

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 regarding furbearer record cards and harvest reporting

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

September 2, 2010	8:00 am	873 NE 34 <sup>th</sup> Ave, Hillsboro OR 97124	Oregon Fish and Wildlife Commission
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:** 635-050**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**

These rules include the Bobcat and River Otter record card regulations. When the Bobcat bag limit was amended in another section of this rule, a particular section was not updated. These amendments update the available spaces on the bobcat record card to align with the bag limit already established. The amendments may also address issues relating to failure to submit mandatory harvest reports.

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.

September 2, 2010

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

Signature	Heather Thomas	July 15, 2010
	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- Wildlife Division (ODFW)	635
Agency and Division	Administrative Rules Chapter Number
In the Matter of Amendment of Rules Relating to Furbearer Regulations	) Statutory Authority, ) Statutes Implemented, ) Statement of Need, ) Principal Documents Relied Upon, ) Statement of Fiscal Impact ) ) )
Amend rules regarding furbearer record cards and harvest reporting	

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):

These rules include the Bobcat and River Otter record card regulations. When the Bobcat bag limit was amended in another section of this rule, a particular section was not updated. This amendment updates the available spaces on the bobcat record card to align with the bag limit already established. The amendments may also address issues relating to failure to submit mandatory harvest reports.

Documents Relied Upon, and where they are available:  
2010-2012 Furbearer Trapping and Hunting Regulations

The above documents are available for public inspection at the Department of Fish and Wildlife, Wildlife Division, Third Floor, 3406 Cherry Ave NE, Salem, OR 97303, between 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

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

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

Administrative Rule Advisory Committee consulted? : No

If not, why? :

These Rules are amended biennially and reviewed annually to administer an existing program; interested and affected persons are generally aware of this rulemaking schedule.

Signature	Heather Thomas Printed name:	July 15, 2010 Date
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## **Fiscal and Economic Impact Statement for the September 2, 2010 Hearing In the Matter of Rules Relating to Furbearer Regulations**

Fiscal and economic impact: Furtakers in Oregon are required to complete a furtaker harvest report form by the deadline following the most recent season. Those that do not report by the deadline will not be issued a furtaker license for the next season. Rule changes are being proposed to allow ODFW to charge non-compliant furtakers a penalty fee that would allow them to participate the following season provided that they also complete the harvest report. The rule change also includes housekeeping changes to update rule language for Eastern Oregon Bobcat record cards adopted in 2010. The proposed rule will affect state agencies, units of local government, and the public, respectively, as discussed below:

A. The only state agency that would be affected by adoption of these rules is the Oregon Department of Fish and Wildlife (ODFW). Penalty fees would be assessed for those licensees who fail to complete a harvest report form but want to be issued a furtaker license for the next season. This penalty will likely be similar to the fee for failing to participate in mandatory hunter reporting, and would range from \$10 to \$100. In the past three seasons, an average of 2,630 people held furtaker licenses while on average 279 licensees failed to complete their furtaker harvest report form. It is possible that not all of these licensees want to hunt or trap furbearers in subsequent seasons, but some may elect to pay the fee to be eligible to do so. Revenues to ODFW from this penalty fee are expected to be a maximum of \$27,900 per year if the \$100 fee is assessed and all furtakers that failed to report paid the fee. If the assessed fee were \$10, revenues would be less than \$2,790 per year.

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. Furtakers would be required to pay a penalty for failing to report. The amount of the penalty and revenue is discussed above. Bag limits for eastern bobcat were changed previously, so the housekeeping changes have no fiscal impact.

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

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.