

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
Therese Kucera (503) 947-6033
 Rules Coordinator Telephone
Department of Fish and Wildlife, 3406 Cherry Ave. NE, Salem, OR 97303
 Address

RULE CAPTION

Amend Division 060 Rule to Add Agency Fee for Game Bird Application
 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:

645-060-0005 *KS*
 3

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

Amend rule so language is consistent with how other application fees are implemented.

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.

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<u>01-11-2013 Close of Business</u>	<u>Therese Kucera</u>	<u>Teri.Kucera@state.or.us</u>	<u>11-13-12 3:52p.m.</u>
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

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing accompanies this form.

Department of Fish and Wildlife

635

Agency and Division

Administrative Rules Chapter Number

Amend Division 060 Rule to Add Agency Fee for Game Bird Application

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 Chapter 635, Division 060, Game Bird Application Fee

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):

Amend rule so language is consistent with how other application fees are implemented

Documents Relied Upon, and where they are available:

[See attached document.]

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?:

This is an amendment to make all fees charged by the agency be established the same way, but does not change any wildlife policy.

01-11-2013 Close of Business

Therese Kucera

Teri.Kucera@state.or.us

11-13-12 3:52 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 4, 2013
Hearing in the Matter of Rules Relating to the Agency Fee for Game Bird
Applications in Rule**

Fiscal and Economic Impact:

Game Bird Applications enter the purchasers into drawings to hunt game birds in certain management units in Oregon. The applications cost \$2, plus a \$2 agency fee. The OAR that authorizes ODFW to charge the fee for the game bird applications is 635-051-0000(2), which incorporates the fee listed in the regulations by reference. However, this is not consistent with how the authorizations for all of other fees are done. Therefore, the proposed rule would add the game bird application fee to 635-060-0005, where the authorization for the big game applications is located.

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 affected by 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 would not be affected by the adoption of these rules.

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

- a. No small businesses or types of businesses or industries are subject to these proposed rules.
- b. There would not be any 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 required for compliance under the proposed rules.

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

Because small businesses are not affected by the rule, they were not engaged to participate in its development.

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, since no costs or other obligations are required by the rules.