

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	(503) 947-6033
	Address Telephone

RULE CAPTION

Allowable Sales of Steelhead and Walleye by Columbia River Treaty Tribes

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

August 3, 2012	08:00 a.m.	Commission Room Oregon Dept. of Fish & Wildlife 3406 Cherry Avenue NE Salem, OR 97103	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: OAR Chapter 635, Division 006 as determined justified.**AMEND:** OAR Chapter 635, Division 006 as determined justified.**REPEAL:** OAR Chapter 635, Division 006 as determined justified.**RENUMBER:****AMEND & RENUMBER:**

Stat. Auth.: ORS 506.119, 508.530 & 509.031.

Other Auth.:

Stats. Implemented: ORS 498.022, 506.129, 508.535 & 508.550.

RULE SUMMARY

Rule modifications allow licensed wholesale fish dealers, cannerys or buyers to purchase steelhead trout and walleye from Columbia River Treaty Tribal fishers and then sell or distribute the steelhead trout and walleye, assuming the fish were lawfully taken during open commercial fishing seasons. 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.

August 3, 2012

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


Signature

Lance Thomson
Printed name

June 14, 2012
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.

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
Agency and Division

635

Administrative Rules Chapter Number

In the Matter of: OAR Chapter 635, related to commercial sales of steelhead and walleye caught in Columbia River Treaty Tribal fisheries.

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

Allowable Sales of Steelhead and Walleye by Columbia River Treaty Tribes.

Statutory Authority: ORS 506.119, 508.530 & 509.031.

Other Authority:

Stats. Implemented: ORS 498.022, 506.129, 508.535 & 508.550.

Need for the Rule(s):

This rule is needed to allow licensed wholesale fish dealers, canners or buyers to purchase steelhead trout and walleye from Columbia River Treaty Tribal fishers and then sell or distribute the steelhead trout and walleye, assuming the fish were lawfully taken during open commercial fishing seasons.

Documents Relied Upon, and where they are available:

1. Staff Report for Oregon Fish and Wildlife Commission Meeting of August 3, 2012, "Sale of Steelhead in Oregon by Columbia River Treaty Tribes."


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? Not involved.

Administrative Rule Advisory Committee consulted?: No.

If not, why?: The rule is 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.


Signature

Lance Thomson
Printed name

June 14, 2012
Date

**Fiscal and Economic Impact Statement for the August 3, 2012 Hearing
In the Matter of Amendment of Rules Relating to the Sale of
Steelhead and Walleye by Columbia River Treaty Tribes**

Fiscal and economic impact: The proposed rule change would allow licensed wholesale fish dealers, canners or buyers to sell or distribute steelhead trout and walleye legally purchased from Columbia River Treaty Tribes, assuming the fish were lawfully taken during the commercial fishing season.

The proposed rules will affect state agencies, units of local government, and the public, respectively, as discussed below:

A. State agencies that could be affected by these rules are the Oregon Department of Fish and Wildlife (wildlife management costs) and the Oregon State Police (enforcement costs). No major changes from the current levels of these agencies' operations or expenditures are expected as a result of adoption of these particular rules.

B. No units of local government are expected to be significantly affected by these rules. No significant changes from the current levels of any local agencies' operations or expenditures are expected as a result of this rule change.

C. The public would be affected by this rule change. Licensed wholesale fish dealers, canners or buyers would no longer be limited to selling or distributing such fish to other wholesale fish dealers, canners or buyers, and thus have a broader scope to run their businesses and potential to increase profitability. No significant impact on the prices of steelhead or walleye to the consumer would be anticipated.

Most businesses affected by these rules are believed to be "small business."

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.

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