

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

Address

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RULE CAPTION

Adopt Commercial and Sport Fishing Seasons for the Pacific Ocean, Estuaries and Columbia River

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

May 15, 2009	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 003, 013, 014, 016, 017, 018, 023, and 042 as determined justified.

AMEND: OAR Chapter 635, Divisions 003, 013, 014, 016, 017, 018, 023, and 042 as determined justified.

REPEAL: OAR Chapter 635, Divisions 003, 013, 014, 016, 017, 018, 023, and 042 as determined justified.

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

Other Auth.: Magnusson-Stevens Sustainable Fisheries Act.

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

RULE SUMMARY

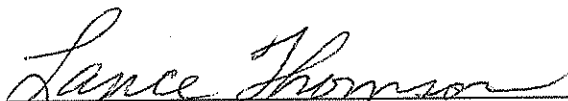
Amend rules relating to commercial and sport salmon fishing in the Pacific Ocean; salmon fishing in specific near-shore ocean waters, bays and coastal streams; and sport salmon fishing in the Columbia River.

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.

May 15, 2009

Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)


Signature

Lance Thomson

Printed name

March 13, 2009

Date

*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday.

Secretary of State
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 2009 Salmon Fisheries.

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

Adopt Commercial and Sport Fishing Seasons for the Pacific Ocean, Estuaries, and 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 commercial and sport salmon seasons for the Pacific Ocean and sport salmon seasons for coastal estuaries and the Columbia River. Seasons are set in a manner that will conserve stocks of salmon and will conform to federal regulations adopted under the Magnusson-Stevens Fishery Conservation and Management 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. Review of 2008 Ocean Salmon Fisheries, Pacific Fisheries Management Council, February 2009.
2. Staff Report for Oregon Fish and Wildlife Commission Meeting of May 15, 2009.
3. Any other documents relating to the 2009 salmon seasons generated by the Pacific Fishery Management Council 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.

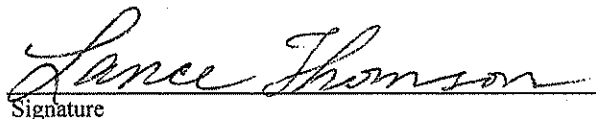
How were small businesses involved in the development of this rule?

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 Department staff, working with Department regional staff, Oregon State Police and key constituents.


Signature

Lance Thomson
Printed name

March 13, 2009
Date

**Economic Impact Statement for the May 15, 2009 Hearing
In the Matter of Rules Relating to Commercial and Sport Salmon Fishing Regulations
In the Pacific Ocean and Sport Fishing In Specific Near-Shore Ocean Waters,
Coastal Streams, and Columbia River**

Fiscal and economic impact: The proposed rules will affect state agencies, units of local government, and the public, respectively, as discussed below. The rules are necessary to implement federal regulations for commercial and sport salmon fishing in waters of the Pacific Ocean that were adopted by the Pacific Fishery Management Council (PFMC) in state waters of the Pacific Ocean. The rules are also necessary for the management of salmon stocks and fisheries in specific near shore areas, coastal streams, and the Columbia River. The regulations are also needed to protect salmon stocks listed as threatened or endangered under the federal Endangered Species Act.

A. 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. Chinook salmon fisheries for 2009 are expected to be similar to 2008 but higher for coho. At the time this statement was written the expected harvest levels and the restriction of the associated regulations for the salmon fisheries had not been determined, but were being developed by the PFMC. The options for allowable levels of harvest and other regulations will be developed at the March PFMC meeting. The PFMC will select regulations at its April meeting.

B. 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 sport and commercial fishing and from the provision of facilities for the unloading of catches. We do not have precise information on how much the 2009 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 and predict future outcomes in other than a qualitative sense are not available.

C. The public is affected by 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. Revenues to commercial fishers depend primarily on poundage landed and prices received. In 2008, a total of 69 thousand pounds with a dockside value of \$489,000 was landed in the commercial salmon troll fishery, excluding a small amount of pink salmon. Of this total, Chinook contributed \$480,000 in revenue, and Coho contributed \$8,910 in revenue. In 2008 there were 1,092 salmon troll permits issued of which 138 had landings. Average ex-vessel revenue was approximately \$3,543 per vessel reporting landings.

The economic impact of recreational fishing opportunities depends primarily on the number of days of angler effort, substitute recreational activities, and related angler expenditures. Ocean salmon recreational estimates of angler activity included 30,397 angler days in 2008, a decrease from 88,169 angler days estimated in 2007.

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 estimated average total personal income impacts on Oregon coastal communities per pound (dressed weight) of fish and per fish landed for the ocean troll salmon fishery are shown in Table 1. These impacts may change depending on 2009 levels of ex-vessel and ex-processor prices. The estimates of ex-vessel revenue and total personal income impacts give the per unit economic effect respectively on harvesters and the public taken as a whole.

Table 1. Personal income impact per pound and per fish - commercially harvested salmon, 2008

Species	Average Ex-vessel Price and Revenue per Pound Landed	Total Personal Income per Pound Landed (Coastal Area)	Impact per Fish (Coastal Area)
Coho (2008)	\$2.79	\$4.91	\$29.01
Chinook (2008)	\$7.31	\$11.48	\$149.83

The economic impact of ocean recreational salmon fishing activity depends on the level of angler activity (i.e., days of recreational fishing) supported by the seasons and allowable harvests provided to the sport fishery. 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.

Table 2¹ on the following page 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 sport harvest, the estimate of the aggregate impact on coastal personal income will change if the proportion of total trips by charter boats versus private boats changes, or if the composition of coastal resident vs. nonresident anglers changes.

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 at the March PFMC meeting. The PFMC will select regulations at the April meeting.

¹ Estimates based on data originally collected from Oregon anglers in 1988 and 1989. See Oregon Angler Survey and Economic Study (1991) by The Research Group, Corvallis, Oregon.