

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

FILED 11-6-14 10:26 AM ARCHIVES DIVISION SECRETARY OF STATE

635

<u>Department of Fish and Wildlife</u>	Administrative Rules Chapter Number
Agency and Division	(503) 947-6033
Therese Kucera	Telephone
Rules Coordinator	
Department of Fish and Wildlife, 4034 Fairview Industrial Dr. SE, Salem, OR 97302	
Address	

RULE CAPTION

Establish Average Market Values of Food Fish for Determining Damages Related to Commercial Fishing Violations.
 Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Hearing Date	Time	Location	Hearings Officer
1-9-15	8:00 a.m.	Oregon Department of Fish and Wildlife, 4034 Fairview Industrial Drive	Oregon Fish and Wildlife

RULEMAKING ACTION

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

ADOPT:

AMEND:
 OAR 635-006-0232.

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 506.119

Other Authority:

Statutes Implemented:
 ORS 506.109 and ORS 506.720

RULE SUMMARY

This amended rule establishes 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.

<u>01-09-2015 Close of Hearing</u>	<u>Therese Kucera</u>	<u>Teri.Kucera@state.or.us</u>
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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Administrative Rules Chapter Number

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

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 506.119

Other Authority:

Statutes Implemented:

ORS 506.109 and ORS 506.720

Need for the Rule(s):

[See attached document.]

Documents Relied Upon, and where they are available:

ODFW Staff's report to the Oregon Fish and Wildlife Commission for the hearing on January 9, 2015.

A copy of the rules and the other documents relied upon for this rulemaking [the above document] is available from the Oregon Department of Fish and Wildlife, Fish Division, Second Floor, 4034 Fairview Industrial Drive SE, Salem, Oregon, between 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

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?:

Revisions to this rule are based on actual prices paid for fish species by licensed fish dealers with the exception of amounts mandated in Oregon Revised Statutes.

01-09-2015 Close of Hearing
Last Day (m/d/yyyy) and Time

Therese Kucera
Printed Name

Teri.Kucera@state.or.us
Email Address

**Fiscal and Economic Impact Statement for the January 9, 2015 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 2015. Revisions to this rule are based on actual prices paid for fish species by licensed fish dealers in 2014, with the exception of amounts mandated by ORS 506.720. 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 2013, the number of individuals or businesses that purchased Oregon commercial fishing licenses was 2,248 (1,797 resident and 451 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.