



Meeting:  
Friday, January 14, 2022 – 8:00 AM  
Oregon Department of Fish and Wildlife  
Virtual Meeting  
4034 Fairview Industrial DR SE  
Salem, Oregon 97302

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

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

Mary Wahl, Chair	Curt Melcher, Director
Jill Zarnowitz, Vice- Chair	Shannon Hurn, Deputy Director
Bob Spelbrink, Commissioner	Debbie Colbert, Deputy Director
Mark Labhart, Commissioner	Nick Myatt, East Region Manager
Becky Hatfield-Hyde, Commissioner	Chris Kern, Acting West Region Manager
Kathayoon Khalil, Commissioner	Anika Marriott, Assistant Attorney General
Leslie King, Commissioner	Erin Donald, Assistant Attorney General
	Michelle Tate, Executive Assistant
	Mike Harrington, Fish Division Administrator
	Bernadette Graham Hudson, Wildlife Division Administrator
	Sarah Reif, Habitat Division Administrator

6 **MEETING**  
7

8 On Friday, **January 14, 2022, 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/22/01\\_Jan/Field%20Report%20January](https://www.dfw.state.or.us/agency/commission/minutes/22/01_Jan/Field%20Report%20January%202022.pdf)  
15 [%202022.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/01_Jan/Field%20Report%20January%202022.pdf)  
16

17 Expenditure Report

18            Staff: Shannon Hurn, Deputy Director for Administration  
19 Shannon provided the Commission with a report that expenditures and revenue are still on track  
20 for the biennium. ODFW has finalized the Phase 1 Minam property acquisition, and the agency is  
21 preparing for the 2023-2025 budget development process.  
22

23 *This report is available in the meeting materials and at*  
24 [https://www.dfw.state.or.us/agency/commission/minutes/22/01\\_Jan/Commission%20Financial%20](https://www.dfw.state.or.us/agency/commission/minutes/22/01_Jan/Commission%20Financial%20Report%20January%202022.pdf)  
25 [Report%20January%202022.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/01_Jan/Commission%20Financial%20Report%20January%202022.pdf)

1  
2 Adapting To Climate and Ocean Change Report  
3 Culvert Repair Agreement and Coldwater Refugia Access  
4 Pete Baki, ODFW/ODOT Fish Passage Liaison  
5

6 *This report is available in the meeting materials and at*  
7 [https://www.dfw.state.or.us/agency/commission/minutes/22/01\\_Jan/CRPA%20For%202022-1-14%20Commission%20Climate%20Change.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/01_Jan/CRPA%20For%202022-1-14%20Commission%20Climate%20Change.pdf)  
8  
9

10 **Adopt Temporary Rules**

11 Director Curt Melcher requested the Commission ratify the following temporary rules. The seven  
12 (7) temporary rules were previously adopted by the director under his emergency action authority.  
13

14 **1.) 635-006-0210**

15 **Require Electronic Fish Tickets for the Commercial Clam Fisheries**

16 Adopted 12/21/2021: effective 12/28/2021 through 12/31/2021.

17 This revised rule requires dealers to submit electronic fish tickets for commercial harvest of  
18 intertidal and subtidal clams (except razor clams) through December 21, 2021.  
19

20 **2.) 635-018-0090, 635-019-0090, and 635-023-0125**

21 **Angling Closures to Protect Steelhead in the Columbia River Above the Dalles Dam and**  
22 **Several Tributaries**

23 Adopted 12/22/2021: effective 1/1/2022 through 5/31/2022.

24 These amended rules increase protections for wild summer steelhead in the Columbia River Basin  
25 by closing angling in the Columbia River above The Dalles Dam and in several tributaries.  
26

27 **3.) 635-023-0134**

28 **Reduce Steelhead Bag Limit on Lower Snake River**

29 Adopted 12/22/2021: effective 1/1/2022 through 4/30/2022.

30 These amended rules reduce the daily bag limit for steelhead to two from three hatchery fish per  
31 day in the Snake River from January 1 to April 30, 2022.  
32

33 **4.) 635-016-0090**

34 **Revises Wild Spring Chinook Fishery in the Umpqua River**

35 Adopted 12/22/2021: effective 2/1/2022 through 6/30/2022.

36 This amended rule prohibits retention of all wild Chinook on the Mainstem Umpqua River and  
37 reduces the number retained daily on the North Umpqua River while allowing for retention of  
38 hatchery Chinook salmon from February 1 through June 30.  
39

40 **5.) 635-023-0095**

41 **Reduce Sturgeon Retention Season in The Dalles Pool and Tributaries**

42 Adopted 12/29/2021: effective 1/1/2022 through 6/26/2022.

43 This amended rule reduces the recreational retention season for white sturgeon on the mainstem  
44 Columbia River in The Dalles Pool (The Dalles Dam upstream to the John Day Dam) and all  
45 adjacent tributaries. Retention will only be allowed on Mondays, Wednesdays, and Saturdays from  
46 January 1 through January 26.  
47

1           **6.) 635-0067-0032, 635-067-0034**

2           **Amend Bighorn Sheep Auction and Raffle Tag Open Areas**

3           Adopted: January 1, 2022 – Effective Dates: January 1, 2022, through June 29, 2022

4           Each year one bighorn sheep tag is issued through auction and one bighorn sheep tag is issued  
5           through raffle, with proceeds funding bighorn sheep management. The area open to hunting with  
6           these tags is limited to areas where bighorn sheep hunts and tags have been issued for the current  
7           year. The Fish and Wildlife Commission approved a rule modification to the Tags for Terminally  
8           Ill Children Program allowing up to one bighorn sheep hunting opportunity to be provided each  
9           year to a qualified child but only in an area not compatible with normal season and tag  
10          opportunities. This opportunity for a qualified child may be offered in 2022. Temporary rules are  
11          needed to clarify that the open area to hunt with bighorn sheep auction and raffle tags is limited to  
12          areas with controlled bighorn sheep hunts and controlled tags issued for the current year, which  
13          does not include the potential open area for a bighorn sheep hunting opportunity provided through  
14          the Tags for Terminally Ill Children Program.

15  
16          **7.) 635-017-0090**

17          **Allow Temporary Use of Two Rod Validation in Lower Willamette River**

18          Adopted Date Adopted 1/10/2022: effective 3/1/2022 through 8/15/2022.

19          The proposed rule amendment would allow for the use of the two-rod validation in the lower  
20          Willamette River while fishing for all game and non-game fish species, except sturgeon. The area  
21          includes the lower Willamette River downstream of Willamette Falls (including Multnomah  
22          Channel), and that portion of the Clackamas River downstream of the Highway 99 Bridge (just  
23          upstream of the confluence with the Willamette).

24  
25          Action:

26          Commissioner Spelbrink moved to ratify the seven (7) temporary rules set forth in the agenda.  
27          Commissioner Khalil seconded the motion, and the motion carried unanimously, seven (7) in  
28          favor.

29  
30          **PUBLIC FORUM**

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

33  
34                 *Investigating the Potential for an Electronic Logbook for Oregon's Commercial*  
35                 *Dungeness Crab Fishery*

36                 *Gway Kirchner, The Nature Conservancy*

37  
38                 *Dungeness Crab Fishery Regulation Issues*

39                 *Joe Mulkey*

40  
41                 *Precautions to Prevent the Spread of Chronic Wasting Disease in Oregon Deer and*  
42                 *Elk*

43                 *Justin Yage*

44                 *Fish Passage Laws*

45                 *Brian Posewitz, Water Watch*

46  
47                 *North Umpqua River Concerns*

1 *Lyle Curtis, Oregon Anglers Alliance*

2  
3 *Columbia River Fisheries Management*

4 *Steve Fick*

5 *Jim Wells, Salmon for All*

6  
7 *PacifiCorp's Chewaucan River Project, Lake County. New closed loop pumped*  
8 *storage hydropower project proposal*

9 *Bob Sallinger, Audubon Society of Portland*

10  
11 **Exhibit A: COMMISSION MINUTES**

12 Action:

13 Commissioner Spelbrink moved to approve the December 17, 2021, meeting minutes with  
14 continued authority to correct grammar and punctuation. Commissioner Zarnowitz seconded the  
15 motion, and the motion was carried seven (7) in favor.

16  
17 **Exhibit B: AMEND ACREAGE OF ACCESS AND HABITAT PROJECT**

18 The Commission amended the description of the Heppner Regulated Hunt Area.

19  
20 Staff: Travis Schultz, Access & Habitat Program Coordinator

21 *Presentation:* Travis provided the Commission with a presentation that included  
22 information on Emergency Fire Reseeding projects and accurately reflecting the Heppner  
23 Regulated Hunt Area description in the Special Area rules.

24  
25 *This presentation is located in the commission material and can be viewed at*

26 [https://www.dfw.state.or.us/agency/commission/minutes/22/01\\_Jan/B/Exhibit%20B\\_Presentation\\_Access%20and%20Habitat\\_1-14-22.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/01_Jan/B/Exhibit%20B_Presentation_Access%20and%20Habitat_1-14-22.pdf)

27  
28  
29 No Public Testimony

30 Approval and Rulemaking

31  
32 Action:

33 Commissioner Spelbrink moved to amend OAR 635, Division 065 as proposed by staff.  
34 Commissioner Hatfield-Hyde seconded the motion, and the motion was carried seven (7) in favor.

35  
36 **Exhibit C: CONSERVATION AND RECREATION FUND PROJECT**  
37 **APPROVAL**

38 The Commission approved the Conservation and Recreation Fund Advisory  
39 Committee recommendations for project.

40  
41 Staff: Davia Palmeri, Conservation Policy Coordinator

42  
43 *Presentation:* Davia provided the Commission with a presentation on the conservation and  
44 recreation funds generated from private donors since the beginning of the OCRF campaign. The  
45 presentation provided information on expenditure recommendations, including a summary of the  
46 process, review of the criteria, and a list of the projects recommended for approval.

1 *This presentation is located in the commission material and can be viewed at*  
2 [https://www.dfw.state.or.us/agency/commission/minutes/22/01\\_Jan/C/Exhibit%20C\\_Presentation](https://www.dfw.state.or.us/agency/commission/minutes/22/01_Jan/C/Exhibit%20C_Presentation%20OCRF%20.pdf)  
3 [%20OCRF%20.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/01_Jan/C/Exhibit%20C_Presentation%20OCRF%20.pdf)

4  
5 No Public Testimony  
6 Approval

7  
8 Action:

9 Commissioner Labhart moved to approve the twenty-three (23) projects recommended for  
10 funding by the Conservation & Recreation Advisory Committee as described in Attachment 2 with  
11 the authority to increase expenditures for projects if restricted gifts are received for those projects.  
12 Commissioner Khalil seconded the motion, and the motion was carried seven (7) in favor.

13  
14 **Exhibit D: RESTORATION AND ENHANCEMENT PROJECT APPROVAL**  
15 **AND BOARD APPOINTMENT**

16 The Commission approved the Recreation and Enhancement Boards project  
17 recommendation and appointed two Boards members.

18  
19 Staff: Kevin Herkamp, STEP and R&E Program Coordinator

20  
21 Presentation: Kevin provided the Commission with a presentation on Cycle 3 Project approvals  
22 and Recreation and Enhancement (R&E) Board Appointments. The presentation reviewed  
23 information on the sources of R&E funding, estimated revenue, and a summary of awards from  
24 the 2007-09 through 2017-19 biennium. Kevin also provided information on the recommended  
25 enhancement and restoration projects, the R&E budget status, and recommendations to appoint  
26 two candidates to the R&E Board.

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/22/01\\_Jan/D/Exhibit%20D\\_Presentation](https://www.dfw.state.or.us/agency/commission/minutes/22/01_Jan/D/Exhibit%20D_Presentation.pdf)  
30 [.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/01_Jan/D/Exhibit%20D_Presentation.pdf)

31  
32 No Public Testimony  
33 Approval

34  
35 Action:

36 ISSUE 1: Commissioner Zarnowitz moved to approve the projects recommended by the  
37 Restoration and Enhancement Board as set forth in Attachments 2 and 3. Commissioner  
38 Spelbrink seconded the motion, and the motion was carried seven (7) in favor.

39  
40  
41  
42 ISSUE 2: Commissioner Zarnowitz moved to reappoint Susan Chambers to a four-year  
43 term as a Commercial Salmon Representative and reappoint Dave Grosjacques to a four-year  
44 term as a Sport Fishing Representative on the Restoration and Enhancement Board.  
45 Commissioner Spelbrink seconded the motion, and the motion was carried seven (7) in favor.  
46

1 **Exhibit E: SCHEDULE OF DAMAGES FOR COMMERCIAL FISHING**  
2 **VIOLATIONS**

3 The Commission amended OAR 635-006-0232 to establish average market values of  
4 food for determining damages related to commercial fishing violations.

5  
6 Staff: Staff: John Seabourne, Fish Division Operations Manager

7  
8 *Presentation:* John's presentation to the Commission reviewed the statute related to the  
9 Schedule of Damages for Commercial Fishing Violations (ORS 506.720) and the Average  
10 Market Value changes proposed to OAR 635-006-0232.

11  
12 *This presentation is located in the commission material and can be viewed at*  
13 [https://www.dfw.state.or.us/agency/commission/minutes/22/01\\_Jan/E/Exhibit%20E\\_Presentation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/01_Jan/E/Exhibit%20E_Presentation.pdf)  
14 [n.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/01_Jan/E/Exhibit%20E_Presentation.pdf)

15  
16 No Public Testimony  
17 Rulemaking

18  
19 Action:

20 Commissioner Spelbrink moved to amend the Schedule of Damages for Commercial  
21 Fishing Violations contained in OAR 635-006-0232 as proposed by staff in Attachment 3.  
22 Commissioner Zarnowitz seconded the motion, and the motion was carried seven (7) in favor.  
23

24 **Exhibit F: COUNCIL ON OCEAN ACIDIFICATION AND HYPOXIA MEMBER**  
25 **APPOINTMENTS**

26 The Commission appointed two members to the Oregon Coordinating Council on  
27 Ocean Acidification and Hypoxia.

28  
29 Staff: Dr. Charlotte Regula-Whitefield, Ocean Acidification Policy Coordinator

30  
31 *Presentation:* Charlotte provided the Commission with a presentation on the Tribal  
32 Government and the Fishing Interest seat appointments to the Oregon Coordinating Council of  
33 Ocean Acidification and Hypoxia (OAH). The presentation included information on the  
34 underlying problem of Global Ocean Change; ecosystem and economic effects; ODFW Climate  
35 and Ocean Change Policy; and OAH Council participation and applications.

36  
37 *This presentation is located in the commission material and can be viewed at*  
38 [https://www.dfw.state.or.us/agency/commission/minutes/22/01\\_Jan/F/Exhibit%20F\\_Presentation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/01_Jan/F/Exhibit%20F_Presentation.pdf)  
39 [n.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/01_Jan/F/Exhibit%20F_Presentation.pdf)

40  
41 No Public Testimony  
42 Approval and Rulemaking

43  
44 Action:

45 Commissioner Zarnowitz moved to appoint Mr. Robert Kemp as the fishing representative  
46 and Mr. John Schaefer as the Tribal representative to serve on the OAH Council for a 4-year

1 term. Commissioner Hatfield-Hyde seconded the motion and the motion was carried seven (7)  
2 in favor.

3  
4 **Exhibit G: JUMP CREEK FISH PASSAGE EXEMPTION**

5 The Commission tabled consideration of fish passage exemptions for ten artificial  
6 barriers on Jump Creek in the Silvies Basin.

7  
8 Staff: Katherine Nordholm, Fish Screens and Passage Coordinator

9  
10 *Presentation:* Katherine provided the Commission with a presentation on Fish  
11 Passage triggers, exemption rules, background on Jump Creek requests, project locations,  
12 and the exemption requests on Jump Creek and fish passage triggers. The presentation  
13 included a 2021 fish sampling overview and sampling results. Katherine provided  
14 information on the findings that there was no appreciable benefit to providing passage.

15  
16 *This presentation is located in the commission material and can be viewed at*  
17 [https://www.dfw.state.or.us/agency/commission/minutes/22/01\\_Jan/G/Exhibit%20G\\_Presentation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/01_Jan/G/Exhibit%20G_Presentation.pdf)  
18 [n.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/01_Jan/G/Exhibit%20G_Presentation.pdf)

19  
20 No Public Testimony  
21 Approval

22  
23 Action:

24 After some discussion, Commission Chair Wahl moved to table this item, Exhibit G,  
25 Jump Creek Fish Passage Exemption and directed the department bring back responses to a  
26 number of questions raised at a later date. Commissioner Zarnowitz seconded the motion, and  
27 the motion was carried seven (7) in favor.

28  
29 Chair Wahl adjourned the meeting at 1:10 p.m.