

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
Agency and Division

635

Administrative Rules Chapter Number

In the Matter of: Amendment of OAR Chapter 635, Division 006, related to damages for commercial fishing violations.

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

Establish Average Market Values of Food Fish for Determining Damages Related to Commercial Fishing Violations.

Statutory Authority: ORS 506.119

Other Authority:

Stats. Implemented: ORS 506.109 and 506.720

Need for the Rule(s):

Rule modifications are necessary to update existing food fish species' market values that will be used to assess damages resulting from commercial fishing violations in 2009.

Documents Relied Upon, and where they are available:

1. Staff report for the Oregon Fish and Wildlife Commission hearing of January 9, 2009.

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 statement.

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

Not applicable.

Administrative Rule Advisory Committee consulted?: No.

If not, why?:

Revisions to this rule are based on actual prices paid for fish species by licensed fish dealers with the exception of amounts mandated by Oregon Revised Statutes.


Signature

Lance Thomson
Printed name

November 14, 2008
Date

**Fiscal and Economic Impact Statement for the January 9, 2009 Hearing
In the Matter of Rules Relating to Food Fish Values Used In
Determining Damages for Commercial Fishing Violations**

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

A. The only state agency that should be affected by adoption of these rules is the Oregon Department of Fish and Wildlife (Department). No significant changes from the current levels of the Department's operations or expenditures are expected as a result of the adoption of these rules.

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 persons or businesses most likely to be affected are those who may be assessed damages for commercial fishing violations. The proposed amendments would replace the existing values with updated values. The changes could increase or decrease the damages depending on the species involved, and the market prices for those species in the last year. Overall, there will probably not be large changes in the magnitude of the total damages that could be incurred.

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

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