

Agenda Item Summary

BACKGROUND

Oregon law requires the Oregon Fish and Wildlife Commission (Commission) to adopt angling regulations annually. Two critical errors affecting the Sandy and Hood River regulations were made in the angling regulation development process and printing of the 2012 angling regulations. These errors need to be corrected by permanent rule adoption since temporary rules will not cover the duration of the angling seasons impacted by these errors and we cannot republish the 2012 Sport Fishing Regulations pamphlet with the correct rules. If not corrected, Endangered Species Act (ESA) listed winter steelhead could be harvested in the upper Sandy and Salmon Rivers. On the Hood River, salmon and steelhead angling opportunities would be impacted since the rule allowing use of bait was inadvertently omitted. The Hood River regulation also needs to be corrected to define where restrictive gear (artificial flies and lures) is needed for trout angling.

PUBLIC INVOLVEMENT

ODFW distributed news releases in December 2011 to inform the public of the errors in the 2012 Oregon Sport Fishing Regulations for the Sandy and Hood River. Staff also posted corrected angling regulations signs at angler access points on the Sandy and Hood rivers and the Oregon State Police were made aware of the regulation errors to better inform the angling public. Staff sent out and placed notices of the regulating errors and correct regulations using social media such as Twitter and Facebook.

ISSUE 1

ADOPT THE 2011 OREGON SPORT FISHING REGULATION CORRECTIONS

ANALYSIS

Two critical errors were found in the 2012 Oregon Sport Fishing Regulations that need to be corrected by permanent rule, since temporary rules will not cover the duration of the angling seasons impacted by these errors. Errors and corrected rule language are shown in Attachment 3, along with a corrected version of the 2012 Sport Fishing Regulations that will be published on our web page. Outlined below are the specific errors and needed corrections.

Sandy River Section 2: Mainstem and tributaries upstream from ODFW markers at the mouth of Salmon River, including the Salmon River.

On Section 2 of the Sandy River, the season for steelhead angling was incorrectly listed as open the entire year. The steelhead season should have remained as: open July 1 – August 31. This season allows the harvest of hatchery and naturally produced non-native summer steelhead. The specific steelhead season was inadvertently omitted in rule development and the error went undetected until after printing.

Hood River Section 1: Mainstem and tributaries not listed.

On Section 1 of the Hood River, the bullet which allows the use of bait for salmon and steelhead angling was inadvertently omitted. The bullet requiring use of artificial flies and lures when angling for trout was incomplete, and omitted the specific area where the restriction applied. The error was made in development of the pamphlet and was not detected

before printing.

Temporary Rules were put in place to correct these errors, but these rules will expire before the impacted angling seasons close, so staff recommends the Commission adopt the temporary rules as permanent rule changes as shown in Attachment 3 to correct the errors for Sandy and Hood river regulations.

OPTIONS

1. Accept the proposed regulation corrections.
2. Reject the proposed regulation corrections.

STAFF RECOMMENDATION

Accept corrections to the 2012 rules as proposed by staff.

DRAFT MOTION	I move to amend OAR Chapter 635 Divisions 017 and 018 as proposed by staff in Attachment 3 [with the following exceptions ...]
EFFECTIVE DATE	March 9, 2012.