

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	(503) 947-6033
Rules Coordinator	Telephone

3406 Cherry Avenue, NE, Salem, OR 9730

RULE CAPTION

Amend rules to delist the Bald Eagle from State List of Threatened and Endangered Species

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 100~~ to OAR 635-100-0125 (rb) 1.20.12
- REPEAL:**
- RENUMBER:**
- AMEND & RENUMBER:**

Stat. Auth. : ORS 496.004, 496.171, 496.172, 496.176, 496.182, 496.192, 498.026

Other Auth.:

Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.176, 496.182, 496.192, 498.026

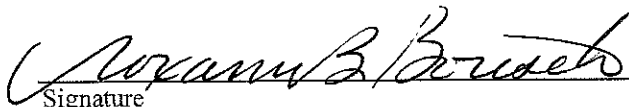
RULE SUMMARY

This rule amendment would remove the Bald eagle (*Haliaeetus leucocephalus*) from the State List of Threatened and Endangered Species.

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

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 (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 State List of Threatened and)	Statement of Need,
Endangered Species, Chapter 635,)	Principal Documents Relied Upon,
Division 100 to OAR 635-100-0125)	

Amend rules to delist the Bald Eagle from State List of Threatened and Endangered Species

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

Statutory Authority: ORS 496.004, 496.171, 496.172, 496.176, 496.182, 496.192, 498.026

Other Authority:

Stats. Implemented: ORS 496.004, 496.171, 496.172, 496.176, 496.182, 496.192, 498.026

Need for the Rule(s):

This rule amendment is to remove the Bald eagle (*Haliaeetus leucocephalus*) from the State List of Threatened and Endangered Species.

Documents Relied Upon, and where they are available:

Oregon Administrative Rules, Oregon Revised Statutes. These documents may be obtained on the internet at <http://www.dfw.state.or.us/> or from the Department of Fish and Wildlife, 3406 Cherry Ave, NE., Salem, OR 97303. Draft biological assessment to be posted to ODFW website on January 27, 2012.

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?:

The draft administrative rules were developed without consulting a rule advisory committee. However, department staff consulted federal and state agencies, affected cities and counties, affected federally-recognized Indian tribes, other states having a common interest in the species, and the interested public. Correspondence from and testimony by interested and affected persons is accepted into the record and is part of the rulemaking process.


Signature

Roxann B. Borisch

Printed name

December 12, 2012

Date

**Fiscal and Economic Impact Statement for the March 9 2012 Hearing
in the Matter of Rules Relating to the Removal the Bald Eagle from the State List of
Threatened and Endangered Species**

The proposed rules would remove the Bald Eagle (*Haliaeetus leucocephalus*) from the State List of Threatened and Endangered Species. A draft biological assessment has been prepared by the Oregon Department of Fish and Wildlife (ODFW). The scientific background for the rule change is drawn principally from ODFW's commissioned research report referenced in the draft biological assessment. The document includes a summary of the requirements of the Oregon Endangered Species Act and is a preliminary assessment of the biological status of the bald eagle in Oregon.

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

A. Several state agencies may be affected by adoption of these rules including the Oregon Department of Fish and Wildlife, the Oregon Department of Forestry, Oregon Parks and Recreation Department and the Oregon Department of Transportation. Delisting would eliminate administrative requirements such as the processing of incidental take permits. However, these birds would still be protected under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act, which are federal laws. No significant changes from the current levels of these state departments' 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 ODFW will continue to work with private landowners on a voluntary basis to avoid disturbances to bald eagles related to logging or other commercial practices. The U.S. Fish and Wildlife Service will continue to provide guidance on compliance with federal statutes through the "Bald Eagle National Management Guidelines" (May 2007). State incidental take permits will no longer be required; however, since no such permits have ever been requested, the adoption of the delisting rule will not be expected to impact the status quo.

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.