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ARCHIVES DIVISION
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NOTICE OF PROPOSED RULEMAKING
 INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 635
 DEPARTMENT OF FISH AND WILDLIFE

FILED

02/13/2019 11:37 AM
 ARCHIVES DIVISION
 SECRETARY OF STATE

FILING CAPTION: Salmon Seasons For Commercial and Sport Fisheries in the Pacific Ocean.

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/19/2019 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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 Salem, OR 97302

Filed By:
 April Mack
 Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 04/19/2019

TIME: 8:00 AM - 5:00 PM

OFFICER: Oregon Department of Fish
 & Wildlife Commissioners

ADDRESS: Columbia River Receptions
 & Events

Meriwether Place
 1070 Columbia Blvd
 St. Helens, OR 97051

NEED FOR THE RULE(S):

These rules are needed to establish commercial and sport salmon seasons in the Pacific Ocean within Oregon State jurisdiction. Seasons are set in a manner that will conserve stocks of salmon and will conform to federal regulations adopted under the Magnuson-Stevens Fishery Conservation and Management Act. Rules are needed to provide orderly salmon fisheries and enhance the ability of the State to enforce regulations necessary for conservation of salmon stocks in conjunction with other regional, state and federal fishery management entities

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

1. Staff Report for the Oregon Fish and Wildlife Commission hearing on April 19, 2019.

A copy of the rules and the other documents relied upon for this rulemaking [the above document(s)] are available from the Oregon Department of Fish and Wildlife, Fish Division, Second Floor, 4034 Fairview Industrial Drive SE, Salem, Oregon 97302-1142, between the hours of 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

FISCAL AND ECONOMIC IMPACT:

See attached FIS

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

See FIS

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

See FIS

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The PFMC has established the Salmon Technical Team, the Salmon Advisory Sub-panel, and the Scientific and Statistical Committee, made up of state, federal and tribal fishery scientists, economists, consumers, sport and commercial fishers, and industry representatives. These committees have reviewed the proposed regulations and provided comment.

NOTE: Additional PDF filed with this filing not included in this document. Please contact Department of Fish and Wildlife for a copy of this document.

RULES PROPOSED:

635-003-0003, 635-003-0085, 635-013-0003, 635-013-0007

AMEND: 635-003-0003

RULE SUMMARY: Amend rules related to commercial and sport salmon fishing in the Pacific Ocean within Oregon State jurisdiction. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency

CHANGES TO RULE:

635-003-0003

Purpose and Scope ¶¶

(1) The purpose of Division 003 is to provide for management of commercial salmon fisheries off the Oregon Coast over which the state has jurisdiction.¶¶

(2) Division 003 incorporates into Oregon Administrative Rules, by reference, the annual ocean troll salmon specifications and management measures as adopted by the Pacific Fishery Management Council in its annual Ocean Salmon Management Measures and Impacts, as finalized in April 2017~~9~~, and in addition to the extent they are consistent with these rules, Code of Federal Regulations (CFR), Title 50, Part 660, Subpart H (61FR34572, July 2, 1996, as amended to incorporate the standards in the Pacific Fishery Management Council referenced document). Therefore, persons must consult the Pacific Fishery Management Council referenced document and Federal Regulations in addition to Division 003 to determine all applicable troll salmon fishing requirements. A copy of the Pacific Fishery Management Council referenced document and the Federal Regulations may be obtained by contacting the Pacific Fishery Management Council at www.pcouncil.org or at 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384.¶¶

(3) To the extent not preempted by Federal law, these regulations apply within the State of Oregon's Fisheries Conservation Zone (out to fifty miles from shore).

Statutory/Other Authority: ORS 496.138, ORS 496.146, ORS 506.119

Statutes/Other Implemented: ORS 506.129

AMEND: 635-003-0085

RULE SUMMARY: Amend rules related to commercial and sport salmon fishing in the Pacific Ocean within Oregon State jurisdiction. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency

CHANGES TO RULE:

635-003-0085

Extended Commercial Seasons ¶

In addition to the open seasons prescribed in OAR 635-003-0003 there are open seasons for Chinook salmon as follows:¶

(1) Elk River Ocean Terminal Area - from ~~November~~October 14 through November ~~30~~29 in the area described in section (1)(a) of this rule.¶

(a) The open area is all Pacific Ocean waters shoreward of a line drawn from Cape Blanco (42°50'20" N. Lat.) thence SW to Black Rock (42°49'24" N. Lat. 124°35'00" W. Long.), thence SSW to Best Rock (42°47'24" N. Lat. 124°35'42" W. Long.), thence SE to 42°40'30" N. Lat. 124°29'00" W. Long., thence to shore (Humbug Mountain).¶

(b) During the season described in this section (1), it is unlawful to take Chinook salmon less than 26 inches in total length; it is unlawful to use multipoint or barbed hooks or to fish more than four spreads per line; and it is unlawful to have in possession or to land more than ~~1~~20 Chinook per day taken in this fishery. Landings are restricted to Port Orford.¶

(2) Chetco River Ocean Terminal Area - from ~~October 7-12~~October 7-12 and ~~15-31~~15-31 or quota of 300 Chinook in the area described in section (2)(a) of this rule:¶

(a) The open area is all Pacific Ocean waters inside an area south of the north shore of Twin Rocks (42°05'36" N. Lat.) to the Oregon/California border (42°00'00" N. Lat.) and seaward three nautical miles offshore;¶

(b) During the season described in this section (2) it is unlawful to take Chinook salmon less than 28 inches in total length; it is unlawful to use multipoint or barbed hooks, or to fish more than four spreads per line; and it is unlawful to have in possession or to land more than 5 Chinook per day for the period October 7-11 and 10 Chinook per day thereafter taken in this fishery. Landings are restricted to Brookings.¶

(c) All vessels landing salmon caught in this season must report to ODFW within one hour of delivery or prior to transport away from the port of landing by either calling (541) 867-0300, ext. 252 or by e-mail to kmzor.trollreport@state.or.us. Notification shall include vessel name and number, number of salmon by species, port of landing, location of delivery, and estimated time of delivery.

Statutory/Other Authority: ORS 496.138, ORS 496.146, ORS 506.119

Statutes/Other Implemented: ORS 506.129

AMEND: 635-013-0003

RULE SUMMARY: Amend rules related to commercial and sport salmon fishing in the Pacific Ocean within Oregon State jurisdiction. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency

CHANGES TO RULE:

635-013-0003

Purpose and Scope ¶¶

(1) The purpose of Division 013 is to provide for management of sport salmon fisheries off the Oregon Coast over which the State has jurisdiction.¶¶

(2) This rule incorporates by reference, the annual ocean sport salmon specifications and management measures as adopted by the Pacific Fishery Management Council in its annual Ocean Salmon Management Measures and Impacts, as finalized in April 2017⁹, and in addition to the extent they are consistent with these rules, Code of Federal Regulations (CFR), Title 50, Part 660, Subparts A and H.¶¶

(3) This rule also incorporates by reference the Oregon Sport Fishing Regulations.¶¶

(4) A copy of the Pacific Fishery Management Council referenced document and the Federal Regulations may be obtained by contacting the Pacific Fishery Management Council at www.pcouncil.org or at 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384.¶¶

(5) To the extent not preempted by Federal law, these regulations apply within the State of Oregon's Fisheries Conservation Zone (out to fifty miles from shore).

Statutory/Other Authority: ORS 496.138, ORS 496.146, ORS 506.119

Statutes/Other Implemented: ORS 496.162, ORS 506.129

AMEND: 635-013-0007

RULE SUMMARY: Amend rules related to commercial and sport salmon fishing in the Pacific Ocean within Oregon State jurisdiction. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency

CHANGES TO RULE:

635-013-0007

Special South Coast Seasons ¶¶

In addition to the open seasons prescribed in OAR 635-013-0005 there are open seasons for Chinook salmon as follows:¶¶

(1) Elk River Area.¶¶

(a) From November 1 through November 30 in all Pacific Ocean waters shoreward of a line drawn from Cape Blanco (42°50'20" N. Lat.) thence SW to Black Rock (42°49'24" N. Lat. 124°35'00" W. Long.), thence SSW to Best Rock (42°47'24" N. Lat. 124°35'42" W. Long.), thence SE to 42°40'30" N. Lat. 124°29'00" W. Long., thence to shore (Humbug Mountain);¶¶

(b) During the season described for the Elk River Area in section (1)(a) of this rule it is unlawful to take Chinook salmon less than 24 inches in length. Two Chinook salmon per day of which no more than one wild Chinook salmon per day and 10 wild Chinook salmon in the seasonal aggregate when combined with waters of Floras Creek/New River, Sixes River and Elk River. It is unlawful to use multipoint or barbed hooks.¶¶

(2) Chetco River Area.¶¶

(a) From October ~~6-7~~5-6 and ~~13~~2-143 in an area south of the north shore of Twin Rocks (42°05'36" N. Lat.) to the Oregon/California border (42°00'00" N. Lat.) and seaward three nautical miles offshore.¶¶

(b) During the seasons described in section (2)(a) of this rule it is unlawful to take Chinook salmon less than 28 inches in length. One Chinook salmon per day may be retained. It is unlawful to use multipoint or barbed hooks.

Statutory/Other Authority: ORS 496.138, ORS 496.146, ORS 506.119

Statutes/Other Implemented: ORS 496.162, ORS 506.129