

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
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**RULE CAPTION**

Amendments to the Fern Ridge, Lower Deschutes, Riverside, and Bridge Creek Areas management plans			
<b>Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.</b>			
April 17, 2009	8:00AM	Salbaugeon Suits & Conf. Center 1730 NW 9 <sup>th</sup> st, McKenzie Conf. Center, Corvallis, OR 97330	Oregon Fish and Wildlife Commission
Hearing Date	Time	Location	Hearings Officer

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<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 008

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

Stat. Auth. : ORS 496.012, 496.138, 496.146

Other Auth.:

Stats. Implemented: ORS 496.012, 496.138, 496.146

**RULE SUMMARY**

Amendments to Oregon Administrative Rules for the Fern Ridge, Lower Deschutes, Riverside, and Bridge Creek Areas Management Plans. Amendments will guide management activities for the next 10 years.

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 17, 2009

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


Signature

Michelle Tate

Printed name

2/13/09

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: Amendment of	)	Statutory Authority,
OAR Chapter 635, Division 008 in	)	Statutes Implemented,
regards to the Fern Ridge, Lower Deschutes,	)	Statement of Need,
Riverside, and Bridge Creek Wildlife Area	)	Principal Documents Relied Upon,
	)	Statement of Fiscal Impact

Amendments to the Fern Ridge, Lower Deschutes, Riverside, and Bridge Creek Areas management plans

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

Statutory Authority: ORS 496.012, 496.138, 496.146

Other Authority:

Stats. Implemented: ORS 496.012, 496.138, 496.146

Need for the Rule(s): The Department has initiated a review and update of its twelve wildlife area long range management plans. The purpose of the wildlife area management plans is to offer a comprehensive vision and action plan for the next ten years. The two proposed wildlife area plans currently under consideration Fern Ridge, Lower Deschutes, Riverside, and Bridge Creek Areas Management Plans.

Documents Relied Upon, and where they are available: Staff analysis, written and oral presentations presented by experts and public.

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

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

Small businesses potentially impacted by these management plans were in many cases directly contacted by the wildlife area managers to urge their participation in the current review period. The public review process consisted of holding seven public meetings per wildlife area, held at local venues. These meetings were announced via press releases sent to local radio and news outlets as well as posted on the Department's website and weekly recreation reports.

Administrative Rule Advisory Committee consulted?: No

If not, why?:

The draft administrative rules were developed without a committee of interested or affected persons. The wildlife area managers and watershed district managers held informal meetings with key stakeholder and interest groups at the beginning of the management plan process, to ask for their participation. A total of seven formal public meetings were held through out the month of January.



Signature

Michelle Tate

Printed name

2/13/09

Date

Fiscal and Economic Impact Statement for the April 17, 2009 Hearing in the Matter of Rules  
Relating to Long Range Wildlife Area Management Plans

Fiscal and economic impact: The purpose of the wildlife area management plans is to offer a comprehensive vision and action plan for the next ten years. The four proposed wildlife area plans currently under consideration include Bridge Creek, Fern Ridge, Lower Deschutes and Riverside Wildlife Areas.

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

A. The only state agency which should be affected by adoption of these rules is the Oregon Department of Fish and Wildlife. Three Wildlife Areas are funded through the Federal Aid to Wildlife Restoration Act (Pittman-Robertson) (75%) and hunting license receipts (25%). Current annual funding for Bridge Creek has averaged approximately \$133,990; for Fern Ridge: \$200,000 and Riverside: \$60,000. The Lower Deschutes Wildlife Area's annual funding is derived from PR (70%) and Sport Fish Restoration (30%) program and has averaged approximately \$40,000. Actions are identified for the life of the plans, but are subject to funding and personnel availability. Additional revenue would enhance planned actions and associated benefits to wildlife and the general public. Current funding will also need to increase during this period to maintain the status quo due to inflation and other factors. Therefore, no immediate changes from the current levels of the department's operations or expenditures are required 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: Significant levels of wildlife related activities and recreation occur in both wildlife areas including hunting, wildlife viewing, and angling. Other recreational uses may include photography, boating, picnicking and bicycling.

**Estimated Annual Use Days for General Activity Recreational Categories in Wildlife Areas**

Wildlife Area	Hunting	Angling	Viewing	Hiking	Camping	Other
Bridge Creek	1,080	20	100	20	25	30
Fern Ridge	5,000	unknown	unknown	unknown	0	unknown
Lower Deschutes	2,650	10,000	0	2,000	unknown	6,075
Riverside	4,150	500	50	25	0	75

The economic impact of these activities depends primarily on direct expenditures by participants for equipment, and services provided by restaurants, hotels, food stores and outfitters. These effects are best measured by estimating the number of days in the field, expenditures per day, and the associated effects on personal income (wages and salaries). Through the "multiplier process", economic activity and personal income in the general economy of the wildlife area and the entire state can be quantified. In addition, public benefits are gained directly through the satisfaction derived by participating in the activity. This is defined as the recreational value, the level of net benefits in excess of the costs required to participate in a given activity.

Estimates of expenditures, personal income and value by activity and wildlife area are not available. However, statewide general estimates indicate that economic impacts are likely to be significant, especially for rural communities adjacent to these areas. For Bridge Creek Wildlife Area, the rural communities of Ukiah and John Day and the city of Pendleton benefit from

commerce with visitors. The city of Eugene experiences an economic benefit from visitors to the Fern Ridge Wildlife Area. For the Lower Deschutes Wildlife Area, the city of The Dalles and the rural communities of Maupin and Moro benefit from visitors. Lastly the communities of Juntura and Burns benefit economically from visitors to Riverside Wildlife Area. The recreational values associated with participation in these activities are often revealed in choices related to where people decide to live and their overall quality of life.

Commercial activities related to forestry, farming, grazing and trapping also provide economic benefits to local communities. Although these activities may not be as extensive or on the same scale as those occurring on private and federal lands, they can be important to individuals and the community.

Since no specific proposals are made that would directly affect commercial uses, no significant economic impacts are anticipated. Actions to conserve and enhance wildlife may increase recreational use and related benefits.

The plans are written 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.