

Agenda Item Summary

BACKGROUND

Over the years, many managers and other Oregon Department of Fish and Wildlife (Department) staff have written or amended commercial fishing regulations. While the Department does have guidelines for writing or amending regulations, none exist for style, structure, grammar, or consistency. Additionally, many rules are written to address temporary or one-time issues, leaving outdated regulations in rule or creating loopholes. Regulations for fisheries are located in multiple divisions in the Oregon Administrative Rules (OAR). Regulations for a specific fishery may exist in multiple divisions, which forces industry, enforcement, and management to review all applicable divisions to give or obtain accurate information. It also means when future rule changes are considered, there is an increased possibility of one or more regulations being omitted from updates, causing further inconsistency and confusion.

This project is intended to eliminate, as much as possible, the negative implications listed above in a two-fold approach: a restructuring of regulations within Divisions 004 (Fisheries Other Than Salmon and Shellfish) and 005 (Commercial Shellfish Fishery), and a reorganization of regulations across applicable divisions to consolidate regulations for specific fisheries to the extent possible. The overall goal of this project is to create a more consistent, readable, easily searchable, and better organized structure that industry, enforcement, and management can understand and use, with the fewest rule intent changes possible.

PUBLIC INVOLVEMENT

This is a housekeeping exercise with little or no changes to the intent of the rules therefore industry has not been consulted to-date.

ISSUE 1

CHANGES TO THE STRUCTURE AND ORGANIZATION OF CURRENT DIVISIONS 004, 005 AND 006 OF OREGON ADMINISTRATIVE RULES

ANALYSIS

The restructure portion of this project involves restructuring Divisions 004 (Fisheries Other Than Salmon and Shellfish) and 005 (Commercial Shellfish Fishery), into related fishery sections, instead of the current loosely organized individual fishery sections. For example, in Division 004 there are currently nine specific fisheries and one non-titled general regulation section. Additionally, various regulations are intertwined among these ten sections, some of which apply to other fisheries or regulations outside of their specific location. Restructuring within Division 004 reduces the number of unique regulation sections to an organizational and general regulations section, and four general fishery sections. The organizational and general regulations section includes regulations which apply to all fisheries within Division 004. Each of the general fishery sections first describe regulations which apply to each fishery in that section, then describe detailed regulations, fishery by fishery. The restructure will also incorporate federal rules by reference for Coastal Pelagic Species and Highly Migratory Species. This will prevent any inconsistencies when federal rules are updated. Divisions 004 and 005 will also have a revised, broad definitions rule encompassing all commonly used defined terms in each division. Finally, outdated or

incorrect regulations and references have been deleted or revised.

The reorganization portion of this project focuses on moving Restricted Participation System Fisheries (Limited Entry) regulations for all fisheries other than Columbia River gillnet and ocean troll salmon fisheries, from Division 006 (Commercial Gear; Licenses, Poundage Fees, Records and Reports), into their respective fishery sections in Divisions 004 and 005. The major benefit of this reorganization approach is that each specific fishery section in Divisions 004 and 005 will house all its related regulations. This means that industry, management, and enforcement will only need to review one or two sections of a single division, rather than multiple parts of multiple divisions. General licensing regulations will remain in Division 006.

As part of the reorganization component of this project, the Developmental Fisheries Program and Species List will officially be removed from regulation (Division 006), and species formerly belonging to that list will be managed under their related fishery sections in Divisions 004 and 005.

This exhibit is intended to inform the Oregon Fish and Wildlife Commission (Commission) of the project and to answer any questions or concerns of the Commission. The project is large-scale, involving major changes to Divisions 004, 005, and 006. Schematics of the current and proposed organizations for Divisions 004 and 005 can be found in Attachments 2 and 3. Formal adoption of restructured and reorganized regulations is scheduled for the June 2012 Commission meeting.

OPTIONS

1. N/A

**STAFF
RECOMMENDATION**

1. N/A

DRAFT MOTION	N/A
EFFECTIVE DATE	N/A