

Secretary of State

**NOTICE OF PROPOSED RULEMAKING HEARING\***

A Statement of Need and Fiscal Impact accompanies this form.

Oregon Department of Fish & Wildlife, Fish Division	635
Agency and Division	Administrative Rules Chapter Number
Therese Kucera	(503) 947-6033
Rules Coordinator	Telephone
3406 Cherry Avenue NE, Salem, OR 97303	
Address	

**RULE CAPTION**

Adopt Regulations That Restrict Public Access of Department Fish Hatcheries

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

August 6, 2010	8:00 a.m.	Commission Room Oregon Department of Fish & Wildlife 3406 Cherry Avenue NE Salem, OR 97103	Oregon Fish & Wildlife Commission
Hearing Date	Time	Location	Hearings Officer

*Auxiliary aids for persons with disabilities are available upon advance request.***RULEMAKING ACTION**

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

**ADOPT:** OAR Chapter 635, Division 008 as determined justified.**AMEND:** OAR Chapter 635, Division 008 as determined justified.**REPEAL:** OAR Chapter 635, Division 008 as determined justified.**RENUMBER:****AMEND & RENUMBER:**

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 &amp; 496.992

Other Auth.:

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 &amp; 496.992

**RULE SUMMARY**


Amend rules relating to the public's access times and activities at Department fish hatcheries.

Housekeeping and technical corrections to the regulations may occur to ensure rule consistency.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

August 6, 2010

**Last Day for Public Comment** (Last day to submit written comments to the Rules Coordinator)

  
Signature

Lance Thomson  
Printed name

April 15, 2010  
Date

\* Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

**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 & Wildlife, Fish Division

635

Agency and Division

Administrative Rules Chapter Number

Adopt Regulations That Restrict Public Access of Department Fish Hatcheries.

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

In the Matter of: Amendment of OAR Chapter 635, Division 08, related to public access to department fish hatcheries.

Statutory Authority: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Other Authority:

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 496.992

Need for the Rule(s):

These rules are needed, in addition to provisions of OAR 635-08-0200, to define restrictions on public use of Department fish hatcheries.

Documents Relied Upon, and where they are available:

1. Department Staff Report to the Oregon Fish and Wildlife Commission for the August 6, 2010 hearing.

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? Not involved.

Administrative Rule Advisory Committee consulted?: No.

If not, why?:

In the recent past, certain members of the public have been trespassing; poaching; and participating in unsafe practices at the Sandy Hatchery and the Cedar Creek Access. Enforcement, the Oregon State Police Fish & Wildlife Division, has requested this rule to define restrictions to public access and use of Department hatchery grounds for public safety purposes and to assist them in dealing with these problems.



Signature

Lance Thomson

Printed Name

June 15, 2010

Date

## **Fiscal and Economic Impact Statement for the August 6, 2010 Hearing In the Matter of Rules Relating to Fish Hatchery Access Hours**

Fiscal and economic impact: Rule changes are being proposed to define the hours that Fish Hatchery property is open to the public. The proposed rules will affect state agencies, units of local government, and the public, respectively, as discussed below:

A. The only state agency that would be affected by adoption of these rules is the Oregon Department of Fish and Wildlife (ODFW.) No changes from ODFW's current operations, costs, or revenues are expected from this rule change.

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 is affected by the adoption of these rules, but individuals and businesses will not experience costs associated with this rule change.

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.

