

Agenda Item Summary

BACKGROUND

Oregon law requires the Oregon Fish and Wildlife Commission (Commission) to adopt angling regulations annually. Issue 1 and 2 of this Agenda Item Summary deal with adoption of these rules. The 2010 angling regulation proposals development takes place during the first “Interim Year” following the extensive public process used to develop the 2009 Oregon Sport Fishing Regulations. Oregon Department of Fish and Wildlife (department) staff followed Commission “Interim Year” guidelines, outlined below, for development of 2010 angling regulation proposals.

These proposals (displayed in Attachment 4) were developed by staff through consultation with Department of Justice (DOJ), Oregon State Police (OSP) and key constituent groups. The department proposes changes to the 2010 regulations that fall into one or more of the following categories:

- Critical conservation needs
- Housekeeping and error corrections
- Inadvertent restrictions
- Regulation changes directed by basin plan adoption
- New or expanded non-controversial angling opportunities

In addition, proposals for expanded angling opportunities are being proposed as part of the department’s emphasis on increasing recruitment and retention of anglers and implementation of the 25-Year Angling Enhancement Plan. Several proposed angling regulations address fishery enhancement actions identified in the 25-Year Angling Enhancement Plan and provide for expanded angling opportunities, primarily on hatchery produced fish.

Some of the Key Issues addressed in the 2010 angling regulation proposals include:

Two-pole endorsement - the 2009 Legislature, as part of the department’s 2009-11 budget approved a two-pole endorsement at a cost of \$16.50, that would allow licensed anglers to purchase an endorsement to use two-poles while angling. The initial concept of two-pole angling was that it would only apply to standing waterbodies and primarily target trout and warmwater game fish. Staff has proposed that the two-pole endorsement be limited to lakes, ponds and reservoirs other than the run-of-river reservoirs in the Columbia River and the Snake River below Hells Canyon Dam. There are a few areas where anglers would be able to fish for salmon such as coho salmon, including Siltcoos or Tahkenitch lakes. There are restrictive regulations in these lakes and other areas where there are native trout or salmon concerns, so we are not currently proposing any additional exceptions to the two-pole endorsement for standing

waterbodies. Evaluations will be conducted in areas where there may be a need for additional restrictions to accommodate the two-pole endorsement or exclude the waterbody from the two-pole rule. The two-pole validation for the Snake River above Hells Canyon Dam would be concurrent with Idaho's two-pole validation.

Coastal fall Chinook salmon conservation regulations - North Coast District staff have proposed a set of angling regulations for the Nehalem River that would provide additional protection for summer and fall Chinook salmon and increase escapement in low abundance years.

Clackamas Basin - There are a set of proposed regulation changes on the Clackamas River that would revise section boundaries with the intent of providing clearer delineation of specific sections of the river. New section designations will allow for consistency with proposed changes to harvest card location codes and reduce confusion with regulation that allows harvest of two trout per day in the Clackamas River from the mouth upstream to North Fork Dam.

Klamath Basin - Two major restoration projects in the Klamath Basin have resulted in proposals to modify regulation in the Sprague and Williamson rivers. On the Sprague River, new river section boundaries have been developed following the removal of the Sprague River dam, which was listed as a stream section boundary. The dam was removed in 2008 to reestablish free passage for listed suckers, redband trout, and other endemic fish species. A major wetland restoration project on the lower Williamson River has removed dikes which boarded and confined the mouth of the Williamson River. Following removal of the dikes, the Williamson River mouth and delta areas need to be better described in order to retain protective regulations for redband trout in the Williamson River channel. Klamath Lakes is open to the retention of redband trout all year, but the lower Williamson River is only open to trout angling from late May through October.

Imnaha Basin – A proposed new rule would expand the area open to steelhead anglers, increase sport harvest opportunity, reduce hatchery surplus and focus trout harvest to remove adipose fin- clipped residual steelhead smolts in Big Sheep Creek, a tributary to the Imnaha River. A recent land trade allows unimpeded public access to approximately 70 percent of the proposed three mile extension area. A hatchery facility releases smolts and collects returning adults in Little Sheep Creek approximately three miles above the proposed new upstream steelhead angling deadline. The proposed steelhead and trout rule is consistent with other waters open to steelhead angling in the Imnaha basin.

PUBLIC INVOLVEMENT

The department distributed news releases in late July summarizing key issues associated with the proposed 2010 angling regulations and soliciting public comments. We distributed a complete set of proposals and briefing documents to interested citizens and anyone else who asked

for a packet as a result of our news releases and also posted angling regulation development information on website.

ISSUE 1

ADOPT THE 2010 OREGON SPORT FISHING REGULATIONS AS ADMINISTRATIVE RULES; CHANGES OF UNIVERSAL DATES FOR FISHING SEASON OPENERS.

ANALYSIS

Staff proposes that the Commission essentially re-adopt the 2009 Oregon Sport Fishing Regulations with three sets of changes. Issue 1 concerns the first two sets of changes, which are merely technical and noncontroversial:

- The first change deals with changing all references in the OARs concerning the “2009 Sport Fishing Regulations” to refer to the “2010 Sport Fishing Regulations,” as shown in Attachment 3.
- The second set of changes will effect a uniform change of date for the fishing season openers to reflect that the fourth Saturdays of April and May 2010 are different dates than the fourth Saturdays of April and May 2009. Other date changes specific to days of the year have been changed, as described in Attachment 3.

We expect the first two tasks to be non-controversial; therefore we have included action on both of these items in one draft motion.

OPTIONS

1. Accept the proposed regulation changes.
2. Modify the proposed regulation changes.
3. Reject the proposed regulation changes.

STAFF RECOMMENDATION

Accept changes to the printed version of the 2009 rules and make universal changes to the 2009 Oregon Sport Fishing Regulations pamphlet to reflect calendar dates of opening of the 2010 fishing season as proposed by staff.

DRAFT MOTION

I move to amend OAR Chapter 635 Divisions 008, 011, 013, 014, 016, 017, 018, 019, 021, 023 and 039 as proposed by staff in Attachment 5, and to uniformly reflect the calendar dates for trout season openers as described in Attachment 3 and shown in Attachment 4 [with the following exceptions . . .].

EFFECTIVE DATE

January 1, 2010.

ISSUE 2**STATEWIDE AND ZONE BY ZONE ANGLING REGULATIONS PROPOSED FOR THE 2010 OREGON SPORT FISHING REGULATIONS PAMPHLET****ANALYSIS**

This issue relates to actual proposed changes in the angling rules for 2010. Development of the 2010 Oregon Sport Fishing Regulations takes place in an interim year, the first interim year after the more extensive public process that was used to develop the 2009 Oregon Sport Fishing Regulations. Staff proposals this year follow interim year guidelines with a focus on error correction, housekeeping and clarification changes. In addition to interim changes, staff has proposed several rules for expanded trout and salmon angling opportunities. These are changes that are likely to impact angling opportunities; therefore, the proposed changes highlighted in Attachment 4 lays out in table format, all proposed rule changes for the 2010 Oregon Sport Fishing Regulations pamphlet. Current proposals have been given a proposal number and are highlighted in yellow.

Staff has also proposed several formatting changes, typographical or grammatical corrections to improve the readability of the 2010 Oregon Sport Fishing Regulations. Additional information on the nature of these changes is contained in Attachment 3.

In anticipation that the OFWC will approve the universal date change to reflect season openers for 2010 in its action on Issue 1, staff has also shown those date changes in Attachment 4 as they will appear in the Sport Fishing Regulations pamphlet.

OPTIONS

1. Accept the proposed regulation changes.
2. Modify the proposed regulation changes.
3. Reject the proposed regulation changes.

STAFF RECOMMENDATION

Accept the proposed regulation changes as recommended by staff and public proposals.

DRAFT MOTION

I move to adopt the 2010 Sport Fishing Regulations pamphlet as proposed by staff in Attachment 4 to reflect changes made to the 2009 rules [with the following changes] and authorize staff to make text or formatting changes to correct typographical or grammatical errors, correct inadvertent inconsistencies, improve readability or to meet publishing needs.

EFFECTIVE DATE

January 1, 2010.