

Secretary of State

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

FILED 7-15-14 10:46 AM ARCHIVES DIVISION SECRETARY OF STATE

Department of Fish and Wildlife

635

Agency and Division

Administrative Rules Chapter Number

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Address

RULE CAPTIONAmend Rules to Classify Three Species of Wildlife and Amend Criteria for Classification Request

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

Hearing Date	Time	Location	Hearings Officer
9-5-14	8:00 a.m.	102 E 1st Street, Joseph, OR 97846	Oregon Department of Fish

RULEMAKING ACTION

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

ADOPT:**AMEND:**

OAR Chapter 635, Division 056

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 496.012, ORS 496.138, ORS 496.146, ORS 497.298, ORS 497.308, ORS 497.312, ORS 497.318, ORS 498.022 & ORS 498.052, ORS 498.222

Other Authority:**Statutes Implemented:**

Stats. Implemented: ORS 497.312, ORS 497.318, ORS 498.022, ORS 498.052 & ORS 498.222

RULE SUMMARY

Amend Division 56 rules to classify as prohibited, noncontrolled or controlled species and amend criteria for classification request.

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.

09-05-2014 Close of Hearing Last Day (m/d/yyyy) and Time for public comment	Therese Kucera Rules Coordinator Name	Teri.Kucera@state.or.us Email Address
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*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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STATEMENT OF NEED AND FISCAL IMPACT
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635
Administrative Rules Chapter Number

Amend Rules to Classify Three Species of Wildlife and Amend Criteria for Classification Request

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

In the Matter of:

Rules Relating to OAR Chapter 635, Division 056, Importation, Possession, Confinement, Transportation and Sale of Nonnative Wildlife

Statutory Authority:

ORS 496.012, ORS 496.138, ORS 496.146, ORS 497.298, ORS 497.308, ORS 497.312, ORS 497.318, ORS 498.022 & ORS 498.052, ORS 498.222

Other Authority:

Statutes Implemented:

Stats. Implemented: ORS 497.312, ORS 497.318, ORS 498.022, ORS 498.052 & ORS 498.222

Need for the Rule(s):

Amend Division 56 rules to classify Barramundi, Crayfish and Brush Tailed Bettong as a controlled species and amend criteria for classification request.

Documents Relied Upon, and where they are available:

Draft rules are available from the division's rules coordinator, located at 4034 Fairview Industrial Drive, SE; Salem, OR 97302. Rules are also on the ODFW website at <http://www.dfw.state.or.us/OARs/index.asp>.

Fiscal and Economic Impact:

Changes are being proposed to Division 56, Wildlife Integrity rules that govern the importation, possession, exchange, transportation and sale of nonnative species. Proposed changes include classifying the Brush-tailed Bettong as a Controlled species, classifying the Barramundi, which was petitioned to be classified, as a Controlled species, reclassifying all species of the crayfish family Cambaridae from Prohibited to Controlled, and classifying all species of the crayfish family Parastacidae to a Controlled species classification. In addition, two new questions will be added to the Classification Request form in OAR 635-056-0130 and 0140.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

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

A. The only state agency that will be affected by adoption of these rules is the Oregon Department of Fish and Wildlife (ODFW). As a result of these proposed rule changes, there would likely be a small increase, perhaps 15-20 per year, in the number of fish transport permits related to the newly classified Controlled species. In addition, the sales of a very small number, perhaps 1-3, of fish propagation permits may result from the Barramundi reclassification. These would represent a marginal amount of additional administrative work and a marginal amount of additional revenue to ODFW. No significant additional costs or revenues for ODFW are expected with these rule changes.

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 will be minimally affected by the adoption of these rules. The proposed reclassification of the Barramundi would allow the species to be raised commercially (with rules similar to Tilapia), which could benefit fish propagation businesses. The reclassification of the crayfish family Cambaridae to Controlled would mean that commercial and recreational fishermen would not be in violation when they collect feral population in Oregon waterways. Current rules allow up to 100 crayfish to be collected per day, but the rules do not specify the crayfish family. Only a marginal amount of commercial or recreational fishing effort is targeted at crayfish and these rule changes would not be expected to change that. Restaurants or individuals serving Louisiana Red Swamp Crayfish would need to purchase a fish transport permit (\$12) instead of obtaining a free Prohibited Species Authorization permit, which would represent a minimal additional cost.

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:

Small businesses in the restaurant industry and the fish propagation industry would be affected by the rule. The exact number of those small businesses in Oregon is not known.

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.

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.

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

Not applicable.

Administrative Rule Advisory Committee consulted?: No

If not, why?:

Oregon Department of Fish and Wildlife has a standing committee, Wildlife Integrity Review Panel, involved with development of these rules.

<u>09-05-2014 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	Printed Name	Email Address