



Oregon Fish and Wildlife Commission Minutes

Tour:
Thursday, April 20, 2023, 8:00
Mt. Hood Oregon Resort, Lobby
68010 East Fairway Ave.
Welches, OR 97067

Meeting:
Friday, April 21, 2023, 8:00 AM
Mt Hood Oregon Resort
68010 East Fairway Ave./Hybrid
Hunchback Meeting Room
Welches, OR 97067

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

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

Mary Wahl, Chair	Curt Melcher, Director
Jill Zarnowitz, Vice Chair	Shannon Hurn, Deputy Director of Administration
	Debbie Colbert, Deputy Director of Fish and Wildlife Programs
Bob Spelbrink, Commissioner	Davia Palmeri, Acting Deputy Director of Fish and Wildlife Programs
Mark Labhart, Commissioner	Nick Myatt, East Region Manager
Becky Hatfield-Hyde, Commissioner	Chris Kern, West Region Manager
Kathayoon Khalil, Commissioner	Brian Wolfer, Acting Wildlife Division Administrator
Leslie King, Commissioner	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

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MEETING

9 On Friday, April 21, 2023, at 8:00 AM, Chair Wahl called the Oregon Fish and Wildlife
10 Commission (the Commission) meeting to order.

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DIRECTOR'S REPORT

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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/23/04_Apr/April%202023%20Field%20Report%20.pdf

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Expenditure Report
Staff: Shannon Hurn, Deputy Director for Administration
Shannon reported for the month ending February 28; unrestricted cash balance finished at \$57.4 million and restricted cash came in at \$53.2 million, for a total of \$110.6 million in ending balance. The agency presented on the Governor's Recommended Budget at the Joint Ways and Means Subcommittee on Natural Resources March 20 and 21.

1 The ODFW Audit Committee held a quarterly meeting in March. The committee discussed
2 deferred maintenance, adoption of a constructed real property policy, implementation of a
3 computerized asset management system, and completion of facility condition assessments
4 statewide.

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

7 https://www.dfw.state.or.us/agency/commission/minutes/23/04_Apr/Commission%20Financial%20Report%20April%202023.pdf
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10 **GRAY WOLF POPULATION ANNUAL UPDATE**

11 Roblyn Brown, Wolf Program Coordinator

12 Derek Broman, Acting Game Program Manager

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

15 https://dfw.state.or.us/Wolves/docs/oregon_wolf_program/2022_Annual_Wolf_Report_Final.pdf ;
16 https://www.dfw.state.or.us/agency/commission/minutes/23/04_Apr/Wolf%20Plan%20Review.pdf
17

18 **PUBLIC FORUM**

19 This part of the agenda was for comments on topics not scheduled on the agenda. The Commission
20 are unable to act on items brought to their attention in this forum.

21
22 Bringing Back a Magazine

23 Jim Greer

24
25 North Umpqua Wild Summer Steelhead

26 David Moskowitz, The Conservation Angler
27

28 **Adopt Temporary Rules**

29 Curt Melcher, Director, requested the Commission ratify the following temporary rules. The
30 eleven (11) temporary rules were previously adopted by the director under his emergency action
31 authority.
32

33 **1. 635-005-0290, 635-005-0387**

34 **Implement Tillamook Bay Intertidal Commercial Cockle Fishery Quota and Closed**
35 **Periods**

36 Adopted 3/27/2023: effective 3/27/2023 through 9/22/2023.

37 These amended rules will impose an annual harvest quota of 90,000 pounds on the Tillamook
38 Bay commercial intertidal cockle fishery. The amended rules also prohibit the commercial
39 harvest of intertidal cockles in Tillamook Bay during all weekends and holidays.
40

41 **2. 635-017-0090**

42 **Set 2023 Recreational Eulachon Smelt Season for the Sandy River**

43 Adopted 3/28/2023: effective 3/30/2023 through 8/15/2023.

44 This amended rule prohibits all angling in Willamina Creek approximately 200 feet below the
45 lower falls until May 21 in response to illegal targeting of winter steelhead.
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1 **3. 635-042-0145**

2 **Revise 2023 Commercial Fishing Seasons in Youngs Bay Select Area**

3 Adopted 3/28/2023: effective 3/30/2023 through 7/31/2023.

4 This amended rule modifies the fishing area for a previously adopted commercial fishing
5 period (March 30) in the Youngs Bay Select Area.

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7 **4. 635-008-0190**

8 **Open E.E. Wilson Wildlife Area to Department-Organized Spring Turkey Hunting**
9 **Programs**

10 Adopted: March 31, 2023 – Effective Dates: March 31, 2023, through June 30, 2023

11 Administrative rules pertaining to E.E. Wilson Wildlife Area currently prohibit all hunting
12 between March 1 and July 31. This amendment is needed to allow the department to organize
13 a limited number of spring turkey hunting programs to address turkey-related management
14 concerns on the wildlife area.

15 This rule amendment is needed to allow hunters the opportunity to participate in spring
16 hunting opportunities as provided by the department on E.E. Wilson Wildlife Area.

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18 **5. 635-023-0125**

19 **Set recreational spring salmon season in the Columbia River**

20 Adopted 4/1/2023: effective 4/1/2023 through 9/27/2023.

21 This amended rule sets the Columbia River recreational salmon fisheries and modifies the
22 Select Area recreational salmon fisheries from March 1 through June 15.

23
24 **6. 635-018-0090**

25 **Open Hood River Hatchery Chinook Fishery**

26 Adopted 4/3/2023: effective 4/15/2023 through 10/11/2023.

27 This amended rule authorizes recreational retention of one hatchery Chinook and five
28 hatchery jack salmon in portions of the Hood River from April 15 through June 30.

29
30 **7. 635-042-0145, 635-042-0160, 635-042-0170, 635-042-0180**

31 **Modify Select Area Commercial Fisheries**

32 Adopted 4/5/2023: effective 4/6/2023 through 7/31/2023.

33 These rules modify the 2023 winter Select Area commercial fisheries from April 6 through
34 April 14.

35 The following fisheries are addressed by these rules:

- 36 • Knappa Slough,
- 37 • South Channel,
- 38 • Youngs Bay, and
- 39 • Deep River

40
41 **8. 635-023-0125**

42 **Set recreational spring salmon season in the Columbia River**

43 Adopted 4/5/2023: effective 4/6/2023 through 9/27/2023.

44 This amended rule extends the on-going lower Columbia River recreational salmon fishery to
45 April 11.

1 **9. 635-023-0134**

2 **Open Recreational Hatchery Chinook Retention in the Snake River**

3 Adopted 4/12/2023: effective 4/22/2023 through 8/10/2023.

4 This amended rule allows retention of hatchery spring Chinook in the Hells Canyon section of
5 the Snake River from April 22 through August 10. Modifications are consistent with actions
6 taken by the State of Idaho.

7
8 **10. 635-042-0145**

9 **Modify Youngs Bay Select Area Commercial Fishery**

10 Adopted 4/13/2023: effective 4/13/2023 through 7/31/2023.

11 This rule modifies the 2023 winter and spring Youngs Bay Select Area commercial fisheries
12 by adding two four-hour periods on April 13 and April 17 in the upper Youngs Bay fishing
13 area.

14
15 **11. 635-067-0000**

16 **Amend Rules to Reduce 2023 Oregon Hunting Opportunity for Bighorn Sheep and
17 Rocky Mountain Goats.**

18 Adopted: April 17, 2023 – Effective Dates: April 17, 2023, through September 22, 2023

19 Oregon Administrative Rules establishing tag numbers for 2023 bighorn sheep and Rocky
20 Mountain goat hunts were adopted September 2022. Tag numbers adopted at that time did not
21 account for a redistribution of animals and an accommodation of 2022 Rocky Mountain goat
22 hunters that were unable to hunt due to access closures from wildfires.

23
24 Action:

25 Commissioner Labhart moved to ratify the eleven (11) temporary rules set forth on the April 21,
26 2023, agenda. Commissioner Spelbrink seconded the motion, and the motion carried unanimously,
27 seven (7) in favor.

28
29 **EXHIBIT A: COMMISSION MINUTES**

30 Action:

31 Commissioner Khalil moved to approve the March 17, 2023, meeting minutes with
32 continued authority to correct grammar and punctuation. Commissioner King seconded the motion,
33 and the motion carried seven (7) in favor.

34
35 **EXHIBIT B: 2023-2024 OREGON GAME BIRD REGULATIONS**

36 The Commission adopted the gamebird season regulations for 2023-24.

37 Brandon Reishus, Migratory Game Bird Coordinator

38 Mikal Cline, Upland Game Bird Coordinator.

39 *Presentation:* Game Bird program staff provided the Commission with information on the
40 proposed 2023-24 Game Bird Regulations. Mikal discussed Upland Game Bird populations
41 status, proposed regulations, special hunt opportunities and controlled greater sage-grouse
42 seasons. Brandon provided information on Migratory Bird regulation setting process, habitat
43 conditions and population status, proposed seasons and bag limits and updates to the hunting
44 regulations.

1 *This presentation is located in the commission material and can be viewed at*
2 https://www.dfw.state.or.us/agency/commission/minutes/23/04_Apr/EX%20D_PDF%20FILES%20FOR%20WEB/Exhibit%20D_Presentation.pdf
3
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5 Public Testimony
6 Bob Sallinger, Portland
7 Danielle Moser, Portland
8 Joe Liebezeit, Portland
9 Lindsey Adrean, Corvallis

Oregon Wild
Portland Audubon
American Bird Conservancy

10 Rulemaking

11 Action:

12 Commissioner Zarnowitz moved to approve the ten Endangered Species Management Plans, found
13 in Attachments 3 and 4 from each of the land-owning and managing state agencies, as achieving
14 the roles defined by them for the conservation of Marbled Murrelets, and the department is
15 directed to continue collaboration with these nine (9) landowning agencies for conservation of
16 Marbled Murrelets. Commissioner Hatfield-Hyde seconded the motion, and the motion carried
17 seven (7) in favor.

18 **EXHIBIT E: FISH SCREENING TASK FORCE APPOINTMENT**

19 The Commission appointed Robert R. Durham to the Fish Screening Task Force.

20 Katherine Nordholm, Fish Screens and Passage Coordinator

21 No Public Testimony

22 Appointment

23 Action:

24 Commissioner Hatfield-Hyde moved to appoint Mr. Robert R. Durham, as the representative for
25 agriculture on the Fish Screening Task Force. Commissioner King seconded the motion, and the
26 motion carried seven (7) in favor.

27 **EXHIBIT F: 2023 PACIFIC HALIBUT FISHERIES REGULATIONS**

28 The Commission adopted the 2023 regulations for recreational and commercial Pacific
29 halibut fisheries.

30 Christian Heath, Acting Groundfish and Halibut Project Leader

31 Presentation: Christian provided the Commission with information on the proposed 2023
32 Pacific Halibut Fishery Regulations including proposed quotas, season dates and management
33 measures for sport and commercial Pacific halibut fisheries.
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36 *This presentation is located in the commission material and can be viewed at*
37 [https://www.dfw.state.or.us/agency/commission/minutes/23/04_Apr/F/Ex%20F%20Halibut%20Pr](https://www.dfw.state.or.us/agency/commission/minutes/23/04_Apr/F/Ex%20F%20Halibut%20Presentation.pdf)
38 [esentation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/04_Apr/F/Ex%20F%20Halibut%20Presentation.pdf)

39 No Public Testimony

40 Rulemaking

1 Action:

2 Commissioner Spelbrink moved to adopt the staff recommendations for the 2023 sport and
3 commercial Pacific Halibut fisheries as shown in Attachment 3. Commissioner King seconded the
4 motion, and the motion carried seven (7) in favor.

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6 **EXHIBIT G: 2023 OCEAN SALMON FISHERIES AND OCEAN TERMINAL FISHERIES**
7 **RULEMAKING**

8 The Commission adopted ocean salmon fishing seasons and regulations for Oregon state
9 waters by reference to seasons and regulations developed by the Pacific Fisheries
10 Management Council for the adjacent domestic waters.

11 Christine Mallette, Ocean Salmon Program Manager

12 Presentation: Christine provided the Commission with information on the proposed 2023
13 Ocean Salmon Regulations. The objectives and timelines for the Annual Pacific Fisheries
14 Management Council (PFMC) process for salmon fisheries management was described. Chinook
15 and coho stocks assessments and 2023 commercial and recreational seasons were also included in
16 the presentation.

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

19 [https://www.dfw.state.or.us/agency/commission/minutes/23/04_Apr/G/Ex%20G_Ocean%20Salmo](https://www.dfw.state.or.us/agency/commission/minutes/23/04_Apr/G/Ex%20G_Ocean%20Salmon%20Presentation.pdf)
20 [n%20Presentation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/04_Apr/G/Ex%20G_Ocean%20Salmon%20Presentation.pdf)

21
22 No Public Testimony
23 Rulemaking

24
25 Action:

26 Commissioner Spelbrink moved to amend OAR 635 Divisions 003 and 013 as proposed by staff in
27 Attachment 3. Commissioner King seconded the motion, and the motion carried seven (7) in favor.

28
29 **EXHIBIT H: DETERMINING WHETHER A PETITION TO LIST SOUTHERN**
30 **RESIDENT ORCAS AS AN ENDANGERED SPECIES PRESENTS SUBSTANTIAL**
31 **SCIENTIFIC INFORMATION TO COMMENCE A RULEMAKING PROCESS**

32 The Commission found that a petition that requested the adoption of a rule to classify
33 Southern Resident orcas (*Orcinus orca*) as endangered under the Oregon Endangered Species
34 Act presents substantial scientific information to begin a rulemaking process.

35 John North, Fish Division Deputy Administrator

36 Mike Brown, Marine Mammal Project Leader

37 Presentation: John provided the Commission with information on a petition received to
38 adopt rules listing the Southern Resident Killer Whale (Orca) population as endangered under the
39 Oregon Endangered Species Act (OESA). The presentation included information on Orca biology,
40 population status, habitat, key threats, and validity of the petition.

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/23/04_Apr/H/Ex%20H_SRKW%20Prese](https://www.dfw.state.or.us/agency/commission/minutes/23/04_Apr/H/Ex%20H_SRKW%20Presentation.pdf)
44 [ntation.pdf](https://www.dfw.state.or.us/agency/commission/minutes/23/04_Apr/H/Ex%20H_SRKW%20Presentation.pdf)

1 Public Testimony
Quinn Read, Portland
Sophia Ressler, Bend
Kathleen Callaghy, Seattle
Deborah Giles, Friday Harbor
Joy Primrose, Salem

Center of Biological Diversity
Center of Biological Diversity
Defender of Wildlife
Wild Orca
American Cetacean Society Oregon Chapter

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3 Approval
4 Action:

5 Commissioner Khalil moved to accept the petition to list as endangered the Southern Resident
6 Killer Whale Distinct Population Segment under the Oregon Endangered Species Act as warranted
7 and initiate rulemaking. Commissioner King seconded the motion, and the motion carried seven
8 (7) in favor.

9
10 **OTHER BUSINESS**

11
12 Chair Wahl adjourned the meeting at 3:35 p.m.

DRAFT