

Secretary of State
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 (ODFW) Fish Division

635

Agency and Division

Administrative Rules Chapter Number

In the Matter of:

Amendment of OAR Chapter 635, Division 006, relating to Restricted Participation Systems

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

Amends bay clam limited entry permits rule to allow unrestricted transfers twice per year.

Statutory Authority:

ORS 506.036, 506.109 and 506.119

Other Authority:

Stats. Implemented:

ORS 506.129

Need for the Rule(s):

The rules are needed to allow unrestricted transfers of limited entry permits for bay clam up to two times a year.

Documents Relied Upon, and where they are available:

1. Staff report for the Oregon Fish and Wildlife Commission Meeting of November 3, 2006.

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?

Department staff consulted the bay clam industry (permit holders, boat owners/operators, clam processors) regarding the proposed rule changes.

Administrative Rule Advisory Committee consulted?:

If not, why?

Department staff consulted the bay clam industry regarding the proposed rule changes.

Authorized Signer

Lance Thomson

Printed name

September 15, 2006

Date

**Fiscal and Economic Impact Statement for the November 3, 2006 Hearing
In the Matter of Rules Relating to Transfers of Bay Clam Limited Entry Permits**

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

A. The only state agency which would be affected by adoption of these rules is the Oregon Department of Fish and Wildlife. The entire bay clam fishery consists of 15 permits and two transfers would be allowed per year. Therefore program administration should not be a significant burden, and no significant changes from the current level 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 bay clam fishery includes ten coast wide permits and five south coast permits. Allowing the unrestricted transfer of permits would increase the value of permits because the bay clam permit would become an asset of the permit holder. Allowing greater flexibility would have a positive impact on permit holders and their associated businesses. The transfer of permits also allows for the entry of new participants who are willing to pay the market value of permits.

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

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.