

HIGHER
EDUCATION
COORDINATING
COMMISSION



FIVE-YEAR PERIOD REVIEW
1965-1970



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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 kyle.thomas@state.or.us 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intended effect, if the fiscal impact was over- or underestimated, if subsequent changes in the law require the rule be repealed or amended, and if there is continued need for the rule.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 kyle.thomas@state.or.us or (503)-947-2678.

RULE OVERVIEW

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 rules under 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?

No

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.

CHAPTER 715: HIGHER EDUCATION COORDINATING COMMISSION

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 rules 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

2015

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 rule is necessary in order to lay out the authority to distribute funds to universities and OHSU.

715-013-0020 General Public University Program Approval Requirements

2015

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

2015

Did the rule 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 Modifications to Engineering Technology Sustaining
Funds Distributions to Universities**

2015

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.

715-013-0064 Signature Research Center Funds

2015

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.

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?

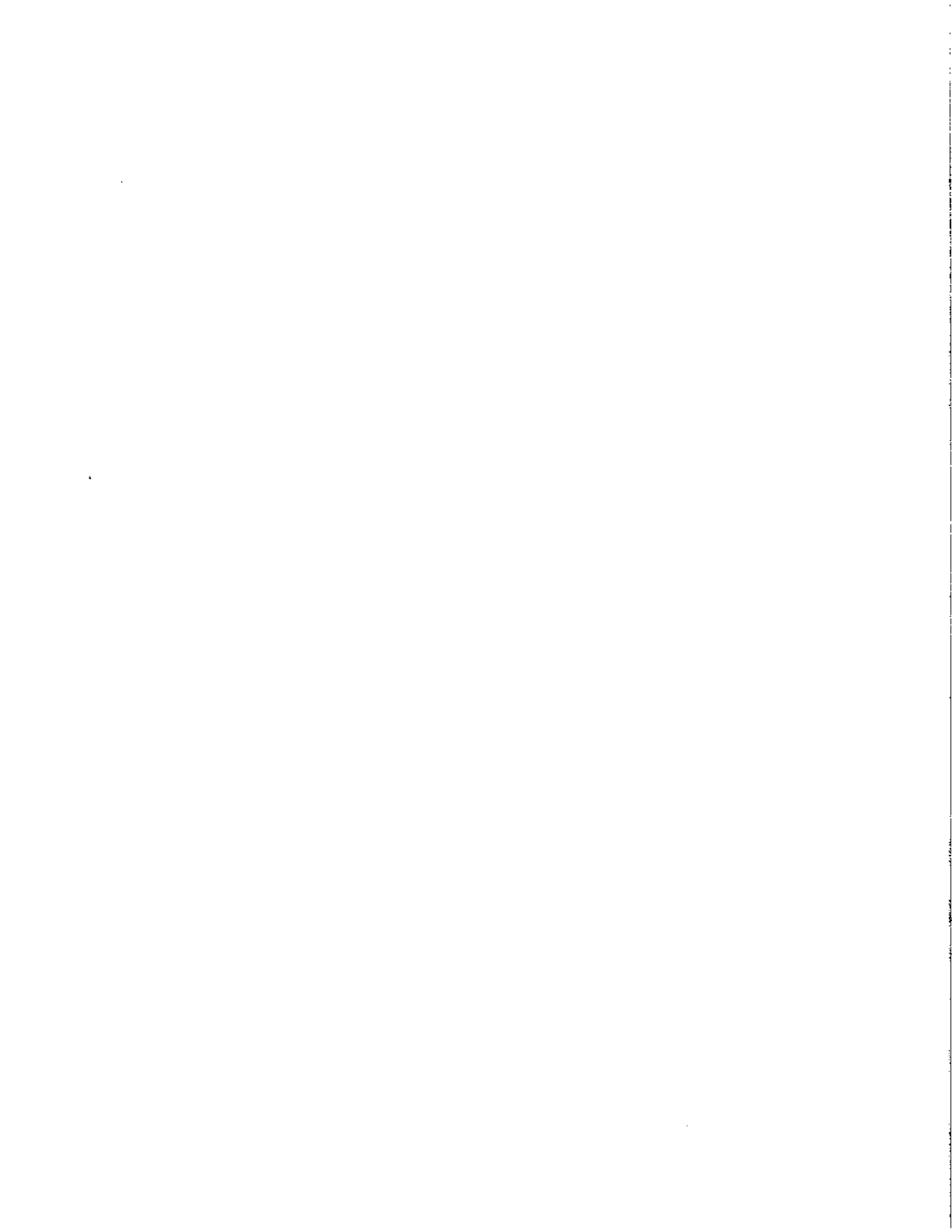
No, but this rule was amended in January 2019, though this was not due to statutory changes.

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?

Yes



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) Overhead, 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 1st 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

1. 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.

2. Was the anticipated fiscal impact underestimated or overestimated?

No; there was no fiscal impact anticipated and none occurred.

3. 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;

(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

1. Did the rule have the intended effect?

Yes.

2. Was the anticipated fiscal impact underestimated or overestimated?

No; there was no fiscal impact anticipated and none occurred.

3. 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.

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.

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 delivered 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:

- | | |
|---|---|
| 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? |

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

OAR: 635-023-0085	Date Adopted: 2006	Division 23 Columbia River Zone and Snake River Zone Rule Caption License and Reciprocity <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/23.pdf	
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Program and Contact: **Fish Division; Tucker Jones**

Comment: <ol style="list-style-type: none"> 1. Yes, reciprocity has worked in the jointly managed waters of the Columbia River. 2. Unknown 3. No, reciprocity is still required in the jointly managed waters of the Columbia River 4. Yes. <p>Language should be revised, see comment below.</p>	Review Date/Initials 6/7 jww
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Director's Office: Mike Harrington, Acting Deputy Director

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/Initials MRH 6/19/2017
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- 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
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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 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? |

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

OAR: 635-041-0085	Date Adopted: 2006	Division 41 Columbia River System Treaty Indian Fishery Rule Caption Summer Salmon Season <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/41.pdf	
Program and Contact: Fish Division; Tucker Jones			
Comment: 1. Yes 2. Unknown 3. No 4. Yes, summer Chinook fisheries are different each year so leaving this as is (filed as a temp rule each year) is the most time effective way to deal with the rules.			Review Date/ Initials 6/7 jww
Director's Office: Mike 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.			Review Date/ Initials MRH 6/19/2017

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- 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:

- | | |
|---|---|
| 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? |

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

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: http://www.dfw.state.or.us/OARS/42.pdf	
Program and Contact: Fish Division; Tucker Jones			
Comment: 1. Yes 2. Unknown 3. No 4. Yes, summer Chinook fisheries are different each year so leaving this as is (filed as a temp rule each year) is the most time effective way to deal with the rules.			Review Date/ Initials
Director's Office: Mike Harrington, Acting Deputy Director			
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/ Initials MRH 6/19/2017

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- 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:

- | | |
|---|---|
| 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? |

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

OAR: 635-412-0005	Date Adopted: 2006	Division 412 Fish Passage Rule Caption Definitions Comments OAR Link: http://www.dfw.state.or.us/OARs/412.pdf	
Program and Contact: Fish Division; Alan Ritchey			
Comment: ORS 509.585 establishes ODFW's fish passage authority. OAR 635-412-0005 had its intended effect as it provides the definitions used for implementation of all the fish passage rules, including what constitutes a fish passage trigger. These definitions are necessary for ODFW and the public to have a clear understanding of when and how fish passage is enforced in Oregon. The agency did not over or under estimate the fiscal impact related to OAR 635-412-0005. Subsequent changes in the law did not generate a need to change this rule. ODFW is tracking specific changes to some of the rule definitions that may be proposed later. 635-412-005 does continue to be necessary.			Review Date/Initials 5-9-17 AR
Director's Office: Acting Deputy Director, Mike 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.			Review Date/Initials 5-30-2017 MH

Review of New Rules

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 - 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:

- | | |
|---|---|
| 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? |

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

OAR: 635-412-0015	Date Adopted: 2006	Division 412 Fish Passage Rule Caption Prioritization Comments OAR Link: http://www.dfw.state.or.us/OARs/412.pdf	
Program and Contact: Fish Division; Alan Ritchey			
Comment: ORS 509.585 (3) establishes the statutory requirement to maintain a statewide fish passage prioritization. OAR 635-412-0015 provides the details and direction necessary for ODFW and the public to more clearly understand how this prioritization should be developed and how it is to be used. This rule has had its intended effect. The agency did not over or underestimate the fiscal impact of this rule. There have not been any subsequent changes in the law that require a change in this rule. This rule continues to be necessary in order to implement statutory requirements in a manner understood by ODFW and the public such that it may be used to most effectively identify and implement fish passage projects throughout Oregon.			Review Date/Initials 5-9-17 AR
Director's Office: Acting Deputy Director, Mike 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.			Review Date/Initials 5-30-2017 MH

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- 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:

- | | |
|---|---|
| 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? |

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

<p>OAR: 635-412-0035</p>	<p>Date Adopted: 2006</p>	<p>Division 412 Fish Passage Rule Caption Fish Passage Criteria Comments OAR Link: http://www.dfw.state.or.us/OARs/412.pdf</p>	
<p>Program and Contact: Fish Division; Alan Ritchey</p>			
<p>Comment: ORS 509.585 establishes ODFW's fish passage authority. ORS 509.585(7)(c) references that the State Fish and Wildlife Director shall develop rules establishing general criteria fish passage. OAR 635-412-0035 had its intended effect of describing the fish passage criteria and requirements necessary to implement the fish passage statutes and rules. ODFW staff and the public continually use these rules as the baseline of what is necessary to meet the State of Oregon policy to provide fish passage and for staff to issue a fish passage approval. The agency did not over or underestimate the fiscal impact of 635-412-0035. Subsequent changes in the law do not require a change in rule. ODFW is tracking specific changes to this rule that may be proposed later. 635-412-0035 does continue to be necessary.</p>			<p>Review Date/Initials 5-9-17 AR</p>
<p>Director's Office: Acting Deputy Director, Mike Harrington</p>			
<p>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.</p>			<p>Review Date/Initials 5-30-2017 MH</p>

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.

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 delivered 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:

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|---|---|
| 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? |

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

OAR: 635-412-0040	Date Adopted: 2006	Division 412 Fish Passage Rule Caption Mitigation Criteria <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/412.pdf	
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Program and Contact: Fish Division; Alan Ritchey

Comment: ORS 509.585 establishes ODFW's fish passage authority. 509.585(7)(a) and (b) provides for a legal waiver to fish passage when an alternative provides a net benefit. OAR 635-412-0040 describes the fish passage mitigation criteria used by ODFW staff and the public to develop and evaluate alternatives to fish passage consistent with the objectives of ORS 509.585. This rule has had its intended effect of providing criteria for what is an acceptable alternative to fish passage. OAR 635-412-0040 are frequently used by ODFW. The public use these criteria to evaluate the cost of providing fish passage versus the cost of developing an alternative to fish passage consistent with the mitigation criteria. The agency did not over or underestimate the fiscal impact of this rule. Subsequent changes in law do not require a change in rule. 635-412-0040 does continue to be necessary.

Review Date/Initials

5-9-17
AR

Director's Office: Acting Deputy Director, Mike 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.

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.

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- 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:

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| 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? |

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

OAR: 635-007-0725	Date Adopted: 2007	Division 7 Fish Management and Hatchery Operation Rule Caption Fish Species; Sturgeon – Permit Required <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/07.pdf	
Program and Contact: Fish Division; Scott Patterson			
1. Yes, requires a permit to propagate sturgeon 2. No. 3. No. 4. Yes, agency stills the ability to manage privately produced sturgeon			Review Date/Initials 5/9/2017 SP
Director's Office: Michael Harrington, Acting Deputy Director			
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/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.

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:

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- 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:

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| 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? |

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

OAR: 635-007-0730	Date Adopted: 2007	Division 7 Fish Management and Hatchery Operation Rule Caption Permit Application Process <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/07.pdf	
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:			
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.

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- 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:

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| 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? |

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

OAR: 635-007-0730	Date Adopted: 2007	Division 7 Fish Management and Hatchery Operation Rule Caption Permit Application Process <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARS/07.pdf	
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: Michael Harrington, Acting Deputy Director			
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/ Initials 6/9/2017 MRH

Review of New Rules

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- 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:

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| 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? |

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

OAR: 635-007-0735	Date Adopted: 2007	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	
Program and Contact: Fish Division; Scott Patterson			
1. Yes, provides a record of sturgeon transfers around the state 2. No 3. No 4. Yes, maintains the state's ability 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

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.

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- 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:

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| 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? |

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

OAR: 635-007-0735	Date Adopted: 2007	Division 7 Fish Management and Hatchery Operation Rule Caption Duties of Sturgeon Propagation Permittees <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/07.pdf	
Program and Contact: Fish Division; Scott Patterson			
1. Yes, provides a record of sturgeon transfers around the state 2. No 3. No 4. Yes, maintains the state's ability to manage hatchery sturgeon movement around the state			Review Date/Initials 5/9/2017 SP
Director's Office: Michael Harrington, Acting Deputy Director			
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/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.

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- 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:

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| 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? |

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

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	
Program and Contact: Fish Division; Scott Patterson			
1. Yes, requires a receipt to possess a sturgeon harvested in a private hatchery 2. No 3. No 4. Yes, need the ability 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

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.

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- 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:

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| 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? |

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

OAR: 635-007-0740	Date Adopted: 2007	Division 7 Fish Management and Hatchery Operation Rule Caption Purchase of Sturgeon from Sturgeon Propagation Permittee <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/07.pdf	
Program and Contact: Fish Division; Scott Patterson			
1. Yes, requires a receipt to possess a sturgeon harvested in a private hatchery 2. No 3. No 4. Yes, need the ability to distinguish between wild and hatchery fish harvested			Review Date/ Initials 5/9/2017 SP
Director's Office: Michael Harrington, Acting Deputy Director			
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/ Initials 6/7/2017 MRH

Review of New Rules

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- 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:

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| 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? |

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

OAR: 635-007-0745	Date Adopted: 2007	Division 7 Fish Management and Hatchery Operation Rule Caption Revocation of Sturgeon Propagation Permit <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/07.pdf	
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Program and Contact: **Fish Division; Scott Patterson**

<ol style="list-style-type: none"> 1. Yes, provides the ability to revoke sturgeon propagation permits if conduct is detrimental to existing game fish 2. No 3. No 4. Yes, need the ability to manage private propagation of sturgeon 	Review Date/Initials 5/9/2017
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Director's Office:

Comment:	Review Date/Initials
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Review of New Rules

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- 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:

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| 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? |

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

OAR: 635-007-0745	Date Adopted: 2007	Division 7 Fish Management and Hatchery Operation Rule Caption Revocation of Sturgeon Propagation Permit <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/07.pdf	
Program and Contact: Fish Division; Scott Patterson			
1. Yes, provides the ability to revoke sturgeon propagation permits if conduct is detrimental to existing game fish 2. No 3. No 4. Yes, need the ability to manage private propagation of sturgeon			Review Date/Initials 5/9/2017
Director's Office: Michael Harrington, Acting Deputy Director			
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/Initials 6/9/2017 MRH

Review of New Rules

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- 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:

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| 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? |

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

<p>OAR: 635-500-6500</p>	<p>Date Adopted: 2007</p>	<p align="center">Division 500 Fish Management Plan Rule Caption Oregon Coast Coho Conservation Plan – Implementing the Oregon Coast Coho Conservation Plan for the State of Oregon</p> <hr/> <p align="center">Comments OAR Link: http://www.dfw.state.or.us/OARs/500.pdf</p>	
<p>Program and Contact: Fish Division; Kevin Goodson</p>			
<p>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.</p>			<p>Review Date/Initials 5/24/17 KG</p>
<p>Director's Office: Acting Deputy Director, Mike Harrington</p>			
<p>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.</p>			<p>Review Date/Initials 5-30-2017 MH</p>

Review of New Rules

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- 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:

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| 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? |

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

OAR: 635-500-6525	Date Adopted: 2007	Division 500 Fish Management Plan Rule Caption Rogue Spring Chinook Conservation Plan Comments OAR Link: http://www.dfw.state.or.us/OARs/500.pdf	
Program and Contact: Fish Division; Kevin Goodson			
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/Initials 5/24/17 KG
Director's Office: Acting Deputy Director, Mike 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.			Review Date/Initials 5-30-2017 MH

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.

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- 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:

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| 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? |

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

<p>OAR: 635-010-0170</p>	<p>Date Adopted: 2008</p>	<p align="center">Summary of Rule</p> <p align="center">License, Tags or Documents Available by Mail Order, Fax or Internet</p> <hr/> <p align="center">Comments</p> <p align="center">OAR Link: http://www.dfw.state.or.us/OARs/10.pdf</p>	
<p>Program and Contact: Licensing, Linda Lytle</p>			
<p>Comment:</p> <ol style="list-style-type: none"> 1. Yes. Online sales continue to be utilized and issued the same as in 2008. 2. No. 3. No changes in the law have been submitted 4. Yes. Online sales will continue to be offered to customers. 			<p>Review Date/Initials 5/22/17 LRL</p>
<p>Director's Office: Michael Harrington</p>			
<p>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.</p>			<p>Review Date/Initials 6/9/2017 MRH</p>

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.

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- 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:

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| 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? |

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

<p>OAR: 635-500-3890</p>	<p>Date Adopted: 2008</p>	<p>Division 500 Fish Management Plan Rule Caption Klamath Basin Anadromous Fish Reintroduction Plan – Chinook Salmon in Upper Klamath Lake and Tributaries Comments OAR Link: http://www.dfw.state.or.us/OARs/500.pdf</p>	
<p>Program and Contact: Fish Division; Kevin Goodson</p>			
<p>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.</p>			<p>Review Date/Initials 5/24/17 KG</p>
<p>Director's Office: Acting Deputy Director, Mike Harrington</p>			
<p>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.</p>			<p>Review Date/Initials 5-30-2017 MH</p>

Review of New Rules

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- 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:

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| 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? |

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

OAR: 635-500-3895	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: http://www.dfw.state.or.us/OARs/500.pdf	
Program and Contact: Fish Division; Kevin Goodson			
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/Initials 5/24/17 KG
Director's Office: Acting Deputy Director, Mike 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.			Review Date/Initials 5-30-2017 MH

Review of New Rules

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- 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:

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| 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? |

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

OAR: 635-500-3900	Date Adopted: 2008	Division 500 Fish Management Plan Rule Caption Steelhead Trout in the Oregon Portion of the Klamath River, Upper Klamath Lake and Tributaries <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/500.pdf	
Program and Contact: Fish Division; Kevin Goodson			
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/Initials 5/24/17 KG
Director's Office: Acting Deputy Director, Mike 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.			Review Date/Initials 5-30-2017

Review of New Rules

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- 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:

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| 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? |

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

<p>OAR: 635-500-3905</p>	<p>Date Adopted: 2008</p>	<p>Division 500 Fish Management Plan Rule Caption Coho Salmon in the Oregon Portion of the Klamath River and Tributaries</p> <hr/> <p>Comments OAR Link: http://www.dfw.state.or.us/OARs/500.pdf</p>	
<p>Program and Contact: Fish Division; Kevin Goodson</p>			
<p>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.</p>			<p>Review Date/Initials 5/24/17 KG</p>
<p>Director's Office: Acting Deputy Director, Mike Harrington</p>			
<p>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.</p>			<p>Review Date/Initials 5-30-2017 MH</p>

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- Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and
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When an agency reviews a new rule under this provision, the agency must consider four specific factors:

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| 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? |

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

<p>OAR: 635-500-3910</p>	<p>Date Adopted: 2008</p>	<p align="center">Division 500 Fish Management Plan Rule Caption Pacific Lamprey in the Oregon Portion of the Klamath River, Upper Klamath Lake and Tributaries</p> <hr/> <p align="center">Comments OAR Link: http://www.dfw.state.or.us/OARs/500.pdf</p>	
<p>Program and Contact: Fish Division; Kevin Goodson</p>			
<p>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.</p>			<p>Review Date/Initials 5/24/17 KG</p>
<p>Director's Office: Acting Deputy Director, Mike Harrington</p>			
<p>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.</p>			<p>Review Date/Initials 5-30-2017 MH</p>

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- Any rules adopted to implement legislatively approved fee changes, ORS 183.405(5)(c); and
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A YES answer to any of the above questions requires an explanation in the area provided below.

<p>OAR: 635-600-0000 635-600-0005 635-600-0010 635-600-0015 635-600-0020 635-600-0025 635-600-0030 635-600-0035 635-600-0040 635-600-0050 635-600-0055 635-600-0065</p>	<p>Date Adopted: 2008</p>	<p>Rule Caption Crimes Relevant to a Fitness Determination</p> <hr/> <p>Comments OAR Link: http://dfw.state.or.us/OARs/600.pdf</p>	
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Program and Contact: **Human Resources, Katelin Kannier**

Comment:

All ODFW OARs applicable to Criminal History Checks are included above and the same comment applies to all OARs listed above. ODFW HR has been working with DOJ on reviewing and updating draft rules. We have been reviewing the ODFW rules and updating based on DAS implementing statewide administrative rules 125-007-0200 through 125-007-0330 for criminal history checks pursuant to ORS 181A.215. We anticipate updating the draft rules by the end of July, then will work with DAS to review the updates. By the end of August we plan to finalize draft rules filed with SOS. We have been working with Roxie Borisch and the Director's Office on setting a date to include as an agenda item for an upcoming Commission meeting.

Review Date/Initials

5/30/17
KK

Director's Office: Ken Loffink, Acting Deputy Director

The Commission adopted the updated administrative rules for criminal background checks during the February 9, 2018 Commission meeting.

3/27/18
KL

Review of New Rules

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

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

Review of New Rules

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

OAR: 635-004-0615	Date Adopted: 2009	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Pacific Hagfish Harvest Guideline <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
Comment:			Review Date/Initials
Director's Office:			
Comment:			Review Date/Initials

Review of New Rules

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- 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:

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| 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? |

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

OAR: 635-004-0620	Date Adopted: 2009	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Fishing Gear <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
Comment:			Review Date/Initials
Director's Office:			
Comment:			Review Date/Initials

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- 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:

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| <ol style="list-style-type: none"> 1. Has the rule had its intended effect? 2. Did the agency overestimate or underestimate the rule's fiscal impact? | <ol style="list-style-type: none"> 3. Do subsequent changes in the law require a change in the rule? 4. Does the rule continue to be necessary? |
|---|---|

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

OAR: 635-012-0020	Date Adopted: 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 - Purpose Comments OAR Link: http://www.dfw.state.or.us/OARs/12.pdf	
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Program and Contact: **Fish Division; Cristen Don**

Comment:

1. Yes. This rule provides context (cites ORS mandate) for these rules in OAR 635-012 regulating activities designated as marine reserves or protected areas.
2. No.
3. No.
4. Yes. This rule continues to be necessary for implementation of ORS 196.540-196.555 and Oregon Senate Bill 1510 (2012), by regulating activities in areas designated as marine reserves or protected areas.

Notes:

- a. This OAR was amended in 2012.
- b. The Division Title listed here in this sheet is outdated – it was amended in 2012 (“Marine Protected Areas” was amended to just “Protected Areas” – if you follow the OAR link, the title is correct)

Review Date/Initials

5/30/17
CD

Director's Office: Michael Harrington, Acting Deputy Director

Review of New Rules

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| 2. Did the agency overestimate or underestimate the rule's fiscal impact? | 4. Does the rule continue to be necessary? |

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

<p>OAR: 635-012-0030</p>	<p>Date Adopted: 2009</p>	<p>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: http://www.dfw.state.or.us/OARs/12.pdf</p>	
<p>Program and Contact: Fish Division; Cristen Don</p>			
<p>Comment:</p> <ol style="list-style-type: none"> 1. Yes. This rule provides the definitions used in the subsequent OARs for regulating activities designated as marine reserves or protected areas. 2. No. 3. No. 4. Yes. This rule continues to be necessary for implementation of ORS 196.540-196.555 and Oregon Senate Bill 1510 (2012), by regulating activities in areas designated as marine reserves or protected areas. <p>Note: This OAR was amended in 2012.</p>			<p>Review Date/Initials</p> <p>5/30/17 CD</p>
<p>Director's Office: Michael Harrington, Acting Deputy Director</p>			
<p>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.</p>			<p>Review Date/Initials</p> <p>6/9/2017 MRH</p>

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| 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? |

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

<p>OAR: 635-012-0040</p>	<p>Date Adopted: 2009</p>	<p>Division 12 Marine Reserves and Marine Protected Areas in the Territorial Sea Rule Caption Marine Reserve and Marine Protected Area Boundaries Comments OAR Link: http://www.dfw.state.or.us/OARs/12.pdf</p>	
<p>Program and Contact: Fish Division; Cristen Don</p>			
<p>Comment:</p> <ol style="list-style-type: none"> 1. Yes. This rule cites the physical boundaries, set by Department of State Lands, for areas designated as marine reserves or protected areas and establishes the effective dates for the rules set for each marine reserve or protected area site (the rules for each site became effective on different years). 2. No. 3. No. 4. Yes. This rule continues to be necessary for implementation of ORS 196.540-196.555 and Oregon Senate Bill 1510 (2012), by regulating activities in areas designated as marine reserves or protected areas. <p>Note: This OAR was amended in 2012.</p>			<p>Review Date/Initials</p> <p>5/30/17 CD</p>
<p>Director's Office: Michael Harrington, Acting Deputy Direct</p>			
<p>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.</p>			<p>Review Date/Initials</p> <p>6-9-2017 MRH</p>

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| 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? |

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

<p>OAR: 635-012-0050</p>	<p>Date Adopted: 2009</p>	<p>Division 12 Marine Reserves and Marine Protected Areas in the Territorial Sea Rule Caption Marine Reserve Prohibitions and Allowances Comments OAR Link: http://www.dfw.state.or.us/OARS/12.pdf</p>	
<p>Program and Contact: Fish Division; Cristen Don</p>			
<p>Comment:</p> <ol style="list-style-type: none"> 1. Yes. This rule regulates activities in areas designated as marine reserves. 2. No. 3. No. 4. Yes. This rule continues to be necessary for implementation of ORS 196.540-196.555 and Oregon Senate Bill 1510 (2012), by regulating activities in areas designated as marine reserves or protected areas. <p>Note: This OAR was amended in 2012.</p>			<p>Review Date/Initials</p> <p>5/30/17 CD</p>
<p>Director's Office: Michael Harrington</p>			
<p>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.</p>			<p>Review Date/Initials</p> <p>6-9-2017 MRH</p>

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.

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- 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:

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| 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? |

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

OAR: 635-012-0060	Date Adopted: 2009	Division 12 Marine Reserves and Marine Protected Areas in the Territorial Sea Rule Caption Redfish Rocks Marine Protected Area prohibitions and Allowances <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/12.pdf	
Program and Contact: Fish Division; Cristen Don			
Comment: 1. Yes. This rule regulates activities in protected area at Redfish Rocks. 2. No. 3. No. 4. Yes. This rule continues to be necessary for implementation of ORS 196.540-196.555 and Oregon Senate Bill 1510 (2012), by regulating activities in areas designated as marine reserves or protected areas. Note: This OAR was amended in 2012.			Review Date/Initials 5/30/17 CD
Director's Office: Michael Harrington, Acting Deputy Director			
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/Initials 6-9-2017 MRH

Review of New Rules

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- 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).

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| 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? |

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

OAR: 635-001-0070	Date Adopted: 2010	Summary of Rule Agency Representation by Employee Comments OAR Link: http://www.dfw.state.or.us/OARs/01.pdf	
Program and Contact: Licensing, Linda Lytle			
Comment: 1. Yes. The License Services Manager serves as the Lay Rep for WVC contested case hearings. 2. No. 3. No changes in the law have been submitted. 4. Yes. There continue to be contested case hearings related to the WVC.			Review Date/ Initials 5/22/2017 LRL
Director's Office: Michael Harrington, Acting Deputy Director			
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.			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.

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- 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:

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| 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? |

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

OAR: 635-008-0211	Date Adopted: 2010	Division 8 Department of Fish and Wildlife Lands Rule Caption Public Access to Department Hatcheries <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/08.pdf	
Program and Contact: Fish Division; Scott Patterson			
1. Yes, it allow hatchery managers to restrict access to the hatchery grounds after hours, prevents open fires, camping, etc. 2. No 3. No 4. Yes, hatchery managers need to manage access to the facilities they manage.			Review Date/ Initials 5/9/2017 SP
Director's Office:			
Comment:			Review Date/ Initials

Review of New Rules

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- 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:

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| 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? |

A YES answer 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 <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/11.pdf	
Program and Contact: Fish Division; Tucker Jones			
Comment: 1. Yes the rule has had its intended effect, prohibiting the sport harvest of green sturgeon. 2. Unknown 3. No, southern DPS Green Sturgeon status has not changed. 4. Yes, the southern distinct population segment (DPS) of Green Sturgeon are federally listed as "Threatened" and may not be retained in sport fisheries. Southern and northern DPS fish are indistinguishable based on physically observable characters and may co-mingle in Oregon estuaries. Therefore the catch prohibition remains necessary.			Review Date/ Initials 6/8 jww
Director's Office: Mike Harrington, Acting Deputy Director			
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/ Initials MRH 6/19/2017

Review of New Rules

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- 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:

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| 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? |

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

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: http://www.dfw.state.or.us/OARs/500.pdf	

Program and Contact: **Fish Division; Kevin Goodson**

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/Initials
5/24/17
KG

Director's Office: Deputy Director, Mike 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.

Review Date/Initials
5-30-2017
MH

Review of New Rules

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 - 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:

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| 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? |

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

OAR: 635-500-6575	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 <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/500.pdf	
Program and Contact: Fish Division; Kevin Goodson			
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/ Initials 5/24/17 KG
Director's Office: Deputy Director, Mike 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.			Review Date/ Initials 5-30- 2017 MH

Review of New Rules

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- 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:

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| 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? |

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

<p>OAR: 635-001-0055</p>	<p>Date Adopted: 2011</p>	<p align="center">Summary of Rule</p> <p align="center">License Exchanges</p> <hr/> <p align="center">Comments</p> <p align="center">OAR Link: http://www.dfw.state.or.us/OARs/01.pdf</p>	
<p>Program and Contact: Licensing, Linda Lytle</p>			
<p>Comment:</p> <ol style="list-style-type: none"> 1. Yes. Provides clear direction to staff and customers. 2. No. 3. No. There have been no changes to the law submitted. 4. Yes. Customers still upgrade and exchange documents. 			<p>Review Date/Initials 5/22/17 LRL</p>
<p>Director's Office: Deputy Director, Mike Harrington</p>			
<p>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.</p>			<p>Review Date/Initials 6-9-2017 MRH</p>

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| 2. Did the agency overestimate or underestimate the rule's fiscal impact? | 4. Does the rule continue to be necessary? |

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

OAR: 635-500-6600	Date Adopted: 2011	Division 500 Fish Management Plan Rule Caption Implementing the Upper Willamette River Conservation and Recovery Plan for Chinook Salmon and Steelhead Comments OAR Link: http://www.dfw.state.or.us/OARs/500.pdf	
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Program and Contact: **Fish Division; Kevin Goodson**

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/Initials
5/24/17
KG

Director's Office: Acting Deputy Director, Mike 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.

Review Date/Initials
5-30-2017
MH

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| 2. Did the agency overestimate or underestimate the rule's fiscal impact? | 4. Does the rule continue to be necessary? |

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

<p>OAR: 635-500-6625</p>	<p>Date Adopted: 2011</p>	<p align="center">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</p> <hr/> <p align="center">Comments OAR Link: http://www.dfw.state.or.us/OARs/500.pdf</p>	
<p>Program and Contact: Fish Division; Tucker Jones</p>			
<p>Comment:</p> <ol style="list-style-type: none"> 1. Yes, the lower Columbia River and Oregon Coast White Sturgeon Conservation plan has guided, and continues to guide, white sturgeon conservation and management efforts in the lower Columbia River. 2. Unknown 3. Changes to the rule are unnecessary at this time, however, several provisions of the rule have yet to be implemented, e.g. status updates as described in 635-500-6625(4), establishment of the White Sturgeon Technical Management Team as described in 635-500-6625(7). 4. Yes. 			<p align="center">Review Date/Initials</p>
<p>Director's Office: Michael Harrington, Acting Deputy Director</p>			
<p>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.</p>			<p align="center">Review Date/Initials MRH 6/19/2017</p>

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

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| 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? |

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

OAR: 635-004-0200	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption General Regulations; Organization <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division; Troy Buell			
Comment:			Review Date/Initials
Director's Office:			
Comment:			Review Date/Initials

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| 2. Did the agency overestimate or underestimate the rule's fiscal impact? | 4. Does the rule continue to be necessary? |

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

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

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

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| 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? |

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

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: http://www.dfw.state.or.us/OARs/04.pdf	
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Program and Contact: **Fish Division; Troy Buell**

Comment:	Review Date/Initials
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Director's Office:

Comment:	Review Date/Initials
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Review of New Rules

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

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| 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? |

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

OAR: 635-004-0270	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Groundfish Section; Organization of Rules Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division; Troy Buell			
Comment: 			Review Date/ Initials
Director's Office:			
Comment: 			Review Date/ Initials

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- 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:

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|---|---|
| 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? |

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

OAR: 635-004-0275	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Groundfish Section; Scope, Inclusion and Modifications of Rules Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division; 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.

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 delivered 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:

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| 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? |

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

OAR: 635-004-0285	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Trawl and Fixed Gear Groundfish Fisheries; Fisheries Defined Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division; 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.

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- 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;
- 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:

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|---|---|
| 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? |

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

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: http://www.dfw.state.or.us/OARs/04.pdf	

Program and Contact: **Fish Division; Troy Buell**

Comment:	Review Date/ Initials
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Director's Office:

Comment:	Review Date/ Initials
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Review of New Rules

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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:

- 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;
- 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:

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|---|---|
| 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? |

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

OAR: 635-004-0305	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Black, Blue Rockfish and Nearshore Fishery; Permit Fee Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division; 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.

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 delivered 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:

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| 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? |

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

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: http://www.dfw.state.or.us/OARs/04.pdf	

Program and Contact: **Fish Division; Troy Buell**

Comment: 	Review Date/Initials
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Director's Office:

Comment: 	Review Date/Initials
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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.

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 delivered 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:

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| 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? |

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

OAR: 635-004-0315	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Review of Denials Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division; 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.

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 delivered 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:

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| 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? |

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

OAR: 635-004-0320	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Renewal of Permit <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division; 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.

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 delivered 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:

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| 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? |

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

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

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.

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 delivered 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:

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| 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? |

A YES 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	
Program and Contact: Fish Division; 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.

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 delivered 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:

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| 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? |

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

OAR: 635-004-0335	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Logbook Required Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division; 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.

- 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 delivered 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:

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| 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? |

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

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: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division; Troy Buell			
Comment:			Review Date/Initials
Director's Office:			
Comment:			Review Date/Initials

Review of New Rules

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- 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:

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| 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? |

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

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

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- 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;
- 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:

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| 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? |

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

OAR: 635-004-0370	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Coastal Pelagic and Smelt Species Section – Organization of Rules Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
Comment:			Review Date/ Initials
Director's Office:			
Comment:			Review Date/ Initials

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- 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:

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| 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? |

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

OAD: 635-004-0375	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Scope, Inclusion and Modifications of Rules Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
Comment:			Review Date/Initials
Director's Office:			
Comment:			Review Date/Initials

Review of New Rules

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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:

- 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;
- 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:

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| 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? |

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

OAR: 635-004-0380	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Sardine Fishery – Fishery Defined Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
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Program and Contact: **Fish Division;**

Comment:	Review Date/Initials
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Review of New Rules

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- 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;
- 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:

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| 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? |

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

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: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
Comment: 			Review Date/ Initials
Director's Office:			
Comment: 			Review Date/ Initials

Review of New Rules

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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:

- 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;
- 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:

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| 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? |

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

OAR: 635-004-0390	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Permit Fee Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
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.

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 delivered 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:

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|---|---|
| 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? |

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

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

Review of New Rules

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- 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:

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| 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? |

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

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

Review of New Rules

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- 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:

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| 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? |

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

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

Review of New Rules

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- 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;
 - 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:

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| 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? |

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

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

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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:

- 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;
- 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:

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| 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? |

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

OAR: 635-004-0415	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	
Program and Contact: Fish Division;			
Comment:			Review Date/Initials
Director's Office:			
Comment:			Review Date/Initials

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- 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:

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| 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? |

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

<p>OAR: 635-004-0420</p>	<p>Date Adopted: 2012</p>	<p>Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Logbook Required Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf</p>	
<p>Program and Contact: Fish Division;</p>			
<p>Comment:</p>			<p>Review Date/Initials</p>
<p>Director's Office:</p>			
<p>Comment:</p>			<p>Review Date/Initials</p>

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- 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:

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| 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? |

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

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: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
Comment:			Review Date/Initials
Director's Office:			
Comment:			Review Date/Initials

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- 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:

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| 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? |

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

OAR: 635-004-0455	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Yaquina Bay Roe-Herring Fishery – Fishery Defined Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
Comment: 			Review Date/ Initials
Director's Office:			
Comment: 			Review Date/ Initials

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 - 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:

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| 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? |

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

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

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- 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:

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| 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? |

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

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

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- 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:

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| 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? |

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

OAR: 635-004-0470	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Eligibility Requirements for a Permit <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
Comment:			Review Date/Initials
Director's Office:			
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- 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:

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| 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? |

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

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

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| 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? |

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

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

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| 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? |

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

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

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| 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? |

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

OAR: 635-004-0490	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Lottery for Limited Entry Yaquina Bay Roe – Herring Permits Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
Comment:			Review Date/Initials
Director's Office:			
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- 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:

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| 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? |

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

OAR: 635-004-0495	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Transferability of Permits <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
Comment:			Review Date/Initials
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- 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);
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- 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:

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| 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? |

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

OAR: 635-004-0505	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish	
		Rule Caption Roe – Herring Season and Harvest Limit	
		Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	

Program and Contact: **Fish Division;**

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.

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 delivered 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:

- | | |
|---|---|
| 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? |

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

OAR: 635-004-0510	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Pacific Ocean Herring Season – Fishery Defined Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
Comment:			Review Date/Initials
Director's Office:			
Comment:			Review Date/Initials

Review of New Rules

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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:

- 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;
- 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:

- | | |
|---|---|
| 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? |

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

OAR: 635-004-0550	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Highly Migratory Species Section – Organization of Rules Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
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.

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 delivered 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:

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|---|---|
| 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? |

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

<p>OAR: 635-004-0555</p>	<p>Date Adopted: 2012</p>	<p>Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Scope, Inclusion and Modifications of Rules Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf</p>	
<p>Program and Contact: Fish Division;</p>			
<p>Comment:</p>			<p>Review Date/Initials</p>
<p>Director's Office:</p>			
<p>Comment:</p>			<p>Review Date/Initials</p>

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.

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 delivered 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:

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|---|---|
| 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? |

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

OAR: 635-004-0560	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Albacore Tuna Fishery – Fishery Defined Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
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.

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 delivered 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:

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| 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? |

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

OAR: 635-004-0565	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption License Required <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
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.

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 delivered 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:

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| 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? |

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

OAR: 635-004-0570	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Exemption to Far Offshore Fishery Restriction Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
Comment:			Review Date/Initials
Director's Office:			
Comment:			Review Date/Initials

Review of New Rules

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- 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:

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| 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? |

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

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: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
Comment:			Review Date/Initials
Director's Office:			
Comment:			Review Date/Initials

Review of New Rules

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- 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;
- 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:

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| 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? |

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

OAR: 635-004-0580	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Fishery Defined Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
Comment:			Review Date/Initials
Director's Office:			
Comment:			Review Date/Initials

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- 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:

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| 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? |

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

OAR: 635-004-0585	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Scope, Inclusion, and Modifications of Rules <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
Comment:			Review Date/Initials
Director's Office:			
Comment:			Review Date/Initials

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- 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:

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| 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? |

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

<p>OAR: 635-004-0590</p>	<p>Date Adopted: 2012</p>	<p>Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Coastal Rivers Shad Fishery – Fishery Defined Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf</p>	
<p>Program and Contact: Fish Division;</p>			
<p>Comment:</p>			<p>Review Date/Initials</p>
<p>Director's Office:</p>			
<p>Comment:</p>			<p>Review Date/Initials</p>

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.

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- 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:

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|---|---|
| 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? |

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

OAR: 635-004-0610	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Hagfish Fishery – Fishery Defined Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
Comment: 			Review Date/ Initials
Director's Office:			
Comment: 			Review Date/ Initials

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- 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:

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|---|---|
| 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? |

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

OAR: 635-004-0625	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Logbook Required Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
Comment:			Review Date/Initials
Director's Office:			
Comment:			Review Date/Initials

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- 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;
- 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:

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|---|---|
| 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? |

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

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: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
Comment:			Review Date/Initials
Director's Office:			
Comment:			Review Date/Initials

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- 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;
- 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:

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|---|---|
| 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? |

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

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: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
Comment:			Review Date/ Initials
Director's Office:			
Comment:			Review Date/ Initials

Review of New Rules

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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:

- 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;
- 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:

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| 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? |

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

OAR: 635-004-0655	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Closed Season Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
Comment:			Review Date/Initials
Director's Office:			
Comment:			Review Date/Initials

Review of New Rules

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- 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;
 - 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:

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| 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? |

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

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

Review of New Rules

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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:

- 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;
- 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:

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| 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? |

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

OAR: 635-004-0665	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Minor Finfish Species Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
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.

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 delivered 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:

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| 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? |

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

OAR: 635-004-0670	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Logbook Required <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
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.

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 delivered 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:

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| 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? |

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

OAR: 635-004-0675	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Intertidal Animal Fishery – Fishery Defined <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
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.

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 delivered 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:

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| 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? |

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

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

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.

- 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 delivered 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:

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| 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? |

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

OAR: 635-004-0685	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Permit Fee Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
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.

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 delivered 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:

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| 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? |

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

OAR: 635-004-0690	Date Adopted: 2012	Division 4 Commercial Fisheries Other Than Salmon or Shellfish Rule Caption Logbook Required Comments OAR Link: http://www.dfw.state.or.us/OARs/04.pdf	
Program and Contact: Fish Division;			
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.

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 delivered 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:

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| 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? |

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

<p>OAR: 635-012-0070</p>	<p>Date Adopted: 2012</p>	<p>Division 12 Marine Reserves and Marine Protected Areas in the Territorial Sea Rule Caption General Protected Area Prohibitions and Allowances <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/12.pdf</p>	
<p>Program and Contact: Fish Division; Cristen Don</p>			
<p>Comment:</p> <ol style="list-style-type: none"> 1. Yes. This rule regulates activities in protected areas. 2. No. 3. No. 4. Yes. This rule continues to be necessary for implementation of ORS 196.540-196.555 and Oregon Senate Bill 1510 (2012), by regulating activities in areas designated as marine reserves or protected areas. 			<p>Review Date/Initials</p> <p>5/30/17 CD</p>
<p>Director's Office: Michael Harrington, Acting Deputy Director</p>			
<p>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.</p>			<p>Review Date/Initials</p> <p>6/9/2017 MRH</p>

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.

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- 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;
- 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:

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| 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? |

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

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 <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/12.pdf	
Program and Contact: Fish Division; Cristen Don			
Comment:			Review Date/Initials
1. Yes. This rule regulates activities in protected area at Cape Perpetua. 2. No. 3. No. 4. Yes. This rule continues to be necessary for implementation of ORS 196.540-196.555 and Oregon Senate Bill 1510 (2012), by regulating activities in areas designated as marine reserves or protected areas.			5/30/17 CD
Director's Office: Michael Harrington, Acting Deputy Director			
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/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.

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- 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:

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| 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? |

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

<p>OAR: 635-012-0090</p>	<p>Date Adopted: 2012</p>	<p>Division 12 Marine Reserves and Marine Protected Areas in the Territorial Sea Rule Caption Cape Perpetua South-East Marine Protected Area Prohibitions and Allowances Comments OAR Link: http://www.dfw.state.or.us/OARs/12.pdf</p>	
<p>Program and Contact: Fish Division; Cristen Don</p>			
<p>Comment:</p> <ol style="list-style-type: none"> 1. Yes. This rule regulates activities in protected area at Cape Perpetua. 2. No. 3. No. 4. Yes. This rule continues to be necessary for implementation of ORS 196.540-196.555 and Oregon Senate Bill 1510 (2012), by regulating activities in areas designated as marine reserves or protected areas. 			<p>Review Date/Initials 5/30/17 CD</p>
<p>Director's Office: Michael Harrington</p>			
<p>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.</p>			<p>Review Date/Initials 6/9/2017 MRH</p>

Review of New Rules

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- 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:

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| 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? |

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

<p>OAR: 635-012-0100</p>	<p>Date Adopted: 2012</p>	<p>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: http://www.dfw.state.or.us/OARs/12.pdf</p>	
<p>Program and Contact: Fish Division; Cristen Don</p>			
<p>Comment:</p> <ol style="list-style-type: none"> 1. Yes. This rule regulates activities in protected area at Cape Perpetua. 2. No. 3. No. 4. Yes. This rule continues to be necessary for implementation of ORS 196.540-196.555 and Oregon Senate Bill 1510 (2012), by regulating activities in areas designated as marine reserves or protected areas. 			<p>Review Date/Initials</p> <p>5/30/17 CD</p>
<p>Director's Office: Michael Harrington, Acting Deputy Director</p>			
<p>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.</p>			<p>Review Date/Initials</p> <p>6/9/2017</p>

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.

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:

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- 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:

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| 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? |

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

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 <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/12.pdf	
Program and Contact: Fish Division; Cristen Don			
Comment:			Review Date/ Initials
1. Yes. This rule regulates activities in protected area at Cascade Head. 2. No. 3. No. 4. Yes. This rule continues to be necessary for implementation of ORS 196.540-196.555 and Oregon Senate Bill 1510 (2012), by regulating activities in areas designated as marine reserves or protected areas.			5/30/17 CD
Director's Office: Michael Harrington, Acting Deputy Director			
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/ Initials 6/7/2017MRH

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.

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 delivered 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:

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| 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? |

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

<p>OAR: 635-012-0130</p>	<p>Date Adopted: 2012</p>	<p>Division 12 Marine Reserves and Marine Protected Areas in the Territorial Sea Rule Caption Cascade Head West Marine Protected Area Prohibitions and Allowances <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/12.pdf</p>	
<p>Program and Contact: Fish Division; Cristen Don</p>			
<p>Comment:</p> <ol style="list-style-type: none"> 1. Yes. This rule regulates activities in protected area at Cascade Head. 2. No. 3. No. 4. Yes. This rule continues to be necessary for implementation of ORS 196.540-196.555 and Oregon Senate Bill 1510 (2012), by regulating activities in areas designated as marine reserves or protected areas. 			<p>Review Date/Initials</p> <p>5/30/17 CD</p>
<p>Director's Office: Michael Harrington, Acting Deputy Director</p>			
<p>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.</p>			<p>Review Date/Initials</p> <p>6/9/2017 MRH</p>

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.

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 delivered 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:

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| 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? |

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

<p>OAR: 635-012-0140</p>	<p>Date Adopted: 2012</p>	<p>Division 12 Marine Reserves and Marine Protected Areas in the Territorial Sea Rule Caption Cape Falcon West Marine Protected Area Prohibitions and Allowances <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/12.pdf</p>	
<p>Program and Contact: Fish Division; Cristen Don</p>			
<p>Comment:</p> <ol style="list-style-type: none"> 1. Yes. This rule regulates activities in protected area at Cape Falcon. 2. No. 3. No. 4. Yes. This rule continues to be necessary for implementation of ORS 196.540-196.555 and Oregon Senate Bill 1510 (2012), by regulating activities in areas designated as marine reserves or protected areas. 			<p>Review Date/Initials</p> <p>5/30/17 CD</p>
<p>Director's Office: Michael Harrington, Acting Deputy Director</p>			
<p>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.</p>			<p>Review Date/Initials</p> <p>6-9-2017 MRH</p>

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.

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 delivered 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:

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| 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? |

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

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 <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/12.pdf	
Program and Contact: Fish Division; Cristen Don			
Comment:			Review Date/Initials
1. Yes. This rule regulates activities in protected area at Cape Falcon. 2. No. 3. No. 4. Yes. This rule continues to be necessary for implementation of ORS 196.540-196.555 and Oregon Senate Bill 1510 (2012), by regulating activities in areas designated as marine reserves or protected areas.			5/30/17 CD
Director's Office: Michael Harrington, Acting Deputy Director			
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/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.

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 delivered 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:

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| 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? |

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

OAR: 635-012-0160	Date Adopted: 2012	Division 12 Marine Reserves and Marine Protected Areas in the Territorial Sea Rule Caption Untitled <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/12.pdf	
Program and Contact: Fish Division; Cristen Don			
Comment:			Review Date/Initials
1. Yes. This rule clarifies that nothing in OAR 635-012 rules alters or supersedes the rights of any federally recognized Indian Tribe. 2. No. 3. No. 4. Yes. This rule continues to be necessary for implementation of ORS 196.540-196.555 and Oregon Senate Bill 1510 (2012).			5/30/17 CD
Note: The Rule Caption – this sheet says it is "Untitled" – it is actually in the OAR as "Rights of Federally Recognized Indian Tribes."			
Director's Office: Michael Harrington, Acting Deputy Director			
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/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.

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:

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- 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:

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| 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? |

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

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: http://www.dfw.state.or.us/OARs/500.pdf	
Program and Contact: Fish Division; Tucker Jones			
Comment: 1. Yes, -6700 provides an outline of which rules deal with non-tribal Columbia River fisheries. 2. Unknown 3. No, the rule is still applicable 4. Yes.			Review Date/Initials
Director's Office: Michael Harrington, Acting Deputy Director			
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/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.

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- 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:

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| 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? |

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

OAR: 635-500-6705	Date Adopted: 2012	Division 500 Fish Management Plan Rule Caption Guiding Principles for Columbia River Fisheries Management <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/500.pdf	
Program and Contact: Fish Division; Tucker Jones			
Comment: 1. Yes, the rule provides Columbia River fisheries management guidance for the foreseeable future. 2. Unknown 3. The rule was just modified to its current state in 2017 4. Yes			Review Date/Initials
Director's Office: Michael Harrington, Acting Deputy Director			
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/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.

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- 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:

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| 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? |

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

OAR: 635-500-6710	Date Adopted: 2012	Division 500 Fish Management Plan Rule Caption Untitled <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/500.pdf	
Program and Contact: Fish Division; Tucker Jones			
Comment: 1. Yes, the rule directs staff to manage fisheries consistent with provisions in OARs 635-500-6715 through -6765. 2. Unknown 3. No 4. Yes			Review Date/Initials
Director's Office: Michael Harrington, Acting Deputy Director			
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/Initials MRH 06/19/2017

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.

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- 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:

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| 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? |

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

<p>OAR: 635-500-6715</p>	<p>Date Adopted: 2012</p>	<p style="text-align: center;">Division 500 Fish Management Plan Rule Caption Spring Chinook Comments OAR Link: http://www.dfw.state.or.us/OARs/500.pdf</p>	
<p>Program and Contact: Fish Division; Tucker Jones</p>			
<p>Comment:</p> <ol style="list-style-type: none"> 1. Yes, the rule guided spring Chinook fisheries management through the harvest reform transition and continues to provide guidance into the future. 2. Unknown 3. The rule was just modified to its current state in 2017 4. Yes 			<p>Review Date/Initials</p>
<p>Director's Office: Michael Harrington, Acting Deputy Director</p>			
<p>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.</p>			<p>Review Date/Initials MRH 06/19/2017</p>

Review of New Rules

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- 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).

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 provision, the agency must consider four specific factors:

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| 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? |

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

OAR: 635-500-6720	Date Adopted: 2012	Division 500 Fish Management Plan Rule Caption Summer Chinook <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/500.pdf
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Program and Contact: Fish Division; Tucker Jones

Comment: 1. Yes, the rule guided summer Chinook fisheries management through the harvest reform transition period and continues to provide guidance into the future. 2. Unknown 3. The rule was just modified to its current state in 2017 4. Yes	Review Date/ Initials
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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.	Review Date/ Initials MRH 06/19/2017
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Review of New Rules

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- 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:

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

OAR: 635-500-6725	Date Adopted: 2012	Division 500 Fish Management Plan Rule Caption Sockeye Comments OAR Link: http://www.dfw.state.or.us/OARs/500.pdf	
Program and Contact: Fish Division; Tucker Jones			
Comment: 1. Yes, the rule guided Sockeye fisheries management through the harvest reform transition period and continues to provide guidance into the future. 2. Unknown 3. The rule was just modified to its current state in 2017 4. Yes			Review Date/Initials
Director's Office: Michael Harrington, Acting Deputy Director			
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/Initials MRH 6/19/2017

Review of New Rules

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- 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:

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| 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? |

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

OAR: 635-500-6735	Date Adopted: 2012	Division 500 Fish Management Plan Rule Caption Upright Bright Fall Chinook <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/500.pdf	
Program and Contact: Fish Division; Tucker Jones			
Comment: <ol style="list-style-type: none"> 1. Yes, the rule guided upriver bright fall Chinook fisheries management through the harvest reform transition period and continues to provide guidance into the future. 2. Unknown 3. The rule was just modified to its current state in 2017 4. Yes 			Review Date/ Initials MRH 6/19/2017
Director's Office: Michael Harrington, Acting Deputy Director			
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/ Initials MRH 6/

Review of New Rules

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- 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:

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| 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? |

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

OAR: 635-500-6740	Date Adopted: 2012	Division 500 Fish Management Plan Rule Caption Coho Comments OAR Link: http://www.dfw.state.or.us/OARs/500.pdf	
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Program and Contact: **Fish Division; Tucker Jones**

Comment: <ol style="list-style-type: none"> 1. Yes, the rule guided Coho fisheries management through the harvest reform transition period and continues to provide guidance into the future 2. Unknown 3. The rule was just modified to its current state in 2017 4. Yes 	Review Date/Initials
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Director's Office: Michael Harrington, 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.	Review Date/Initials MRH 6/19/2017
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Review of New Rules

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- 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:

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| 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? |

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

OAR: 635-500-6745	Date Adopted: 2012	Division 500 Fish Management Plan Rule Caption Chum <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/500.pdf	
Program and Contact: Fish Division; Tucker Jones			
Comment: 1. Yes, the rule guided Chum salmon fisheries management through the harvest reform transition period and continues to provide guidance into the future. 2. Unknown 3. The rule was just modified to its current state in 2017 4. Yes			Review Date/Initials
Director's Office: Michael Harrington, Acting Deputy Director			
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/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:

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- 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).

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 provision, the agency must consider four specific factors:

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|---|---|
| 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? |

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

OAR: 635-500-6750	Date Adopted: 2012	Division 500 Fish Management Plan Rule Caption White Sturgeon <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/500.pdf	
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Program and Contact: Fish Division; Tucker Jones

Comment: 1. Yes, the rule White Sturgeon fisheries management through the harvest reform transition period and continues to provide guidance into the future. 2. Unknown 3. The rule was just modified to its current state in 2017 4. Yes	Review Date/Initials
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Director's Office: Michael Harrington, Acting Deputy Director

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/Initials MRH 6/19/2017
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Review of New Rules

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- 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:

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| 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? |

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

OAR: 635-500-6755	Date Adopted: 2012	Division 500 Fish Management Plan Rule Caption Additional Commercial Opportunity <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/500.pdf	
Program and Contact: Fish Division; Tucker Jones			
Comment: 1. Yes, it has provided guidance on when additional non-tribal commercial fishing opportunity may be granted. 2. Unknown 3. No, although somewhat redundant to language contained in OARs 635-500-6715 through -6750 the rule continues to be pertinent and to provide explicit guidance on when additional commercial opportunity shall be considered. 4. Yes.			Review Date/Initials
Director's Office: Michael Harrington, Acting Deputy Director			
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/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.

- 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 delivered 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:

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| 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? |

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

OAR: 635-500-6760	Date Adopted: 2012	Division 500 Fish Management Plan Rule Caption Fall Recreational Fishery Objectives	
		Comments OAR Link: http://www.dfw.state.or.us/OARs/500.pdf	

Program and Contact: **Fish Division; Tucker Jones**

Comment:

1. It would seem that there have been unintended consequences to OAR 635-500-6760. In years when Labor Day is late, e.g., 9/7/2015, it adds extra required days at a very impact intensive time. It also makes it difficult to add time to recreational fisheries if they under perform. It would seem policy guidance from the OFWC, with adaptive management language, instead of a proscriptive rule would better capture the intent.
2. Unknown.
3. No, this rule is still consistent with Columbia River Harvest reform
4. In its current state a modification may be in order (see bullet #1)

Review Date/ Initials

Director's Office: Michael Harrington, Acting Deputy Director

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/ 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.

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:

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- 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:

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|---|---|
| 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? |

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

OAR: 635-500-6765	Date Adopted: 2012	Division 500 Fish Management Plan Rule Caption Adaptive Management <hr/> Comments OAR Link: http://www.dfw.state.or.us/OARs/500.pdf	
Program and Contact: Fish Division; Tucker Jones			
Comment: 1. Yes, the adaptive management provisions have allowed the department to optimize fisheries when conditions allowed while still remaining within ESA and US v OR catch balance constraints 2. Unknown 3. No 4. Yes			Review Date/Initials
Director's Office: Michael Harrington, Acting Deputy Director			
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/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.

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 delivered 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:

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

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

OAR: See attached list	Date Adopted: 2012	<p>Division 4 Commercial Fisheries Other Than Salmon or Shellfish Division 5 Commercial Shellfish Fishery Division 6 Commercial Gear; Licenses, Poundage Fees, Records, and Reports</p> <hr/> <p style="text-align: center;">Comments</p> <p>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</p>
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Program and Contact: **Fish Division; Troy Buell**

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:

- 1) Part of a pre-existing rule that was reorganized into multiple new rules;
- 2) Part of a pre-existing rule that was moved from one Division to another;
- 3) Organizational, for example OAR 635-004-0200 is a table of contents for Division 004;
- 4) Descriptive, for example defining which species each set of rules under the new organization applies to; or
- 5) Cross-referencing, for example 635-004-0205 references general licensing requirements contained in Division 006 and Oregon Revised 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

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/
Initials**

**5/23/17
TB**

**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.

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	

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

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	

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

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	

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

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	

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

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
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	

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

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	
6/2012	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	

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

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	

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

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	

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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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	

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

Adopted	OAR number	Rule title (section headers in red font)	Review comment
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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	

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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6/2012	635-005-0720	Other Shellfish and Marine Invertebrate Section - Organization of Rules	
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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	

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

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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6/2012	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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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
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	

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

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

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.

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 delivered 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:

1. Has the rule had its intended effect?

Yes

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

No

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

Yes

4. Does the rule continue to be necessary?

Yes

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

<p>OAR: See attached list</p>	<p>Date Adopted: 2012</p>	<p>Division 4 Commercial Fisheries Other Than Salmon or Shellfish Division 5 Commercial Shellfish Fishery Division 6 Commercial Gear; Licenses, Poundage Fees, Records, and Reports</p> <hr/> <p>Comments 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</p>	
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Program and Contact: **Fish Division; Troy Buell**

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:

- 1) Part of a pre-existing rule that was reorganized into multiple new rules;
- 2) Part of a pre-existing rule that was moved from one Division to another;
- 3) Organizational, for example OAR 635-004-0200 is a table of contents for Division 004;
- 4) Descriptive, for example defining which species each set of rules under the new organization applies to; or
- 5) Cross-referencing, for example 635-004-0205 references general licensing requirements contained in Division 006 and Oregon Revised 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.

**Review
Date/
Initials**

**5/23/17
TB**

Director's Office:

Comment:

**Review
Date/
Initials**

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

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 <i>Unlawful</i>	
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

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

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	

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

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

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

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	

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

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	Surfperch Fishery – Fishery Defined	
6/2012	635-004-0655	Closed Season	
6/2012	635-004-0660	Minor Finfish Fisheries – Fishery Defined	

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

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	

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

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	

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

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	

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

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	635-005-0460	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	

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

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
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	

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

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	

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

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	

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

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	

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

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	

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.

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 delivered 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:

1. Has the rule had its intended effect?

Yes

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

No

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

Yes

4. Does the rule continue to be necessary?

Yes

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

<p>OAR: See attached list</p>	<p>Date Adopted: 2012</p>	<p>Division 4 Commercial Fisheries Other Than Salmon or Shellfish Division 5 Commercial Shellfish Fishery Division 6 Commercial Gear; Licenses, Poundage Fees, Records, and Reports</p>	
		<p>Comments 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</p>	
<p>Program and Contact: Fish Division; Troy Buell</p>			

Comments
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 Contact: **Fish Division; Troy Buell**

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:

- 1) Part of a pre-existing rule that was reorganized into multiple new rules;
- 2) Part of a pre-existing rule that was moved from one Division to another;
- 3) Organizational, for example OAR 635-004-0200 is a table of contents for Division 004;
- 4) Descriptive, for example defining which species each set of rules under the new organization applies to; or
- 5) Cross-referencing, for example 635-004-0205 references general licensing requirements contained in Division 006 and Oregon Revised 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: Michael Harrington, Acting Deputy Director

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/
Initials**

**5/23/17
TB**

**Review
Date/
Initials**
**6/9/2017
MRH**

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

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 – <i>When Unlawful</i>	
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

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

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	

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

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

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

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	

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

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	Surfperch Fishery – Fishery Defined	
6/2012	635-004-0655	Closed Season	
6/2012	635-004-0660	Minor Finfish Fisheries – Fishery Defined	

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

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	

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

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	

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

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	

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

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	

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

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	Surfperch Fishery – Fishery Defined	
6/2012	635-004-0655	Closed Season	
6/2012	635-004-0660	Minor Finfish Fisheries – Fishery Defined	

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

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	

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

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

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

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	

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

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 <i>Unlawful</i>	
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

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) Wildlife Division
- 3) Fish Division

Reviewed by Deputy Director, Wildlife Division (Kevin Blakey): 7-24-18 to 8-22-17

Reviewed by Directors Office (Michael Harrington): 8-25-18 to 9-20-18

Reviewed by staff as indicated below

Rule Number	Rule Title	Staff Assigned	Effective Date	Date Sent to Directors Office	Date Completed
DISPOSAL OF WILDLIFE AND EQUIPMENT SEIZED OR OTHERWISE ACQUIRED					
5-17-10	635-002-0014 Disposal of Antlers	Tom Thornton	8/23/18	8/22/17	9/20/17
DEPARTMENT OF FISH AND WILDLIFE LANDS					
7-1-11	635-008-0163 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
PROTECTED 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

USE OF WILDLIFE IN COMPETITIVE HUNTING DOG TRIALS AND THE TRAINING OF HUNTING DOGS AND RAPTORS						
7-1-11	635-046-0000	Purpose	Brandon Reishus	8/2/17	8/22/17	8/25/17
7-1-11	635-046-0040	Definitions	Brandon Reishus	8/2/17	8/22/17	8/25/17
7-1-11	635-046-0045	General Regulations	Brandon Reishus	8/2/17	8/22/17	8/25/17
7-1-11	635-046-0050	Use of Wildlife for Hunting Dog and Raptor Training	Brandon Reishus	8/2/17	8/22/17	8/25/17
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 PROPAGATING OR CERVID SPECIES						
5-28-08	635-049-0001	Policy	Don Whittaker	7/31/18	8/22/17	8/25/17
5-28-08	635-049-0005	Definitions	Don Whittaker	7/31/18		8/25/17
5-28-08	635-049-0015	Basic Requirements	Don Whittaker	7/31/18		8/25/17
5-28-08	635-049-0025	Import, Export, Transport Other than to Licensed Facilities	Don Whittaker	7/31/18		8/25/17
5-28-08	635-049-0035	Hunting of Privately Held Cervids Prohibited	Don Whittaker	7/31/18		8/25/17
5-28-08	635-049-0045	Release or Escape of Captive Cervids	Don Whittaker	7/31/18		8/25/17
6-10-09	635-049-0065	Disease Testing; Cervid Disease Surveillance List	Don Whittaker	7/31/18		8/25/17

6-10-09	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	Disposition of Cervids upon Licensing Suspension, Revocation, Nonrenewal or Denial	Don Whittaker	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

5-28-08	635-049-0185	Lottery 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 Whittaker	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	635-049-0275	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
FURBEARING AND UNPROTECTED MAMMAL REGULATIONS						
6-11-12	635-050-0047	Set-Back Restrictions	Derak Broman	8/11/17	8/22/17	8/25/17
FALCONRY LICENSES, PERMITS AND REQUIREMENTS						
8-9-11	635-055-0001	General Provisions	Martin Nugent	7/26/17	8/22/17	8/25/17

1-1-09	635-055-0037	Peregrine Falcon Capture Permit	Martin Nugent	7/26/17		8/25/17
DEFINITION OF WILD BIRDS 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 SWINE						
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	8/11/17		8/25/17
1-12-10	635-058-0020	Land Subject to Inspection	Rick Boatner	8/11/17		8/25/17
AQUATIC INVASIVE SPECIES CONTROL						
1-12-10	635-059-0000	Purpose and General Information	Rick Boatner	8/11/17	8/22/17	8/25/17
1-12-10	635-059-0010	Aquatic Invasive Species Reporting Information	Rick Boatner	8/11/17		8/25/17
1-12-10	635-059-0050	Allowable Blind Material for Coats	Rick Boatner	8/11/17		8/25/17
GAME MAMMAL AND GAME 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

GAME MAMMAL GENERAL SEASONS AND REGULATIONS

8-1-11	635-065-0012	Mandatory Fluorescent Orange Garments	Chris Willard	8/14/17	8/22/17	8/25/17
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SPECIAL INTEREST SEASONS

1-1-11	635-073-0076	Late Western Oregon Bowhunting Seasons	Tom Thornton	8/23/17		9/20/17
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MENTORED YOUTH HUNTER PROGRAM

8-14-07	635-074-0000	Mentored Youth Hunter Program	Tom Thornton	8/23/17		9/20/17
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8-14-07	635-074-0010	Supervising Hunter	Tom Thornton	8/23/17		9/20/17
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8-14-07	635-074-0015	Safety	Tom Thornton	8/23/17		9/20/17
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8-14-07	635-074-0020	Seasons and Bag Limits	Tom Thornton	8/23/17		9/20/17
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LANDOWNER HUNTING PREFERENCE AND OUTFITTERS AND GUIDES TAG ALLOCATION

1-1-10	635-075-0035	Remaining Tags	Tom Thornton	8/23/17		9/20/17
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APPOINTING BLACK BEAR AND/OR COUGAR AGENTS

2-21-08	635-079-0000	Purpose	Tom Thornton	8/23/17	8/22/17	8/25/17
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2-21-08	635-079-0005	Selection	Tom Thornton	8/23/17		8/25/17
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2-21-08	635-079-0010	Appointment	Tom Thornton	8/23/17		8/25/17
HABITAT CONSERVATION STAMP						
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 MANAGEMENT PLAN-GREATER SAGE GROUSE CONSERVATION STRATEGY						
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						
11-24-08	635-195-0000	Black Tailed Deer Management Plan	Don Whittaker	8/15/17	8/22/17	8/25/17
WILDLIFE CONTROL OPERATORS						
10-16-06	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

10-16-06	635-435-0015	Requirements for Wildlife Control Operator Permit	Rick Boatner	8/23/17		9/20/17
10-16-06	635-435-0020	Wildlife Control Operator Permit Required to be in Possession	Rick Boatner	8/23/17		9/20/17
10-16-06	635-435-0025	Disposition of Wildlife	Rick Boatner	8/23/17		9/20/17
10-16-06	635-435-0040	Transportation of Wildlife	Rick Boatner	8/23/17		9/20/17
10-16-06	635-435-0050	Trap Tampering Prohibited	Rick Boatner	8/23/17		9/20/17
10-16-06	635-435-0055	Record Keeping and Reporting Requirements	Rick Boatner	8/23/17		9/20/17
10-16-06	635-435-0060	Cancellation of Non-Renewal of Permit	Rick Boatner	8/23/17		9/20/17

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
- 3) Fish Division

Date Entered	Rule Number	Rule Caption	Reviewed By Assigned Staff	Reviewed by Staff	Marked for Disposal Office	Date Completed
NO NEW RULES IN 2013						

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.

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 delivered 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:

- | | |
|---|---|
| 1. Has the rule had its intended effect? Why or How? | 3. Do subsequent changes in the law (ORS) 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? Why? |

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

OAR: 635-500-6650	Date Adopted: 1-11-13	Rule Caption: Implementing the Conservation Plan for Fall Chinook Salmon in the Rogue Species Management Unit	
		Comments OAR Link: https://www.dfw.state.or.us/OARs/500.pdf	

Program and Contact: **Fish Division; Tom Stahl** (Please answer the above 4 questions in the space below)

Comment:

1. The rule has had the intended effect of guiding management direction for Rogue SMU fall Chinook.
2. The agency did not overestimate or underestimate the fiscal impact.
3. Subsequent changes in the law will not require changes in the rule.
4. The rule continues to be necessary to guide fish management.

Review Date/Initials
 5/14/2018
 TS

Director's Office: Ken Loffink

Comment:

OAR 635-500-6650 pertaining to implementation of the Conservation Plan for Rogue SMU Fall Chinook continues to be relevant, meaningful, and needed to guide fish management efforts. No amendments or changes to this rule are recommended.

Review Date/Initials
 5/30/18
 KL

Five-Year Review of New Administrative Rules
adopted since January 1, 2006 (ORS 183.405)

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 committee used? yes no

If yes, identify members below. Members must be provided a copy of this completed form.

~~Sen. Jason Atkinson~~ (now works in the private sector.)
Sen. Betsy Johnson
~~Rep. Sen. Cliff Bentz~~ (Now a senator)
Rep. Margaret Doherty
Rep. Mike McLane
Matthew Garrett, ODOT Director
Mark Whitlow (RTF, ICSC) (Now Of Counsel with Perkins Coie)
Chris Doty (~~City of Redmond Planning Dir~~) (now Director of Public Works, Deschutes County)
Craig Pope (~~Chair, Polk County Commission~~) (now Chair, Association of Oregon Counties)
Bob Russell (Oregon Trucking Association)
Rob Sadowsky (~~Bicycle Transportation Alliance~~) (now with S & G Endeavors)

1. Did the rule achieve its intended effect? 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 movements 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

just about right

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 no

If yes, explain below.

4. Is the rule still needed? yes no

Explain below.

The rule helped to establish a uniform standard and process for limiting turning movements at highway approaches.

Review completed by: Ann Zeltmann

Date: 6/17/19

Phone: (503) 986-4379

Five-Year Review of New Administrative Rules
adopted since January 1, 2006 (ORS 183.405)

Rule number(s): OAR 734-051-3015 HWY 7-2014

Date adopted: 6-20-2014 (not date filed or effective)

Date review due: 6-20-2019

Advisory committee used? yes no

If yes, identify members below. Members must be provided a copy of this completed form.

~~Sen. Jason Atkinson (now works in the private sector.)~~
Sen. Betsy Johnson
~~Rep. Sen. Cliff Bentz (Now a senator)~~
Rep. Margaret Doherty
Rep. Mike McLane
Matthew Garrett, ODOT Director
Mark Whitlow (RTF, ICSC) (Now Of Counsel with Perkins Coie)
Chris Doty (~~City of Redmond Planning Dir~~) (now Director of Public Works, Deschutes County)
Craig Pope (~~Chair, Polk County Commission~~) (now Chair, Association of Oregon Counties)
Bob Russell (Oregon Trucking Association)
Rob Sadowsky (~~Bicycle Transportation Alliance~~) (now with S & G Endeavors)

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

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
 unknown

a. What was the estimated fiscal impact?

No known impact.

b. What was the actual fiscal impact?

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? 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) 986-4379

Five-Year Review of New Administrative Rules
adopted since January 1, 2006 (ORS 183.405)

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 committee used? yes no

If yes, identify members below. Members must be provided a copy of this completed form.

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

a. What was the intended effect?

1) To 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) To capture odometer readings provided to DMV for vehicles 10 years old or older; and
3) To retain the most recent version of odometer records in electronic form.

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

The rule successfully achieved the desired effect and now customers can request we add an odometer reading when a vehicle is 10 years old or older.

2. Was the fiscal impact statement (check one)

underestimated

overestimated

just about right

unknown

a. What was the estimated fiscal impact?

None

b. What was the actual fiscal impact?

None

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.

4. Is the rule still needed? yes no

Explain below.

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

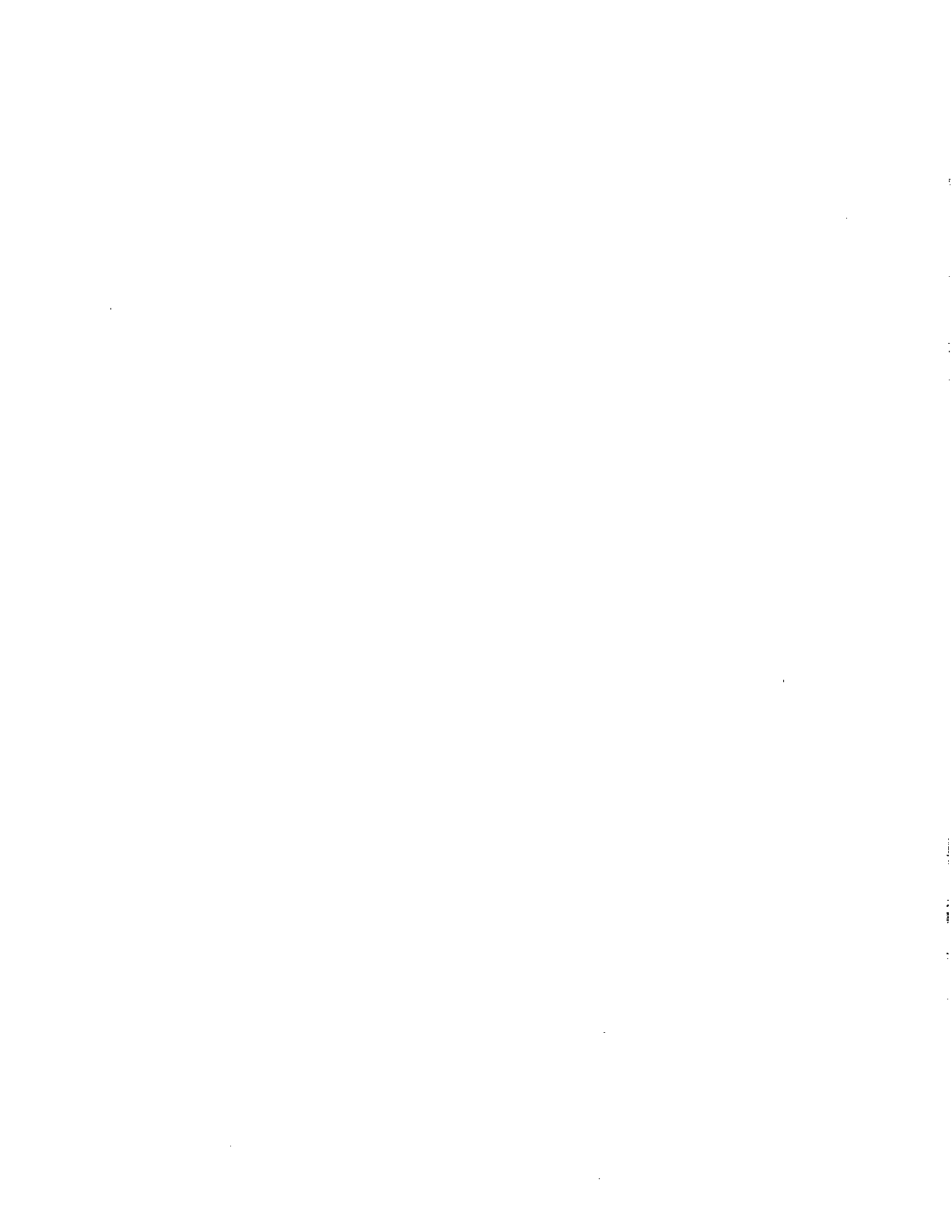
1. Prescribe the manner and form in which a person may voluntarily provide an odometer reading to DMV for a vehicle 10 years old or older;
2. Capture odometer readings provided to DMV for vehicles 10 years old or older; and
3. Retain the most recent version of odometer records in electronic form.

Oregon law still requires all of the above mentioned items.

Review completed by: Ty Yoder

Date: May 9, 2019

Phone: 503-559-1892



Five-Year Review of New Administrative Rules
adopted since January 1, 2006 (ORS 183.405)

Rule number(s): OAR 740-030-0045 Annual report for exempts MCTD 4-2014

Date adopted: 9/18/14 (not date filed or effective)

Date review due: 9/18/19

Advisory committee used? yes no

If yes, identify members below. Members must be provided a copy of this completed form.

(2014 MCTAC)

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

a. What was the intended effect?

This rule was intended to specify the information motor carriers exempted by ORS 825.017 are required to file annually (ORS 825.018).

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

The rule brings MCTD compliant with ORS 825.018.

2. Was the fiscal impact statement (check one)

underestimated

overestimated

just about right

unknown

a. What was the estimated fiscal impact?

Unknown

b. What was the actual fiscal impact?

Unknown

c. If the answer to 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 needed? yes no

Explain below.

Annual reporting per ORS 825.018 is still required.

Review completed by: Audrey Lawson Date: 09/13/2019

Phone: (503) 378-6653

Five-Year Review of New Administrative Rules
adopted since January 1, 2006 (ORS 183.405)

Rule number(s): OAR 740-055-0045 (mailing date) MCTD 5-2014

Date adopted: 9/18/14 (not date filed or effective)

Date review due: 9/18/19

Advisory committee used? yes no

If yes, identify members below. Members must be provided a copy of this completed form.

(2014 MCTAC)

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

a. What was the intended effect?

MCTD uses the postal cancellation date to determine timely filing for reports and payments received via USPS. This rule was intended to address reports and payments received via USPS that are missing a postal cancellation stamp or has a postal cancellation stamp that is not legible.

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

With this rule, MCTD has a clear, consistent guide to processing mail. Stakeholders support this rule.

2. Was the fiscal impact statement (check one)

underestimated

overestimated

just about right

unknown

a. What was the estimated fiscal impact?

The rule affected policy only. Fiscal impact should have been negligible.

b. What was the actual fiscal impact?

Unknown. Probably negligible.

c. If the answer to 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 needed? yes no

Explain below.

MCTD continues to receive mail via USPS with missing or illegible cancellation stamps.

Review completed by: Audrey Lawson Date: 09/13/2019

Phone: (503) 378-6653

Five-Year Review of New Administrative Rules
adopted since January 1, 2006 (ORS 183.405)

Rule number(s): OAR 740-065-0000 through 0050 (11 rules) MCTD 7-2014

Date adopted: 9/18/14 (not date filed or effective)

Date review due: 9/18/19

Advisory committee used? yes no

If yes, identify members below. Members must be provided a copy of this completed form.

(2014 MCTAC)

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

a. What was the intended effect?

The rules were intended to provide a framework for carriers who pay their Oregon highway use taxes through an electronic system provider.

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

These rules explain purpose, provide definitions, and give general provisions for using an electronic system provider.

2. Was the fiscal impact statement (check one)

underestimated

overestimated

just about right

unknown

a. What was the estimated fiscal impact?

Unknown

b. What was the actual fiscal impact?

Unknown

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

Mechanism to track fiscal impact was not implemented.

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 needed? yes no

Explain below.

Electronic system providers are still being utilized today.

Review completed by: Audrey Lawson

Date: 09/13/2019

Phone: (503) 378-6653