

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	635
Agency and Division	Administrative Rules Chapter Number
Teri Kucera	3406 Cherry Ave. NE, Salem, OR 97303
Rules Coordinator	Address
	(503) 947-6033
	Telephone

RULE CAPTION

2010 annual changes to game mammal hunting regulations, plus 2009 controlled hunt tag numbers.

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

June 5, 2009	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:

AMEND: OAR Chapter 635, Division 002, 045, 060, 065, 066, 067, 068, 069, 070, 071, 072, 073, 075, 078, and 080.

REPEAL:

RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162

Other Auth.:

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

RULE SUMMARY

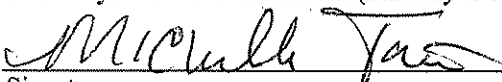
Establish 2009 controlled hunt tag numbers and /or season regulations for the hunting of pronghorn antelope, bighorn sheep, Rocky Mountain goat, deer and elk.

Propose 2010 hunting regulations for game mammals, including season dates, bag limits, open areas, location of cooperative travel management areas, and controlled hunting regulations. Propose quotas for 2010 cougar seasons and spring bear limited, first-come first-serve and controlled hunt tag numbers for 2010. These proposals will be presented in principle to the Oregon Fish and Wildlife Commission in June 2009 and again for adoption in October 2009. Rules will be amended regarding the definition of "take".

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.

June 5, 2009

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



Michelle Tate

April 9, 2009

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

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- Wildlife Division

635

Agency and Division

Administrative Rules Chapter Number

2010 annual changes to game mammal hunting regulations, plus 2009 controlled hunt tag numbers.

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 Rules)	Statutory Authority,
Relating to 2009 tag numbers for Controlled)	Statutes Implemented,
Pronghorn Antelope, Bighorn Sheep, Rocky)	Statement of Need,
Mountain Goat, Deer, and Elk Seasons)	Principal Documents Relied Upon,
)	Statement of Fiscal Impact

Statutory Authority: ORS 496.012, 496.138, 496.146, 496.162

Other Authority:

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

Need for the Rule(s):

This action is necessary to set tag numbers for the 2009 controlled hunting seasons for pronghorn antelope, bighorn sheep, Rocky Mountain goat, deer, elk, and special interest seasons. Some 2009 hunting seasons and/or regulations may be amended.

Documents Relied Upon, and where they are available:

Oregon Administrative Rules, population survey data, 2008 hunting season results, species plans, staff analysis, written and oral presentations by experts and the public. These documents may be obtained on the internet at <http://www.dfw.state.or.us/> or from the Department of Fish and Wildlife, 3406 Cherry Ave NE, Salem, OR 97303.

Fiscal and Economic Impact:

See attached.

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): See attached.
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: See attached.
 - b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: See attached.
 - c. Equipment, supplies, labor and increased administration required for compliance: No significant changes from the current levels of any local agencies' operations or expenditures are expected as a result of the establishment of these hunting seasons.


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

In May of 2008, 23 public meeting where held throughout the state to review staff proposals concerning the 2009 controlled hunting seasons. Another set of public meeting will be held in the spring to discuss the 2009 controlled hunt tag numbers and 2010 seasons.

Administrative Rule Advisory Committee consulted?:

If not, why?:

If not, why?: The draft administrative rules were developed without a committee of interested or affected persons. These rules are amended annually to administer an existing program; interested and affected persons are generally aware of this rulemaking schedule. Correspondence from and testimony by interested and affected persons at a series of town hall meetings, as well as the Commission, hearing is accepted into the record and is part of the rulemaking process.


 Signature

Michelle Tate
 Printed name

4/9/09
 Date

Economic and Fiscal Impact Statement for the June 5, 2009 Hearing in the Matter of Amendment of Rules Relating to Department of Fish and Wildlife Lands and Regarding 2009 Tag Numbers for Controlled Pronghorn Antelope, Bighorn Sheep, Rocky Mountain Goat, Deer and Elk Seasons, and Quota Numbers for Cougar (Mountain Lion)

Fiscal and economic impact: The proposed rules will affect state agencies, units of local government and the public, respectively, as discussed below:

- a. State agencies which could be affected by these rules are the Oregon Department of Fish and Wildlife (wildlife management costs) and the Oregon State Police (enforcement costs). Overall big game tag revenues in 2009 are expected to be similar to robust 2008 levels. Tag fees will remain the same as 2008 levels, and significant changes in the number of authorized tags are not expected.
- b. No units of local government are expected to be significantly 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 establishment of these hunting seasons.
- c. The public is affected by the rules relating to the hunting seasons. Various sectors of the public economy (hunters, suppliers of hunters, and the general economy) will experience different impacts. The economic impact of changes in hunting rules depends primarily on the changes in hunting opportunities associated with the rule changes and the associated effects on direct expenditures by hunters. These initial effects are best measured by estimating the magnitude of changes in the number of hunter days and by estimating the resulting changes in expenditures made by hunters.

The amount that a hunter spends in order to take part in a hunting trip has an impact on state and regional economies as well as the local economy. For example, the expenditures related to big game hunting in Eastern Oregon also generate income outside Eastern Oregon. First, a portion of hunting trip expenditures are made near hunters' homes and en route to the hunting destination. Second, income is also generated because of "leakages" or purchases in the local area economy from the larger state and regional economies.

The total (direct, indirect and induced) effects on personal income in the areas surrounding the hunting areas and at the state level are the result of the direct expenditures on goods and services made by sportspeople for their hunting trips. Through the "multiplier process", there is a resulting increase in economic activity and personal income in the general economy of the area and the entire state.

Research on the economic aspects of elk and deer hunting in Eastern Oregon has been conducted in the fairly recent past. The U.S. Forest Service and the Oregon Department of Fish and Wildlife collected economic data from elk and deer hunters at the Starkey Experimental Forest in Northeast Oregon during the 1989 - 1991 hunting seasons. Among the data collected were elk and deer hunter trip expenditures. The associated impact on personal income from the

expenditures has been estimated for the state level and for Eastern Oregon. The estimates are shown in the following table:

Starkey Experimental Forest Elk and Deer Hunter Average Hunter Day Expenditures and Associated Impacts on Total Personal Income

Hunt Period	Usable Responses	Average Total Trip Expenditures (per hunter day)	State Level Income Impacts	Average Eastern Oregon Expenditures (per hunter day)	Eastern Oregon Income Impact
ELK HUNTS					
1989	37	\$ 48.95	\$ 36.55	\$ 18.49	\$ 8.58
August, 1990	129	\$ 46.40	\$ 35.23	\$ 26.32	\$ 12.95
December, 1990	37	\$ 71.13	\$ 54.31	\$ 42.81	\$ 21.56
August, 1991	138	\$ 51.18	\$ 38.44	\$ 27.17	\$ 12.38
December, 1991	95	\$ 60.46	\$ 45.68	\$ 31.22	\$ 14.25
WEIGHTED AVERAGE	436 total	\$ 53.29	\$ 40.25	\$ 28.39	\$ 13.41
WEIGHTED AVERAGE (2008\$)		\$ 76.28	\$ 57.71	\$ 40.71	\$ 19.23
DEER HUNTS					
1989	68	\$ 46.29	\$ 35.05	\$ 21.25	\$ 9.03
October, 1990	20	\$ 48.09	\$ 34.12	\$ 20.95	\$ 8.25
October, 1991	19	\$ 57.18	\$ 42.98	\$ 36.82	\$ 17.48
WEIGHTED AVERAGE	107 total	\$ 48.56	\$ 36.28	\$ 23.96	\$ 10.38
WEIGHTED AVERAGE (2008\$)		\$ 69.64	\$ 52.03	\$ 34.36	\$ 14.89

No comparable estimates have been made for Western Oregon elk and deer hunting, or for other species except bighorn sheep.

An economic survey of Oregon bighorn sheep hunters was conducted in 1991. Analysis of questionnaires returned by 48 of 60 Oregon bighorn sheep hunters indicated a substantially higher level of expenditure for these very limited hunts. The following table summarizes the average bighorn sheep hunter expenditures and associated impacts on personal income.

Summary of Bighorn Sheep Hunter Expenditures and Associated Personal Income Impacts

	Totals	State Level Expenditure (Total)	Associated State Level Income Impact	Eastern Oregon Expenditure (portion)	Associated Eastern Oregon Income Impact
Trip length	7.1 days				
Days hunted	3.8 days				
Equipment expenditures (1991 \$)	\$30,660	\$511 per hunter			
Trip expenditures (1991 \$) aggregate		\$69,851	\$62,460	\$40,715	\$28,130
Trip expenditure per hunter (1991 \$)		\$1,164 per hunter	\$1,041 per hunter	\$679 per hunter	\$469 per hunter
Trip expenditures per trip day in survey (1991\$)		\$164 per trip day	\$147 per trip day	\$96 per trip day	\$66 per trip day
Trip expenditure per hunter adjusted to 2008\$		\$1,669 per hunter	\$1,493 per hunter	\$974 per hunter	\$673 per hunter
Trip expenditure per trip day adjusted to 2008\$		\$235 per trip day	\$210 per trip day	\$138 per trip day	\$95 per trip day

These estimates for deer, elk and bighorn sheep hunting will be reasonably good measures of the impact on total personal income per hunter day (or per trip day per hunter for bighorn sheep hunting) to the extent that the dollars spent for the hunting trips would not have been spent on other activities or commodities in Oregon had there been no hunting seasons. The economic impacts of hunters' expenditures on durable equipment associated with hunting are not included in the descriptions above. Such expenditures are not necessarily related to hunter use in a simple linear fashion, and hence, may not be significantly affected by marginal changes in seasons. However, there is a positive relationship between hunting opportunities and equipment expenditures, particularly in the long run.

The effect of changes in numbers of hunters and hunter activity on personal income in the regions and at the state level can be estimated using the personal income impact per day estimates from above. However, the aggregate impact depends on the magnitude of the changes in hunters and hunter days. Tag numbers for most hunts are likely to be similar to tag numbers in 2008. State-wide changes in hunter days, hunter expenditures and associated personal income are expected to be relatively modest, but cannot be projected precisely in quantitative terms, as precise tag numbers had not yet been authorized when this statement was written.

Restrictions in some of the hunting seasons for game mammals can be viewed as restricting opportunities and reducing positive economic impacts in the short run. However, conservation through adjustment of these and other big game seasons is intended to perpetuate the resources at optimum levels over the long run. Failure to restrict harvests of game animals to allow escapement for reproduction would result in reduced hunting opportunities in the future. The proposed regulations are intended to strike a balance that will sustain big game population levels and maintain future benefits.

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 businesses."

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.