

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

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Rules Coordinator

Address

Telephone

RULE CAPTION

Amend Bass and Walleye Fishing Tournament Rules to Establish Grandfather Rights for Permit Applicants

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

Washington County Fair Complex

Cloverleaf Building

873 NE 34th Avenue

Hillsboro, OR 97124

Oregon Fish & Wildlife Commission

September 2, 2010

8:00 a.m.

Location

Hearings Officer

Hearing Date

Time

*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 001 as determined justified.**AMEND:** OAR Chapter 635, Division 001 as determined justified.**REPEAL:** OAR Chapter 635, Division 001 as determined justified.**RENUMBER:****AMEND & RENUMBER:**

Stat. Auth.: ORS 496.138, 496.146 and 498.118.

Other Auth.:

Stats. Implemented: ORS 498.279 and 498.284.

RULE SUMMARY

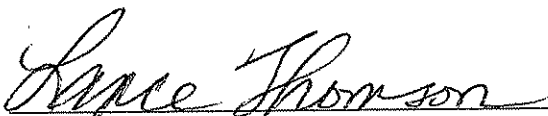
Amend rules relating to Bass and Walleye fishing tournaments to establish "grandfather" rights for permit applicants who meet certain criteria and to establish a preference point system for applicants which are not successful in getting a permit.

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.

September 2, 2010

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



Signature

Lance Thomson

Printed name

July 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
Agency and Division

635
Administrative Rules Chapter Number

Amend Bass and Walleye Fishing Tournament Rules to Establish Grandfather Rights for Permit Applicants
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 001, related to Bass and Walleye fishing tournament rules.

Statutory Authority: ORS 496.138, 496.146 and 498.118.

Other Authority:

Stats. Implemented: ORS 498.279 and 498.284.

Need for the Rule(s):

These rules are needed to establish "grandfather" rights for organizations that have applied for and received a tournament permit for a particular lake continuously for the past 25 years.

Documents Relied Upon, and where they are available:

1. Staff Report for the Oregon Fish & Wildlife Commission hearing of September 2, 2010.

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?

Small business representatives were not formally involved in the development of the proposed rule amendment, but input from several representatives of fishing clubs and organizations was solicited by the Department.

Administrative Rule Advisory Committee consulted?: No.
If not, why?:

These rule amendments are relatively minor so an Administrative Rule Advisory Committee was determined not to be necessary. The proposal for "grandfather" rights to tournament permits was reviewed by representatives of several fishing clubs and organizations and comments were provided by those participants.


Signature

Lance Thomson
Printed Name

July 15 2010
Date

Fiscal and Economic Impact Statement for the September 2, 2010 Hearing In the Matter of Rules Relating to Grandfather Rules in Bass Tournaments

Fiscal and economic impact: Rule changes are being proposed to allocate bass tournaments according to a point system and to implement "grandfather" rules in which an organization that has held a tournament continuously for 25 years or more on a specific lake will continue to be granted the permit automatically so long as participation requirements are met. If participation fails to meet requirements, the organization may lose their "grandfather" status and their automatic permit would then re-enter the permit pool. Oregon Department of Fish and Wildlife (ODFW) may become involved in determining if outstanding issues, such as safety, weather, or other unforeseeable events beyond the control of the organization would preclude revocation of "grandfather" status. However, the agency retains the option to not do so as well. Organizations that are denied a tournament permit on a particular body of water will receive "points" to be used to give that organization preference in receiving tournament permits in later years. 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.) The rules will not change the number of tournament permits issued or available, and is not expected to change the agency's operations or expenditures.

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 point system will allow organizations that have been waiting for a longer period of time the chance to receive a permit. This rule change has been developed in conjunction with bass fishing organizations that would be involved in tournaments. No significant changes to the finances of organizations are expected as a result of these rules, but revenues or expenditures associated with tournaments may be changed if the rules change which organizations receive permits. The magnitude of these changes is not known.

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.