

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
Teri Kucera	(503) 947-6033
Rules Coordinator	Telephone
3406 Cherry Ave. NE, Salem, OR 97303	
Address	

RULE CAPTION

Amend rules related to the capture of Peregrine Falcons for use in Falconry

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

January 7, 2011	8:00 AM	3406 Cherry Ave N Salem, OR 97303	Oregon Fish and Wildlife Commission
Hearing Date	Time	Location	Hearings Officer

Hearing Date	Time	Location	Hearings Officer
<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 055**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

Amend rules related to the capture of Peregrine Falcons to be used in the practice of Falconry and capture permits. Specific rule changes include: the capture nesting or post-fledge peregrine falcons from the wild for the purpose of falconry, re-affirm an allocation of available peregrine falcon take for use in the sport of falconry.

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.

January 7, 2011

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

Julie Hansen	November 15, 2010
Signature	Date
Printed name	

*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

635

Agency and Division

Administrative Rules Chapter Number

Amend rules related to the capture of Peregrine Falcons for use in Falconry

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: Division 055 Related to Falconry

Statutory Authority: ORS 496.012, 496.138, 496.146 and 496.162

Other Authority:

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

Need for the Rule(s): The American peregrine falcon was removed from the list of endangered species (OAR 635-100-0125) allowing legal take of this species for falconry. This amendment is needed to improve the capture permit process and to set particular conditions of the legal take of peregrine falcons for use by master falconers for this capture season.

Documents Relied Upon, and where they are available:

Biological Status Assessment for the American and Arctic Peregrine falcons in Oregon, ODFW 2009. *Final Environmental Assessment, Take of Raptors from the Wild under the Falconry Regulations and the Raptor Propagation Regulations*, US Fish and Wildlife Service, June 2007

The above document is 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 AM and 4:00 PM on normal working days, Monday through Friday

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)):
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:
 - 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?: No

If not, why?:

The draft administrative rules were developed without a rule advisory committee. However, department staff consulted the Oregon Falconry Association, Oregon Hawkers' Club, Oregon Hunters Association and Audubon Society of Portland. Correspondence from and testimony by interested and affected persons is accepted into record and is part of rulemaking process.

Copies of the draft administrative rules may be obtained from the Department of Fish and Wildlife, 3406 Cherry Ave NE, Salem, OR 97303

Signature

Julie Hansen

Printed name

November 15, 2010

Date

Fiscal and Economic Impact Statement for the January 7, 2011 Hearing on Falconry Rules

Fiscal and economic impact: Changes are being proposed to the rules that govern the take of peregrine falcons. However, very few changes are being proposed from existing rules except that limited take of peregrine falcon nestlings from the wild may now be permitted from natural nest-site locations, with 7 permits allocated in total.

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

A. The only state agency that might be affected by adoption of these rules is the Oregon Department of Fish and Wildlife (ODFW). There are no additional costs to ODFW associated with 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 do not change the total number of falconry capture permits allocated for peregrine falcons.

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.

Most businesses affected by this rule are believed to be "small businesses."