



# FIVEREAR RELEAREVIEW

# TABLE OF CONTENTS

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EXECUTIVE SUMMARY	3	
INTRODUCTION	4	
RULE OVERVIEW	5	
Chapter 575: HECC Office of Student Access and Completion		
Chapter 583: HECC Office of Degree Authorization		
Chapter 589: HECC Office of Community Colleges and Workforce Development		
Chapter 715: Higher Education Coordinating Commission		
RULE EVALUATIONS	6	
Chapter 583: HECC Office of Degree Authorization		
Chapter 715: Higher Education Coordinating Commission		

# EXECUTIVE SUMMARY

Pursuant to ORS 183.405 and HB 4052 (2018), HECC is required to submit annually an evaluation of rules adopted five years prior. This report analyzes all 12 rules HECC adopted in 2014 and 2015, specifically addressing the intended effect, fiscal impact, potential amendments or repeals stemming from subsequent changes in law, impact on small businesses, and continued need. Briefly, all rules met their intended purpose and anticipated fiscal impact, and there remains a need for all rules adopted during these years. Three of 12 rules require agency review or amendment, and two of 12 had impacts on small businesses. Any questions regarding this report should be directed to Kyle Thomas, HECC Director of Legislative and Policy Affairs, at <u>kyle.thomas@state.or.us</u> or (503)-947-2678.

# INTRODUCTION

ORS 183.405 requires state agencies to review rules that were adopted five years prior, to determine if the rule had the intended effect, if the fiscal impact was over- or underestimated, if subsequent changes in the law require the rule be repealed or amended, and if there is continued need for the rule. Agencies are required to submit this report each year to the Secretary of State's office and relevant advisory committee (if applicable), from which SOS will use to compile a comprehensive report of all adopted rules to submit to the Legislature. HB 4052 (2018) updated ORS 183.405 to include a statement on small businesses, establishing the Small Business Rules Advisory Committee and asking agencies to evaluate the impact of the rules on small businesses, which the Committee may evaluate, complete, and report for the agency upon request.

The following report outlines the rules HECC adopted in 2014 and 2015, and analyzes their impact. All rules had the intended effect, all met the anticipated fiscal impact, and all rules remain necessary to HECC function. Three of 12 rules require review or amendment, which is specified in the report below. Two out of 12 adopted rules had impacts on small businesses, which HECC opted to evaluate and complete internally rather than utilizing the Small Business Rules Advisory Committee. Any questions regarding this report should be directed to Kyle Thomas, HECC Director of Legislative and Policy Affairs, at <u>kyle.thomas@state.or.us</u> or (503)-947-2678.

#### CHAPTER 575: HECC OFFICE OF STUDENT ACCESS AND COMPLETION

No new rules under Chapter 575 were adopted in 2014 or 2015.

#### CHAPTER 583: HECC OFFICE OF DEGREE AUTHORIZATION

Rule Number	Rule Title	Year Adopted
583-001-0015	Establishing Fees for Public Record	2015

# CHAPTER 589: HECC OFFICE OF COMMUNITY COLLEGES AND WORKFORCE DEVELOPMENT

No new tules onder Chapter 589 were adopted in 2014 or 2015.

#### CHAPTER 715: HIGHER EDUCATION COORDINATING COMMISSION

Rule Number	Rule Title	Year Adopted
715-001-0030	Notice of Proposed Rulemaking	2015
715-001-0035	Model Rules of Procedure	2015
715-013-0005	Allotment Authority	2015
715-013-0020	General Public University Program Approval Requirements	2015
715-013-0025	Public University Support Fund Distribution	2015
715-013-0040	Public University Support Fund Distribution Factors	2015
715-013-0060	Clinical Legal Education Funds	2015
715-013-0062	Modifications to Engineering Technology Sustaining Funds Distributions to Universities	2015
715-013-0064	Signature Research Center Funds	2015
715-013-0066	Dispute Resolution Center Funds	2015
715-045-0220	Proficiency-Based Programs	2014

# RULE EXPLANATION

#### CHAPTER 583: HECC OFFICE OF DEGREE AUTHORIZATION

#### 583-001-0015 Establishing Fees for Public Record

2015

Did the rule achieve its intended effect?

Yes

Was the fiscal impact of this rule overestimated or underestimated?

No

Has there been changes in law that require the rule be amended or repealed?

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#### Has this rule had an impact on small businesses?

Yes, if a small business makes a request for public records, they are now required to pay a fee, as would any other individual or business requesting public documents.

#### Is there continued need for this rule?

Yes, this rule is needed to establish a fee for public records requests.

#### 715-001-0030 Notice of Proposed Rulemaking

2015

#### Did the rule achieve its intended effect?

Yes, the rule allows the Commission to appropriately notify interested parties of proposed rule changes in accordance with state law.

#### Was the fiscal impact of this rule overestimated or underestimated?

No

Has there been changes in law that require the rule be amended or repealed?

No

Has this rule had an impact on small businesses?

No

Is there continued need for this rule?

Yes

#### 715-001-0035 Model Rules of Procedure

2015

#### Did the rule achieve its intended effect?

Yes, the rule aligns HECC rules of procedure with those established by the Attorney General.

#### Was the fiscal impact of this rule overestimated or underestimated?

No

#### Has there been changes in law that require the rule be amended or repealed?

Yes, the model tules of procedure have been updated, while the HECC rule refers to an outdated version of the rules.

#### Has this rule had an impact on small businesses?

No

#### Is there continued need for this rule?

Yes

#### 715-013-0005 Allotment Authority

Did the rule achieve its intended effect?

Yes, the rule has clarified the responsibilities and authority to distribute funds to universities and OHSU.

#### Was the fiscal impact of this rule overestimated or underestimated?

No

Has there been changes in law that require the rule be amended or repealed?

No

Has this rule had an impact on small businesses?

No

#### Is there continued need for this rule?

Yes, this tule is necessary in order to lay out the authority to distribute funds to universities and OHSU.

#### 715-013-0020 <u>General Public University Program Approval</u> 2015 <u>Requirements</u>

Did the rule achieve its intended effect?

Yes, this rule is critical to the program approval process.

Was the fiscal impact of this rule overestimated or underestimated?

No

Has there been changes in law that require the rule be amended or repealed?

No

Has this rule had an impact on small businesses?

No

Is there continued need for this rule?

Yes, there is continued need.

#### 715-013-0025 Public University Support Fund Distribution 2015

#### Did the rule achieve its intended effect?

Yes, the rule has helped administer the Student Success and Completion Funding Model.

#### Was the fiscal impact of this rule overestimated or underestimated?

No

Has there been changes in law that require the rule be amended or repealed?

No, however the rule is currently being updated as part of the review process required in the rule.

Has this rule had an impact on small businesses?

No

Is there continued need for this rule?

Yes, the rule is necessary to distribute the Public University Support Fund.

#### 715-013-0040 Public University Support Fund Distribution Factors 2015

#### Did the rule achieve its intended effect?

Yes, it has successfully served as a companion rule to 715-013-0025, and has been necessary in administering the Student Success and Completion Funding Model (SSCM).

#### Was the fiscal impact of this rule overestimated or underestimated?

No

Has there been changes in law that require the rule be amended or repealed?

No, however this rule will be updated as part of the review process in 715-013-0025.

#### Has this rule had an impact on small businesses?

No

#### Is there continued need for this rule?

Yes, this rule is necessary to administer the SSCM.

#### 715-013-0060 Clinical Legal Education Funds

Did the tule achieve its intended effect?

Yes, this rule has successfully allowed for distribution of these funds for this program.

#### Was the fiscal impact of this rule overestimated or underestimated?

No

Has there been changes in law that require the rule be amended or repealed?

No

Has this rule had an impact on small businesses?

No

Is there continued need for this rule?

Yes, this rule is necessary to distribute clinical legal education funds.

#### 715-013-0062 <u>Modifications to Engineering Technology Sustaining</u> 2015 <u>Funds Distributions to Universities</u>

#### Did the rule achieve its intended effect?

Yes, this rule has implemented the new distribution formula for Engineering Technology Sustaining Funds (ETSF).

#### Was the fiscal impact of this rule overestimated or underestimated?

No

#### Has there been changes in law that require the rule be amended or repealed?

No

#### Has this rule had an impact on small businesses?

No

#### Is there continued need for this rule?

Yes, this rule is necessary to continue the distribution of ETSF.

2015

#### 715-013-0064 Signature Research Center Funds

Did the rule achieve its intended effect?

Yes, this rule has successfully allowed for distribution of funds in this program.

Was the fiscal impact of this rule overestimated or underestimated?

No

Has there been changes in law that require the rule be amended or repealed?

No

Has this rule had an impact on small businesses?

No

Is there continued need for this rule?

Yes, this rule is necessary to continue distribution of Signature Research Center Funds.

#### 715-013-0066 Dispute Resolution Center Funds 2015

Did the rule achieve its intended effect?

Yes, this rule has allowed for the distribution of Dispute Resolution Center Funds.

Was the fiscal impact of this rule overestimated or underestimated?

No

Has there been changes in law that require the rule be amended or repealed?

No

Has this rule had an impact on small businesses?

No

#### Is there continued need for this rule?

Yes, this rule is necessary to distribute the Dispute Resolution Center Funds.

#### 715-045-0220 Proficiency-Based Programs

Did the rule achieve its intended effect?

Yes

#### Was the fiscal impact of this rule overestimated or underestimated?

No

#### Has there been changes in law that require the rule be amended or repealed?

No, but this rule was amended in January 2019, though this was not due to statutory changes.

#### Has this rule had an impact on small businesses?

Yes, there has been an impact to small businesses that operate private career schools, as they are able to use proficiency-based training as an alternative to minimum hourly training.

#### Is there continued need for this rule?

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Yes

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# Oregon Administrative New Rule Review

Teacher Standards and Practices Commission

#### Rules Adopted in 2014

# OAR 584-001-0016 Fees for Public Records and Related Services

The new rule replaced the old fee rule (584-001-0015, repealed), which was very outdated and didn't cover the more modern way of providing records via digital data and other methods.

#### Adopted language:

#### 584-001-0016

#### Fees for Public Records and Related Services

(1) The Commission may establish fees for providing access to public records in paper, electronic or other format. These fees will be reasonably calculated to reimburse the Commission for costs of providing and conveying the public records. The Commission shall provide information in accordance with public records disclosure rules as established in Chapter 192 of the Oregon Revised Statutes.

NOTE: See ORS 283.110 regarding charges for providing records to state agencies.

(2) In establishing the fees for public records, the Commission will consider:

(a) Printing and duplicating costs;

(b) Staff time, including but not limited to, all time spent in retrieval, duplication and compilation of information, telephone time, typing, computer operation and mailing;

(c) Electronic Services, including but not limited to, programming, materials, and computer time; and
 (d) Overheard, including but not limited to, bookkeeping and accounting, attorney fees as permitted
 under ORS 192.440, postage and mail services, equipment maintenance, central government services, and
 general service charges.

(3) The Commission may waive or reduce fees for public records upon written request if the Commission determines that making the record available primarily benefits the general public.

(4) Fees for copies and related services:

(a) Photocopies (single or double-sided): \$5 plus 20 cents per page (black and white) and \$5 plus 30 cents per page if requested in color;

(b) Facsimile: \$5.00 1<sup>st</sup> page, \$1 per page thereafter;

(c) Postage/Freight: First Class or Bulk rate based on weight;

(d) Record Search Charges: In addition to photocopying or other duplication charges, the following staff time charges:

(A) Clerical -- \$20 per hour.

(B) Administrative -- \$40 per hour.

(C) Executive -- \$50 per hour.

(e) Data Order Charges:

(A) Standard Licensee Data Order – \$150 each.

(B) Custom Licensee Data Order - \$150 + \$40 per hour administrative time.

(f) Address Label Disk - \$100 each.

(5) The cost of a request for public records not listed in section (4) of this rule shall be determined by the Executive Director at the time of the request, considering the factors listed in section (2) of this rule. If the estimated fee of a request exceeds \$25, the Commission will provide written notice to the requestor and

will not act further to respond to the request until the requestor notifies the Commission, in writing, to proceed with making the records available.

(6) No additional fee will be charged for providing records or documents in an alternative format when required by the Americans with Disabilities Act.

(7) Requests for public records may be verbal; however, the Commission may require the request to:(a) Be in writing;

(b) Be delivered to the Commission's office (by person, U.S. Mail, FAX, email or other electronic means);(c) Be dated;

(d) Be signed;

(e) Adequately describe the records being requested; or

(f) Indicate the date the records are needed.

(8) Electronic Records: Copies of requested electronic records may be provided in the format or manner maintained by the Commission. The Commission will perform all downloading, reproducing, formatting, and manipulating of records. Due to the threat of computer virus, the Commission will not permit requestors to provide flash drives or other electronic media for electronic reproduction of computer records.

(9) All fees and charges must be paid in advance of releasing the requested public records. Stat. Auth.: ORS 192 & ORS 283

Stats. Implemented: ORS 192.440 & ORS 283.110

- Did the rule have the intended effect?
   Yes. It gave the TSPC a better way of allocating fees to the public records it is requested to provide.
- Was the anticipated fiscal impact underestimated or overestimated? No; there was no fiscal impact anticipated and none occurred.
- Did subsequent changes in the law require the rule be repealed or amended? No.

#### 4. Is there a continued need for the rule?

Yes; these services are still required and have costs that must be offset.

# OAR 584-023-0030 Registry of Charter School Administrators

This new rule removed portions of previous rule related to charter school administrators and created a new rule. The previous rule included both teachers and administrators and this deals only with Charter School Administrators. This new rule did not create any substantive changes as it related to charter school administrator registrations.

#### Adopted language:

584-023-0030

#### **Registry of Charter School Administrators**

(1) No persons shall serve as an administrator (as defined in ORS 342.120 and OAR 584-080-0008 Scope of Administrator Licenses) in a public charter school unless such person either holds a valid Oregon license

issued by TSPC pursuant to 338.135 or is registered with TSPC as a charter school administrator in accordance with 342.125(5).

(2) TSPC shall create a Public Charter School Registry for all persons who do not hold an administrator license and are employed as administrators in any charter school.

(3) To obtain a charter school registration, an applicant and the employing charter school will submit a joint application, which will include the following documentation:

(a) Description of the specific administrative position the applicant will fill with the employing charter school;

(b) Fingerprints on forms prescribed by the Oregon State Police in the manner required by TSPC, unless the applicant has been previously cleared and has remained continuously licensed since the last clearance.

(c) Completed application and fee;

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(d) A description of the applicant's post-secondary education and other experience relevant to the administrator position the applicant is seeking;

(e) A list of any professional licenses held; and

(f) A passing score on a commission-approved test of knowledge of U.S. and Oregon civil rights laws and professional ethics unless these requirements have already been met through prior TSPC licensure.

(4) Successful completion of the background checks disclosing no disqualifying materials or information will entitle the registrant to serve as a teacher or administrator as defined in ORS 342.120 in the employing charter school for a period of up to three (3) years or until employment with the employing charter school ceases, whichever occurs first.

(5) The registration is not transferrable to another charter school without an application for a registration change with TSPC.

(6) A charter school administrator registration may be renewed for an additional three-year term upon joint application of the registrant and employing charter school on forms established by the Commission and upon the payment of the applicable fee.

Stat. Auth.: ORS 342

Stats. Implemented: ORS 342.120 - 342.430, 342.455 - 342.495 & 342.533

- Did the rule have the intended effect? Yes.
- Was the anticipated fiscal impact underestimated or overestimated?
   No; there was no fiscal impact anticipated and none occurred.
- Did subsequent changes in the law require the rule be repealed or amended? No.
- 4. Is there a continued need for the rule?
   Yes. The registry of charter school administrators is required by law and its requirements must be described in rule.

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Review of New Rules	ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>
Agencies must review new rules, with some exceptions, within five years of adoption. OR5 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeat of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are regulared by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>

#### When an agency reviews a new rule under this provision, the agency must consider four specific factors:

- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-023-0085	Date Adopted: 2005	Division 23 Columbia River Zone and Snake River Zone Rule Caption License and Reciprocity Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/23.pdf</u>	
Program and Conta	act: Fish Divis	sion; Tucker Jones	A
<ol> <li>Unknown</li> <li>No, recipro</li> <li>Yes.</li> <li>Language should b</li> </ol>	ocity is still requere revised, see		Review Date/ Initials 6/7 jww
Director's Office: M	like Harringtor	n, Acting Deputy Director	
<b>Comment:</b> The ru will not require cha	lie has had the anges in the ru	e intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law ile. The rule is still necessary to guide fish management.	Review Date/ Initials MRH 6/19/2017

Review of New Rules	ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>		
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When an agency reviews a new rule under this pro	ovision, the agency must consider four specific factors:		
<ol> <li>Has the rule had its intended effect?</li> <li>Did the agency overestimate or underestimate the rule's fiscal impact.</li> </ol>	<ul><li>3. Do subsequent changes in the law require a change in the rule?</li><li>4. Does the rule continue to be necessary?</li></ul>		
A YES answer to any of the above questions	s requires an explanation in the area provided below.		

OAR: 635-041-0085 Program and Cont	Date Adopted: 2006 act: Fish Divi	Division 41 Columbia River System Treaty Indian Fishery Rule Caption Summer Salmon Season Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/41.pdf</u> sion; Tucker Jones	
Comment: 1. Yes 2. Unknown 3. No 4. Yes, summ		heries are different each year so leaving this as is (filed as a temp rule each year) is the most time effective	Review Date/ Initials 6/7 jww
Director's Office: M	like Harrington		· · · · · · · · · · · · · · · · · · ·
		e intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law i.e. The rule is still necessary to guide fish management.	Review Date/ Initials MRH 6/19/2017

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Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2005;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>

- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?
- 3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-042-0027	Date Adopted: 2006	Division 42 Columbia River Commercial Fishery Below Bonneville Dam Rule Caption General Commercial Fishing Seasons – Summer Salmon Season Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/42.pdf</u>	
Program and Cont	act: Fish Divi	sion; Tucker Jones	
-		theries are different each year so leaving this as is (filed as a temp rule each year) is the most time effective es.	Review Date/ Initials
Director's Office: I	Mike Harringto	n, Acting Deputy Director	ter a na sa
		e intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law ule. The rule is still necessary to guide fish management.	Review Date/ Initials MRH 6/19/2017

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		only to new rules, agencies should as a administrative rules to ensure that			
When an	agency reviews	a new rule under this pr	ovision, the agency must consider four specific fact	ors:	
	ad its intended effer overestimate or unc	t? Ierestimate the rule's fiscal impa	<ul><li>3. Do subsequent changes in the law require a change</li><li>d. Does the rule continue to be necessary?</li></ul>	e in the rule?	
AY	ES answer to an	y of the above questions	requires an explanation in the area provided below	h	
OAR:	Date		Division 412 Fish Passage Rule Caption Definitions		
635-412-0005	Adopted: 2006	OAR Link:	Comments http://www.dfw.state.or.us/OARs/412.pdf		
Program and Cont	act: Fish Division; A	lan Ritchey		<u> </u>	
the definitions u These definition enforced in Oreg	sed for implementa s are necessary for jon. The agency dia aw did not generati	ation of all the fish passage ru ODFW and the public to have I not over or under estimate t	ty. OAR 635-412-0005 had its intended effect as it provides les, including what constitutes a fish passage trigger. a clear understanding of when and how fish passage is he fiscal impact related to OAR 635-412-0005. Subsequent ODFW is tracking specific changes to some of the rule	Review Date/ Initials 5-9-17 AR	

 Comment: The rule has had the intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law will not require changes in the rule. The rule is still necessary to guide fish management.
 Review Date/ Date/ Initials 5-30-2017 MH

Agencies must review ORS 183.405. Althoug practical matter condu	sh this requirement act an on-going re	Rules ome exceptions, within five years of adoption. t applies only to new rules, agencies should as a view of all administrative rules to ensure that lso require periodic review of all rules.	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule m delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 18.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c);</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>	naking was 3.405(4);
When an	agency re	views a new rule under this pr	ovision, the agency must consider four specific factors	
<ol> <li>Has the rule h</li> <li>Did the agency</li> </ol>		ed effect? or underestimate the rule's fiscal impa	<ul><li>3. Do subsequent changes in the law require a change in</li><li>4. Does the rule continue to be necessary?</li></ul>	the rule?
ΑΥ	ES answer	to any of the above questions	requires an explanation in the area provided below.	
OAR: 635-412-0015	Date Adopted: 2006	OAR Link:	Division 412 Fish Passage Rule Caption Prioritization Comments http://www.dfw.state.or.us/OARs/412.pdf	
Program and Cont	act: Fish Divi	sion; Alan Ritchey	······································	
		astablishes the statutory requirement	nt to maintain a statewide fish passage prioritization. OAR 635-	Review
412-0015 provid prioritization sh underestimate t this rule. This r	des the detai puld be deve the fiscal imp ule continues	ls and direction necessary for ODFW loped and how it is to be used. This act of this rule. There have not been to be necessary in order to impleme	and the public to more clearly understand how this rule has had its intended effect. The agency did not over or n any subsequent changes in the law that require a change in ent statutory requirements in a manner understood by ODFW ify and implement fish passage projects throughout Oregon.	Date/ Initials 5-9-17 AR
412-0015 provid prioritization sh underestimate t this rule. This r and the public s	des the detai rould be deve the fiscal imp ule continues such that it m	ls and direction necessary for ODFW loped and how it is to be used. This act of this rule. There have not been to be necessary in order to impleme	and the public to more clearly understand how this rule has had its intended effect. The agency did not over or n any subsequent changes in the law that require a change in ent statutory requirements in a manner understood by ODFW	Date/ Initials 5-9-17

ORS 183.405. Although practical matter condu	new rules, with so n this requirement ct an on-going rev	Rules me exceptions, within five years of adoption. applies only to new rules, agencies should as a new of all administrative rules to ensure that so require periodic review of all rules.	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting its requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule r delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 18</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c).</li> </ul>	naking was 33.405(4);
When an	agency rev	views a new rule under this pro	vision, the agency must consider four specific factors	
<ol> <li>Has the rule has the rule has the agency</li> </ol>		ed effect? or underestimate the rule's fiscal impac	<ul><li>3. Do subsequent changes in the law require a change in</li><li>4. Does the rule continue to be necessary?</li></ul>	the rule?
AY	ES answer	to any of the above questions	requires an explanation in the area provided below.	
OAR: 635-412- <u>0035</u>	Date Adopted: 2006	OAR Link: ]	Division 412 Fish Passage Rule Caption Fish Passage Criteria Comments http://www.dfw.state.or.us/OARs/412.pdf	
Program and Conta	act: Fish Divi:	sion; Alan Ritchey		<u>.</u>
Wildlife Director describing the fil and the public co passage and for 0035. Subseque	shall develo sh passage c ontinually us staff to issue ant changes i	p rules establishing general criteria f riteria and requirements necessary to e these rules as the baseline of what a fish passage approval. The agency	y. ORS 509.585(7)(c) references that the State Fish and ish passage. OAR 635-412-0035 had its intended effect of o implement the fish passage statutes and rules. ODFW staff is necessary to meet the State of Oregon policy to provide fish did not over or underestimate the fiscal impact of 635-412- rule. ODFW is tracking specific changes to this rule that may	Review Date/ Initials 5-9-17 AR
Director's Office: A	cting Deputy	Director, Mike Harrington		
		e intended effect. The agency did not ove ele. The rule is still necessary to guide fish	r, or underestimate the fiscal impact. Subsequent changes in the law management.	Review Date/ Initials

ORS 163.405. Although practical matter conduct	new rules, with so this requirement it an on-going rev	Rules me exceptions, within five years of adoption. applies only to new rules, agencies should as a iew of all administrative roles to ensure that so require periodic review of all rules.	<ul> <li>requirem</li> <li>Rules</li> <li>delivered</li> <li>The a</li> <li>Any n</li> <li>Any n</li> <li>Any n</li> </ul>	3.405 requires agencies to review a rule not later than five years after adopting it that for review does not apply to: already in existence as of January 1, 2006, or for which notice of proposed rule is d to the Secretary of State before January 1. 2006; mendment or repeal of a rule, but does apply to the adoption of new rules; ules that are required by a court order or settlement or a civil proceeding, ORS 1 ules adopting a federal law or rule by reference, ORS 183.405(5)(b); ules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c) ules adopted to correct errors or omissions, ORS 183.405(5)(d).	making was 83.405(4);
When an	agency rev	views a new rule under this province of the second se	ovisior	n, the agency must consider four specific factors	
<ol> <li>Has the rule had</li> <li>Did the agency</li> </ol>		d effect? or underestimate the rule's fiscal impa	ict?	<ol> <li>Do subsequent changes in the law require a change in</li> <li>Does the rule continue to be necessary?</li> </ol>	the rule?
AY	ES answer	to any of the above questions	requi	res an explanation in the area provided below.	
OAR: 635-412-0040	Date Adopted: 2006	OAR Link:	Ņ	ion 412 Fish Passage Rule Caption Itigation Criteria Comments www.dfw.state.or.us/OARs/412.pdf	
Program and Conta	ct: Fi <b>sh Divi</b> s	tion; Alan Ritchey	··· · ···		<u>torizo de la construcción de la</u>
passage when an ODFW staff and t This rule has had 0040 are frequen of developing an	n alternative the public to I its intended ntly used by alternative i	provides a net benefit. OAR 635-41 develop and evaluate alternatives to l effect of providing criteria for what ODFW. The public use these criteria to fish passage consistent with the r	L2-0040 to fish pi t is an a to eval mitigatio	<b>0.585(7)(a)</b> and (b) provides for a legal waiver to fish describes the fish passage mitigation criteria used by assage consistent with the objectives of ORS 509.585. Acceptable alternative to fish passage. OAR 635-412- uate the cost of providing fish passage versus the cost on criteria. The agency did not over or underestimate a change in rule. 635-412-0040 does continue to be	Review Date/ Initials 5-9-17 AR
Director's Office: A	cting Deputy I	Director, Mike Harrington	<u> </u>	· · · · · · · · · · · · · · · · · · ·	<u>.</u>
Comment: The ru	ile has had the		er, or un	derestimate the fiscal impact. Subsequent changes in the law	Review Date/ Initials

Review of New Rules Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.		e exceptions, within five years of adoption. pplies only to new rules, agencies should as a w of all administrative rules to ensure that	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>	
When an	agency revi	ews a new rule under this pro	ovision, the agency must consider four specific factor	rs:
	overestimate o	r underestimate the rule's fiscal impa		-
AY	ES answer t	o any of the above questions	requires an explanation in the area provided below.	
OAR: 635-007-0725	Date Adopted: - 2007	Fish S	Fish Management and Hatchery Operation <b>Rule Caption</b> Species; Sturgeon – Permit Required <b>Comments</b> <u>http://www.dfw.state.or.us/OARs/07.pdf</u>	
Program and Conta	act: Fish Divisio	on; Scott Patterson		<u></u>
2. No. 3. No.		o propagate sturgeon bility to manage privately produced	d sturgeon	Review Date/ Initials 5/9/2017 SP
Director's Office: M	lichael Harringto	n, Acting Deputy Director	· · · · · · · · · · · · · · · · · · ·	
		ntended effect. The agency did not over The rule is still necessary to guide fis	er, or underestimate the fiscal impact. Subsequent changes in the law h management.	Review Date/ Initials 6/9/2017 MRH

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Review of New Rules Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.			<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>	
	had its intended ncy overestimate o	effect? r underestimate the rule's fiscal imp	<ul><li>act?</li><li>3. Do subsequent changes in the law require</li><li>4. Does the rule continue to be necessary?</li></ul>	re a change in the rule?
A	YES answer to	o any of the above question	s requires an explanation in the area provid	ed below.
		· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·	• • • <u>•</u>
OAR:	Date	Division 3	7 Fish Management and Hatchery Operation Rule Caption Permit Application Process	

OAR: 635-007-0730	Date Adopted: 2007	Division 7 Fish Management and Hatchery Operation Rule Caption Permit Application Process Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/07.pdf</u>	
Program and Contact: Fish Division; Scott Patterson 1, yes. Requires a sturgeon permit request or renewal to submit an facility operating plan outlining specific details for location, water supply, screens, transportation, staffing among others. 2. No. There have been some comments about costs, but the high cost was established to prevent the hobbyist from starting a joint venture for profit efforts. 3. No 4. yes, maintains the agency's ability to manage private sturgeon production			Review Date/ Initials 5/9/2017 SP
Director's Office:	· · · · · · · · · · · · · · · · · · ·		I
Comment:			

Review of New Rules	ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, URS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>
When an agency reviews a new rule under this pr	ovision, the agency must consider four specific factors:

- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-007-0730	Date Adopted: 2007	Division 7 Fish Management and Hatchery Operation Rule Caption Permit Application Process Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/07.pdf</u>	
Program and Conta	ict: Fish Divis	sion; Scott Patterson	
<ol> <li>yes. Requires a sturgeon permit request or renewal to submit an facility operating plan outlining specific details for location, water supply, screens, transportation, staffing among others.</li> <li>No. There have been some comments about costs, but the high cost was established to prevent the hobbyist from starting a joint venture for profit efforts.</li> <li>No</li> <li>No</li> <li>yes, maintains the agency's ability to manage private sturgeon production</li> </ol>			Review Date/ Initials 5/9/2017 SP
Director's Office: M	lichael Harring	ton, Acting Deputy Director	
		e intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law le. The rule is still necessary to guide fish management.	Review Date/ Initials 6/9/2017 MRH

Review of New Rules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>			
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>			
When an agency reviews a new rule under this provision, the agency must consider four specific factors:				

1. Has the rule had its intended effect?

2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-007-0735 Program and Contri	Date Adopted: 2007 act: Fish Division; S	Division 7 Fish Management and Hatchery Operation Rule Caption Duties of Sturgeon Propagation Permittees Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/07.pdf</u>	
2. No 3. No		rgeon transfers around the state pility to manage hatchery sturgeon movement around the state	Review Date/ Initials 5/9/2017 SP
Director's Office:	· · · · ·		··· ···
Comment:			Review Date/ Initials

Review of New Rules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>	
Agencies must review new rules, with some exceptions, within five years of adoption.       • 1         ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.       • 1	vered to the Secretary of State before January 1, 2006; The amendment or repeal of a rule, but does apply to the adoption of new rules; my rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4); my rules adopting a federal law or rule by reference, ORS 183.405(5)(b); my rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and my rules adopted to correct errors or omissions, ORS 183.405(5)(d).	
When an agency reviews a new rule under this provis	ion, the agency must consider four specific factors:	
<ol> <li>Has the rule had its intended effect?</li> <li>Did the agency overestimate or underestimate the rule's fiscal impact?</li> </ol>	<ul><li>3. Do subsequent changes in the law require a change in the rule?</li><li>4. Does the rule continue to be necessary?</li></ul>	

OAR: 635-007-0735 Program and Conta	Date Adopted: 2007 act: Fish Divis	Division 7 Fish Management and Hatchery Operation Rule Caption Duties of Sturgeon Propagation Permittees Comments OAR Link: http://www.dfw.state.or.us/OARs/07.pdf Sion; Scott Patterson	
2. No 3. No		l of sturgeon transfers around the state nte's ability to manage hatchery sturgeon movement around the state	Review Date/ Initials 5/9/2017 SP
Director's Office: M	lichael Harring	ton, Acting Deputy Director	
		e intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law le. The rule is still necessary to guide fish management.	Review Date/ Initials 6/9/2017 MRH

Review of New Rules	ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: • Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>

#### when an agency reviews a new rule under this provision, the agency must consider four specific factors:

- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?

# 4. Does the rule continue to be necessary?

OAR: 635-007-0740	Date Adopted: 2007	Division 7 Fish Management and Hatchery Operation Rule Caption Purchase of Sturgeon from Sturgeon Propagation Permittee Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/07.pdf</u>	
Program and Conta	act: Fish Divis	sion; Scott Patterson	
2. No 3. No	-	t to possess a sturgeon harvested in a private hatchery to distinguish between wild and hatchery fish harvested	Review Date/ Initials 5/9/2017 SP
Director's Office:			
Comment:			Review Date/ Initials

Review of New Rules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>
Agencies must review new rules, with some exceptions, within five years of adoption. DRS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that ules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>

#### Then an agency reviews a new rule and er uns provision, the a

1. Has the rule had its intended effect?

2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-007-0740	Date Adopted: 2007	Division 7 Fish Management and Hatchery Operation Rule Caption Purchase of Sturgeon from Sturgeon Propagation Permittee Comments OAR Link: http://www.dfw.state.or.us/OARs/07.pdf	
<u> </u>		sion; Scott Patterson	
2. No 3. No	-	t to possess a sturgeon harvested in a private hatchery to distinguish between wild and hatchery fish harvested	Review Date/ Initials 5/9/2017 SP
Director's Office: M	lichael Harring	pton, Acting Deputy Director	
		e intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law I.e. The rule is still necessary to guide fish management.	Review Date/ Initials 6/7/2017 MRH

Review of New Rules Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>
When an agency reviews a new rule under this pr	rovision, the agency must consider four specific factors:
1 Has the rule had its intended effect?	3 Do subcontent changes in the law require a change in the rule?

2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule4. Does the rule continue to be necessary?

OAR: 635-007-0745 Program and Cont	Date Adopted: 2007 act: Fish Divi	Division 7 Fish Management and Hatchery Operation Rule Caption Revocation of Sturgeon Propagation Permit Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/07.pdf</u> sion; Scott Patterson	
2. No 3. No		ity to revoke sturgeon propagation permits if conduct is detrimental to existing game fish to manage private propagation of sturgeon	Review Date/ Initials 5/9/2017
Director's Office:			
Comment:			Review Date/ Initials

Agencies must review ( ORS 183.405. Although practical matter condu	this requirement applies or	ions, within five years of adoption. Iy to new rules, agencies should as a administrative rules to ensure that	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, OR</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(d).</li> </ul>	ule making was \$ 183.405(4);
When an	agency reviews a	a new rule under this pr	ovision, the agency must consider four specific facto	rs:
	ad its intended effect overestimate or unde	? erestimate the rule's fiscal impa	<ul><li>3. Do subsequent changes in the law require a change</li><li>4. Does the rule continue to be necessary?</li></ul>	in the rule?
AY	ES answer to any	of the above questions	requires an explanation in the area provided below	•
OAR: 635-007-0745	Date Adopted:		Fish Management and Hatchery Operation <b>Rule Caption</b> ration of Sturgeon Propagation Permit	
	2007		<b>Comments</b> : <u>http://www.dfw.state.or.us/OARs/07.pdf</u>	
1. Yes, prov 2. No 3. No	-	and the second	permits if conduct is detrimental to existing game fish urgeon	Review Date/ Initials 5/9/2017
Comment: The ro		• • •	rer, or underestimate the fiscal impact. Subsequent changes in the law sh management.	Review Date/ Initials 6/9/2017 MRH

Review of New Rules Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>
When an agency reviews a new rule under this pr	ovision, the agency must consider four specific factors:
1. Has the rule had its intended effect?	3. Do subsequent changes in the law require a change in the rule?

# 2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-500-6500	Date Adopted: 2007	Division 500 Fish Management Plan Rule Caption Oregon Coast Coho Conservation Plan – Implementing the Oregon Coast Coho Conservation Plan for the State of Oregon Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/500.pdf</u>	
Program and Conta	act: Fish Divi	sion; Kevin Goodson	
		e intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law le. The rule is still necessary to guide fish management.	Review Date/ Initials 5/24/17 KG
Director's Office: A	cting Deputy I	Director, Mike Harrington	
		e intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law ile. The rule is still necessary to guide fish management.	Review Date/ Initials 5-30- 2017 MH

Review of New Rules	ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>

#### When an agency reviews a new rule under this provision, the agency must consider four specific factors:

- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?
- 3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

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ed: Comments	
Division; Kevin Goodson	
	Review Date/ Initials 5/24/17 KG
eputy Director, Mike Harrington	
	v Review Date/ Initials 5-30- 2017 MH
	Rule Caption Rogue Spring Chinook Conservation Plan Comments

Review of New Rules	ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: • Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was
gencies must review new rules, with some exceptions, within five years of adoption. RS 183.405. Although this requirement applies only to new rules, agencies should as a ractical matter conduct an on-going review of all administrative rules to ensure that ules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>

#### which did deficy reviews a new rule under this provision, the deficit must const

- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?

4. Does the rule continue to be necessary?

		Summary of Rule	
OAR:	Date	License, Tags or Documents Available by Mail Order, Fax or Internet	
635-010-0170	Adopted: 2008	Comments	
		OAR Link: <u>http://www.dfw.state.or.us/OARs/10.pdf</u>	• •
Program and Conta	t Licencine	Linda Lutia	
			Review
<ol> <li>Yes. Onlin</li> <li>No.</li> <li>No chang</li> </ol>	es in the law	inue to be utilized and issued the same as in 2008. have been submitted continue to be offered to customers.	Date/ Initials 5/22/17 LRL
<ol> <li>Yes. Onlin</li> <li>No.</li> <li>No chang</li> </ol>	es in the law ne sales will c	have been submitted continue to be offered to customers.	Date/ Initials 5/22/17
Review of New Rules	ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: • Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was a rule making was a rule according to the Second rule making was a rule according to the Second rule before a rule according to the Second rule according		
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Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeat of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>		

### 1. Has the rule had its intended effect?

2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-500-3890	Date Adopted: 2008	Division 500 Fish Management Plan Rule Caption Klamath Basin Anadromous Fish Reintroduction Plan – Chinook Salmon in Upper Klamath Lake and Tributaries Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/500.pdf</u> sion; Kevin Goodson	
<b>Comment:</b> The n	ule has had the	e intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law ile. The rule is still necessary to guide fish management.	Review Date/ Initials 5/24/17 KG
Director's Office: /	cting Deputy	Director, Mike Harrington	<u> </u>
		e intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law ule. The rule is still necessary to guide fish management.	Review Date/ Initials 5-30- 2017 MH

	ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: • Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was
gencies must review new rules, with some exceptions, within five years of adoption. RS 183.405. Although this requirement applies only to new rules, agencies should as a ractical matter conduct an on-going review of all administrative rules to ensure that iles remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>

### 1. Has the rule had its intended effect?

2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?

4. Does the rule continue to be necessary?

OAR: 635-500-3895 Program and Contr	Date Adopted: 2008	Division 500 Fish Management Plan Rule Caption Chinook Salmon in the Oregon Portion of the Klamath River and Tributaries Below Upper Klamath Lake Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/500.pdf</u>	
<b>Comment:</b> The ru	ile has had the	intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law le. The rule is still necessary to guide fish management.	Review Date/ Initials 5/24/17 KG
Director's Office: A	cting Deputy D	Director, Mike Harrington	
1		intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law le. The rule is still necessary to guide fish management.	Review Date/ Initials 5-30- 2017 MH

Review of New Rules	ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved (see changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>

### 1. Has the rule had its intended effect?

2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-500-3900	Date Adopted: 2008	Division 500 Fish Management Plan Rule Caption Steelhead Trout in the Oregon Portion if the Klamath River, Upper Klamath Lake and Tributaries Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/500.pdf</u>	
Program and Conta	act: Fish Divis	sion; Kevin Goodson	, <b>4</b>
		intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law le. The rule is still necessary to guide fish management.	Review Date/ Initials 5/24/17 KG
Director's Office: A	cting Deputy I	Director, Mike Harrington	
		intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law le. The rule is still necessary to guide fish management.	Review Date/ Initials 5-30- 2017

Review of New Rules	OR\$ 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>

- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?

4. Does the rule continue to be necessary?

OAR: 635-500-3905	Date Adopted: 2008	Division 500 Fish Management Plan Rule Caption Coho Salmon in the Oregon Portion of the Klamath River and Tributaries Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/500.pdf</u>	
<u></u>		sion; Kevin Goodson	<u> </u>
		e intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law ile. The rule is still necessary to guide fish management.	<b>Review</b> Date/ Initials 5/24/17 KG
Director's Office: A	cting Deputy	Director, Mike Harrington	
		e intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law le. The rule is still necessary to guide fish management.	Review Date/ Initials 5-30- 2017 MH

Review of New Rules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>

- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?

4. Does the rule continue to be necessary?

OAR: 635-500-3910	Date Adopted: - 2008	Division 500 Fish Management Plan Rule Caption Pacific Lamprey in the Oregon Portion of the Klamath River, Upper Klamath Lake and Tributaries Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/500.pdf</u>	
Program and Cont	act: Fish Divisi	on; Kevin Goodson	<u>.</u>
		Intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law e. The rule is still necessary to guide fish management.	Review Date/ Initials 5/24/17 KG
Director's Office: A	Acting Deputy Di	rector, Mike Harrington	
		intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law e. The rule is still necessary to guide fish management.	Review Date/ Initials 5-30- 2017 MH

Review of New Rules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>

- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?
- 3. Do subsequent changes in the law require a change in the rule?
- 4. Does the rule continue to be necessary?

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OAR:			
635-600-0000			
635-600-0005			
635-600-0010		Rule Caption	
635-600-0015			
635-600-0020	Date	Crimes Relevant to a Fitness Determination	
635-600-0025	Adopted:	Comments	-
635-600-0030	2008	OAR Link: <u>http://dfw.state.or.us/OARs/600.pdf</u>	
635-600-0035			
635-600-0040			
635-600-0050			· · · · ·
635-600-0055			
635-600-0065	l	· · · · · · · · · · · · · · · · · · ·	1
Program and Conta	ct: Human R	esources, Katelin Kannier	
Comment:			Review
above. ODFW HR and updating bas history checks pu review the updat Borisch and the I	has been w and on DAS is arsuant to O ces. By the en Director's Of	Criminal History Checks are included above and the same comment applies to all OARs listed orking with DOJ on reviewing and updating draft rules. We have been reviewing the ODFW rules mplementing statewide administrative rules 125-007-0200 through 125-007-0330 for criminal RS 181A.215. We anticipate updating the draft rules by the end of July, then will work with DAS to nd of August we plan to finalize draft rules filed with SOS. We have been working with Roxie fice on setting a date to include as an agenda item for an upcoming Commission meeting.	Date/ Initials 5/30/17 KK
Director's Office: K	en Loffink, Ad	ting Deputy Director	
The Commission ac	lopted the up	dated administrative rules for criminal background checks during the February 9, 2018 Commission meeting.	3/27/18 KL

Review of New Rules	<ul> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>	
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.		
When an agency reviews a new rule under this pr	ovision, the agency must consider four specific factors:	
1. Has the rule had its intended effect?	3. Do subsequent changes in the law require a change in the rule?	

2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule? 4. Does the rule continue to be necessary?

OAR: 635-004-0430	Date Adopted: 2009	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Sardine Catching Vessel Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Program and Conta	act: Fish Divi	sion;	
Comment:			Review Date/ Initials
Director's Office:			
Comment:			Review Date/ Initials

Review of New Rules Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.		me exceptions, within five years of adoption. applies only to new rules, agencies should as a fiew of all administrative rules to ensure that	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal faw or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul> </li> </ul>		
When an	agency rev	views a new rule under this pr	ovision, the agency must consider four specific fa	ctors:	
<u></u>	r overestimate	or underestimate the rule's fiscal impa	<ul> <li>3. Do subsequent changes in the law require a changes in the law require a changes.</li> <li>4. Does the rule continue to be necessary?</li> <li>5 requires an explanation in the area provided below.</li> </ul>	- 	
		· · · · · · · · · · · · · · · · · · ·		· · · · · · · · · · · · · · · · · · ·	
OAR: 635-004-0615	Date Adopted: 2009		nmercial Fisheries Other Than Salmon or Shellfish <b>Rule Caption</b> <u>Pacific Hagfish Harvest Guideline</u> <u>Comments</u> c <u>http://www.dfw.state.or.us/OARs/04.pdf</u>		
Program and Cont	act: Fish Divis	sion;			
Comment:	<u></u>			Review Date/ Initials	
Director's Office:		······	<u> </u>	<u> </u>	
Comment:				Review Date/ Initials	
			······································		

ORS 183.405. Although practical matter condu- rules remain viable. Ag <b>When an</b> 1. Has the rule h 2. Did the agency	new rules, with s h this requirement at an on-going re gency rules may a <b>agency re</b> ad its Intend r overestimat	Rules ome exceptions, within five years of adoption. It applies only to new rules, agencies should as a wiew of all administrative rules to ensure that also require periodic review of all rules. requires a new rule under this provision ed effect? e or underestimate the rule's fiscal impact?	405 requires agencies to review a rule not later than five years after adopting it ant for review does not apply to: already in existence as of January 1, 2006, or for which notice of proposed rule to the Secretary of State before January 1. 2006; nendment or repeal of a rule, but does apply to the adoption of new rules; les that are required by a court order or settlement or a civil proceeding, ORS 1 les adopting a federal law or rule by reference, ORS 183.405(5)(b); les adopted to implement legislatively approved fee changes, ORS 183.405(5)(d). <b>, the agency must consider four specific factors</b> 3. Do subsequent changes in the law require a change in 4. Does the rule continue to be necessary?	making was 83.405(4); ); and
AY	ES answe	r to any of the above questions requir	es an explanation in the area provided below.	
OAR: 635-004-0620 Program and Cont	Date Adopted: 2009 act: Fish Div	OAR Link: <u>http://w</u>	isheries Other Than Salmon or Shellfish Rule Caption Fishing Gear Comments ww.dfw.state.or.us/OARs/04.pdf	
Comment:				Review Date/ Initials
Director's Office:			· · · · · · · · · · · · · · · · · · ·	
Comment:				Review Date/ Initials

Review of New Rules	ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>

#### wnen an agency re w rule under ule agency

- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?
- 3. Do subsequent changes in the law require a change in the rule?
- 4. Does the rule continue to be necessary?

635-0	AR: 12-0020 n and Conta	Date Adopted: 2009 ct: Fish Divis	Division 12 Marine Reserves and Marine Protected Areas in the Territorial Sea Rule Caption Marine Reserves and Marine Protected Areas in the Territorial Sea - Purpose Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/12.pdf</u>	
Comm		<u> </u>		Review
1. 2. 3. 4.	Yes, This n protected a No, No, Yes, This n	ule continues t	ontext (cites ORS mandate) for these rules in OAR 635-012 regulating activities designated as marine reserves or to be necessary for implementation of ORS 196.540-196.555 and Oregon Senate Bill 1510 (2012), by regulating ated as marine reserves or protected areas.	Date/ Initials 5/30/17 CD
No	tes:		· · · · · · · · · · · · · · · · · · ·	
a.		vas amended i		
b.			ere in this sheet is outdated – it was amended in 2012 ("Marine Protected Areas" was amended to just J follow the OAR link, the title is correct)	
Directo	r's Office: M	lichael Harringi	ton, Acting Deputy Director	

Review of New Rules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>	
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>	
When an agency reviews a new rule under this pr	ovision, the agency must consider four specific factors:	

- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?

4. Does the rule continue to be necessary?

OAR: 635-012-003	2009	Division 12 Marine Reserves and Marine Protected Areas in the Territorial Sea Rule Caption Marine Reserves and Marine Protected Areas in the Territorial Sea - Definitions Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/12.pdf</u>	
Program and C	ontact: Fish Div	ision; Cristen Don	
areas. 2. No. 3. No. 4. Yes. Ti activiti	is rule continues	the definitions used in the subsequent OARs for regulating activities designated as marine reserves or protected to be necessary for implementation of ORS 196.540-196.555 and Oregon Senate Bill 1510 (2012), by regulating nated as marine reserves or protected areas.	Review Date/ Initials 5/30/17 CD
Director's Offic	: Michael Harrin	gton, Acting Deputy Director	
		e intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law ule. The rule is still necessary to guide fish management.	Review Date/ Initials 6/9/2017 MRH

Review of New Rules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>	
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2005;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a ovil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>	

- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule? 4. Does the rule continue to be necessary?

OAR: 635-012-	(	Date Adopted: 2009	Division 12 Marine Reserves and Marine Protected Areas in the Territorial Sea Rule Caption Marine Reserve and Marine Protected Area Boundaries Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/12.pdf</u>	
Program ar	nd Conta	ct: Fish Divis	sion; Cristen Don	<u></u>
are effi 2. No 3. No 4. Ye act	es. This ru eas and e fective on o. o. es. This ru tivities in	establishes the different yea le continues	to be necessary for implementation of ORS 196.540-196.555 and Oregon Senate Bill 1510 (2012), by regulating ated as marine reserves or protected areas.	Review Date/ Initials 5/30/17 CD
Director's C	Office: Mi	ichael Harring	ton, Acting Deputy Direct	
			e intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law le. The rule is still necessary to guide fish management.	Review Date/ Initials 6-9- 2017 MRH

Review of New Rules Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.		es	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2005, or for which notice of proposed rule making was delivered to the Secretary of State before January 1, 2006;</li> </ul>	
		only to new rules, agencies should as a all administrative rules to ensure that	<ul> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 193,405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183,405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183,405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183,405(5)(d).</li> </ul>	
When an	agency review	s a new rule under this pr	rovision, the agency must consider four specific factors	
	ad its intended effi overestimate or ur	ect? derestimate the rule's fiscal impa	<ul><li>3. Do subsequent changes in the law require a change in</li><li>4. Does the rule continue to be necessary?</li></ul>	the rule?
- A Y	ES answer to a	ny of the above questions	s requires an explanation in the area provided below.	
	·			·
OAR:	Date		eserves and Marine Protected Areas in the Territorial Sea <b>Rule Caption</b> ne Reserve Prohibitions and Allowances	
635-012-0050	Adopted: 2009		Comments <: <u>http://www.dfw.state.or.us/OARs/12.pdf</u>	
Program and Cont	act: Fish Division;	Cristen Don		<u><u> </u></u>
2. No.	rule regulates activiti	es in areas designated as marine r	réserves.	Review Date/ Initials
		necessary for implementation of O s marine reserves or protected are	RS 196.540-196.555 and Oregon Senate Bill 1510 (2012), by regulating eas.	5/30/17 CD
Note: This OAR wa	as amended in 2012.			

Director's Office: Michael Harrington

Comment: The rule has had the intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law will not require changes in the rule. The rule is still necessary to guide fish management. Date/ Initials

> 6-9-2017 MRH

Agencies must review I ORS 183.405. Although practical matter conduc	n this requirement ap ct an on-going review	exceptions, within five years of adoption. plies only to new rules, agencies should as a of all administrative rules to ensure that require periodic review of all rules.	<ul> <li>DRS 183.405 requires agencies to review a rule not later than five years after adopting it requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule i delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 11: Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(d);</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>	making was 83.405(4);
When an	agency revie	ews a new rule under this prov	rision, the agency must consider four specific factors	
<ol> <li>Has the rule hi</li> <li>Did the agency</li> </ol>		effect? r underestimate the rule's fiscal impact	<ul><li>3. Do subsequent changes in the law require a change in</li><li>4. Does the rule continue to be necessary?</li></ul>	the rule?
AY	ES answer b	o any of the above questions r	equires an explanation in the area provided below.	<u> </u>
OAR: 635-012-0060	Date Adopted: - 2009	Redfish Rocks Mar	erves and Marine Protected Areas in the Territorial Sea <b>Rule Caption</b> ine Protected Area prohibitions and Allowances <b>Comments</b> http://www.dfw.state.or.us/OARs/12.pdf	
Program and Conta	act: Fish Divisio	n; Cristen Don		Review
<ol> <li>Yes. This r</li> <li>No.</li> <li>No.</li> <li>Yes. This r</li> </ol>	ule continues to n areas designate	ed as marine reserves or protected areas	196.540-196.555 and Oregon Senate Bill 1510 (2012), by regulating	Date/ Initials 5/30/17 CD
Comment: The n	le has had the in	n, Acting Deputy Director Itended effect. The agency did not over, The rule is still necessary to guide fish	, or underestimate the fiscal impact. Subsequent changes in the law management.	Review Date/ Initials 6-9- 2017 MRH

	equirement for review does not apply to: Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a pradical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	elivered to the Secretary of State before January 1. 2006; The amendment or repeal of a rule, but does apply to the adoption of new rules; Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4); Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b); Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).

- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?

4. Does the rule continue to be necessary?

	Summary of Rule	
Date	Agency Representation by Employee	
Adopted:	Comments	
2010	OAR Link: <u>http://www.dfw.state.or.us/OARs/01.pdf</u>	
tact: Licensing,	Linda Lytle	
ges in the law re continue to	have been submitted. be contested case hearings related to the WVC.	Review Date/ Initials 5/22/2017 LRL
<u> </u>		
		Review Date/ Initials 6/9/2017 MRH
	Adopted: 2010 tact: Licensing, License Servic ges in the law re continue to Michael Harringt ule has had the	Date         Agency Representation by Employee           Adopted:         Comments

Review of New Rules			ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: • Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was		
ORS 183.405. Althou practical matter con	ugh this requirement duct an on-going re	me exceptions, within five years of adoption. applies only to new rules, agencies should as a fiew of all administrative rules to ensure that so require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>		
When a	n agency re	views a new rule under this pr	vision, the agency must consider four	specific factors:	
1. Has the rule 2. Did the agen		ed effect? or underestimate the rule's fiscal impi	<ul><li>3. Do subsequent changes in the law r</li><li>4. Does the rule continue to be necess</li></ul>		
Α	YES answer	to any of the above question	requires an explanation in the area pr	ovided below.	
<u> </u>	.—	Division	Department of Fish and Wildlife Lands		
OAR:	Date		Rule Caption		

OAR: Dat 635-008-0211 Adopt 201	ed:Public Access to Department Hatchenes	
Program and Contact: Fish	Division; Scott Patterson	
etc. 2. No 3. No	chery managers to restrict access to the hatchery grounds after hours, prevents open fires, camping, anagers need to manage access to the facilities they manage.	Review Date/ Initials 5/9/2017 SP
Director's Office:		
Comment:		Review Date/

.

Agencies must review ORS 183.405. Althoug practical matter condu	h this requirement a Ict an on-going revie	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years a requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of r</li> <li>Any rules that are required by a court order or settlement or a civil pro</li> <li>Any rules adopted to implement legislatively approved fee changes, OR</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>	proposed rule making was ew rules; xeeding, ORS 183.405(4); p);
When an a	aency revie	ws a new rule under this provision, the agency must consider four specific	factors:
1. Has the rule h	ad its intended		
AY	'ES answer t	to any of the above questions requires an explanation in the area provided	below.
OAR: 635-011-0170	Date Adopted: - 2010	Division 11 Statewide Angling Regulations Rule Caption Green Sturgeon Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/11.pdf</u>	
Program and Cont	act: Fish Divisi	ion; Tucker Jones	<u></u> * *
Comment:	· · · · · · · ·	ntended effect, prohibiting the sport harvest of green sturgeon.	Review Date/
<ol> <li>Yes the rule</li> <li>Unknown</li> <li>No, south</li> <li>Yes, the signal sport fisher</li> </ol>	ern DPS Green S outhern distinct eries, Southern a	Sturgeon status has not changed. population segment (DPS) of Green Sturgeon are federally listed as "Threatened" and may not be re and northern DPS fish are indistinguishable based on physically observable characters and may co-mi pre the catch prohibition remains necessary.	
<ol> <li>Yes the rule</li> <li>Unknown</li> <li>No, south</li> <li>Yes, the sign of th</li></ol>	ern DPS Green S outhern distinct eries. Southern a stuaries. Therefo	population segment (DPS) of Green Sturgeon are federally listed as "Threatened" and may not be re and northern DPS fish are indistinguishable based on physically observable characters and may co-mi	6/8 jww tained in

Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> </ul>
When an agency reviews a new rule under this pr	Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).  rovision, the agency must consider four specific factors:

- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-500-6550	Date Adopted: 2010	Division 500 Fish Management Plan Rule Caption Conservation and Recovery Plan for Oregon Steelhead Populations in the Middle Columbia River Steelhead Distinct Population Segment Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/500.pdf</u>	
Program and Conta	act: Fish Divi	sion; Kevin Goodson	_ <b>*</b> · <u>-</u> · · · · ·
		e intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law le. The rule is still necessary to guide fish management.	Review Date/ Initials 5/24/17 KG
Director's Office: D	eputy Directo	r, Mike Harrington	
		e intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law ile. The rule is still necessary to guide fish management.	Review Date/ Initials 5-30- 2017 MH

Review of New Rules	ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2005, or for which notice of proposed rule making was</li> </ul>
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>

- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?
- 3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-500-6575 Program and Conta	Date Adopted: 2010	Division 500 Fish Management Plan Rule Caption Implementing the Lower Columbia River Conservation and Recovery Plan for Oregon Populations of Salmon and Steelhead Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/500.pdf</u>	
Comment: The ru	ie has had the	e intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law le. The rule is still necessary to guide fish management.	Review Date/ Initials 5/24/17 KG
Director's Office: D	eputy Director	r, Mike Harrington	
		e Intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law ile. The rule is still necessary to guide fish management.	Review Date/ Initials 5-30- 2017 MH

ORS 183.405. Although this re- practical matter conduct an on rules remain viable. Agency rul	with some exceptions, within five years of adop quirement applies only to new rules, agencies sho -going review of all administrative rules to ensure les may also require periodic review of all rules.	uld as a       • Any rules that are required by a court order or settlement or a civil proceeding, OR5 is that         • Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);         • Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c);         • Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).	making was 183.405(4); c); and
When an agen 1. Has the rule had its		this provision, the agency must consider four specific factor 3. Do subsequent changes in the law require a change in	
	estimate or underestimate the rule's fis		
A YES ar	nswer to any of the above que	estions requires an explanation in the area provided below.	· · ·
•		Summary of Rule	
	ate	License Exchanges	-
		Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/01.pdf</u>	
Program and Contact: Li	censing, Linda Lytle		
2. No. 3. No. There have	clear direction to staff and customer e been no changes to the law submi s still upgrade and exchange docum	itted.	Review Date/ Initials 5/22/17 LRL
Director's Office: Deputy	Director, Mike Harrington		
	a had the intended effect. The agency di in the rule. The rule is still necessary.	id not over, or underestimate the fiscal impact. Subsequent changes in the law	Review Date/ Initials 6-9- 2017 MRH

Review of New Rules	ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>
When an agency reviews a new rule under this pr	ovision, the agency must consider four specific factors:

## 1. Has the rule had its intended effect?

2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-500-6600 Program and Conta	Date Adopted: 2011 act: Fish Divis	Division 500 Fish Management Plan Rule Caption Implementing the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/500.pdf</u> sion; Kevin Goodson	
		e intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law le. The rule is still necessary to guide fish management.	Review Date/ Initials 5/24/17 KG
Director's Office: A	cting Deputy (	Director, Mike Harrington	
		e intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law le. The rule is still necessary to guide fish management.	Review Date/ Initials 5-30- 2017 MH

Review of New Rules	ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>		
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1, 2005;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>		

### factors:

- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule? 4. Does the rule continue to be necessary?

OAR: 635-500-6625	Date Adopted: 2011	Division 500 Fish Management Plan Rule Caption Lower Columbia River and Oregon Coast White Sturgeon Conservation Plan; Implementing the Lower Columbia River and Oregon Coast White Sturgeon Conservation Plan Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/500.pdf</u>	
Program and Conta	act: Fish Divis	sion; Tucker Jones	*
sturgeon c 2. Unknown 3. Changes to	onservation an	River and Oregon Coast White Sturgeon Conservation plan has guided, and continues to guide, white ad management efforts in the lower Columbia River. Innecessary at this time, however, several provisions of the rule have yet to be implemented, e.g. status 535-500-6625(4), establishment of the White Sturgeon Technical Management Team as described in 635-500-	Review Date/ Initials
Director's Office: M	lichael Harring	ton, Acting Deputy Director	<u> </u>
		intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law le. The rule is still necessary to guide fish management.	Review Date/ Initials MRH 6/19/2017

Agencies must review ORS 183.405. Althougi practical matter condu	h this requirement applies o	tions, within five years of adoption. Ny to new rules, agencies should as a administrative rules to ensure that	requirer • Rules delivere • The a • Any r • Any r • Any r	3.405 requires agencies to review a rule not later than five years affi ment for review does not apply to: s already in existence as of January 1, 2006, or for which notice of p d to the Secretary of State before January 1. 2006; amendment or repeal of a rule, but does apply to the adoption of ne rules that are required by a court order or settlement or a divil proce rules adopting a federal law or rule by reference, ORS 183.405(5)(b) rules adopted to implement legislatively approved fee changes, ORS rules adopted to correct errors or omissions, ORS 183.405(5)(d).	w rules; weding, ORS 183.405(4);
When an	agency reviews	a new rule under this pr	ovisio	n, the agency must consider four specifi	c factors:
	ad its intended effect overestimate or und	t? erestimate the rule's fiscal impa	act?	<ul><li>3. Do subsequent changes in the law require a</li><li>4. Does the rule continue to be necessary?</li></ul>	change in the rule?
AY	'ES answer to an	y of the above questions	s requi	res an explanation in the area provided	below.
OAR: 635-004-0200	Date Adopted: 2012		General I	Fisheries Other Than Salmon or Sheilfish Rule Caption Regulations; Organization Comments www.dfw.state.or.us/OARs/04.pdf	
Program and Cont	act: Fish Division; Tr	oy Buell	<u></u>		
Comment:					Review Date/ Initials
Director's Office:		· · · · · · · · · · · · · · · · · · ·			<u> </u>
Comment:			. <u></u>	· · · · · · · · · · · · · · · · · · ·	Review Date/ Initials
<u></u>					

Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>
When an agency reviews a new rule under this prov	vision, the agency must consider four specific factors:
1. Has the rule had its intended effect?	3. Do subsequent changes in the law require a change in the rule?
2. Did the agency overestimate or underestimate the rule's fiscal impact	? 4. Does the rule continue to be necessary?

OAR:	Date	<b>Division 4</b> Commercial Fisheries Other Than Salmon or Shellfish <b>Rule Caption</b> Commercial Fisheries Other Than Salmon or Shellfish; Licensing Requirements	
635-004-0205	Adopted: 2012	Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Program and Conta	act: Fish Division;	; Troy Buell	
Comment:			Review Date/ Initials
Director's Office:			
Comment:		-	Review Date/ Initials

Review of New Rules	ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>

#### 1. Has the rule had its intended effect?

- 2. Did the agency overestimate or underestimate the rule's fiscal impact?
- 3. Do subsequent changes in the law require a change in the rule?
- 4. Does the rule continue to be necessary?

OAR: 635-004-0210	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Commercial Fisheries Other Than Salmon or Shellfish; Authority of Enforcement in Fishery Conservation Zone and Exclusive Economic Zone Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Program and Conta	act: Fish Divis	sion; Troy Buell	
Comment:			Review Date/ Initials
Director's Office:			
Comment:			Review Date/ Initials

Review of New Rules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>

#### 1. Has the rule had its intended effect?

2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-004-0270	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shelifish Rule Caption Groundfish Section; Organization of Rules Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Program and Cont	act: Fish Divisio	ı; Troy Buell	·
Comment:			Review Date/ Initials
Director's Office:			
Commonk			Poviou

 Comment:	Review Date/ Initials	

Review o	f New F	Rules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. Th requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2005, or for which notice of proposed rule makes a second seco</li></ul>	
ORS 183.405. Although practical matter conduc	this requirement t an on-going rev	me exceptions, within five years of adoption. applies only to new rules, agencies should as a iew of all administrative rules to ensure that so require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.4</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); at</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>	
When an	agency rev	views a new rule under this pr	ovision, the agency must consider four specific factors:	
<ol> <li>Has the rule had its intended effect?</li> <li>Did the agency overestimate or underestimate the rule's fiscal impact</li> </ol>			<ul><li>3. Do subsequent changes in the law require a change in the act?</li><li>4. Does the rule continue to be necessary?</li></ul>	ie rule?
AY	ES answer	to any of the above questions	s requires an explanation in the area provided below.	
				<u> </u>
OAR:	Date		nmercial Fisheries Other Than Salmon or Shellfish Rule Caption tion; Scope, Inclusion and Modifications of Rules	
635-004-0275	Adopted: 2012		Comments : http://www.dfw.state.or.us/OARs/04.pdf	
Program and Conta	et: Fish Divi	sion; Troy Buell	= 1 + -	
Comment:	<u> </u>			Review Date/ Initials
	-			
Director's Office:	· · · · · · · · · · · · · · · · · · ·			
Comment:				Review Date/ Initials

<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>
<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>
rovision, the agency must consider four specific factors:
<ul><li>3. Do subsequent changes in the law require a change in the rule?</li><li>4. Does the rule continue to be necessary?</li></ul>
s requires an explanation in the area provided below.
mmercial Eicheriae Other Than Salmon or Shallfich

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OAR:	Date	Rule Caption Trawl and Fixed Gear Groundfish Fisheries; Fisheries Defined	
635-004-0285	Adopted: 2012	Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
		·	
Program and Cont	act: Fish Division; T	roy Buell	-
Comment:	· · · · · · · · · · · · · · · · · · ·	-	Review Date/ Initials
Director's Office:			
Comment:			Review Date/ Initials

Review of New Rules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeat of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>
When an agency reviews a new rule under this pr	ovision, the agency must consider four specific factors:

## 1. Has the rule had its intended effect?

2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-004-0300	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Black, Blue Rockfish and Nearshore Fishery; Requirement for Black Rockfish/ Blue Rockfish/ Nearshore Fishery Permit Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Program and Conta	ct: Fish Divi	sion; Troy Buell	
Comment:			Review Date/ Initials
Director's Office:			
Comment:			Review Date/ Initials

Review of New Rules Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.		S re- ions, within five years of adoption. by to new rules, agencies should as a administrative rules to ensure that a periodic review of all rules.	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul> </li> </ul>		
When an	agency reviews	· · · · · · · · · · · · · · · · · · ·	ision, the agency must consider four specif	ic factors:	
	ad its intended effect overestimate or unde	t? erestimate the rule's fiscal impact?	<ul><li>3. Do subsequent changes in the law require a</li><li>4. Does the rule continue to be necessary?</li></ul>	change in the rule?	
AY	ES answer to an	y of the above questions re	equires an explanation in the area provided	below.	
OAR: 635-004-0305	Date Adopted: 2012	Black, Blue Ro OAR Link: <u>ht</u>	ercial Fisheries Other Than Salmon or Shellfish Rule Caption ckfish and Nearshore Fishery; Permit Fee Comments tp://www.dfw.state.or.us/OARs/04.pdf		
Comment:	act: Fish Division; Tr		<u> </u>	Review Date/ Initials	
Director's Office:				· · · · · · · · · · · · · · · · · · ·	
Comment:		· · · · · · · · · · · · · · · · · · ·		Review Date/ Initials	

Review of New Rules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2005, or for which notice of proposed rule making was</li> </ul>			
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>			
When an agency reviews a new rule under this provision, the agency must consider four specific factors:				

- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?
- 3. Do subsequent changes in the law require a change in the rule?
- 4. Does the rule continue to be necessary?

OAR: 635-004-0310	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Eligibility Requirements for a Permit Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Program and Cond	act: Fish Division; Troy		
Comment:			Review Date/ Initials
Director's Office:			
Comment:	<u> </u>		Review Date/ Initials

Review of New Rules	ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, QRS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, QRS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, QRS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, QRS 183.405(5)(d).</li> </ul>

#### 1. Has the rule had its intended effect?

2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule? 4. Does the rule continue to be necessary?

OAR: 635-004-0315	Date	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Review of Denials	_
033-004-0313	Adopted: 2012	Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
<b>.</b>			- <sup>1</sup>
Program and Contact	: Fish Divis		
Comment:			Review Date/ Initials
Director's Office:			
Comment:			Review Date/ Initials
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Rules already in existence as of J	ly to: snuary 1, 2005, or for which notice of proposed rule making was
ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that • Any rules adopting a federal law of the statement o	le, but does apply to the adoption of new rules; ourt order or settlement or a civil proceeding, ORS 183.405(4); or rule by reference, ORS 183.405(5)(b); egislatively approved fee changes, ORS 183.405(5)(c); and

#### 1. Has the rule had its intended effect?

2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

<u> </u>	·	Division & Commercial Eichevier Other Then Colman or Chalifich	· []
		Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption	
OAR:	Date	Renewal of Permit	
635-004-0320	Adopted:	Comments	
000 001 0020	2012	OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Program and Conta	act: Fish Divi	ision; Troy Buell	
Comment:	<u> </u>		Review
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Director's Office:	· · · · ·		
Comment:	<u> </u>		Review
Comments			Date/
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	ORS 183,405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>		
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a	<ul> <li>delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> </ul>		
When an agency reviews a new rule under this prov	vision, the agency must consider four specific factors:		
<ol> <li>Has the rule had its intended effect?</li> <li>Did the agency overestimate or underestimate the rule's fiscal impact</li> </ol>	<ul><li>3. Do subsequent changes in the law require a change in the rule?</li><li>4. Does the rule continue to be necessary?</li></ul>		

OAR: 635-004-0325	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shelffish Rule Caption Lottery for Limited Entry Black Rockfish/Blue Rockfish/Nearshore Fishery Permits Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Program and Conta	act: Fish Divis	sion; Troy Buell	
Comment:			Review Date/ Initials
Director's Office:			
Comment:			Review Date/ Initials

Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.			<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>	
When an	agency revi	iews a new rule under this pro	ovision, the agency must consider four specifi	c factors:
<ol> <li>Has the rule h</li> <li>Did the agency</li> </ol>	· · · · · · · · · · · · · · · · · · ·	I effect? or underestimate the rule's fiscal impa	<ul><li>3. Do subsequent changes in the law require a change in the rule?</li><li>4. Does the rule continue to be necessary?</li></ul>	
A )	ES answer (	to any of the above questions	requires an explanation in the area provided	below.
OAR: 635-004-0330	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Transferability of Permits Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf		
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Program and Com	act: Fish Divisi	on; Troy Buell		Davidavar
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Comment:		· · · · · · · · · · · · · · · · · · ·		Review Date/

Review of New Rules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>

- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-004-0335	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Logbook Required Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Program and Cont	act: Fish Division; Troy	Buell	
Comment:			Review Date/ Initials
Director's Office:			
Comment:			Review Date/ Initials
	<u>1997</u>		- <u>-</u> - <u>-</u> - <u>-</u> - <u>-</u> - <u>-</u>
Review of New Rules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>		
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Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>		

1. Has the rule had its intended effect?	3. Do subsequent changes in the law require a change in the rule?
2. Did the agency overestimate or underestimate the rule's fiscal impact?	4. Does the rule continue to be necessary?

OAR: 635-004-0350	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Harvest Guidelines and Landing Caps Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Program and Conta	ect: Fish Division	n; Troy Buell	
Comment:			Review Date/ Initials
Director's Office:	-		
Comment:			Review Date/ Initials

Review of New Rules	ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>
es must review new rules, with some exceptions, within five years of adoption. 33.405. Although this requirement applies only to new rules, agencies should as a al matter conduct an on-going review of all administrative rules to ensure that emain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(S)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>

- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-004-0355	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Trip Limits Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Program and Cont	act: Fish Division; Troy	Buell	
Comment:			Review Date/ Initials
Director's Office:			
Comment:			Review Date/ Initials

effect? or underestimate the rule's fiscal impa- to any of the above questions Division 4 Com Coastal Pelagic a	ovision, the agency must consider four specific         3. Do subsequent changes in the law require a c         4. Does the rule continue to be necessary?         requires an explanation in the area provided b         nmercial Fisheries Other Than Salmon or Shellfish         Rule Caption         and Smelt Species Section – Organization of Rules         Comments         : http://www.dfw.state.or.us/OARs/04.pdf	hange in the rule?
or underestimate the rule's fiscal impa- to any of the above questions Division 4 Com Coastal Pelagic a	ct?       4. Does the rule continue to be necessary?         requires an explanation in the area provided be mercial Fisheries Other Than Salmon or Shellfish Rule Caption and Smelt Species Section – Organization of Rules         Comments	-
Division 4 Com Coastal Pelagic a	nmercial Fisheries Other Than Salmon or Shellfish <b>Rule Caption</b> and Smelt Species Section – Organization of Rules <b>Comments</b>	elow.
Coastal Pelagic a	Rule Caption and Smelt Species Section – Organization of Rules Comments	
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new rules, with some exceptions of the source of the sourc	ions, within five years of adoption. If to new rules, agencies should as a administrative rules to ensure that	<ul> <li>requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption</li> <li>Any rules that are required by a court order or settlement or a civil</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405;</li> <li>Any rules adopted to implement legislatively approved fee changes,</li> </ul>	of proposed rule making was of new rules; proceeding, ORS 183.405(4); (5)(b); ORS 183.405(5)(c); and
agency reviews a	new rule under this pr	rovision, the agency must consider four spe	cific factors:
		· · · ·	e a change in the rule?
ES answer to any	of the above questions	s requires an explanation in the area provid	ed below.
Date Adopted: 2012	Scop	Rule Caption be, Inclusion and Modifications of Rules Comments	
tact: Fish Division;		<u> </u>	Review Date/ Initials
·····	<u></u>	· · · · · · · · · · · · · · · · · · ·	Review Date/ Initials
	new rules, with some except this requirement applies or uct an on-going review of all a gency rules may also require <b>agency reviews a</b> had its intended effect y overestimate or under <b>(ES answer to any</b> <b>Date</b> <b>Adopted:</b>	Adopted: 2012 Marked	<ul> <li>Rule arready in existence as of January 1, 2006, or for which notice delivered to the Secretary of State before January 1, 2006, or for which notice delivered to the Secretary of State before January 1, 2006, or for which notice delivered to the Secretary of State before January 1, 2006, or for which notice delivered to the Secretary of State before January 1, 2006, or for which notice delivered to the Secretary of State before January 1, 2006, or for which notice delivered to the Secretary of State before January 1, 2006, or for which notice delivered to the Secretary of State before January 1, 2006, or for which notice delivered to the Secretary of State before January 1, 2006, or for which notice delivered to the Secretary of State before January 1, 2006, or for which notice delivered to the Secretary of State before January 1, 2006, or for which notice delivered to the Secretary of State before January 1, 2006, or for which notice delivered to the Secretary of State before January 1, 2006, or for which notice delivered to the Secretary of State before January 1, 2006, or for which notice delivered to the Secretary of State before January 1, 2006, or for which notice delivered to the Secretary of State before January 1, 2006, or for which notice delivered to the secretary of State before January 1, 2006, or for which notice delivered to the secretary of State before January 1, 2006, or for which notice delivered to the secretary of State before January 1, 2006, or for which notice delivered to the adoption or for the adoption between the secretary and values adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>

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ORS 183.405. Althoug practical matter condu	new rules, with so In this requirement In an on-going re	Rules one exceptions, within five years of adoption. t applies only to new rules, agencies should as a view of all administrative rules to ensure that lso require periodic review of all rules.	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proj delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new</li> <li>Any rules that are required by a court order or settlement or a civil proceed</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 18</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>	posed rule making was rules; ling, ORS 183.405(4);
When an	agency re	views a new rule under this pr	ovision, the agency must consider four specific	factors:
<ol> <li>Has the rule h</li> <li>Did the agency</li> </ol>		ed effect? e or underestimate the rule's fiscal impa	<ul><li>3. Do subsequent changes in the law require a class?</li><li>4. Does the rule continue to be necessary?</li></ul>	hange in the <b>rul</b> e?
AY	'ES answer	to any of the above questions	s requires an explanation in the area provided b	elow.
OAR: 635-004-0380	Date Adopted: 2012		nmercial Fisheries Other Than Salmon or Shellfish <b>Rule Caption</b> Sardine Fishery – Fishery Defined <b>Comments</b> c: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Program and Cont	act: Fish Divi	sion;	<u> </u>	······
Comment:				Review Date/ Initials
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Review of New Rules	ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>	
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>	
When an agency reviews a new rule under this provision, the agency must consider four specific factors:		

# 1. Has the rule had its intended effect? 3. Do subsequent changes in t

2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-004-0385	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Requirement for Sardine Permit Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Program and Conta	ect: Fish Division;	· · · · · · · · · · · · · · · · · · ·	
Comment:	·		Review Date/ Initials
Director's Office:			
Comment:			Review Date/ Initials

ORS 183.405. Althoug practical matter condu	new rules, with so h this requirement of an on-going re	Rules orme exceptions, within five years of adoption. t applies only to new rules, agencies should as a view of all administrative rules to ensure that iso require periodic review of all rules.	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after a requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of prop delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new r</li> <li>Any rules that are required by a court order or settlement or a civil proceedii</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(d).</li> </ul>	utes; ng, ORS 183.405(4);
When an	agency re	views a new rule under this pr	ovision, the agency must consider four specific f	actors:
<ol> <li>Has the rule h</li> <li>Did the agency</li> </ol>		ed effect? e or underestimate the rule's fiscal impa	<ul><li>3. Do subsequent changes in the law require a ch</li><li>4. Does the rule continue to be necessary?</li></ul>	ange in the rule?
AY	ES answer	to any of the above questions	s requires an explanation in the area provided be	low.
OAR: 635-004-0390 Program and Cont Comment:	Date Adopted: 2012 act: Fish Divi	OAR Link	nmercial Fisheries Other Than Salmon or Shellfish Rule Caption Permit Fee Comments :: http://www.dfw.state.or.us/OARs/04.pdf	Review Date/
Director's Office:				Initials
Comment:				Review Date/ Initials

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Review of New Rules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making wa</li> </ul>	
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- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule? 4. Does the rule continue to be necessary?

OAR: 635-004-0395 Program and Conta	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Eligibility Requirements for a Permit Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Comment:	-		Review Date/ Initials
Director's Office:			
Comment:			Review Date/ Initials

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<ol> <li>Has the rule had its intended effect?</li> <li>Did the agency overestimate or underestimate the rule's fiscal impact</li> </ol>	<ul><li>3. Do subsequent changes in the law require a change in the rule?</li><li>4. Does the rule continue to be necessary?</li></ul>		

OAR: 635-004-0400	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Review of Denials Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Program and Conta	 kt: Fish Divi	sion:	
Comment:			Review Date/ Initials
Director's Office:			
Comment:			Review Date/ Initials

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- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule? 4. Does the rule continue to be necessary?

OAR: 635-004-0405 Program and Conta	Date Adopted: 2012 act: Fish Divisi	Division 4 Commercial Fisheries Other Than Salmon or Shelifish Rule Caption Renewal of Permit Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u> ion;	
Comment:	<u> </u>	<u> </u>	Review Date/ Initials
Director's Office:			
Comment:			Review Date/ Initials

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# 1. Has the rule had its intended effect?

- 2. Did the agency overestimate or underestimate the rule's fiscal impact?
- 3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-004-0410	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Lottery for Limited Entry Sardine Permits Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Program and Cont	act: Fish Divis	ion;	
Comment:			Review Date/ Initials
Director's Office:	-		
Comment:			Review Date/ Initials

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When an	agency rev	iews a new rule under this pr	ovision, the agency must consider four specific	factors:
1. Has the rule h	ad its intende	· · · ·	3. Do subsequent changes in the law require a cl	
AY	ES answer	to any of the above questions	requires an explanation in the area provided b	elow.
OAR: 635-004-0415	Date Adopted: 2012	OAR Link	nmercial Fisheries Other Than Salmon or Shellfish Rule Caption Transferability of Permits Comments :: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Cont	act: Fish Divis	ion;		
Comment:			· · · · · · · · · · · · · · · · · · ·	Review Date/ Initials
Director's Office:	<u></u>		······································	
Comment:				Review Date/ Initials
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<ol> <li>Has the rule h</li> <li>Did the agency</li> </ol>		d effect? or underestimate the rule's fiscal impa	<ul><li>3. Do subsequent changes in the law require a</li><li>4. Does the rule continue to be necessary?</li></ul>	change in the rule?	
AY	ES answer	to any of the above questions	requires an explanation in the area provided	below.	
OAR:	Date	Division 4 Corr	imercial Fisheries Other Than Salmon or Shellfish Rule Caption Logbook Required		
635-004-0420 Adopted: 2012		<b>Comments</b> OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>			
Program and Cont	act: Fish Divis	ion;		· · · · · · · · · · · · · · · · · · ·	
Comment:				Review Date/ Initials	
Director's Office:	<u></u>	<u> </u>	· · · · · · · · · · · · · · · · · · ·	<u> </u>	
Comment:		· · · · · · · · ·		Review Date/ Initials	
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- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-004-0445	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Inland Waters Herring Fishery - Fishery Defined Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Program and Conta	act: Fish Divis	sion;	
Comment: Director's Office:	<u></u> .		Review Date/ Initials
Comment:	<u> </u>		Review Date/ Initials

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<ol> <li>Has the rule h</li> <li>Did the agency</li> </ol>		ed effect? or underestimate the rule's fiscal impa	<ul><li>3. Do subsequent changes in the law require a sact?</li><li>4. Does the rule continue to be necessary?</li></ul>	change in the rule?	
AY	ES answer	to any of the above questions	s requires an explanation in the area provided l	below.	
			nmercial Fisheries Other Than Salmon or Shelifish Rule Caption		
OAR: 635-004-0455	Date Adopted: 2012	· · · · · · · · · · · · · · · · · · ·	Bay Roe-Herring Fishery – Fishery Defined Comments :: http://www.dfw.state.or.us/OARs/04.pdf		
Program and Cont	act: Fish Divi	sion;		<u></u> <b>.</b> * .*	
Comment:		-		Review Date/ Initials	

Director's Office:

Comment: Date/ Initials

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- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-004-0460	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shelifish Rule Caption Requirement for Yaquina Bay Roe – Herring Permit Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Program and Conta	ect: Fish Divi	sion;	
Comment:			Review Date/ Initials
Director's Office:			<b>-</b>
Comment:			Review Date/ Initials

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#### 1. Has the rule had its intended effect?

2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule? 4. Does the rule continue to be necessary?

OAR: 635-004-0465 Program and Cont	Date Adopted: 2012 act: Fish Divisio	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Permit Fee Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Comment:			Review Date/ Initials
Director's Office:			· · · · · · · · · · · · · · · · · · ·
Comment:		· · · · · · · · · · · · · · · · · · ·	Review Date/ Initials

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When an	agency re	views a new rule under this pr	ovision, the agency must consider four specific f	actors:
	overestimate	e or underestimate the rule's fiscal impa		-
AY	ES answer	to any of the above questions	requires an explanation in the area provided be	low.
<u> </u>			and the state of the Scheme of	· · · · · · · · · · · · · · · · · · ·
OAR:	Date		nmercial Fisheries Other Than Salmon or Shellfish Rule Caption ligibility Requirements for a Permit	
635-004-0470	Adopted: 2012	OAR Línk	Comments :: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Conta	1 act: Fish Divi	l	· · · · · · · · · · · · · · · · · · ·	
Comment:		· <u></u>		Review Date/ Inítials
Director's Office:	<i>,</i> .			
Comment:			<u></u>	Review Date/ Initials

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When an agency reviews a new rule under this pr	ovision, the agency must consider four specific factors:

Has the rule had its intended effect?
 Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-004-0475	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Revocation and Refusal to Issue Permits Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Program and Conta	ect: Fish Divi	ision;	·
Comment:	-		Review Date/ Initials
Director's Office:			
Comment:			Review Date/ Initials

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- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?

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OAR: 635-004-0480	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Review of Denials Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Program and Cont	act: Fish Divi	sion;	-
Comment:			Review Date/ Initials
Director's Office:	·		
Comment:			Review Date/ Initials

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When an agency reviews a new rule under this pro	ovision, the agency must consider four specific factors:	
1. Has the rule had its intended effect?	3. Do subsequent changes in the law require a change in the rule?	

2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-004-0485	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Renewal of Permit Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Program and Conta	act: fish divi:	sion;	Review Date/ Initials
Director's Office:			-
Comment:			Review Date/ Initials

ORS 183.405. Althoug practical matter condu	new rules, with son h this requirement i ct an on-going revi	Rules ne exceptions, within five years of adoption. applies only to new rules, agencies should as a ew of all administrative rules to ensure that o require periodic review of all rules.	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of pro delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new</li> <li>Any rules that are required by a court order or settlement or a civil proceed</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 11</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>	posed rule making was rules; ling, ORS 183.405(4);
When an	agency rev	iews a new rule under this pr	ovision, the agency must consider four specific	factors:
1. Has the rule h 2. Did the agency		d effect? or underestimate the rule's fiscal impa	3. Do subsequent changes in the law require a c4. Does the rule continue to be necessary?	hange in the rule?
AY	ES answer	to any of the above questions	requires an explanation in the area provided b	elow.
OAR: 635-004-0490	Date Adopted: 2012	Lottery for Lir	nmercial Fisheries Other Than Salmon or Shellfish <b>Rule Caption</b> nited Entry Yaquina Bay Roe – Herring Permits <b>Comments</b> :: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Cont	act: Fish Divis	ion;		
Comment:			· · · · · · · · · · · · · · · · · · ·	Review Date/ Initials
Director's Office:		<u> </u>		<u> </u>
Comment:				Review Date/ Initials

Review o	f New R	ules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>		
ORS 183.405. Althoug practical matter condu	h this requirement ap ct an on-going review	e exceptions, within five years of adoption. oplies only to new rules, agencies should as a w of all administrative rules to ensure that require periodic review of all rules.			
When an	agency revie	ews a new rule under this pr	ovision, the agency must consider four specific	factors:	
· · · · · · · · · · · · · · · · · · ·	overestimate o	r underestimate the rule's fiscal imp	<ul> <li>3. Do subsequent changes in the law require a case.</li> <li>4. Does the rule continue to be necessary?</li> <li>5 requires an explanation in the area provided b</li> </ul>		
OAR:	Date	Division 4 Con	mmercial Fisheries Other Than Salmon or Shellfish Rule Caption Transferability of Permits		
635-004-0495 Adopted:			Comments k: http://www.dfw.state.or.us/OARs/04.pdf		
Program and Cont	act: Fish Divisio	»n;			
Comment:	- · ·	· · · · · · · · ·		Review Date/ Initials	

Review Date/ Initials

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ORS 183,405. Although practical matter condu	new rules, with so h this requirement ct an on-going revi	Rules me exceptions, within five years of adoption. applies only to new rules, agencies should as a iew of all administrative rules to ensure that so require periodic review of all rules.	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of p delivered to the Secretary of State before January 1. 2005;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of ne</li> <li>Any rules that are required by a court order or settlement or a civil proce</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b)</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>	w rules; eding, ORS 183.405(4); );
When an	agency rev	iews a new rule under this pr	rovision, the agency must consider four specifi	c factors:
	overestimate	or underestimate the rule's fiscal impa	act? 3. Do subsequent changes in the law require a 4. Does the rule continue to be necessary? <b>s requires an explanation in the area provided</b>	
OAR: 635-004-0505	Date Adopted: 2012	Ro	mmercial Fisheries Other Than Salmon or Shellfish <b>Rule Caption</b> e – Herring Season and Harvest Limit <b>Comments</b>	
	2012		k: http://www.ofw.state.or.us/OARs/04.pdf	
Program and Cont	act: Fish Divis	ion;		
Comment:				Review Date/ Initials
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Comment:	•			Review Date/ Initials

Review of New Rules Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.			<ul> <li>ORS 183.405 requires agendes to review a rule not later than five years after adopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul> </li> </ul>		
When an	agency rev	iews a new rule under this pr	ovision, the agency must consider four specifi	c factors:	
<ol> <li>Has the rule h</li> <li>Did the agency</li> </ol>		d effect? or underestimate the rule's fiscal impa	<ul><li>3. Do subsequent changes in the law require a</li><li>4. Does the rule continue to be necessary?</li></ul>	change in the rule?	
AY	ES answer	to any of the above questions	s requires an explanation in the area provided	below.	
OAR: 635-004-0510	Date Adopted: 2012	Pacific	mmercial Fisheries Other Than Salmon or Shellfish <b>Rule Caption</b> Ocean Herring Season – Fishery Defined <b>Comments</b> (: http://www.dfw.state.or.us/OARs/04.pdf		
Program and Cont	act: Fish Divis	lon;		······································	
Comment:				Review Date/ Initials	
Director's Office:		· · ·	· · · · · · · · · · · · · · · · · · ·	<u></u>	
Comment:				Review Date/ Initials	

Review of New Rules Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.			<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>		
When an	agency reviews a I	new rule under this pro	ovision, the agency must consider four specific f	actors:	
	ad its intended effect? overestimate or undere	stimate the rule's fiscal impa	<ul><li>3. Do subsequent changes in the law require a ch</li><li>4. Does the rule continue to be necessary?</li></ul>	ange in the rule?	
AY	ES answer to any o	of the above questions	requires an explanation in the area provided be	low.	
<u></u>		Division 4 Corr	nmercial Fisheries Other Than Salmon or Shelifish Rule Caption		
OAR: 635-004-0550	Date Adopted: 2012		atory Species Section – Organization of Rules <b>Comments</b> : <u>http://www.dfw.state.or.us/OARs/04.pdf</u>		
Due surger and Court		<u></u>			
Comment:	act: Fish Division;		<u> </u>	Review Date/ Initials	
Director's Office: Comment:	· · · · · · · · · · · · · · · · · · ·			Review Date/	
				Initials	

ORS 183.405. Althoug practical matter condu	new rules, with s h this requiremen ct an on-going re	Rules ome exceptions, within five years of adoption. It applies only to new rules, agencies should as a eview of all administrative rules to ensure that also require periodic review of all rules.	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after a requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of propidelivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new n</li> <li>Any rules that are required by a court order or settlement or a civil proceedin</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>	ules; ng, ORS 183.405(4);
When an	agency re	views a new rule under this pr	ovision, the agency must consider four specific f	actors:
	r overestimate	e or underestimate the rule's fiscal impa		
	ES answei	r to any of the above questions	s requires an explanation in the area provided be	10W.
OAR: 635-004-0555 Program and Cont Comment:	Date Adopted: 2012 act: Fish Divi	Scope OAR Link	nmercial Fisheries Other Than Salmon or Shellfish Rule Caption e, Inclusion and Modifications of Rules Comments :: http://www.dfw.state.or.us/OARs/04.pdf	Review Date/ Initials
Director's Office: Comment:				Review Date/ Initials

Review of New Rules Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.		within five years of adoption. new rules, agencies should as a nistrative rules to ensure that bdic review of all rules.	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeat of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Arry rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul> </li> </ul>		
When an	agency reviews a n	ew rule under this prov	ision, the agency must consider four specifi	c factors:	
2. Did the agency	· · · · · · · · · · · · · · · · · · ·	timate the rule's fiscal impact	<ul> <li>3. Do subsequent changes in the law require a</li> <li>4. Does the rule continue to be necessary?</li> </ul>	- -	
		i une above quescions in	equires air explanation in the died provided	UCIUYE,	
OAR: 635-004-0560	Date Adopted: 2012	Aibaco	ercial Fisheries Other Than Salmon or Shellfish Rule Caption ore Tuna Fishery – Fishery Defined Comments ttp://www.dfw.state.or.us/OARs/04.pdf		
Program and Cont	act: Fish Division;	<u> </u>	·····	<u> </u>	
Comment:	- · · ·			Review Date/ Initials	
Director's Office:					
Comment:				Review Date/ Initials	

Review of New Rules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>				
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>				
When an agency reviews a new rule under this provision, the agency must consider four specific factors:					

#### 1. Has the rule had its intended effect?

2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?

### 4. Does the rule continue to be necessary?

OAR: 635-004-0565	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption License Required Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Program and Cont	act: Fish Division;		
Comment:			Review Date/ Initials
Director's Office:			·····
Comment:			Review Date/ Initials

ORS 163.405. Althoug practical matter condu rules remain viable. Ac	new rules, with s h this requirement at an on-going re gency rules may a	ome exceptions, within five years of adoption. t applies only to new rules, agencies should as a view of all administrative rules to ensure that also require periodic review of all rules.	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adoptal requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed idelivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, 00</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(b);</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>	
1. Has the rule h 2. Did the agency		ed effect? e or underestimate the rule's fiscal impa	<ul><li>3. Do subsequent changes in the law require a change</li><li>4. Does the rule continue to be necessary?</li></ul>	e in the rule?
			requires an explanation in the area provided below	
OAR: 635-004-0570	Date Adopted: 2012	Exemp	nmercial Fisheries Other Than Salmon or Shellfish Rule Caption ption to Far Offshore Fishery Restriction Comments :: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Cont	act: <b>Fish Div</b> i	sion;	······································	
Comment:	·			Review Date/ Initials
Director's Office:				
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Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> </ul>				
Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).  When an agency reviews a new rule under this provision, the agency must consider four specific factors:					

#### 1. Has the rule had its intended effect?

2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-004-0575	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Other Finfish Section – Organization of Rules Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Program and Cont			Review Date/ Initials
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Comment:			Review Date/ Initials

Review of New Rules Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.			<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>		
			ovision, the agency must consider four specifi		
<ol> <li>Has the rule h</li> <li>Did the agency</li> </ol>		effect? underestimate the rule's fiscal impa	3. Do subsequent changes in the law require a4. Does the rule continue to be necessary?	change in the rule?	
AY	'ES answer to	any of the above questions	requires an explanation in the area provided	below.	
OAR: 635-004-0580	Date Adopted: 2012		nmercial Fisheries Other Than Salmon or Shellfish <b>Rule Caption</b> Fishery Defined <b>Comments</b> : http://www.dfw.state.or.us/OARs/04.pdf		
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Review of New Rules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>		
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183,405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.			
When an agency reviews a new rule under this pr	rovision, the agency must consider four specific factors:		
1. Has the rule had its intended effect? 2. Did the agency overestimate or underestimate the rule's fiscal impa	<ul> <li>3. Do subsequent changes in the law require a change in the rule?</li> <li>4. Does the rule continue to be necessary?</li> </ul>		

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		Division 4 Commercial Fisheries Other Than Salmon or Shellfish	
		Rule Caption	
OAR:	Date	Scope, Inclusion, and Modifications of Rules	
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Program and Conta	act: Fish Divi	ision;	
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Review of New Rules		· · · · · · · · · · · · · · · · · · ·	ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: • Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was		
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.			<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>		
When an	agency reviews a	new rule under this pro	ovision, the agency must consider four specific	factors:	
<ol> <li>Has the rule had its intended effect?</li> <li>Did the agency overestimate or underestimate the rule's fiscal impact</li> </ol>			<ul><li>3. Do subsequent changes in the law require a change in the rule?</li><li>4. Does the rule continue to be necessary?</li></ul>		
AY	ES answer to any		requires an explanation in the area provided t	elow.	
			moreist Eichariae Othar Lingn Solman ar Shailten		
			mercial Fisheries Other Than Salmon or Shellfish Rule Caption		
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OAR: 635-004-0590	Date Adopted: 2012	Coastal	Rule Caption		
	Adopted:	Coastal	Rule Caption I Rivers Shad Fishery – Fishery Defined Comments		
635-004-0590	Adopted:	Coastal	Rule Caption I Rivers Shad Fishery – Fishery Defined Comments		

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Review of New Rules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>

- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule? 4. Does the rule continue to be necessary?

OAR: Date 635-004-0610 Adopted: 2012		Division 4 Commercial Fisheries Other Than Salmon or Shelifish Rule Caption Hagfish Fishery – Fishery Defined Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>		
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Program and Conta	act: Fish Divi	sion;		
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OAR: 635-004-0625	Date Adopted:	Division 4 Cor	nmercial Fisheries Other Than Salmon or Shelifish Rule Caption Logbook Required Comments	· · · · · · · · · · · · · · · · · · ·

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Review of New Rules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2005, or for which notice of proposed rule making was</li> </ul>	
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When an agency reviews a new rule under this pr	ovision, the agency must consider four specific factors:	
<ol> <li>Has the rule had its intended effect?</li> <li>Did the agency overestimate or underestimate the rule's fiscal impact</li> </ol>	<ul><li>3. Do subsequent changes in the law require a change in the rule?</li><li>4. Does the rule continue to be necessary?</li></ul>	

OAR: 635-004-0630	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Sturgeon Fishery – Fishery Defined Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
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Review of New Rules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>Rules already in existence as or January 1, 2006, or for which nodes or proposed rule making was delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a divil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legistatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>

### 1. Has the rule had its intended effect? 3. Do subsequent changes in the law residue to the law resi

2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-004-0650	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Surfperch Fishery – Fishery Defined Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Program and Conta	act: Fish Division;		
Comment:			Review Date/ Initials
Director's Office:			
Comment:			Review Date/ Initials

ORS 183.405. Although practical matter condu	new rules, with si h this requiremen ct an on-going re	Rules ome exceptions, within five years of adoption. t applies only to new rules, agencies should as a view of all administrative rules to ensure that iso require periodic review of all rules.	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of prodelivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new</li> <li>Any rules that are required by a court order or settlement or a civil proceet</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 1</li> </ul>	pposed rule making was rules; ding, ORS 183.405(4);
When an	agency re	views a new rule under this pro	ovision, the agency must consider four specific	factors:
	overestimate	e or underestimate the rule's fiscal impa		
AY	ES answei	to any of the above questions	requires an explanation in the area provided b	elow.
OAR: 635-004-0655	Date Adopted: 2012		nmercial Fisheries Other Than Salmon or Shellfish <b>Rule Caption</b> Closed Season <b>Comments</b> : http://www.dfw.state.or.us/OARs/04.pdf	
Program and Conta	act: Fish Divi	sion;		
Comment:		<u> </u>		Review Date/ Initials
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Director's Office:				·····
Comment:				Review Date/ Initials
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Review of New Rules	ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:  • Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>

#### When an agency reviews a new rule under this provision, the agency must consider four specific factors:

Has the rule had its intended effect?
 Did the agency overestimate or underestimate the rule's fiscal impact?
 Does the rule continue to be necessary?

OAR: 635-004-0660	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shelifish Rule Caption Minor Finfish Fisheries – Fishery Defined Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Program and Conta	act: Fish Divis	sion;	
Comment:	<u>.</u>		Review Date/ Initials
Director's Office:	· · · · ·		·
Comment:			Review Date/ Initials

Review of New Rules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>	
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>	

#### When an agency reviews a new rule under this provision, the agency must consider four specific factors:

Has the rule had its intended effect?
 Did the agency overestimate or underestimate the rule's fiscal impact?
 Does the rule continue to be necessary?

OAR: 635-004-0665	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shelifish Rule Caption Minor Finfish Species Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Program and Conta	act: Fish Divi	sion;	
Comment:		· · · · · · · · · · · · · · · · · · ·	Review Date/ Initials
Director's Office:			· · · · ·
Comment:			Review Date/ Initials

Review of New Rules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>		
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	elivered to the Secretary of State before January 1. 2006; The amendment or repeal of a rule, but does apply to the adoption of new rules; Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4); Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b); Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).		
When an agency reviews a new rule under this provision, the agency must consider four specific factors:			
<ol> <li>Has the rule had its intended effect?</li> <li>Did the agency overestimate or underestimate the rule's fiscal impact?</li> </ol>	<ul><li>3. Do subsequent changes in the law require a change in the rule?</li><li>4. Does the rule continue to be necessary?</li></ul>		

OAR: 635-004-0670	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Logbook Required Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Program and Conta	act: Fish Division;	· · · · · · · · · · · · · · · · · · ·	
Comment:			Review Date/ Initials
Director's Office:			· · · · · · · · · · · · · · · · · · ·
Comment:			Review Date/ Initials

Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> </ul>		
Any rules adopted to correct errors or omissions, OR5 183.405(5)(d).  When an agency reviews a new rule under this provision, the agency must consider four specific factors:			
<ol> <li>Has the rule had its intended effect?</li> <li>Did the agency overestimate or underestimate the rule's fiscal impact</li> </ol>	<ul><li>3. Do subsequent changes in the law require a change in the rule?</li><li>4. Does the rule continue to be necessary?</li></ul>		

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		Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption	
OAR:	Date	Intertidal Animal Fishery – Fishery Defined	
635-004-0675	Adopted:	Comments	
	2012	OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
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Program and Cont	act: Fish Divi	sion;	
Comment:	<u> </u>		
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Director's Office:			
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Review of New Rules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>	
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.		
When an agency reviews a new rule under this prov	vision, the agency must consider four specific factors:	
1. Has the rule had its intended effect?	3. Do subsequent changes in the law require a change in the rule?	

#### 2. Did the agency overestimate or underestimate the rule's fiscal impact?

4. Does the rule continue to be necessary?

OAR: 635-004-0680	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Permit Required Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Program and Conta	act: Fish Divi	sion;	
Comment:			Review Date/ Initials
Director's Office:			
Comment:			Review Date/ Initials

Review of New Rules Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules. When an agency reviews a new rule under this pro 1. Has the rule had its intended effect? 2. Did the agency overestimate or underestimate the rule's fiscal impa		me exceptions, within five years of adoption. t applies only to new rules, agencies should as a new of all administrative rules to ensure that lso require periodic review of all rules. <b>views a new rule under this pr</b> ed effect?	Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);     Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and     Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).  provision, the agency must consider four specific factors:     3. Do subsequent changes in the law require a change in the rule?	
	<u></u>			
AY	ES answer	to any of the above questions	requires an explanation in the area provided	1 below.
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OAR: 635-004-0685	Date Adopted: 2012		nmercial Fisheries Other Than Salmon or Shellfish Rule Caption Permit Fee Comments :: <u>http://www.dfw.state.or.us/OARs/04.pdf</u>	
Program and Conta	ct: Fish Divi	sion;		
Comment:		·····	<u></u>	Review Date/ Initials
Director's Office:		. <u>.</u>		
Comment:				Review Date/ Initials

ORS 183.405. Although practical matter conduct	new rules, with so this requirement of an on-going re	Rules ome exceptions, within five years of adoption. t applies only to new rules, agencies should as a view of all administrative rules to ensure that iso require periodic review of all rules.	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after a requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of propidelivered to the Secretary of State before January 1, 2005;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new i</li> <li>Any rules that are required by a court order or settlement or a civil proceed</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 18</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>	ules; ng, ORS 183.405(4);
When an	agency re	views a new rule under this pro	ovision, the agency must consider four specific t	actors:
<ol> <li>Has the rule had</li> <li>Did the agency</li> </ol>		ed effect? e or underestimate the rule's fiscal impa	<ul><li>3. Do subsequent changes in the law require a ch</li><li>4. Does the rule continue to be necessary?</li></ul>	ange in the rule?
AY	ES answei	to any of the above questions	requires an explanation in the area provided be	elow.
OAR: 635-004-0690	Date Adopted:	Division 4 Con	imercial Fisheries Other Than Salmon or Shellfish <b>Rule Caption</b> Logbook Required <b>Comments</b>	
Program and Conta	2012		: http://www.dfw.state.or.us/OARs/04.pdf	
Comment:			· · · · ·	Review
Commenta			·	Date/ Initials
Director's Office:	и	· .		<u> </u>
Comment:	-			Review Date/ Initials
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Review of New Rules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>	
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	ivered to the Secretary of State before January 1. 2006; The amendment or repeal of a rule, but does apply to the adoption of new rules; Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4); Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b); Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).	
When an agency reviews a new rule under this provis	sion, the agency must consider four specific factors:	
<ol> <li>Has the rule had its intended effect?</li> <li>Did the agency overestimate or underestimate the rule's fiscal impact?</li> </ol>	<ul><li>3. Do subsequent changes in the law require a change in the rule?</li><li>4. Does the rule continue to be necessary?</li></ul>	

OAR: 635-012-007	2012	Division 12 Marine Reserves and Marine Protected Areas in the Territorial Sea Rule Caption General Protected Area Prohibitions and Allowances Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/12.pdf</u>	
Program and Co	ntact: Fish Divi	sion; Cristen Don	<u> </u>
2. No. 3. No. 4. Yes. Th	s rule continues	activities in protected areas. to be necessary for implementation of ORS 196.540-196.555 and Oregon Senate Bill 1510 (2012), by regulating ated as marine reserves or protected areas.	Review Date/ Initials 5/30/17 CD
Director's Office	Michael Harring	ton, Acting Deputy Director	<u> </u>
		e intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law ale. The rule is still necessary to guide fish management.	Review Date/ Initials 6/9/2017 MRH

Keview of New Kules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul> </li> </ul>	
Agencies must review new rules, with some exceptions, within five years of adoption.       •         ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.       •		
When an agency reviews a new rule under this provi	sion, the agency must consider four specific factors:	
<ol> <li>Has the rule had its intended effect?</li> <li>Did the agency overestimate or underestimate the rule's fiscal impact?</li> </ol>	<ul><li>3. Do subsequent changes in the law require a change in the rule?</li><li>4. Does the rule continue to be necessary?</li></ul>	

OAR: 635-012-0080	Date Adopted: 2012	Division 12 Marine Reserves and Marine Protected Areas in the Territorial Sea Rule Caption Cape Perpetua North Marine Protected Area Prohibitions and Allowances Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/12.pdf</u>	
Program and Conta	ct: Fi <b>sh Divi</b> s	sion; Cristen Don	
2. No. 3. No. 4. Yes.This n	ule continues	activities in protected area at Cape Perpetua. to be necessary for implementation of ORS 196.540-196.555 and Oregon Senate Bill 1510 (2012), by regulating ated as marine reserves or protected areas.	Review Date/ Initials 5/30/17 CD
Director's Office: M	lichael Harring	ton, Acting Deputy Director	
		e intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law lie. The rule is still necessary to guide fish management.	Review Date/ Initials 6/9/2017 MRH

Review of New Rules Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.		<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>			
					When an
1. Has the rule h 2. Did the agency		d effect? or underestimate the rule's fiscal impa		. Do subsequent changes in the law require a change in . Does the rule continue to be necessary?	the rule?
AY	ES answer	to any of the above questions	s requires	an explanation in the area provided below.	
		Division 12 Marine Res		larine Protected Areas in the Territorial Sea e Caption	
OAR: 635-012-0090	Date Adopted: 2012	Cape Perpetua South-E		Protected Area Prohibitions and Allowances	
033-012-0050		OAR Link:		omments adfw.state.or.us/OARs/12.pdf	
Program and Cont	act: Fish Divis	ion; Cristen Don			P~a
2. No. 3. No.	•	ctivities in protected area at Cape Perpe			Review Date/ Initials 5/30/17
		<ul> <li>be necessary for implementation of OF sted as marine reserves or protected are</li> </ul>		196.555 and Oregon Senate Bill 1510 (2012), by regulating	CD .
Director's Office:M	ichael Harringto	<u>n</u>			I <u></u>
		intended effect. The agency did not ovi le. The rule is still necessary to guide fis		estimate the fiscal impact. Subsequent changes in the law ent.	Review Date/ Initials 6/9/201 MRH

Review of New Rules	ORS 183.405 requires agencies to review a rule not later than five years after edopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>		
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules ternain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>		
When an agency reviews a new rule under this provi	sion, the agency must consider four specific factors:		
<ol> <li>Has the rule had its intended effect?</li> <li>Did the agency overestimate or underestimate the rule's fiscal impact?</li> </ol>	<ul><li>3. Do subsequent changes in the law require a change in the rule?</li><li>4. Does the rule continue to be necessary?</li></ul>		

OAR: 635-012-0100	Date Adopted:	Division 12 Marine Reserves and Marine Protected Areas in the Territorial Sea Rule Caption Cape Perpetua Seabird Protected Area Prohibitions and Allowances Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/12.pdf</u>	
Program and Cont	act: Fish Divisio	n; Cristen Don	
2. No. 3. No. 4. Yes. This	rule continues to i	ivities in protected area at Cape Perpetua. be necessary for implementation of ORS 196.540-196.555 and Oregon Senate Bill 1510 (2012), by regulating ed as marine reserves or protected areas.	Review Date/ Initials 5/30/17 CD
Director's Office: I	Michael Harringtor	n, Acting Deputy Director	<u> </u>
		itended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law The rule is still necessary to guide fish management.	Review Date/ Initials 6/9/2017

Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> </ul>
rules remain viable. Agency rules may also require periodic review of all rules. When an agency reviews a new rule under this pr	<ul> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul> rovision, the agency must consider four specific factors:
1 Handle mile bod the Seberal of all all all all	2. Do expression the same in the law require a charge in the sub-

#### 1. Has the rule had its intended effect?

2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?

4. Does the rule continue to be necessary?

OAR: 635-012-0110	Date Adopted: 2012	Division 12 Marine Reserves and Marine Protected Areas in the Territorial Sea Rule Caption Cascade Head North Marine Protected Area Prohibitions and Allowances Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/12.pdf</u>	
Program and Cont	tact: Fish Divis	sion; Cristen Don	
2. No. 3. No. 4. Yes. This	rule continues i	activities in protected area at Cascade Head. to be necessary for implementation of ORS 196.540-196.555 and Oregon Senate Bill 1510 (2012), by eas designated as marine reserves or protected areas.	Review Date/ Initials 5/30/17 CD
Director's Office:	lichael Harringt	ton, Acting Deputy Director	
		e intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the ne rule. The rule is still necessary to guide fish management.	Review Date/ Initials 6/7/2017MRH

Review of New Rules			ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>		
ORS 183,405, Although a practical matter con	ugh this requirement appli iduct an on-going review of	exceptions, within five years of adoption. ies only to new rules, agencies should as a of all administrative rules to ensure that quire periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a ovil proceeding, ORS 183.405(</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>		
When a	n agency review	ws a new rule under this pr	ovision, t	the agency must consider four specific factors	
	had its intended e cy overestimate or	ffect? underestimate the rule's fiscal imp		Do subsequent changes in the law require a change in Does the rule continue to be necessary?	the rule?
A	YES answer to	any of the above question	s requires	an explanation in the area provided below.	<u>.                                    </u>
				· · · · · ·	
OAR:	Date		Rul	Aarine Protected Areas in the Territorial Sea <b>Caption</b> Territorial Area Probibilitions and Allowances	

OAR: 635-012-0130	Date Adopted: 2012	Division 12 Marine Reserves and Marine Protected Areas in the Territorial Sea Rule Caption Cascade Head West Marine Protected Area Prohibitions and Allowances Comments OAR Link: http://www.dfw.state.or.us/OARs/12.pdf	
	tact: Fish Divi	sion; Cristen Don	
2. No. 3. No. 4. Yes. This	rule continues	activities in protected area at Cascade Head. to be necessary for implementation of ORS 196.540-196.555 and Oregon Senate Bill 1510 (2012), by regulating nated as marine reserves or protected areas.	Review Date/ Initials 5/30/17 CD
Director's Office:	Michael Harring	gton, Acting Deputy Director	
		e intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law ule. The rule is still necessary to guide fish management.	Review Date/ Initials 6/9/2017 MRH

Review of New Rules	ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>	
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	ivered to the Secretary of State before January 1. 2006; The amendment or repeal of a rule, but does apply to the adoption of new rules; Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4); Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b); Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).	
When an agency reviews a new rule under this provis	sion, the agency must consider four specific factors:	
<ol> <li>Has the rule had its intended effect?</li> <li>Did the agency overestimate or underestimate the rule's fiscal impact?</li> </ol>	<ul><li>3. Do subsequent changes in the law require a change in the rule?</li><li>4. Does the rule continue to be necessary?</li></ul>	

OAR: 635-012-0140	Date Adopted: 2012	Division 12 Marine Reserves and Marine Protected Areas in the Territorial Sea Rule Caption Cape Falcon West Marine Protected Area Prohibitions and Allowances Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/12.pdf</u>	
Program and Con	tact: Fish Divis	sion; Cristen Don	
2. No. 3. No. 4. Yes. This	rule continues	activities in protected area at Cape Falcon. to be necessary for implementation of ORS 196.540-196.555 and Oregon Senate Bill 1510 (2012), by regulating atéd as marine reserves or protected areas.	Review Date/ Initials 5/30/17 CD
Director's Office:	Michael Harring	ton, Acting Deputy Director	
		intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law le. The rule is still necessary to guide fish management.	Review Date/ Initials 6-9- 2017 MRH

Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>		
When an agency reviews a new rule under this prov	ision, the agency must consider four specific factors:		
<ol> <li>Has the rule had its intended effect?</li> <li>Did the agency overestimate or underestimate the rule's fiscal impact?</li> </ol>	<ul><li>3. Do subsequent changes in the law require a change in the rule?</li><li>4. Does the rule continue to be necessary?</li></ul>		

OAR: 635-012-0150	Date Adopted: 2012	Division 12 Marine Reserves and Marine Protected Areas in the Territorial Sea Rule Caption Cape Falcon Shoreside Marine Protected Area Prohibitions and Allowances Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/12.pdf</u>	
Program and Conta	act: Fish Divi:	sion; Cristen Don	
2. No. 3. No. - 4. Yes. This n	ule continues :	activities in protected area at Cape Falcon. to be necessary for implementation of ORS 196.540-196.555 and Oregon Senate Bill 1510 (2012), by regulating ated as marine reserves or protected areas.	Review Date/ Initials 5/30/17 CD
Director's Office: M	fichael Harring	ton, Acting Deputy Director	
		e intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law ile. The rule is still necessary to guide fish management.	Review Date/ Initials 6/9/2017 MRH

Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>
When an agency reviews a new rule under this pr	ovision, the agency must consider four specific factors:
1. Has the rule had its intended effect?	3. Do subsequent changes in the law require a change in the rule?

2. Did the agency overestimate or underestimate the rule's fiscal impact?

4. Does the rule continue to be necessary?

OAR: 635-012-0160 Program and Conta	Date Adopted: 2012	Division 12 Marine Reserves and Marine Protected Areas in the Territorial Sea Rule Caption Untitled Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/12.pdf</u>	
<u> </u>			<u> </u>
2. No. 3. No. 4. Yes. This r Note: The Rule Cap	ule continues t	at nothing in OAR 635-012 rules alters or supersedes the rights of any federally recognized Indian Tribe. To be necessary for implementation of ORS 196.540-196.555 and Oregon Senate Bill 1510 (2012). The says it is "Untitled" – it is actually in the OAR as "Rights of Federally Recognized Indian Tribes."	Review Date/ Initials 5/30/17 CD
Director's Office:	Michael Harring	ton, Acting Deputy Director	<u>.</u>
		intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law le. The rule is still necessary to guide fish management.	Review Date/ Initials 6-9- 2017 MRH

Review of New Rules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>

#### When an agency reviews a new rule under this provision, the agency must consider four specific factors:

- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?
- 3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-500-6700	Date Adopted: 2012	Division 500 Fish Management Plan Rule Caption Columbia River Recreational and Commercial Fisheries Management Strategies – Organization of Rules Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/500.pdf</u>	
Program and Cont	act: Fish Divis	ion; Tucker Jones	
2. Unknown	) provides an o le is still applici	utline of which rules deal with non-tribal Columbia River fisheries. able	Review Date/ Initials
Director's Office: M	fichael Harring	ton, Acting Deputy Director	l <u></u>
		intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law le. The rule is still necessary to guide fish management.	Review Date/ Initials MRH 6/19/2017

Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.			<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>	
When an	agency review	s a new rule under this pro	ovision, the agency must consider four specific factors:	
<ol> <li>Has the rule had its intended effect?</li> <li>Did the agency overestimate or underestimate the rule's fiscal impact</li> </ol>			<ul><li>3. Do subsequent changes in the law require a change in the rule?</li><li>4. Does the rule continue to be necessary?</li></ul>	
A	YES answer to	any of the above questions	s requires an explanation in the area provided below.	
	·			
OAR:	Date		vision 500 Fish Management Plan Rule Caption	

OAR: 635-500-6705 Program and Conta			
2. Unknown	-	olumbia River fisheries management guidance for the foreseeable future. ed to its current state in 2017	Review Date/ Initials
Director's Office: M	lichael Harring	rton, Acting Depirty Director	
<b>Comment:</b> The rule has had the intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law will not require changes in the rule. The rule is still necessary to guide fish management.			Review Date/ Initials MRH 6/19/2017

Review of New Rules	ORS 183,405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2005, or for which notice of proposed rule making was</li> </ul>		
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>		
When an agency reviews a new rule under this provision, the agency must consider four specific factors:			

- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-500-6710			
Program and Conta	act <b>: Fish D</b> īvi	ision; Tucker Jones	
2. Unknown 3. No 4. Yes		ff to manage fisheries consistent with provisions in OARs 635-500-6715 through -6765. gton, Acting Deputy Director	Review Date/ Initials
Comment: The rule has had the intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law will not require changes in the rule. The rule is still necessary to guide fish management.			

Review of New Rules Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.			<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>	
When an a	gency revi	iews a new rule under this pro-	vision, the agency must consider four specific facto	rs:
	<ol> <li>Has the rule had its intended effect?</li> <li>Did the agency overestimate or underestimate the rule's fiscal impact?</li> <li>Does the rule continue to be necessary?</li> </ol>			e in the rule?
AY	ES answei	r to any of the above questions	s requires an explanation in the area provided below	V
OAR: 635-500-6715				
Program and Contact: Fish Division; Tucker Jones				<u>\$</u>
into the fu 2. U <b>nkn</b> own	ture.	ing Chinook fisheries management throug led to its current state in 2017	gh the harvest reform transition and continues to provide guidance	Review Date/ Initials
Director's Office* N	Aichael Harrin	gton, Acting Deputy Director		
Comment: The r	le has had th		rer, or underestimate the fiscal impact. Subsequent changes in the de fish management.	Review Date/ Initials MRH 06/19/2017

Review of New Rules	ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>			
Agencies must review new rules; with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>			
When an agency reviews a new rule under this provision, the agency must consider four specific factors:				

- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-500-6720	Nimmer Lainok			
Program and Conta	act: Fi <b>sh Divi</b>	sion; Tucker Jones		
guidance i 2. Unknown	nto the future	omer Chinook fisheries management through the harvest reform transition period and continues to provide ed to its current state in 2017	Review Date/ Initials	
Director's Office: M	lichael Harring	pton	·	
<b>Comment:</b> The rule has had the intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law will not require changes in the rule. The rule is still necessary to guide fish management.				

Review of New Rules Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.			<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>	
When an a	gency revi	ews a new rule under this prov	vision, the agency must consider four specific factors	
<ol> <li>Has the rule h</li> <li>Did the agency</li> </ol>		ed effect? e or underestimate the rule's fiscal impa	<ul><li>3. Do subsequent changes in the law require a change</li><li>4. Does the rule continue to be necessary?</li></ul>	in the rule?
AY	ES answei	to any of the above questions	requires an explanation in the area provided below.	
OAR: 635-500-6725	Date Adopted: 2012	OAR Link: [	rision 500 Fish Management Plan Rule Caption Sockeye Comments http://www.dfw.state.or.us/OARs/500.pdf	
Comment: 1. Yes, the n into the fu 2. Unknown	ule guided Soc ture.	sion; Tucker Jones keye fisheries management through the l ed to its current state in 2017	harvest reform transition period and continues to provide guidance	Review Date/ Initials
Comment: The r	le has had th	gton, Acting Deputy Director e intended effect. The agency did not ov ule. The rule is still necessary to guide fis	ver, or underestimate the fiscal impact. Subsequent changes in the law sh management.	Review Date/ Initials MRH 6/19/2017

Review of New Rules Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.			<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul> </li> </ul>	
When an a	gency rev	iews a new rule under this prov	vision, the agency must consider four specific factor	51
<ol> <li>Has the rule h</li> <li>Did the agency</li> </ol>		ed effect? e or underestimate the rule's fiscal impa	<ul><li>3. Do subsequent changes in the law require a change act?</li><li>4. Does the rule continue to be necessary?</li></ul>	in the rule?
AY	'ES answei	r to any of the above questions	requires an explanation in the area provided below	
OAR: 635-500-6735	Date Adopted: 2012		ision 500 Fish Management Plan Rule Caption Upright Bright Fall Chinook Comments http://www.dfw.state.or.us/OARs/500.pdf	
Program and Cont	act: Fish Divi	sion; Tucker Jones		<u>I</u>
provide gu 2. Unknown	uidance into th		nent through the harvest reform transition period and continues to	Review Date/ Initials MRH 6/19/2017
		gton, Acting Deputy Director	er, or underestimate the fiscal impact. Subsequent changes in the law	Review
will not require ch	anges in the r	ule. The rule is still necessary to guide fis	sh management.	Date/ Initials MRH 6/

Review of New Rules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>	
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183,405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>	
When an agency reviews a new rule under this pro	vision, the agency must consider four specific factors:	

Has the rule had its intended effect?
 Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-500-6740			
Program and Cont	act: Fish Divi:	sion; Tucker Jones	. <u> </u>
<ul> <li>Comment: <ol> <li>Yes, the rule guided Coho fisheries management through the harvest reform transition period and continues to provide guidance into the future</li> <li>Unknown</li> <li>The rule was just modified to its current state in 2017</li> <li>Yes</li> </ol></li></ul>			
Director's Office: N	Aichael Harring	iton, Acting Deputy Direct	
Comment: The rule has had the intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law will not require changes in the rule. The rule is still necessary to guide fish management.  In I 6/1			

<ul> <li>Agencies must review new rules, with some exceptions, within five years of adoption.</li> <li>ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> </ul>	Review of New Rules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2005, or for which notice of proposed rule making was</li> </ul>	
	ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that	<ul> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> </ul>	

#### When an agency reviews a new rule under this provision, the agency must consider four specific factors:

- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-500-6745	Date Adopted: 2012	Division 500 Fish Management Plan Rule Caption Chum Chum OAR Link: <u>http://www.dfw.state.or.us/OARs/500.pdf</u>	
Program and Conta	act: Fish Divi	sion; Tucker Jones	
guidance in 2. Linknown	nto the future.	m salmon fisheries management through the harvest reform transition period and continues to provide ed to its current state in 2017	Review Date/ Initials
Director's Office: M	lichael Harring	aton, Acting Deputy Director	
		e intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law le. The rule is still necessary to guide fish management.	Review Date/ Initials MRH 6/19/2017

Review of New Rules	ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeat of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>

- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-500-6750 Program and Cont	Date Adopted: 2012 act: Fish Divis	Division 500 Fish Management Plan Rule Caption White Sturgeon Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/500.pdf</u>	
into the fu 2. Unknown	ture.	geon fisheries management through the harvest reform transition period and continues to provide guidance and to its current state in 2017	Review Date/ Initials
Comment: The r	ule has had the	iton, Acting Deputy Director e intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law lie. The rule is still necessary to guide fish management.	Review Date/ Initials MRH 6/19/2017

Review of New Rules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>		
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When an agency reviews a new rule under this pr	ovision, the agency must consider four specific factors:		
<ol> <li>Has the rule had its intended effect?</li> <li>Did the agency overestimate or underestimate the rule's fiscal im</li> </ol>	<ul><li>3. Do subsequent changes in the law require a change in the rule?</li><li>4. Does the rule continue to be necessary?</li></ul>		
A YES answer to any of the above question	ns requires an explanation in the area provided below.		
	Division 500 Fish Management Disp		
	Division 500 Fish Management Plan Rule Caption		

OAR:	Additional Commercial Opportunity		
635-500-6755	Adopted: 2012	Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/500.pdf</u>	
Dimension and Cont	Carte Field Did		
<u> </u>		sion; Tucker Jones	
2. Unknown 3. No, althou	igh somewhat	ance on when additional non-tribal commercial fishing opportunity may be granted. redundant to language contained in OARs 635-500-6715 through -6750 the rule continues to be pertinent and to on when additional commercial opportunity shall be considered.	Review Date/ Initials
Director's Office: I	Michael Harring	ton, Acting Deputy Director	

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Review of New Rules	ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1, 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>

#### When an agency reviews a new rule under this provision, the agency must consider four specific factors:

- 1. Has the rule had its intended effect?
- 2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the rule?4. Does the rule continue to be necessary?

OAR: 635-500-676	Date Adopted: 2012	Division 500 Fish Management Plan Rule Caption Fall Recreational Fishery Objectives Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/500.pdf</u>	
Program and C	entact: Fish Div	ision; Tucker Jones	
it adds perfor better 2. Unknor 3. No, thi	extra required on. It would seem rapture the intervention on. a rule is still cont	the have been unintended consequences to OAR 635-500-6760. In years when Labor Day is late, e.g., 9/7/2015, ays at a very impact intensive time. It also makes it difficult to add time to recreational fisheries if they under a policy guidance from the OFWC, with adaptive management language, instead of a proscriptive rule would at.	Review Date/ Initials
Director's Offic	: Michael Harri	gton, Acting Deputy Director	•
		ne intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law rule. The rule is still necessary to guide fish management.	Review Date/ Initials MRH 6/19/2017

Review of New Rules	ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: • Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was	
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>	
When an agency reviews a new rule under this pro	vision, the agency must consider four specific factors:	
1. Has the rule had its intended effect?	3. Do subsequent changes in the law require a change in the rule?	

2. Did the agency overestimate or underestimate the rule's fiscal impact?

3. Do subsequent changes in the law require a change in the ru4. Does the rule continue to be necessary?

OAR: 635-500-6765	Date Adopted: 2012	Division 500 Fish Management Plan Rule Caption Adaptive Management Comments OAR Link: <u>http://www.dfw.state.or.us/OARs/500.pdf</u>	
Program and Conta	ect: Fish Divi	sion; Tucker Jones	
Comment: 1. Yes, the acremaining 2. Unknown 3. No 4. Yes	daptive manag within ESA an	ement provisions have allowed the department to optimize fisheries when conditions allowed while still d US v OR catch balance constraints	Review Date/ Initials
Director's Office: M	lichael Harring	ton, Acting Deputy Director	*
		e intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law ile. The rule is still necessary to guide fish management.	Review Date/ Initials

Agencies must review new rules, with some exceptions, within five years of adoption.       e         ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.       e	Release and the second
When an agency reviews a new rule under this provi	sion, the agency must consider four specific factors:
<ol> <li>Has the rule had its intended effect?</li> <li>Yes</li> <li>Did the agency overestimate or underestimate the rule's fiscal impact? No</li> </ol>	<ul><li>3. Do subsequent changes in the law require a change in the rule?</li><li>Yes</li><li>4. Does the rule continue to be necessary?</li><li>Yes</li></ul>

OAR: See attached list	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Division 5 Commercial Shellfish Fishery Division 6 Commercial Gear; Licenses, Poundage Fees, Records, and Reports Comments OAR Links: <u>http://www.dfw.state.or.us/OARs/04.pdf</u> <u>http://www.dfw.state.or.us/OARs/05.pdf</u> <u>http://www.dfw.state.or.us/OARs/06.pdf</u>	
Program and Conta	t: Fish Divi	sion; Troy Buell	k = k =

<ul> <li>Comment: All of the rule numbers in the attached list were adopted as part of a comprehensive reorganization of the non-salmon and shellfish commercial fisheries rules in Divisions 004, 005, and 006, adopted by the Oregon Fish and Wildlife Commission (Commission) in June 2012. The express intent of this action was to Improve darity and consistency of Interpretation of commercial fishing regulations, while not changing the intent or practical effect of the rules. Rules were organized by fishery, for which definitions were adopted, such that the regulations for a given fishery would be found together in a fishery section to the degree possible. Therefore, none of the rules adopted through this process were "new" in the sense of creating new requirements or restrictions for commercial fishing. Rather, the new rules were either:</li> <li>1) Part of a pre-existing rule that was reorganized into multiple new rules;</li> <li>2) Part of a pre-existing rule that was moved from one Division to another;</li> <li>3) Organizational, for example OAR 635-004-0200 is a table of contents for Division 004;</li> <li>4) Descriptive, for example defining which species each set of rules under the new organization applies to; or</li> <li>5) Cross-referencing, for example 635-004-0205 references general licensing requirements contained in Division 006 and Oregon Revised</li> </ul>	Review Date/ Initials 5/23/17 TB
Statutes. These rules had their intended effect, in that commercial regulations for a given fishery have been easier to locate and interpret since the reorganization based on feedback from ODFW staff, Oregon State Police, and the public.	
Three subsequent changes in the commercial fishing laws (Oregon Revised Statutes) required changes to thirteen of the rules adopted as part of the reorganization. Each rule and the specific legislation requiring change is identified in the comment field of the attached list. Oregon House Bill 3632 (2013) changed personal property laws related to crab pots and directed the Commission and ODFW to develop a program for post-season recovery of derelict crab pots. Oregon House Bill 4049 (2014) changed the law regarding authority to revoke or refuse to issue Dungeness crab permits, and modified restrictions on permit transfers. Oregon Senate Bill 247 (2015) changed statutory fees for several commercial fishing permits.	
These rules continue to be necessary for the regulation and management of commercial fisheries. Because most non-salmon commercial fishery rules were affected by the reorganization, commercial fisheries would be largely unregulated without these rules.	
Director's Office: Mike Harrington, Acting Deputy Director	<u> </u>
<b>Comment:</b> The rule has had the intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law will not require changes in the rule. The rule is still necessary to guide fish management.	Review Date/ Initials 6-19- 2017

List of new rules adopted as part of the commercial fishery rules reorganization by the Oregon Fish and Wildlife Commission, June 2012.

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Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-005-0855	Crayfish Fishery -	
		Fishery Defined	
6/2012	635-005-0875	Protection of Females	Not a new rule, renumbered
6/2012	635-005-0890	Oyster Fishery - Fishery Defined	
		Fishery Defined	
6/2012	635-005-0895	Additional License Requirement	
			-
6/2012	635-005-0915	Squid Fishery -	
		Fishery Defined	
6/2012	635-005-0920	Market Squid Fishery	
6/2012	635-005-0925	Market Squid Harvest Guideline	
6/2012	635-005-0930	Logbook Required	
6/2012	635-005-0935	Octopus Fishery -	-
		Fishery Defined	
6/2012	635-005-0940	Logbook Required	
	-	Division 6; Commercial Fisheries Commercial Gear; Licenses,	
		Poundage Fees, Records and Reports	
6/2012	635-006-0209	Fish Dealer Records and Reports -	
		Sorting Required	

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List of new rules adopted as part of the commercial fishery rules reorganization by the Oregon Fish and Wildlife Commission, June 2012.

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Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-005-0790	Sea Urchin Fishery - Fishery Defined	
6/2012	635-005-0795	Requirement for Sea Urchin and Sea Cucumber Permit	
6/2012	635-005-0800	Permit Fee	Subsequent change in law (SB 247, 2015) required change in rule
6/2012	635-005-0805	Eligibility Requirement for a Permit	
6/2012	635-005-0810	Revocation and Refusal to Issue Permits	
6/2012	635-005-0815	Review of Denials	
6/2012	635-005-0820	Renewal of Permit	Subsequent change in law (SB 247, 2015) required change in rule
6/2012	635-005-0825	Lottery for Limited Entry Sea Urchin and Sea Cucumber Permits	Subsequent change in law (SB 247, 2015) required change in rule
6/2012	635-005-0830	Transferability of Permits	
6/2012	635-005-0835	Logbook required	
6/2012	635-005-0845	Prohibitions	
6/2012	635-005-0850	Size and Catch Limits	
Adopted	OAR number	Rule title (section headers in red font)	Review comment
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6/2012	635-005-0715	Transferability of Permits	
6/2012	635-005-0720	Other Shellfish and Marine Invertebrate Section - Organization of Rules	
6/2012	635-005-0725	Weathervane Scallop Fishery - Fishery Defined	
6/2012	635-005-0730	Additional License Requirement	
6/2012	635-005-0735	Requirement for Weathervane Scallop Permit	
6/2012	635-005-0740	Permit Fee	
6/2012	635-005-0745	Eligibility Requirements for a Permit	
6/2012	635-005-0750	Revocation and Refusal to Issue Permits	
6/2012	635-005-0755	Review of Denials	
6/2012	635-005-0760	Renewal of Permit	
6/2012	635-005-0765	Lottery for Limited Entry Weathervane Scallop Permits	
6/2012	635-005-0770	Transferability of Permits	
6/2012	635-005-0775	Logbook required	

Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-005-0605	Renewal of Permit	Subsequent change in law (SB 247, 2015) required change in rule
6/2012	635-005-0610	Lottery for Limited Entry Pink Shrimp Permits	
6/2012	635-005-0615	Transferability of Permits	
6/2012	635-005-0620	Logbook Required	
6/2012	635-005-0650	Spot and Coonstripe Shrimp Fisheries - Fishery Defined	
6/2012	635-005-0675	Logbook Required	
6/2012	635-005-0680	Brine Shrimp Fishery - Fishery Defined	
6/2012	635-005-0685	Requirement for Brine Shrimp Permit	
6/2012	635-005-0690	Permit Fee	
6/2012	635-005-0695	Eligibility Requirements for a Permit	
6/2012	635-005-0700	Review of Denials	
6/2012	635-005-0705	Renewal of Permit	
6/2012	635-005-0710	Lottery for Limited Entry Brine Shrimp Permits	

Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-005-0515	Size and Sex	
6/2012	635-005-0520	Red Rock, Box, Tanner, and Other Crab Fisheries - Fishery Defined	
6/2012	635-005-0525	Permits Required for Red Rock and Box Crab	
12/2008	635-005-0555	Incidental Catch Limits	Not a new rule, amended and renumbered
1 <b>2/2008</b>	635-005-0560	Tanner Crab Notification of Activity	Not a new rule, amended and renumbered
6/2012	635-005-0565	Logbook Required	
6/2012	635-005-0570	Shrimp Section - Organization of Rules	
6/2012	635-005-0575	Pink Shrimp Fishery - Fishery Defined	
6/2012	635-005-0580	Requirement for Pink Shrimp Permit	
6/2012	625-005-0585	Permit Fee	Subsequent change in law (SB 247, 2015) required change in rule
6/2012	635-005-0590	Eligibility Requirements for a Permit	
6/2012	635-005-0595	Revocation and Refusal to Issue Permits	
6/2012	635-005-0600	Review of Denials	

Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-005-0420	Revocation and Refusal to Issue Permits	Subsequent change in law (HB 4049, 2014) required change in rule
6/2012	635-005-0425	Review of Denials	
6/2012	635-005-0430	Renewal of Permit	Subsequent change in law (SB 247, 2015) required change in rule
6/2012	635-005-0435	Lottery for Limited Entry Ocean Dungeness Crab Permits	
6/2012	635-005-0440	Transferability of Permits	Subsequent change in law (HB 4049, 2014) required change in rule
6/2012	635-005-0445	Logbook Required	
6/2012	635-005-0450	Vessel Length Modification in Ocean Dungeness Crab Fishery	
6/6012	635-005-0480	Dungeness Crab Buoy Tag and Gear Marking Requirements	
6/2012	635-005-0485	Dungeness Crab Gear Prohibitions	
6/2012	635-005-0490	Derelict Dungeness Crab Gear	
6/2012	635-005-0500	Bay and Estuary Dungeness Crab Fishery - Fishery Defined	
6/2012	635-005-0510	Fishing Gear	

Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-005-0345	Logbook Required	
6/2012	635-005-0360	Subtidal Clams for Bait	
6/2012	635-005-0365	Intertidal Animal, Mussel and Clam Commercial Fisheries - Fisheries Defined	
6/2012	635-005-0370	Permit Required	
6/2012	635-005-0375	Logbook Required	
6/2012	635-005-0380	Fishing Gear	
6/2012	635-005-0385	Size Limit	
6/2012	635-005-0390	Clams and Mussels for Balt	
6/2012	635-005-0395	Crab Section Organization of Rules	
6/2012	635-005-0400	Ocean Dungeness Crab Fishery - Fishery Defined	
6/2012	635-005-0405	Requirement for Ocean Dungeness Crab Permit	
6/2012	635-005-0410	Permit Fee	Subsequent change in law (SB 247, 2015) required change in rule
6/2012	635-005-0415	Eligibility Requirements for a Permit	

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Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-005-0260	Closed Seasons and Areas	
6/2012	635-005-0265	Bait Restrictions	
6/2012	635-005-0270	Same Trip Recreational and Commercial Fishing - When Unlawful	
6/2012	635-005-0275	Fishing Gear	
6/2012	635-005-0280	Clam and Intertidal Section - Organization of Rules	
6/2012	635-005-0305	Bay Clam Dive Fishery - Fishery Defined	
6/2012	635-005-0310	Requirement for Bay Clam Dive Permit	
6/2012	635-005-0315	Permit Fee	
6/2012	635-005-0320	Eligibility Requirements for a Permit	
6/2012	635-005-0325	Review of Denials	
6/2012	635-005-0330	Renewal of Permit	
6/2012	635-005-0335	Lottery for Limited Entry Bay Clam Dive Permits	
6/2012	635-005-0340	Transferability of Permits	

Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-005-0855	Crayfish Fishery -	
		Fishery Defined	
6/2012	635-005-0875	Protection of Females	Not a new rule, renumbered
6/2012	635-005-0890	Oyster Fishery -	
·		Fishery Defined	
6/2012	635-005-0895	Additional License Regulrement	
6/2012	635-005-0915	Squid Fishery -	
		Fishery Defined	
6/2012	635-005-0920	Market Squid Fishery	· · · · · · · · · · · · · · · · · · ·
6/2012	635-005-0925	Market Squid Harvest Guideline	
6/ <b>20</b> 12	635-005-0930	Logbook Required	
6/2012	635-005-0935	Octopus Fishery - Fishery Defined	
6/2012	635-00 <b>5-0</b> 940	Logbook Required	
		Division 6; Commercial Fisheries Commercial Gear; Licenses, Poundage Fees, Records and Reports	
6/2012	635-006-0209	Fish Dealer Records and Reports - Sorting Required	

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Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-005-0790	Sea Urchin Fishery - Fishery Defined	
6/2012	635-005-0795	Requirement for Sea Urchin and Sea Cucumber Permit	
6/2012	635-005-0800	Permit Fee	Subsequent change in law (SB 247, 2015) required change in rule
6/2012	635-005-0805	Eligibility Requirement for a Permit	
6/2012	635-005-0810	Revocation and Refusal to Issue Permits	
6/2012	635-005-0815	Review of Denials	
6/2012	635-005-0820	Renewal of Permit	Subsequent change in law (SB 247, 2015) required change in rule
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6/2012	635-005-0830	Transferability of Permits	
6/2012	635-005-0835	Logbook required	
6/2012	635-005-0845	Prohibitions	
6/2012	635-005-0850	Size and Catch Limits	

Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-005-0715	Transferability of Permits	
6/2012	635-005-0720	Other Shellfish and Marine Invertebrate Section - Organization of Rules	
6/2012	635-005-0725	Weathervane Scallop Fishery - Fishery Defined	
6/2012	635-005-0730	Additional License Requirement	· _ · _ · _ ·
6/2012	635-005-0735	Requirement for Weathervane Scallop Permit	
6/2012	635-005-0740	Permit Fee	
6/2012	635-005-0745	Eligibility Requirements for a Permit	
6/2012	635-005-0750	Revocation and Refusal to Issue Permits	
6/2012	635-005-0755	Review of Denials	
6/2012	635-005-0760	Renewal of Permit	
6/2012	635-005-0765	Lottery for Limited Entry Weathervane Scallop Permits	
6/2012	635-005-0770	Transferability of Permits	
6/2012	635-005-0775	Logbook required	

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Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-005-0605	Renewal of Permit	Subsequent change in law (SB 247, 2015) required change in rule
6/2012	635-005-0610	Lottery for Limited Entry Pink Shrimp Permits	
6/2012	635-005-0615	Transferability of Permits	
6/2012	635-005-0620	Logbook Required	
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6/201 <b>2</b>	635-005-0685	Requirement for Brine Shrimp Permit	
6/2012	635-005-0690	Permit Fee	
6/2012	635-005-0695	Eligibility Requirements for a Permit	
6/2012	635-005-0700	Review of Denials	
6/2012	635-005-0705	Renewal of Permit	
6/2012	635-005-0710	Lottery for Limited Entry Brine Shrimp Permits	

Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-005-0515	Size and Sex	
6/2012	635-005-0520	Red Rock, Box, Tanner, and Other Crab Fisheries - Fishery Defined	·
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6/2012	635-005-0570	Shrimp Section - Organization of Rules	
6/2012	635-005-0575	Pink Shrimp Fishery - Fishery Defined	
6/2012	635-005-0580	Requirement for Pink Shrimp Permit	
6/2012	625-005-0585	Permit Fee	Subsequent change in law (SB 247, 2015) required change in rule
6/2012	635-005-0590	Eligibility Requirements for a Permit	
6/2012	635-005-0595	Revocation and Refusal to Issue Permits	
6/2012	635-005-0600	Review of Denials	

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Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-005-0420	Revocation and Refusal to Issue Permits	Subsequent change in law (HB 4049, 2014) required change in rule
6/2012	635-005-0425	Review of Denials	· · · ·
6/2012	635-005-0430	Renewal of Permit	Subsequent change in law (SB 247, 2015) required change in rule
6/2012	635-005-0435	Lottery for Limited Entry Ocean Dungeness Crab Permits	
6/2012	635-005-0440	Transferability of Permits	Subsequent change in law (HB 4049, 2014) required change in rule
6/2012	635-005-0445	Logbook Required	
6/2012	635-005-0450	Vessel Length Modification in Ocean Dungeness Crab Fishery	
6/6012	635-005-0480	Dungeness Crab Buoy Tag and Gear Marking Requirements	
6/2012	635-005-0485	Dungeness Crab Gear Prohibitions	
6/2012	635-005-0490	Derelict Dungeness Crab Gear	
6/2012	635-005-0500	Bay and Estuary Dungeness Crab Fishery - Fishery Defined	
6/2012	635-005-0510	Fishing Gear	·

Review of New Rules	ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to: <ul> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183,405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>
When an agency reviews a new rule under this pr	ovision, the agency must consider four specific factors:

1. Has the rule had its intended effect?	3. Do subsequent changes in the law require a change in the rule?
Yes	Yes
2. Did the agency overestimate or underestimate the rule's fiscal impact?	4. Does the rule continue to be necessary?
No	Yes

## A YES answer to any of the above questions requires an explanation in the area provided below.

OAR: See attached	Date	<b>Division 4</b> Commercial Fisheries Other Than Salmon or Shellfish <b>Division 5</b> Commercial Shellfish Fishery <b>Division 6</b> Commercial Gear; Licenses, Poundage Fees, Records, and Reports	
list	Adopted: 2012	Comments	
	2012	OAR Links: http://www.dfw.state.or.us/OARs/04.pdf	
		http://www.dfw.state.or.us/OARs/05.pdf	·
		http://www.dfw.state.or.us/OARs/06.pdf	
Program and Conta	ct: Fish Divi	sion; Troy Buell	

<ul> <li>Comment: All of the rule numbers in the attached list were adopted as part of a comprehensive reorganization of the non-salmon and shellfish commercial fisheries rules in Divisions 004, 005, and 006, adopted by the Oregon Fish and Wildlife Commission (Commission) in June 2012. The express intent of this action was to improve clarity and consistency of interpretation of commercial fishing regulations, while not changing the intent or practical effect of the rules. Rules were organized by fishery, for which definitions were adopted, such that the regulations for a given fishery would be found together in a fishery section to the degree possible. Therefore, none of the rules adopted through this process were "new" in the sense of creating new requirements or restrictions for commercial fishing. Rather, the new rules were either:</li> <li>1) Part of a pre-existing rule that was reorganized into multiple new rules;</li> <li>2) Part of a pre-existing rule that was moved from one Division to another;</li> <li>3) Organizational, for example OAR 635-004-0200 is a table of contents for Division 004;</li> <li>4) Descriptive, for example defining which species each set of rules under the new organization applies to; or</li> <li>5) Cross-referencing, for example 635-004-0205 references general licensing requirements contained in Division 006 and Oregon Revised Statutes.</li> </ul>	Review Date/ Initials 5/23/17 TB
These rules had their intended effect, in that commercial regulations for a given fishery have been easier to locate and interpret since the reorganization based on feedback from ODFW staff, Oregon State Police, and the public.	
Three subsequent changes in the commercial fishing laws (Oregon Revised Statutes) required changes to thirteen of the rules adopted as part of the reorganization. Each rule and the specific legislation requiring change is identified in the comment field of the attached list. Oregon House Bill 3632 (2013) changed personal property laws related to crab pots and directed the Commission and ODFW to develop a program for post-season recovery of derelict crab pots. Oregon House Bill 4049 (2014) changed the law regarding authority to revoke or refuse to issue Dungeness crab permits, and modified restrictions on permit transfers. Oregon Senate Bill 247 (2015) changed statutory fees for several commercial fishing permits:	
These rules continue to be necessary for the regulation and management of commercial fisheries. Because most non-salmon commercial fishery rules were affected by the reorganization, commercial fisheries would be largely unregulated without these rules.	
Director's Office:	·
Comment:	Review Date/ Initials

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Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-004-0200	General Regulations – Organization	
6/2012	635-004-0205	Licensing Requirements	
6/2012	635-004-0210	Authority of Enforcement in Fishery Conservation Zone and Exclusive Economic Zone	
6/2012	635-004-0230	Same Trip Recreational and Commercial Fishing – When Unlawful	
6/2012	635-004-0270	Groundfish Sections- Organization of Rules	
6/2012	635-004-0275	Scope, Inclusion, and Modification of Rules	Not subject to review, adopts federal rules by reference
6/2012	635-004-0285	Trawl and Fixed Gear Groundfish Fisheries – Fisheries Defined	
6/2012	635-004-0300	Black Rockfish, Blue Rockfish and Nearshore Fishery - Requirement for Black Rockfish/ Blue Rockfish/ Nearshore Fishery Permit	
6/2012	635-004-0305	Permit Fee	Subsequent change in law (SB 247, 2015) required change in rule
6/2012	635-004-0310	Eligibility Requirements for a Permit	
6/2012	635-004-0315	Review of Denials	
6/2012	635-004-0320	Renewal of Permit	Subsequent change in law (SB 247, 2015) required change in rule

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Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-004-0325	Lottery for Limited Entry Black Rockfish/Blue Rockfish/ Nearshore Fishery Permits	
6/2012	635-004-0330	Transferability of Permits	
6/2012	635-004-0335	Logbook Required	
6/2012	635-004-0350	Harvest Guidelines and Landing Caps	
6/2012	635-004-0355	Trip Limits	
6/2012	635-004-0370	Coastal Pelagic and Smelt Species Section - Organization of Rules	
6/2012	635-004-0375	Scope, Inclusion and Modifications of Rules	Not subject to review, adopts federal rules by reference
6/2012	635-004-0380	Sardine Fishery – Fishery Defined	
6/2012	635-004-0385	Requirement for Sardine Permit	
6/2012	635-004-0390	Permit Fee	
6/2012	635-004-0395	Eligibility Requirements for a Permit	
6/2012	635-004-0400	Review of Denials	
6/2012	635-004-0405	Renewal of Permit	

Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-004-0410	Lottery for Limited Entry Sardine Permits	
2012	635-004-0415	Transferability of Permits	
6/2012	635-004-0420	Log Book Required	
4/2009	635-004-0430	Sardine Catching Vessel	
6/2012	635-004-0445	Inland Waters Herring Fishery – Fishery Defined	
6/2012	635-004-0455	Yaquina Bay Roe-Herring Fishery- Fishery Defined	
6/2012	635-004-0460	Requirement for Yaquina Bay Roe-Herring Permit	
6/2012	635-004-0465	Permit Fee	
6/2012	635-004-0470	Eligibility Requirements for a Permit	
6/2012	635-004-0475	Revocation and Refusal to Issue Permits	
6/2012	<del>6</del> 35-004-0480	Review of Denials	Subsequent change in law (HB 3632, 2013) required change in rule
6/2012	635-004-0485	Renewal of Permit	Subsequent change in law (HB 3632, 2013) required change in rule

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Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-004-0490	Lottery for Limited Entry Yaquina Bay Roe-Herring Permits	
6/2012	635-004-0495	Transferability of Permits	
6/2012	635-004-0500	Yaquina Bay	
6/2012	635-004-0505	Roe-Herring Season and Harvest Limit	
6/2012	635-004-0510	Pacific Ocean Herring Season – Fishery Defined	
6/2012	635-004-0515	Pacific Ocean Herring Season	Not a new rule, renumbered
6/2012	635-004-0525	Anchovy Fishery - Fishery Defined	
5/2009	635-004-0530	Inland Waters Anchovy Fishery	Not a new rule, amended and renumbered
6/2012	635-004-0540	Smelt Fishery - Fishery Defined	
6/2012	635-004-0550	Highly Migratory Species Section – Organization of Rules	······
6/2012	635-004-0555	Scope, Inclusion, and Modifications of Rules	Not subject to review, adopts federal rules by reference
6/2012	635-004-0560	Albacore Tuna Fishery – Fishery Defined	
6/2012	635-004-0565	License Required	

Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-004-0570	Exemption to Far Offshore Fishery Restriction	
6/2012	635-004-0575	Other Finfish Section - Organization of Rules	
6/2012	635-004-0580	Fishery Defined	
6/2012	635-004-0585	Scope, Inclusion, and Modifications of Pacific Halibut Rules	Not subject to review, adopts federal rules by reference
6/2012	635-004-0590	Coastal Rivers Shad Fishery – Fishery Defined	
6/2012	635-004-0610	Hagfish fishery – Fishery Defined	
12/2009	635-004-0615	Pacific Hagfish Harvest Guideline	Not a new rule, amended and renumbered
12/2009	635-004-0620	Fishing Gear	Not a new rule, amended and renumbered
6/2012	635-004-0625	Logbook Required	
6/2012	635-004-0630	Sturgeon Fishery – Fishery Defined	
6/2012	635-004-0650	Surtperch Fishery – Fishery Defined	-
6/2012	635-004-0655	Closed Season	
6/2012	635-004-0660	Minor Finfish Fisheries – Fishery Defined	

Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-004-0665	Minor Finfish Species	
6/2012	635-004-0670	Log Book Required	
6/2012	635-004-0675	Intertidal Animal Fishery – Fishery Defined	
6/2012	635-004-0680	Permit Required	
6/2012	635-004-0685	Permit Fee	
6/2012	635-004-0690	Logbook Required	
		Division 5; Commercial Shellfish and Marine Invertebrate Fisheries	
6/2012	635-005-0225	Organization	
6/2012	635-005-0230	Licensing Requirements	
6/2012	635-005-0235	Authority of Enforcement in Fishery Conservation Zone and Exclusive Economic Zone	
6/2012	635-005-0245	Commercial Sheltfish and Intertidal Animal Harvest Permit Required	
6/2012	635-005-0250	Permit Fee	<u> </u>
6/2012	635-005-0255	Additional License Requirements	

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Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-005-0260	Closed Seasons and Areas	
6/2012	635-005-0265	Bait Restrictions	
6/2012	635-005-0270	Same Trip Recreational and Commercial Fishing – When Unlawful	
6/2012	635-005-0275	Fishing Gear	
6/2012	635-005-0280	Clam and Intertidal Section - Organization of Rules	
6/2012	635-005-0305	Bay Clam Dive Fishery - Fishery Defined	
6/2012	635-005-0310	Requirement for Bay Clam Dive Permit	
6/2012	635-005-0315	Permit Fee	
6/2012	635-005-0320	Eligibility Requirements for a Permit	
6/2012	635-005-0325	Review of Denials	
6/2012	635-005-0330	Renewal of Permit	
6/2012	635-005-0335	Lottery for Limited Entry Bay Clam Dive Permits -	
6/2012	635-005-0340	Transferability of Permits	

Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-005-0345	Logbook Required	
6/2012	635-005-0360	Subtidal Clams for Bait	
6/2012	635-005-0365	Intertidal Animal, Mussel and Clam Commercial Fisheries - Fisheries Defined	
6/2012	635-005-0370	Permit Required	
6/2012	635-005-0375	Lagbook Required	
6/2012	635-005-0380	Fishing Gear	
6/2012	635-005-0385	Size Limit	
6/2012	635-005-0390	Clams and Mussels for Bait	
6/2012	635-005-0395	Crab Section Organization of Rules	
6/2012	635-005-0400	Ocean Dungeness Crab Fishery - Fishery Defined	
6/2012	635-005-0405	Requirement for Ocean Dungeness Crab Permit	
6/2012	635-005-0410	Permit Fee	Subsequent change in Iaw (SB 247, 2015) required change in rule
<b>6/20</b> 12	635-005-0415	Eligibility Requirements for a Permit	

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Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-005-0420	Revocation and Refusal to Issue Permits	Subsequent change in law (HB 4049, 2014) required change in rule
6/2012	635-005-0425	Review of Denials	
6/2012	635-005-0430	Renewal of Permit	Subsequent change in law (SB 247, 2015) required change in rule
6/2012	635-005-0435	Lottery for Limited Entry Ocean Dungeness Crab Permits	
6/2012	635-005-0440	Transferability of Permits	Subsequent change in law (HB 4049, 2014) required change in rule
6/2012	635-005-0445	Logbook Required	
6/2012	635-00 <b>5-0</b> 450	Vessel Length Modification in Ocean Dungeness Crab Fishery	
6/6012	<b>6</b> 35-00 <b>5-0</b> 480	Dungeness Crab Buoy Tag and Gear Marking Requirements	
6/2012	635-005-0485	Dungeness Crab Gear Prohibitions	
6/2012	635-005-0490	Derelict Dungeness Crab Gear	
6/2012	635-005-0500	Bay and Estuary Dungeness Crab Fishery - Fishery Defined	
6/2012	635-005-0510	Fishing Gear	

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Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-005-0515	Size and Sex	
6/2012	635-005-0520	Red Rock, Box, Tanner, and Other Crab Fisheries - Fishery Defined	
6/2012	635-005-0525	Permits Required for Red Rock and Box Crab	
12/2008	635-005-0555	Incidental Catch Limits	Not a new rule, amended and renumbered
12/2008	635-005-0560	Tanner Crab Notification of Activity	Not a new rule, amended and renumbered
<b>6/20</b> 12	635-005-0565	Logbook Required	
6/2012	635-005-0570	Shrimp Section - Organization of Rules	
6/2012	635-005-0575	Pink Shrimp Fishery - Fishery Defined	
6/2012	635-005-0580	Requirement for Pink Shrimp Permit	
6/2012	625-005-0585	Permit Fee	Subsequent change in law (SB 247, 2015) required change in rule
6/2012	635-005-0590	Eligibility Requirements for a Permit	
6/2012	635-005-0595	Revocation and Refusal to Issue Permits	
6/2012	635-005-0600	Review of Denials	· · · · · · · · · · · · · · · · · · ·

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Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-005-0605	Renewal of Permit	Subsequent change in law (SB 247, 2015) required change in rule
6/2012	635-005-0610	Lottery for Limited Entry Pink Shrimp Permits	
6/2012	635-005-0615	Transferability of Permits	
6/2012	635-005-0620	Logbook Required	
6/2012	635-005-0650	Spot and Coonstripe Shrimp Fisheries - Fishery Defined	
6/2012	635-005-0675	Logbook Required	· · · · · · · · · · · · · · · · · · ·
6/2012	635-005-0680	Brine Shrimp Fishery - Fishery Defined	
6/2012	635-005-0685	Requirement for Brine Shrimp Permit	
6/2012	635-005-0690	Permit Fee	
6/2012	635-005-0695	Eligibility Requirements for a Permit	
6/2012	635-005-0700	Review of Denials	·
6/2012	635-005-0705	Renewal of Permit	
6/2012	635-005-0710	Lottery for Limited Entry Brine Shrimp Permits	

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Adopted	OAR number	Rule title (section headers in red font)	Review commen
6/2012	635-005-0715	Transferability of Permits	
6/2012	635-005-0720	Other Shellfish and Marine Invertebrate Section - Organization of Rules	
6/2012	635-005-0725	Weathervane Scallop Fishery - Fishery Defined	
6/2012	635-005-0730	Additional License Requirement	
6/2012	635-005-0735	Requirement for Weathervane Scallop Permit	
6/2012	635-005-0740	Permit Fee	
6/2012	635-005-0745	Eligibility Requirements for a Permit	
6/2012	635-005-0750	Revocation and Refusal to Issue Permits	
6/2012	635-005-0755	Review of Denials	
6/2012	635-005-0760	Renewal of Permit	
6/2012	635-005-0765	Lottery for Limited Entry Weathervane Scallop Permits	
6/2012	635-005-0770	Transferability of Permits	
6/2012	635-005-0775	Logbook required	

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Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-005-0790	Sea Urchin Fishery - Fishery Defined	
6/2012	635-005-0795	Requirement for Sea Urchin and Sea Cucumber Permit	
6/2012	635-005-0900	Permit Fee	Subsequent change in law (SB 247, 2015) required change in rule
6/2012	635-005-0805	Eligibility Requirement for a Permit	
6/2012	635-005-0810	Revocation and Refusal to Issue Permits	
6/2012	635-005-0815	Review of Denials	
6/2012	635-005-0820	Renewal of Permit	Subsequent change in law (SB 247, 2015) required change in rule
6/2012	635-005-0825	Lottery for Limited Entry Sea Urchin and Sea Cucumber Permits	Subsequent change in law (SB 247, 2015) required change in rule
6/2012	635-005-0830	Transferability of Permits	
6/2012	635-005-0835	Logbook required	
6/2012	<b>63</b> 5-00 <b>5-08</b> 45	Prohibitions	
6/2012	635-005-0650	Size and Catch Limits	

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Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-005-0855	Crayfish Fishery - Fishery Defined	
6/2012	635-005-0875	Protection of Females	Not a new rule, renumbered
6/2012	635-005-0890	Oyster Fishery - Fishery Defined	
6/2012	635-005-0895	Additional License Requirement	
6/2012	635-005-0915	Squid Fishery - Fishery Defined	
6/2012	635-005-0920	Market Squid Fishery	
6/2012	635-005-0925	Market Squid Harvest Guideline	
6/2012	635-005-0930	Logbook Required	
6/2012	635-005-0935	Octopus Fishery - Fishery Defined	
6/2012	635-005-0940	Logbook Required	·
		Division 6; Commercial Fisheries Commercial Gear; Licenses, Poundage Fees, Records and Reports	
6/2012	635-006-0209	Fish Dealer Records and Reports - Sorting Required	

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Review of New Rules	<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was</li> </ul>
Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.	<ul> <li>delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopting a federal law or rule by reference, ORS 183.405(5)(b);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>
When an agency reviews a new rule under this pr	ovision, the agency must consider four specific factors:

## 1. Has the rule had its intended effect? 3. Do subsequent changes in the law require a change in the rule? Yes Yes

Yes	Yes
2. Did the agency overestimate or underestimate the rule's fiscal impact?	4. Does the rule continue to be necessary?
No	Yes

## A YES answer to any of the above questions requires an explanation in the area provided below.

OAR: See attached	Date	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Division 5 Commercial Shellfish Fishery Division 6 Commercial Gear; Licenses, Poundage Fees, Records, and Reports	
list	Adopted: 2012	Comments	
	2012	OAR Links: http://www.dfw.state.or.us/OARs/04.pdf	
		http://www.dfw.state.or.us/OARs/05.pdf	-
		http://www.dfw.state.or.us/OARs/06.pdf	
	-	· · · · · · · · · · · ·	
Program and Conta	act: Fish Divi	sion; Troy Buell	n <b>-</b> <u>-</u> .

<ul> <li>Comment: All of the rule numbers in the attached list were adopted as part of a comprehensive reorganization of the non-salmon and shellfish commercial fisheries rules in Divisions 004, 005, and 006, adopted by the Oregon Fish and Wildlife Commission (Commission) in June 2012. The express intert of this action was to improve darity and consistency of interpretation of commercial fishing regulations, while not changing the intent or practical effect of the rules. Rules were organized by fishery, for which definitions were adopted, such that the regulations for a given fishery would be found together in a fishery section to the degree possible. Therefore, none of the rules adopted through this process were "new" in the sense of creating new requirements or restrictions for commercial fishing. Rather, the new rules were either:</li> <li>1) Part of a pre-existing rule that was reorganized into multiple new rules;</li> <li>2) Part of a pre-existing rule that was form one Division to another;</li> <li>3) Organizational, for example 0AR 635-004-0200 is a table of contents for Division 004;</li> <li>4) Descriptive, for example defining which species each set of rules under the new organization applies to; or</li> <li>5) Cross-referencing, for example 635-004-0205 references general licensing requirements contained in Division 006 and Oregon Revised Statutes.</li> </ul> These rules had their intended effect, in that commercial regulations for a given fishery have been easier to locate and interpret since the reorganization based on feedback from ODFW staff, Oregon Revised Statutes) required changes to thirteen of the rules adopted as part of the reorganization. Each rule and the specific legislation requiring change is identified in the commercial field of the attached list. Oregon House Bill 3632 (2013) changed personal property laws related to crab pots and directed the Commission and ODFW to develop a program for post-season recovery of derelict crab pots. Oregon House Bill 4049 (2014) changed the law reg	Review Date/ Initials 5/23/17 TB
<u>en la construcción de la const</u>	<u></u>
<b>Comment</b> : The rule has had the intended effect. The agency did not over, or underestimate the fiscal impact. Subsequent changes in the law will not require changes in the rule. The rule is still necessary to guide fish management.	Review Date/ Initials 6/9/2017 MRH

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Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-004-0200	General Regulations – Organization	
6/2012	635-004-0205	Licensing Requirements	
6/2012	635-004-0210	Authority of Enforcement in Fishery Conservation Zone and Exclusive Economic Zone	
6/2012	635-004-0230	Same Trip Recreational and Commercial Fishing – When Unlawful	
6/2012	635-004-0270	Groundfish Sections- Organization of Rules	
6/2012	635-004-0275	Scope, Inclusion, and Modification of Rules	Not subject to review, adopts federal rules by reference
6/2012	635-004-0285	Trawl and Fixed Gear Groundfish Fisheries – Fisheries Defined	
6/2012	635-004-0300	Black Rocktish, Blue Rocktish and Nearshore Fishery - Requirement for Black Rockfish/ Blue Rockfish/ Nearshore Fishery Permit	
6/2012	635-004-0305	Permit Fee	Subsequent change in law (SB 247, 2015) required change in rule
6/2012	635-004-0310	Eligibility Requirements for a Permit	
6/2012	635-004-0315	Review of Denials	·
6/2012	635-004-0320	Renewal of Permit	Subsequent change in law (SB 247, 2015) required change in rule

Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-004-0325	Lottery for Limited Entry Black Rockfish/Blue Rockfish/ Nearshore Fishery Permits	
6/2012	635-004-0330	Transferability of Permits	
6/2012	635-004-0335	Logbook Required	
6/2012	635-004-0350	Harvest Guidelines and Landing Caps	
6/2012	635-004-0355	Trip Limits	
6/2012	635-004-0370	Coastal Pelagic and Smelt Species Section - Organization of Rules	
6/2012	635-004-0375	Scope, Inclusion and Modifications of Rules	Not subject to review, adopts federal rules by reference
6/2012	635-004-0380	Sardine Fishery – Fishery Defined	
6/2012	635-004-0385	Requirement for Sardine Permit	
6/2012	635-004-0390	Permit Fee	
6/2012	635-004-0395	Eligibility Requirements for a Permit	
6/2012	635-004-0400	Review of Denials	
6/2012	635-004-0405	Renewal of Permit	

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Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-004-0410	Lottery for Limited Entry Sardine Permits	
6/2012	635-004-0415	Transferability of Permits	
6/2012	635-004-0420	Log Book Required	
4/2009	635-004-0430	Sardine Catching Vessel	
6/2012	635-004-0445	Inland Waters Herring Fishery – Fishery Defined	
6/2012	635-004-0455	Yaquina Bay Roe-Herring Fishery- Fishery Defined	
6/2012	635-004-0460	Requirement for Yaquina Bay Roe-Herring Permit	
6/2012	635-004-0465	Permit Fee	
6/2012	635-004-0470	Eligibility Requirements for a Permit	
6/2012	635-004-0475	Revocation and Refusal to Issue Permits	
6/2012	635-004-0480	Review of Denials	Subsequent change in law (HB 3632, 2013) required change in rule
6/2012	635-004-0485	Renewal of Permit	Subsequent change in law (HB 3632, 2013) required change in rule

Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-004-0490	Lottery for Limited Entry Yaquina Bay Roe-Herring Permits	
6/2012	635-004-0495	Transferability of Permits	
6/2012	635-004-0500	Yaquina Bay	
6/2012	635-004-0505	Roe-Herring Season and Harvest Limit	
6/2012	635-004-0510	Pacific Ocean Herring Season – Fishery Defined	
6/2012	635 <b>-00</b> 4-0515	Pacific Ocean Herring Season	Not a new rule, renumbered
6/2012	635-004-0525	Anchovy Fishery - Fishery Defined	
5/2009	635-004-0530	Inland Waters Anchovy Fishery	Not a new rule, amended and renumbered
6/2012	635-004-0540	Smelt Fishery - Fishery Defined	
6/2012	635-004-0550	Highly Migratory Species Section – Organization of Rules	
6/2012	635-004-0555	Scope, Inclusion, and Modifications of Rules	Not subject to review, adopts federal rules by reference
6/2012	635-004-0560	Albacore Tuna Fishery – Fishery Defined	
6/2012	635-004-0565	License Required	

Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-004-0570	Exemption to Far Offshore Fishery Restriction	
6/2012	635-004-0575	Other Finfish Section – Organization of Rules	
6/2012	635-004-0580	Fishery Defined	
6/2012	635-004-0585	Scope, Inclusion, and Modifications of Pacific Halibut Rules	Not subject to review, adopts federal rules by reference
6/2012	635-004-0590	Coastal Rivers Shad Fishery – Fishery Defined	
6/2012	635-004-0610	Hagfish fishery – Fishery Defined	
12/2009	635-004-0615	Pacific Hagfish Harvest Guldeline	Not a new rule, amended and renumbered
12/2009	635-004-0620	Fishing Gear	Not a new rule, amended and renumbered
6/2012	635-004-0625	Logbook Required	
6/2012	635-004-0630	Sturgeon Fishery – Fishery Defined	
6/2012	635-004-0650	Surfperch Fishery – Fishery Defined	
6/2012	635-004-0655	Closed Season	
6/2012	. 635-004-0660	Minor Finfish Fisheries – Fishery Defined	

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Adopted	OAR number	Rule title (section headers in red font)	Review commen
/2012	635-004-0665	Minor Finfish Species	
6/2012	635-004-0670	Log Book Required	
6/2012	635-004-0675	Intertidal Animal Fishery – Fishery Defined	
6/2012	635-004-0680	Permit Required	· ····································
6/2012	635-004-0685	Permit Fee	
6/2012	635-004-0690	Logbook Required	
·		Division 5; Commercial Shellfish and Marine Invertebrate Fisheries	
6/2012	635-005-0225	Organization	
6/2012	635-005-0230	Licensing Requirements	
6/2012	635-005-0235	Authority of Enforcement in Fishery Conservation Zone and Exclusive Economic Zone	
6/2012	635-005-0245	Commercial Shellfish and Intertidal Animal Harvest Permit Required	· · · · · ·
6/2012	635-005-0250	Permit Fee	
6/2012	635-005-0255	Additional License Requirements	

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Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-005-0345	Logbook Required	
6/2012	635-005-0360	Subtidal Clams for Bait	· · ·
6/2012	635-005-0365	Intertidal Animal, Mussel and Clam Commercial Fisheries - Fisheries Defined	· ·
6/2012	635-005-0370	Permit Required	
6/2012	635-005-0375	Logbook Required	
6/2012	635-005-0380	Fishing Gear	
6/2012	635-005-0385	Size Limit	
6/2012	635-005-0390	Clams and Mussels for Bait	
6/2012	635-005-0395	Crab Section Organization of Rules	
6/2012	635-005-0400	Ocean Dungeness Crab Fishery - Fishery Defined	
6/2012	635-005-0405	Requirement for Ocean Dungeness Crab Permit	
6/2012	635-005-0410	Permit Fee	Subsequent change in law (SB 247, 2015) required change in rule
6/2012	635-005-0415	Eligibility Requirements for a Permit	

Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-005-0260	Closed Seasons and Areas	
6/2012	635-005-0265	Bait Restrictions	
6/2012	635-005-0270	Same Trip Recreational and Commercial Fishing – When Unlawful	
6/2012	635-005-0275	Fishing Gear	
6/2012	635-005-0280	Clam and Intertidal Section - Organization of Rules	
6/2012	635-005-0305	Bay Clam Dive Fishery - Fishery Defined	
6/2012	635-005-0310	Requirement for Bay Clam Dive Permit	
6/2012	635-005-0315	Permit Fee	
6/2012	635-005-0320	Eligibility Requirements for a Permit	
6/2012	635-005-0325	Review of Denials	
6/2012	635-005-0330	Renewal of Permit	
6/2012	635-005-0335	Lottery for Limited Entry Bay Clarn Dive Permits	-
6/2012	635-005-0340	Transferability of Permits	

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Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-004-0665	Minor Finfish Species	
6/2012	635-004-0670	Log Book Required	
6/2012	635-004-0675	Intertidal Animal Fishery – Fishery Defined	
6/2012	635-004-0680	Permit Required	
6/2012	635-004-0685	Permit Fee	
6/2012	635-004-0690	Logbook Required	
		Division 5; Commercial Shellfish and Marine Invertebrate Fisheries	
6/2012	635-005-0225	Organization	
6/2012	635-005-0230	Licensing Requirements	
6/2012	635-005-0235	Authority of Enforcement in Fishery Conservation Zone and Exclusive Economic Zone	
6/2012	635-005-0245	Commercial Shellfish and Intertidal Animal Harvest Permit Required	
6/2012	635-005-0250	Permit Fee	
6/2012	635-005-0255	Additional License Requirements	

Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-004-0570	Exemption to Far Offshore Fishery Restriction	
6/2012	635-004-0575	Other Finfish Section – Organization of Rules	
2012	635-004-0580	Fishery Defined	
6/2012	635-004-0585	Scope, Inclusion, and Modifications of Pacific Halibut Rules	Not subject to review, adopts federal rules by reference
6/2012	635-004-0590	Coastal Rivers Shad Fishery - Fishery Defined	
6/2012	635-004-0610	Hagtish fishery – Fishery Defined	
12/2009	2009 635-004-0615 Pacific Hagfish Harvest Guideline		Not a new rule, amended and renumbered
12/2009	635-004-0620	Fishing Gear	Not a new rule, amended and renumbered
6/ <b>20</b> 12	635-004-0625	Logbook Required	
6/2012	635-004-0630	Sturgeon Fishery – Fishery Defined	
6/2012	635-004-0650	Suriperch Fishery – Fishery Defined	
6/2012	635-004-0655	Closed Season	
6/2012	635-004-0660	Minor Finfish Fisheries – Fishery Defined	-

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Adopted	OAR number	Bula title (applier booders is yed fort)	Deview
6/2012	635-004-0490	Rule title (section headers in red font)           Lottery for Limited Entry Yaquina Bay Roe-Herring Permits	Review comment
6/2012	635-004-0495	Transferability of Permits	
6/2012	635-004-0500	Yaquina Bay	
6/2012	635-004-0505	Roe-Herring Season and Harvest Limit	
6/2012	635-004-0510	Pacific Ocean Herring Season – Fishery Defined	
6/2012	635-004-0515	Pacific Ocean Herring Season	Not a new rule, renumbered
6/2012	635-004-0525	Anchovy Fishery - Fishery Defined	
5/2009	635-004-0530	Inland Waters Anchovy Fishery	Not a new rule, amended and renumbered
6/2012	635-004-0540	Smeit Fishery - Fishery Defined	
6/2012	635-004-0550	Highly Migratory Species Section – Organization of Rules	
6/2012	635-004-0555	Scope, Inclusion, and Modifications of Rules	Not subject to review, adopts federal rules by reference
6/2012	635-004-0560	Albacore Tuna Fishery – Fishery Defined	
6/2012	635-004-0565	License Required	

Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-004-0410	Lottery for Limited Entry Sardine Permits	· · · ·
6/2012	635-004-0415	Transferability of Permits	
6/2012	635-004-0420	Log Book Required	
4/2009	635-004-0430	Sardine Catching Vessel	
6/2012	635-004-0445	Inland Waters Herring Fishery – Fishery Defined	
6/2012	635-004-0455	Yaquina Bay Roe-Herring Fishery- Fishery Defined	
6/2012	635-004-0460	Requirement for Yaquina Bay Roe-Herring Permit	
6/2012	635-004-0465	Permit Fee	
6/2012	635-004-0470	Eligibility Requirements for a Permit	
6/2012	635-004-0475	Revocation and Refusal to Issue Permits	
6/2012	635-004-0480	Review of Denials	Subsequent change in law (HB 3632, 2013) required change in rule
6/2012	635-004-0485	Renewal of Permit	Subsequent change in law (HB 3632, 2013) required change in rule

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Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-004-0325	Lottery for Limited Entry Black Rockfish/Blue Rockfish/ Nearshore Fishery Permits	
<b>/2</b> 012	635-004-0330	Transferability of Permits	
5/2012	635-004-0335	Logbook Required	
6/2012	635-004-0350	Harvest Guidelines and Landing Caps	
6/2012	635-004-0355	Trip Limits	
6/2012	635-004-0370	Coastal Pelagic and Smelt Species Section - Organization of Rules	
6/2012	635-004-0375	Scope, Inclusion and Modifications of Rules	Not subject to review, adopts federal rules by reference
6/2012	635-004-0380	Sardine Fishery – Fishery Defined	
6/2012	635-004-0385	Requirement for Sardine Permit	
6/2012	635-004-0390	Permit Fee	
6/2012	635-004-0395	Eligibility Requirements for a Permit	
6/2012	635-004-0400	Review of Denials	
6/2012	635-004-0405	Renewal of Permit	

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Adopted	OAR number	Rule title (section headers in red font)	Review comment
6/2012	635-004-0200	General Regulations – Organization	
6/2012	635-004-0205	Licensing Requirements	
6/2012	635-004-0210	Authority of Enforcement in Fishery Conservation Zone and Exclusive Economic Zone	
6/2012	635-004- <b>02</b> 30	Same Trip Recreational and Commercial Fishing – When Unlawful	
6/2012	635-004-0270	Groundfish Sections- Organization of Rules	
6/2012	635-004-0275	Scope, Inclusion, and Modification of Rules	Not subject to review, adopts federal rules by reference
6/2012	635-004-0285	Trawl and Fixed Gear Groundfish Fisheries – Fisheries Defined	
6/2012	635-004-0300	Black Rockfish, Blue Rockfish and Nearshore Fishery - Requirement for Black Rockfish/ Blue Rockfish/ Nearshore Fishery Permit	
6/2012	635-004-0305	Permit Fee	Subsequent change in law (SB 247, 2015) required change in rule
6/2012	635-004-0310	Eligibility Requirements for a Permit	
6/2012	<b>635-004-03</b> 15	Review of Denials	
6/2012	635-004-0320	Renewal of Permit	Subsequent change in law (SB 247, 2015) required change in rule

# **OREGON DEPARTMENT OF FISH & WILDLIFE**

### ORS 183.405

Completed 9-20-17

#### WILDLIFE DIVISION

Agency Review of New Rules (Dates: February, 2006 through December 31, 2012) 1) Administration

- 2) 3) Wildlife Division Fish Division

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Reviewed by Deputy Director, Wildlife Division (Kevin Blakely): 7-24-18 to 8-22-17 Reviewed by Directors Office (Michael Harrington): 8-25-18 to 9-20-18 Reviwed by staff as indicated below

DISPOS/	L OF WILDLIFE	AND EQUIPMENT SEIZED OR OTHERWISE ACQUIRED			가장 이 같은 것이 가지 않았다. 이 문제가 제품을 가지 않았다. 이 같은 것은 것이 제품을 가지 않았다.	
5-17-10	635-002-0014	Disposal of Antlers	Tom Thornton	8/23/18	9/22/17	9/20/17
DEPART	NENT OF FISH A	ND MILDLIFE LANDS				
7-1-11	635-009-0163	Tami Wagner Wildlife Area (Lincoln County)	Keith Kohi	7/25/17	8/22/17	8/25/17
8-10-10	635-008-0211	Public Access to Department Hatcheries	(Fish Division)	N/A	8/22/17	8/25/17
PROTEC	TED WILDLIFE	HOLDING, AND GAME BIRD PROPAGATING RULES				
5-17-10	635-044-0051	Holding Pure Bred Gray Wolf or Wolves in Captivity	Derek Broman	8/11/17	8/23/18	8/25/17

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7-1-11	635-046-0000	Purpose	Brandon Reishus	8/2/17	8/22/17	6/25/17
7-1-11	635-046-0040	Delinitions	Brandon Reishus	8/2/17	8/22/17	8/25/17
<b>7-1-</b> 11	635-046-0045	General Regulations	Brandon Reishus	8/2/17	8/22/17	8/25/17
<b>7-1-1</b> 1	635-046-0050	Use of Wildlife for Hunting Dog and Raptor Training	Brandon Reishus	8/2/17	8/22/17	B/25/17
7-1-11	635-046-0055	Use of Wildlife for Competitive Hunting Dog Trials	Brandon Reishus	8/2/17	8/22/17	8/25/17
PRIVATE	HOLDING OR PI	ROPAGATING OR CERVID SPECIES	- -		I	
	1					•
5-28-08	635-049-0001	Policy	Don Whittaker	7/31/18	8/22/17	8/25/17
	635-049-0001 635-049-0005	Policy Definitions	Don Whittaker Don Whittaker	7/31/18 7/31/18	8/22/17	8/25/17
5-28-08					8/22/17	a de la companya de la compa
5-28-08 5-28-08	635-049-0005	Definitions	Don Whittaker	7/31/10	8/22/17	8/25/17
5-28-08 5-28-08 5-28-08	635-049-0005 635-049-0015	Definitions Basic Requirements	Don Whittaker Don Whittaker	7/31/18	8/22/17	8/25/17
5-28-08 5-28-08 5-28-08 5-28-08 5-28-08 5-28-08	635-049-0005 635-049-0015 635-049-0025	Definitions Basic Requirements Import, Export, Transport Other than to Licensed Facilities	Don Whittaker Don Whittaker Don Whittaker	7/31/18 7/31/18 7/31/18	8/22/17	8/25/17 8/25/17 8/25/17

5-10-09	635-049-0067	Voluntary Chronic Wasting Disease Monitored Herd Program	Don Whittaker	7/31/18	8/25/17
6-10-09	635-049-0069	Recaptured Cervids	Don Whittaker	7/31/18	8/25/17
6-10-09	635-049-0071	Obligation to Report Disease Incidents	Don Whittaker	7/31/18	8/25/17
6-10-09	635-049-0073	Disease Testing and Genetic Requirements for Importation of Cervid Gametes and Embryos	Don Whittaker	7/31/18	8/25/17
5-28-08	635-049-0075	Genetic Requirements	Don Whittaker	7/31/18	8/25/17
5-28-08	635-049-0085	Licenses Generally	Don Whittaker	7/31/18	8/25/17
5-28-08	635-049-0095	Decision Standard for Issuing a License	Don Whittaker	7/31/18	8/25/17
5-28-08	635-049-0105	Decision Standard for Suspending, Revoking or Refusing to Renew a License	Don Whittaker	7/31/18	8/25/17
5-28-08	635-049-0115	I Disposition of Cervids upon Licensing Suspension, Revocation, Nonrenewal or Denial	Don Whitteker	7/31/18	8/25/17
5-28-08	635-049-0125	Control of Disease Outbreaks	Don Whittaker	7/31/18	8/25/17
5-28-08	635-049-0135	General Requirements for Holding Cervids	Don Whittaker	7/31/18	8/25/17
5-28-08	635-049-0145	Sale or Exchange	Don Whittaker	7/31/18	8/25/17
5-28-08	635-049-0165	Type I Cervid Licenses	Don Whittaker	7/31/18	8/25/17
5-28-08	635-049-0175	License Applications	Don Whittaker	7/31/18	8/25/17

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5-28-08	635-049-0185	Lattery for Elk Licenses Issued for Commercial or Exhibition Purposes	Don Whittaker	7/31/18		8/25/17
5-28-08	635-049-0195	License Renewal	Don Whittaker	7/31/18		8/25/17
5-28-08	635-049-0205	Record Keeping	Don Whittaker	7/31/18		8/25/17
5-28-08	635-049-0225	Inspection of Facilities and Records	Don Whitlaker	7/31/18		8/25/17
5-28-08	635-049-0235	Reporting	Don Whittaker	7/31/18		8/25/17
5-28-08	635-049-0245	Fencing Requirements	Don Whittaker	7/31/18		8/25/17
5-6-09	635-049-0255	Cervid Marking	Don Whittaker	7/31/18		8/25/17
6-3-11	635-049-0265	Transport of Cervids Among Licensed Facilities	Don Whittaker	7/31/18		8/25/17
5-28-08	<b>635-</b> D49 <b>-0</b> 275	Requesting Changes to a License	Don Whittaker	7/31/18		8/25/17
5-28-08	635-049-0285	Decommissioning	Don Whittaker	7/31/18		8/25/17
FURBEA	RING AND UNPR	OTECTED MAMMAL REGULATIONS		I	· .	
6-11-12	635-050-0047	Set-Back Restrictions	Derek Broman	8/11/17	8/22/17	8/25/17
FALCON	I RY LICENSES, P	ERMITS AND REQUIREMENTS	·	<u>l</u>	<u>_</u>	<u> </u>
8-9-11	635-055-0001	General Provisions	Martin Nugent	7/26/17	8/22/17	\$25/17
		<u> </u>	4			

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1-1-09	635-055-0037	Peregrine Falcon Capture Permit	Martin Nugent	7/26/17		8/25/17
and the second	eren al en	DS AND WILD MAMMALS				
11-19-07	635-057-0000	Definition of "Wild Birds" and "Wild Mammals"	Tom Thornton	8/23/17		9/20/17
FERAL SI	문 말을 알 있는					1
1-12-10	635-058-0000	Purpose and General information	Rick Boatner		8/22/17	8/25/17
1-12-10	635-058-0010	Removal of Feral Swine	Rick Boatner	8/11/7		8/25/17
1-12-10	635-058-0020	Land Subject to Inspection	Rick Boatner	8/11/17	· · · · · ·	8/25/17
AGUATIO	INTACTIC COLO	TES CONTROL				
1-12-10	635-059-0000	Purpose and General Information	Rick Boatner	0/11/17	8/22/17	8/25/17
1-12-10	635-059-0010	Aquatic Invasive Species Reporting Information	Rick Boatner	B/11/17		8/25/17
1-12-10	635-059-0050	Allowable Blind Material for Coats	Rick Boatner	9/11/17		8/25/17
		ME BIRD CONTROLLED HUNT REGULATIONS				
9-26-12	635-060-0040	Active Member of the Uniformed Services Controlled Hunt Tags	Tom Thornton	8/23/17		9/20/17

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GAME M	WINAL GENERA	L SEASONS AND REGULATIONS				
<b>8-1</b> -11	635-065-0012	Mandatory Fluorescent Orange Garments	Chris Willard	&14/17	8/22/17	8/25/17
SPECIAL	INTEREST SEAS	sons	<u>.</u>		-	
1-1-11	635-073-0076	Late Western Oregon Bowhunting Seasons	Tom Thornton	8/23/17		9/20/17
MENTOR	l Ed youth hunt		-			-
8-14-07	635-074-0000	Mentored Youth Hunter Program	Tom Thornton	8/23/17		9/20/17
8-14-07	635-074-0010	Supervising Hunter	Tom Thornton	8/23/17		\$/20/17
8-14-07	635-074-0015	. Salety	Tom Thornton	8/23/17		9/20/17
8-14-07	; 635-074-0020	Seasons and Bag Limits	Tom Thornton	8/23/17		9/20/17
LANDOW	NER HUNTING P	I	ALLOCATION	<u> </u>		
1-1-10	635-075-0035	Remaining Tags	Tom Thornton	8/23/17		9/20/17
APPOINT	ING BLACK BEA	R AND/OR COUGAR AGENTS	<b>_</b>	I,		
2-21-08	635-079-0000	Purpose	Tom Thornton	8/23/17	8/22/17	8/25/17
2-21-08	635-079-0005	Selection	Tom Thomton	8/23/17		8/25/17

2-21-08	635-079-0010	Appointment	Tom Thomion	8/23/17		8/25/17
1.12	CONSERVATIO					
1-18-07	635-095-0100	Purpose	Andrea Hanson	7/24/17	8/22/17	8/25/17
2-10-12	635-095-0105	Submission of Artwork: Requirements	Andrea Hanson	7/24/17		8/25/17
2-10-12	635-095-0111	Selection Process and Criteria	Andrea Hanson	7/24/17		8/25/17
2-10-12	635-095-0125	Other Provisions	Andrea Hanson	7/24/17		8/25/17
WILDLIFE		I PLAN-GREATER SAGE GROUSE CONSERVATION STRA	TEGY			
5-4-11	635-140-0015	Core Area Approach to Conservation	Dave Budeau	7/24/17	8/22/17	8/25/17
WILDLIFE	MANAGEMENT	PLAN-BLACK-TAILED DEER MANAGEMENT PLAN		1 		
11-24-08	635-195-0000	Black Talled Deer Management Plan	Don Whittaker	8/15/17	8/22/17	8/25/17
WILDLIFE	CONTROL OPE	RATORS				
10-15-06	635-435-0000	Purpose	Rick Boatner	8/23/17		9/20/17
10-16-06	635-435-0005	Definitions	Rick Boatner	8/23/17		9/20/17
10-16-06	635-435-0010	Permit Required to Capture, Possess, or Transport Wildlife	Rick Boatner	8/23/17		9/20/17

635-435-0015	Requirements for Wikilife Control Operator Permit	Rick Boatner	8/23/17	920/17
635-435-0020	Wildlife Control Operator Permit Required to be in Possession	Rick Boatner	8/23/17	9/20/17
635-435-0025	Disposition of Wildlife	Rick Boatner	8/23/17	9/20/17
635-435-0040	Transportation of Wildlide	Rick Boatner	8/23/17	9/20/17
635-435-0050	Trap Tampering Prohibited	Rick Boatner	8/23/17	9/20/17
635-435-0055	Record Keeping and Reporting Requirements	Rick Bostner	8/23/17	9/20/17
635-435-0060	Cancellation of Non-Renewal of Permit	Rick Boatner	8/23/17	9/20/17
	635-435-0020 635-435-0025 635-435-0040 635-435-0050 635-435-0055	635-435-0020       Wildlife Control Operator Permit Required to be in Possession         635-435-0025       Disposition of Wildlife         635-435-0040       Transportation of Wildlife         635-435-0050       Trap Tampering Prohibited         635-435-0055       Record Keeping and Reporting Requirements	635-435-0020Wildlife Control Operator Permit Required to be in PossessionRick Boatner635-435-0025Disposition of WildlifeRick Boatner635-435-0040Transportation of WildlifeRick Boatner635-435-0050Trap Tampering ProhibitedRick Boatner635-435-0055Record Keeping and Reporting RequirementsRick Boatner	635-435-0020Wildlife Control Operator Permit Required to be in PossessionRick Boatner\$/23/17635-435-0025Disposition of WildlifeRick Boatner\$/23/17635-435-0040Transportation of WildlifeRick Boatner\$/23/17635-435-0050Trap Tampering ProhibitedRick Boatner\$/23/17635-435-0055Record Keeping and Reporting RequirementsRick Boatner\$/23/17

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#### OREGON DEPARTMENT OF FISH & WILDLIFE

### ORS 183.405

### Completed 10-1-18

### (1-1-13 through 12-31-13)

## WILDLIFE DIVISION

Agency Review of New Rules 1) Administration 2) Wildlife Division

- 1) 2) 3)

Fish Division

NO NEW RULES IN 2013			
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Review of New Rules Agencies must review new rules, with some exceptions, within five years of adoption. ORS 183.405. Although this requirement applies only to new rules, agencies should as a practical matter conduct an on-going review of all administrative rules to ensure that rules remain viable. Agency rules may also require periodic review of all rules.		<ul> <li>ORS 183.405 requires agencies to review a rule not later than five years after adopting it. The requirement for review does not apply to:</li> <li>Rules already in existence as of January 1, 2006, or for which notice of proposed rule making was delivered to the Secretary of State before January 1. 2006;</li> <li>The amendment or repeal of a rule, but does apply to the adoption of new rules;</li> <li>Any rules that are required by a court order or settlement or a civil proceeding, ORS 183.405(4);</li> <li>Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and</li> <li>Any rules adopted to correct errors or omissions, ORS 183.405(5)(d).</li> </ul>				
			ovision,	the agency must consider four specific factors	<u>S:</u>	
<ol> <li>Has the rule had its intended effect? Why or How?</li> <li>Did the agency overestimate or underestimate the rule's fiscal imp</li> </ol>			4. Does the rule continue to be necessary? Why?			
<b>A</b>	YES answe	er to any of the above question	ns requi	res an explanation in the area provided below.		
OAR: 635-500-6650	Date Adopted: 1-11-13	Implementing the Conservation Plan	Rule Caption: on Plan for Fall Chinook Salmon in the Rogue Species Management Unit			
		https://	www.dfv			
Program and Conta	nct: Fish Divi	sion; Tom Stahl (Please answer the ab	ove 4 ques	tions in the space below)		
<ul> <li>Comment:</li> <li>1. The rule has had the intended effect of guiding management direction for Rogue SMU fall Chinook.</li> <li>2. The agency did not overestimate or underestimate the fiscal impact.</li> <li>3. Subsequent changes in the law will not require changes in the rule.</li> <li>4. The rule continues to be necessary to guide fish management.</li> </ul>					Review Date/ Initials 5/14/2018 TS	
Director's Office: K	en l offink	<u> </u>	<u> </u>	· · · · · · · · · · · · · · · · · · ·		
Comment: OAR 635-500-6650	pertaining to	implementation of the Conservation Plan nt efforts. No amendments or changes to		e SMU Fall Chinook continues to be relevant, meaningful, and are recommended.	Review Date/ Initials 5/30/18 KL	

Rule number(s):	OAR 734-051-1065	HWY 7-2014
Date adopted:	6-20-2014	(not date filed or effective)
Date review due:	6-20-2019	
Advisory committe	e used? yes	no
lf yes, identify m	embers below. Members must be provide	d a copy of this completed form.
Sen. Betsy Johnson Rep. Sen. Cliff Ben Rep. Margaret Doh Rep. Mike McLane Matthew Garrett, O Mark Whitlow (RT Chris Doty <del>(City of</del> Craig Pope <del>(Chair,</del> Bob Russell (Orego	itz (Now a senator) erty	f Public Works, Deschutes County) association of Oregon Counties)

1. Did the rule achieve its intended effect? X yes no

a. What was the intended effect?

Chapter 734, division 51 gives ODOT permitting authority for highway approaches (driveways). The approach permit authorizes a property owner to cross the highway right of way line to enter and exit the highway. However, the permit does not control whether all turning movements (right in, right out, left in and left out) are available to motorists. A separate engineering decision or decision by the local government determine the turning movements. Limitations on turning movements may lead to conflict between ODOT's decisions and the property owner's expectations.

The rule's intended effect was to:

- 1. Clarify the circumstances under which ODOT may limit turning inovements by describing the specific engineering conditions or local government decisions that will support a limitation in turning movements, and
- 2. List the potentially affected property owners and highway users who must be engaged in the public outreach process when ODOT contemplates limiting turning movements to a particular highway approach.

b. How did the rule succeed or fail in achieving this effect?

The rule succeeded in achieving the intended effect by establishing uniform rules and a consistent outreach process for the entire agency. The rule has been fully implemented and established as part of the culture of the agency.

2. Was the fiscal impact statement (check one)

\_\_\_\_\_ underestimated

\_\_\_\_ overestimated

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X unknown

a. What was the estimated fiscal impact?

No known financial impact

b. What was the actual fiscal impact?

No known impact

c. If the answer to question 2 is unknown, briefly explain why.

The costs of the rule implementation involved incorporating the rule requirements into ODOT's already existing and very extensive public outreach programs. The staff training and public outreach to the motor carrier industry was treated as routine work of the agency throughout the state and thus was not captured in the ODOT time-keeping system.

3. Have subsequent changes in the law required the rule be repealed or amended?

yes	по	
If yes, explain below.		
4. Is the rule still needed?	X yes	no
Explain below.		
The rule helped to establis highway approaches.	h a uniform standard	and process for limiting turning movements at
Review completed by:	Ann Zeltmann	Date: 6/17/19
Phone: (503) 986-4379	)	

Rule number(s):	OAR 734-051-3015	HWY 7-2014			
Date adopted:	6-20-2014	(not date filed or effective)			
Date review duc:	6-20-2019	_			
Advisory committe	e used? yes	no			
If yes, identify members below. Members must be provided a copy of this completed form.					
Sen-Jason Atkinso	n (now works in the private sector.)				
Sen. Betsy Johnson	1				
Rep. Sen. Cliff Ber	tz (Now a senator)				
Rep. Margaret Doh	erty				
Rep. Mike McLane	- -				
Matthew Garrett, C	DOT Director				
Mark Whitlow (RT	F, ICSC) (Now Of Counsel with Perkins	Coie)			
Chris Doty (City-of	Redmond Planning Dir) (now Director of	of Public Works, Deschutes County)			
	Polk County Commission) (now Chair, A				
	on Trucking Association)				
· •	cycle Transportation Alliance) (now with	S & G Endeavors)			
1. Did the rule achi	eve its intended effect? X yes				

a. What was the intended effect?

Oregon has many existing highway approaches (driveways) that never received paper permits, either because ODOT failed to issue a permit after constructing an approach or because a property owner constructed an approach without consulting ODOT. Because of the variety of unknown origins of these approaches, their legal status had never been resolved. The purpose of the new rule was to solve this problem.

b. How did the rule succeed or fail in achieving this effect?

OAR 734-051-3015 presumes that existing approaches are permitted and sets clear standards for ODOT to follow to rebut the presumption of legality. The assumption behind the rule was that existing highway approaches must be operating safely or ODOT would have removed the hazard.

In fact most existing highway approaches are operating safely, and the rule fostered an opportunity for ODOT to develop new quick procedures for documenting the legality of these approaches.

2. Was the fiscal impact statement (check one)

underestimated

\_\_\_\_\_ overestimated

just about right

X unknown

a. What was the estimated fiscal impact?

No known impact.

ĥ	What	was	the	actual	fiscal	impact?
ω.	44 11GU	** 40	uic	accuat	maca	impace.

Unknown

c. If the answer to question 2 is unknown, briefly explain why.

3. Have subsequent changes in the law required the rule be repealed or amended?

\_ yes \_\_\_\_ no

If yes, explain below.

The cost of the rule implementation was comprised primarily of ODOT staff time to design a program to address land owner requests for documentation of their existing approaches (which they need for land sales and redevelopment.) These requests would previously have been processed as new approach permits. However, ODOT designed a much faster process for documenting the existing approaches. The relatively lengthy program design time was probably recouped with the subsequent fast processing times for the approaches. But it is difficult to calculate the equivalencies because the work was treated in ODOT's time-keeping system as routine work of the agency and was carried out throughout the state by many levels of personnel solving different types of problems.

4. Is the rule still needed? X yes \_\_\_\_\_ no

Explain below.

The rule helped to clarify permitting issues for existing approaches that lacked a paper permit and substantially calmed the nature of access permitting.

Review completed by:	Ann Zeltmann	Date:	6/17/19	
Phone: (503) 986-4	379			

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Rule number(s):	OAR 735-028-0005	DMV 6-2014
Date adopted:	6-20-2014	(not date filed or effective)
Date review due:	6-20-2019	_
Advisory committe	ec used? yes	_Х_ по
If yes, identify m	embers below. Members must be provide	ed a copy of this completed form.
L		
1. Did the rule achi	ieve its intended effect? X yes	πο
a. What was the i	intended effect?	
	manner and form in which a person may or a vehicle 10 years old or older;	voluntarily provide an odometer
2) To capture odon	neter readings provided to DMV for vehi	cles 10 years old or older; and
3) To retain the me	est recent version of odometer records in	electronic form.
b. How did the ru	le succeed or fail in achieving this effect	?
	lly achieved the desired effect and now c when a vehicle is 10 years old or older.	ustomers can request we add an
2. Was the fiscal in	npact statement (check one)	
unde	erestimated	
over	restimated	
<u>X</u> just	about right	
unkr	nown	
a. What was the c	estimated fiscal impact?	
None		
b. What was the a	actual fiscal impact?	
None		
c. If the answer to	o question 2 is unknown, briefly explain	why.
3. Have subsequent	t changes in the law required the rule be r	repealed or amended?
yes	<u>X</u> no	
If yes, explain be	low.	
	<del>.</del>	
4. Is the rule still no	ceded? X yes no	I
Explain below.		

Chapter 659, Oregon Laws 2013 amended ORS 803.200, 803.102, and 803.120 to require DMV to:

1. Prescribe the manner and form in which a person may voluntarily provide an odometer reading to DMV for a vehicle 10 years old or older;

2. Capture odometer readings provided to DMV for vehicles 10 years old or older; and

3. Retain the most recent version of odometer records in electronic form.

Oregon law still requires all of the above mentioned items.

Review completed by: <u>Ty Yoder</u>

Date: May 9, 2019

Phone: \_503-559-1892

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Rule number(s):	OAR 740-030-0045 Annual report for e	exempts	MCTD 4-2014		
Date adopted:	9/18/14	(not date filed or	effective)		
Date review due:	9/18/19	-			
Advisory committe	ee used? X yes	no			
If yes, identify m	embers below. Members must be provide	ed a copy of this co	ompleted form.		
(2014 MCTAC)					
1. Did the rule achi	eve its intended effect? X yes	no	、		
a. What was the i	ntended effect?				
	ded to specify the information motor carrually (ORS 825.018).	iers exempted by (	ORS 825,017 are		
h. How did the ru	le succeed or fail in achieving this effect	?			
The rule brings MC	CTD compliant with ORS 825.018.				
2. Was the fiscal in	npact statement (check one)				
unde	erestimated				
over	restimated				
just	about right				
_X_ unki	างพุท				
a. What was the e	estimated fiscal impact?				
Unknown		<u>.                                    </u>			
b. What was the a	actual fiscal impact?				
Unknown					
c. If the answer to	o question 2 is unknown, briefly explain	why.			
Fiscal impact tracking was not initiated.					
3. Have subsequent changes in the law required the rule be repealed or amended?					
yes no					
If yes, explain below.					
4. Is the rule still not	eeded? X yes no				
Explain below.					
Annual reporting p	er ORS 825.018 is still required.				
Review completed	by: Audrey Lawson	Date: 09	9/13/2019		
Phone: (503) 378-6653					

Rule number(s):	OAR 740-055-0045 (ma	iling date)	MCTD 5-2014	
Date adopted:	9/18/14		_ (not date filed or effective)	
Date review due:	9/18/19			
Advisory committe	e used?	x_yes	no	
If yes, identify me	embers below. Members 1	nust be proviq	led a copy of this completed form.	
(2014 MCTAC)				
1. Did the rule achi	eve its intended effect?	X yes	no	
a. What was the i	ntended effect?			
received via USPS.	This rule was intended to	address report	y filing for reports and payments ts and payments received via USPS that cellation stamp that is not legible.	
b. How did the ru	le succeed or fail in achie	ving this effec	:t?	
With this rule, MC rule.	ΓD has a clear, consistent	guide to proce	essing mail. Stakeholders support this	
2. Was the fiscal in	pact statement (check on	e)		
unde	restimated			
over	estimated			
just a	about right			
_X_ unkn	OWD			
a. What was the e	stimated fiscal impact?			
The rule affected po	olicy only. Fiscal impact s	hould have be	en negligible.	
b. What was the a	ctual fiscal impact?			
Unknown. Probably	/ negligible.			
c. If the answer to	question 2 is unknown, b	riefly explain	why.	
Fiscal impact tracking was not initiated.				
3. Have subsequent changes in the law required the rule be repealed or amended?				
yes X no				
If yes, explain bel	ow.			
4. Is the rule still ne	eded? X yes	<u>م</u>	D	
Explain below.				
MCTD continues to	o receive mail via USPS w	ith missing or	illegible cancellation stamps.	
Review completed	by: <u>Audrey Lawson</u>		Date: 09/13/2019	
Phone: (503) 37	8-6653			

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Rule number(s):	OAR 740-065-0000 throug	gh 005	0 (11 <u>r</u>	ules)	MCTD 7-2014
Date adopted:	9/18/14			(not date filed or	r effective)
Date review due:	9/18/19			-	
Advisory committe	e used?	X	yes	no	
If yes, identify mo	embers below. Members mu	ist be p	orovide	d a co <u>py of this c</u>	ompleted form.
(2014 MCTAC)					
1. Did the rule achi	eve its intended effect?	_ <u>x</u>	yes	no	
a. What was the in	ntended effect?				
	nded to provide a framework ectronic system provider.	k for ca	arriers	who pay their Or	egon highway use
b. How did the ru	le succeed or fail in achievin	ig this	effect	?	
These rules explain electronic system pr	purpose, provide definition rovider.	s, and	give ge	eneral provisions	for using an
2. Was the fiscal im	apact statement (check one)				
unde	restimated				
over	estimated				
just a	about right				
<u> </u>	own				
a. What was the e	stimated fiscal impact?				
Unknown					
b. What was the a	etual fiscal impact?				· · ·
Unknown					
c. If the answer to	question 2 is unknown, brie	fly ex	plain v	vhy.	
Mechanism to track fiscal impact was not implemented.					
3. Have subsequent changes in the law required the rule be repealed or amended?					
yes	X no				
If yes, explain bel	0 <b>w</b> .				
·			••••		,
4. Is the rule still ne	eded? X yes		no		
Explain below.					
	roviders are still being utiliz	ed tod	ay.		
-	by: <u>Audrey Lawson</u>			Date: _0	9/13/2019
Phone: (503) 378	3-6653		_		