

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, 4034 Fairview Industrial Dr. SE, Salem, OR 97302	
Address	

RULE CAPTION

Amend rules relating to Habitat Conservation Stamp Program

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

Hearing Date	Time	Location	Hearings Officer
6-5-14	8:00 a.m.	4034 Fairview Industrial Drive SE, Salem, OR 97302	Oregon Fish and Wildlife
6-6-14	8:00 a.m.	4034 Fairview Industrial Drive SE, Salem, OR 97302	Oregon Fish and Wildlife

RULEMAKING ACTION

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

ADOPT:**AMEND:**

OAR Chapter 635, Divisions 095 and 008

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, 496.303, 496.571 & 497.071

Other Authority:**Statutes Implemented:**

ORS 496.012, 496.138, 496.146, 496.303, 496.571 & 497.071,

RULE SUMMARY

Amend rules regarding the requirements for submission of artwork, amount paid to contest winner, parking permit and other program provisions.

NOTE:

Commission hearing dates for June are June 5 and 6, 2014 beginning at 8:00 a.m. Exhibits for the Wildlife Division are expected to be completed on June 5, 2014. However, should additional time be needed, the Commission reserves the right to carry over Wildlife Division exhibits on June 6, 2014

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.

<u>06-05-2014 8:00 a.m.</u>	<u>Therese Kucera</u>	<u>Teri.Kucera@state.or.us</u>
Last Day (m/d/yyyy) and Time for public comment	Rules Coordinator Name	Email Address

FILED 4-14-14 3:40 PM ARCHIVES DIVISION SECRETARY OF STATE
--

*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

Secretary of State

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 rules relating to Habitat Conservation Stamp Program

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

In the Matter of:

In the Matter of: Department of Fish and Wildlife Amendment of Chapter 635, Divisions 095 and 008, Habitat Conservation Stamp

Statutory Authority:

ORS 496.012, 496.138, 496.146, 496.303, 496.571 & 497.071

Other Authority:

Statutes Implemented:

ORS 496.012, 496.138, 496.146, 496.303, 496.571 & 497.071,

Need for the Rule(s):

The purpose for these rule amendments is to reduce the contest winner's award (from \$3000 to \$1000), remove the parking permit from the package, thus reducing the cost of the Habitat Conservation Stamp to \$20 (instead of \$40), and other program provisions. Authorized by the Oregon State Legislature (HB 2127), the Habitat Conservation Stamp allows Oregonians and others to purchase an annual stamp and/or print to benefit conservation of Oregon's native species and habitats.

Documents Relied Upon, and where they are available:

Draft rules are available from the division's rules coordinator, located at 4034 Fairview Industrial Drive, SE; Salem, Or 97302. Rules are also on the ODFW website at <http://www.dfw.state.or.us/OARs/index.asp>.

Fiscal and Economic Impact:

Changes are being proposed to the rules relating to the submission of artwork for the Habitat Conservation Stamp art competition. The award for the artist of the winning entry will be changed from \$3,000 to \$1,000. In addition, the annual fee for the Habitat Conservation Stamp will change from the current \$40 (\$38 plus \$2 agent fee) to \$20 (\$18 plus \$2 agent fee). Purchase of the stamp will no longer include a free annual ODFW Wildlife Area Parking Permit.

Statement of Cost of Compliance:

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

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

A. The only state agency that will be affected by adoption of these rules is the Oregon Department of Fish and Wildlife (ODFW). The lowering of the fee for the Stamp could result in slightly lower revenues for ODFW if the level of sales were to be constant with historic sales. It is possible that a lower fee price could stimulate additional sales, but cannot be predicted with any precision. In either case, the effect on revenues received by ODFW would be minimal because the number of Stamps sold is few (<100 per year).

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 will be minimally affected by the adoption of these rules. The proposed changes could make the voluntary submission of artwork to the art competition less attractive to artists. A lower fee for the Habitat Conservation Stamp could incentivize more members of the public to purchase it. No longer including a free annual ODFW Wildlife Area Parking Permit with stamp purchase will be unlikely to decrease sales since buying the stamp and annual parking permit separately will only result in a \$2 increase in total cost (from \$40 to \$42).

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.

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:

None

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

None expected.

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

None expected.

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

Not Applicable

Administrative Rule Advisory Committee consulted?: No

If not, why?:

The draft administrative rules were developed without a rule advisory committee. However, staff consulted with other departments regarding the amendment of the rules to adopt a consistent method for the Habitat Conservation rules.

<u>06-05-2014 8:00 a.m.</u>	<u>Therese Kucera</u>	<u>Teri.Kucera@state.or.us</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address

FILED 4-14-14 3:40 PM ARCHIVES DIVISION SECRETARY OF STATE
--