

## Agenda Item Summary

### BACKGROUND

The Oregon Department of Fish and Wildlife (Department) uses a major “Public Process” every four years to provide interested publics an opportunity to shape angling opportunities by proposing new or modified angling regulations and also provide comment on proposed staff and public proposals.

The Department’s Public Process for angling regulation development has evolved over the years. Periodic reviews evaluate efficiencies and outcomes of the public process and implement process changes to best address emerging interests of the public in shaping the nature of fisheries throughout the state. The Department’s current public process was developed as a part of the angling regulation development review initiated in 1997 and was first implemented with development of the 2001 Oregon Sport Fishing Regulations and has been subsequently used since then without major changes (3 public process cycles; 12 year span).

Following the adoption of the 2009 Oregon Sport Fishing Regulations, the Fish and Wildlife Commission (Commission) instructed staff to review the current public process, and proposed revisions to angling regulating development rules and processes which address concerns expressed during the 2009 process. Some of the specific concerns being addressed in the revised process include:

- Problems dealing with a large number of proposals submitted in the process which are ultimately rejected (non-substantial proposals)
- Angling Regulation Review Board’s role and application of established proposal review criteria to public proposals
- Commission action required on all proposals
- Public feels disenfranchised when their proposals are rejected
- Lengthy window to propose rule change, opportunity for counter proposals being submitted (public battling it out with proposals)
- Public meetings structure; time constraints due to volume of proposals
- Complicated Commission process to get to final decisions

Following discussions with Department and Oregon State Police (OSP) staff and consultations with Commission members, key revisions were developed to address the above concerns.

### PUBLIC INVOLVEMENT

Development of the revised Public Process for Angling Regulation Development has involved the public from the onset. Public comments were used to develop the initial draft Process which was presented to the Warmwater Working Group (WWG), Inland Sports Fishing Advisory Committee (ISFAC), Fish Conservation Groups and interested public. The final draft of the revised public process was also presented to the WWG and ISFAC.

### ISSUE 1

**REVISIONS TO THE PUBLIC PROCESS FOR ANGLING REGULATION DEVELOPMENT AND OAR’S FOR PROMULGATION OF ANGLING REGULATIONS**

**ANALYSIS**

Attachment 2 contains a summary of the new Five-Step Public Process for Angling Regulation Development along with key changes made to the process. The revised public process is designed to address the key issues of 1) early elimination of public proposals that do not meet review criteria, reducing work load and increasing transparency with the public regarding which proposals will be carried forward, 2) allowing for more meaningful public participation, and 3) keeping policy level decisions out of the angling regulation development process by establishing public proposal criteria that focus on “non-biological” aspects of angling while still allowing for public proposals which address critical biological or conservation needs.

The key change to the new public process is that all public proposals will receive an initial staff review, using revised review criteria, to determine if proposals have merit and should be accepted into the public process. The public process also stresses the importance of the public working with ODFW/OSP staff prior to submitting an angling regulation proposal.

The Commission is asked to review the 5-Step Public Process for Angling Regulation Development along with the key changes made to the process and provide input and guidance for final development of the new public process. Draft changes to administrative rules covering angling regulation development (OAR 635-011-0500 Procedures for Promulgation of Angling Regulations) are also presented at this time for initial Commission review.

Following this meeting, final Commission, staff and public comments will be incorporated into the 5-Step Public Process and associated administrative rules and will be presented for adoption at the August 5<sup>th</sup> Commission meeting. The August Commission Packet will include final proposed changes to administrative rules covering angling regulation development (OAR 635-011-0500 Procedures for Promulgation of Angling Regulations), the final 5-Step Public Process outline along with the detailed 5-Step Public Process implementation guidance.

**OPTIONS**

- 1. Provide suggestions for improvement of the Five-Step Public Process for Angling Regulation Development.
- 2. Reject New Public Process for Angling Regulations revisions and instruct staff to make major revisions, or start over.

**STAFF  
RECOMMENDATION**

- 1. Option 1. Provide suggestions for improvement of the Five-Step Public Process for Angling Regulation Development.

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