

Secretary of State

NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form

FILED 10-14-14 2:11 PM ARCHIVES DIVISION SECRETARY OF STATE

Department of Fish and Wildlife

635

Agency and Division

Administrative Rules Chapter Number

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Rules Coordinator

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RULE CAPTION

Implementation of the Columbia River Transition Program.

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

Hearing Date	Time	Location	Hearings Officer
12-5-14	8:00 a.m.	Oregon Fish and Wildlife, 4034 Fairview Industrial Drive SE, Salem, OR	Oregon Fish and Wildlife

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:

OAR Chapter 635, Division 440 (New Division) as determined necessary.

AMEND:**REPEAL:****RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.**AMEND AND RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.**Statutory Authority:**

ORS 509.230

Other Authority:

Senate Bill 830 (2013)

Statutes Implemented:

ORS 508.775 to ORS 508.796

RULE SUMMARY

Adopt new rules relating to Columbia River commercial fisheries reform. One provision of Senate Bill 830 (2013), dealing with Columbia River commercial fisheries reform, established a Columbia River Transition Program. The purpose of these new rules is to provide criteria and procedures for the implementation of said program. The Oregon Department of Fish and Wildlife will be the only state agency affected by these rules.

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

12-05-2014 Close of Business

Therese Kucera

Teri.Kucera@state.or.us

Last Day (m/d/yyyy) and Time
for public comment

Rules Coordinator Name

Email Address

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

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Implementation of the Columbia River Transition Program.

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

In the Matter of:

[See attached document.]

Statutory Authority:

ORS 509.230

Other Authority:

Senate Bill 830 (2013)

Statutes Implemented:

ORS 508.775 to ORS 508.796

Need for the Rule(s):

[See attached document.]

Documents Relied Upon, and where they are available:

[See attached document.]

Fiscal and Economic Impact:

[See attached document.]

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 document.]

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

[See attached document.]

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

[See attached document.]

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

[See attached document.]

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

[See attached document.]

Administrative Rule Advisory Committee consulted?: No

If not, why?:

The rules are believed to be fully compatible with legislative direction on the goals of fish and wildlife management in Oregon.

12-05-2014 Close of Business

Therese Kucera

Teri.Kucera@state.or.us

Last Day (m/d/yyyy) and Time
for public comment

Printed Name

Email Address

**Economic Impact Statement for the December 5, 2014 Hearing
In the Matter of Rules Relating to the
Implementation of the Columbia River Transition Program**

One provision of Senate Bill 830, dealing with Columbia River fisheries reform and passed in the 2013 Oregon Legislative Session, established a Columbia River Transition Program. The purpose of these proposed rules is to provide criteria and procedures for the implementation of said program. The program exists to award funds to qualified county programs that will be used to compensate individuals holding Columbia River Gillnet permits who can demonstrate “economic harm” resulting from the Columbia River fisheries reform and management (and also to offset costs of transitioning to new fishing gear once that gear has been determined). The economic harm is only related to commercial fishing in the Columbia River mainstem. The qualified counties will work directly with the affected commercial fishermen, not Oregon Department of Fish and Wildlife.

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. Oregon Department of Fish and Wildlife (ODFW) will be the only state agency affected by these rules. The main impact of the rules will be additional staff time, resulting in displacement of other work. Approximately two months of Natural Resource Specialist 3 (NRS-3) and two months of Principal Executive Manager D (PEM-D) time will be required for the implementation of the program. That staff time is valued at about \$35,000 (2013-15 OPE Calculator). The rules are not expected to result in any significant impacts on department revenues.

B. A number of county governments, but no other local governments, are expected to be affected by these rules. Participation in the program is voluntary and overhead costs associated with the program will be paid for out of the Columbia River Transition Fund. As a result, no significant changes from the current levels of any local government's 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. Commercial fishermen who hold Columbia River Gillnet permits will be able to apply to participating counties to receive funds compensating them for economic harm resulting from the Columbia River fisheries reform and management.

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:**

The only small businesses subject to the rule are Commercial fishermen who hold Columbia River Gillnet permits. 292 gillnet permits were renewed in 2013, with 240 resident and 52 nonresident.

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

No significant changes in these costs are expected for the small businesses subject to the rule.

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

No significant changes in these costs are expected for the small businesses subject to the rule.

The rules are believed to be fully compatible with legislative direction on the goals of fish and 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.