

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	(503) 947-6033
Rules Coordinator	Address	Telephone

**RULE CAPTION**

Amend Rule to Authorize Ceremonial Wildlife Harvest Permits for use by the Tribes of the Grande Ronde Indian Reservation  
 Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

April 18, 2008	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:**

AMEND: OAR Chapter 635, Division 043

**REPEAL:****RENUMBER:****AMEND & RENUMBER:**

Other Auth.: ORS 496

Stats. Implemented: ORS 496

**RULE SUMMARY**

Amend rule to authorize ceremonial wildlife harvest permits for use by the Confederated Tribes of the Grande Ronde Indian Reservation.

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.

April 18, 2008

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



Michelle Tate

Printed name

2/15/08

Date

Signature

\*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

635

Agency and Division

Administrative Rules Chapter Number

In the Matter of: Amendment of OAR 635,  
Division 043 in regards:  
to Grand Ronde Ceremonial Harvest Permits

) Statutory Authority,  
) Statutes Implemented,  
) Statement of Need,  
) Principal Documents Relied Upon,  
) Statement of Fiscal Impact

Amend Rule to Authorize Ceremonial Wildlife Harvest Permits for use by the Tribes of the Grande Ronde Indian Reservation

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

Statutory Authority: ORS 190.110, ORS 496.012, 496.138, 496.146, 496.162

Other Authority: Grande Ronde Tribal Constitution

Stats. Implemented: ORS 190.110, ORS 496.012, 496.138, 496.146, 496.162

Need for the Rule(s): Governor Kulongoski, Fish and Wildlife Commission Chair Marla Rae, and Confederated Tribes of the Grand Ronde Community of Oregon Tribal Chair Chris Mercier signed a proclamation in August, 2007 directing the Department to provide additional game animals for ceremonial purposes, and additional stewardship responsibilities on tribal lands. To accommodate this request, the Commission is being asked to approve a new category of hunting permits for ceremonial use that are tailored to the tribe's needs.

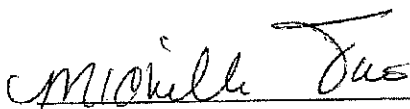
Documents Relied Upon, and where they are available:

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?: Yes, A committee made up of ODFW and Tribal officials, working in a Government to Government capacity as directed by Executive Order. Public involvement on this issue has included a joint tribal-ODFW presentation to the Sports Group leaders meeting in December, 2007, and subsequent presentations by both tribal and ODFW staff to sports group meetings in several locations.

If not, why?:

  
Signature

Michelle Tate  
Printed name

2/15/08  
Date

**Fiscal and Economic Impact Statement for the April 18, 2008  
Hearing in the Matter of Rules Relating to the Ceremonial Harvest of  
Wildlife by the Confederated Tribes of the Grand Ronde Indian Reservation**

Fiscal and economic impact: Rule changes are being proposed to allow the limited take of game animals for the Confederated Tribes of the Grand Ronde Indian Reservation. Under the proposed change, a new type of permit would be created to be issued to recognized tribal leaders and would allow for hunting of wildlife for ceremonial purposes by authorized tribal members. Methods of take would be the same as those authorized under normal hunting seasons. When granting each of these permits, commission approval would be required along with public testimony. The proposed rules will affect state agencies, units of local government, and the public, respectively, as discussed below:

A. The only state agencies that might be affected by adoption of these rules are the Oregon Department of Fish and Wildlife (ODFW) and the Oregon State Police (OSP). Small administrative costs would apply for the process of granting these permits, but they are likely to be absorbed within existing resources. No significant changes from the current levels of ODFW or OSP's operations or expenditures are expected as a result of the adoption of these rules.

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 could be affected by the adoption of these rules: The Confederated Tribes of the Grand Ronde Indian Reservation have requested 3 bear permits, 15 deer permits, and 9 elk permits. Harvest would occur during periods when no hunting seasons are currently authorized. Annual harvests in the Trask unit in 2006 were 887 deer, 810 elk, and 24 bear. The harvest of these additional animals is not likely to have a discernable effect on big game populations of the region. For this reason, there would be little risk to the populations valued by hunters and wildlife viewers. Therefore, there is not likely to be a loss of revenues to businesses that serve them.

Most businesses affected by these rules are believed to be "small business."

The rules are believed to be fully compatible with legislative direction on the goals of 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.

