

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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Address

**RULE CAPTION**

Adopt Summer and Fall Recreational Fisheries for the Columbia River

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 017 and 023 as determined justified.**AMEND:** OAR Chapter 635, Divisions 017 and 023 as determined justified.**REPEAL:** OAR Chapter 635, Divisions 017 and 023 as determined justified.

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

Other Auth.:

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

**RULE SUMMARY**

Amend rules relating to recreational salmon fishing in the Columbia River.

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

**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, relating to 2010 Recreational Salmon Fisheries in the Columbia River.

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

Adopt Summer and Fall Recreational Fisheries for the Columbia River.

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 sport salmon seasons for the Columbia River. Seasons are set in a manner that will conserve stocks of salmon under the federal Endangered Species Act. Rules 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. Staff Report for the Oregon Fish and Wildlife Commission Meeting of June 4, 2010.
2. Any other documents relating to the 2010 salmon seasons generated by the Pacific Fishery Management Council and/or Oregon Department of Fish and Wildlife staff before the scheduled hearing.

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 regulations proposals were developed by Oregon Department of Fish and Wildlife staff, working with Washington Department of Fish and Wildlife 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 Recreational Fisheries for  
Summer and Fall Chinook and Coho in the Columbia River**

Fiscal and economic impact: Rule changes are being proposed to set the recreational salmon seasons and regulations in the Columbia River. These rule changes are necessary to adapt to the number of fish available for harvest in the sport fishery. Rule changes are being proposed that will limit the Summer Chinook fishery to adipose fin clipped fish only. 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). The change to a mark selective recreational fishery for summer Chinook will require additional staff for sampling rates to increase. The cost is estimated to be up to \$20,000. However, ODFW revenues from the sale of fishing licenses and combined angling tags can be influenced by the Columbia River fisheries, including Buoy 10. Summer and fall Chinook runs are forecasted to be higher in 2010 than in 2009. Projected runs of Coho in 2010 are not anticipated to be as strong as the banner year of 2009.
- 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. Sport anglers experience intrinsic benefits from participating in this fishery and at the same time spend money to participate as well. Angler behavior (participation) in the fishery can be influenced by the seasons and the abundance of the resource. Changes in regulations can influence anglers to fish more or less and can affect the expenditures the anglers make to participate. Angler expenditures can have impacts on various sectors of the economy including hotels, guide services, fuel businesses, restaurants, grocery stores, bait businesses, sports equipment dealers, campgrounds, etc. The direct, indirect, and induced impacts from these expenditures result in personal income in both the local areas and state of Oregon through the 'multiplier effect.' Typically, these impacts are measured per day spent fishing by recreational anglers. The average angler on the Columbia River spends \$58.19 (2009\$) per day of fishing for salmon. (The Research Group, 1991.)

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The proposed regulations are not anticipated to affect angler behavior substantially. Regulations and season length for fall recreational fisheries are similar to those adopted in previous years. If the requirement that only fin clipped fish may be retained in the summer Chinook fishery, the season is expected to be extended. The intent is to provide more opportunity over a longer period of time, and this could result in positive economic impacts from more angler days. Information is not available on the economic benefits from this change. It is possible that individual experiences could be diminished by the requirement to release an unclipped fish, but this is exchanged for the opportunity to fish for a longer season.

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.

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**

The Research Group. 1991. Oregon Angler Survey and Economic Study. Prepared for the Oregon Department of Fish and Wildlife. Corvallis, OR.