

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***

A Statement of Need and Fiscal Impact accompanies this form.

Oregon Department of Fish and Wildlife, Fish Division 635  
Agency and Division Administrative Rules Chapter Number

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Rules Coordinator Address Telephone

**RULE CAPTION**

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

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

Dept. of Fish & Wildlife, Commission Room  
4034 Fairview Industrial Drive SE

January 10, 2014 08:00 a.m. Salem, OR 97302 Oregon Fish and 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:**

**AMEND:** 635-006-0232

**REPEAL:**

**RENUMBER:**

**AMEND & RENUMBER:**

Stat. Auth.: ORS 506.119

Other Auth.:

Stats. Implemented: ORS 506.109 & 506.720

**RULE SUMMARY**

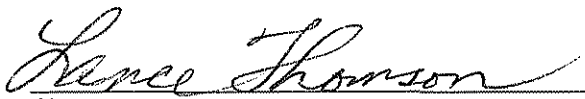
Amend rule to establish the average market value of food fish species used to determine damages for commercial fishing violations.

Housekeeping and technical corrections 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.

January 10, 2014

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

  
Signature

Lance Thomson  
Printed name

November 14, 2013  
Date

\* Rulemaking 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. A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Rulemaking Notice in the Oregon Bulletin or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing. ARC 923-2005

**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, Fish Division

635

Agency and Division

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 2013.

Documents Relied Upon, and where they are available:

1. Staff report for the Oregon Fish and Wildlife Commission hearing of January 10, 2014.

The above documents are available for public inspection in the Department of Fish and Wildlife, Fish Division, Second Floor, 4034 Fairview Industrial Dr. SE, 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, 2013  
 Date

**Fiscal and Economic Impact Statement for the January 10, 2014 Hearing  
In the Matter of Rules Relating to Food Fish Values Used In  
Determining Damages for Commercial Fishing Violations**

**Fiscal and economic impact:**

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 2014. Revisions to this rule are based on actual prices paid for fish species by licensed fish dealers in 2013, with the exception of amounts mandated by Oregon Revised Statutes. The food fish values are used in instances where fish were illegally landed or not reported properly and a price cannot be determined.

**Statement of Cost of Compliance**

**1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):**

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. 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 potential damages depending on the species and the market prices for those species in the last year. Overall, it is unlikely that there will be large changes in the magnitude of the total damages that would be incurred.

**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:**

Small businesses subject to these proposed rules would be commercial fishing outfits and commercial fish dealers. In 2012, the number of individuals or businesses that purchased Oregon commercial fishing licenses was 2,202 (1,813 resident and 389 nonresident) and the number of Oregon licensed fish dealers was 339. The vast majority of these license holders are small businesses, with less than 50 employees.

**b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:**

None expected.

**c. Equipment, supplies, labor and increased administration required for compliance:**

None expected.

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.