

Secretary of State

NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form

Department of Fish and Wildlife	635
Agency and Division	Administrative Rules Chapter Number
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Rules Coordinator	Telephone
Department of Fish and Wildlife, 3406 Cherry Ave. NE, Salem, OR 97303	
Address	

RULE CAPTION

Amendments to 2013 Big Game Regulations

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

Hearing Date	Time	Location	Hearings Officer
1-11-13	8:00 a.m.	3406 Cherry Ave NE, Salem, OR 97303	Oregon Fish and Wildlife

RULEMAKING ACTION

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ADOPT:**AMEND:**

Chapter 635, Divisions 065 & 070

REPEAL:**RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.**AMEND AND RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.**Statutory Authority:**

ORS 496.012, 496.138, 496.146 & 496.162

Other Authority:**Statutes Implemented:**

ORS 496.012, 496.138, 496.146 & 496.162

RULE SUMMARY

Three edits to the 2013 Big Game Regulations are proposed:

- 1) Clarify wording for Division 65, Section 0010, Mandatory Reporting Penalty;
- 2) Add Pennsylvania to the list of states from which chronic wasting disease has been found, and
- 3) Delete Elk Hunt 225C (Coffee Butte).

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

01-11-2013 Close of Business	Therese Kucera	Ter.Kucera@state.or.us	11-13-12 3:45p.m.
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address	Date Filed

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday.

ARC 923-2003

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
A Notice of Proposed Rulemaking Hearing accompanies this form.

Department of Fish and Wildlife
Agency and Division

635
Administrative Rules Chapter Number

Amendments to 2013 Big Game Regulations

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 Relating to the Department of Fish and Wildlife and 2013 Big Game Regulations

Statutory Authority:

ORS 496.012, 496.138, 496.146 & 496.162

Other Authority:

Statutes Implemented:

ORS 496.012, 496.138, 496.146 & 496.162

Need for the Rule(s):

Amendments to 2013 Big Game Regulations are needed for clarification of rules, to add Pennsylvania to list of states where Chronic Wasting Disease (CWD) has been found, and to delete an elk hunt.

Documents Relied Upon, and where they are available:

Draft 2013 Big Game Regulations, 3406 Cherry Avenue NE, Salem, OR 97303

Fiscal and Economic Impact:

[See attached document.]

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

[See attached document.]

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:

[See attached document.]

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

[See attached document.]

c. Equipment, supplies, labor and increased administration required for compliance:

[See attached document.]

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

[See attached document.]

Administrative Rule Advisory Committee consulted?: No

If not, why?:

The draft administrative rules were developed without a rule advisory committee, because these rules make only minor technical adjustments to already adopted rules rather than establish new policy. However, staff consulted regarding these edits to the 2013 Big Game Regulations. Correspondence from and testimony by interested persons is accepted onto record and is part of the rulemaking process.

01-11-2013 Close of Business

Therese Kucera

Teri.Kucera@state.or.us

11-13-12 3:45 PM

Last Day (m/d/yyyy) and Time

Printed Name

Email Address

Date Filed

for public comment

**Fiscal and Economic Impact Statement for the January 11, 2013
Hearing in the Matter of Rules Relating to Edits
to the 2013 Big Game Regulations**

Fiscal and Economic Impact:

Three changes to the Big Game Regulations are proposed. First, a wording change in OAR 635-065-0010 is proposed so that, after the Mandatory Reporting deadline, hunters will not be required to report, but simply to pay the penalty fee.

Second, elk hunt 225C (Coffee Butte), representing 11 tags, would be deleted; these tags could be added to another hunt in the same area, but this would not be known until Commission adopts 2013 tag numbers in June 2013.

A third proposed change would permanently add Pennsylvania to the list of states from which it is illegal to import certain parts of deer and elk because chronic wasting disease has been found there because the current temporary rule making this change will expire on April 22, 2013.

Statement of Cost of Compliance

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

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

- a. No state agencies, including the Oregon Department of Fish and Wildlife, will be significantly affected by the adoption of these rules. It is possible that 11 less elk tags would be available for sale in 2013 and this could mean a marginal loss of revenue to ODFW.
- 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 would not be significantly affected by the adoption of these rules. Fewer elk tags available could impact a few elk hunters by not allowing them to hunt their preferred unit, but other options may be available to compensate. It is possible that some Oregon businesses import deer and elk parts from Pennsylvania and that the way they do business may be impacted by the proposed rules. These impacts cannot be estimated due to lack of data.

2. Cost of compliance effect on small business (ORS 183.336):

- a. There is no anticipated cost of compliance effect on small business.
- b. There would be a reduction in recordkeeping costs relating to mandatory hunt reporting, because rather than keep or recreate records regarding hunting success, a hunter could merely pay the fee, but no other projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services, under these proposed rules.

- c. No changes in equipment, supplies, labor and increased administration are expected to be required for compliance under the proposed rules.

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

Small businesses were not involved in the development of this rule because it is not intended to affect the operation of any small businesses.