

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
Teri Kucera	3406 Cherry Ave NE, Salem, OR 97303
Rules Coordinator	Address
	Telephone

RULE CAPTION

Amend Wildlife Control Operator Rules

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

March 9, 2012	8:00 am	Comfort Suites 1730 NW 9 th St, Corvallis, OR 97330	Oregon Fish & Wildlife Commission
Hearing Date	Time	Location	Hearings Officer

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:** OAR 635-Division 435**REPEAL:****RENUMBER:****AMEND & RENUMBER:**

Stat. Auth : ORS 496.012, 496.138, 496.146, 496.162 & 498.012

Other Auth.:

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 498.012


RULE SUMMARY

Review, update and amend rules relating to wildlife control operators. Specific rule changes include but are not limited to: definitions, criteria for reinstatement after revocation and amendments that will make the rules consistent with the Wildlife Rehabilitation Rules which were adopted by the Commission on June 2, 2011.

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.

March 9, 2012

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

	Roxann B. Borisch	January 12, 2012
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 (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, Wildlife Control Operators,)	Statement of Need,
Chapter 635, Division 435)	Principal Documents Relied Upon,

Amend Wildlife Control Operator Rules

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

Statutory Authority: ORS 496.012, 496.138, 496.146, 496.162 & 498.012

Other Authority:

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & 498.012

Need for the Rule(s):

Amendments are being proposed to rules governing the activities of Wildlife Control Operators in the state. These proposed amendments will update and clarify the rules and make consistent with the wildlife integrity rules (OAR Chapter 635, Division 56) and the wildlife rehabilitation rules (OAR Chapter 635, Division 44).

Documents Relied Upon, and where they are available: ODFW website at <http://www.dfw.state.or.us/OARs/index.asp>

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

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

Administrative Rule Advisory Committee consulted? No

If not, why?:

The department staff consulted with internal and external advisory groups as well as mailings to all current Wildlife Control Operators within the state.



Roxann B. Borisch

January 12, 2012

Signature

Printed name

Date

**Fiscal and Economic Impact Statement for the March 9, 2012 Hearing
in the Matter of Rules Relating to the Wildlife Control Operators**

Fiscal and economic impact: Changes are being proposed to rules governing the activities of Wildlife Control Operators (WCOs) in the state. WCOs charge fees in exchange for ridding homes, businesses, or land of nuisance wildlife. The taking of wildlife is permitted when it is "causing damage, posing public health risk, or [being] a public nuisance" (ORS 498.012). These proposed changes address rules that have become outdated as well as those in need of updating to be consistent with subsequent Oregon Administrative Rules (OARs), specifically wildlife rehabilitation rules, or new standards that are more relevant to how WCOs conduct business.

The reference definition for euthanasia will now be the "2006 American Association of Zoo Veterinarians Guidelines for Euthanasia of Nondomestic Animals". Methods of euthanizing wildlife must be consistent with these guidelines. Operators will now be required to humanely euthanize prohibited species and will no longer be able to relocate them offsite. Applicants to obtain a wildlife control operator permit must have a good reputation for care of wildlife and compliance with the wildlife laws. A subpermittee may be denied being added to a business permit if the subpermittee does not meet the conditions in OAR 635-435, i.e. pass the required test and have no wildlife violations.

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

A. The only state agency that may be affected by adoption of these rules is the Oregon Department of Fish and Wildlife (ODFW). No significant changes from the current levels of the agency's operations or expenditures are expected as a result of the adoption of these rules.

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. The way that WCOs conduct business will need to be adapted to these proposed rules, which could involve additional costs. For example, the supply of subpermittees may decrease with new restrictions, potentially resulting in labor cost increases for WCOs. It is possible that the rule stipulating that prohibited species may not be reallocated off-site but rather must be euthanized could result in less business for WCOs because customers may be uncomfortable with this. Data is not available to estimate these potential effects. Overall, no significant impacts to the public are expected.

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

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.