

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***

A Statement of Need and Fiscal Impact accompanies this form.

Oregon Department of Fish and Wildlife (ODFW) – Wildlife Division	635
Agency and Division	Administrative Rules Chapter Number
Casaria Tuttle	3406 Cherry Ave. NE, Salem, OR 97303
Rules Coordinator	Address
	(503)947-6033
	Telephone

**RULE CAPTION**

Adopts rules for agents to, under Department's control, pursue bear and cougar with dogs  
**Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.**

October 12, 2007	8:00 AM	3406 Cherry Ave N Salem, OR 97303	Oregon Fish and Wildlife Commission
Hearing Date	Time	Location	Hearings Officer

Hearing Date	Time	Location	Hearings Officer
<i>Auxiliary aids for persons with disabilities are available upon advance request.</i>			

**RULEMAKING ACTION**

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

**ADOPT:** OAR Chapter 635, Division 079

**AMEND:**

**REPEAL:**

**RENUMBER:**

**AMEND & RENUMBER:**

Stat. Auth. : ORS 496.012, 496.138, 498.164

Other Auth.:

Stats. Implemented: HB 2971 (Chapter 143, Oregon Laws 2007)

**RULE SUMMARY**

These rules will enable the department to appoint agents with special skills to assist the department in implementing wildlife management plans and activities including actions relating to bear and cougar.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

10/12/07

**Last Day for Public Comment** (Last day to submit written comments to the Rules Coordinator)

Michelle Tate	8-15-07
Signature	Date
	Printed name

\*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

Secretary of State

**STATEMENT OF NEED AND FISCAL IMPACT**

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

Oregon Department of Fish and Wildlife (ODFW) Wildlife Division  
Agency and Division

635  
Administrative Rules Chapter Number

In the Matter of: In the Matter of:

Adoption of Rules:	)	Statutory Authority,
Relating to Appointment of Agents	)	Statutes Implemented,
to Act on Department's Behalf	)	Statement of Need,
	)	Principal Documents Relied Upon,
	)	Statement of Fiscal Impact

Adopts rules for agents to, under Department's control, pursue bear and cougar with dogs

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

Statutory Authority: ORS 496.012, 496.138, 498.164

Other Authority:

Stats. Implemented: HB 2971 (Chapter 143, Oregon Laws 2007)

Need for the Rule(s): These rules implement HB 2971(Chapter 143, 2007 Laws), enacted by the 2007 Legislative Assembly. The statute explicitly provides the Department the authority to appoint agents to pursue black bear or cougar in an official capacity and under the direction and control of the Department of Fish and Wildlife, and limits them to implementing the State's wildlife management plans. The statute directs the Department to adopt by rule a process and criteria for selecting agents and a scope of training.

Documents Relied Upon, and where they are available: Fish and Wildlife Commission's Cougar Management Plan (OAR 635.180); Fish and Wildlife Commission's Bear Management Plan (OAR 635.170)

The above documents are available for public inspection at the Department of Fish and Wildlife, Wildlife Division, Third Floor, 3406 Cherry Ave N, Salem, OR 97303, between 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

Fiscal and Economic Impact, including Statement of Cost of Compliance: See Attached

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

Administrative Rule Advisory Committee consulted?: No

If not, why?:

These rules were developed from the direction of the 2007 Legislative assembly.

	Michelle Tate	8/15/07
Signature	Printed name	Date

Fiscal and Economic Impact Statement for the October 12, 2007 Hearing  
in the Matter of Rules Relating to Designation of Agents for Removal  
and Management of Bears and Cougars

Fiscal and economic impact: [The Department is proposing rules to implement a statute allowing the appointment of volunteer agents to act in an official capacity on the Department's behalf, subject to the Department's direction and control. The Department would assign these agents to pursue bears and cougars in response to damage complaints and for other purposes specified in the management plans.](#) The proposed rules will affect state agencies, units of local government and the public, respectively, as discussed below:

A. The only state agency which will be affected by adoption of these rules is the Oregon Department of Fish and Wildlife (ODFW). Currently, ODFW is responding to bear and cougar sightings and complaints as part of its routine management activities. There are no separate cost estimates for these activities. In 25 of the 36 Oregon Counties, Wildlife Services (A division of the U.S. Department of Agriculture) is available to respond to cougar and bear complaints and for the administrative removal of animals. Currently, ODFW pays Wildlife Services \$90,000 per biennium to respond to cougar and bear complaints.

The approximate cost by removal method is \$15,000/cougar for removal by traps and snares, compared to \$2,000/cougar for removal using dogs. Further cost savings would occur if volunteers are used to respond to damage complaints and to capture cougars and bears for research.

Consistent with the Cougar Management Plan (2006), three administrative removal areas (Target Areas) were created in 2006. Estimated cost of implementing administrative removal in the three Target Areas is about \$121,770 the first year and \$144,000 the second year (Table 1). Roughly 80% of the cost of implementation is associated with salaries. Costs will apply for recruitment, background checks, training, and equipment, but the opportunity to designate volunteers will eliminate salary costs. Information is not available on the costs of coordinating these volunteer efforts. Money saved by reducing ODFW costs could be used to contract with Wildlife Services for additional work.

Table 1. Estimated and actual cost (through 3/30/07) for administrative cougar removal in the three target areas.

	Heppner		Jackson County		East Beulah		Total	
	Estimated	Actual	Estimated	Actual	Estimated	Actual	Estimated	Actual
<b>Fiscal 2007</b>								
New Employees	\$12,000	\$11,760	\$32,770	\$0	\$8,000	\$7,200	\$52,770	\$18,960
Existing Employees	\$37,000	\$34,900	\$1,000	\$11,376	\$5,000	\$4,656	\$43,000	\$50,932
Supplies & Services	\$13,000	\$28,041	\$5,000	\$3,581	\$8,000	\$8,010	\$26,000	\$39,632
Total	\$62,000	\$74,701	\$38,770	\$14,957	\$21,000	\$19,866	\$121,770	\$109,524
<b>Fiscal 2008</b>								
New Employees	\$15,000		\$35,000		\$19,500		\$69,500	
Existing Employees	\$34,000		\$1,000		\$8,000		\$43,000	
Supplies & Services	\$10,000		\$5,000		\$16,500		\$31,500	
Total	\$59,000		\$41,000		\$44,000		\$144,000	

B. No units of local government are expected to be affected by these rules. No significant changes from the current levels of any local agencies' operations or expenditures are expected as a result of the adoption of these rules.

C. [The public is not likely to be fiscally affected by the adoption of these rules.](#) The rule changes simply make the existing level of management including responding to damage complaints and public safety concerns less costly to implement.

The rules are believed to be fully compatible with legislative direction on the goals of fish and wildlife management in Oregon.

We do not believe that a less intrusive or less costly alternative adaptation to only small business is consistent with the purpose of the rule.

All businesses affected by these rules are believed to be "small business" and the effect is not significant.