



Oregon Fish and Wildlife Commission Minutes

Meeting:
Friday, August 9, 2024– 8:00 AM
Oregon Department of Fish and Wildlife
Hybrid Meeting
4034 Fairview Industrial Dr SE
Salem, OR 97302

Commission minutes are considered draft until approved by the Commission.

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

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| Mary Wahl, Chair | Debbie Colbert, Director |
| Becky Hatfield-Hyde, Vice Chair | Ken Loffink, Interim Deputy Director of Administration |
| Bob Spelbrink, Commissioner | Shaun Clements, Deputy Director of Fish and Wildlife Programs |
| Mark Labhart, Commissioner | Nick Myatt, East Region Manager |
| Kathayoon Khalil, Commissioner (virtual) | Chris Kern, West Region Manager |
| Leslie King, Commissioner | Bernadette Graham Hudson, Wildlife Division Administrator |
| | Mike Harrington, Fish Division Administrator |
| | Sarah Reif, Habitat Division Administrator |
| | Casey Thomas, Captain Oregon State Police |
| | Anika Marriott, Assistant Attorney General |
| | Erin Donald, Assistant Attorney General |

MEETING

On Friday, August 9, 2024 at 8:00 a.m., Chair Wahl called the Oregon Fish and Wildlife Commission (the Commission) meeting to order.

DIRECTOR’S REPORT

Field Reports – in written form only; *this report is available in the meeting materials and at https://www.dfw.state.or.us/agency/commission/minutes/24/08_Aug/Aug%209%20Field%20Report%20.pdf*

Expenditure Report

Ken Loffink, Interim Deputy Director for Administration

Ken reported for the month ending June 30, 2024, the department’s unrestricted cash balance finished at \$86.4 million and restricted cash came in at \$73.5 million, for a total of \$159.9 million in custody at State Treasury.

The unrestricted cash total includes a \$26 million insurance settlement that was received from DAS in June for damages incurred from the 2020 wildfires. Additionally, strong sales in May and June, as well as reimbursements from federal agencies contributed to strong June ending balance.

For 2023-25 biennium, revenues are tracking as expected. June 30, 2024 is the halfway point in the biennium (50%), and as of this date ODFW has expended 32% of its overall budget limitation. Under spending is highest in other fund expenditures, reflecting intentional efforts to manage license expenditures to cover for increased costs in some sectors. 2025-27 Budget Development The department's Agency Request Budget (ARB) was approved by the Commission during the June Commission meeting. Budget Program staff are currently entering the ARB into the state's budget system. Full ARB submission is due at the end of August. After ARB submission the next step is posting of the Governor's Recommended Budget, which will occur prior to the 2025 Legislative Session.

This report is available in the meeting materials and at:

https://www.dfw.state.or.us/agency/commission/minutes/24/08_Aug/Commission%20Financial%20Report%20August%202024.pdf

Adapting to Climate and Ocean Change Report

Balancing land use, energy siting, and species resiliency in Oregon

Sarah Reif, Habitat Division Administrator

Jeremy Thompson, Energy Coordinator

This report is available in the meeting materials and at:

https://www.dfw.state.or.us/agency/commission/minutes/24/08_Aug/Presentation-Climate%20Working%20Lands%20Land%20Use%20Energy%20Siting-8-9-24.pdf

Adopt Temporary Rules

Debbie Colbert, Director, requested the Commission ratify the following temporary rules. The eighteen (18) temporary rules were previously adopted by the director under his emergency action authority.

1. 635-016-0500

Modify Wild Spring Chinook Regulations in Umpqua District

Adopted 6/17/2024: Effective 6/17/2024 through 6/30/2024.

This amended rule will prohibit retention of all wild Chinook on the Mainstem Umpqua River and on the North Umpqua River from February 1 through June 30 in accordance with the sliding scale established by the State's Coastal Multi-Species Conservation and Management Plan (CMP).

2. 635-042-0160, 635-042-0170

Modify Hours for Commercial Select Area Summer Fisheries

Adopted 6/18/2024: Effective 6/19/2024 through 7/31/2024.

This amended rule will expand the open hours from 12 to 15 hours per period for previously-adopted summer-season commercial periods in Blind Slough/Knappa Slough and Tongue Point/South Channel Select Area fisheries.

3. 635-004-0355

Commercial Nearshore Fishery Limit Increases for Periods 4-6

Adopted 6/26/2024: Effective 7/5/2024 through 12/31/2024.

This amended rule will increase the commercial nearshore fishery two-month cumulative trip limits for black rockfish for period 4 (July-August 2024) and other nearshore rockfish, cabezon, and greenling management categories for periods 4-6 (July-December 2024).

4. 635-004-0375

Amend Rules for Commercial Pelagic Species Fisheries for consistency with federal regulations

Adopted 6/26/2024: Effective 7/1/2024 through 12/27/2024.

These amended rules will modify state regulations for commercial Coastal Pelagic Species (CPS) fisheries in order to be consistent with federal regulations governing Pacific sardine harvest specifications and management measures for the July 2024-June 2025 fishing season. Federal rules recommended by the Pacific Fishery Management Council (PFMC) for the 2024-2025 season include a continued closure of the Pacific sardine directed commercial fishery along the entire West Coast due to low stock biomass, and limits on incidental sardine harvest in other commercial fisheries. Final federal rules have not published at the time of this filing but are expected to reflect PFMC recommendations and the proposed rule adopted by reference here.

5. 635-039-0085

Open additional Pacific halibut all-depth fishing days to the Central Oregon Coast subarea

Adopted 6/26/2024: effective 7/1/2024 through 12/27/2024.

This amended rule will authorize the back-up dates (seven days per week) specified in the Pacific halibut Catch Sharing Plan for the Central Oregon Coast subarea spring all-depth fishery, specifically July 1 through July 31.

6. 635-023-0128

Close sockeye salmon retention in mainstem Columbia River recreational fisheries

Adopted 6/27/2024: Effective 6/28/2024 through 7/31/2024.

This amended rule will close retention of sockeye salmon in Columbia River recreational fisheries from the Astoria-Megler Bridge upstream to the OR/WA border (upstream of McNary Dam) beginning June 28, 2024.

7. 635-041-0076

Authorize commercial sales for Columbia River Treaty Indian summer fisheries

Adopted 6/27/2024: Effective 6/28/2024 through 7/31/2024.

This amended rule authorizes the sale of fish caught in Zone 6 (between Bonneville and McNary dams) gillnet fisheries during periods from July 1 through July 4 and July 8 through July 10.

8. 635-017-0530

Close the McKenzie River to Chinook salmon angling

Adopted 7/3/2024: Effective 7/8/2024 through 12/31/2024.

This amended rule closes the McKenzie River from the mouth to Leaburg Dam for angling for and retention of Chinook salmon.

9. 635-041-0076

Authorize commercial sales for Columbia River Treaty Indian summer fisheries

Adopted 7/10/2024: Effective 7/15/2024 through 7/31/2024.

This amended rule authorizes the sale of fish caught in Zone 6 (between Bonneville and McNary dams) treaty gillnet fisheries during a fishing period from July 15 through July 17.

10. 635-068-0000, 635-070-0000, 635-073-0000

Clarify 2024 season dates for western Oregon elk hunt and two western Oregon deer hunts.

Adopted: July 18, 2024 – Effective 7/18/2024 through 1/13/2025

Oregon Administrative Rules establishing seasons and tag numbers for 2024 controlled western Oregon deer seasons, western Oregon elk seasons, and special interest season hunts were adopted September 15, 2023. Season dates for one western Oregon antlerless deer controlled hunt, bag limit restriction dates for one western Oregon elk controlled hunt, and season dates for one eastern Oregon deer bow controlled hunt were incorrect in the 2024 hunt tables adopted by the Commission. These rule amendments are needed to clarify the season dates that are accurately published in the referenced Big Game Regulations and shown on the tags issued for these hunts.

11. 635-041-0076

Authorize Sales for Columbia River Treaty Commercial Summer Fisheries

Adopted 7/19/2024: Effective 7/22/2024 through 7/31/2024.

This amended rule authorizes the sale of fish caught in Zone 6 treaty gillnet fisheries during a fishing period from July 22 through July 24.

12. 635-039-0085

Modify Pacific halibut all-depth fishing days to the Central Oregon Coast subarea

Adopted 7/26/2024: Effective 8/1/2024 through 12/27/2024.

This amended rule will authorize opening the Columbia River subarea from August 22 through September 3 and September 5, 8, 10, 12, 15, 17, 19, 22, 24, 26, and 29. The rule will also authorize opening seven days per week for the Central Oregon Coast subarea summer all-depth fishery, specifically August 1 through October 31, as allowed by the Pacific halibut Catch Sharing Plan. If the quota is attained prior to the season end date, that subarea may close early if other subareas are projected to reach or exceed their allocation.

13. 635-004-0275

Federal Actions and Management Measures Implemented for Commercial Groundfish Fisheries

Adopted 7/31/2024: Effective 8/1/2024 through 12/31/2024.

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

14. 635-023-0130

Set Recreational Fall-Season Fisheries and Thermal Angling Sanctuaries in the Columbia River

Adopted 7/31/2024: Effective 8/1/2024 through 12/31/2024.

This amended rule sets the Columbia River recreational salmon/steelhead fisheries from August 1 through December 31. This rule also closes angling in portions of the mainstem Columbia River adjacent to the mouths of Eagle Creek and the Deschutes River, and that portion of Herman Creek and Lagoon within the Columbia River Zone through September 15.

15. 635-014-0510

Adds two tributaries to the Siletz River, to areas open for retention of wild coho

Adopted 7/31/2024: Effective 8/1/2024 through 12/31/2024.

This amended rule will add Drift Creek and Schooner Creek, tributaries to the Siletz River, to salmon regulations established for fall 2024 coastal rivers fisheries for the Siletz Basin.

16. 635-041-0045, 635-041-0075

Authorize sales for Columbia River Treaty commercial fall fisheries

Adopted 8/1/2024: Effective 8/1/2024 through 12/31/2024.

These amended rules authorize the sales of fish caught in treaty fisheries.

- Platform hook and line fisheries in Zone 6 (above Bonneville Dam) from August 1 through December 31.
- Platform and hook-and-line fisheries downstream from Bonneville Dam from August 1 through October 31.
- Yakama Nation tributary fisheries from August 1 through December 31.

17. 635-042-0010, 635-042-0031, 635-042-0145, 635-042-0160, 635-042-0170, 635-042-0180

Set mainstem Columbia River and Select Area commercial fisheries

Adopted 8/1/2024: Effective 8/1/2024 through 12/31/2024.

These rules implement 2024 fall Columbia River mainstem (early-fall gillnet and seine) and Select Area commercial fisheries. The following fisheries are addressed by these rules: Columbia River Early Fall (Zones 4-5), fall-season seine alternative gear (Zones 1-3), Blind/Knappa Slough, Tongue Point/South Channel, Youngs Bay, and Deep River.

18. 635-053-0000

Amend Rules to Modify Controlled Hunt Permit Numbers for 2024 Oregon Sage-Grouse Hunting Season

Adopted: August 2, 2024 – Effective Dates: 8/2/2024 through 1/28/2025

Oregon Administrative Rules establishing seasons and permit numbers for 2024 controlled sage-grouse hunts were adopted by the Commission on April 19, 2024. Permit numbers adopted at that time did not account for on-going sagegrouse population surveys that were not yet complete or the reduction in habitat that has occurred due to wildfire since those permit numbers were adopted. This rule amendment is necessary to adjust permit numbers in eight sage-grouse hunt areas to account for unanticipated changes to sage-grouse population (e.g., lower populations in some areas and in other areas higher) estimates resulting from data collected in the surveys completed after permit numbers were adopted, and to account for potential negative effects to sage-grouse populations due to wildfire.

Action:

Commissioner Labhart moved to ratify the eighteen (18) temporary rules set forth in today's agenda. Commissioner Spelbrink seconded the motion, and the motion carried unanimously, six (6) in favor.

COMMISSION UPDATES

OTHER BUSINESS

PUBLIC FORUM

This part of the agenda is for comments on topics not scheduled on the agenda. The Commission will be unable to act on items brought to their attention in this forum.

Private Forest Accord Grant Program in the 2023-2025 Budget: Casey Kulla

Exhibit A: COMMISSION MINUTES

Action:

Commissioner Spelbrink moved to approve the June 14, 2024, meeting minutes with continued authority to correct grammar and punctuation. Commissioner King seconded the motion and the motion was carried unanimously, six (6) in favor.

Exhibit B: WILDLIFE HABITAT CONSERVATION AND MANAGEMENT RULE REVISION

The Commission adopted rule amendments to the Wildlife Habitat Conservation and Management Program.

Nancy Taylor, Waterway and Habitat Incentives Coordinator
Sarah Reif, Habitat Division Administrator

Sarah and Nancy provided the Commission with a presentation on the Wildlife Habitat Conservation and Management Program. This program has been in statute since 1993 and provides a property tax incentive to private landowners who want to voluntarily conserve wildlife habitat on their properties instead of, or in addition to, farming, growing timber or other land uses.

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

https://www.dfw.state.or.us/agency/commission/minutes/24/08_Aug/EX%20B/Exhibit%20B_Presentation_WHCMP_8-9-24%20.pdf

Rulemaking

Action:

Commissioner Hatfield-Hyde moved to amend Oregon Administrative Rules, Division 430 as proposed by staff. This proposed rulemaking updates the WHCMP program rules (Oregon Administrative Rules consistent with these recent statutory changes to ORS 308A. Commissioner Spelbrink seconded the motion and the motion was carried unanimously, six (6) in favor.

Public Testimony

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| Claire Klock | |
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Exhibit C: LICENSING RULE UPDATES

The Commission adopted rule amendments to rules for preference point reinstatement, license refunds, and agency representation.

Ken Loffink, Interim Deputy Director of Administration

Ken provided the Commission with a presentation to update rules to meet the current business needs of the department. Many of the proposed rule changes are basic updates necessary to reflect current practices, and also specific updates focused on improving customer service.

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

https://www.dfw.state.or.us/agency/commission/minutes/24/08_Aug/EX%20C/Ex%20C%20Presentation%20Licensing%20AR%20Update%20WEB.pdf

Public Testimony

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| No public testimony | |
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Rulemaking

Action:

Commissioner Labhart moved to amend rules 635-001-0070, 635-010-0027, and 635-060-0046. Commissioner King seconded the motion and the motion was carried unanimously, six (6) in favor.

EXECUTIVE SESSION

The Commission held an Executive Session pursuant to ORS 192.660 (2)(e), (2)(f) and (2)(h), which allows the Commission to meet in executive session to conduct deliberations with persons designated by the governing body to negotiate real property transactions, to consider information or records that are exempt by law from public inspection, and to consult with legal counsel concerning the legal rights and duties of a public body with respect to current litigation or litigation likely to be filed.

ANNUAL RECOGNITION AWARD RECIPIENTS

The Annual Award Presentation began at 11:00 a.m. The following were recognized.

Debbie Colbert, Director
Mary Wahl, Commission Chair

Individual Award

Kaly Adkins
Darleen Beall
Brent Hanners
Elise Kelley
Justin Miles
David Mohny
Scott Quigley
Linda Spansel
Holly Tuers Lance
Michelle Dennehy

Manager Mentor

Ben Walczak

Team Award: Nearshore Rockfish Survey

Team:

Leif Rasmuson
Matt Blume
Kelly Lawrence
Mark Terwilliger
Beth Bailey

Team Award: Private Forest Accord Stream

Biologists

Jeremy Webster
A.J. Van Domelen
Paul Olmsted

Kirsten Ressel
Kevin Gray
Kelsey Anderson

Director's Team Award: Wolf Conservation Management Plan Review Team

Derek Broman
Mark Vargas
Roblyn Brown
Mark Kirsch
Brian Ratliff
Holly Tuers Lance
Nick Myatt
Michelle Dennehy
Davia Palmeri
Shaun Clements

Director's Choice Individual Award

Tod Lum

Dave Liscia: (for our Volunteer)

Jessica Eubanks

DEI Award (Diversity Equity and Inclusion)

Emily VanWyk

Land Stewardship

Fruit Growers Supply Company: Jim Crawford

ADJOURN:

Chair Wahl adjourned the meeting at 12:05 p.m.