



Oregon Fish and Wildlife Commission Minutes

Workshop:
Thursday, December 14, 2023, 1:00 PM
McMinnville Community Center
Room 201
600 NE Evans St
McMinnville, OR 97128

Meeting:
Friday, December 15, 2023– 8:00 AM
McMinnville Community Center
Room 201
Hybrid Meeting
600 NE Evans St
McMinnville, OR 97128

1
2 Notice of these meetings had been made by press release of statewide media circulation. Those
3 attending part or all the meeting included:
4

Mary Wahl, Chair	Curt Melcher, Director
Bob Spelbrink, Commissioner	Shannon Hurn, Deputy Director of Administration
Mark Labhart, Commissioner	Shaun Clements, Acting Deputy Director of Fish and Wildlife Programs
Becky Hatfield-Hyde, Commissioner	Nick Myatt, East Region Manager
Kathayoon Khalil, Commissioner	Chris Kern, West Region Manager
Leslie King, Commissioner	Bernadette Graham Hudson, Wildlife Division Administrator
	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

5
6 **MEETING**

7
8 On Friday, **December 15, 2023, at 8:00 AM, Chair Wahl called the Oregon Fish and Wildlife**
9 **Commission** (the Commission) meeting to order.

10
11 **DIRECTOR’S REPORT**

12
13 Field Reports – in written form only; *this report is available in the meeting materials and at*
14 [https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Field%20Report%20%20Dec](https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Field%20Report%20%20Dec%202023%20.pdf)
15 [%202023%20.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Field%20Report%20%20Dec%202023%20.pdf)

16
17 **Expenditure Report**

18 Staff: Shannon Hurn, Deputy Director for Administration
19 Shannon provided the Commission with a report for the period ending October 30th, unrestricted
20 cash finished with a balance of \$61.5 million, while restricted cash ended at \$60.9 million. In sum,
21 ODFW’s total ending balance for the most recent period evaluated is \$122.4 million.

22
23 *This report is available in the meeting materials and at*
24 [https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Commission%20Financial%20](https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Commission%20Financial%20Report%20December%202023.pdf)
25 [Report%20December%202023.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Commission%20Financial%20Report%20December%202023.pdf)

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

1 Statewide Temperature Monitoring Plan and Cold-Water Refugia Identification
2 Kara Anlauf-Dunn, Assistant Project Leader
3 Spencer Sawaske, In-Stream Flow Specialist
4

5 *This report is available in the meeting materials and at*
6 https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Adapting%20to%20Climate%20and%20Ocean%20Change%20Report_12-15-23.pdf
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9 **ROGUE/SOUTH COAST PLAN UPDATE**

10 Dan Van Dyke, District Fisheries Biologist
11

12 *This report is available in the meeting materials and at*
13 [https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Rogue-](https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Rogue-South%20Coast%20Plan%20Update_12-15-23.pdf)
14 [South%20Coast%20Plan%20Update_12-15-23.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Rogue-South%20Coast%20Plan%20Update_12-15-23.pdf)
15

16 **ADOPT TEMPORARY RULES**

17 **Adopt Temporary Rules**

18 The Commission ratified the following temporary rules. The (13) thirteen temporary rules were
19 previously adopted by the director under his emergency action authority.
20

21 **1.) Amend Rules to Correct Dates for Archery Deer & Rabbit Hunting on Sauvie** 22 **Island Wildlife Area**

23 Adopted: September 20, 2023 – Effective Dates: September 20, 2023, through February
24 29, 2024

25 OARs 635-065-0000 (1) and (2) state in part that areas, methods, and other restrictions for
26 hunting game mammals are listed in the “2023 Oregon Big Game Regulations” and are
27 adopted and incorporated into OAR by reference. This rule amendment seeks to correct an
28 error in the archery hunting dates for black-tailed deer hunting and rabbit hunting at
29 Sauvie Island Wildlife Area printed on page 86 of the 2023 Oregon Big Game
30 Regulations.
31

32 **2.) 635-023-0130**

33 **Modify Lower Columbia River Recreational Chinook Salmon Fishery**

34 Adopted 9/21/2023: effective 9/21/2023 through 12/31/2023.

35 This amended rule adds retention days in the Columbia River recreational salmonid
36 fishery from the west Puget Island line to the Warrior Rock/Bachelor Island line beginning
37 September 22 through the end of the fall season. It also extends the Chinook and hatchery
38 coho retention period from the Warrior Rock/Bachelor Island line to Bonneville Dam
39 through the end of the fall season.
40

41 **3.) 635-041-0075**

42 **Set Treaty Commercial Fall Gillnet Fisheries**

43 Adopted 9/21/2023: effective 9/21/2023 through 12/31/2023.

44 These amended rules authorize the sales of fish caught in Zone 6 treaty gillnet fisheries to
45 include periods from September 25 through September 29 and October 2 through October
46 6.
47

1 **4.) 635-042-0060**

2 **Authorize Mainstem Columbia River Non-Treaty Commercial Fisheries**

3 Adopted 9/21/2023: effective 9/24/2023 through 12/31/2023.

4 This rule authorizes two commercial non-treaty gillnet fishing periods in the mainstem
5 Columbia River commercial Zones 4-5 for September 24 through September 25 and
6 September 26 through September 27.

7
8 **5.) 635-042-0060**

9 **Authorize Mainstem Columbia River Non-Treaty Commercial Fisheries**

10 Adopted 9/27/2023: effective 9/28/2023 through 12/31/2023.

11 This rule authorizes seven commercial non-treaty gillnet fishing periods in the mainstem
12 Columbia River commercial Zones 4-5 for September 28 through September 29 and
13 Sundays and Wednesdays from October 1 through October 19.

14
15 **6.) 635-019-0090**

16 **Close Recreational Steelhead Retention in Portions of the John Day River**

17 Adopted 10/5/2023: effective 10/6/2023 through 12/31/2023.

18 This amended rule closes retention of steelhead in portions of the John Day River from
19 October 6 through December 31.

20
21 **7.) 635-023-0130**

22 **Extend Columbia River Recreational Chinook Salmon Fishery**

23 Adopted 10/5/2023: effective 10/16/2023 through 12/31/2023.

24 This amended rule extends the Chinook retention period in the recreational fishery from
25 Bonneville Dam upstream to the OR/WA border through the end of the fall season.

26
27 **8.) 635-014-0090**

28 **Increase Big Creek Salmon Bag Limit**

29 Adopted 10/6/2023: effective 10/7/2023 through 12/31/2023.

30 This amended rule will increase the adult salmon and steelhead aggregate bag limit from
31 two hatchery fish to three hatchery fish. Of these three fish, up to three may be coho, no
32 more than two may be Chinook and no more than two may be steelhead.

33
34 **9.) 635-004-0275**

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

37 Adopted 10/6/2023: effective 10/6/2023 through 12/31/2023.

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

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42
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44 **10.) 635-016-0090**

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

46 Adopted 10/31/2023: effective 11/1/2023 through 12/31/2023.

1 This amended rule lifts a temporary closure that went into effect on October 1 on the Sixes
2 River from the Hughes House Boat Ramp upstream to the mouth of Crystal Creek to
3 protect fall Chinook that were vulnerable due to low water conditions. The closure will
4 end on November 1.

5
6 **11.) 635-005-0465**

7 **Delay Commercial Dungeness Crab Season Opening**

8 Adopted 11/21/2023: effective 11/27/2023 through 3/31/2024.

9 This amended rule delays the opening date for the Oregon 2023-2024 ocean commercial
10 Dungeness
11 crab fishery.

12
13 **12.) 635-075-0026**

14 **Extend Outfitters and Guides Controlled Hunt Application Deadline**

15 Adopted: November 21, 2023 – Effective Dates: November 21, 2023, through January 15,
16 2024.

17 OAR 635-075-0026(1) requires, in part, that participants in the Outfitter and Guide
18 controlled hunt tag allocation process must purchase a valid Outfitter and Guide controlled
19 hunt application and the completed application must be received by the Oregon
20 Department of Fish and Wildlife (Department) by midnight December 1 of each year.

21
22 **13.) 635-005-0465**

23 **Commercial Dungeness Crab Season Partial Opening**

24 Adopted 12/11/2023: effective 12/12/2023 through 3/31/2024.

25 This amended rule sets the opening date for the Oregon 2023-2024 ocean commercial
26 Dungeness crab fishery from the OR/CA border to Cape Foulweather and continues to
27 delay the season from Cape Foulweather to the OR/WA border until further test fishing is
28 conducted.

29
30 **Action:**

31 Commissioner Spelbrink moved to ratify the (13) thirteen temporary rules set forth on the
32 December 15, 2023, agenda. Commissioner King seconded the motion, and the motion carried
33 unanimously, six (6) in favor.

34
35 **COMMISSION UPDATES**

36
37 Commissioner Khalil moved to nominate Becky Hatfield-Hyde as Vice-Chair of the
38 Fish and Wildlife Commission. Commissioner Labhart seconded the motion, and the
39 motion was carried six (6) in favor.

40
41 **OTHER BUSINESS**

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44 **PUBLIC FORUM**

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46 This part of the agenda was for comments on topics not scheduled on the agenda. The Commission
47 is not able to take action directly on comments received during public forum at the meeting.

1
2 *Gearhart Elk*

3 Sharon Kloepfer, County Commissioner
4 Lazonia Sargent
5 Sara Vickerman
6 Richard Gaudagin
7

8 *Marine Reserves Program*

9 Katy Bear Nalven, Cape Perpetua Collaborative, Program Manager
10 Angela Whitlock, North Coast Land Conservancy, Program Coordinator
11 Kent Doughty, Audubon Society if Lincon City
12

13 *Rouge South Coast Plan*

14 James Fraser, Trout Unlimited, Oregon Policy Advisor
15 Mark Sherwood, Native Fish Society
16

17 *Oregon Wolf Conservation and Management Plan*

18 Mike Totey, Oregon Hunters Association, Conservation Director
19 Amaroq Weiss, Center of Biological Diversity, Senior Wolf Advocate
20 Bethany Cotton, Cascadia Wildland, Conservation Director
21

22 **Exhibit A: COMMISSION MINUTES**

23 Action:

24 Commissioner King moved to approve the September 15, 2023, meeting minutes with
25 continued authority to correct grammar and punctuation. Commissioner Spelbrink seconded the
26 motion, and the motion was carried six (6) in favor.
27

28 **EXHIBIT B: OREGON SAGE-GROUSE CORE AND LOW-DENSITY HABITAT**
29 **MAP UPDATE**

30 The Commission approved the revised Sage-Grouse core and low-density habitat maps.

31 Skyler Vold, Sage-grouse Conservation Coordinator
32 Mikal Cline, Upland Game Bird Coordinator
33

34 Presentation: Sklyer provided the Commission with a presentation on the updates to Oregon's
35 Sage-Grouse core and low-density maps. The presentation included information on what the
36 habitats are, where Sage-Grouse are concentrated, the existing 2011 map, why the map is
37 important, and why the update is occurring now.
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/23/12_Dec/Exhibit%20B/EX%20B_Presentation_Oregon%20Sage-Grouse%20Habitat%20Update_12-15-23.pdf
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46 Public Testimony

Mike Totey	Oregon Hunters Association
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1 Rulemaking

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3 Action:

4 Commissioner Hatfield-Hyde moved to approve the revised Oregon Sage-grouse Core and Low-
5 Density Habitat Map (2023) as shown in Attachment 3 and amend OAR Chapter 635 Division 140
6 as proposed by staff and shown in Attachment 4. Commissioner Spelbrink seconded the motion,
7 and the motion was carried six (6) in favor.

8
9 **EXHIBIT C: 2024 GROUND FISH FISHERIES REGULATIONS AND TERRITORIAL**
10 **SEA PLAN REVISIONS**

11 The Commission adopted regulations for the 2024 recreational and commercial groundfish
12 fisheries; and amendments to align with the Territorial Sea Plan Part Three revisions adopted by
13 the Land Conservation and Development Commission. The Commission also reviewed the 2022
14 commercial nearshore logbook report.

15 Lynn Mattes, Marine Fisheries Section Lead

16 Presentation: Lynn provided the Commission with a presentation on ground fish fisheries
17 regulations. Included in the presentation was information on the 2024 Federal Regulations, State
18 Harvest Guidelines, and commercial and recreational management measures. 2024 proposed bag
19 limits, recreational groundfish depth restrictions, projected fishery mortality and amendments to
20 the Territorial Sea plan were also discussed.

21
22 *This presentation is located in the commission material and can be viewed at*
23 https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Exhibit%20C/Ex%20C%202024%20Groundfish%20Presentation.pdf
24

25
26 No Public Testimony
27 Rulemaking

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29 Action:

30 Commissioner Spelbrink moved to amend OAR Chapter 635-004-0275, OAR 635-004-
31 0350, OAR 635-004-0355, and OAR 635 Division 39 as proposed by staff in Attachment 3.
32 Commissioner King seconded the motion, and the motion was carried six (6) in favor.

33
34 Commissioner Spelbrink moved to amend OAR Chapter 635-004-0220 and OAR 635-005-
35 0260 as proposed by staff in Attachment 3. Commissioner Labhart seconded the motion, and the
36 motion was carried six (6) in favor.

37
38 **EXHIBIT D: OREGON CONSERVATION AND RECREATION FUND RULE**
39 **REVISION**

40 The Commission adopted amendments to the Oregon Conservation and Recreation Fund
41 (OCRF) rules.

42 Reva Gilman, OCRF Coordinator

43 Sarah Reif, Habitat Division Administrator

44 Presentation: Sarah and Reva provided the Commission with a presentation on the Oregon
45 Conservation and Recreation Fund administrative rules revisions. The rule amendments included
46 definition of terms, updates to the regular grant process, added “Urgent Grants” to align with the

1 Private Forest Accord, Committee membership requirements, a description of eligible entities,
2 applications, and agreement terms.

3
4 *This presentation is located in the commission material and can be viewed at*
5 https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Exhibit%20D/Exhibit%20D_Presentation_OCRF.pdf
6

7
8 No Public Testimony
9 Rulemaking

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11 Action:

12 Commissioner Labhart moved to amend OAR 635-098-0060 as proposed by staff.
13 Commissioner King seconded the motion, and the motion was carried six (6) in favor.

14
15 **EXHIBIT E: RECREATIONAL ABALONE FISHERY**

16 The Commission adopted rules to suspend the recreational red abalone fishery without a
17 proposed sunset date.

18 Scott Groth, Resource Assessment and Management Section Lead
19 Steven Rumrill, Shellfish Program Leader
20 Kendall Smith, Shellfish Biologist

21
22 Presentation: Scott provided the Commission with a presentation on recreational abalone fishery
23 management and conservation. The cultural importance and uniqueness of the iconic marine
24 invertebrate was discussed. Information on Oregon abalone species, abalone biology, abalone
25 fishery in Oregon, red abalone status and decline, environmental changes, and the Conservation
26 and Fishery Management plan Fishery triggers was provided in the presentation.

27
28 *This presentation is located in the commission material and can be viewed at*
29 [https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Exhibit%20E/Ex%20E%20A](https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Exhibit%20E/Ex%20E%20Abalone%20Presentation.pdf)
30 [balone%20Presentation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Exhibit%20E/Ex%20E%20Abalone%20Presentation.pdf)

31
32 No Public Testimony
33 Rulemaking

34
35 Action:

36 Commissioner King moved to amend OAR 635-039-0090 as proposed by staff in
37 Attachment 3. Commissioner Spelbrink seconded the motion, and the motion was carried
38 six (6) in favor.

39
40 **EXHIBIT F: RESTORATION AND ENHANCEMENT PROGRAM PROJECT**
41 **APPROVAL**

42 The Commission reviewed and approved funding for two projects recommended by the
43 Restoration and Enhancement Board for cycle 2 of 4 for the 2023-25 biennium, appointed a
44 new representative to the R&E Board to represent Sport Fishing Interests, and appointed a
45 new representative to the R&E Board to represent Commercial Fishing interests.

46 Martin Olson, R&E and STEP Programs Coordinator
47 Tom Stahl, Acting Fish Division Deputy Administrator

1
2 Presentation: Marty provided the Commission with information on the proposed allocation of R&E
3 funds; and the appointment of one Sport Fishing Representative; and one Commercial
4 Representative to the R&E Board.

5
6 *This presentation is located in the commission material and can be viewed at*
7 https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Exhibit%20F/Ex%20F%20R
8 [E%20Presentation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Exhibit%20F/Ex%20F%20R)
9

10 No Public Testimony
11 Approval and Appointment

12
13 Action:

14 Commissioner Hatfield-Hyde moved approve the projects recommended by the Restoration
15 and Enhancement Board as set forth in Attachments 2 and 3; and moved to appoint Fred
16 Cholick to a four-year term as a Sport Fishing Representative on the Restoration and
17 Enhancement Board, and moved to appoint Brett Montague to a four-year term as a
18 Commercial Fishing Representative on the Restoration and Enhancement Board.
19 Commissioner Spelbrink seconded the motion, and the motion was carried six (6) in favor.
20

21 **EXHIBIT G: ACCESS AND HABITAT PROGRAM FUNDING**

22 The Commission approved the Access and Habitat Board recommendations for project
23 funding.

24 Travis Schultz, Access & Habitat Program Coordinator
25 Brian Wolfer; Wildlife Division Deputy Administrator
26

27 Presentation: Travis provided the Commission with information on an Open Fields Access Project
28 Extension. The proposal extended access projects for one year, maintains access to roughly 238,00
29 acres, and sustains a good relationship with the landowner.
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/23/12_Dec/Exhibit%20G/Exhibit%20G
33 [Presentation_AH.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Exhibit%20G/Exhibit%20G)
34

35 No Public Testimony
36 Approval

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38 Action:

39 Commissioner Labhart moved approve the Open Fields Access Projects Extension project
40 recommended for funding by the Access & Habitat Board. Commissioner Hatfield-Hyde seconded
41 the motion, and the motion was carried six (6) in favor.
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43
44

45 **EXHIBIT H: PROPOSED REVOCATION OF 2023 COMMERCIAL FISHING** 46 **LICENSES HELD BY LONGS SEAFOOD**

1 The Commission authorized the department to revoke commercial fishing licenses held by
2 Longs Seafood for the remainder of 2023, and for a period of one year.

3 Ken Loffink, ASD Administrator

4 Jeannine Smith, License Services Manager

5
6 Presentation: Ken and Jeannine provided the Commission with a presentation on the
7 revocation of Commercial License held by “Longs Seafood Market”. Included in the
8 presentation was a summary of the Rules and Statutes; and fact findings that supported the
9 revocation of the license.

10
11 *This presentation is located in the commission material and can be viewed at*

12 [https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Exhibit%20H/Ex%20H%20P
13 resentation%20License%20Revocation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Exhibit%20H/Ex%20H%20Presentation%20License%20Revocation.pdf)

14
15 No Public Testimony

16 License Revocation

17
18 Action:

19 Commissioner King moved that the Commission revoke the 2023 Wholesale Fish Dealer
20 License #106SB held by Longs Seafood for the remainder of 2023, and to refuse issuance
21 of commercial fishing licenses or permits for a period of one year from the date of issuance
22 of the default final order. Commissioner Spelbrink seconded the motion, and the motion
23 was carried six (6) in favor.

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27 **OTHER BUSINESS**

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30 Chair Wahl adjourned the meeting at 2:30 p.m.