



# Oregon

Tina Kotek, Governor

## State Marine Board

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Guide Advisory Committee Meeting

Wednesday, August 14, 2024

Virtual Teams Meeting

5:00pm

### Agenda

1. Introduction
  - a. New member
2. Attendance
3. Approval of minutes of the previous meeting 05/14/2024
4. Renewal Update
5. Enforcement Update
  - a. OSP update
  - b. Illegal guiding signage
6. Old Business
  - a. OG Fee Restructure – LC0344
7. New Business
  - a. ODFW meeting
  - b. Southern Resident Orcas – Oregon Endangered Species changes
  - c. Outfitter Guides as Booking Agents
  - d. Outdoor Recreation Summit Presentation
8. Round Table  
Next Meeting

Adjourn



**ATTENTION  
UNLICENSED GUIDES**

**YOU ARE BEING  
WATCHED**

**REPORT UNLICENSED GUIDES**

**TIP LINE (800) 452-7888**

**[outfitter.guide@boat.oregon.gov](mailto:outfitter.guide@boat.oregon.gov)**

**VIOLATORS WILL BE PROSECUTED ORS 704.020**



**OG Fee Restructure  
Legislative Concept  
Discussion**



# Problems Trying To Solve

- OG program expenditures continue to exceed revenues
- Fee changes (increase, restructuring) requires revisions to statute (legislation)
- Current non-resident Outfitter & Guide fee structure (reciprocity) does not align with interstate commerce laws which has blocked outfitter guide statute changes in past
- State is prohibited from preferentially charging less to its own residents in the pursuit of a common occupation, to the detriment of their non-resident competitors

# Reciprocity & Non-resident Fees

- **ORS 704.020(4)(b)....** distinctions in fees or charges based on the type of outfitter and guide service performed.... apply those same distinctions and require the nonresident applicants to pay the corresponding fees or charges
- **Oregon OG Fees:**
  - Resident \$150
  - California \$652
  - Washington (Fishing Below Longview Bridge) \$2,575
  - Washington (Fishing Above Longview Bridge) \$1,490
  - Washington (Fishing Non-Navigable) \$760
  - Washington (All other services) \$150
  - Arizona (Hunting & Fishing) \$300
  - Nevada (Hunting & Fishing) \$250
  - Nevada (Other services) \$150
  - Other states not listed (any service) \$150

# Non-resident Reciprocity Equals Budget Majority

## 2021

- 6.9% (95) guides paid more than \$150
- 44% of total OG income (\$152,869)

## 2022

- 6.8% (100) guides paid more than \$150
- 44% of total OG income (\$162,458)

## 2023

- 6.8% (104) guides paid more than \$150
- 42% of total OG income (\$166,195)

# Solutions To Interstate Commerce Legal Barrier

- Oregon resident and non-resident Outfitter Guide registration fee adjusted to be the same amount
- Add fee for Outfitter Guide employees (currently \$0),
- Non-resident Hunt Tag Program fee increases and adding per unit certification fee (currently \$0)
- Resident registration fee will need to be increased to offset the revenue gap created by higher fees currently in place for non-residents
- Previous OG legislative concepts stopped due to interstate commerce laws misalignment

# Previous OG legislative concepts blocked

- “Deck Hand” crew member designation/classification (2023)
- Charter boat operated by Outfitter Guide (2023)
- Hunting guide surety bond requirement to \$10,000 (2023)
- Motorboat definition, regarding motor in use (2023)
- GAC membership, selection not just associations (2023)
- TIP Program participation (2023)
- Proof of worker compensation for employees
- Add “arrested and cited” in background disclosures
- Add out-of-state “convictions and felonies” in background actions equivalent to Oregon convictions



# Guide Advisory Committee Feedback

Do you support the proposed OG fee restructuring where all resident and non-resident registered guides would pay \$350 annually. Yes/No and please explain.

**Yes 82%**

- I support a resident guide fee of \$350 but I would like to keep the reciprocal out of state fee currently being used.
- Yes. That is a reasonable amount and is fair across-the-board. Also, would make it much simpler.
- Yes. It's finally a fair and balanced rate for both resident and non-resident OR/WA fishing guides.
- Yes. It just makes sense.
- Yes, the fee structure needs to be consistent with the cost of administration.
- Yes
- No, I do not support a few restructure where all guides pay \$350
- Yes, for youth guiding companies like ours, a \$350 would not impact our budget significantly.

# Guide Advisory Committee Feedback

Would you support a separate fee for employees who are not required to be individually registered. Currently there is no fee but requires measurable processing per employee? Y/N and please explain.

**Yes 63%**

- I support a separate fee to help offset the extra processing cost caused by the employees.
- No. Deckhands should not have a fee. They are often very short term or fill in help. \*
- No, I feel that deckhands on sportfishing guided vessels should NOT need to be full USCG certificated. \*
- Yes. I think fishing deckhands should be structured the same also.
- Yes, and they should pay for it.
- Y, it seems like some increase based on tiers of staff size would make sense.
- A separate fee is not viable for small businesses.
- Yes, this creates a more individualized and equitable fee structure for small guiding vs. larger guiding companies, i.e. large guiding companies have larger budgets that can better absorb these costs.

\* incorrect assumption in what question was asking, there was previous leg concept (2023) that was to define employee and deck hand/crew member to align with industry input

# Guide Advisory Committee Feedback

Currently all fishing guide employees must be individually registered as an OG, paying the same fee as the employer. Should that remain the same? Y/N and please explain.

**Yes 18%**

- Yes
- No. Deck hands should not be regulated by a such a fee
- No. They also should NOT have to pay to be put under the current guides' state license.
- No. It's definitely too steep a cost at \$350 and is unfair.
- I believe a fee less than the employers should be considered, perhaps can be structured to not over burden the employer or the staff.
- No opinion
- No, because this is not fair across all aspects. Hunting, rafting, birdwatching etc...guides who work under and employer do not need an outfitter/guide license, that would be the same for a fishing guide too.
- No, if we enact a per employee fee.

# Guide Advisory Committee Feedback

Should we require any other guided services to have their employees individually register as OG? Y/N and please explain.

**Yes 25%**

- Yes
- No. I can't speak to other types of guides, but in the Outfitted fishing business deck hands should never have a fee, license or such. Their employment should be at the discretion of the guide.
- No.
- No. Unless fishing guide deckhands stay structured as they are now.
- I don't believe so at this time.
- N, if each employee had to individually register it would be more difficult to attract short term seasonal employees.
- All tour activities should carry a guide license.
- No, but again would defer to group consensus.

# Guide Advisory Committee Feedback

On a scale of 1-10, how supportive  
of restructuring OG fees are you?

Yes 85%

**8.5**

was

average

response

# OG FEE RESTRUCTURE PRELIMINARY DETAIL REPORT

Fee Title/Description	Who Pays Fee	Fee Change	Date of Last Change	Amount of Last Change	Current Fee	Proposed Fee	Amount of Proposed Fee Change	Total 2023-25 Revenue	Projected 2025-27 Transactions with New Fee	Impact on 2025-27 Revenue	Total 2025-27 Revenue
Outfitter & Guide Annual Registration (Resident)	Any Oregon resident who provides Outfitter and Guide services in Oregon	Increase	2014	100	150	350	200	417,750	2,785	557,000	974,750
Outfitter & Guide Annual Registration (Non-resident from a state that charges a fee)	Any non-resident from a state that charges a fee who provides Outfitter and Guide services in Oregon	Decrease	Annually 10/1	Varies	Varies	350	Varies	359,799	220	(300,789)	77,000
Outfitter & Guide Annual Registration (Non-resident from a state that does not charge a fee)	Any non-resident from a state that does not charge a fee who provides Outfitter and Guide services in Oregon	Increase	2014	100	150	350	200	49,500	330	66,000	115,500
Outfitter & Guide Duplicate Registration Fee	Current registered Outfitter and Guides that need to replace the original registration that has been lost, stolen or mutilated	Increase	2011	5	5	15	10	1,760	352	3,520	5,280
Outfitter & Guide Employee Registration Fee	Outfitter and Guides who employ individuals that directly assist in physically providing Outfitting and Guiding services in Oregon	Establish	N/A		-	25	25	N/A	440	11,000	11,000
Non-Resident Hunt Tag Certification Application Fee	Outfitter and Guides seeking to participate in the ODFW allocation of non-resident Hunt tags	Increase	1997	75	75	150	75	675	9	675	1,350
Non-Resident Hunt Tag Certification Application Renewal Fee	Outfitter and Guides seeking to participate in the ODFW allocation of non-resident Hunt tags	Increase	1997	25	25	50	25	2,200	88	2,200	4,400
Non-Resident Hunt Tag per Unit Certification Fee	Outfitter and Guides seeking to participate in the ODFW allocation of non-resident Hunt tags pay fee per unit certified	Establish	N/A		-	5	5	N/A	2,325	11,625	11,625
Outfitter & Guide Civil Penalties (First Violation)	Penalties for first violations of ORS 704.020, 704.021, 704.030, or 704.065	Increase	2016	200	200	400	200	200	1	200	400
Outfitter & Guide Civil Penalties (First Violation of ORS 704.070)	Penalty for the first violation of 704.070	Increase	2016	250	250	500	250	250	1	250	500
Outfitter & Guide Civil Penalties (Prior Violations)	Penalties for violations of ORS 704.020, 704.021, 704.030, or 704.065, when a person has previously been found guilty of a violation	Increase	2016	400	400	800	400	400	1	400	800
Outfitter & Guide Civil Penalties (Prior Violations of ORS 704.070)	Penalty for a violation of 704.070, when a person has previously been found guilty of a violation	Increase	2016	500	500	1,000	500	500	1	500	1,000

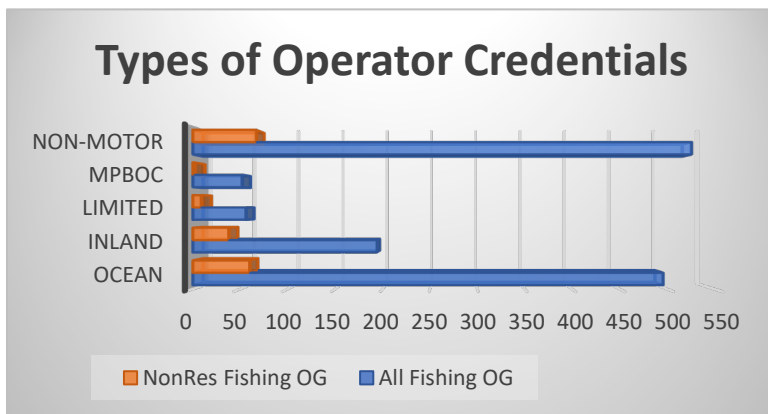
# Next Steps

- LC 0344 has been conditionally approved by Governors Office and CFO; and currently being drafted by Legislative Counsel
- Marine Board voted in favor of supporting the legislative concept during the July quarterly board meeting
- Board has directed agency staff to continue moving forward with OG Fee Restructure as a Policy Option Package
- This concept allows agency to restructure fees, maintain current service levels (CSL) of a mandatory program, maintain CSL of enforcement contract, and allow opportunity for future leg concepts

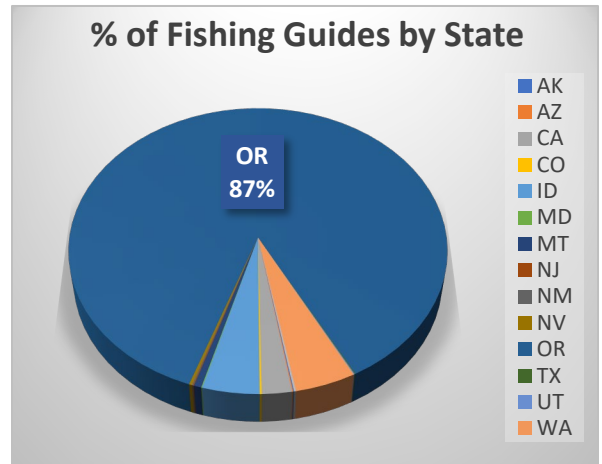
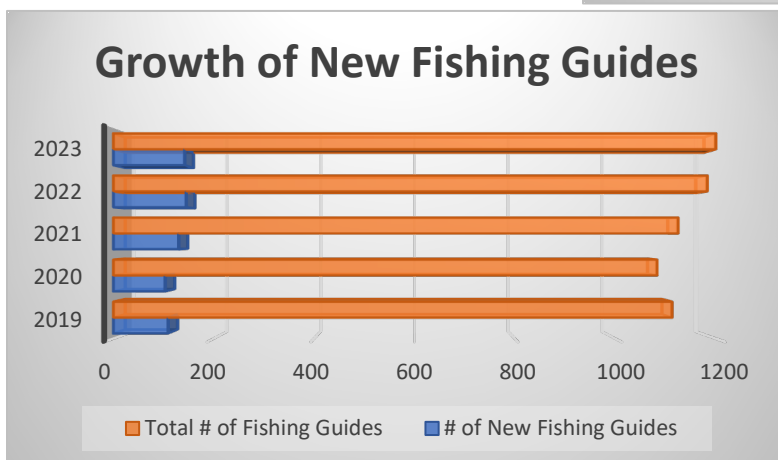
## Oregon Fishing Outfitter Guides

The Oregon State Marine Board (OSMB) registers Outfitter Guides - in brief, those who provide outdoor recreational activities for compensation on water or land they do not own or control. They are registered annually and have totaled approx. 1300-1500 for the last 10 years. The number of guides who state they provide **fishing services has remained consistent at approx. 81 percent of the total registered guides**. These fishing guides range from bank fly fishermen, to whitewater guides assisting their clients with fishing along their rafting trip, to the traditional coastal guide operating a boat searching for salmon or steelhead. **Over the last 6 years we've seen 9.7% growth in the number of fishing guides.**

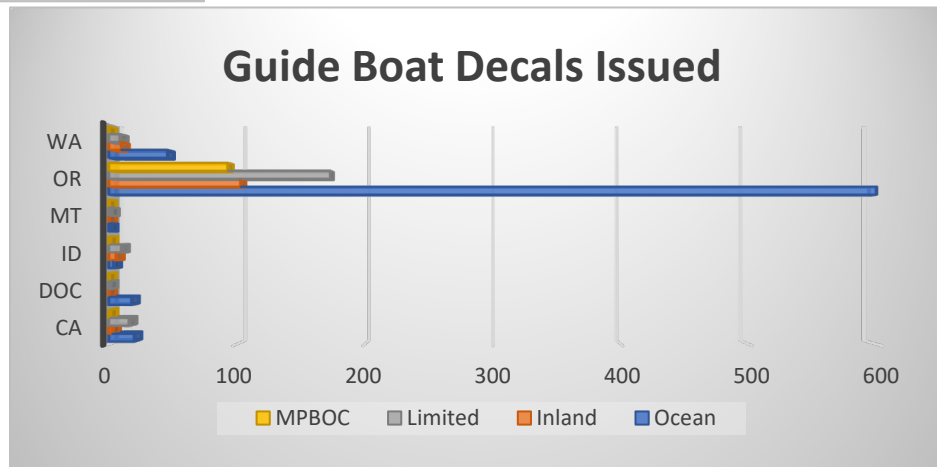
During that same 6-year period, the number of non-resident guides has remained steady at about 13% of the total guide population, with Washington, California and Idaho providing consistently the most non-resident Oregon Outfitter Guides.



Guides with operator certifications are issued decals that they must display on their guide boats, noting their operator credentials (Ocean, Inland, Limited, and Non-navigable only) and maximum number of passengers. **While there has been a 9.7% growth in the number of fishing guides in 6 years, there has been a 17% growth in decals issued.** By far, the majority of decals issued are to Oregon guides with USCG Near Coastal endorsements.



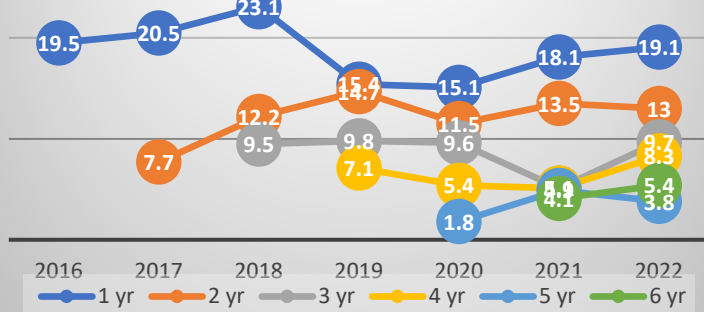
Of these fishing guides, currently there are slightly more guides with no operator credential (non-motorized or non-boating) than those with US Coast Guard Ocean/Near-Coastal endorsements. Those are followed far behind by Inland and then by Limited endorsements and state-issued non-navigable only MPBOC certifications.



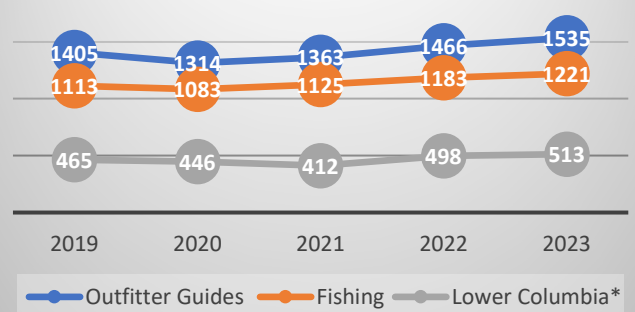
New guides are quick to be blamed for overcrowding. However, data shows that they've remained consistent over the past five years at approx. 11% of fishing guides being newly registered that year. Previously, guides had been thought to stay in areas close to their residences. With the advent of social media and easily shared information on fishing conditions, we see that fishing guides are much more nomadic and often set up temporary homes in campgrounds, etc. for fish runs or seasons.



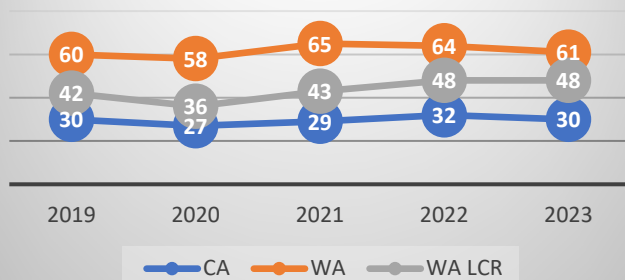
## Attrition Rate for New Guides



## Guide Population



## WA & CA Fishing Guides



\* Issued decals that allow them to be in the LCR

**18.68% of new guides do not register for more than one year.**

If you remove the 500+ guides that have been registered 10+ years, **the average tenure of a fishing guide is 4 years.**

### Statute - ORS 704

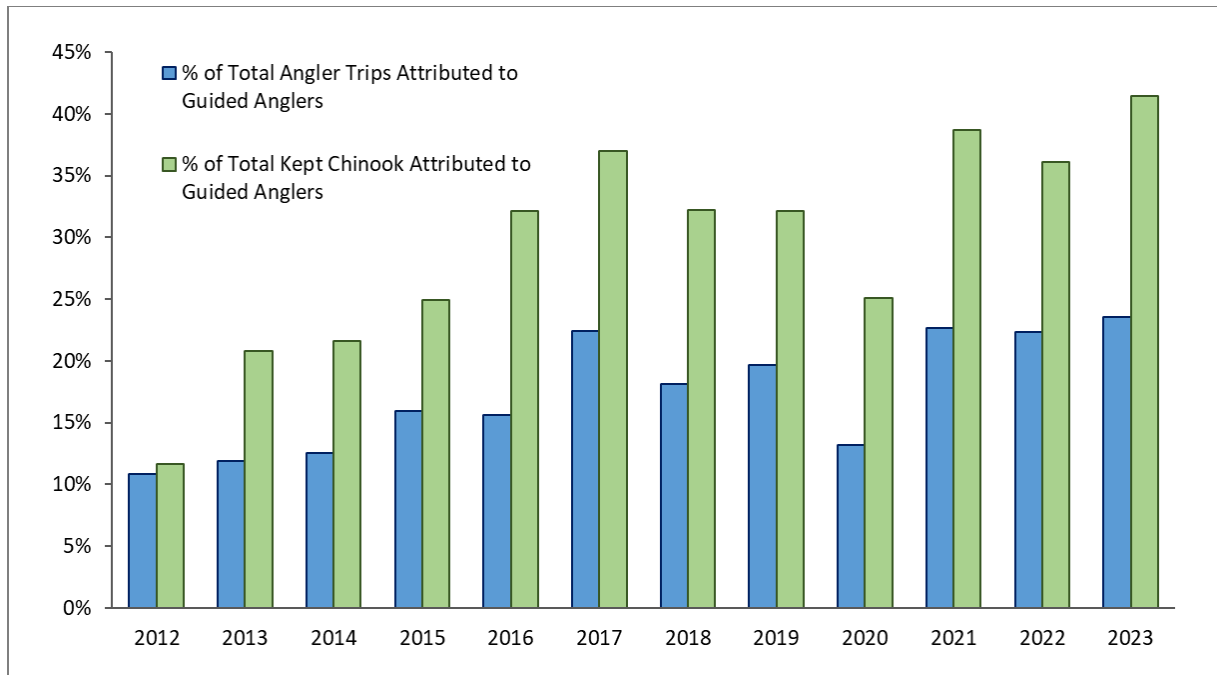
- Definition of Outfitter Guide, Outdoor Recreational Activity, Outfitting and Guiding Services, Trip-Sharing
- Annual registration requirement and fee
- First Aid/CPR, Ins and Operator Cert (MMC or MPBOC), employee requirements
- "Description of" outfitting and guiding services, geographic areas, experience
- Background Affidavit
- Issuance of decals & certificate of registration and requirements to display
- Reciprocity
- Revocation/restriction responsibilities and Opportunity for Hearing
- Non-Resident Hunt Tag Program authority
- Class III whitewater training, PFD requirements, helmets, safety gear requirements

### Rules - OAR 250-016

- Definition of Resident, Serious & Repeated, Outfitter and Guide Hunt
- Employee registration/recordkeeping
- Incident Reporting
- Registration documentation & Motorized Passenger Boat Operator Certification
- Proof of registration requirements & cancellation/reinstatement
- Non-Resident Hunt Tag program
- Ethics & Professional Standards
- Safety & Equipment Requirements for whitewater, inland & non-boating guides



## Columbia R Buoy 10 case study



- The Columbia R Buoy 10 (B10) fishery is very popular with anglers but is limited by allowed mortalities on ESA-listed salmon stocks.
- Conflicting goals: Federal ESA limits vs target season length (OAR) vs angler satisfaction (hatchery only Chinook regulation slows fishery but reduces angler satisfaction with fishery)
- Guides are very efficient; harvesting a bigger % of B10 Chinook catch over time.
  - OR now harvesting about 75% of B10 catch. WA not thrilled with that.
- Guides are also mobile so can follow fish up the system.
- Segment of public believes something needs to be done to control guides in Columbia
  - Ideas have included some sort of limited entry (like Deschutes or high lakes?) or geographic limitation.
    - East/West
    - A-B-C license (A=B10-Longview, B=Longview-Bonneville, C=above Bonneville). Would need something for CR tributaries, coast/ocean
  - Moratorium on issuing new licenses