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Attachment 2

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

CHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE

FILED

06/07/2021 9:22 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Regulations for 2021 Recreational Coho Salmon Fisheries in Oregon Coastal Rivers

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/06/2021 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:
Lisa Kingsley
Rules Coordinator

HEARING(S)

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

DATE: 08/06/2021

TIME: 8:00 AM

OFFICER: Oregon Fish and Wildlife
Commission

ADDRESS: Oregon Department of Fish
and Wildlife

4034 Fairview Industrial Dr SE
Salem, OR 97302

SPECIAL INSTRUCTIONS:

Because of the rapidly changing
situation with COVID-19, this hearing
will be conducted electronically.

Information will be posted on our
website at

<https://www.dfw.state.or.us/agency/commission/minutes/>

NEED FOR THE RULE(S):

These rules are needed to establish coho salmon seasons in the Northwest and Southwest zones consistent with guidelines established by the Oregon Fish and Wildlife Commission, Pacific Fishery Management Council and enacted federal regulations. Seasons are set in a manner that will conserve stocks of coho salmon and will conform to federal regulations. Rule modifications are needed to provide orderly coho salmon fisheries and enhance the ability of the State to enforce regulations necessary for conservation of coho salmon stocks in conjunction with other regional, state and federal fishery management entities.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

1. Staff report prepared for the Oregon Fish and Wildlife Commission hearing on 08/06/2021.

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, Wildlife Division, 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:

No major fiscal or economic effects are expected to result from the 2021 Coho Salmon Fisheries in Oregon Coastal Rivers Regulations.

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).

(1) State agencies that could be affected by the changes in regulations are the Oregon Department of Fish and Wildlife (ODFW) and the Oregon State Police (OSP). ODFW impacts include fisheries management costs and license sales, while OSP impacts are from increased enforcement costs. Overall, these proposed rule changes are not expected to result in significant changes to current levels of costs for ODFW or for OSP. Any potential changes to ODFW revenues from license sales would depend substantially on changes to participation rates and purchases from the sport angling community. While these specific factors are quantitatively indeterminate at this time, ODFW does not expect that these regulations will result in direct impacts on the purchase of angling licenses, tags, and endorsements.

Units of local government which could be affected by sport fishing regulations, include port authorities and county governments. Port authorities and county governments may derive revenues and experience costs related to the provision of moorage and other support facilities for sport fishing. However, no major changes from the current levels of these agencies' operations or expenditures are expected as a result of these particular rule amendments.

The public is affected by rules relating to angling regulations. These rule changes are unlikely to translate into significant changes in angler trips. The magnitude of the effect cannot be forecast with any precision because a variety of factors, such as run sizes, weather, gas prices, etc. determine the level of angler trips in any given year. Additional angler trips would mean more spending by anglers, which can have positive impacts on local communities near fishing areas. Overall, these regulation changes are not expected to result in significant change in license sales or angler trips in the next year.

Although some of the changes to angling rules and angling regulations in general can be viewed as reducing positive economic impacts in the short run, conservation through the regulation of seasons and other factors is intended to perpetuate Oregon's fishery resources at optimal levels in the long run. Failure to restrict harvests of fish to allow escapement for reproduction would result in severe adverse economic impacts in the future. The proposed regulations attempt to strike a balance, which will provide optimal angling opportunity subject to the need to sustain fish population levels and to maintain future benefits.

(2)(a) The types of businesses that may be indirectly affected are those that supply goods or services to anglers. These

may include fishing guides, private marinas, food and beverage stores, gasoline stations, sporting goods stores, general merchandise stores, accommodation businesses, food services and drinking places. Angling occurs in myriad locations in the Northwest and Southwest zones, where these regulations are applicable, the number of small businesses subject to the rule cannot be estimated.

(b) No significant changes in these costs are expected for the small businesses subject to the rule.

(c) No significant changes in these costs are expected for the small businesses subject to the rule.

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

Small businesses were not directly involved in the development of the rules proposed to the Commission. Opportunity for the public to provide input and recommendations will be provided at the August 6, 2021 Commission Hearing.

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

Small businesses were not directly involved in the development of the rules proposed to the Commission. Opportunity for the public to provide input and recommendations will be provided at the August 6, 2021 Commission Hearing.

RULES PROPOSED:

635-014-0090, 635-016-0090

AMEND: 635-014-0090

RULE SUMMARY: Amend rules relating to recreational salmon fishing in the Northwest and Southwest zones consistent with guidelines established by the Oregon Fish and Wildlife Commission, Pacific Fishery Management Council and enacted Federal Regulations. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

CHANGES TO RULE:

635-014-0090

Inclusions and Modifications ¶

(1) The 2021 Oregon Sport Fishing Regulations provide requirements for the Northwest Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the 2021 Oregon Sport Fishing Regulations pamphlet.¶

(2) Effective February 1, 2017, the use of barbed hooks is allowed when angling for salmon, steelhead, or trout in the following areas: Youngs Bay Select Area (Clatsop Co.) from the Highway 101 Bridge upstream to markers at the confluence of Youngs and Klaskanine rivers, including lower Lewis and Clark River upstream to Alternate Highway 101 Bridge and lower Walluski River upstream to Highway 202 Bridge; and Gnat Creek (Clatsop Co.) from railroad bridge upstream to Aldrich Point Road Bridge. Use of barbless hooks is still required when angling for these species in nearby areas within the Columbia Zone.¶

(3) Effective September 15 through December 31, 2021, in all waters in the Northwest and Southwest zones that are open to wild coho harvest the following bag limits apply:¶

(a) The daily bag limit is one wild coho adult and one wild coho jack. ¶

(b) The seasonal limit is five wild coho adults in aggregate from all waters in the Northwest and Southwest zones, and there is no seasonal limit for wild coho jacks.¶

(4) Effective September 15 through October 13, 2021, retention is allowed as follows:¶

(a) Wild coho may be retained on Wednesdays and Saturdays in the Tillamook Basin (Tillamook Bay tidewater from the jetty tips upstream to the Highway 101 Bridge on Miami, Kilchis, Wilson and Trask rivers, and upstream to the Burton Bridge on Tillamook River).¶

(b) Wild coho may be retained on Wednesdays and Saturdays in the Nestucca Bay tidewater (excluding Little

Nestucca tidewater) from the bay mouth upstream to the Cloverdale Bridge (RM 7.1).¶

(c) The aggregate seasonal bag limit is one wild adult coho from the waters identified in (4)(a) and (4)(b). ¶

(5) Retention of wild adult coho is allowed as follows:¶

(a) Effective September 15 through October 15, 2021, in the Siletz River and Bay upstream to an ODFW marker sign approximately 1,200 feet upstream of Ojalla Bridge (RM 31); and ¶

(b) Effective October 7 through October 15, 2021, in the Siletz River and Bay upstream to Illahee Boat Ramp.¶

(c) The aggregate seasonal bag limit is one wild adult coho from the waters identified in (5)(a) and (b).¶

(6) All other General, Statewide, and Northwest Zone Regulations, as provided in the 2021 Oregon Sport Fishing Regulations, remain in effect.

Statutory/Other Authority: ORS 496.138, ORS 496.146, ORS 497.121, ORS 506.119

Statutes/Other Implemented: ORS 496.004, ORS 496.009, ORS 496.162, ORS 506.129

AMEND: 635-016-0090

RULE SUMMARY: Amend rules relating to recreational salmon fishing in the Northwest and Southwest zones consistent with guidelines established by the Oregon Fish and Wildlife Commission, Pacific Fishery Management Council and enacted Federal Regulations. Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

CHANGES TO RULE:

635-016-0090

Inclusions and Modifications ¶

(1) The 2021 Oregon Sport Fishing Regulations provide requirements for the Southwest Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the 2021 Oregon Sport Fishing Regulations pamphlet.¶

(2) Effective September 15 through December 31, 2021, in all waters in the Northwest and Southwest zones that are open to wild coho harvest the following bag limits apply:¶

(a) The daily bag limit is one wild coho adult and one wild coho jack.¶

(b) The seasonal limit is five wild coho adults in aggregate from all waters in the Northwest and Southwest zones, and there is no seasonal limit for wild coho jacks.¶

(3) Effective September 15 through October 15, 2021, retention of wild coho is allowed as follows:¶

(a) The Coos River Basin open for wild coho in the following locations:¶

(A) From the tips of the jetties upstream to the head of tide at Dellwood at RM 10.0 on the South Coos River; and ¶

(B) to the East Fork/West Fork Millicoma River confluence. ¶

(b) The following bag limits apply:¶

(A) The daily bag limit is one wild coho adult and one wild coho jack. ¶

(B) The seasonal limit is two adult wild coho. ¶

(4) All other General, Statewide, and Northwest Zone Regulations, as provided in the 2021 Oregon Sport Fishing Regulations, remain in effect.

Statutory/Other Authority: ORS 496.146, ORS 496.138

Statutes/Other Implemented: ORS 496.162