



Oregon Fish and Wildlife Commission Minutes

Tour:
Thursday, Sept 12, 2024, 8:00 AM
Best Western Hood River Inn
1108 E Marina DR
Hood River, OR 97031

Meeting:
Friday, Sept 13, 2024– 8:00 AM
Fort Dalles Readiness Center
402 Scenic Dr
The Dalles, OR 97058

1
2 *Commission minutes are considered draft until approved by the Commission.*
3
4 Notice of these meetings had been made by press release of statewide media circulation. Those
5 attending part or all of the meeting included:
6

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	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, **September 13 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 Field Reports – in written form only; *this report is available in the meeting materials and at*
15 [https://www.dfw.state.or.us/agency/commission/minutes/24/09_Sep/Field%20Report%20Sept%20](https://www.dfw.state.or.us/agency/commission/minutes/24/09_Sep/Field%20Report%20Sept%2013%20FINAL.pdf)
16 [13%20FINAL.pdf](https://www.dfw.state.or.us/agency/commission/minutes/24/09_Sep/Field%20Report%20Sept%2013%20FINAL.pdf)

17
18 **MARKET SQUID LIMITED ENTRY INTERIM REPORT** - In written form only; *this*
19 *report is available in the meeting materials and at*
20 [https://www.dfw.state.or.us/agency/commission/minutes/24/09_Sep/Interim%20Report%20Marke](https://www.dfw.state.or.us/agency/commission/minutes/24/09_Sep/Interim%20Report%20Market%20Squid%20Limited%20Entry.pdf)
21 [t%20Squid%20Limited%20Entry.pdf](https://www.dfw.state.or.us/agency/commission/minutes/24/09_Sep/Interim%20Report%20Market%20Squid%20Limited%20Entry.pdf)

22
23 **Expenditure Report**

24 Staff: As of July 31, 2024, the department’s total cash balance was \$158.5 million, with
25 \$82.2 million in unrestricted cash and \$76.3 million in restricted cash. The unrestricted cash
26 includes a \$26 million insurance settlement from the 2020 wildfires. For the 2023-25 biennium,
27 expenditures and revenues are tracking as expected, with agency expenditures through July at
28 35.2% of the approved budget, reflecting cost-saving measures.

1
2 The Agency Request Budget (ARB) was approved by the Commission in June and submitted to
3 DAS and the Governor’s Office by the August 30th deadline. The next step is working with DAS
4 and the Governor’s Office on the Governor’s Recommended Budget (GRB).
5

6 For 2025 audit topics related to Safety and the Landowner Preference Program. The federal
7 Department of Interior Office of Inspector General’s audit of Wildlife and Sportfish Restoration
8 programs for fiscal years 2022-2023 is also ongoing, with federal auditors visiting sites and
9 interviewing staff in October.

10
11 *This report is available in the meeting materials and at*
12 [https://www.dfw.state.or.us/agency/commission/minutes/24/09_Sep/Commission%20Financial%20](https://www.dfw.state.or.us/agency/commission/minutes/24/09_Sep/Commission%20Financial%20Report%20September%202024.pdf)
13 [Report%20September%202024.pdf](https://www.dfw.state.or.us/agency/commission/minutes/24/09_Sep/Commission%20Financial%20Report%20September%202024.pdf)
14

15 **ADAPTING TO CLIMATE AND OCEAN CHANGE REPORT:**
16 **FORESTS AND LANDSCAPE RESILIENCY IN A CHANGING CLIMATE**

17 Sarah Reif, Habitat Division Administrator
18 Rod Kraemer, Forest Practices Program Coordinator
19

20 *This report is available in the meeting materials and at*
21 [https://www.dfw.state.or.us/agency/commission/minutes/24/09_Sep/Climate%20Report%20](https://www.dfw.state.or.us/agency/commission/minutes/24/09_Sep/Climate%20Report%20Working%20Forests.pdf)
22 [Working%20Forests.pdf](https://www.dfw.state.or.us/agency/commission/minutes/24/09_Sep/Climate%20Report%20Working%20Forests.pdf)
23

24 **Adopt Temporary Rules**

25 The Commission ratified the following temporary rules. The nine (9) temporary rules were
26 previously adopted by the director under her emergency action authority.
27

28 **1) 635-067-0000**

29 **Amend rules to modify open area for a 2024 Oregon controlled pronghorn**
30 **antelope youth hunt.**

31 Adopted: August 13, 2024 – Effective Dates: August 13, 2024, through August 25,
32 2024

33 Oregon Administrative Rules establishing hunt areas for 2024 controlled pronghorn
34 antelope youth hunts were adopted by the Commission on September 15, 2023.

35 Amendment of these rules is necessary because of wildfires significantly impacting
36 the ability of tag holders to participate in certain controlled youth hunts.
37

38 **2) 635-041-0075**

39 **Authorize sales for Columbia River Treaty commercial fall gillnet fisheries**

40 Adopted 8/15/2024: effective 8/19/2024 through 12/31/2024.

41 These amended rules authorize the sales of fish caught in Zone 6 treaty commercial
42 gillnet fisheries. Open fishing periods are from August 19 through August 22,
43 August 26 through August 30, and September 2 through September 6.
44

45 **3) 635-042-0032**

46 **Set Columbia River Non-Treaty Late Fall Commercial Tangle Net Salmon**
47 **Fishery**

1 Adopted 8/23/2024: effective 9/16/2024 through 12/31/2024.
2 This rule authorizes 32 late fall non-Treaty commercial tangle net periods in Zones
3 1-3 of the lower Columbia River.
4

5 **4) 635-004-0355**

6 **Commercial Nearshore Fishery Limit Increases for Periods 5-6**

7 Adopted 8/29/2024: effective 9/1/2024 through 12/31/2024.

8 This amended rule will increase the commercial nearshore fishery two-month
9 cumulative trip limits for black rockfish for periods 5-6 (September-December
10 2024).
11

12 **5) 635-042-0180**

13 **Modify Deep River Select Area fall-season commercial fishery**

14 Adopted 9/5/2024: effective 9/5/2024 through 12/31/2024.

15 This amended rule will modify the previously adopted periods for this fishery by
16 adding five periods to the beginning of the 2024 fall season.
17

18 **6) 635-041-0075**

19 **Authorize sales for Columbia River Treaty commercial fall gillnet fisheries**

20 Adopted 9/6/2024: effective 9/9/2024 through 12/31/2024.

21 These amended rules authorize the sales of fish caught in Zone 6 treaty
22 commercial gillnet fisheries. This modification adds a fishing period from
23 September 9 through September 13.
24

25 **7) 635-041-0075**

26 **Authorize sales for Columbia River Treaty commercial fall gillnet fisheries**

27 Adopted 9/11/2024: effective 9/16/2024 through 12/31/2024.

28 These amended rules authorize the sales of fish caught in Zone 6 treaty commercial
29 gillnet fisheries. This modification adds a fishing period from September 16 through
30 September 20.
31

32 **8) 635-042-0031, 635-042-0060**

33 **Set mainstem Columbia River late fall commercial gillnet fishery and modify
34 commercial seine fishery**

35 Adopted 9/11/2024: effective 9/12/2024 through 12/31/2024.

36 This rule authorizes two commercial non-treaty gillnet fishing periods in the
37 mainstem Columbia River commercial Zones 4-5 for September 12 through
38 September 13 and September 17 through September 18. Additionally, this rule
39 modifies the open hours for the currently-adopted commercial seine fishery.
40

41 **9) 635-023-0130**

42 **Modify recreational fall-season salmon fisheries in the Columbia River**

43 Adopted 9/11/2024: effective 9/12/2024 through 12/31/2024.

44 This amended rule adds Chinook retention and increases the daily adult bag limit
45 for the Columbia River recreational salmon fishery from the Buoy 10 line at the
46 mouth of the river upstream to the west Puget Island line from September 12
47 through September 22. It also extends the on-going Chinook and coho retention

1 period for the fisheries from the Warrior Rock/Bachelor Island line upstream to
2 Bonneville Dam and from Bonneville Dam upstream to the Oregon/Washington
3 border (upstream of McNary Dam) through September 22.
4

5 Action:

6 Commissioner King moved to ratify the nine (9) temporary rules set forth in the today's tan
7 agenda. Commissioner Khalil seconded the motion, and the motion carried unanimously, six (6) in
8 favor: Wahl, Hatfield-Hyde, Labhart, Spelbrink, Khalil, King.
9

10 COMMISSION UPDATES

11 Commissioner Updates on Western Association of Fish and Wildlife Agencies
12 (WAFWA)

13 *No Commission Action: Informational Only*
14

15 PUBLIC FORUM

16 *Note: This part of the agenda is for comments of any topic except those related to*
17 *exhibits involving rulemaking, approval, or delegation listed below.*
18

19 *Natural Resources Guide Tag Allocation*
20 *Thaddeus Labhart*
21

22 *Setting Trap Check Times for Black Bears & All Game Mammals*
23 *Kelly Peterson, Humane Society*
24

25 *Mule Deer Management Plan*
26 *Wayne Endicott*
27

28 *Recent Instream Water Right Applications Submitted by ODFW in the Upper*
29 *Willamette Basin Area*
30 *Mike Buettner, Oregon Water Utility Council*
31

32 *Introduction; Looking Forward to Collaborating*
33 *Colin Reynolds, Defenders of Wildlife*
34

35 EXHIBIT A: COMMISSION MINUTES

36 Action:

37 Commissioner Spelbrink moved to approve the August 9, 2024, meeting minutes with
38 continued authority to correct grammar and punctuation. Commissioner King seconded the
39 motion, and the motion was carried six (6) in favor: Wahl, Hatfield-Hyde, Labhart, Spelbrink,
40 Khalil, King.
41

42 EXHIBIT B: COMMERCIAL DUNGENESS CRAB REGULATIONS

43 The Commission adopted regulations for the ocean commercial Dungeness crab
44 fishery including revisions to the Tri-State pre-season testing protocol, line marking
45 requirements to help identify gear involved in marine life entanglements, electronic
46 monitoring requirements for crab vessels transiting closed areas, and an exemption
47 from derelict gear retrieval limits for state contracted vessels with approved waivers.

1 The Commission was also provided an update on ODFW’s progress developing a
2 Conservation Plan and Incidental Take Permit application for marine life
3 entanglements.

4 *Commission Action: Rule Adoption*

5 John North, Deputy Fish Division Administrator
6 Justin Ainsworth, Marine Resources Program Manager
7 Kelly Corbett, Commercial Dungeness Crab Project Leader
8

9 *Presentation:* Staff presented to the Commission on the proposed crab fishery regulations,
10 covering several key topics. The presentation included information on whale entanglements in
11 West Coast crab gear, the reasons behind the increase in these entanglements, and the
12 conservation plan strategy to address the issue. It also discussed Marine Life Entanglement
13 Fishery Identification Measures, coordination efforts along the West Coast, and season opening
14 and operational efficiency measures. Additional topics included the revised Tri-State Preseason
15 Testing Protocol, closed area transit regulations, and in-season waivers for derelict gear recovery.
16

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

18 [https://www.dfw.state.or.us/agency/commission/minutes/24/09_Sep/B/Ex%20B%20Presentation%
19 20Dungeness%20Crab.pdf](https://www.dfw.state.or.us/agency/commission/minutes/24/09_Sep/B/Ex%20B%20Presentation%20Dungeness%20Crab.pdf)
20

21 **Public Testimony**

Doug Butler	
Justin Yager	
Josh Whaley	
Francine Kershaw	
Crystal Adams	
Perry Bordeaux	
Joe Mulkey	Crab Fisherman
Rachel Pluatz	ODCC
Gary Ripka	Crab fisherman

22
23 Commissioner Spelbrink declared a potential conflict of interest
24

25 Following public testimony and discussions with staff, the Commission considered the
26 different types of potential temporary line marks, and which should be permitted in the fishery.
27 The Commission also expressed interest in delaying implementation of the staff proposal
28 requiring marked surface gear line by one year to the start of the 2026-2027 season rather
29 than the 2025-2026 season. Staff was requested to amend the original proposed
30 Administrative Rules in Attachment 3 for further consideration by the Commission.
31

32 With respect to the initial year when surface gear would require markings, legal counsel
33 read into the record the exact line-specific changes in the amended Attachment 3
34 (Administrative Rules) as shown on the screen and proposed by the department, as
35 requested by the Commission. For the interim timing issue, the year 2025 was changed to
36 2026 in lines 316, 328, and 336.
37

38 **Action:**

1 Commissioner Labhart moved to adopt the proposed rule and rule amendments as set forth
2 in Attachment 3 and consistent with the amendments read into the record by legal counsel.
3 Commissioner Khalil seconded the motion, and the motion was carried six (6) in favor:
4 Wahl, Hatfield-Hyde, Labhart, Spelbrink, Khalil, King.
5

6 With respect to the specifics of temporary line markings, legal counsel read into the record
7 the exact line-specific changes in the amended Attachment 3 (Administrative Rules) shown
8 on the screen as proposed by the department, as requested by the Commission. For the
9 method of applying the mark, the following rule amendments were proposed: line 329
10 remove the word “solid” and replace with “clearly visible”; line 331 remove the word
11 “cover” and replace with “extend”; line 331 between the words “entire” and “length”,
12 insert the word “continuous”; line 331 remove the word “circumference”; line 332 between
13 the words “two” and “feet”, insert the word “continuous”; and on line 332 between the
14 words “two” and “feet”, insert the word “continuous”; and adding a new subsection E” “If
15 using twine or similar material as the mark required by this rule it must be a minimum size
16 of 0.125 inches diameter”.

17
18 Action:

19 Proposal dies due to lack of motion. Original staff proposal for language pertaining to
20 temporary line marks is effective since it was included in the original approved motion.
21

22 **EXHIBIT C: A&H PROJECT FUNDING**

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

25 *Commission Action: Approval of funding*

26 Travis Schultz, Access and Habitat Coordinator
27

28 Presentation: Travis provided the Commission with an information on the projects recommended
29 for renewal: Smutz Access Area; Territorial Youth Hunt; and Owsley Canyon Access Area.
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/24/09_Sep/C/Ex%20C%20AH.pdf

33 No Public Testimony

34 Approval
35

36 Action:

37 Commissioner Spelbrink moved to approve the three projects recommended for funding
38 and the project recommended for amendment by the Access & Habitat Board. Commissioner King
39 seconded the motion, and the motion was carried six (6) in favor: Wahl, Hatfield-Hyde, Labhart,
40 Spelbrink, Khalil, King.
41

42 **EXHIBIT D: BEAVER ACTION PLAN UPDATE**

43 The Department was present an update of progress to date implementing the Beaver
44 Action Plan.

45 *No Commission Action: Informational Only*
46
47

1 Adrienne Averett, Acting Interdivisional Beaver Coordinator
2 Derek Broman, Game Program Manager
3 Shaun Clements, Deputy Director for Fish and Wildlife Programs
4

5 Presentation: Staff presented to the Commission on progress implementing the 3-Year Beaver
6 Action Plan. The plan is organized into four pillars of action that are intended to make progress
7 towards landscape scale restoration of beaver habitat and beaver modified habitat. Pillar 1 is
8 focused on data and science, implementation highlights include the establishment of 10 Beaver
9 Emphasis Areas and associated funding for actions in these areas, adoption and implementation of
10 a standardized survey protocol, and synthesis of existing ODFW datasets. Pillar 2 is focused on
11 habitat restoration and implementation highlights include securing funding to develop a guidance
12 manual for restoration of beaver habitat, adoption of more flexible fish passage rules and securing
13 funding for beaver habitat work. Pillars 3 and 4 focus on beaver management and communication,
14 implementation highlights include adoption of a damage complaint system to support coexistence
15 efforts, adoption of harvest reporting to improve understanding of impacts, launching the BAP
16 partnership, and funding and OCRF funding for partners to develop tools and resources for co-
17 existence.
18

19 *This presentation is located in the commission material and can be viewed at*
20 https://www.dfw.state.or.us/agency/commission/minutes/24/09_Sep/D/Ex%20D%20Beaver.pdf

21 Informational
22 No Action
23

24 **EXECUTIVE SESSION**

25 The Commission held an executive session pursuant to ORS 192.660 (2)(f) to consider
26 information or records that are exempt by law from public inspection, as well as to
27 consult with legal counsel concerning legal rights and duties of a public body
28 regarding current litigation or litigation likely to be filed as authorized by ORS
29 192.660 (2)(h).
30

31 **OTHER BUSINESS**

32 Delegation for Issuance of Commission Proposed Orders/Orders for enforcement of
33 Fish Passage Laws (ORS509.585 et seq)
34 *Commission Action: Delegation*
35

36 Vice-Chair Hatfield-Hyde moved to approve the delegation of the Commission's authority
37 to the director to issue proposed orders authorized under Oregon's Fish passage laws,
38 which are codified in ORS 509.585 through ORS 509.910. Commissioner Labhart
39 seconded the motion, and the motion was carried six (6) in favor: Wahl, Hatfield-Hyde,
40 Labhart, Spelbrink, Khalil, King.
41

42 **EXHIBIT E: 2025 BIG GAME REGULATIONS**

43 The Commission approved Big Game tag numbers, seasons and regulations for 2025.
44 *Commission Action: Rule Adoption*

45 Brian Wolfer, Wildlife Division Deputy Director
46 Derek Broman, Game Program Manager
47 Don Whittaker, Ungulate Species Coordinator

1
 2 Presentation: Staff presented to the Commission on the proposed 2025 Big Game Regulations,
 3 covering a wide range of topics. The presentation included information on population management
 4 strategies, the impacts of climate, drought, and fire, and the development of Big Game seasons. It
 5 also included a review of the changes made to hunting regulations in 2021, as well as proposed
 6 new regulations and provisions for emergency hunts and parking permits. Specific topics
 7 addressed included black bear population management and its associated model, spring and fall
 8 bear proposals, and cougar population management and monitoring. The presentation also covered
 9 the management of ungulate species, including Bighorn Sheep, Rocky Mountain Goat, pronghorn,
 10 elk, and both deer and mule deer populations. Additionally, Chronic Wasting Disease was
 11 discussed as part of the overall presentation.

12
 13 *This presentation is located in the commission material and can be viewed at*
 14 [https://www.dfw.state.or.us/agency/commission/minutes/24/09_Sep/E/Ex%20E%20Big%20Game.](https://www.dfw.state.or.us/agency/commission/minutes/24/09_Sep/E/Ex%20E%20Big%20Game.pdf)
 15 [pdf](https://www.dfw.state.or.us/agency/commission/minutes/24/09_Sep/E/Ex%20E%20Big%20Game.pdf)

16 Public Testimony

Kim Norris	
Oakley Taylor	
Christine Elder	
Rachel Nicolosi	
George Hutchinson	
Benjamin Rudin	
Sheila Dooley	
Debra Merskin	
Doug Butler	
Scott Brown	
Gary Lauder	
Anthony Stephens	
Edward Howard	
Lynn Rowen	
Ryan Kitson	
Hannah Mabbott	
Cody Paratore	
Alison Fuchs	
Dakota Buer	
Victor Dorschel	
Candy Yow	
George Holmes	
Pauline Hice	
Hailee Newman	
David Hardwick	
Richard Lesperance	
Kylie Lanuza	
Jason Johnson	
Chris Riefstahl	
Christopher Ehman	

Nathan Whisenhunt	
Kevin Hescock	
Christopher Garvey	
Tim Barbouletos	
Tyler Dungannon	
Leonard Krugg	
Robert Kroger	
Charlie Sharp	
Elliott Sherrell	
Larry Armstrong	
George Dale	
Bob Bourland	Traditional Archers of Oregon
Story Warren	Human Society of United State
Andrew DeHart	Oregon Trappers Association
Stan Steele	Oregon Trappers Association
Amy Patrick	Oregon Hunters Association
Robert Ureger	Blood Origins

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Action:

Commissioner Labhart moved adopt the staff proposals in Attachment 3, with Addendum Exhibit E included, and amend OAR Chapter 635, Divisions 002, 008, 045, 060, 065, 066, 067, 068, 069, 070, 071, 072, 073, 075, and 078 as proposed by staff. Commissioner Spelbrink seconded the motion, and the motion was carried six (6) in favor: Wahl, Hatfield-Hyde, Labhart, Spelbrink, Khalil, King.

Chair Wahl adjourned the meeting at 5:00 PM.