

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Watershed Enhancement Board

695

Agency and Division

Administrative Rules Chapter Number

Amends OWEB criteria for grants that enhance habitat and employ displaced commercial and sport fishers.

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

In the Matter of: Salmon Season State of Emergency Grants

Statutory Authority: ORS 541.396

Other Authority: Governor's Executive Order No. 08-10

Stats. Implemented: ORS 541.351 - 541.401

Need for the Rule(s):

In 2006, Executive Orders No. 06-06 and 06-07 declared a salmon season state of emergency due to Klamath River Basin conditions and subsequent limitations on ocean commercial and sport salmon fishing. In response, the Oregon Watershed Enhancement Board approved a delegation of authority to the Executive Director to enter into appropriate grant and interagency agreements to distribute funds for the purpose of funding immediate work opportunities for displaced fishers for project development, inventory and assessment activities, and restoration projects. The June 2006 Legislative Emergency Board allocated \$2.2 million in Measure 66 Lottery Funds to allow OWEB to carry out this effort.

The OWEB Board adopted temporary rules in July of 2006 to provide a legal basis for exercising a preference for OWEB grants that hire displaced fishers to perform restoration and other related work. OWEB made the temporary rules permanent in January of 2007. The adopted administrative rules were tied specifically to the 2006 Executive Orders and to the limitations on commercial salmon fishing.

On April 10, 2008, the Governor issued Executive Order 08-10 declaring another state of emergency due to the limitations on ocean commercial and sport salmon fishing. On May 21, 2008, the OWEB Board adopted temporary rules to amend Division 7 of OAR 695 to be able to exercise the preference for grants that hire displaced fishers to perform restoration and other related work under the 2008 Executive Order. These temporary rule expire on November 18, 2008. OWEB would like to continue to offer funding for immediate work opportunities for displaced fishers. Without making the amendments permanent, OWEB would not be able to exercise the preference for grants that hire displaced fishers to perform restoration and other related work under Executive Order 08-10 after November 18, 2008.

Documents Relied Upon, and where they are available:

GOVERNOR'S EXECUTIVE ORDER NO. 08-10

DETERMINATION OF A STATE OF EMERGENCY IN TILLAMOOK, LINCOLN, COOS, CLATSOP AND CURRY COUNTIES AND COASTAL PORTIONS OF LANE AND DOUGLAS COUNTIES DUE TO LIMITATIONS ON OCEAN COMMERCIAL AND SPORT SALMON FISHING (Available at http://governor.oregon.gov/Gov/exec_orders.shtml)

The May 2008 Board staff report and adopted temporary rules are available from OWEB's rules coordinator Melissa Leoni at melissa.leoni@state.or.us or 503-986-0179.

Fiscal and Economic Impact, including Statement of Cost of Compliance:

The Oregon Watershed Enhancement Board offers grant opportunities to citizens and organizations engaged in voluntary watershed restoration and enhancement work. Funding is available to applicants for projects that meet the eligibility and evaluation criteria set by the Board for different project types. These rules amend evaluation criteria for one type of grant offered by the Board. Applicants with projects outside of the geographic area impacted by the 2008 Executive Order, or who are unable to hire displaced fishers, are still eligible to apply for funding for similar projects through OWEB's other grant programs.

The proposed rule changes are not expected to have a fiscal impact on small businesses, state agencies, local government, or the public. The intent of the Salmon Season State of Emergency Grants program is to create work opportunities for displaced workers while accelerating the rebuilding of fish populations. During the 2006 Fishing Disaster Emergency, OWEB funded employment for at least 40 displaced fishers to work on salmon habitat restoration projects and 24 displaced fishers on monitoring projects (typically spawning survey work or habitat assessment work, etc.). OWEB grant recipients typically purchase their project materials and supplies from local vendors, which also benefit the local economy.

Grant applicants (any individual, organization, local government, or institute of higher education) who receive a Salmon Season State of Emergency grant may have higher project costs due to the hiring and training of displaced fishers. In order to minimize costs associated with finding displaced fishers to hire, OWEB has coordinated efforts with the Oregon Salmon Commission, which has developed an "eligibility registration form" and database of interested commercial and sport fishers, to provide grantees with a single contact for information on fishers willing to work in their area.

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

Affected fishers, who may be the owner or operator of an Oregon licensed ocean salmon troll or sport fishing vessel, have been involved in the development of OWEB's response to the Governor's 2006 and 2008 Executive Orders, which are the basis for these proposed rules.

Administrative Rule Advisory Committee consulted?: No

If not, why?: In crafting OWEB's response to the Governor's 2006 and 2008 Executive Orders, OWEB staff consulted with the Governor's Office, Oregon Salmon Commission, local watershed councils, soil and water conservation districts, Oregon State University Extension Sea Grant, and affected fishers. These individuals and organizations would be the stakeholders invited to participate in a rules advisory committee.

Signature	Melissa Leoni	7/15/08
	Printed name	Date

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