

Secretary of State

NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form.

Oregon Department of Fish and Wildlife, Fish Division	635
Agency and Division	Administrative Rules Chapter Number
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Rules Coordinator	Telephone
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RULE CAPTION

Oregon Ocean Commercial, Terminal Area, and Coastal Zone Sport Salmon Fisheries

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

June 4, 2010	08:00 a.m.	Commission Room Oregon Dept. of Fish & Wildlife 3406 Cherry Avenue NE Salem, OR 97103	Oregon Fish and Wildlife Commission
Hearing Date	Time	Location	Hearings Officer

*Auxiliary aids for persons with disabilities are available upon advance request.***RULEMAKING ACTION**

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT: OAR Chapter 635, Divisions 003, 013, 014 and 016 as determined justified.**AMEND:** OAR Chapter 635, Divisions 003, 013, 014 and 016 as determined justified.**REPEAL:** OAR Chapter 635, Divisions 003, 013, 014 and 016 as determined justified.**RENUMBER:****AMEND & RENUMBER:**

Stat. Auth.: ORS 496.138, 496.146 506.036, 506.119, 506.129 and 506.750, et. Seq.

Other Auth.: Magnusson-Stevens Sustainable Fisheries Act.

Stats. Implemented: ORS 496.162, 506.036, 506.109, 506.129 and 506.750, et. Seq.

RULE SUMMARY

Amend rules relating to commercial and sport salmon fishing in the Oregon ocean terminal areas and in the Marine, Northwest and southwest zones consistent with guidelines established by the Oregon Fish and Wildlife Commission and Pacific Fishery Management Council and enacted Federal Regulations.

Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

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

June 4, 2010

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)


Signature

Lance Thomson
Printed name

April 14, 2010
Date

* Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday.

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
Agency and Division

635

Administrative Rules Chapter Number

In the Matter of: OAR Chapter 635, related to commercial and sport Chinook salmon fisheries in the Oregon ocean terminal areas and coastal zones.

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

Oregon Ocean Commercial, Terminal Area, and Coastal Zone Sport Salmon Fisheries.

Statutory Authority: ORS 496.138, 496.146 506.036, 506.119, 506.129 and 506.750, et. Seq.

Other Authority: Magnusson-Stevens Sustainable Fisheries Act.

Stats. Implemented: ORS 496.162, 506.036, 506.109, 506.129 and 506.750, et. Seq.

Need for the Rule(s):

These rules are needed to establish commercial and sport Chinook salmon seasons in the Oregon ocean terminal areas and in the Marine, Northwest and Southwest coastal zones consistent with guidelines established by the Oregon Fish and Wildlife Commission, the Pacific Fishery Management Council and enacted Federal Regulations. 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. Rule modifications 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. Pacific Fishery Management Council. 2010. Pre-season Report III. Analysis for Council Adopted Management Measures for 2010 Ocean Salmon Fisheries.
2. Staff Report for Oregon Fish and Wildlife Commission Meeting of June 4, 2010, "2010 Coastal Fall Chinook Salmon Regulations".

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?

Many of the persons participating in the PFMC process are small businesses and their views are solicited there.

Administrative Rule Advisory Committee consulted?: No.

If not, why?:

The Pacific Fishery Management Council 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, sportsmen and industry representatives. These committees have reviewed the proposed regulations and provided comment. Additionally inland sport salmon and sturgeon regulation proposals were developed by staff working with ODFW regional staff, Oregon State Police and key constituents.


Signature

Lance Thomson
Printed name

April 14, 2010
Date

**Fiscal and Economic Impact Statement for the June 4, 2010 Hearing
In the Matter of Rules Relating to Oregon Ocean Terminal Area
Recreational and Commercial Fisheries and Oregon Coastal River
Recreational Fisheries**

Fiscal and economic impact: Rule changes are being proposed to establish regulations with daily and seasonal bag limits and area closures for sport Oregon coastal Chinook and Coho fisheries. These rules also include the Tillamook, Chetco, and Elk ocean terminal areas where commercial and recreational fisheries exist. These regulations are intended to supersede the permanent regulations that are currently in place and to adjust regulations as necessary to accommodate resource conditions. The proposed rules will affect state agencies, units of local government, and the public, respectively, as discussed below:

A. The only state agency that would be affected by adoption of these rules is the Oregon Department of Fish and Wildlife (ODFW). ODFW derives funding from the sale of recreational fishing licenses and combined angling tags. These rule changes are not anticipated to have an effect on ODFW revenues.

B. No units of local government are expected to be affected by these rules. No significant changes from the current levels of any local agencies' operations or expenditures are expected as a result of the adoption of these rules.

C. The public could be affected by the adoption of these rules. Businesses that supply recreational anglers experience economic impacts related to the fisheries and could be affected by changes in opportunities. Direct expenditures in the coastal area in 2008 totaled \$128.3 million (Dean Runyan Associates, 2009). These expenditures are related to travel expenses such as gas, lodging, food, bait, and other related purchases.

The options for harvest quotas for Chinook in the ocean terminal areas are included in the table below. Impacts per fish are calculated from the 2009 commercial troll salmon prices. These impacts can change if fish prices vary or the quotas are not adopted.

Table 1. Personal Income Impact from Quota Option.

Area	Quota Option	Coastal Area	
		Personal Income Impact per Pound	Total Coastal Area Personal Income Impact
Tillamook	500 Fish	\$8.81	\$4,405.00
Chetco	1,000 Fish	\$8.81	\$8,810.00
Elk River	500 Fish	\$8.81	\$4,405.00
Total			\$17,620.00

These rule changes are not anticipated to significantly affect commercial or recreational angling activity. Some rule changes proposed will increase the opportunities for recreational anglers to fish for wild coho in the Siletz and Coquille Rivers and the Tenmile Lakes. Information is not available on the changes in angler behavior that would result from these increased opportunities or the resulting fiscal impacts of these changes.

Although the rules related to regulations can be viewed as reducing positive economic impacts in the short run, conservation through the regulation of seasons and other factors are intended to perpetuate Oregon's salmon resources at optimal levels in the long run. The regulations are also needed to protect salmon stocks listed as threatened or endangered under the federal Endangered Species Act. Failure to restrict harvests of fish to allow escapement for reproduction would probably result in adverse economic effects in the future. The proposed regulations attempt to strike a balance between present fishing opportunities and future benefits. Therefore, the proposed regulations attempt to provide the best possible fishing opportunities in the present consistent with the requirement to sustain fish population levels and to provide future harvest opportunities for both recreational and commercial fishers.

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

The rules are believed to be fully compatible with legislative direction on the goals of 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.

References

Dean Runyan Associates, *Fishing, Hunting, Wildlife Viewing, and Shellfishing in Oregon*, 2008.
Prepared for the Oregon Department of Fish and Wildlife, May 2009.