

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
A Statement of Need and Fiscal Impact accompanies this form.

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

RULE CAPTION

Authorize Department staff to represent the agency in certain wildlife related contested cases
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

September 2, 2010 8:00 am 873 NE 34th Ave, Hillsboro OR 97124 Oregon Fish and Wildlife Commission
Hearing Date Time Location Hearings Officer

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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: 635-001-0070

AMEND:

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth. : ORS 183.452, 496.138

Other Auth.:

Stats. Implemented: ORS 183.452, 496.138

RULE SUMMARY

Subject to the approval of the Attorney General, an officer or employee of the Department, designated by the Director, is authorized to represent the Department in contested case hearings concerning suspension from the Landowner Preference Program or the Master Hunter Program, suspension of certification as a Hunter Education Instructor, or suspension or revocation of licenses or tags under the Wildlife Violator Compact.

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)

Heather Thomas

Heather Thomas

7/15/10

Signature

Printed name

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 and Wildlife (ODFW)

635

Agency and Division

Administrative Rules Chapter Number

Authorize Department staff to represent the agency in certain wildlife related contested cases

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)	Statutory Authority,
OAR Chapter 635, Division 001)	Statutes Implemented,
Relating to Department staff representing)	Statement of Need,
the agency in contested cases)	Principal Documents Relied Upon,
)	Statement of Fiscal Impact

Statutory Authority: ORS 183.452, 496.138

Other Authority:

Stats. Implemented: ORS 183.452, 496.138

Need for the Rule(s):

This action is necessary to allow department staff the ability to represent the agency in certain wildlife related contested cases.

Documents Relied Upon, and where they are available:

Fiscal and Economic Impact:

See attached.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): See attached.
2. Cost of compliance effect on small business (ORS 183.336):
 - a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: See attached.
 - b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: See attached.
 - c. Equipment, supplies, labor and increased administration required for compliance: See attached.

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

Administrative Rule Advisory Committee consulted?:

If not, why?:

The draft administrative rules were developed by consultation with Wildlife Division staff, Administrative Services Division staff, and the Department of Justice. Correspondence from and testimony by interested and affected persons is accepted into record and is part of the rulemaking process.

Heather Thomas
Signature

Heather Thomas
Printed name

7/15/10
Date

**Fiscal and Economic Impact Statement for the September 2, 2010 Hearing
In the Matter of Rules Relating to Oregon Department of Fish and Wildlife
Representatives in Wildlife-Related Contested Case Hearings**

Fiscal and economic impact: Rule changes are being proposed to allow representatives from the Oregon Department of Fish and Wildlife (ODFW) to represent the agency in contested case hearings for revocation of Master Hunter status, revocation of hunter education instructor status, the Wildlife Violator Compact, and suspension from the Landowner Preference program. 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.) ODFW currently pays \$137 per hour of time for the representation of the state Attorney General's office in such contested case hearings. In situations where it would be appropriate, staff appointed as representatives would save these costs. The amount of cost savings varies on a case-by-case basis and depends on whether each hearing requires expertise from an attorney. It would also depend on how many hearings are conducted each year.

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 will not be affected by the adoption of these rules.

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.