



**Oregon Fish and Wildlife Commission Minutes**

Workshop:  
Thursday, February 16, 2023, 10:00 AM  
The Benson Hotel, Mayfair Room  
309 SW Broadway  
Portland, OR 97205

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

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

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

4  
5 **MEETING**

6  
7 On Friday, **February 17, 2023, at 8:00 AM, Chair Wahl called the Oregon Fish and Wildlife**  
8 **Commission** (the Commission) meeting to order.

9  
10 **DIRECTOR’S REPORT**

11  
12 **Field Reports** – in written form only; *this report is available in the meeting materials and at*  
13 [https://www.dfw.state.or.us/agency/commission/minutes/23/02\\_Feb/feb%202023%20Field%20Re](https://www.dfw.state.or.us/agency/commission/minutes/23/02_Feb/feb%202023%20Field%20Report%20.pdf)  
14 [port%20.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/02_Feb/feb%202023%20Field%20Report%20.pdf)

15  
16 **EXPENDITURE REPORT**

17 Staff: Shannon Hurn, Deputy Director for Administration

18 Shannon reported that for the month ending December 31, 2022, combined restricted and  
19 unrestricted cash balances totaled \$122.7 million. Also, reported that the department received the  
20 Governors Recommended Budget (GRB) on January 31, 2023. A full summary of ODFW’s budget  
21 was provided as part of the Director’s Report.

22  
23 *This report is available in the meeting materials and at*  
24 [https://www.dfw.state.or.us/agency/commission/minutes/23/02\\_Feb/Commission%20Financial%2](https://www.dfw.state.or.us/agency/commission/minutes/23/02_Feb/Commission%20Financial%20Report%20Feb%202023%20Final.pdf)  
25 [0Report%20Feb%202023%20Final.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/02_Feb/Commission%20Financial%20Report%20Feb%202023%20Final.pdf)

1                   **GOVERNOR’S RECOMMENDED BUDGET UPDATE**

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

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/23/02\\_Feb/OFWC%20Governors%20Re](https://www.dfw.state.or.us/agency/commission/minutes/23/02_Feb/OFWC%20Governors%20Recommended%20Budget%20Update%20Feb%202023.pdf)  
7 [commended%20Budget%20Update%20Feb%202023.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/02_Feb/OFWC%20Governors%20Recommended%20Budget%20Update%20Feb%202023.pdf)

8  
9                   **ADAPTING TO CLIMATE AND OCEAN CHANGE REPORT**

10                   Migratory Bird Conservation Under a Changing Climate  
11                   Emily VanWyk, Acting Conservation Strategy Coordinator  
12                   Brandon Reishus, Migratory Bird Coordinator

13  
14 *This presentation is located in the commission material and can be viewed at*  
15 [https://www.dfw.state.or.us/agency/commission/minutes/23/02\\_Feb/Migratory%20Bird%20Conse](https://www.dfw.state.or.us/agency/commission/minutes/23/02_Feb/Migratory%20Bird%20Conservation%20Under%20a%20Changing%20Climate%20Feb%202023.pdf)  
16 [rvation%20Under%20a%20Changing%20Climate%20Feb%202023.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/02_Feb/Migratory%20Bird%20Conservation%20Under%20a%20Changing%20Climate%20Feb%202023.pdf)

17  
18                   **PUBLIC FORUM**

19                   The Commission took comments on topics not scheduled elsewhere on the agenda.

20  
21                   *Future Wildfire Infrastructure Needs in Water Planning - Kyle Williams, Director*  
22                   *of Forest Protection, Oregon Forest Industries Council*

23  
24                   **Adopt Temporary Rules**

25 Curt Melcher, Director, requested the Commission ratify the following temporary rules. The nine  
26 (9) temporary rules were previously adopted by the director under his emergency action authority.

27  
28                   **1.) 635-041-0065, 635-042-0130**

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

31                   Adopted 1/24/2023: effective 1/25/2023 through 3/16/2023.  
32                   These rules implement the 2023 non-treaty commercial smelt fishery in Zones 1-3 of the  
33                   lower Columbia River from January 25 through March 16 and authorizes sales of fish  
34                   caught in treaty Indian winter gillnet fisheries in The Dalles and John Day pools during  
35                   early February.

36  
37                   **2.) 635-023-0095**

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

40                   Adopted 1/25/2023: effective 1/26/2023 through 3/22/2023.  
41                   This amended rule closes the retention season for white sturgeon on the mainstem  
42                   Columbia River in The Dalles Pool (The Dalles Dam upstream to the John Day Dam) and  
43                   the John Day Pool (John Day Dam to McNary Dam) and all adjacent tributaries.

1 **3.) 635-005-0465**

2 **South Coast Commercial Dungeness Crab Season Opening**

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

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

6  
7 **4.) 635-017-0090**

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

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

10 This amended rule allows use of the two-rod validation while fishing for all species, except  
11 sturgeon, in the Lower Willamette River and tributaries from March 1 through August 15,  
12 2023 and in the Upper Willamette River from April 16 through August 15, 2023.

13  
14 **5.) 635-004-0275**

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

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

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

22  
23 **6.) 635-041-0065**

24 **Modify Treaty Commercial Fishing Periods**

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

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

29  
30 **7.) 635-023-0095**

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

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

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

37  
38 **8.) 635-041-0065**

39 **Modify Treaty Commercial Fishing Periods**

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

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

1 **9.) 635-042-0145, 635-042-0160, 635-042-0170, 635-042-0180**

2 **Adopt Select Area Commercial Fisheries**

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

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

- 7 • Blind/Knappa Slough,
- 8 • Tongue Point/South Channel,
- 9 • Youngs Bay, and
- 10 • Deep River

11  
12 Action:

13 Commissioner Labhart moved to ratify the nine (9) temporary rules: the seven (7)  
14 temporary rules set forth on the February 17, 2023, agenda; and the two (2) temporary rules set  
15 forth on the Supplemental Temporary Rule Memo dated February 17, 2023. Commissioner  
16 Spelbrink seconded the motion, and the motion carried unanimously, seven (7) in favor.

17  
18 **Exhibit A: COMMISSION MINUTES**

19 Action:

20 Commissioner Spelbrink moved to approve the January 13, 2023, meeting minutes with  
21 continued authority to correct grammar and punctuation. Commissioner King seconded the  
22 motion, and the motion was carried unanimously seven (7) in favor.

23  
24 **Exhibit B: GRASS CARP PLACEMENT IN DEVIL’S LAKE AND**  
25 **AUTHORIZING SPECIAL DISTRICT TO REQUEST EXCEPTIONS**

26 The Commission adopted rules that allows the Commission to grant exceptions to existing  
27 rules in some circumstances and approved a permit for stocking of grass carp into Devils  
28 Lake.

29 Staff: Chris Kern, West Region Manager  
30 John Spangler, Newport District Fish Biologist

31  
32 Presentation: Chris and John provided the Commission with a presentation on the existing  
33 rules governing grass carp introductions, Devils Lake Grass Carp stocking between  
34 1986 and 1993, the recent regrowth of aquatic vegetation in Devils Lake, and  
35 Devils Lake Water District’s efforts to control the weeds. The proposed OAR, as  
36 well as terms and conditions for a possible permit for Devils Lake were included in  
37 the presentation.

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/23/02\\_Feb/B/Exhibit%20B\\_Grass%20Ca](https://www.dfw.state.or.us/agency/commission/minutes/23/02_Feb/B/Exhibit%20B_Grass%20Carp%20Powerpoint.pdf)  
41 [rp%20Powerpoint.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/02_Feb/B/Exhibit%20B_Grass%20Carp%20Powerpoint.pdf)

42  
43 Public Testimony

Tina French, Lincoln City	Devils Lake Water Improvement Dist., Board Chair
Larry Brown, Lincoln City	

44 Rulemaking

1 Action:

2 Commissioner Zarnowitz moved to amend OAR 635-065-0075 as proposed by staff in  
3 attachment 3, including Addendum 1. Commissioner Labhart seconded the motion, and the motion  
4 was carried unanimously seven (7) in favor.

5

6 **OTHER BUSINESS**

7

8 Commissioner Hatfield-Hyde moved to reappoint Curt Melcher as Director of the Oregon  
9 Department of Fish and Wildlife for a term of four years, effective from February 14, 2023,  
10 through February 14, 2027. Also, moved to authorize the Commission Chair to handle the  
11 employment offer and associated negotiation with Curt Melcher, and to work with the ODFW  
12 Human Resources Administrator as needed. Commissioner Labhart seconded the motion, and the  
13 motion was carried unanimously seven (7) in favor.

14

15 Chair Wahl adjourned the meeting at 11:07 a.m.