



## Oregon Fish and Wildlife Commission Minutes

Tour:  
Thursday, April 20, 2023, 8:00  
Mt. Hood Oregon Resort, Lobby  
68010 East Fairway Ave.  
Welches, OR 97067

Meeting:  
Friday, April 21, 2023, 8:00 AM  
Mt Hood Oregon Resort  
68010 East Fairway Ave./Hybrid  
Hunchback Meeting Room  
Welches, OR 97067

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
	Debbie Colbert, Deputy Director of Fish and Wildlife Programs
Bob Spelbrink, Commissioner	Davia Palmeri, Acting Deputy Director of Fish and Wildlife Programs
Mark Labhart, 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  
7 On Friday, **April 21, 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/23/04\\_Apr/April%202023%20Field%20R](https://www.dfw.state.or.us/agency/commission/minutes/23/04_Apr/April%202023%20Field%20Report%20.pdf)  
14 [eport%20.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/04_Apr/April%202023%20Field%20Report%20.pdf)

15  
16 **Expenditure Report**

17 Staff: Shannon Hurn, Deputy Director for Administration  
18 Shannon reported for the month ending February 28; unrestricted cash balance finished at \$57.4  
19 million and restricted cash came in at \$53.2 million, for a total of \$110.6 million in ending balance.  
20 The agency presented on the Governor's Recommended Budget at the Joint Ways and Means  
21 Subcommittee on Natural Resources March 20 and 21.

22  
23  
24 The ODFW Audit Committee held a quarterly meeting in March. The committee discussed  
25 deferred maintenance, adoption of a constructed real property policy, implementation of a

1 computerized asset management system, and completion of facility condition assessments  
2 statewide.

3  
4 *This report is available in the meeting materials and at*

5 [https://www.dfw.state.or.us/agency/commission/minutes/23/04\\_Apr/Commission%20Financial%20Report%20April%202023.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/04_Apr/Commission%20Financial%20Report%20April%202023.pdf)  
6

7  
8 **GRAY WOLF POPULATION ANNUAL UPDATE**

9 Roblyn Brown, Wolf Program Coordinator

10 Derek Broman, Acting Game Program Manager

11  
12 *This report is available in the meeting materials and at*

13 [https://dfw.state.or.us/Wolves/docs/oregon\\_wolf\\_program/2022\\_Annual\\_Wolf\\_Report\\_Final.pdf](https://dfw.state.or.us/Wolves/docs/oregon_wolf_program/2022_Annual_Wolf_Report_Final.pdf);  
14 [https://www.dfw.state.or.us/agency/commission/minutes/23/04\\_Apr/Wolf%20Plan%20Review.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/04_Apr/Wolf%20Plan%20Review.pdf)  
15

16 **PUBLIC FORUM**

17 This part of the agenda was for comments on topics not scheduled on the agenda. The Commission  
18 are unable to act on items brought to their attention in this forum.

19  
20 Bringing Back a Magazine

21 Jim Greer  
22

23 North Umpqua Wild Summer Steelhead

24 David Moskowitz, The Conservation Angler  
25

26 **Adopt Temporary Rules**

27 Curt Melcher, Director, requested the Commission ratify the following temporary rules. The  
28 eleven (11) temporary rules were previously adopted by the director under his emergency action  
29 authority.  
30

31 **1. 635-005-0290, 635-005-0387**

32 **Implement Tillamook Bay Intertidal Commercial Cockle Fishery Quota and Closed**  
33 **Periods**

34 Adopted 3/27/2023: effective 3/27/2023 through 9/22/2023.

35 These amended rules will impose an annual harvest quota of 90,000 pounds on the Tillamook  
36 Bay commercial intertidal cockle fishery. The amended rules also prohibit the commercial  
37 harvest of intertidal cockles in Tillamook Bay during all weekends and holidays.  
38

39 **2. 635-017-0090**

40 **Set 2023 Recreational Eulachon Smelt Season for the Sandy River**

41 Adopted 3/28/2023: effective 3/30/2023 through 8/15/2023.

42 This amended rule prohibits all angling in Willamina Creek approximately 200 feet below the  
43 lower falls until May 21 in response to illegal targeting of winter steelhead.  
44

45  
46 **3. 635-042-0145**

47 **Revise 2023 Commercial Fishing Seasons in Youngs Bay Select Area**

1 Adopted 3/28/2023: effective 3/30/2023 through 7/31/2023.  
2 This amended rule modifies the fishing area for a previously adopted commercial fishing  
3 period (March 30) in the Youngs Bay Select Area.  
4

5 **4. 635-008-0190**

6 **Open E.E. Wilson Wildlife Area to Department-Organized Spring Turkey Hunting**  
7 **Programs**

8 Adopted: March 31, 2023 – Effective Dates: March 31, 2023, through June 30, 2023  
9 Administrative rules pertaining to E.E. Wilson Wildlife Area currently prohibit all hunting  
10 between March 1 and July 31. This amendment is needed to allow the department to organize  
11 a limited number of spring turkey hunting programs to address turkey-related management  
12 concerns on the wildlife area.

13 This rule amendment is needed to allow hunters the opportunity to participate in spring  
14 hunting opportunities as provided by the department on E.E. Wilson Wildlife Area.  
15

16 **5. 635-023-0125**

17 **Set recreational spring salmon season in the Columbia River**

18 Adopted 4/1/2023: effective 4/1/2023 through 9/27/2023.

19 This amended rule sets the Columbia River recreational salmon fisheries and modifies the  
20 Select Area recreational salmon fisheries from March 1 through June 15.  
21

22 **6. 635-018-0090**

23 **Open Hood River Hatchery Chinook Fishery**

24 Adopted 4/3/2023: effective 4/15/2023 through 10/11/2023.

25 This amended rule authorizes recreational retention of one hatchery Chinook and five  
26 hatchery jack salmon in portions of the Hood River from April 15 through June 30.  
27

28 **7. 635-042-0145, 635-042-0160, 635-042-0170, 635-042-0180**

29 **Modify Select Area Commercial Fisheries**

30 Adopted 4/5/2023: effective 4/6/2023 through 7/31/2023.

31 These rules modify the 2023 winter Select Area commercial fisheries from April 6 through  
32 April 14.

33 The following fisheries are addressed by these rules:

- 34 • Knappa Slough,
  - 35 • South Channel,
  - 36 • Youngs Bay, and
  - 37 • Deep River
- 38

39 **8. 635-023-0125**

40 **Set recreational spring salmon season in the Columbia River**

41 Adopted 4/5/2023: effective 4/6/2023 through 9/27/2023.

42 This amended rule extends the on-going lower Columbia River recreational salmon fishery to  
43 April 11.  
44

45 **9. 635-023-0134**

46 **Open Recreational Hatchery Chinook Retention in the Snake River**  
47

1 Adopted 4/12/2023: effective 4/22/2023 through 8/10/2023.

2 This amended rule allows retention of hatchery spring Chinook in the Hells Canyon section of  
3 the Snake River from April 22 through August 10. Modifications are consistent with actions  
4 taken by the State of Idaho.

5  
6 **10. 635-042-0145**

7 **Modify Youngs Bay Select Area Commercial Fishery**

8 Adopted 4/13/2023: effective 4/13/2023 through 7/31/2023.

9 This rule modifies the 2023 winter and spring Youngs Bay Select Area commercial fisheries  
10 by adding two four-hour periods on April 13 and April 17 in the upper Youngs Bay fishing  
11 area.

12  
13 **11. 635-067-0000**

14 **Amend Rules to Reduce 2023 Oregon Hunting Opportunity for Bighorn Sheep and**  
15 **Rocky Mountain Goats.**

16 Adopted: April 17, 2023 – Effective Dates: April 17, 2023, through September 22, 2023  
17 Oregon Administrative Rules establishing tag numbers for 2023 bighorn sheep and Rocky  
18 Mountain goat hunts were adopted September 2022. Tag numbers adopted at that time did not  
19 account for a redistribution of animals and an accommodation of 2022 Rocky Mountain goat  
20 hunters that were unable to hunt due to access closures from wildfires.

21  
22 Action:

23 Commissioner Labhart moved to ratify the eleven (11) temporary rules set forth on the April 21,  
24 2023, agenda. Commissioner Spelbrink seconded the motion, and the motion carried unanimously,  
25 seven (7) in favor.

26  
27 **EXHIBIT A: COMMISSION MINUTES**

28 Action:

29 Commissioner Khalil moved to approve the March 17, 2023, meeting minutes with  
30 continued authority to correct grammar and punctuation. Commissioner King seconded the motion,  
31 and the motion carried seven (7) in favor.

32  
33 **EXHIBIT B: 2023-2024 OREGON GAME BIRD REGULATIONS**

34 The Commission adopted the gamebird season regulations for 2023-24.

35 Brandon Reishus, Migratory Game Bird Coordinator

36 Mikal Cline, Upland Game Bird Coordinator.

37 *Presentation:* Game Bird program staff provided the Commission with information on the  
38 proposed 2023-24 Game Bird Regulations. Mikal discussed Upland Game Bird populations  
39 status, proposed regulations, special hunt opportunities and controlled greater sage-grouse  
40 seasons. Brandon provided information on Migratory Bird regulation setting process, habitat  
41 conditions and population status, proposed seasons and bag limits and updates to the hunting  
42 regulations.

43  
44 *This presentation is located in the commission material and can be viewed at*

45 [https://www.dfw.state.or.us/agency/commission/minutes/23/04\\_Apr/EX%20C\\_PDF%20FILES%20FOR%20WEB/Exhibit%20C\\_Presentation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/04_Apr/EX%20C_PDF%20FILES%20FOR%20WEB/Exhibit%20C_Presentation.pdf)  
46

1 Public Testimony  
Tyler Dungannon, Central Point

Oregon Hunters Association

2  
3 Rulemaking

4  
5 Action:

6 Commissioner Labhart moved to amend OAR Chapter 635, Divisions 008, 045, 051, 052, 053,  
7 054, and 060 as proposed by staff in Attachment 4. Commissioner King seconded the motion, and  
8 the motion carried seven (7) in favor.

9  
10 **Exhibit C HUNTING AGREEMENT WITH CONFEDERATED TRIBES OF THE**  
11 **WARM SPRINGS RESERVATION OF OREGON**

12 The Commission approved an updated agreement with the Confederated Tribes of the Warm  
13 Springs Reservation for off-reservation hunting.

14 Mark Vargas, Acting Wildlife Division Deputy Administrator

15 Presentation: Mark provided the Commission with information on the existing agreement 's  
16 key features and the proposed minor amendments in the updated agreement.

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

19 [https://www.dfw.state.or.us/agency/commission/minutes/23/04\\_Apr/EX%20C\\_PDF%20FILES%20FOR%20WEB/Exhibit%20C\\_Presentation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/04_Apr/EX%20C_PDF%20FILES%20FOR%20WEB/Exhibit%20C_Presentation.pdf)  
20  
21

22 Public Testimony  
Tyler Dungannon, Central Point

Oregon Hunters Association

23  
24 Rulemaking

25  
26 Action:

27 Commissioner Hatfield -Hyde moved to approve the amendments to administrative rule and the  
28 referenced Memorandum of Agreement Between the Confederated Tribes of the Warm Springs  
29 Reservation and the State of Oregon as proposed by staff and included in Attachments 3 and 4.  
30 Commissioner Spelbrink seconded the motion, and the motion was carried seven (7) in favor.

31  
32 **EXHIBIT D: MARBLED MURRELET ENDANGERED SPECIES MANAGEMENT**  
33 **PLANS**

34 The Commission approved the Marbled Murrelet Endangered Species Management Plans from  
35 designated landowning and managing state agencies that can play a role in murrelet  
36 conservation.

37 Martin Nugent, Threatened, Endangered and Sensitive Species Coordinator

38 Presentation: Martin provided the Commission with information on the Oregon ESA requirements  
39 with Marbled Murrelet reclassification; Endangered Species Management Plan  
40 (ESMP) process; and a summary of the state agencies ESMPs.

41  
42 *This presentation is located in the commission material and can be viewed at*

43 [https://www.dfw.state.or.us/agency/commission/minutes/23/04\\_Apr/EX%20D\\_PDF%20FILES%20FOR%20WEB/Exhibit%20D\\_Presentation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/04_Apr/EX%20D_PDF%20FILES%20FOR%20WEB/Exhibit%20D_Presentation.pdf)  
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1 Public Testimony  
2 Bob Sallinger, Portland  
3 Danielle Moser, Portland  
4 Joe Liebezeit, Portland  
5 Lindsey Adrean, Corvallis

Oregon Wild  
Portland Audubon  
American Bird Conservancy

6 Rulemaking

7 Action:

8 Commissioner Zarnowitz moved to approve the ten Endangered Species Management Plans, found  
9 in Attachments 3 and 4 from each of the land-owning and managing state agencies, as achieving  
10 the roles defined by them for the conservation of Marbled Murrelets, and the department is  
11 directed to continue collaboration with these nine (9) landowning agencies for conservation of  
12 Marbled Murrelets. Commissioner Hatfield-Hyde seconded the motion, and the motion carried  
13 seven (7) in favor.

### 14 **EXHIBIT E: FISH SCREENING TASK FORCE APPOINTMENT**

15 The Commission appointed Robert R. Durham to the Fish Screening Task Force.

16 Katherine Nordholm, Fish Screens and Passage Coordinator

17 No Public Testimony  
18 Appointment

19 Action:

20 Commissioner Hatfield-Hyde moved to appoint Mr. Robert R. Durham, as the representative for  
21 agriculture on the Fish Screening Task Force. Commissioner King seconded the motion, and the  
22 motion carried seven (7) in favor.

### 23 **EXHIBIT F: 2023 PACIFIC HALIBUT FISHERIES REGULATIONS**

24 The Commission adopted the 2023 regulations for recreational and commercial Pacific  
25 halibut fisheries.

26 Christian Heath, Acting Groundfish and Halibut Project Leader

27 Presentation: Christian provided the Commission with information on the proposed 2023  
28 Pacific Halibut Fishery Regulations including proposed quotas, season dates and management  
29 measures for sport and commercial Pacific halibut fisheries.  
30

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

32 [https://www.dfw.state.or.us/agency/commission/minutes/23/04\\_Apr/F/Ex%20F%20Halibut%20Pr  
33 esentation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/04_Apr/F/Ex%20F%20Halibut%20Presentation.pdf)

34 No Public Testimony  
35 Rulemaking

36  
37  
38  
39 Action:

40 Commissioner Spelbrink moved to adopt the staff recommendations for the 2023 sport and  
41 commercial Pacific Halibut fisheries as shown in Attachment 3. Commissioner King seconded the  
42 motion, and the motion carried seven (7) in favor.  
43

1  
2 **EXHIBIT G: 2023 OCEAN SALMON FISHERIES AND OCEAN TERMINAL FISHERIES**  
3 **RULEMAKING**

4 The Commission adopted ocean salmon fishing seasons and regulations for Oregon state  
5 waters by reference to seasons and regulations developed by the Pacific Fisheries  
6 Management Council for the adjacent domestic waters.

7 Christine Mallette, Ocean Salmon Program Manager

8 Presentation: Christine provided the Commission with information on the proposed 2023  
9 Ocean Salmon Regulations. The objectives and timelines for the Annual Pacific Fisheries  
10 Management Council (PFMC) process for salmon fisheries management was described. Chinook  
11 and coho stocks assessments and 2023 commercial and recreational seasons were also included in  
12 the presentation.

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/23/04\\_Apr/G/Ex%20G\\_Ocean%20Salmo](https://www.dfw.state.or.us/agency/commission/minutes/23/04_Apr/G/Ex%20G_Ocean%20Salmon%20Presentation.pdf)  
16 [n%20Presentation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/04_Apr/G/Ex%20G_Ocean%20Salmon%20Presentation.pdf)

17  
18 No Public Testimony  
19 Rulemaking

20  
21 Action:

22 Commissioner Spelbrink moved to amend OAR 635 Divisions 003 and 013 as proposed by staff in  
23 Attachment 3. Commissioner King seconded the motion, and the motion carried seven (7) in favor.

24  
25 **EXHIBIT H: DETERMINING WHETHER A PETITION TO LIST SOUTHERN**  
26 **RESIDENT ORCAS AS AN ENDANGERED SPECIES PRESENTS SUBSTANTIAL**  
27 **SCIENTIFIC INFORMATION TO COMMENCE A RULEMAKING PROCESS**

28 The Commission found that a petition that requested the adoption of a rule to classify  
29 Southern Resident orcas (*Orcinus orca*) as endangered under the Oregon Endangered Species  
30 Act presents substantial scientific information to begin a rulemaking process.

31 John North, Fish Division Deputy Administrator

32 Mike Brown, Marine Mammal Project Leader

33 Presentation: John provided the Commission with information on a petition received to  
34 adopt rules listing the Southern Resident Killer Whale (Orca) population as endangered under the  
35 Oregon Endangered Species Act (OESA). The presentation included information on Orca biology,  
36 population status, habitat, key threats, and validity of the petition.

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/23/04\\_Apr/H/Ex%20H\\_SRKW%20Prese](https://www.dfw.state.or.us/agency/commission/minutes/23/04_Apr/H/Ex%20H_SRKW%20Presentation.pdf)  
40 [ntation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/04_Apr/H/Ex%20H_SRKW%20Presentation.pdf)

41  
42  
43  
44 Public Testimony  
Quinn Read, Portland  
Sophia Ressler, Bend  
Kathleen Callaghy, Seattle

Center of Biological Diversity  
Center of Biological Diversity  
Defender of Wildlife

Deborah Giles, Friday Harbor  
Joy Primrose, Salem

Wild Orca  
American Cetacean Society Oregon Chapter

1  
2           Approval  
3           Action:  
4 Commissioner Khalil moved to accept the petition to list as endangered the Southern Resident  
5 Killer Whale Distinct Population Segment under the Oregon Endangered Species Act as warranted  
6 and initiate rulemaking. Commissioner King seconded the motion, and the motion carried seven  
7 (7) in favor.

8  
9 **OTHER BUSINESS**

10  
11 Chair Wahl adjourned the meeting at 3:35 p.m.