



**Oregon Administrative Rules  
Oregon Department of Fish and Wildlife**

**DIVISION 440**

**COLUMBIA RIVER FISHERIES TRANSITION PROGRAM**

**635-440-0001** (New Rule)

**Definitions**

**For the purposes of administrative rules found in Division 440 the following definitions apply:**

**(1) "Economic Harm" means the reduction, unrelated to environmental and market variability or personal circumstances, in the annual income of an individual who holds a vessel permit issued pursuant to ORS 508.775 to ORS 508.796 from fishing under the permit that is due to Columbia River fish management and reform adopted by rule of the commission.**

**(2) "Fund" means the Columbia River Fisheries Transition Fund.**

**(3) "County Program" means an established Columbia River fisheries transition program by an Oregon county.**

**(4) "Permit" means a Columbia River vessel permit as defined in ORS 508.775 to 508.796**

**(5) "Eligible Applicants" means county governments that have established an advisory committee and otherwise met the requirements listed in OAR 635-440-0010 and are prepared to assess applications from persons who apply for Columbia River Fisheries Transition funds from the county.**

Stat. Auth.: ORS 509.230

Stats. Implemented: ORS 508.775 to 508.796

**635-440-0005** (New Rule)

**Purpose**

**The purpose of these rules is to provide criteria and procedures for implementation and administration of the Columbia River Fisheries Transition Program. Funds will be granted to qualified county programs for:**

**(1) Compensation to individuals who hold a valid permit and who provide documentation of economic harm;**

**(2) Financial assistance to individuals who hold a valid permit and who demonstrate a history of recent landings under a permit, to help offset the cost to those individuals of fishing equipment required as a result of fishing gear changes caused by restrictions related to Columbia River fish management and reform adopted by rule of the Commission.**

Stat. Auth.: ORS 509.230

Stats. Implemented: ORS 508.775 to 508.796

**635-440-0010** (New Rule)

**Standards to Determine Grant Award Eligibility**

**(1) The Department may approve a county program that meets the stated purpose of this rule and contains the elements specified in this section.**

**(2) Grants are subject to available funding in the Columbia River Transition Fund. A county may qualify for funds if a county has a program that meets the following requirements:**

**(a) A county must establish a county advisory committee to oversee the county program.**

**(b) Advisory committee membership shall include at a minimum:**

**(A) One county commissioner;**

**(B) Two members who own or manage a permit or who have expertise related to**



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47 commercial fisheries; and

48 (C) Two members who are not employed in the commercial fishing industry and who  
49 represent the public interest in the equitable administration of public funds.

50 (b) A county must establish a procedure by which permit owners who have experienced  
51 economic harm shall be given funds received under the county program.

52 (c) A county program must require that an advisory committee must establish compensation  
53 rates for economic harm that are based on fair market value.

54 (d) A county program must establish eligibility requirements for compensation that ensures,  
55 that the person did experience legitimate economic harm.

56 (e) The county will be reimbursed an amount of money, approved by the Oregon Department  
57 of Fish and Wildlife, to cover the allowable expenditures necessary to implement the county  
58 program during the calendar year. Allowable expenditures are:

59 (A) Establishing a county advisory committee.

60 (B) Establishing a procedure by which persons applying for compensation will provide  
61 sufficient evidence of economic hardship due to regulations in the Columbia River mainstem  
62 gillnet fishery.

63 (C) Establishing a procedure by which persons applying for financial assistance for  
64 economic hardship provide an estimate of the potential cost.

65 (D) Distributing grant program funds.

66 (E) Preparation of an annual report to the Department.

67 Stat. Auth.: ORS 509.230

68 Stats. Implemented: ORS 508.775 to 508.796

69  
70 635-440-0015 (New Rule)

71 Distribution of Funds by County

72 Funds received by a county program from the Department may only be used to reimburse the  
73 following expenses or losses:

74 (1) Compensation to permit holders for documented economic harm

75 (2) Compensation to permit holders for gear changes.

76 (3) Compensation to the county for allowable expenditures necessary to implement the county  
77 program during the calendar year.

78 Stat. Auth.: ORS 509.230

79 Stats. Implemented: ORS 508.775 to 508.796

80  
81 635-440-0020 (New Rule)

82 Grant Application Procedures

83 (1) Grant application forms will be made available and distributed by the Department on request  
84 by a county.

85 (2) Each county shall submit its proposal for funding on the Department's application form,  
86 including attachments as necessary.

87 (3) Applications for funds for a calendar year shall be submitted to the Department by March 1 of  
88 the following year. Late submissions may be accepted at the discretion of the Department.

89 (4) Grant applications may only be made for the purposes outlined in OAR 635-440-0015.

90 Stat. Auth.: ORS 509.230

91 Stats. Implemented: ORS 508.775 to 508.796

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93 **635-440-0025** (New Rule)

94 **Grant Application Review**

95 **(1) The Department will review county grant applications to evaluate the reasonableness of the**  
96 **amount of money requested. The Department may use formulas it may derive for allocating**  
97 **available funds equitably among grant requests by multiple qualifying county programs.**

98 **(2) The Department will review each application for completeness, accuracy, and consistency with**  
99 **these rules. Incomplete applications may be returned for correction or completion. Applications**  
100 **not meeting the standards established in these rules may be denied. If an application is denied, the**  
101 **Department will identify standards necessary for approval of a future grant application.**

102 Stat. Auth.: ORS 509.230

103 Stats. Implemented: ORS 508.775 to 508.796

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105 **635-440-0030** (New Rule)

106 **Grant Awards**

107 **(1) After reviewing a county application, the Department will make one of the following decisions**  
108 **for each county's grant request.**

109 **(a) Approval of grant award for the full amount requested;**

110 **(b) Approval of grant award of partial amount requested.**

111 **(c) Deferral of request for further consideration based upon submission of additional**  
112 **information;**

113 **(d) Denial of request.**

114 Stat. Auth.: ORS 509.230

115 Stats. Implemented: ORS 508.775 to 508.796

116  
117 **635-440-0035** (New Rule)

118 **Grant Administration**

119 **The Department and county shall enter into a grant agreement by January 1 of each year that**  
120 **includes but is not limited to the following:**

121 **(1) A detailed description of the county program and a description of the work elements for which**  
122 **grant funding is received. This description shall include description of the criteria to be used for**  
123 **assessing eligibility of permit holders, relevant advisory committee bylaws, and other procedures**  
124 **by which the county will manage the compensation program.**

125 **(2) A payment schedule as determined by the Department.**

126 **(3) A condition requiring the participating county to prepare an annual report that specifies the**  
127 **actions taken, compensation paid and financial assistance provided under the grant. This report**  
128 **will be due to the Department on June 1 of each year following an awarded grant.**

129 **(4) A condition allowing the Department to withhold the relevant payment pending resolution of**  
130 **the identified deficiencies in grant administration or in the event the Department finds a report**  
131 **unsatisfactory.**

132 **(5) A condition allowing termination of the grant agreement if a county is consistently unable to**  
133 **meet requirements as identified in the grant or as consistent with law.**

134 **(6) A condition requiring counties to maintain any and all records necessary for the Department to**  
135 **audit and review the county program.**

136 **(7) A condition specifying that grantees and the Department may amend timelines specified in the**  
137 **grant agreement provided such amendments are in writing and are mutually agreed to.**

138 **(8) A condition specifying that unexpended grant funds not used by the county must be returned**



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139 **to the Department for re-deposit in the Transition Fund.**  
140 Stat. Auth.: ORS 509.230  
141 Stats. Implemented: ORS 508.775 to 508.796  
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