

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
Teri Kecura	3406 Cherry Ave. NE, Salem, OR 97303
Rules Coordinator	Address
	(503) 947-6033
	Telephone

RULE CAPTION

Adopt rules relating to Wildlife Management Plan for Black-tail deer

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

November 14, 2008	8:00AM	3406 Cherry Ave NE, Salem, OR 97303	Oregon Fish and Wildlife Commission
Hearing Date	Time	Location	Hearings Officer

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

RULEMAKING ACTION

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

ADOPT: OAR 635 Division 0195

AMEND:

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS Chapter 183 and 496

Other Auth.:

Stats. Implemented: ORS Chapter 183 and 496

RULE SUMMARY

Adopt rules relating to Wildlife Management Plan for black-tail deer.

November 14, 2008

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

	Michelle Tate	September 15, 2008
Signature	Printed name:	Date

*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: Adoption of Rules OAR 635)	Statutory Authority,
Division 0195; Relating to Adopt rules relating)	Statutes Implemented,
to Wildlife Management Plan for black-tail deer.)	Statement of Need,
)	Principal Documents Relied Upon,
)	Statement of Fiscal Impact

Adopt rules relating to Wildlife Management Plan for black-tail deer.

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

Statutory Authority: ORS Chapter 183 and 496

Other Authority:

Stats. Implemented: ORS Chapter 183 and 496

Need for the Rule(s):

These rules are needed to implement the Oregon Black-Tail Deer Management Plan.

Documents Relied Upon, and where they are available:

Oregon Black-Tail Deer Management Plan Public Draft (including Appendices)

Oregon Department of Fish and Wildlife. *2006 Big Game Statistics*, 2007.

Southwick Associates. *Hunting in America: An Economic Engine and Conservation Powerhouse*. Produced for the Association of Fish and Wildlife Agencies with funding from Multistate Conservation Grant Program, 2007.

U.S. Department of the Interior, Fish and Wildlife Service, and U.S. Department of Commerce, U.S. Census Bureau. *2006 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation*, 2008.

1-Personal income impact per day was obtained from dividing the total personal income from deer hunting in 2006 (Southwick, 2007) by the total number of hunting days in 2006(ODFW, 2007.)

These documents may be obtained during normal business hours from the Department of Fish and Wildlife, 3406 Cherry Ave NE, Salem, OR 97303.

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

See attached.

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

Public comments, including those from small business are considered when making these rule changes.

Administrative Rule Advisory Committee consulted?: no.

An External Review Committee representing 19 different interests provided input to the plan. The Committee met twice and provided comments/edits.

The draft plan was provided to the public for review. The plan was placed on the department website, and provided at 21 Wildlife District public meetings held statewide during May 2008. Information and comments obtained from this public involvement has been considered in developing the final plan and the administrative rules.

Signature

Michelle Tate
Printed name:

September 15, 2008
Date

Fiscal and Economic Impact Statement for the November 14, 2008 Hearing in the Matter of Rules Relating to the Adoption of the Black-Tailed Deer Management Plan

Fiscal and Economic Impact: The purpose of the Black-Tailed Deer Management Plan is to provide a framework to manage black-tailed deer populations within the available habitat, dominant land use, and in association with other wildlife species. Since the 1980's, black-tailed population estimates have been declining potentially due to loss and degradation of habitat, increasing disease, parasites, and predation. The objective of the plan is to provide the public with the maximum recreational benefits from the species, both today and into the future as well as to minimize damage concerns. The plan includes a five-year strategy to gain more information about black-tailed deer populations so they can be managed more effectively and to determine if development of population management objectives is feasible. In the initial phases of the plan, there will be no changes to hunting seasons for black-tailed deer, but the focus will be on population assessment and other management strategies. The proposed rules will affect state agencies, units of local government and the public, respectively, as discussed below:

A. The only state agencies which might be affected by adoption of these rules are the Oregon Department of Fish and Wildlife (ODFW), Oregon State Police (OSP) for enforcement costs, and the Oregon Department of Transportation (ODOT.)

Within the black-tailed deer management plan is a strategy that involves implementation of the Sex-Age-Kill (SAK) model for population assessment. The research includes tooth collection from successful hunters, telemetry studies to determine mortality, and habitat use. Costs for the implementation phase of the SAK assessment are estimated at \$400,000 to \$800,000 over a three year period depending on the number VHF and GPS collars used in the telemetry process to determine mortality rates. More information will be available on costs upon implementation of the program on a region-by-region basis.

The plan includes many other strategies for the management of black-tailed deer. Strategies will be chosen according to the objectives for the management of this species and available funding. Some of the strategies ODFW may pursue are outlined below:

- Participation with the United States Forest Service and the Bureau of Land Management on land use plan reviews to advocate for more suitable black-tailed deer habitat.
- Work to educate landowners and land managers on the creation of black-tailed deer habitat and forage while also meeting the landowner's goals for land use.
- Support collaborative research on forage and habitat management activities and their effect on black-tailed deer as well as research and study of the competition between black-tailed deer and elk where they coexist.
- Find the causes of and prevent the non-harvest mortality of black-tailed deer. Coordinate with ODOT and county road managers to determine the extent of deer-vehicle collision mortality and to take preventative action such as signing or construction of wildlife

crossings. Coordinate with OSP to determine the extent of illegal take of black-tailed deer. Coordinate management actions with ODFW's cougar, black bear, and elk management plans.

- Market hunting and wildlife viewing opportunities to the public, provide public hunting access, and evaluate the effects of new hunting technology on hunter success and total harvest rates.
- Implement a GIS program to quantify seral stages and to track habitat availability over time in each wildlife management unit.

With the exception of the GIS program, tooth collection and aging for the SAK model, and the collection of information on deer mortality from ODOT, the other plan objectives include activities which are already part of ODFW operations. In the future, existing activities could increase as part of the black-tail management plan. In this case, costs of conducting these activities could rise accordingly. Implementation of the GIS program to track habitat would have a substantial cost to ODFW. While specific cost information is not available, the expenditures are expected to be similar to those of the SAK population assessment. If ODOT were to undertake a count of deer killed on roads and highways, expenses to that agency would apply. Information is not available on the scale of these costs to ODOT. The costs would depend on the scale of the count as well as the circumstances involved.

B. Counties might be affected by these rule changes if county road managers undertake a count of deer killed in vehicle collisions. Information on the magnitude of these costs to counties is not available and depends on the regions and scale of implementation.

C. The public could be affected by the adoption of these rules. Public benefits from the hunting and viewing of black-tailed deer can be maximized through a sound management strategy. In 2006, the total expenditures to participate in deer hunting in the entire state were \$143.5 million. These expenditures generated a statewide personal income impact of \$81.8 million (Southwick Associates, 2007.) In 2006, the total number of hunting effort days in the entire state is 1,072,325 (ODFW, 2007.) On average, each deer hunter recreation day contributed \$76.26 to personal income¹. Of the total hunting days in the state, 646,030 were attributable to black-tailed deer, and this type of hunting is responsible for an estimated \$49.3 million in personal income in the economy from expenditures at businesses that support hunting. Expenditures by the public to participate in wildlife watching in Oregon in 2006 totaled \$776.4 million. (USFWS, 2008.) The portion of these expenditures that are attributable to black-tailed deer watching is not known. Sound management strategies will help to balance the public's recreational benefits from healthy deer populations with wildlife damage concerns.

Deer damage statewide in the period from 2002 to 2006 totaled \$3.2 million, according to ODFW estimates. According to the Oregon Forest Industries Council, deer-related damage to timber operations totaled \$2.25 million in 2007. Management objectives will minimize deer damages while providing healthy populations of black-tailed deer for the benefit of Oregon's citizens.

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

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

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.

References:

Oregon Department of Fish and Wildlife. *2006 Big Game Statistics*, 2007.

Southwick Associates. *Hunting in America: An Economic Engine and Conservation Powerhouse*. Produced for the Association of Fish and Wildlife Agencies with funding from Multistate Conservation Grant Program, 2007.

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