

**2009 Regular Legislative Session**  
**FISCAL ANALYSIS OF PROPOSED LEGISLATION**  
**Prepared by the Oregon Legislative Fiscal Office**

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**MEASURE NUMBER:** HB 2579                      **STATUS:** Original  
**SUBJECT:** Fishing gear or seines for taking salmon for commercial purposes from Columbia River.  
**GOVERNMENT UNIT AFFECTED:** Department of Fish and Wildlife  
**PREPARED BY:** John Terpening  
**REVIEWED BY:** Paul Siebert  
**DATE:** April 1, 2009                                      **REVISED**

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|                       | <u>2009-2011</u> | <u>2011-2013</u> |
|-----------------------|------------------|------------------|
| <b>EXPENDITURES:</b>  |                  |                  |
| Personal Services     | \$ 864,194       | \$ 864,194       |
| Services and Supplies | \$ 433,333       | \$ 433,333       |
|                       | <hr/>            | <hr/>            |
|                       | \$ 1,297,527     | \$ 1,297,527     |

|   |       |       |
|---|-------|-------|
| <b>POSITIONS / FTE:</b>                 |       |       |
| Supervising Fish and Wildlife Biologist | 1/1.0 | 1/1.0 |
| Natural Resource Specialist 2           | 1/1.0 | 1/1.0 |
| Natural Resource Specialist 1           | 1/1.0 | 1/1.0 |
| Experimental Biology Aide               | 8/5.0 | 8/5.0 |

**EFFECTIVE DATE:** January 1, 2010

**GOVERNOR’S BUDGET:** This bill is not anticipated by the Governor’s recommended budget.

**LOCAL GOVERNMENT MANDATE:** This bill does not affect local governments' service levels or shared revenues sufficient to trigger Section 15, Article XI of the Oregon Constitution.

**ANALYSIS:** *This fiscal impact statement has been revised due to additional information from the Department of Fish and Wildlife.*

Current law states that the State Fish and Wildlife Commission by rule may permit fixed fishing gear or seines for the taking of certain species of food fish other than salmon or steelhead. This measure allows that the Commission by rule may permit fixed fishing gear or seines for the taking of salmon. The measure specifies that the salmon must be taken for commercial purposes and from the Columbia River. The measure directs that when adopting any rule the Commission shall give due consideration to ensuring that the use of the fishing gear will protect natural runs and genetic diversity of anadromous fish.

The Department of Fish and Wildlife (ODFW) states that fixed fishing gear or seines are not allowed on the Columbia River. ODFW states that the adoption of rules relating to fixed fishing gear or seines would require the Department to conduct mortality studies of fish caught and released using the fixed fishing gear or seines. The Department states that these mortality studies are necessary to insure compliance with the Endangered Species Act. ODFW asserts that the studies would be required on each type of fixed fishing gear. The studies would involve initial field evaluation of each of the gear types and evaluation of salmon mortality rates for each gear type. The Department states that a three-year sample would be

necessary to establish a sufficient sample size and for a long enough time frame to account for testing variables.

ODFW estimates that a Supervising Fish and Wildlife Biologist and two Natural Resource Specialists are needed to conduct the initial field evaluation and mortality studies. The Department estimates eight seasonal Experimental Biology Aides are needed to conduct the sampling and data analysis over the three year testing period. Total Personal Services cost to the Department are estimated at \$864,194 for the 2009-2011 biennium. ODFW estimates \$433,333 in Services and Supplies expenditures for 2009-2011 biennium for new staff, construction and evaluation of the fishing gear, tagging of the salmon for study, and contracting with commercial fishers. Total cost of the measure is \$1,297,527 for the 2009-2011 biennium.

The Legislative Fiscal Office notes that the Department's estimates are based on a full biennium of expenditures. The Department states that evaluation would begin immediately upon passage of the measure. The positions required by the Department to perform this evaluation could not be filled in time for the start of the 2009-2011 biennium. The measure does not have an emergency clause and is effective January 1, 2010.