

Secretary of State

NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form

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2-15-17 3:38 PM

ARCHIVES DIVISION
SECRETARY OF STATE

Department of Fish and Wildlife

635

Agency and Division

Administrative Rules Chapter Number

Michelle Tate

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Rules Coordinator

Telephone

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Address

RULE CAPTIONOregon State List of Threatened and Endangered Species Amended

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

Hearing Date	Time	Location	Hearings Officer
4-21-17	8:00 a.m.	Running Y Ranch 5500 Running Y Road Klamath Falls, Or 97601	Oregon Fish and Wildlife

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:**AMEND:**

OAR 635-100-0125 as determined justified.

REPEAL:**RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.**AMEND AND RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.**Statutory Authority:**

ORS 496.004, 496.171, 496.172, 496.182, 496.192, 498.026

Other Authority:**Statutes Implemented:**

ORS 496.004, 496.171, 496.172, 496.182, 496.192, 498.026

RULE SUMMARYRule amendments remove Borax Lake Chub (*Gila boraxobius*) and Foskett Spring Speckled Dace (*Rhinichthys osculus* ssp.) from the Oregon State List of Threatened and Endangered Species.

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.

04-21-2017 Close of Hearing

Michelle Tate

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Last Day (m/d/yyyy) and Time
for public comment

Rules Coordinator Name

Email Address

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
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635
Administrative Rules Chapter Number

Oregon State List of Threatened and Endangered Species Amended

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

In the Matter of:

Amendments to OAR 635-100-0125, the Oregon State List of Threatened and Endangered Species.

Statutory Authority:

ORS 496.004, 496.171, 496.172, 496.182, 496.192, 498.026

Other Authority:

Statutes Implemented:

ORS 496.004, 496.171, 496.172, 496.182, 496.192, 498.026

Need for the Rule(s):

These rule amendments are needed to remove Borax Lake Chub (*Gila boraxobius*) and Foskett Spring Speckled Dace (*Rhinichthys osculus* spp.) from the Oregon State List of Threatened and Endangered Species.

Documents Relied Upon, and where they are available:

1. Staff report for the Oregon Fish and Wildlife Commission hearing of April 21, 2017.

A copy of the rules and the other documents relied upon for this rulemaking [the above document] are available from the Oregon Department of Fish and Wildlife, Fish Division, Second Floor, 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:

See Attached FIS

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

See Attached FIS

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

See Attached FIS

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

See Attached FIS

c. Equipment, supplies, labor and increased administration required for compliance:

See Attached FIS

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

Small businesses were not involved in the development of these rule amendments. However, efforts were made to notify local communities of the proposed removal of Borax Lake Chub and Foskett Spring Speckled Dace from the Oregon State List of Threatened and Endangered Species. The nearest population centers in Oregon to Borax Lake are Lakeview (146 miles) and Burns (116 miles). The nearest population centers in Oregon to Foskett Spring are Lakeview (44 miles) and Klamath Falls (139 miles). Public meetings were held to present the development of this rule in Burns (November 7, 2016), in Lakeview (November 10, 2016), and in Salem (November 21, 2016). Additionally, public correspondence will be accepted in writing until Commission action on April 21, 2017.

Administrative Rule Advisory Committee consulted?: No

If not, why?:

The waters where these species can be found are currently managed cooperatively by the U.S. Bureau of Land Management, The Nature

Conservancy, U.S. Fish and Wildlife Service, and Oregon Department of Fish and Wildlife. These organizations are currently working to finalize Cooperative Management Plans to guide management and conservation of these species into the future.

<u>04-21-2017 Close of Hearing</u>	<u>Michelle Tate</u>	<u>michelle.l.tate@state.or.us</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address

**Economic Impact Statement for the April 21, 2017 Hearing
In the Matter of Rules Relating to the
Oregon State List of Threatened and Endangered Species**

These amended rules are needed to remove the Borax Lake Chub (*Gila boraxobius*) and the Foskett Spring Speckled Dace (*Rhinichthys osculus* spp.) from the State List of Threatened and Endangered Species. The removal of these two fish species from the list requires minimal staff time to put together the Oregon Fish and Wildlife Commission exhibit and does not affect the staff effort in managing and monitoring the two species.

Fiscal and economic impacts discussed below pertain to the proposed rules at the time of the writing of this FIS.

Statement of Cost of Compliance

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

The proposed rules will affect state agencies, units of local government, and the public, respectively, as discussed below:

A. The state agency that could be affected by these rules are the Oregon Department of Fish and Wildlife (ODFW). No significant changes from the current levels of the agency's staffing, expenditures, or revenues are expected as a result of these particular rules.

B. No units of local government would be affected by the proposed rules.

C. The public is not affected by the proposed rules.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:

None.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

None.

c. Equipment, supplies, labor and increased administration required for compliance:

None.

The rules are believed to be fully compatible with legislative direction on the goals of fish and wildlife management in Oregon.

We do not believe that a less intrusive or less costly alternative adaptation to only small business is consistent with the purpose of the rule.