

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Department of Fish and Wildlife, Fish Division

635

Agency and Division

Administrative Rules Chapter Number

In the Matter of: OAR Chapter 635, Divisions 023, 041 and 042

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

2008 Columbia River Commercial and Recreational Fishing Seasons and Miscellaneous Regulations

Statutory Authority: ORS 183.325, 496.138, 496.146, 506.109, 506.119, 507.030, 508.025, 508.035, 508.235, and 508.260

Other Authority:

Stats. Implemented: ORS 496.162, 506.129, 507.030, 508.025, 508.035, 508.235, and 508.260

Need for the Rule(s):

The rules are needed to allow commercial fishing by non-treaty fisherman below Bonneville Dam and to establish sport-fishing seasons in the main-stem Columbia River while protecting needed escapement of spawning stocks. Several non-Indian and treaty Indian gear and license regulations are also addressed. Fishing seasons established must meet the Federal Endangered Species Act requirements, must reflect a federally-mandated sharing formula between treaty and non-treaty fisherman and also be consistent with sharing arrangements for non-Indian fisheries.

Documents Relied Upon, and where they are available:

1. Reports and Fact Sheets from the Joint Management Staff prepared for the December 13, 2007 and January 24, 2008 Columbia River Compact hearings.
2. Compact Action recommendations adopted at the December 13, 2007 and January 24, 2008 Columbia River Compact hearings.

The above documents are available for public inspection in the Department of Fish and Wildlife, Fish Division, Third Floor, 3406 Cherry Avenue NE, Salem, Oregon, between 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

Fiscal and Economic Impact, including Statement of Cost of Compliance:

See attached.

How were small businesses involved in the development of this rule?

The participation of industry representatives (most of which are small businesses) was solicited through the Columbia River Commercial Advisory Committee and at the Columbia River Compact hearings of December 13, 2007 and January 24, 2008.

Administrative Rule Advisory Committee consulted?: Yes.

If not, why?:

The Technical Advisory Committee (TAC) was established in 1983 as part of the court ordered Columbia River Fish Management Plan under *US v Oregon*. TAC is comprised of fisheries biologists representing Idaho, Oregon, Washington, Columbia River Treaty Tribes, the Shoshone-Bannock Tribes, US Fish & Wildlife Service and the National Marine Fisheries Service. TAC meets regularly throughout the year to review data and make recommendations on Columbia River harvest management. TAC will have reviewed and reported on data presented in the Staff Report at the January 24, 2008 Columbia River Compact Hearing.

	Lance Thomson	December 14, 2007
Signature	Printed name	Date

Fiscal and Economic Impact Statement for the February 8, 2008 Hearing Related to 2008 Columbia River Commercial and Recreational Fishing Seasons and Miscellaneous Regulations

Fiscal and economic impact: The rules are needed to allow commercial fishing by non-treaty fishers in the main-stem Columbia River and Select Areas below Bonneville Dam and to establish sport-fishing seasons in the main-stem Columbia River while meeting Endangered Species Act constraints and protecting needed escapement of spawning stocks. A change in the status of Columbia River Select Areas relative to holders of Washington Columbia River gill net commercial fishery licenses is also needed. Furthermore, housekeeping changes are necessary to modify gear requirements for non-tribal and Treaty tribal commercial fisheries. The proposed rules will affect state agencies, units of local government and the public, respectively, as discussed below:

A. State agencies which could be affected by harvest management rules are the Oregon Department of Fish and Wildlife (ODFW) for fisheries management costs, and the Oregon State Police (enforcement costs). However, no significant changes from the current levels of these agencies' operations or expenditures are expected as a result of these particular rules. The entry of new vessels from Washington into Youngs Bay and/or Blind Slough might result in the purchases of more Oregon resident fishing and boat licenses, increasing revenue to ODFW. However, it is also possible that Washington fishers who fish solely in Oregon Select Area fisheries will now only purchase Oregon resident licenses instead of nonresident licenses. In this case, ODFW might lose revenue. It is estimated that there are about 80 vessels, permitted by both Oregon residents and nonresidents, which make landings in this area each year. It is not clear how Washington fishers will react to this rule change, so the effect on revenues is uncertain.

B. Units of local government which could be affected by harvest management rules include Port Authorities and County Governments. Port Authorities may derive revenues from the provision of moorage and facilities for the off-loading of catches. No significant changes from the current levels of these agencies' operations or expenditures are expected as a result of these particular rules.

C. The public is affected by harvest management rules. Various sectors of the public economy (anglers, commercial harvesters, processors, suppliers of anglers, commercial harvesters and processors and the general economy) will experience different impacts. It was not possible to estimate impacts on each sector because Columbia River Compact meetings had not been held and specific alternatives had not been proposed before this document was drafted. In addition, data required to calculate potential recreational impacts were collected and analyzed over 15 years ago. Economic data and models have not been updated to account for potential changes in the behavior of fishery participants. The following narrative and references provide background information related to these sectors.

**Non-Treaty Commercial Harvests of Spring Chinook Landed in Oregon
Columbia River Winter and Spring Seasons 1991 – 2007¹**

Fishery & Year	Pounds (Oregon side)	Average Price per Pound	Ex-Vessel Value
Non-Treaty			
1991	158,568	\$ 3.52	\$ 558,668
1992	74,238	\$ 3.01	\$ 223,755
1993	33,775	\$ 3.07	\$ 103,656
1994	22,683	\$ 3.38	\$ 76,628
1995	2,891	\$ 4.08	\$ 11,800
1996	11,012	\$ 2.16	\$ 23,788
1997	26,067	\$ 2.55	\$ 66,351
1998	35,476	\$ 2.57	\$ 91,241
1999	24,618	\$ 2.91	\$ 71,708
2000	83,439	\$ 2.70	\$ 225,643
2001	213,255	\$ 2.69	\$ 573,052
2002	310,131	\$ 2.99	\$ 926,105
2003	147,533	\$ 2.56	\$ 377,081
2004	270,920	\$ 3.75	\$ 1,014,989
2005	92,109	\$ 3.41	\$ 314,457
2006	131,191	\$ 4.68	\$ 614,290
2007	135,641	\$ 5.52	\$ 748,598

1. The non-treaty fishery includes Young's Bay landings for 1994 and later, with landings from the "select areas" (e.g., tongue Point and Blind Slough) beginning in 1998

Revenues to commercial fishers depend primarily on poundage landed and prices received. Harvest data from fish tickets received by ODFW for the Columbia River spring Chinook salmon winter and spring seasons (Jan-June) for 1991 through 2007 are shown in the table on the previous page.

**Treaty Commercial Harvests of Spring Chinook Landed in Oregon
Columbia River Winter and Spring Seasons 1991 – 2007**

Treaty	Pounds (Oregon side)	Average Price per pound	Ex-Vessel Value
1991	63	\$ 3.51	\$ 221
1992	274	\$ 3.00	\$ 822
1993	0	N/A	
1994	237	\$ 3.25	\$ 770
1995	68	\$ 4.34	\$ 295
1996	0	N/A	
1997	0	N/A	
1998	0	N/A	
1999	0	N/A	
2000	743	\$ 2.82	\$ 2,093
2001	24,721	\$ 1.37	\$ 33,814
2002	13,989	\$ 1.21	\$ 16,981
2003	1,284	\$ 4.00	\$ 5,136
2004	46,256	\$ 2.12	\$ 97,992
2005	0	N/A	
2006	137	\$ 3.00	\$ 411
2007	11,790	\$ 4.11	\$ 48,428

In 2007, 40,029 pounds were landed on the Oregon side during January, February and March, and 101,260 pounds were landed during the months of April through July. The 2007 average price received by harvesters for the January - March period was about \$7.58 per pound, and the average price for the April - July landings in the select areas was about \$4.56 per pound.

The total (direct, indirect and induced) effect on personal income in the local area surrounding the fishery results from the so-called "multiplier effects" of the purchases of goods and services made by harvesters, processors and their employees from local suppliers and from the general economy. The estimated local area (i.e., Astoria area) personal income impact per pound of fish and per fish landed in 2007 for the Columbia River winter and spring salmon gillnet fishery are shown in the following table. The Oregon Commercial Fisheries Economic Assessment Model developed by Drs. Hans Radtke and William Jensen was used to derive the following estimates.

Average Prices and Local Area Personal Income Impacts for Spring Chinook Landed in the Non-Treaty Winter and Spring Gillnet Salmon Commercial Fishery, 2006

Period	Average Price per Pound Round Weight	Marginal Impact on Total Personal Income per Pound	Marginal Impact on Total Personal Income per 20 lb Fish
Winter (Jan – Mar)	\$7.58	\$11.93	\$238.60
Spring (Apr – Jul)	\$4.56	\$ 7.14	\$142.80

The estimates of average price and personal income per pound give the per unit economic impacts of changes in the level of the commercial harvest on commercial harvesters and the public taken as a whole, respectively. The per pound impacts in 2007 are likely to be similar to the 2006 level.

Some of the stocks of spring chinook harvested in the commercial fishery are also taken in the mainstem Columbia River sport fishery, and the Willamette River spring chinook sport fishery. Thus, the commercial harvest of spring chinook is viewed by some people as having a negative effect on the subsequent sport fishery. A detailed analysis of the economic aspects of the allocation of these fish between sport and commercial interests is contained in the Oregon Department of Fish and Wildlife staff report, "Selected Economic Aspects of the Commercial/Recreational Allocation of Willamette River Spring Chinook"(ODFW, 1986), which is incorporated by reference into this fiscal and economic impact statement. A report on the expenditures and income impacts of the 1988 Willamette spring chinook sport fishery is also available (Davis, 1989). Sport fishing regulations for the mainstem spring chinook sport fishery will also be set at this compact meeting.

The listing of Snake River spring chinook as a threatened species was made by the National Marine Fisheries Service in 1992. More recently, in 1998, Columbia River winter steelhead stocks were also listed. These listings have significantly affected the harvest regulations. The general trend of reduced mainstem, non-select-area harvests were evident from 1992 to 1999. The commercial harvest regulations for 2008 may permit higher harvests than in years before 2002 for the mainstem fisheries due in part to the use of live capture selective fishing techniques. This allows harvesters to catch and retain marked fish with wild fish impact rates that are smaller than those which occurred prior to 2002. The adoption in 2002 of a selective catch and release harvest regime for the commercial gillnet fishery imposed additional gear costs on many harvesters.

Other Fisheries- Sturgeon

These rules also relate directly and indirectly to the recreational and commercial harvest of sturgeon. The Columbia River Compact also determines regulations for the recreational sturgeon fishery in the main-stem of the Columbia River. Regulations may ultimately affect season length for participants fishing in different segments of the river. Therefore the total and area specific number of angler days could change from previous years. At the same compact meeting, it is expected that the sharing formula will remain unchanged at 80 percent sport and 20 percent commercial.

Estimates of the trip expenditures per day in the recreational sturgeon fishery and the associated impact on personal income in the local areas (Oregon counties bordering the Columbia) were developed in the Oregon Angler Survey and Economic Study (The Research Group, 1991).

Average Angler Trip Expenditures and Total Personal Income Impact on Columbia River Counties

Angler Origin	Trip Expenditures per Angler Day - Local Areas (updated to 2007\$)	Associated Personal Income Impact per Angler Day (updated to 2007\$)
Resident	\$ 40.25	\$ 26.04
Nonresident	\$ 77.57	\$ 54.47
Weighted Average	\$ 55.54	\$ 37.71

Resident refers to sturgeon anglers who live in the Oregon counties bordering the Columbia River. Nonresidents are those who live elsewhere, including nonresidents of Oregon. According to the angler survey, about 59 percent of the sturgeon angler days in the Columbia River zone were taken by zone residents; 41 percent were taken by zone nonresidents. These estimates are for a cross section of both pleasure boat and charter boat anglers. The trip expenditure and personal income impact of a charter boat angler day would be higher than the corresponding figure for a pleasure boat angler day because of the inclusion of the charter fee. Of course, charter boat anglers probably make lower annual expenditures on boats and equipment than pleasure boat anglers. Use of these estimates to project the impact of increases or decreases in angler trips assumes that the distribution of trips among charter and pleasure boats, and among zone residents and zone nonresidents remains relatively constant.

Estimates of the average price per pound of commercially harvested white sturgeon and revenue per fish landed are taken from fish ticket data compiled by the Oregon Department of Fish and Wildlife. The associated marginal impact on the Columbia River area (direct, indirect and induced) was estimated using the Oregon Commercial Fisheries Economic Assessment model developed by Drs. Hans Radtke and William Jensen.

Commercial Sturgeon Prices and Associated Impact on Personal Income

White Sturgeon (2006 Data)	Average Price per Pound Round Weight and Ex-vessel Revenue	Marginal Impact on Total Personal Income per Pound or per Fish
price per pound (round)	\$2.11	\$3.26
revenue per 26.5 pound fish	\$55.91	\$86.39

The personal income impact of commercial sturgeon is not likely to change significantly from year to year depending on the levels of ex-vessel and ex-processor prices. Preliminary 2007 white sturgeon Columbia River landings were 175,004 pounds with a landed value of \$368,788. Preliminary 2007 green sturgeon landings were 311 pounds with a landed value of \$622.

Other Fisheries - Smelt, Shad and Steelhead

These rules also relate to the commercial harvest of shad, smelt, and the treaty fishery harvest of winter steelhead. The 2007 Oregon-side harvest of shad was about 7,671 pounds with an ex-vessel value of roughly \$2,301, and an average price per pound of \$0.30. The Oregon-side harvest of smelt in 2007 decreased to 0 pounds. Oregon-side treaty landings of winter steelhead in 2007 remained at low levels with 4,648 pounds worth \$6,374 in the months of February and March.

Although the proposed rules can be viewed as restricting economic opportunities by limiting the season, conservation of the resource will result in perpetuation of fish stocks in the long run. Failure to restrict harvests of these fish to allow escapement for reproduction could result in severe adverse economic effects in the future and could prevent the maintenance and rebuilding of the several stocks of salmon and steelhead listed as threatened or endangered under the federal Endangered Species Act.

The rules are believed to be fully compatible with legislative direction on the goals of fish and wildlife management in Oregon.

We do not believe that a less intrusive or less costly alternative adaptation to only small business is consistent with the purpose of the rule.

Most businesses affected by these rules are believed to be "small business."

References:

1. Oregon Department of Fish and Wildlife. Selected Economic Aspects of the Commercial/Recreational Allocation of Willamette River Spring Chinook. Staff Report. December, 1986.
2. The Shannon W. Davis Research Group. Final Report - Survey and Economic Impact Analysis of the 1988 Willamette Run Spring Chinook Sports Fishery. Report prepared under contract to Oregon Department of Fish and Wildlife. Corvallis, Oregon. September, 1989.
3. Oregon Angler Survey and Economic Study. Prepared for the Oregon Department of Fish and Wildlife by The Research Group. Corvallis, Oregon. June, 1991.