

Secretary of State

**STATEMENT OF NEED AND FISCAL IMPACT**

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

Oregon Department of Fish and Wildlife, Fish Division

635

Agency and Division

Administrative Rules Chapter Number

In the Matter of: Amendment of OAR Chapter 635, Divisions 005 and 006, related to Developmental Fisheries Program and Shellfish Fisheries.

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

Amendment of Rules for the Issuance and Management of Developmental Fishery Permits

Statutory Authority: ORS 496.146, 506.036, 506.109 and 506.119

Other Authority:

Stats. Implemented: ORS 506.036, 506.109, 506.119, 506.129, 506.450 though 506.465

Need for the Rule(s):

The Oregon Fish and Wildlife Commission establish the annual developmental fisheries species list. Senate Bill 241 amended Oregon Revised Statutes to transfer responsibility of developmental fishery permit reviews from the Oregon Fish and Wildlife Commission to the Commercial Permit Review Board. It is necessary to establish the Developmental Fisheries Species List; to modify rules that reflect the Senate Bill amendments; and modify rule requirements for developmental crab fisheries.

Documents Relied Upon, and where they are available:

1. Staff report for the Oregon Fish and Wildlife Commission hearing of December 7, 2007.

The above documents are available for public inspection in the Department of Fish and Wildlife, Fish Division, Third Floor, 3406 Cherry Avenue NE, Salem, Oregon, between 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

Fiscal and Economic Impact, including Statement of Cost of Compliance: See attached.

How were small businesses involved in the development of this rule? Department staff convened a conference call with the Developmental Fisheries Board on August 29<sup>th</sup>, 2007 (four voting Board members, one non-voting Board member) in Newport to discuss potential rule changes.

Administrative Rule Advisory Committee consulted?: No.

If not, why?: Department staff consulted with the Developmental Fisheries Board on August 29<sup>th</sup>, 2007.

Signature

Lance Thomson  
Printed name

October 15, 2007  
Date

**Fiscal and Economic Impact Statement for the January 11, 2008 Hearing  
In the Matter of Rules Relating to Developmental Fisheries Permit Review,  
Adopting the Developmental Fisheries List, and  
Requirements for a Developmental Box Crab Permit**

Fiscal and economic impact: The following changes are being proposed to the rules for Developmental Fisheries: 1) transfer some authority for the review of denied permits from the Oregon Fish and Wildlife Commission to the Commercial Fishery Permit Board; 2) in setting the annual developmental fisheries species lists A, B, and C, remove abalone from the developmental fisheries species list and discontinue the fishery as catch per unit effort in this fishery has been steadily declining in recent years; and 3) require a Dungeness crab permit and a developmental fisheries permit to harvest box crab. Only a limited number of fishers will be affected by this rule as most of the box crab landed in recent years has been made by fishers in the Dungeness crab fishery. Also, changes are being suggested to developmental fishery permit buoy brand markings. The Oregon Department of Fish and Wildlife (ODFW) would assign a unique buoy number for the tanner/Oregon hair/scarlet king crab fishery. This will make rules more consistent with existing requirements in the Dungeness crab fishery and is intended to foster a more orderly fishery. The proposed rules will affect state agencies, units of local government, and the public, respectively, as discussed below:

- A. The only state agencies which will be affected by adoption of these rules are the ODFW and the Oregon State Police (OSP) for enforcement costs. Elimination of the abalone fishery will result in the loss of one developmental fisheries permit fee and associated landings fees. Since there is currently one participant in the abalone fishery, confidentiality dictates that the exact amount of the lost landings fees cannot be revealed. The changes in authority to the Commercial Fishery Permit Board for some limited entry permit review functions and the crab gear marking requirements will have no significant impact on ODFW's expenditures or operations.
- B. No units of local government are expected to be affected by these rules. No significant changes from the current levels of any local agencies' operations or expenditures are expected as a result of the adoption of these rules.
- C. The public could be affected by the adoption of these rules. The participant in the abalone fishery will lose all of the revenues from this fishery. But, by eliminating the commercial harvest of abalone, it is hoped that populations can be sustained so they are available to present and future generations.

Current participants in the box crab fishery that do not also hold a Dungeness crab permit would not be allowed to obtain a developmental fishery permit for that fishery. This occurrence is low, as most of the current participants also hold Dungeness crab permits. The requirement of clear buoy tag markings for developmental crab fisheries is intended to reduce fishing of pots that do not belong to a particular vessel, resulting in a more orderly fishery. It will also help with the timely return of any abandoned gear to the owner.

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

Businesses affected by these rules are believed to be "small business."

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.