

2018-2020 Ocean Commercial Salmon Disaster

Prepared by Oregon Department of Fish and Wildlife

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Background

In October 2021, Oregon's then Governor Brown submitted a request to the U.S. Secretary of Commerce for declaration of a catastrophic regional fishery disaster under section 315 of the Magnuson-Stevens Fishery Conservation and Management Act (MSA), a fishery resource disaster under section 308 (b) and (d) of the Interjurisdictional Fisheries Act of 1986, and a commercial fishery failure under section 312a of the MSA, for the State of Oregon ocean commercial salmon fisheries for 2018, 2019 and 2020.

This request was based on poor performance of Oregon ocean commercial salmon fisheries south of Cape Falcon resulting from reduced allowable catches of Klamath and Sacramento fall Chinook, anomalous ocean conditions, and spatial shifts in ocean distribution of these migratory species.

On October 10, 2023, the Secretary of Commerce made a determination of eligibility for the 2018-2020 Oregon ocean Chinook salmon fishery. Funds were appropriated through the 2023 Disaster Relief Supplemental Appropriations Act (P.L. 117-328) and under the Extending Government Funding and Delivering Emergency Assistance Act, 2022. On January 29, 2024, NOAA allocated \$7,050,722 of these funds to respond to the impacts of the 2018 through 2020 Oregon Chinook Salmon Fisheries.

Additional NOAA direction/guidance

A total of \$7,050,722 is available to Oregon for use to address the poor performance of Oregon's ocean commercial salmon fisheries for 2018, 2019, and 2020. including impacts to commercial fishermen, processors, and the fishing ecosystem and environment. These funds are intended to be used for activities that restore the fishery or prevent a similar failure in the future and assist fishing communities affected by such failure.

NOAA strongly recommends that recipients use these funds to strengthen the long-term economic and environmental sustainability of the fishery. This can include, but is not limited to, activities such as habitat restoration, research, state-run buybacks, job retraining, and fishery-related infrastructure.

Outreach

The Oregon Department of Fish and Wildlife (ODFW) worked directly with industry representatives and affected businesses to draft the spend plan for distribution by the May due date. A draft spend plan was posted on the ODFW web site for public review on May 1 to solicit public comment and feedback. The posting was also noticed by an agency news release. During the public comment period, agency staff responded to public comments and suggestions which were considered in development of this spend plan.

Overarching Approach for Oregon's Spend Plan

In October 2021, then Governor Brown submitted a request for a fishery disaster declaration due to the continued poor performance of Oregon's ocean commercial salmon fishery stemming from depressed stocks in California. Through participation in the Pacific Fishery Management Council and involvement in restoring the Klamath River Basin, ODFW is helping to recover these limiting Chinook stocks.

Therefore, ODFW is proposing direct payments be made to permit holders and processors for related losses, scaled to available funds, to maintain the Oregon commercial troll fishery and associated infrastructure.

Eligible applicants will certify, through affidavit and documentation, their loss of revenues for their fishery-related business due to the 2018-2020 Oregon commercial Chinook salmon disaster compared to average revenue for the five prior years where a salmon disaster did not occur (2011-2015). Applicants must have landed or bought Chinook salmon in at least one of the years between 2018-2020.

The absolute loss for all eligible applicants will be totaled. If the total of all claims exceeds funds available (as expected), then disbursements will be scaled relative to the funds available compared to the total claims (e.g., if available funds were 50percent of total funds claimed, then disbursement would be limited to 50 percent of each claim).

If total claims exceed available funds, a maximum claim allowance will be imposed to help level disbursements. If total claims are more than double the available funds, the maximum claim cap will be 80 percent of the average of the ten highest individual claims. If total claims exceed but are not double the available funds, the maximum cap will be 90 percent of the average of the ten highest individual claims. If total claims are less than available funds, a second round of applications may be solicited.

Residency requirements

Applicants in the processor category must be a “business” and based in Oregon. For purposes of this spend plan, a business is a participant in the ocean commercial Chinook fishery that is based in Oregon and has a reporting wholesale fish dealer license (ODFW license). If the Oregon business is part of a broader business located in another state, then only the Oregon-based component of the business (e.g., processing plant physically located in Oregon) can be claimed for Oregon funding, and that Oregon-based component cannot be claimed as part of a funding request from another state.

Commercial harvesters must possess an Oregon troll salmon permit and must have participated in the Oregon troll fishery in at least one year between 2018 through 2020.

Oregon Revised Statute 497.002 defines residency for license, tag, and permit holders in Oregon:
“ORS 497.002 “Resident” and “nonresident” defined. *Except as provided in ORS 497.006, as used in this chapter:*

(1) “Resident” means a person who has resided in this state at least six consecutive months immediately prior to the date of making application for a license, tag or permit issued by the State Fish and Wildlife Commission. Temporary absence from the state for a purpose other than establishing residency outside the state shall not be considered in determining whether a person meets the residency requirements of this subsection.

(2) “Nonresident” means any person other than a resident. [1973 c. 723 §41]”

Eligible business applicants

Eligible applicants for 2018-2020 Disaster Relief Supplemental Appropriations Act (P.L. 117-328) and under the Extending Government Funding and Delivering Emergency Assistance Act, 2022 are limited to commercial harvester and processor businesses.

Commercial processors:

Based in Oregon. ODFW-licensed reporting wholesale fish dealers (often referred to as first receivers who purchase directly from commercial fishers and report on fish tickets to ODFW). If part of a business with operations in other states, only the portion of the business (e.g., processing plant) physically located in Oregon is eligible.

Commercial harvesters:

Oregon Residents

Residents that fish in the Oregon troll salmon fishery: Holder of an Oregon troll salmon permit. Includes Oregon limited fish sellers. Claims must include revenues from only the Oregon troll salmon fishery.

Non-Residents

Non-residents that hold a non-resident Oregon troll salmon permit: Holder of a non-resident Oregon troll salmon permit. Includes Oregon limited fish sellers. Claims must include revenues from only the Oregon troll salmon fishery.

Program Support <1 percent of total funds (\$17,000)

ODFW is proposing to allocate funds to partially cover salary and benefits for staff who help manage the fishery disaster program on behalf of the State of Oregon.

Oregon Salmon Commission

The Oregon Salmon Commission may apply for landing fee revenue losses due to reduced landings using the same methodology described for both processors and permit holders listed above. These funds will come from the total funds allocated to address the disaster.