

JOHN R. KROGER
Attorney General



MARY H. WILLIAMS
Deputy Attorney General

DEPARTMENT OF JUSTICE
GENERAL COUNSEL DIVISION

May 2, 2012

F. David Haase
Green Hill Gardens Inc.
89258 Green Hill Road
Eugene, Oregon 97402

Re: Petition to Amend OAR 635-056-0075 (Tilapia)

Dear Mr. Haase:

The Oregon Department of Fish and Wildlife (the Department) is in receipt of your petition to amend OAR 635-056-0075 (Tilapia). Upon reviewing your petition, we have determined that it does not comply with the requirements in OAR 137-001-0070(2), and is therefore not a valid petition and does not trigger the decision deadline in ORS 183.390. Specifically, because you are requesting amendment of an existing rule, your petition must comment on the following:

- a. Options for achieving the existing rule's substantive goals while reducing the negative economic impact on businesses;
- b. The continued need for the existing rule;
- c. The complexity of the existing rule;
- d. The extent to which the existing rule overlaps, duplicates, or conflicts with other state or federal rules and with local government regulations;
- e. The degree to which technology, economic conditions, or other factors have changed in the subject area affected by the existing rule, since the agency adopted the rule.

If you would like to amend your petition to comply with OAR 137-001-0070(2) and resubmit it, the Department and the Fish and Wildlife Commission will be happy to consider it.

Sincerely,

Erin L. Donald
Assistant Attorney General
Natural Resources Section

ELD:smn/JUSTICE-#3355776

cc: Rhine Messmer, ODFW