

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

Establish 2011 Seasons and Regulations for Game Mammals

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

*September 30, 2010	10:00 AM	1300 NW Wall Street, Ste 200 Bend OR 97701	Oregon Fish and Wildlife Commission
Hearing Date	Time	Location	Hearings Officer

*The Commission will proceed through its agenda in order, but reserves the right to continue or postpone item until Friday October 1, 2010

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 008, 010, 043, 045, 060, 065, 066, 067, 068, 069, 070, 071, 072, 073, 075 & 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 2011 hunting regulations for game mammals, including season dates, open areas, location of cooperative travel management areas, wildlife areas, and other rules including general hunting and controlled hunt regulations. Specific rule changes may be made regarding certain types of electronic archery equipment.

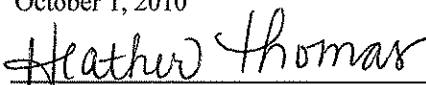
The proposed rules would also make permanent two temporary rules: one concerning authority to use aircraft to take game mammals in emergency situations, and one concerning the authority of law enforcement officers to take wildlife as part of their official duties.

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 30, 2010

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

*The Commission will proceed through its agenda in order, but reserves the right to continue or postpone item until Friday October 1, 2010


Signature

Heather Thomas
Printed name

August 13, 2010
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) – Wildlife Division

635

Agency and Division

Administrative Rules Chapter Number

In the Matter of: Amendment of Rules)	Statutory Authority,
Relating to the Department of Fish and)	Statutes Implemented,
Wildlife and regarding 2011 Hunting)	Statement of Need,
Season Dates and Regulations)	Principal Documents Relied Upon,
)	Statement of Fiscal Impact

Establish 2011 Seasons and Regulations for Big Game Mammals

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, 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 establish 2011 hunting seasons and regulations for big game species in a manner to maintain their optimum levels and prevent their serious depletion so as to provide optimum recreational aesthetic benefits for present and future generations of citizens of this state.

Documents Relied Upon, and where they are available: Census data, 2009 hunting season results, species plans, staff analysis, written and oral presentations presented by experts and public.

ODFW
3406 Cherry Ave NE
Salem, OR 97303

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

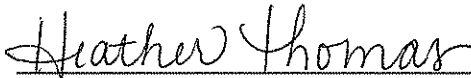
How were small businesses involved in the development of this rule?

In May of 2010, 22 public meetings were held throughout the state to review staff proposals concerning the 2011 controlled hunting seasons. Testimony and comments from interested individuals were collected at these meetings.

Administrative Rule Advisory Committee consulted?: No

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 interested and affected persons and testimony received at town hall meetings as well as the hearing are accepted into the record and considered as part of the rulemaking process.

Copies of the draft administrative rules may be obtained from the Department of Fish and Wildlife, 30406 Cherry Ave NE, Salem, OR 97303.



Signature

Heather Thomas

Printed name

08/13/10

Date

Fiscal and Economic Impact Statement for the September 30, 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: Rule changes are being proposed to set the hunting regulations for 2011 for big game species, and the Western Gray Squirrel. Rules are being considered that would allow certain types of electronic archery equipment after consideration between the Oregon Department of Fish and Wildlife and the Archery Equipment Technology Advisory Committee. 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 \$77 per hunter day, of which an average of \$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 per hunter day at the state level, and about \$19 per hunter day in Eastern Oregon.

According to data from the 2006 National Survey of Fishing, Hunting and Wildlife-Associated Recreation (2008), total hunter expenditures in Oregon were about \$373.6 million in 2006. The impact on state level personal income was slightly over \$259 million, and the effect on gross output was \$827.4 million in 2006.

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.

Rule changes that allow more types of archery equipment during archery season would have a positive impact on businesses that sell this equipment. The extent of this impact is not known, but would depend on the popularity of the new equipment and the number of bow hunters in Oregon. In 2009, there were 23,880 bow deer tags sold to residents and nonresidents and 22,674 bow elk tags sold. It is likely that there are more bow hunters than this, as bows are permitted in some controlled and general hunts as well.

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

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.