

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 the Commercial Shellfish Fishery; Gear; Licenses; Poundage Fees; Records and Reports.

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

Amend Rules for the Commercial Ocean Dungeness Crab Fishery.

Statutory Authority: ORS 496.146, 506.109, 506.119, 506.129, 506.755, 508.941 and 508.921

Other Authority:

Stats. Implemented: ORS 496.146, 506.109, 506.119, 506.129, 506.755, 508.941 and 508.921

Need for the Rule(s):

These rules are needed to minimize crab wastage and gear conflicts with other fisheries, reduce crab pot loss in the ocean, and to provide opportunities for crab buoy tag exchanges at sea during permit transfers. These rules are needed to delegate to the Commercial Fishery Permit Review Board authority to waive some requirements for commercial ocean Dungeness crab fishery permit renewals.

Documents Relied Upon, and where they are available:

1. Staff report for the Oregon Fish and Wildlife Commission hearing of October 2, 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.


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

Department staff convened the Oregon Dungeness Crab Summit in July 2009. All permit holders, processors, and interested persons were invited to participate and discuss fishery issues, including permit and gear needs and options with ODFW staff.

Administrative Rule Advisory Committee consulted?: No

If not, why?:

These proposed rule changes were developed through significant consultation with members of the commercial ocean Dungeness crab fleet.



Signature

Lance Thomson

Printed name

August 7, 2009

Date

**Fiscal and Economic Impact Statement for the October 2, 2009 Hearing
In the Matter of Rules Relating to Derelict Crab Pots, Buoy Tag Transfers,
Permit Renewal Changes, and Changes to License Requirements**

Fiscal and economic impact: Rule changes are being proposed to allow crab fishers to move crab pot buoy tags on the water upon the transfer of a crab permit. Prior notification of the Oregon Department of Fish and Wildlife (ODFW) and the Oregon State Police (OSP) would be necessary to carry out any transfers on the water. Also, a change is being proposed to increase the limit of derelict gear that a crab vessel may carry during the season. Changes are also proposed that will allow the Commercial Fisheries Permit Review board to waive the requirement that vessel permit holders renew on time. Such waivers would be granted on a case-by-case basis. Further, changes to commercial fish licensing regulations would prevent a fisher with a revoked license due to violations from obtaining a crew license as well. 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 and the Oregon State Police for enforcement costs. No significant changes from the current levels of these agencies' 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. This rule allows more options in the crab fishery for transferring pots and recovering derelict gear. Some parties would benefit from the convenience and cost-savings of these rules, including licensees who apply late and still retain their permit through a review. Commercial fishing violators would lose the opportunity to fish with a crew license, and information is not available on the magnitude of costs to those individuals or businesses from this action.

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.