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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

FILED
08/12/2019 1:47 PM
ARCHIVES DIVISION
SECRETARY OF STATE

CHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE

FILING CAPTION: Columbia River Sturgeon Angling Regulations Upstream of Bonneville Dam

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/11/2019 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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Salem,OR 97302

Filed By:
April Mack
Rules Coordinator

HEARING(S)

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

DATE: 10/11/2019

TIME: 8:00 AM - 5:00 PM

OFFICER: Oregon Department of Fish
& Wildlife Commissioners

ADDRESS: Four Rivers Cultural Center
676 SW 5th Ave
Ontario, OR 97914

NEED FOR THE RULE(S):

The proposed rule modifications for Columbia River recreational fisheries are needed to provide: (1) necessary conservation actions for impounded population segments of white sturgeon in the Columbia River, (2) simplify regulations and provide consistency of dates across the sturgeon angling sanctuaries in the Columbia River, and (3) remain concurrent with Washington in jointly managed waters of the Columbia River.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

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, Wildlife Division, 4034 Fairview Industrial Drive SE, Salem, Oregon 97302-1142, between the hours of 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

FISCAL AND ECONOMIC IMPACT:

The state agencies that could be affected by the adoption of these rules are the Oregon Department of Fish and Wildlife (ODFW) and the Oregon State Police (OSP). No significant changes in costs to ODFW or to OSP are expected. There is potential for changes to recreational fishery regulations to affect license sales and enforcement costs (OSP), but the changes are likely to be very small relative to aggregate license sales and current statewide enforcement costs.

No units of local government are expected to be affected.

There is potential for some economic impacts to the affected local areas, but the majority of Oregon's angling public would not be significantly affected by the adoption of these rules. Changes to existing rules provide additional clarity by making rule language consistent with other rules while allowing for a conservation benefit. Columbia River sturgeon angling sanctuary season dates are proposed to be consistent for the entire river within State jurisdiction from May 1st to August 31st, meaning the temporal footprint of the sanctuaries downstream of The Dalles, John Day, and McNary dams would increase. The spatial footprint of the closed area downstream of McNary Dam will also increase by ~12 miles to extend from near Irrigon Fish Hatchery (RM 279) to McNary Dam. Sturgeon retention will also be closed from McNary Dam upstream to the Oregon/Washington border. These changes will reduce opportunity for recreational sturgeon anglers. However, this is a relatively small subset of all anglers, and these anglers would still have the access when the season is open (8 of 12 months of the year) as well as access to areas that will remain open during this period (82% of the reservoir), it is likely that these anglers would be able to change the timing or area of their activities reducing economic impacts.

The main types of small business that could be affected are businesses that provide goods and services to recreational sturgeon anglers in the affected areas, such as guiding services and outdoor sporting goods. Other small businesses potentially affected would be gas stations, restaurants/cafes/bars, and food stores. Information is not available to estimate accurately the number of those types of small businesses affected.

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).

See Fiscal Impact

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

See Fiscal Impact

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

Proposed rule changes were presented jointly to the public by Oregon and Washington staff at noticed public meetings held in The Dalles, Oregon on 22 May 2019, Kennewick, Washington on 11 June 2019, and in Hermiston on 12 June 2019; public testimony was taken at all locations.

AMEND: 635-023-0095

RULE SUMMARY: Amends Oregon Sport Fishing Regulations to: (1) Close sturgeon retention upstream of McNary Dam; (2) set the end date for Columbia River sturgeon angling sanctuaries upstream of Bonneville Dam as Aug 31 consistent with the sanctuaries downstream of the dam; and (3) increase the spatial scope of the sturgeon angling sanctuary downstream of McNary Dam

CHANGES TO RULE:

635-023-0095

Sturgeon Season ¶

The 2019 Oregon Sport Fishing Regulations provide requirements for the Columbia River Zone and the Snake River Zone. However, additional regulations may be adopted in this rule division from time to time, and, to the extent of any inconsistency, they supersede the 2019 Oregon Sport Fishing Regulations.¶¶

(1) Sturgeon retention is closed year-round from McNary Dam to the Oregon/Washington border.¶¶

(2) Sturgeon angling is prohibited annually from May 1 through August 31 in the following areas:¶¶

(a) From The Dalles Dam downstream 1.8 miles to a line from the east (upstream) dock at the Port of The Dalles boat ramp straight across to a marker on the Washington shore:¶¶

(b) From the west end of the grain silo at Rufus upstream to John Day Dam:¶¶

(c) From McNary Dam downstream 13.5 miles to a line from the east end of the grain elevators at Patterson Ferry Road on the Oregon bank straight across to a marker on the Washington shore.

Statutory/Other Authority: ORS 183.325, ORS 506.109, ORS 506.119

Statutes/Other Implemented: ORS 506.129, ORS 507.030