

OFFICE OF THE SECRETARY OF STATE
SHEMIA FAGAN
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
STEPHANIE CLARK
DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE

FILED
07/27/2022 12:09 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Oregon Conservation and Recreation Fund Rule Amendment

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/16/2022 5:00 PM

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.

CONTACT: Roxann Borisch
503-947-6314
roxann.b.borisch@ODFW.oregon.gov

4034 Fairview Industrial Drive SE
Salem, OR 97302

Filed By:
Roxann Borisch
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 09/16/2022

TIME: 8:00 AM - 5:00 PM

OFFICER: ODFW Commission

ADDRESS: The Historic Central Hotel
171 North Broadway Avenue
Burns, OR 97720

SPECIAL INSTRUCTIONS:

Because of the rapidly changing situation with COVID-19, all or portions of this hearing may be conducted electronically. Information will be posted on our website at <https://www.dfw.state.or.us/agency/commission/minutes/>

NEED FOR THE RULE(S)

This rule is requested to allow the OCRF Advisory Committee the ability to better address the needs of stakeholders and projects by reducing the time required between project submission and review. This shorter time window will be beneficial to applications who have narrow work windows (e.g., seasonal field work) or other time restrictions/needs, and while not undermining any established proposal review procedures already in place through the OCRF Expenditure Framework.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

A copy of the rules and the other documents relied upon for this rulemaking are available from the Oregon Department of Fish and Wildlife, Wildlife Division, 4034 Fairview Industrial Drive SE, Salem, Oregon 97302-1142. Contact Roxie

Borisch at 503-947-6314 or Roxann.b.borisch@odfw.oregon.gov to view by appointment between the hours of 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Department solicits input from representatives of underrepresented communities likely to be affected on whether the proposed rule will have a fiscal impact on the community, the extent of the fiscal impact, and whether the rules will have significant impact on underrepresented communities. For a complete list of persons, the department has invited to provide pre-notice comments please contact Roxie Borisch at 503-947-6314 or Roxann.b.borisch@odfw.oregon.gov.

FISCAL AND ECONOMIC IMPACT:

No fiscal and or economic impacts are expected to result from these proposed amendments.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s).

The state entities that could potentially be affected by this rule amendment is the Oregon Department of Fish and Wildlife (ODFW) and the Oregon Office of Outdoor Recreation (OREC). No significant changes from the current levels of the agency's staffing, expenditures, or revenues are expected because of this rule amendment.

No units of local government would be affected by the proposed rule amendment.

The public is not significantly affected by the proposed rule amendment.

(2) Effect on Small Businesses:

(a) Estimate the number and type of small businesses subject to the rule(s);

No significant effects on small businesses are expected as a result of the amendment.

(b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s);

No changes in these costs are expected.

(c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

No changes in these costs are expected.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not directly involved with the development of this amendment. By reducing the time required between project submission and review the OCRF Advisory Committee this would benefit applicants who have narrow

work windows or other time restrictions.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

An Administrative Rule Advisory Committee was not consulted. The agency is engaging with the public through this noticed rulemaking process. Public correspondence will also be part of the Commission meeting for September 2022, when this amendment will be decided upon.

AMEND: 635-098-0060

RULE SUMMARY: The Oregon Conservation and Recreation Fund is requesting to remove line 635-098-0060(5) from their rule.

CHANGES TO RULE:

635-098-0060

Advisory Committee Duties and Recommendation Procedures

- (1) In accordance with HB 2829 (2019), the Oregon Conservation and Recreation Advisory Committee: ¶
(a) Shall review department policies regarding the use of Oregon Conservation and Recreation Fund moneys. ¶
(b) Shall make recommendations to the commission and the department regarding the use of fund moneys. Pursuant to HB 2829 (2019), the advisory committee shall identify uses for which the department may expend fund moneys. ¶
(c) Shall work jointly with the department to submit a biennial report to the Legislative Assembly as provided in ORS 293.640 regarding the expenditure of moneys deposited in the Oregon Conservation and Recreation Fund and on the status of various activities funded by the moneys. ¶
(d) May perform such other duties as may be requested by the department and commission. ¶
(2) The advisory committee shall establish a process for requesting proposals for Conservation and Recreation Fund projects from the department and other interested parties. ¶
(3) The department and any other interested parties may recommend projects to the advisory committee that follow permissible purposes outlined in [HB 2829 Section 1(2)(a-e)]. ¶
(4) The advisory committee shall review all submitted projects and shall recommend expenditures to the commission. The advisory committee will be responsible for determining whether the projects propose activities that serve to protect, maintain, or enhance fish and wildlife resources in Oregon. ¶
(5) ~~Interested parties must submit proposed projects to the advisory committee not less than 60 days prior to a scheduled meeting. ¶~~
(6) All proposed funding projects that are or are not recommended by the advisory committee shall be presented in summary to the commission. ¶
(7) A project for which recommendation for funding is not supported by the advisory committee may be reconsidered by the committee at a later meeting if the proponent has resolved the objections or deficiencies with a revised proposal. The reason(s) for the advisory committee's vote to not recommend a project shall be explained or reviewed for the proponent at the meeting, or relayed to the proponent in writing after the meeting and be conveyed to the commission upon making recommendations.

Statutory/Other Authority: ORS 496.012, 496.138, 496.146, HB 2829 (2019)

Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, HB 2829 (2019)