



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

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2 *Commission minutes are considered draft until approved by the Commission.*

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4 Notice of these meetings had been made by press release of statewide media circulation. Those
5 attending part or all the meeting included:
6

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

7
8 **MEETING**

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

12
13 **DIRECTOR’S REPORT**

14
15 Field Reports – in written form only; *this report is available in the meeting materials and at*
16 [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)
17 [%202023%20.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Field%20Report%20%20Dec%202023%20.pdf)

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19 **Expenditure Report**

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

24
25 *This report is available in the meeting materials and at*
26 [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)
27 [Report%20December%202023.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Commission%20Financial%20Report%20December%202023.pdf)

1
2 **ADAPTING TO CLIMATE AND OCEAN CHANGE REPORT**

3 Statewide Temperature Monitoring Plan and Cold-Water Refugia Identification

4 Kara Anlauf-Dunn, Assistant Project Leader

5 Spencer Sawaske, In-Stream Flow Specialist

6
7 *This report is available in the meeting materials and at*

8 [https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Adapting%20to%20Climate%](https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Adapting%20to%20Climate%20and%20Ocean%20Change%20Report_12-15-23.pdf)
9 [20and%20Ocean%20Change%20Report_12-15-23.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Adapting%20to%20Climate%20and%20Ocean%20Change%20Report_12-15-23.pdf)

10
11 **ROGUE/SOUTH COAST PLAN UPDATE**

12 Dan Van Dyke, District Fisheries Biologist

13
14 *This report is available in the meeting materials and at*

15 [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)
16 [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)

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18 **ADOPT TEMPORARY RULES**

19 **Adopt Temporary Rules**

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

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

25 Adopted: September 20, 2023 – Effective Dates: September 20, 2023, through February
26 29, 2024

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

33
34 **2.) 635-023-0130**

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

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

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

42
43 **3.) 635-041-0075**

44 **Set Treaty Commercial Fall Gillnet Fisheries**

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

1 These amended rules authorize the sales of fish caught in Zone 6 treaty gillnet fisheries to
2 include periods from September 25 through September 29 and October 2 through October
3 6.

4
5 **4.) 635-042-0060**

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

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

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

11
12 **5.) 635-042-0060**

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

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

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

18
19 **6.) 635-019-0090**

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

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

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

24
25 **7.) 635-023-0130**

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

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

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

30
31 **8.) 635-014-0090**

32 **Increase Big Creek Salmon Bag Limit**

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

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

37
38 **9.) 635-004-0275**

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

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

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

1 **10.) 635-016-0090**

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

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

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

8
9 **11.) 635-005-0465**

10 **Delay Commercial Dungeness Crab Season Opening**

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

12 This amended rule delays the opening date for the Oregon 2023-2024 ocean commercial
13 Dungeness
14 crab fishery.

15
16 **12.) 635-075-0026**

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

18 Adopted: November 21, 2023 – Effective Dates: November 21, 2023, through January 15,
19 2024.

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

24
25 **13.) 635-005-0465**

26 **Commercial Dungeness Crab Season Partial Opening**

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

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

32
33 Action:

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

37
38 **COMMISSION UPDATES**

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

43
44 **OTHER BUSINESS**

1 **PUBLIC FORUM**

2 This part of the agenda was for comments on topics not scheduled on the agenda. The Commission
3 is not able to take action directly on comments received during public forum at the meeting.
4

5 *Gearhart Elk*

6 Sharon Kloepfer, County Commissioner
7 Lazonia Sargent
8 Sara Vickerman
9 Richard Gaudagin

10
11 *Marine Reserves Program*

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

15
16 *Rouge South Coast Plan*

17 James Fraser, Trout Unlimited, Oregon Policy Advisor
18 Mark Sherwood, Native Fish Society

19
20 *Oregon Wolf Conservation and Management Plan*

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

24
25 **Exhibit A: COMMISSION MINUTES**

26 Action:

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

30
31 **EXHIBIT B: OREGON SAGE-GROUSE CORE AND LOW-DENSITY HABITAT**
32 **MAP UPDATE**

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

34 Skyler Vold, Sage-grouse Conservation Coordinator
35 Mikal Cline, Upland Game Bird Coordinator

36
37 Presentation: Skyler provided the Commission with a presentation on the updates to Oregon’s
38 Sage-Grouse core and low-density maps. The presentation included information on what the
39 habitats are, where Sage-Grouse are concentrated, the existing 2011 map, why the map is
40 important, and why the update is occurring now.

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/23/12_Dec/Exhibit%20B/EX%20B_Pres](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)
44 [entation_Oregon%20Sage-Grouse%20Habitat%20Update_12-15-23.pdf](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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Public Testimony

Mike Totey	Oregon Hunters Association
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Rulemaking

Action:

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

EXHIBIT C: 2024 GROUND FISH FISHERIES REGULATIONS AND TERRITORIAL SEA PLAN REVISIONS

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

Lynn Mattes, Marine Fisheries Section Lead

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

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

https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Exhibit%20C/Ex%20C%202024%20Groundfish%20Presentation.pdf

No Public Testimony
Rulemaking

Action:

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

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

EXHIBIT D: OREGON CONSERVATION AND RECREATION FUND RULE REVISION

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

Reva Gilman, OCRF Coordinator
Sarah Reif, Habitat Division Administrator

1 Presentation: Sarah and Reva provided the Commission with a presentation on the Oregon
2 Conservation and Recreation Fund administrative rules revisions. The rule amendments included
3 definition of terms, updates to the regular grant process, added “Urgent Grants” to align with the
4 Private Forest Accord, Committee membership requirements, a description of eligible entities,
5 applications, and agreement terms.

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

11 No Public Testimony
12 Rulemaking

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14 Action:

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

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18 **EXHIBIT E: RECREATIONAL ABALONE FISHERY**

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

21 Scott Groth, Resource Assessment and Management Section Lead
22 Steven Rumrill, Shellfish Program Leader
23 Kendall Smith, Shellfish Biologist
24

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

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%20E/Ex%20E%20A
34 balone%20Presentation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Exhibit%20E/Ex%20E%20A
33 balone%20Presentation.pdf)

35 No Public Testimony
36 Rulemaking

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38 Action:

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

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43 **EXHIBIT F: RESTORATION AND ENHANCEMENT PROGRAM PROJECT**
44 **APPROVAL**

45 The Commission reviewed and approved funding for two projects recommended by the
46 Restoration and Enhancement Board for cycle 2 of 4 for the 2023-25 biennium, appointed a

1 new representative to the R&E Board to represent Sport Fishing Interests, and appointed a
2 new representative to the R&E Board to represent Commercial Fishing interests.

3 Martin Olson, R&E and STEP Programs Coordinator
4 Tom Stahl, Acting Fish Division Deputy Administrator
5

6 Presentation: Marty provided the Commission with information on the proposed allocation of R&E
7 funds; and the appointment of one Sport Fishing Representative; and one Commercial
8 Representative to the R&E Board.
9

10 *This presentation is located in the commission material and can be viewed at*
11 [https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Exhibit%20F/Ex%20F%20R](https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Exhibit%20F/Ex%20F%20R%20Presentation.pdf)
12 [E%20Presentation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Exhibit%20F/Ex%20F%20R%20Presentation.pdf)
13

14 No Public Testimony
15 Approval and Appointment
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17 Action:

18 Commissioner Hatfield-Hyde moved approve the projects recommended by the Restoration
19 and Enhancement Board as set forth in Attachments 2 and 3; and moved to appoint Fred
20 Cholick to a four-year term as a Sport Fishing Representative on the Restoration and
21 Enhancement Board, and moved to appoint Brett Montague to a four-year term as a
22 Commercial Fishing Representative on the Restoration and Enhancement Board.
23 Commissioner Spelbrink seconded the motion, and the motion was carried six (6) in favor.
24

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

26 The Commission approved the Access and Habitat Board recommendations for project
27 funding.

28 Travis Schultz, Access & Habitat Program Coordinator
29 Brian Wolfer; Wildlife Division Deputy Administrator
30

31 Presentation: Travis provided the Commission with information on an Open Fields Access Project
32 Extension. The proposal extended access projects for one year, maintains access to roughly 238,00
33 acres, and sustains a good relationship with the landowner.
34

35 *This presentation is located in the commission material and can be viewed at*
36 [https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Exhibit%20G/Exhibit%20G](https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Exhibit%20G/Exhibit%20G%20Presentation_AH.pdf)
37 [Presentation_AH.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Exhibit%20G/Exhibit%20G%20Presentation_AH.pdf)
38

39 No Public Testimony
40 Approval
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42 Action:

43 Commissioner Labhart moved approve the Open Fields Access Projects Extension project
44 recommended for funding by the Access & Habitat Board. Commissioner Hatfield-Hyde seconded
45 the motion, and the motion was carried six (6) in favor.
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47

1
2 **EXHIBIT H: PROPOSED REVOCATION OF 2023 COMMERCIAL FISHING**
3 **LICENSES HELD BY LONGS SEAFOOD**

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

6 Ken Loffink, ASD Administrator
7 Jeannine Smith, License Services Manager
8

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

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/23/12_Dec/Exhibit%20H/Ex%20H%20P](https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Exhibit%20H/Ex%20H%20Presentation%20License%20Revocation.pdf)
16 [resentation%20License%20Revocation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/12_Dec/Exhibit%20H/Ex%20H%20Presentation%20License%20Revocation.pdf)
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18 No Public Testimony
19 License Revocation
20

21 **Action:**

22 Commissioner King moved that the Commission revoke the 2023 Wholesale Fish Dealer
23 License #106SB held by Longs Seafood for the remainder of 2023, and to refuse issuance
24 of commercial fishing licenses or permits for a period of one year from the date of issuance
25 of the default final order. Commissioner Spelbrink seconded the motion, and the motion
26 was carried six (6) in favor.
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30 **OTHER BUSINESS**
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33 Chair Wahl adjourned the meeting at 2:30 p.m.