

Agenda Item Summary

BACKGROUND

Oregon law requires the Oregon Fish and Wildlife Commission (Commission) to adopt angling regulations. Development of the 2016 Oregon Sport Fishing Regulations takes place in the third year following the Major Public Process Cycle that was used to develop the 2013 Oregon Sport Fishing Regulations. Under that process, proposals from the public are considered approximately every four years, during interim years, proposals developed by staff would follow the Commission “Interim Year” categories outlined below. These categories were developed in consultation with Oregon State Police (OSP), ODFW district staff and key constituent groups.

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

Over the last eight months, staff undertook a comprehensive analysis of the Oregon Sport Fishing Regulations with a focus on streamlining and simplifying the regulations statewide. This project was primarily focused on trout and warmwater species, with minor adjustments to salmon and steelhead regulations. This process included the creation of a Regulation Simplification Team, comprised of Oregon Department of Fish and Wildlife (ODFW) staff and Oregon State Police (OSP).

The primary approach to simplifying angling regulations was to identify similarities and differences in current regulations, and determine where consistencies could be implemented among fisheries. To accomplish this, the existing fishing regulations were entered into a database and an analysis was conducted by grouping regulations into similar categories. Regulations that did not fit into these broad categories were identified for further discussion. Meetings were held with all fish districts statewide, with district biologists, watershed and region managers, and local OSP officers to determine the applicability, reasoning behind, or need for these regulation variations, and if necessary to modify regulations to create consistency among regulations.

Oregon’s fishing regulations have become extremely complex over time. One of the most common complaints from the public is that the regulations are too difficult to understand and create barriers to participation. There are many factors that have contributed to this complexity including (but not limited to): inconsistent use of language and terminology, small and frequent adjustments to maximize opportunity, implementation of conservation actions such as those due to Federal Endangered Species Act listings, and legacy regulations to meet social needs. Through time these factors compounded as regulations were revised or new regulations were added. Without a comprehensive review,

the lack of consistent format, categorical groupings, and organized, thoughtful implementation, have led to complex regulations. This not only creates frustration with the public but also makes enforceability of the regulations difficult.

The objective of this project was to simplify and streamline the angling regulations, making them easier to understand. Conservation needs, increased opportunity, consistency and enforceability were also prioritized. Due to the sheer number of regulations, a method was established to manage all of the information. A regulation database was created, which allowed for detailed and comprehensive analysis. Nearly 500 special regulations for trout and warmwater species were identified in the current regulations. Through this analysis, it became evident that the regulations could be grouped and sorted into several common categories, based on gear type, seasons, and bag limits.

Gear regulations can be categorized as those regulations that pertain to fishing method (e.g., fly fishing, artificial flies and lures, bait), hook type and size, and other gear restrictions such as leader length, use of bobbers etc. Gear regulations can be implemented for both biological and social reasons. There are currently 39 unique gear regulations for trout and warmwater species, with 19 of these pertaining to trout fisheries and 4 to bass fisheries. The department proposes to standardize these regulations where possible. An example of a gear regulation change being proposed is on the Crooked River in Central Oregon which will move to the Central Zone general regulation, allowing the use of artificial flies and lures only. This is being proposed for simplification and consistency purposes.

The next category considered was fishing seasons. Seasons are the duration when waterbodies are open for angling. There are 62 unique fishing seasons identified in the current regulations, which include 35 different seasons for trout, and 8 different seasons for bass. The most common trout seasons are: open all year, open the 4th Saturday in April, and open the 4th Saturday in May. A major change being proposed removes the April trout opener and changes those waterbodies to open all year. This will allow for increased fishing opportunity and simplify trout regulations. The trout opener that currently occurs on the 4th Saturday in May is in place to protect out migrating salmon and steelhead smolts. It is being proposed that this opener occur on a fixed day, May 22nd, of each year. This would ensure that ample time is given to protect smolt outmigration and that the fishing season would open before the Memorial Day weekend in all years.

The last major category of regulations pertains to bag and size limits. The bag limit is the number of fish that an angler can harvest per day. Size limits, typically a minimum or maximum size limit or in some cases a slot limit, are implemented to protect a size class or size classes of fish. There are 78 unique bag and size limits in the current regulations, which include 33 specific to trout and 17 for bass. Regulation proposals will provide consistency in the number of trout that can be harvested. For consumptive fishing opportunities in streams, the bag limit will continue to be two trout per day, and in areas where hatchery fish are stocked, the

bag limit will be five hatchery trout per day. As an example, a proposed change for trout in the lower Deschutes River removes confusing slot limits on rainbow trout and establishes a standard trout regulation of two rainbow trout per day, with an eight inch minimum size. This change allows for a clear and concise regulation, consistent with many other rivers in the state. Another proposed regulation change is on the Williamson River where there are currently multiple regulations that pertain to seasons and bag limits for trout. The proposed change simplifies and streamlines the regulations by changing the bag limit to catch-and-release and creating a consistent season from May 22 – Oct 31. This allows for clear regulations and provides a conservation benefit to this unique stock of native rainbow trout. The proposed Williamson River regulations shown in Attachment 2 (page 15-16) are the result of discussions between the public and district staff.

For 2016, the department proposes removing the bag limits on warmwater fish (i.e., bass, walleye, and pinfish) in the Columbia, John Day, and Umpqua rivers. Warmwater fish are an abundant and well-established non-native species in the Columbia River and provide abundant and diverse fishing opportunities. ODFW has been approached by the Washington Department of Fish and Wildlife (WDFW), which proposes removing the limits on warmwater fish in the Columbia River. WDFW has already removed bag limits on warmwater fishes above the McNary Dam and is proposing the same regulation for the remainder of the Columbia River. Due to the impacts of predation from warmwater fish on ESA-listed salmon and steelhead, it is the policy of the WDFW to not manage for warmwater fish where they co-exist with listed salmonids, thus the removal of the bag limits. While it is unlikely the removal of bag limits will have any real biological effect on salmon and steelhead, it sends a message that the recovery of ESA-listed species is the priority and that fish managers will take all the actions they can to reduce these threats. In addition, as with any boundary waters, it is highly-desirable to maintain concurrent regulations for enforceability and consistency with the public. The proposed regulations streamline Columbia River rules, are consistent with WDFW's proposal, will help with enforcement, while providing additional harvest opportunity for anglers.

The John Day River also has a well-established population of smallmouth bass. Recent information has shown that smallmouth bass have expanded their range into the upper reaches of the North Fork and Middle Fork John Day River and now overlap with the rearing habitat for ESA-listed summer steelhead and sensitive spring Chinook salmon populations. In order to encourage the active removal of bass from the upper John Day River, ODFW proposes removing restrictive regulations in the John Day basin as an important conservation action for native fish. Similarly, ODFW proposes to remove bag limits for bass in the Umpqua River to further simplify the regulations, increase opportunity, and as a conservation measure for native fish. The current regulation allows for the retention of 15 smallmouth bass per day and the Umpqua is the only waterbody in the state where this regulation applies. This proposal would result in clear, understandable, consistent, and easily enforceable regulations.

A proposal for a zone regulation change in the Northwest Zone is shown in Attachment 2. This proposal would remove the current zone regulation for trout specific to the Lower Columbia River tributaries. The change would allow for the harvest of two fish per day over 8" from May 22-October 31, with artificial flies and lures required from May 22 – August 31. This would simplify the regulations by having only one zone regulation and would create consistency with other rivers in the zone. Some of the streams that would fall under this zone regulation are: Lewis and Clark River, Youngs River and Bay, Big Creek, Plympton Creek, Beaver Creek, Bear Creek, and Gnat Creek.

In addition to the regulations, definitions and other information in the regulation book is being reviewed and streamlined. A goal of this project is to modify the existing regulations so that the language is easier to read and understand, while maintaining enforceability. Current definitions have been reviewed to enhance enforceability and in some cases rewritten with assistance from OSP. One of the major changes being proposed is to replace the terminology "adipose fin clipped fish" and "non-adipose fin clipped fish". This will be changed to simpler, more direct language using the terms "hatchery fish" and "wild fish". The current definitions mirror language used in OAR which can be confusing and overly technical. For the purposes of the regulations ONLY, a "hatchery fish" will be defined as a salmon, steelhead, or trout where the adipose fin has been removed (clipped) leaving a healed scar. "Wild fish" will be defined for the purposes of the regulations as salmon, steelhead, or trout with no fin clips or with an intact adipose fin. This approach is similar to that used by WDFW for several years. These definitions are for fishing regulation simplification purposes only, and do not supersede or replace the legal definition of "wild fish" that currently exists in OAR 635-007-0501(69). Oregon State Police, Department of Justice and district staff have been fully involved in discussion of this change.

Another goal of the simplification team was to develop a multi-year regulation book. The regulations that are being proposed would be in place for 2016-17. Attachment 2 shows ONLY the draft proposed changes for the 2016-17 regulations. The first column on Attachment 2 displays the proposed regulation; column 2 shows the associated current 2015 regulation, and columns 3 and 4 show the primary purpose for the change and any additional comments, respectively. Many of the proposed regulation changes will modify the current "special" regulation and place it into the zone regulation category. For example on page 10 of Attachment 2, there are 7 waterbodies that are being proposed to modify the trout seasons. These waterbodies currently each have a different trout season. Moving them under the Zone regulation for trout season, will allow for more consistency and clarity.

As mentioned above during interim years, ODFW can consider changes to regulations under several categories including: critical conservation needs, housekeeping corrections, inadvertent restrictions, new non-controversial angling opportunities, regulation changes directed by basin plan adoption and simplifying regulations/improve readability. While the

proposed changes for 2016-17 primarily fit into the simplification category, some of them also fit into an additional category, these were identified in comments column.

Due to the number of regulation changes being proposed during this interim year, the department felt that a series of public meetings should be conducted across the state (Attachment 3). The purpose of these meetings was to inform the public of the simplification process, and solicit comments on specific proposed changes.

Coordination on proposed changes will continue with staff, OSP, the Commission, and the public after this meeting. Final regulation proposals will be presented for adoption at the Commission meeting in September.

PUBLIC INVOLVEMENT

To inform the public and solicit feedback on the regulation simplification process eight public meetings were conducted across the state. Attachment 3 includes a list of the public meeting locations as well as attendance logs, meeting notes, and any additional information received from the public.

ISSUE 1	NA
ANALYSIS	NA
OPTIONS	NA
STAFF RECOMMENDATION	NA

DRAFT MOTION	NA
EFFECTIVE DATE	NA