

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	(503) 947-6033
Rules Coordinator	Address	Telephone

RULE CAPTION

2011 annual changes to game mammal hunting regulations, plus 2010 controlled hunt tag numbers.

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

June 4, 2010	8:00 AM	3406 Cherry Ave NE, Salem, OR 97303	Oregon Fish and Wildlife Commission
Hearing Date	Time	Location	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 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 2010 controlled hunt tag numbers and /or season regulations for the hunting of pronghorn antelope, bighorn sheep, Rocky Mountain goat, deer and elk.

Propose 2011 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 2011 cougar seasons and spring bear limited, first-come first-serve and controlled hunt tag numbers for 2011. These proposals will be presented in principle to the Oregon Fish and Wildlife Commission in June 2010 and again for adoption in October 2010. Rules will be amended regarding the definition of "take".

Amend the rules that ban the importation of certain cervid parts from states that have confirmed the presence of Chronic Wasting Disease. These states include but are not limited to Missouri, North Dakota, and Virginia.

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 4, 2010

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

Michelle Tate	April 15, 2010
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

2011 annual changes to game mammal hunting regulations, plus 2010 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 2010 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 2010 controlled hunting seasons for pronghorn antelope, bighorn sheep, Rocky Mountain goat, deer, elk, and special interest seasons. Some 2010 hunting seasons and/or regulations may be amended.

Documents Relied Upon, and where they are available:

Oregon Administrative Rules, population survey data, 2009 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 2009, 23 public meeting where held throughout the state to review staff proposals concerning the 2010 controlled hunting seasons. Another set of public meeting will be held in the spring to discuss the 2010 controlled hunt tag numbers and 2011 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.

	Michelle Tate	4/15/10
Signature	Printed name	Date

Fiscal and Economic Impact Statement for the June 4, 2010 Hearing
in the Matter of Amendment of Rules Relating to the Year 2011 Bighorn Sheep, Black Bear,
Deer, Elk, Cougar, Pronghorn Antelope, Rocky Mountain Goat and Western
Gray Squirrel Hunting Seasons and Associated Regulations

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 that could be affected by these rules are the Oregon Department of Fish and Wildlife (wildlife management costs) and the Oregon State Police (enforcement costs). No major changes from the current levels of these agencies' operations or expenditures are expected as a result of adoption of these particular rules.
- 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 related effects on direct expenditures by hunters. These effects are best measured by estimating the magnitude of changes in the number of hunter days and estimating the resulting changes in expenditures made by hunters, and the associated effects on personal income.

In general, no significant changes in hunter activity levels are anticipated in 2011 compared to 2010, assuming adverse weather and environmental conditions are not experienced between now and the time that tag levels are finally set. Some controlled hunts have been removed, while others have been added to manage damage caused by wildlife.

The total (direct, indirect and induced) effects on personal income in the areas surrounding the associated hunting areas and statewide are the result of the direct expenditures on goods and services made by sport participants during 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.

Survey data from 1989 - 1991 Starkey Experimental Forest hunts in Eastern Oregon indicate average overall trip expenditure by elk and deer hunters of about \$285, with nearly \$150 of the total made in Eastern Oregon. This is equivalent to an average expenditure of \$52.36 per hunter day, of which an average of \$27.52 per hunter day was made in Eastern Oregon. In inflation adjusted 2009 dollars, the average expenditure per hunter day would amount to \$76.86 per hunter day, of which an average of \$40.40 would be spent in Eastern Oregon.

The relationship between direct, indirect and induced personal income from the direct trip expenditures per hunter day can be estimated based on response coefficients developed from an economic input-output model. Using the 1989 - 1991 Starkey Experimental Forest data and information on the relationship between expenditures and the personal income associated with the spending, the state-level personal income impact per hunter day for Eastern Oregon deer and elk was about \$39; the personal income impact in Eastern Oregon was about \$13 per hunter activity day. Adjusting for inflation since 1991, the personal income impacts in 2009 dollars would be about \$57.25 per hunter day at the state level, and about \$19.08 per hunter day in Eastern Oregon.

A more recent survey conducted for ODFW by Dean Runyan Associates found that hunting related direct expenditures were \$517.94 Million in 2008. This includes costs for trips including

food, lodging/camping, gasoline, guide fees, and other travel related and local expenses. The largest contributor to this category were equipment expenditures related to hunting.

An economic survey of 1991 Oregon bighorn sheep hunters was conducted after the 1991 season. Analysis of questionnaires returned by 48 of 60 Oregon bighorn sheep hunters indicated a substantially higher level of expenditure for these highly rationed hunts. The estimated average variable expenditure per bighorn sheep hunting trip was \$1,164 per hunter for various trip related needs, excluding purchases of durable equipment and license and tag fees. Durable equipment expenditures averaged \$511 per hunter. Of the \$1,164 of average trip expenditures, an estimated 58 percent, or nearly \$679 per hunter was made in Eastern Oregon. Average variable trip expenditures on a per day basis for hunting were \$304. Measured in terms of the personal income (direct, indirect and induced) associated with the expenditures, the \$1,164 of trip expenditures produced an estimated \$1,041 in personal income at the state level. The personal income impact of the \$679 per trip expenditure in Eastern Oregon was about \$469. Adjusted to 2009 dollars, these personal income impact estimates would amount to \$1,528 per hunter at the state level and \$689 per hunter in Eastern Oregon.

The estimates above will be reasonably good measures of the impact on total personal income per hunter day 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 estimates above. These equipment 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 probably 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. However, the aggregate impact depends on the magnitude of the changes in the number of hunters and hunter days. As indicated above, no major changes in the big game regulations are expected for 2011 compared to 2010. However, depending on the weather this winter and other environmental factors affecting survival, there may be changes in the numbers of controlled hunt tags available in 2011, especially deer hunts. Obviously, the magnitude of these changes can't be predicted, but should a hard winter occur, the effects on tag availability would probably be greater than the effects of any changes in these proposed regulations.

The current 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 game mammal hunting 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 strike a balance that will sustain big game population levels and maintain future benefits.

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.

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

References

Dean Runyan Associates, Fishing, Hunting, Wildlife Viewing, and Shellfishing in Oregon, 2008.
Prepared for the Oregon Department of Fish and Wildlife, May 2009.

Oregon Department of Fish and Wildlife. Unpublished Analysis of Hunter Expenditure Data Collected from Hunters on the Starkey Experimental Forest, 1989 - 1991.

Oregon Department of Fish and Wildlife. Unpublished Analysis of Hunter Expenditure Data Collected from 1991 Oregon Bighorn Sheep Hunters.

U.S. Fish and Wildlife Service. 1996 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation - Oregon. 1998.

U.S. Fish and Wildlife Service and U.S. Census Bureau. 2006 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation - Oregon. 2008.