

Secretary of State

**NOTICE OF PROPOSED RULEMAKING HEARING\***

A Statement of Need and Fiscal Impact accompanies this form.

Oregon Department of Fish & Wildlife / Wildlife Div	635
Agency and Division	Administrative Rules Chapter Number
Teri Kucera	3406 Cherry Ave NE, Salem, OR 97303
Rules Coordinator	Address
	Telephone
	503-647-6033

**RULE CAPTION**

Amendment to rules regarding parking permits in some wildlife areas.

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

December 3, 2010	8:00 a.m.	6221 NE 82 <sup>nd</sup> Ave Portland, OR 97220	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:** 635-008-**REPEAL:****RENUMBER:****AMEND & RENUMBER:**

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162, 498

Other Auth.:

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162, 498

**RULE SUMMARY**

Amend rules to establish an access fee to all wildlife areas administrated by ODFW except for use by those holding hunting or fishing licenses.

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 3, 2010

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

Julie Hansen	October 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

**STATEMENT OF NEED AND FISCAL IMPACT**

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Dept of Fish and Wildlife / Wildlife Division

635

Agency and Division

Administrative Rules Chapter Number

Amendment to rules regarding parking permits in some wildlife areas.

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

In the Matter of: Amendment to the rules regarding wildlife area parking permits OAR chapter 635.

Statutory Authority: ORS 496.012, 496.138, 496.146, 496.162, 498

Other Authority:

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162, 498

Need for the Rule(s): An amendment to the parking permit rules for wildlife areas would allow the department to address the increasing operating costs, maintenance needs and increased public use on ODFW wildlife areas.

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)):

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?

Administrative Rule Advisory Committee consulted?:

If not, why?: No

The draft administrative rules were developed by consultation with Oregon State Police, Wildlife Division staff, Information and Education Division staff, Wildlife Area and Watershed managers, ODFW Executive Leadership Team, and Audubon Society of Portland. Correspondence from and testimony by interested persons is accepted onto record and is part of the rulemaking process.

Signature

Julie Hansen

Printed name

10/15/10

Date

## **Fiscal and Economic Impact Statement for the December 3, 2010 Hearing In the Matter of Rules Relating to the Establishment of Wildlife Area Access Fees**

Fiscal and economic impact: Rule changes are being proposed to establish a \$5 per day and \$20 per year access fee to all wildlife areas administered by the Oregon Department of Fish and Wildlife (ODFW.) Persons holding hunting licenses would be exempt from paying the permit fee, but the rest of the public would be required to pay to access ODFW sites. The proposed rules 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.) ODFW will gain revenues from the access fees that are estimated below.

Those wildlife watchers who purchase hunting or fishing licenses would receive an annual permit along with the license. Wildlife watchers who do not purchase hunting or angling licenses from ODFW would be required to purchase an annual or daily access permit to enter a wildlife area.

Fees Proposed:

\$20 – Annual Wildlife Area Access Permit + \$2.00 Existing agent fee on all documents sold by ODFW and it's agents

\$5 – Daily Wildlife Area Access Permit+ \$2.00 Existing agent fee on all documents sold by ODFW and it's agents

### *All Areas Except Sauvie Island*

According to the 2006 National Survey on Fishing, Hunting, and Wildlife-Associated Recreation conducted by the United States Fish and Wildlife Service (USFWS), 91% of wildlife watchers did not participate in hunting. At the wildlife areas listed below, we have estimated that there are 330,515 user days at those sites where a fee could be charged.

- Liberal Assumption: Each wildlife watcher spends 2 days a year at the various state wildlife areas. There are  $330,515 / 2 = 165,257$  wildlife watchers. 91% of them do not already hunt, so 150,384 wildlife watchers would be required to purchase either daily or annual permits. Since each visitor only frequents wildlife areas 2 times a year under this scenario, we could expect them to purchase two daily wildlife area passes.  
--**Revenues**: \$2,105,376 annually ( $150,384 \times \$14 = \$2,105,376$ )
- Moderate Assumption: If we assume that each wildlife watcher spends 5 days a year at the various state wildlife areas, there are  $330,515 / 5 = 66,103$  wildlife watchers that participate. Using the National Survey estimate, 91% of these people do not already fish or hunt. This leaves 60,154 wildlife watchers to purchase annual passes. Under this scenario, annual passes would be the cheapest alternative for the average wildlife viewer that visits 5 times a year.

--**Revenues:** \$1,323,388 annually. (60,154 x \$22 = \$1,323,388)

- Conservative Assumption: If we use a more conservative estimate that each wildlife watcher spends 10 days a year at the various state wildlife areas, there are 33,051 participants (330,515 / 10 = 33,051.) If 91% of these people purchase an annual pass because they do not hunt or fish, 30,076 passes will be sold.

--**Revenues:** \$661,672 annually (30,076 x \$22 = \$661,672)

### *Sauvie Island*

- Reduce the revenues by those lost sales at Sauvie Island for individuals who no longer are required to have a daily or annual parking permit.

Revenues \$7 per Daily Permit, and \$22 per Annual Permit. Revenues are 30,256 x \$7 for dailies and 10,973 x \$22 for annual licenses. All users are currently required to pay permit fees, revenues are \$453,198 annually. The wildlife viewing population that hunts would be exempt from the payment of these fees. Therefore, the revenues would be estimated to be 91% of this number, or \$412,410.

--**Lost Sauvie Island Revenues: \$40,788 annually**

These estimates depend heavily on the estimates of use days for wildlife viewing and other non hunting, trapping, or angling related activities. If the public that visits state wildlife areas is more likely to hunt than the wildlife viewing population polled in the National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, these estimates are likely to be overstated. Another potential problem with instating these fees is the rate of noncompliance. Some of these wildlife areas are in remote locations, and enforcement could be difficult. Use of the conservative assumptions is encouraged.

<b>Wildlife Area</b>	<b>Wildlife Viewing and Other Use Days</b>
Ken Denman	20,000
Phillip W. Schneider	15,500
Elkhorn	31,200
Jewell Meadows	82,200
Wenaha	25,000
Summer Lake	7,100
White River	19,000
Klamath	16,000
Ladd Marsh	12,065
Fern Ridge	40,000
EE Wilson	43,000
Columbia Basin	8,500
Sauvie Island	750,000
Lower Deschutes	8,050
Riverside	2,700
Bridge Creek	200

<b>Total (Excluding Sauvie Island)</b>	<b>330,515</b>
<b>Total (Including Sauvie Island)</b>	<b>1,080,515</b>

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. An estimated 30,076 to 150,384 wildlife area visitors would be required to purchase an access pass and incur the costs involved with the purchase.

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.

#### References

U.S. Fish and Wildlife Service. 2008. 2006 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, Oregon State Report. U.S. Department of the Interior, Fish and Wildlife Service and U.S. Department of Commerce, U.S. Census Bureau.