 15, 2023*

### **June 16, 2023 - Newport**

*\*Written public comment period will open April 15, 2023*

- Access and Habitat Project Funding- *Approval*
- Auction/Raffle Tag Allocation- *Approval*
- Restoration and Enhancement Program Project Funding – *Approval*
- Coastal Pelagic Species (CPS) Fisheries Regulations -*Rulemaking*
- Crab Fisheries Regulations- *Rulemaking*
- Conservation and Recreation Fund Project Funding- *Approval*

### **July 14, 2023 – HOLD *No Meeting Scheduled***

*\*Written public comment period will open May 15, 2023*

### **August 4, 2023 - Salem**

*\*Written public comment period will open June 15, 2023*

- Recreational Angling Regulations- *Rulemaking*

### **September 15, 2023 - Bend**

*\*Written public comment period will open July 15, 2023*

- Access and Habitat Project Funding- *Approval*
- Big Game Regulations; Tag Setting, Seasons, and Regulations- *Rulemaking*

### **October 13, 2023 – Klamath Falls**

*\*Written public comment period will open August 15, 2023*

### **November 17, 2023 – HOLD *No Meeting Scheduled***

*\*Written public comment period will open September 15, 2023*

**December 15, 2023 - McMinville**

*\*Written public comment period will open October 15, 2023*

- Access and Habitat Project Funding- *Approval*
- Restoration and Enhancement Project Funding- *Approval*
- Groundfish Fisheries Regulations -*Rulemaking*
- Conservation and Recreation Fund Project Funding- *Approval*

## PLEASE NOTE

### HOW TO REGISTER TO SPEAK AT THE COMMISSION MEETING

**Public Comment and Public Hearing Testimony:** Regular Commission meetings allow for in-person, virtual, or written public comment. When registering to testify please provide *first and last name, topic, a valid email address, and phone number*.

Comment and testimony are limited to three minutes. All parties interested in providing public comment or testifying as part of a public hearing shall participate using one of the following methods:

- In-Person Comment: Parties interested in providing in-person verbal public comment shall fill out a “Witness Registration” form available at the meeting.
- Video or Audio Conference Call: **If you wish to give virtual testimony on Exhibits scheduled on the Friday, February 17 agenda, *YOU MUST REGISTER* ([Registration](#)) *BEFORE 8:00 AM WEDNESDAY, February 15, 2023; a minimum of 48 hour prior to the meeting.*** Staff will collect contact your information and provide information on how to access the meeting to provide comment.
- Written Comment: Send to [ODFW.Commission@odfw.oregon.gov](mailto:ODFW.Commission@odfw.oregon.gov) or 4034 Fairview Industrial Drive SE, Salem, Oregon, 97302. Materials delivered to the Director’s Office sufficiently in advance of the meeting will be distributed to the Commission prior of the meeting day; any correspondence or materials received less than 72 hours prior to the meeting will be provided to the Commissioners the day of the meeting.

**Public Forum:** If you wish to give testimony on any **item not scheduled elsewhere on the agenda**, please contact the Director’s Office, Oregon Department of Fish and Wildlife, 503.947.6044, or [ODFW.Commission@odfw.oregon.gov](mailto:ODFW.Commission@odfw.oregon.gov). ***YOU MUST REGISTER BEFORE 8:00AM WEDNESDAY, February 15, 2023; a minimum of 48 hour prior to the meeting.*** Please provide written summaries or other materials to the Commission Assistant prior to your testimony. The Commission is unable to act on items brought to their attention in this forum.

### THANK YOU FOR TAKING THE TIME TO PRESENT YOUR VIEWS

If you have questions regarding this agenda, please contact [Michelle Tate](#), Director’s Office, Oregon Department of Fish and Wildlife, 4034 Fairview Industrial Drive SE, Salem, Oregon, 97302, or call 503- 947-6033.

### REASONABLE ACCOMMODATION OF DISABILITIES

Reasonable accommodation, such as assistive hearing devices, sign language interpreters, and materials in large print or audiotape, will be provided as needed. In order to ensure availability, please contact the Director’s Office at 503.947.6044 at least 72 hours prior to the meeting to make your request. TTY users can reach ODFW by using the Oregon Telecommunications Relay Service. Please dial 711 and ask to connect to 503-947-6044.