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ARCHIVES DIVISION
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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE

FILED
02/25/2025 2:32 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Corrected - 2025 Ocean Salmon Fisheries and Ocean Terminal Fisheries Rulemaking

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/18/2025 5:00 PM

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

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4034 Fairview Industrial Dr SE
Salem, OR 97302

Filed By:
Michelle Tate
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 04/18/2025

TIME: 8:00 AM - 5:00 PM

OFFICER: Michelle Tate

IN-PERSON HEARING DETAILS

ADDRESS: Salmon Harbor Marina, Marina Activity Center, 263 Marina Way, Winchester Bay, OR 97467

SPECIAL INSTRUCTIONS:

This hearing will be conducted as a hybrid meeting providing an opportunity to give testimony either in person or virtually. Additional information regarding participation will be posted on our website at www.dfw.state.or.us/agency/commission/minutes/. The meeting can be viewed at www.youtube.com/user/IEODW. Any changes to the meeting format (to virtual only if emergency arises) will be posted to our website as soon as possible.

NEED FOR THE RULE(S)

The proposed rules are necessary to implement federal regulations for commercial and recreational salmon fishing in Oregon state waters of the Pacific Ocean. Federal regulations will be adopted by the Pacific Fishery Management Council (PFMC) at their April 10-15, 2025, meeting. Rules are needed to provide orderly salmon fisheries, to protect salmon stocks listed under the federal Endangered Species Act (ESA), and for the conservation of salmon stocks of concern in conjunction with other regional, state, and federal fishery management entities.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

1. Staff report prepared for the Oregon Fish and Wildlife Commission hearing on 04/18/25, including the presentation and all provided materials.

A copy of the rules and the other documents relied upon for this rulemaking [the above document(s)] are available from the Oregon Department of Fish and Wildlife, Fish Division, 4034 Fairview Industrial Drive SE, Salem, Oregon 97302-1142. Contact John Seabourne at 503-947-6207 or John.D.Seabourne@odfw.oregon.gov to view by appointment between the hours of 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Department has solicited input from representatives of underrepresented communities likely to be affected on whether the proposed rule will have a fiscal impact on the community, the extent of the fiscal impact, and whether the rules will have significant impact on underrepresented communities. <https://www.dfw.state.or.us/OARs/index.asp>

FISCAL AND ECONOMIC IMPACT:

The rules are expected to result in minimal fiscal and economic impacts.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

State agencies that could be affected by these harvest management rules are the Oregon Department of Fish and Wildlife (ODFW) and the Oregon State Police. No changes from the current levels of these agencies' operations or expenditures are expected as a result of these particular rules. However, revenues associated with the sale of sport fishing licenses, tags, commercial permits, and catch fees may change depending on the abundance and availability of salmon to the ocean and Buoy 10 fisheries.

Units of local government that could be affected by harvest management rules include Port Authorities and County Governments. Port Authorities may derive revenues from the provision of moorage for recreational and commercial fishing and from the provision of facilities for the unloading of catches. We do not have precise information on how much the 2025 harvests and fishing activity will affect the units of local government in a fiscal sense. We are not able to project the magnitude of the fiscal effects, because the data required to link allowable harvests and local government revenues and expenditures are not available.

The public is affected by the harvest management rules. Various sectors of the public economy (recreational fishers; commercial harvesters; processors; suppliers of recreational fishers; and the general economy) will experience different impacts. Those impacts cannot be determined at this time, as commercial harvest and recreational effort will depend on multiple factors, such as prices for salmon and other food fish, abundance of returning fish, weather, as well as the 2025 regulations. Overall, the 2025 regulations are likely to be similar to the 2024 ones and therefore no significant impacts are anticipated.

Revenues to commercial fishers depend primarily on poundage landed and prices received. In 2024, a total of 253,031 pounds with an ex-vessel value of \$2,574,680 were landed in the commercial salmon ocean troll fishery. Of this total,

Chinook Salmon contributed \$2,518,236 in revenue and coho salmon contributed \$56,444. In 2024, there were 827 salmon troll permits issued, of which 165 had landings. Average ex-vessel revenue was approximately \$15,796 per vessel reporting landings. [1]

The total (direct, indirect, and induced) effects on personal income in the local areas where the sport and commercial fisheries take place are the result of the direct purchases of goods and services made by sport fishers, charter operators, commercial fishers and processors from local suppliers. Through the "multiplier process," there is a resulting increase in economic activity and personal income in the general economy of the area.

The total landings, average ex-vessel price per pound landed, and the coastal community personal income impacts for both, coho and Chinook salmon are shown in Table 1 (see attachment). These impacts may change depending on 2025 levels of ex-vessel and ex-processor prices.

The economic impact of ocean recreational salmon fishing activity depends primarily on the level of angler activity (i.e., days of recreational fishing) supported by the seasons and allowable harvests provided to the sport fishery, but also on substitute recreation activities and related angler expenditures. The coastal community impact (local area) on personal income per angler day of ocean sport salmon fishing is based on the estimated impact of ocean salmon angler destination expenditures.

Ocean salmon recreational estimates of angler activity were 77,383 angler trips in 2024. This is greater than the previous year's total of 76,360 in 2023 and fewer than 2022 (96,388). Compared to the previous year (2023), regional effort decreased by 21% in Astoria, increased by 6% in Tillamook, decreased by 12% in Newport, increased by 29% in Coos Bay, and increased by 944% in Brookings from 348 angler trips in 2023 to 3,633 angler trips in 2024. This amounted to a 1% increase in angling trips overall compared to 2023. [2]

Table 2 (see attachment) shows estimates of the total personal income impacts per angler day in the coastal area by recreational user origin and fishing mode. These estimates should be used as the coastal area per unit economic impact per recreational ocean salmon fishing day. In addition to being affected by the total allowable level of recreational harvest, the estimate of the aggregate impact on coastal personal income will vary depending on the proportion of total trips by charter boats versus private, as well as the proportion of coastal resident versus non-resident anglers.

As mentioned above, at the time this statement was written, the options for allowable levels of harvest and other regulations for the upcoming season had not been determined, but these options will be developed by the PFMC. As a result, the magnitudes of harvest reductions and any changes in positive economic impacts could not be accurately estimated. We do not have sufficient information at this time to describe precisely the magnitude of the expected

commercial landings and angler activity, or to predict whether prices received by commercial harvesters will be higher or lower than those received in 2025. Also, information needed to predict possible movement of recreational fishing effort among other marine recreational opportunities is too limited to infer shifts in effort.

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.

[1] Data in this paragraph, the next paragraph, and the columns in Table 1 drawn from: Pacific Fisheries Management Council (PFMC), Review of 2023 Ocean Salmon Fisheries: Stock Assessment and Fishery Evaluation Document for the Pacific Coast Salmon Fishery Management Plan. Tables D-5, IV-3, IV-10, IV-12, IV-17.

[2] Angler trip data comes from the ORBS internal database.

(2)(a) The main type of small business subject to the rule are commercial troll salmon fishermen. Of the 827 salmon troll permits issued in Oregon in 2024, 165 of them made landings. Those active fishermen would be most affected by the rules. Wholesale dealers who buy landed ocean salmon would be affected and there were 47 in 2024 (plus 9 limited fish sellers). Other small businesses affected would be gas stations, tackle shops, charter boat owners, restaurants/cafes/bars, food stores, and places of lodging (hotels, campgrounds, etc.). Information is not available to estimate to number of those types of small businesses affected.

(b) No significant changes in these costs are expected for the small businesses subject to the rule.

(c) No significant changes in these costs are expected for the small businesses subject to the rule.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The rule is believed to be fully compatible with legislative direction on the goals for 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.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The department has solicited input on whether the proposed rule will have a fiscal impact on small businesses or

communities, the extent of the fiscal impact, and whether the rule will have a significant adverse impact on underrepresented communities or small businesses. The alternatives for federal salmon regulations and harvest limits were developed through the PFMC process, which involves advisory committees and public comment.

RULES PROPOSED:

635-003-0003, 635-013-0003

AMEND: 635-003-0003

RULE SUMMARY: These amended rules will ensure that ocean salmon fishery regulations for nearshore (0-3 miles offshore) and state regulated marine areas are consistent with federal regulations for domestic salmon fisheries in marine waters from three to 300 miles offshore.

The Commission may decide to adopt staff recommended proposed rule and rule amendments as proposed in attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

CHANGES TO RULE:

635-003-0003

Purpose and Scope ¶¶

(1) The purpose of Division 003 is to provide for management of commercial salmon fisheries off the Oregon Coast over which the state has jurisdiction. ¶¶

(2) Division 003 incorporates into Oregon Administrative Rules, by reference, the annual ocean troll salmon specifications and management measures ~~as adopted by the Pacific Fishery Management Council in its annual Ocean Salmon Management Measures and Impacts, as finalized in April 2024, 5,~~ and in addition to the extent they are consistent with these rules, Code of Federal Regulations (CFR), Title 50, Part 660, Subpart H (61FR34572, July 2, 1996, as amended to incorporate the standards in the Pacific Fishery Management Council referenced document). Therefore, persons must consult the Pacific Fishery Management Council referenced document and Federal Regulations in addition to Division 003 to determine all applicable troll salmon fishing requirements. A copy of the Pacific Fishery Management Council referenced document and the Federal Regulations may be obtained by contacting the Pacific Fishery Management Council at ~~www.pcouncil.org or~~ at 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384. ¶¶

(3) To the extent not preempted by Federal law, these regulations apply within the State of Oregon's Fisheries Conservation Zone (out to fifty miles from shore).

Statutory/Other Authority: ORS 496.138, ORS 506.119, ORS 506.129, ORS 496.162

Statutes/Other Implemented: ORS 496.146, ORS 506.109, ORS 496.012

AMEND: 635-013-0003

RULE SUMMARY: These amended rules will ensure that ocean salmon fishery regulations for nearshore (0-3 miles offshore) and state regulated marine areas are consistent with federal regulations for domestic salmon fisheries in marine waters from three to 300 miles offshore.

The Commission may decide to adopt staff recommended proposed rule and rule amendments as proposed in attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

CHANGES TO RULE:

635-013-0003

Purpose and Scope ¶¶

(1) The purpose of Division 013 is to provide for management of recreational salmon fisheries off the Oregon Coast over which the State has jurisdiction. ¶¶

(2) This rule incorporates by reference, the annual ocean recreational salmon specifications and management measures ~~as adopted by the Pacific Fishery Management Council in its annual Ocean Salmon Management Measures and Impacts, as finalized in April 2024, 5,~~ and in addition to the extent they are consistent with these rules, Code of Federal Regulations (CFR), Title 50, Part 660, Subparts A and H. ¶¶

(3) This rule also incorporates by reference the Oregon Sport Fishing Regulations. ¶¶

(4) A copy of the Pacific Fishery Management Council referenced document and the Federal Regulations may be obtained by contacting the Pacific Fishery Management Council at www.pcouncil.org or at 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384. ¶¶

(5) To the extent not preempted by Federal law, these regulations apply within the State of Oregon's Fisheries Conservation Zone (out to fifty miles from shore).

Statutory/Other Authority: ORS 496.138, ORS 506.119, ORS 496.162, ORS 506.129

Statutes/Other Implemented: ORS 496.146, ORS 496.012, ORS 506.109