

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) 635
 Agency and Division Administrative Rules Chapter Number

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 Rules Coordinator Address Telephone

RULE CAPTION

Amend Rules to Suspend Participants from Master Hunter Program for Violation of the Wildlife Laws
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

December 10, 2009 1:00 PM 3406 Cherry Ave N Fish and Wildlife
 Hearing Date Time Salem, OR 97303 Commission
Hearings Officer

Hearing Date Time Location Hearings Officer
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 635 Divisions 048

REPEAL: 635-048-0080 (T)

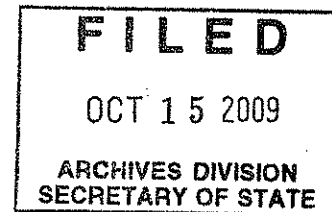
RENUMBER:

AMEND & RENUMBER:

Stat. Auth. : ORS 496 & 497

Other Auth.:

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



RULE SUMMARY

Amend rules to suspend hunters from participation in the Master Hunter program for a period of five years if the hunter is convicted of, or pleads guilty to, a violation of the wildlife laws.

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.

December 10, 2009

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

Michelle Tate Michelle Tate 10/15/09
 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 (ODFW)

635

Agency and Division

Administrative Rules Chapter Number

In the Matter of: the Master Hunter Program
Amendments of OAR Chapter 635,
Divisions 048

-) Statutory Authority,
-) Statues Implemented,
-) Statement of Need,
-) Principal Documents Relied Upon,
-) Statement of Emergency Justification

Amend Rules to Suspend Participants from Master Hunter Program for Violation of the Wildlife Laws

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

Statutory Authority: ORS 496 & 497

Other Authority:

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

Need for the Rule(s):

The Master Hunter program has a significant effect on improving hunter/ landowner relations and it makes a major contribution to improving the public image of the hunter. The Department has worked with private landowners to provide hunting access for Master Hunters on lands that are otherwise closed to the public. Ethical hunter behavior is critical for continuance of these hunts. A check for wildlife violations is done before an award is made and no individual with any violation in the past five years will be allowed to graduate. Over the past year there have been Master Hunter program participants that have been convicted of, or have pleaded guilty to violations of wildlife laws. This rule is needed to provide the department with the tools necessary to suspend hunters from participation in the program for a set number of years if they are convicted of violation of wildlife laws. Suspension of violators from the program is necessary to preserve the integrity of the program.

Documents Relied Upon, and where they are available:

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): see attached
 - a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:
 - b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:
 - c. Equipment, supplies, labor and increased administration required for compliance:

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

Administrative Rule Advisory Committee consulted?:

If not, why?: No

The draft administrative rules were developed by consultation with Information and Education Division staff, Oregon State Police, Wildlife Division staff and the Department of Justice. Correspondence from and testimony by interested and affected persons is accepted into record and is part of the rulemaking process.


Signature

Michelle Tate

Printed name

10/15/09

Date

**Fiscal and Economic Impact Statement for the December 11, 2009
Hearing on Master Hunter Violations**

Fiscal and economic impact: Rule changes are being proposed to run annual wildlife violation background checks on individuals certified through the Master Hunter program and to suspend those who have committed wildlife violations for five years. 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). There is no charge for wildlife violator background checks, so there is no cost to ODFW of these rule changes.

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 will not be affected by the adoption of these rules.

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.