

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Water Resources Department (OWRD)

690

Agency and Division

Administrative Rules Chapter Number

Rulemaking Amends Division 33 Upper Columbia Rules to achieve consistency with ODFW Habitat Mitigation rules.

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

In the Matter of: Amendment of Division 33 Upper Columbia rules to achieve consistency with ODFW Habitat Mitigation rules.

Statutory Authority: ORS 536.027 & ORS 537.140 – ORS 537.190

Other Authority:

Stats. Implemented: ORS 537.140 - ORS 537.190

Need for the Rule(s): Within OWRD's current Division 33 Upper Columbia Rules, OAR 690-033-0120 (4) references an ODFW Habitat Mitigation rule that were subsequently modified after adoption of these rules. The proposed rule amendment to OAR 690-033-0120 (4) is to reference current ODFW Habitat Mitigation Recommendations (635-415-0025). This amendment will result in OAR 690-033-0120(4) being consistent with ODFW rules. In addition the rule change would remove two unnecessary hyphens [690-033-0120 (1) & (2)(a)], update the title of the Northwest Power Planning Council to its current title and update the statutory reference for fish screen design, installation, operation specifications and passage requirements [690-033-0120 (2)(c)] to achieve consistency with current ODFW revised statute references.

Documents Relied Upon, and where they are available:

N/A

Fiscal and Economic Impact:

Updating the rule reference ensures that mitigation required for new water rights in the Columbia Basin is consistent with current ODFW rules. Additional water development could provide a positive impact to the local and state economy. There is no impact to existing water right holders.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): No impact on state agencies or units of government. The proposed rule amendment will provide consistency between OWRD Upper Columbia Rules and ODFW Habitat Mitigation Rules.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: The proposed rulemaking involves achieving consistency between OWRD and ODFW rules related to mitigating a proposed water use. There is no impact to small business because there is no impact on existing water rights. Pursuing a new water right is a voluntary action.

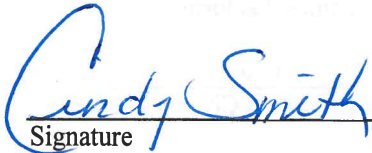
b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: None identified for businesses.

c. Equipment, supplies, labor and increased administration required for compliance: None. This is a voluntary program.

How were small businesses involved in the development of this rule?: One of the RAC members is a small water related business owner within the area affected by these rules. In addition, small business owners can provide oral or written comments on the rulemaking.

Administrative Rule Advisory Committee consulted?: Yes. A RAC meeting was held August 13, 2014.

If not, why?:


Signature

Cindy Smith
Printed name

8/15/14
Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.