

Executive Summary Draft Revisions of ODFW's Public Process for Angling Regulation Development

The Public Process for Angling Regulation Development occurs every four years and is implemented to allow opportunities for Department, Oregon State Police, and the angling public to submit proposals for new or modified angling regulations that encourage stability of fisheries and respond to significant issues related to either conservation or recreational use opportunities. The current public process was initiated for the 2001 regulation development, and has been used subsequently for development of the 2005 and 2009 regulations. In all of the three public processes, a high volume of public proposals were submitted and carried through the multi-step process and were ultimately rejected by the Commission. Increasingly, the return in terms of increased opportunities or heightened conservation has been incrementally small with less than 10% of public proposals being adopted by the Commission at the end of the processes.

Following the 2009 Public Process, the Commission asked staff to make revisions to the process in order to better serve the needs of the angling public, streamline and enhance key aspects of administrative processing of public proposals so that staff, angling public and Commission involvement could focus on substantive proposals that addressed real opportunities to alter angling regulations for the benefit of fishery resources, to better meet angler's desires and expectations, and to meet fishery conservation needs.

Proposed revisions to the public process focus on three key areas. These include:

- Implementation of Public Regulation Scoping Meetings
- Refinement of angling regulation criteria for public proposals; which would be limited to "social" related proposals. Development of specific guidelines and sideboards for social proposals.
- ODFW District, Fish Division and OSP screening of public proposals. Proposals not meeting "social" regulation criteria would be rejected. ODFW screening criteria based on existing ODFW Policies, Plans and applicable biological and social evaluations.
- The Angling Regulation Review Board (ARRB) would be advisory only. Board reviews would be limited to "social" proposals initially rejected by staff. The ARRB would incorporate public perspective into their reviews. If the board concurs with staff's assessment, the proposal would be rejected and dropped from further consideration in the process.

ODFW will be soliciting comments from ODFW and OSP staff, the angling public and Commission on the revised 10+1 step public process with a focus on the key areas of revisions outlined above. The revised public process will be used to develop the 2013 Oregon Sport Fishing Regulations with the process being initiated in August 2011 with the Commission adoption of the revised process. Public proposals will be solicited starting January 1, 2012.

Draft Revisions of ODFW's Public Process for Angling Regulation Development

Introduction

Angling regulation development and subsequent rule adoption is a fundamental action utilized by Fish and Wildlife Agencies for managing fish populations, associated fisheries and anglers. The Oregon Department of Fish and Wildlife's angling regulation development process has evolved over the years with periodic reviews of processes and efficiencies, and to meet emerging interests of the angling public in shaping the nature of fisheries throughout the state. The most recent angling regulating review was initiated in 1997 to address problems associated with dealing with a large volume (up to 900 in some years) of public proposals on a biennial basis. A very high percentage of public proposals are ultimately rejected by the Commission (average 90%) but the high fiscal and opportunity costs for staff and Commissioners necessitated a need to change the process so that there was a focus on substantive proposals.

The current public process was developed as part of the comprehensive review initiated in 1997 and was first used for development of the 2001 Oregon Sport Fishing Regulations. In addition to development of the "major cycle" public process, rules were established listing criteria for development of "interim year" angling regulations that occurred outside of the four-year public process. The current public process was also used for development of the 2005 and 2009 regulations without any major revisions.

During implementation of the 2009 public process, emerging issues were identified by the public, Commission and Staff regarding the processing of public proposals by staff and the Angling Regulation Review Board, the large number of public proposals being submitted, and the associated work-loads of staff and the Commission to process the public proposals. The number of public proposals increased in each Public Process and doubled from 2001 to 2009. Staff proposals decreased by 50% from 2001 to 2005 and remained constant from 2005 to 2009. Nearly 500 public proposals have been processed during the last three Public Processes with only 51 public proposals adopted by the Commission. Additionally, lingering, ongoing or contentious fish management issues were being debated in a Commission regulation process, rather than in meaningful fish management policy discussion in a forum where fishery management goals and objectives were established. The Public Process was becoming a device that many anglers were using to shape fish management policy, rather than to shape the nature of the fishery managed under ongoing fish management goals and objectives, for fish management policy. Additionally, anglers were proposing special regulations as a quick-fix for waterbodies with fishery management problems, problems which are best addressed by fishery evaluations and well designed restoration or enhancement actions. In some cases, anglers are promoting use of special regulations that have never been proven effective or are not applicable to the fishery in question. Poor or improper use of special regulations can and has resulted in negative angler perceptions, continued decline of fishing quality due to less focus on factors limiting fishery potential, loss of agency credibility, and unrealistic angler expectations. Special regulations designed for site-specific applications can be useful, effective tools for fishery management when applied

on the basis of sound fisheries science. Angling regulations should be considered when angling harvest or other factors prevent the attainment of specific management goals. These goals should be part of a broader management plan that may be based on biological properties or socioeconomic needs.

Public Process Review and Analysis

Following the adoption of the 2009 Oregon Sport Fishing Regulations, the Fish and Wildlife Commission instructed staff to take a close look at the current public process and propose revisions to angling regulating development rules and processes to address concerns expressed during the 2009 process. Some of the specific concerns being address in the revised process detailed below include:

- Large number of proposals submitted and ultimately rejected (non-substantial proposals)
- Review Board; Board's role, application of established criteria
- Commission action required on all proposals
- Public feels disenfranchised when their proposals are rejected
- Lengthy window to propose rule change
- Public meetings, time constraints due to volume of proposals
- Sophisticated presentation to public and Commission

Draft Public Process; a 10+1 Step Process

A 10+1 Step Public Process for Angling Regulation Development is outlined below. Process timelines and implementation details are described for each of the 10+1 steps of the process along with background review information and need for any changes. The 10+1 process includes 10 steps that are used to develop, process and adopt proposals into rule, and a one-step follow-up feedback process used to evaluate process implementation and refine future processes.

A detailed analysis of past public processes is found in Appendix 1 and includes summary tables showing the disposition of staff and public proposals submitted in the last three processes.

Supporting documents and information

Angling development processes utilized by Washington and Idaho were also reviewed and aspects incorporated into the revisions. Angling regulation coordinators from these states were also contacted to discuss the pros and cons of their processes, and merits of proposed changes to Oregon's public process. Other documents such as the American Fisheries Society Paper on Special Fishing Regulations for Managing Freshwater Sport Fisheries were also used in development of aspects of the revised process and in categorization of "social" and "biological" regulations.

Revised Public Process for Angling Regulation Development - Expanded Outline

Public Process Development Timeline and Interim Year Public Process Preparation

- Development of first draft Public Process to be completed by Recreational Fisheries Program Manager (acting Angling Regulation Coordinator) with input from Fish Division Administration. By June 2010.
- Distribute copies of the revised public process to the Inland Sports Fishing Advisory Committee (ISFAC) and Warmwater Working Group (WWG) for review and discussion and subsequent meetings. June – July 2010.
- Solicit District staff and OSP input on public process revisions including presentation of process revisions at Fish Division – Region. July – August 2010.
- Present first draft revised process to Commission on August 6, as part of the 2011 Angling Regulation Development presentation. Obtain comment and guidance from the Commission and interested public. August 6, 2010.
- Present revised process to public advisory groups including the ISFAC, WWG, and Fish Cons. August – December 2010.
- Commission, staff and public comments incorporated into the Second Draft of Revised Public Process. Revised Administrative Rules (635-011-0050 Procedures for Promulgation of Angling Regulations) developed to incorporate changes to public process. February 2011.
- Obtain reviews by ODFW staff, OSP, Fish Division and Director's Office prior to Commission and public reviews. March 2011.
- Present revised Public Process and proposed Administrative Rule changes to the Commission in May or June of 2011 for a preview of revisions and rule changes
- Complete revisions to current Public Process and make any administrative rule changes to existing Angling Regulation Development rules. Final Public Process and rules changes to be reviewed and adopted by the Commission at the August 2011 meeting as part of the 2012 Angling Regulation Packet.
- Publish information on the Revised Public Process in the 2012 Oregon Sport Fishing Regulations and provide information on our website on the revised process and how to participate in the process. Information to include specific timelines, public meeting information, Commission actions and general descriptions of process. October – November 2011.
 - Public Process Background and Public Involvement; comparison to last public process and need for changes.
 - Objectives of changes.
 - Timeline of events – Public and Commission meetings (core locations, tentative locations)
 - Description of events and actions
 - Ways the public can comment on proposals
- Identify Region /FD staff (Assistant Angling Regulation Coordinator) to assist Fish Division's Angling Regulation Coordinator with Public Process implementation and Commission meetings. Develop official Job Training Assignment for Region/FD staff (possibly 1 per each Region or within FD).

Participation will be tailored to individual training needs, interests, process needs, and time availability. Assistance will be needed to help implement and coordinate the revised Public Process. Staffing levels to be determined at a later date as the process becomes finalized. Training could also involve back-filling for the Recreational Fisheries Program Manager during peak Public Process coordination demands; potentially with development of the 2012 Oregon Sport Fishing Regulations.

Step 1. Staff and OSP Proposal Development.

There is no specific change identified for submitting staff proposals as part of the revised public process. No need for Public Review of ODFW/OSP proposals since very few staff proposals end up rejected by the Board. Staff need to ensure timely submission of proposals to allow for a thorough review of proposals by Fish Division and OSP (Director's Office). District staff will have to be knowledgeable of revised process and work with local public on proposal development to assist public in submitting proposals that can be considered during the public process.

Fishery Monitoring and Evaluations; Public Outreach as a part of Angling Regulation Development

Ideally, ODFW fish managers will have sufficient resources to effectively monitor fisheries within their districts so they can make informed decisions on appropriate fish management actions and angling regulation proposals. Managers would also have sufficient time for public outreach opportunities, and obtain input from anglers on their fishery needs and expectations. Fish management plans would be developed that included fishery goals and appropriate range of angling regulations to be considered to best meet the biological and social fishery management objectives and also comply with applicable ODFW fish management policies, including the NFCP and FHMP. ODFW fish managers strive for this ideal fish management scenario, but in reality this situation only exists for a few fisheries throughout the state. Managers often lack sufficient resources (staffing and funding) to obtain this level of knowledge of fisheries and have to make inferences on the status of fish populations based on what they do know, and input from informed anglers.

As part of this revised Public Process for angling regulation development, ODFW Fish Managers will be encouraged to take proactive fish management actions during "Interim Years" to collect critical biological and social information on fisheries which have angling regulation issues originating from previous regulation processes or emerging from the public interest outside of our regulation process. Staff should also proactively work to conduct fishery assessments to determine the need for fishery restoration or enhancement or for biologically based angling regulation changes.

Identification of Key Biological and Social Issues – Proactive Management Actions

- Public Process will be initiated in October of 2011 with the development of Staff and OSP angling regulation proposals.

- ODFW – OSP Angling Regulation scoping meetings; Fish Divisions meet with local OSP. Fish Division staff meet with Division/OSP to scope and develop statewide angling regulation proposals.
- District Staff develop regulation proposals based on insight obtained from previous fishery management investigations and actions and in consultation with local OSP and affected anglers.
 - Staff will evaluate potential proposals that will help simplify or clarify regulations
 - Staff should look to removing redundant or unnecessary regulations and regulations that are not achieving fishery management objectives. Exceptions to Statewide or Zone rules should be reviewed to make sure they are still needed.
 - District staff should also meet with local OSP to review enforcement issues in their Districts including compliance and understanding of Special Regulations.
- Proposals submitted to acting Angling Regulation Coordinator; October 1– November 30, 2011.
- December 2011. Angling Regulation Coordinator meets with Fish Division Program managers, OSP to review and screen staff proposals.
 - Angling Regulation Coordinator to work with staff on any contentious proposals that may need modification or be deleted from Public Process.
 - Director’s Office review of staff proposals included in Public Process.
- December 2011. Public Process document is developed and made available to the public on January 1, 2012. Note: no screening by Angling Regulation Review Board of staff proposals.
- A description of public process and a tentative schedule of public meetings is printed in the 2012 Oregon Sport Fishing Regulations. Additional information to be provided on the type of public proposals being solicited from the public; only social related proposals. Provide examples of social vs. biological proposals.
- Districts evaluate time needed to process and evaluate public proposals in their management areas and adjust work schedules during the public process to deal with the anticipated number of public proposals and associated public process actions.
- ODFW Angling Regulation Development Working Group developed. Identify Region /FD staff who wish to assist the Angling Regulation Coordinator with Public Process implementation, review of Statewide or Zone proposals, and assist with Commission Packet development, PowerPoint presentation development, and Commission presentations.

Step 2 Public Proposal Development and Submission; Public Scoping Meetings conducted by Fish Districts

As part of ongoing fish management activities, ODFW staff discusses fish management actions and issues with the angling public in their respective districts and address public questions and concerns on local fisheries. This provides the public with an opportunity to interact with fishery managers provide fish management input outside of the regulation setting process. These “Public Scoping” type meetings can occur throughout the interim

years, and may be held do deal with specific ongoing fish management issues, or to just provide a forum to communicate general fish management to local public. Local meetings of the Warmwater Working Group and Inland Sport Fishing Advisory Committee may be sufficient to scope out local fish management issues, or meetings of local fishing clubs or organizations.

- January 1, February 29, 2012. Public Process open for public proposals.
 - Staff will advertise Public Process opportunity with specific focus on the types of public proposals that may be submitted under the revised public process. Only social related proposals will be included in the public process. Specific criteria and examples of social vs. biological proposals will be developed and distributed as part of the revised Public Process information packet.
 - Public Process information included in 2012 Oregon Sport Fishing Regulations, News Releases, and presented at public advisory group and general angling group meetings. Information on the Public Process included on ODFW's web site and handouts available at ODFW HQ and Region/District offices.
- District staff holds local public "Scoping Meetings" on Public Process and key angling regulation issues in their respective districts.
 - District staff may hold public meetings to scope out public proposals; discuss the public process and the sideboards for proposals.
 - Scope out key regulation issues with differing public opinions and attitudes.
 - Opportunity for public to collaborate on key regulation issues and reach consensus.
- Public scoping meetings may assist with initial screening of public proposals
 - May be the first filter in process. Could include Fish Division staff in these meetings if there are statewide issues being debated at public meetings. Hold meetings in districts with "hot" regulation issues.

Thoughts on Public Scoping Meetings

Prior to the four-year Public Process being initiated, District managers should have established a sense of angling regulation issues present in the angling community through public outreach and communications. There is no established protocol for this outreach, but Districts all have established channels of public communication including working with local angling groups and organizations, working with local media, hosting "Town Hall" type meetings on current fish management issues and a variety of other outreach methods. A key component of the revised public process is establishing an ongoing dialog with the angling public to scope out potential fishery management issues. Formalizing official "Public Scoping" meetings as part of the initial public process will allow District staff an opportunity to provide an overview of fish management in the District or for a focused presentation on a specific fishery or fish management issue. District staff can discuss any potential staff proposals or solicit and discuss public proposal concepts. Staff can also provide an initial assessment of the proposed rule concept and provide any additional fishery management information that may be

necessary for development of an actual proposal that includes adequate supporting information.

These initial scoping meetings will be the groundwork for development of both staff and public angling regulation proposals. Staff will have an idea of the content of public proposals and have the opportunity to work with the public on substantive proposals and also advise the public on proposals that are not likely to get staff support and the rationale for this position. The initial scoping meetings are the first review or “filter” in the public process designed to reduce the amount of non-substantive proposals submitted into the process.

Following public meetings, Districts should send a list of potential District proposals to Fish Division for review, comment and potential policy guidance. Also, a summary of public regulation issues and potential proposals should be sent to Fish Division in order to compile a list of Statewide and water body specific regulation issues.

Potential issues with proposal classifications: The angling public may have problems with the understanding of what is a “social” regulation. There also could be negative feedback by restricting the type of angling regulation proposals submitted and limiting the range of public proposals. ODFW may need to identify or develop a specific process for public to provide input to shape fish management/fisheries outside of regulatory or Conservation Planning processes. There could be a need expressed by the public for a comprehensive list of specific water body and species specific fish management goals and objectives (or a list of water bodies where there is public concern or disagreement on fishery attributes being expressed through the regulatory process). This would be similar to past ODFW Mini-Management Plans, and Fishery Management described in Basin Fish Management Plans (where they exist).

Step 3. Angling Regulation Review Board Development

- Review Board’s role is advisory only. Staff will incorporate Review Board comments and make final decisions to proposals being reconsidered based on social related issues.
- Members selected from current ODFW advisory boards and committees with preference for current Inland Sports Fishery Board Advisory Members.
 - Board members selected to represent range of angling interests in the state and diversity of Oregon’s anglers and angler attitudes and opinions.
 - Board members will be recommended by the acting Angling Regulation Coordinator after consultation with District, OSP, Fish Division and Director’s office consultations.
 - Final selection of Review Board members will be made by Fish Division Administration.
- Review Board limited to no more than 20 members. ODFW and OSP staff will provide policy and technical support for Review Board. Staff participation to be determined on content of proposals to be reviewed.
- Review Board’s function is to review social related public proposals rejected by ODFW staff that staff have determined warrant further consideration. Review of

proposals to focus on public attitudes and opinions on proposal not related ODFW Policies or biological issues.

- There will not be any travel compensation for Review Board members; lunch will be provided.

Step 4. ODFW District staff review/screen proposals in their respective districts.

Internal Regulation Review Team reviews statewide proposals.

This is the key step in the revised public process. Fish Districts and an Internal Regulation Review Team will determine which public proposals are included in the public process and presented at public meetings and to the Commission. The objective is to filter out a large number of the 90% of proposals that would ultimately rejected by the Commission based on staff recommendation and/or public comment. It will be essential that staff thoroughly review public proposals, correctly and consistently classify proposals (social or biological), and apply sound policy and biology to the review of proposals. The Angling Regulation Coordinator (and Coordinator Assistant) will have oversight of proposal reviews for consistency and to ensure that staff clearly communicates rational for rejection of public proposals to project sponsor.

Existing review criteria established is specified in Angling Regulation Development Administrative Rule (635-011-0050 Procedures for Promulgation of Angling Regulations). These rules will be modified as needed to reflect the new criteria which will be based primarily on existing ODFW Policies (Native Fish Management Policy, Hatchery Management Policy etc.), Species Plans, Fish Management Plans, and other applicable biological and scientific information rather than in Administrative Rule.

Existing Angling Regulation Proposal Review Criteria:

- (A) Easily understood, with clearly defined limits or boundaries;
- (B) Enforceable;
- (C) Consistent with statutory mandates and Department management policies, goals, plans, and rules;
- (D) Consistent with biologically sound principles;
- (E) Consistent with court orders, and approved agreements between ODFW and other management entities or landowners;
- (F) Supported by affected citizens;
- (G) Consistent with regulations on similar or nearby waters, unless social or biological circumstances require diversity;
- (H) Necessary to achieve an identified objective;
- (I) Necessary to balance harvest with reproduction or recruitment;
- (J) Necessary to provide angling opportunity to sequential fisheries;
- (i) Proposed regulations which fail to meet these conditions may be rejected by the Commission

Review Criteria Development Information

The current review criteria for public proposals (listed above) were developed as part of the 1999 review of ODFW angling regulation process. The key review elements in this

review are listed below, and still are applicable to reviews conducted under the revised public process.

Actions intended to conserve populations:

- Must demonstrate inadequacy of existing regulations
- Must significantly reduce current risk to wild fish

Actions intended to improve fishing opportunities:

- Must improve angling opportunities
- Must acknowledge impacts to other anglers
- Must not increase risk to wild fish

Is the public proposal Social or Biological?

This will be one of the key issues needed to be determined at the start of the public proposal review. Guidance on determining whether proposals are social or biological (or in some cases have both attributes) is shown below and has been extracted from the Idaho Regulation Process, American Fisheries Society publication on Special Regulations, and literature on angling regulation development use in fish management.

A. Social Regulations; Social Regulation Review Criteria

1. Level of public interest
2. Need for regulation change
3. Does proposed rule contribute towards social fishery management objectives or desired quality of fishery?
4. Impacts to existing anglers
5. Level of public support for rule change
6. Impacts to fishery management objectives; harvest and fishery impacts.
7. Other?

B. Biological Regulation

Biological Review Criteria

1. Compliance with existing ODFW Fish Management Policies and Plans. Consistent with NFCP.
2. Biological feasibility
3. Regulation history; tried or attempted in the past
4. Impacts on ongoing fisheries; harvest or fishery impacts
5. Does proposed rule contribute towards fishery management goals and objectives?
6. Other?

Both Biological and Social

1. Regulation complexity
2. Enforcement of rule
3. Clarity of rule
4. Consistency of rule with nearby regulations
5. Other past criteria.

Additional information on angling regulation proposal development and review criteria.

Angling regulation development criteria from Ontario, British Columbia regulation process:

General principles include:

- (i) Sustainability of the resource must not be compromised
 - (ii) Regulations should be based on sound science but socio-economics and angler acceptance are also important
 - (iii) Provide a diversity of fishing opportunities in terms of having the opportunity to fish and also have the expectation of catching a fish
 - (iv) Adapt a landscape approach for regulations and reporting with exceptions being used for quality fisheries and sustainability.
- Guidelines for developing fisheries regulations may be summarized as follows:
 - (i) All sport fish species should have catch and possession limits.
 - (ii) Catch and possession limits should be established on a landscape basis.
 - (iii) Fisheries regulations should be harmonized on border waters wherever possible.
 - (iv) Size limit regulations should be based on total length.
 - (v) Where a species is not present in a fishing division there should be a closed season.
 - (vi) Regulations should generally provide protection during vulnerable (e.g., spawning) periods.
 - The use of fish sanctuaries should not unduly restrict angling opportunities.
 - (viii) Regulations must be enforceable under field conditions.
- Criteria for evaluating regulation change proposals include:
 - Non-regulatory options considered
 - Biological rationale (sustainability)
 - Consistency
 - Enforceable
 - Consultation plan
 - Appropriateness
 - Increases angling opportunities
 - Meets streamlining objectives – consistent with tool kits.

Proposed Steps in Public Proposal Reviews by Fish Districts, Fish Division, and ODFW Internal Review Board (statewide proposal reviews)

Reviews of public proposals will take place as proposals are submitted starting January 1 and be completed by March 31, 2012.

Review format will be standardized and will include the following general concepts:

- Consistency with ODFW Policies and Procedures.
 - NFCP, HGMP, Species Plans, Basin Fish Management Plans, Fish Management Plans, 25-Year Plan goals and objectives.
 - ESA Conservation and Recovery Plans

- Biologically feasible, based on sound biological principles; social regulations only.
- Regulation Context
 - Complexity, simplification.

Review past criteria, also the summary of criteria used at Review Board.

- Past regulation history, Basin or Watershed regulation standardization.
- Justification and need for rule change. Public interest in rule change, anglers affected.
- Economic impacts of public proposals.
- Public Proposals that pass staff review will be incorporated into the Public Meeting packet. Project sponsors will be notified of ODFW actions, and scheduled public meetings to present and discuss their proposals.
- Rejected public proposals not being forwarded to the Angling Regulation Review Board will be dropped from the Public Process and project sponsors notified of final ODFW review and basis for proposal rejection.
- Rejected social related public proposals with potential for staff acceptance are deferred to the Angling Regulation Review Board for review and comment.

Note: Fish District input will be needed to establish the sideboards for “Social” angling regulation proposals. Need to define what constitutes “social” vs. “biological” proposals.

Note: Deferred Public Proposals. There may be public proposals that have merit but insufficient information to make a recommendation during the public process. These proposals are formally rejected, but could be addressed during interim years, or the next Public Process, after study and investigation. These could be classified as “deferred proposals”. Public proposals recommending more conservative regulations on major fisheries due to changing social values and desires may also be deferred in order to conduct more extensive public surveys depending on nature and scope of change and available staffing and funding. So in some cases, public proposals meeting the review criteria and having some level of public interest could be rejected in order to be considered at a later date after investigations have been completed and results evaluated. Depending on the level of public interest, the proposed rule may be deferred to the next public process or addressed during an interim year.

Deferred proposal concept similar to Washington’s Pilot Study Provision in their angling regulation development process. Basically, a regulation with potential merit in Oregon can be deferred until further investigating or study. In Washington, Pilot proposal regulations may be implemented, but with specific evaluation and reporting criteria to see if regulation will remain permanent.

Step 5. Angling Regulation Review Board; Review of Social Regulation Concepts submitted by public that failed to pass Staff Review.

The function and rule of the Angling Regulation Review Board would significantly change in the proposed process. In the past, the Review Board determined which proposals went forward in the process based on a list of established criteria specified in Administrative Rule. In the revised process, the Review Board would only have an advisory rule, would not review ODFW/OSP proposals, and only review social proposals

that ODFW/OSP staff would not object to go forward in process. Additionally, the Board would not be restricted to specific review criteria established by rule but rather rely on their collective knowledge of fisheries, ODFW proposal analysis, and social values and opinions to provide comment on the merits of public proposals.

In past public processes, there has been some public opposition or questioning as to how the Review Board was selected and public sentiment expressed that the Review Board was biased against particular points of view or proposals, or even individuals. Restricting the Board function to advisory only will help reduce public concern over Board member composition is hoped to instill more public trust in Review Board actions.

The Review Board will not review staff proposals. The Review Board's key role will be to review public proposals initially screened out by staff based on their staff's assessment of the social merits, but staff would consider for adoption. Secondly, the Review Board would be able to provide comment on social proposals submitted by the public that staff screened to go forward in the public process. Review Board will only provide public comment in proposals and advise ODFW on whether to reconsider rejected public proposals. There will be no yes/no votes on proposals. There must be some compelling information to override District/Fish Division initial assessment on rejected public proposals. Fish Division, in consultation with Districts will take Review Board comments into consideration to determine if rejected proposals will be reconsidered and incorporated back into the public process.

Review Board Advisory Committee Actions

- The Review Board to meet once at Salem HQ on a Saturday in mid-April (tentative April 21, 2012).
- Proposal Packets will be sent out to Review Board members in advance of the meeting, along with general and specific review instructions and any supporting materials (ODFW assessments, survey information etc.). Members will be encouraged to consult on proposals with project sponsor, local interested anglers and local ODFW staff (or HQ staff on statewide proposals) prior to the Review Board meeting.
- Public proposal sponsor has the opportunity to submit additional written correspondence that addresses staff basis for proposal rejection.
- Review Board meetings are open to the general public but there will not be opportunities for project sponsors and the public to provide comment at the meeting.
- Staff will consider Review Board comments and advice to revisit rejected social proposals to determine if any rejected proposals will be added back into the process.
- Final determination to be made by Fish Division Administration after consultation with Angling Regulations Coordinator and affected District - OSP staff.
- Rejected proposals not reconsidered are dropped out of the Public Process and proposal sponsors notified of Review Board and ODFW actions.

Step 6. Development of Public Meeting Packet and Public Meetings.

Number and location for public meetings can be scheduled in advance for those locations where we anticipate key regulation issues, but other areas will be scheduled as needed. A

list of public meeting locations and meeting schedules will be printed in the 2012 Angling Regulation synopsis along with public process description and how the public can participate in the process. Schedules will be developed to avoid meetings with little or no public turnout.

- Develop Public Meeting materials including a synopsis of staff and public and proposals.
- May 1- 31, 2012. Public Angling Regulation Development Meetings will be conducted in key Districts around the state. Fish Division staff will attend meetings along with representatives from Fish Districts/Regions
- Location of core group of public meetings will be published in the 2012 synopsis with tentative meetings listed in areas where meetings have been routinely held, but with little or no public turnout. Meeting need for tentative locations will be based on scope of rules being considered.
- Core areas include Portland, Salem, Springfield, Roseburg, Bend, Tillamook, Newport, and Coos Bay. Tentative areas include LaGrande and Klamath Falls.
- Objective of the public meetings is to obtain public comment on staff and public proposals (those that passed staff review, or were reconsidered after Review Board comment).
- Fish Districts will present staff and public proposals in their fish management area, and Fish Division staff will present any Statewide proposals, or applicable Zone Regulation. Meeting objective is to first review local proposals, to review any Statewide, and if time permitting take public comment on proposals in other areas of the state.
- Proposals would be classified into similar categories as in the past; wide public support, mixed public support, or little or no public support. (Yes, No, Maybe). No specific criteria as to percentage of numbers of anglers stating positions (voting) rather based on multiple factors including the level of public support, content of public comments, along with percentage of anglers who support, reject or have mixed opinion. Staff will try to extract public comment as to why public support, reject or have mixed thoughts on proposals rather than just a show of hands.

Step 7. Determine staff position on public proposals and development of August Commission Packet.

This step is similar to previous public process, but there will be fewer public proposals to consider. Remaining public proposals will be “social” regulations and therefore staff may not take positions on particular proposals.

June 2012. Compile all staff, OSP, and public comment and develop ODFW positions (Adopt – A, C- Reject, or B- Further Consideration. Also consider deferring D proposals needing additional investigation to determine staff position) for staff and public proposals. Incorporate these rankings into the August Commission Packet.

- Staff will then review public comment and determine staff positions on proposals prior to the August Commission meeting. Staff positions will be developed in consultation with Districts, OSP, and Fish Division staff and be reviewed by the Director’s Office prior to being made public.

- August Commission Packet will include notes from public meetings and submitted written public comment.
- August Packet will also include any ODFW Backgrounders on Key Issues to provide additional materials for Commission to review pertaining to proposed rules. Key issues will be identified during the course of the public process and need for backgrounders communicated to Districts as soon as possible.

Step 8. August Commission Meeting – Informational Preview Only

This Step is similar to previous process, only most of the non-substantive proposals have been eliminated from the Public Process. Staff will have a much reduced volume of public proposals to deal with, but the remaining public proposals may have significant fishery implications and require similar levels of analysis. Initial public scoping meetings will serve to identify most “Key Issues” and therefore provide staff additional time for proposal analysis prior to Commission meetings.

August 2012. Fish Division staff present a preview of the 2013 angling regulation proposals. Staff positions are included on proposals which have been adequately reviewed by staff and OSP. Positions on select category “B” proposals may be postponed pending further analysis and presented at the September Commission meeting.

- Focus of the August Commission meeting will be to review steps in the Public Process up until the August Commission meeting, then provide an overview of the Key Issue regulation changes being considered for adoption (Category A proposals).
- District staff will attend the August meeting as needed to provide technical input on Key Issues in their District and to respond to Commission questions.
- Commission will be asked to concur with staff recommendations on classifications of proposals and have the option to reclassify proposals for further consideration (reclassify C proposals to B, or A proposals to B). Proposals classified as A or C by the Commission will be carried forward to the September Commission meeting for rule making, with the recommendation that Category A be adopted, and Category C be rejected with out further discussion.
- Following August meeting, prepare the September Commission packet. Determine the staff position on any outstanding category B proposals and consider deferring proposals if there is merit to the proposal but insufficient information (biological or social) to develop a sound staff recommendation.
- Develop the September Commission presentation working with District staff and include a more in-depth assessment of the Classification (B) proposals, including development of any Commission Backgrounders. Statewide rules to be presented by the acting Angling Regulation Coordinator and Zone Rules to be presented by District Fish Biologist or their designee.

Step 9. September Commission Meeting – Final Rule Making

- Commission receives detailed presentation on category B proposals, presented by District Staff and Statewide Rules presented by Rules Coordinator or District Assistant Rules Coordinator.

- Category A proposals recommended to be adopted without further discussion, and Category B proposals with presentations and Commission to consider one-by-one.
 - Category B proposals carry staff recommendations, with neutral position on purely social regulations.
 - Proposals are categorized as Biological or Social, then with sub categories. Broken down by Zone, type of proposal.
 - Deferred proposals.
- Final results of Public Process; Commission rule adoption-rejection are sent to project sponsors, posted on ODFW's website, and made available to interested anglers.

Step 10. Regulation Pamphlet development, printing and distribution and news releases.

Pamphlets to be available to the public on December 1, 2012 with rule changes highlighted in blue text, and addition of information on rule changes as needed. News Release distributed highlighting rule changes. District Staff meet with local anglers to discuss rule changes, and answer questions on rules not adopted. District staff initiate new round of public meetings, fishery monitoring, and correspondence with angling public to gauge level of public interest in fishery management issues and work to resolve fish management related issues outside of angling regulation process.

- September – October 2012. Development of 2013 Oregon Sport Fishing Regulating Pamphlet by incorporating new rules, updating Public Service Adds (PSA), addition of paid advertising, and formatting changes.
- District and Fish Division reviews of draft pamphlet distributed for review and editing.
- New Director's message developed.
- November 2012 – December 1, 2012. Send pamphlet to printer, with a target date of December 1, 2012 to be available to the public.
- News releases distributed with adopted rule changes
- Regulations Distributed to vendors and ODFW offices by December 1, 2012

Step 11. Follow up assessment of new Public Process with comments from public, Commission, ODFW and OSP staff. Make any needed modifications in the process to address key concerns.

- Compile feedback from staff, Commission and public on implementation and coordination of new public process; pros and cons. .
- Assessment of new public process completed, possibly present back to the Commission in Fish Division Director Report.
- Internal review of new Public Process.
- Public comment on process from Angling Regulation Review Board, ISFAC, WWG, Fish Cons and other interested public.
- Summary of public process presented to Commission in an Information Briefing (Fish Division Report) at 2013 Commission Meeting.

- Results of Public Process are presented to the ISFAC, WWG, and Native Fish Cons as well as other interested parties.
- Begin to gather feedback for next public process to make changes to process as needed to address constituents, Commission and staff concerns. Feedback for adaptive management. Staff also discusses public process implementation at next scheduled Fish Biologist-FD Meetings. Close loop with District Staff. Also, discuss at OSP-ODFW CEP meetings as a topic of discussion. Ongoing enforcement issues. OSP-FD meetings also.

Appendix 1. Previous Public Processes; 2001, 2005 and 2009

2001 Public Process Summary; None developed.

2005 Public Process Summary:

2005 Angling Regulation Development

- The Angling Regulation Review Board met on Saturday, April 3rd to review 161 Public angling regulation proposals and two late developing Staff proposal (sturgeon hook regulation, Deschutes River fall Chinook closure). The Board determined that 129 (80%) of the 161 Public Proposals failed to meet the established criteria. The percentage of rejected proposals is nearly identical to the percent of Public Proposals rejected in development of the 2001 Oregon Sport Fishing Regulations, which was 78% of the Public Proposals. The Review Board passed both of the Staff Proposals. The Angling Regulation Review Board is used to screen angling regulation proposals that do not meet established criteria. Proposals that passed the Review Board will be presented for discussion and public review by Fish Division and Fish District staff at the nine statewide public meetings scheduled in May. Proposals that failed to pass the Review Board will not be the focus of the public meetings but will be discussed as needed. The angling regulation packet for the Public Meetings (all Staff and Public proposals with Review Board rankings for Public Proposals) should be available within the next two weeks.

2009 Public Process Summary:

Summary of numbers of public proposals submitted in the 2009 Public Process.

Public proposals for new or modified angling regulations were accepted from December 1, 2007 through February 29, 2008. A total of 660 individual proposals were received representing 264 proposed regulation changes (multiple copies of proposals were received for some proposals). Public proposals were sent to Review Board Members and ODFW/OSP staff prior to the March 8th meeting in order for Board members to time to review proposals prior to the meeting.

The Regulation Review Board met on March 8, 2008 to screen public angling regulation proposals against criteria adopted by the Commission. Table 1 summarizes the results of the Angling Regulation Review Board review, by Zone. A total of 26 public proposals dealing with changes to fall Chinook salmon regulations were deferred into development of the 2008 Temporary Rules in order to have consideration of these changes for the 2008 fishing season. These rules will still be part of the 2009 process, but will be considered as “do not adopt” unless reclassified by the Commission. Of the remaining 236 public proposals, the Review Board determined that 176 (75%) of the proposals failed to meet one or more of the established criteria. The percentage of rejected 2009 public proposals is similar to the percentage of public proposals rejected in the development of the 2001 and 2005 Oregon Sport Fishing Regulations, which was 78% and 80% respectively.

Summary Tables of 2001, 2005 and 2009 Public Processes

Table 1. Time period of public proposal submission by Angling Zone for the 2005 Public Processes.

Time	Public Proposals Submitted for New or Modified Sport Fishing Regulations									
	Number submitted by Time Period									
Period	State	NW	SW	Will	HD	NE	SNK	COL	MAR	Totals
Dec1-10	2	5	0	0	0	0	0	0	1	8
Dec 11-31	0	5	1	0	2	0	0	0	2	10
Jan 1-10	5	0	3	0	0	0	0	0	1	9
Jan 11-20	1	0	8	0	0	0	0	0	0	9
Jan 21-31	4	4	69	0	1	0	0	0	0	78
Feb 1-10	6	0	58	0	2	0	0	2	0	68
Feb 11-20	17	4	124	3	10	0	0	0	1	159
Feb 21-29	22	25	218	6	11	1	0	1	8	292
										0
Totals	57	43	481	9	26	1	0	3	13	633

Proposals accepted until March 2 because
February 29 deadline fell on a Saturday.

One late proposal submitted for stream in SW Zone was included (Glade Creek) because email attempt prior to cutoff date failed (wrong email address).

Findings: Tend to get duplicate proposals coming in (basically acting as public support for a particular proposal, Umpqua steelhead for example) later into the open submission period. A three month period is not necessary if there is sufficient public notice and work with the interested angling public prior to the process beginning. Anglers also monitor proposals being submitted and submit reactive proposals, which further complicate regulation process and cause more political and social issues when proposals cover extremes of regulation options when the intent of some is to retain existing rule. Can reduce the open time period by one month, and start January 1 end February 29.

Table 2. Summary statistics for staff and public proposals submitted as part of the 2001, 2005, and 2009 Public Process for Angling Regulation Development.

Public Process Regulation Year	Summary Statistics			Review Board Results					
	Proposals Submitted		Total Submitted	Review Passed		Total Passed	Review Rejected		Total Rejected
	Public	Staff		Public	Staff		Public	Staff	
2001	113	158	270	70	158	228	43	0	43
2005	143	77	220	31	77	108	112	0	112
2009	262	80	342	60	80	133	176	0	176
Combined	518	315	832	161	315	469	331	0	331
Average	173	105	277	54	105	156	110	0	110
Percentage	62.26%	37.86%		31.08%	100.00%	56.37%	63.90%	0.00%	39.78%
Public Process Regulation Year	Commission Results						Total		
	Adopted		Total Adopted	Rejected		Total Rejected	Total		
	Public	Staff		Public	Staff		Rejected		
2001	16	157	173	97	1	97			
2005	14	75	89	129	2	131			
2009	21	76	97	241	4	245			
Combined	51	308	359	467	7	473			
Average	17	103	120	156	2	158			
Percentage	9.85%	97.78%	43.15%	90.15%	1.35%	56.85%			

Table 3. Number of public proposals submitted by Angling Zone and for Statewide rules for the 2001, 1005, and 2009 Public Process.

Angling Zone	Number of Public Proposals Submitted During Public Process					Rank
	2001	2005	2009	Total	Percent	
Statewide	10	37	44	91.0	18.50%	Westside 2
Northwest	23	24	29	76.0	15.45%	69.72% 3
Southwest	36	34	55	125.0	25.41%	1
Willamette	13	10	28	51.0	10.37%	5
Central	15	15	33	63.0	12.80%	Eastside 4
Northeast	9	0	7	16.0	3.25%	21.34% 8
Southeast	2	10	10	22.0	4.47%	6
Snake R.	0	0	4	4.0	0.81%	Col/mar 10
Columbia R.	1	2	10	13.0	2.64%	8.94% 9
Marine	4	11	16	31.0	6.30%	7
Totals	113	143	236	492.0	1.0	
Staff Proposals	158	77	80			

Findings. Number of public proposals increased in from each Public Process and doubled from 2001 to 2009. Staff proposals decreased by 50% from 2001 to 2005 and remained constant from 2005 to 2009. Why is this? Too much public input into regulation setting?

General regulations issues brought forward by public has remained fairly constant, with major issues tending to repeat or cycle through public process. Southwest Zone Ranked #1 in the amount of Public Proposals submitted, primarily associated with Rogue and Umpqua Rivers. Nearly 500 public proposals have been considered during the three Public Processes with only 51 public proposals actually adopted.

Table 4. Results of public meeting ranking of staff and public proposals submitted in the 2001, 2005 and 2009 Public Processes.

Public Proposal Breakdown following Public Meetings				
Public Process	A "support"	B "mixed support"	C "unacceptable or do not adopt"	Total
2001	6	70	37	113
2005	8	112	112	232
2009	12	202	176	390
Total	26	384	325	735
Average	8.7	128.0	108.3	245.0
Percent	4%	52%	44%	

Findings: A large percentage of proposals (mostly public, but not broken down here) are ranked as "unacceptable" or "do not adopt" by the general public attending regulation meetings.

Table 5. Summary 2001 Public Process: Review Board and Commission actions on staff and public proposals submitted as part of development of the 2001 Oregon Sport Fishing Regulations. Rej. = rejected, Acc. = accepted, Sub. =Submitted, App. = Approved.

Angling Zone	Public Proposals				Staff Proposals			Total Proposals Passed Review Board	Total Proposals Submitted	Total Number of Proposals Adopted
	Review Board Results			Commis-sion	Review Board Results		Commis-sion			
	Rej	Acc.	Sub.		App.	Sub.				
Statewide	8	2	10	0	6	6	5	8	15	5
Northwest	15	8	23	2	21	21	21	29	44	23
Southwest	5	31	36	5	14	14	14	45	50	19
Willamette	4	9	13	5	55	55	55	64	68	60
Central	7	8	15	0	21	21	21	29	36	21
Northeast	1	8	9	0	8	8	8	16	17	8
Southeast	1	1	2	4	26	26	26	27	28	30
Snake R.	0	0	0	0	3	3	3	3	3	3
Columbia R.	0	1	1	0	2	2	2	3	3	2
Marine	2	2	4	0	2	2	2	4	6	2
Totals	43	70	113	16	158	158	157	228	270	173

Table 6. Summary 2005 Public Process: Review Board and Commission actions on staff and public proposals submitted as part of development of the 2005 Oregon Sport Fishing Regulations. . Rej. = rejected, Acc. = accepted, Sub. =Submitted, App. = Approved.

Angling Zone Zone	Public Proposals				Staff Proposals Staff			Total Proposals Passed Review Board	Total Proposals Submitted	Total Number of Proposals Adopted
	Review Board Results			Commis-sion	Review Board Results		Commis-sion			
	Rej.	Acc.	Sub.		App.	Sub.				
Statewide	34	3	37	1	7	7	6	10	44	7
Northwest	19	5	24	2	25	25	24	30	49	26
Southwest	22	12	34	5	17	17	17	29	51	22
Willamette	7	3	10	2	16	16	16	19	26	18
Central	11	4	15	2	5	5	5	9	20	7
Northeast	0	0	0	0	3	3	3	3	3	3
Southeast	7	3	10	1	0	0	0	3	10	1
Snake R.	0	0	0	0	0	0	0	0	0	0
Columbia R.	2	0	2	0	1	1	1	1	3	1
Marine	10	1	11	1	3	3	3	4	14	4
Totals	112	31	143	14	77	77	75	108	220	89

Table 7. Summary 2009 Public Process: Review Board and Commission actions on staff and public proposals submitted as part of development of the 2009 Oregon Sport Fishing Regulations. . Rej. = rejected, Acc. = accepted, Sub. =Submitted, App. = Approved.

Angling Zone Zone	Public Proposals				Staff Proposals Staff			Total Proposals Passed Review Board	Total Proposals Submitted	Total Number of Proposals Adopted
	Review Board Results			Commis- sion	Review Board Results		Commis- sion			
	Rej.	Acc.	Sub.		App.	Sub.				
Statewide	39	5	44	1	11	11	10	16	55	11
Northwest	24	5	47	4	7	7	6	12	54	10
Southwest	42	13	63	1	9	9	8	22	72	9
Willamette	15	13	28	10	39	39	38	48	67	48
Central	21	12	33	2	3	3	3	15	36	5
Northeast	3	4	7	2	2	2	2	6	9	4
Southeast	6	4	10	1	1	1	1	5	11	2
Snake R.	3	1	4	0	0	0	0	1	4	0
Columbia R.	8	2	10	0	4	4	4	3	14	4
Marine	15	1	16	0	4	4	4	5	20	4
Totals	176	60	262	21	80	80	76	133	342	97