



AGENDA ITEM SUMMARY

ISSUE 1

Re-Adopt for 2022 the 2021 Oregon Sport Fishing Regulations with proposed modifications and new proposed statewide and zone sport fishing regulations.

BACKGROUND

Oregon law requires the Oregon Fish and Wildlife Commission (Commission) annually adopt sport fishing regulations. Oregon Department of Fish and Wildlife (ODFW) staff developed the following proposed regulations in consultation with the Oregon Department of Justice (DOJ), Oregon State Police (OSP), Oregon Tribes, and the public, as appropriate. The majority of the 2022 proposed changes to regulations are categorized as housekeeping corrections, changes to simplify regulations, or to serve a conservation need.

PUBLIC INVOLVEMENT

Throughout the year, ODFW district offices receive and catalogue input from members of the public and constituents, both on an ad hoc basis and in various stakeholder forums. This input was considered during development of the final proposed rule changes. Proposed changes that may impact stakeholders were shared in existing stakeholder forums and sent by email to interested parties to inform and solicit input. The public has a chance to provide comment as part of the August Commission process.

ANALYSIS

Staff proposes that the Commission re-adopt the 2021 Oregon Sport Fishing Regulations in administrative rule for 2022. Staff will incorporate any pertinent information from the 2021 Oregon Sport Fishing Regulations into the 2022 Sport Fishing Regulations.

The draft 2022 Oregon Administrative Rules (OAR) have been updated to reflect the appropriate date changes and are included as Attachment 3.

The proposed rule changes for the 2022 Oregon Sport Fishing Regulations pamphlet are shown in Attachment 4. That attachment includes the unique proposal number assigned to each proposed change, a description of the current regulation and proposed regulation modification, the page number where the current regulation can be located, type of regulation to be modified, the purpose of the change, and justification for the change.

For the 2022 Sport Fishing Regulations, there are 14 proposed rule changes. The proposed changes are categorized as follows: housekeeping and simplification (6); new non-controversial angling opportunities (1); conservation need (6); and consideration of climate change impacts (1). These proposals were developed after extensive discussion and coordination with ODFW district staff and OSP.

Summarized below are a subset of the proposed 2022 Oregon Sport Fishing regulation changes.

Statewide:

There are two proposed changes to definitions.

One will incorporate spotted bass into the definition of bass. This will allow for consistent management of freshwater bass species and will assist OSP in enforcing the regulations.

The other proposed definition change removes grayling and mullet (common name for Lost River sucker) from the gamefish definition. These fish will still be identified in Oregon Revised Statute 496.009(1) and (8) but removed from the Sport Fishing Regulations to help reduce any confusion of these species. Grayling are not known to occur in any waters in Oregon and mullet or Lost River sucker are a State and Federally listed Endangered species, no harvest is allowed for this species.

Southwest:

There are two proposals in the Southwest Zone.

A proposal in the Illinois River will close a section of the Illinois River from the 8 Dollar Bridge to Pomeroy Dam from October 1 through November 30 to protect fall Chinook. This section has been closed by emergency regulations the past two seasons and came to ODFW as a public proposal.

The other regulation is to close the hatchery hole below Cole Rivers Dam. This closure is needed to protect returning hatchery broodstock. This section was closed by emergency action in 2017, 2020 and 2021 to help ensure enough broodstock to meet egg take goals. OSP has been requesting this change for several years to help reduce the ongoing enforcement issues (including angler conflict); this will allow OSP to focus their efforts and patrols in other sensitive areas of the Rogue River.

Willamette Zone:

There are two proposals for the Willamette Zone.

The proposals are for the mainstem Willamette River and Gilbert River. The proposals remove the current regulation for walleye which is 10 fish per day no more than 5 over 18 inches and only 1 over 24 inches per day. The proposed change is to move this regulation to the zone regulation for walleye which is no bag limit or size limit. The intent behind this change is to provide additional conservation protections for native wild salmon, steelhead, and Pacific lamprey in the lower Willamette River. This is consistent with the Native Fish Conservation Policy and Conservation Plan for Lampreys. This will also provide for a consistent regulation for walleye in all waters of the state providing additional clarification and simplification of angling regulations.

Northeast Zone:

There was one proposal submitted for the Northeast Zone. A simplification of the river sections is being proposed to more accurately reflect the distribution of hatchery and native fish and the fishing opportunities for those fish. This proposal was requested by OSP.

Southeast Zone:

There were five proposals submitted for the Southeast Zone. These changes provide conservation benefits and further simplify the trout regulations. These proposals will remove

the current regulation exceptions and will manage trout under zone regulations by allowing only two fish per day to be harvested, using artificial flies and lures only.

Snake River Zone:

There was one proposal submitted in the Snake River Zone. The proposal is to make permanent a regulation that has been implemented by temporary rule since 2008. This would allow for the harvest of 3 adult spring Chinook per day from the Washington State line to Hells Canyon dam. This fishery has been approved by the National Oceanic and Atmospheric Administration and is consistent with Idaho Department of Fish and Game regulations. This change would give anglers certainty of this opportunity. In the event there are concerns about run size in a given year ODFW will utilize emergency regulations to modify or close the fishery.

Marine Zone:

There was one proposal submitted in the Marine Zone. The proposal was requested by OSP to help clarify that all crabbing is closed in the ocean waters from October 16th to November 30th.

Additional Changes

Additionally, staff proposes that the Commission allow staff to make necessary universal date changes for the 2022 Sport Fishing Regulations, such as dates associated with the standard Free Fishing Weekend (first full weekend in June) and other applicable date changes.

In conclusion, as staff continues to optimize the regulation book layout with the publisher, staff may need to make minor editorial changes to address clarity and consistency. Staff proposes that the Commission authorize staff to make such formatting changes, to correct spelling or grammar errors, address inadvertent inconsistencies to improve overall readability, and to update information regarding the Electronic Licensing System, as needed.

OPTIONS

1. Accept the proposed regulation changes.
2. Modify the proposed regulation changes.
3. Reject the proposed regulation changes.

STAFF RECOMMENDATION

Option 1: Accept the proposed regulation changes as recommended by staff.

ISSUE 1 DRAFT MOTION

I move to amend OAR Chapter 635 Divisions 011, 013, 014, 016, 017, 018, 019, 021, 023 and 039 as proposed by staff in Attachment 3, and I move to adopt modifications to regulations proposed by staff in Attachment 4, and I authorize staff to update necessary calendar dates and make formatting changes, to correct spelling or grammar errors, address inadvertent inconsistencies, to improve readability, and to update information regarding the Electronic Licensing System, as needed.

EFFECTIVE DATE: January 1, 2022