

## Agenda Item Summary

### BACKGROUND

ORS 506.720 states "The Commission shall by rule in January of each year establish the average market value of each species of food fish for the year." These market values are used for the purpose of filing lawsuits for damages associated with unlawful taking of food fish.

### PUBLIC INVOLVEMENT

None. These values are based on the previous year's commercial value of food fish species.

### ISSUE 1

#### ADOPT THE AVERAGE MARKET VALUE FOR EACH SPECIES OF FOOD FISH

### ANALYSIS

This is an annual update of OAR 635-006-0232, Schedule of Damages for Commercial Fishing Violations. Updates include:

- Minor adjustments reflecting the average prices during 2010 as reported by Oregon commercial fish dealers
- Average prices based on data collected from ODFW fish tickets
- To fully represent the market value, the live price has been used for species with significant live landings regardless of the method of capture
- Columbia River salmon and steelhead prices have been omitted to avoid confusion as damages are explicitly defined as \$125 per fish in the Statute

### OPTIONS

1. Adopt rule amendments as proposed by staff.
2. Modify proposed rule amendments.
3. Reject proposed rule amendments (values would remain the same as current rule).

### STAFF

### RECOMMENDATION

1. Option 1; adopt rule amendments as proposed by staff.

### DRAFT MOTION

I move to amend the Schedule of Damages for Commercial Fishing Violations contained in OAR 635-006-0232 as proposed by staff in Attachment 4.

### EFFECTIVE DATE

Upon filing.