



Oregon

John A. Kitzhaber, MD, Governor

Department of Fish and Wildlife

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May 7, 2013

Ben Miller
Harrang Long Gary Rudnick, P.C.
360 East 10th Avenue, Suite 300
Eugene, Oregon 97401

Re: Columbia River Gill Net Rulemaking

Dear Mr. Miller:

In response to your letter dated April 19, 2013, regarding rulemaking for Columbia River fishery management changes, we understand your request to be for additional time to provide additional comment to the Oregon Fish and Wildlife Commission (Commission) on the rules, under the authority of ORS 183.335(4). The Commission's review of this matter will thus be extended until June 6, 2013, to provide additional time to file data, views or argument. The Commission will hold an oral hearing at that time, at the meeting to be held in Tigard, which is a convenient location easily reached by the majority of people in the geographic area affected by the rule, that is, the Columbia River area downstream of Bonneville Dam and the Willamette River.

With respect to your comments on the membership and operation of the Fiscal Impact Advisory Committee (FIAC), we note that the FIAC was formed with representatives of the main interests appointed as members, including two commercial fishing representatives and two sport fishing representatives. Other representatives of the commercial fishing industry appeared and testified before the FIAC, but they did not identify economic interests affected by the rules not already identified in the revised Fiscal Impact Statement (FIS), which was included in the public notice published on the Secretary of State website on April 1, 2013 and that was also included in the earlier public notices as well. The Commission will determine at its June 6, 2013 meeting whether the revised FIS was adequate for purposes of providing notice to the public about the intended action and the Commission will take action on the rulemaking on the basis of the FIS along with the entire rulemaking record.


We did not receive any specifically articulated objections to the FIS under OAR 137-001-0087 during the objection period, and thus we believe that the FIAC's analysis and determination regarding the FIS, including the issues raised in previous phases of this rulemaking, is essentially complete. Nevertheless, the FIAC will meet again on May 14, 2013, to review any additional fiscal information and to finalize its report. Of course, you and your clients are entitled to orally



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address the Commission at its meeting and you are also welcome to submit your written views, data or argument to the Commission ahead of its June 6, 2013 meeting.

Sincerely,

A handwritten signature in black ink that reads "Roy Elicker". The signature is written in a cursive style with a large, looped "R" and a distinct "E".

Roy Elicker
Director

cc: Inge Wells, Senior Assistant Attorney General, Appellate Division, Department of Justice
Richard Whitman, Policy Director, Governor's Natural Resources Office