

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
 A Statement of Need and Fiscal Impact accompanies this form

FILED 6-15-15 11:31 AM ARCHIVES DIVISION SECRETARY OF STATE

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

RULE CAPTION

Amend Rules Relating to Oregon Department of Fish and Wildlife Lands

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

Hearing Date	Time	Location	Hearings Officer
8-7-15	8:00 a.m.	ODFW, 4024 Fairview Industrial Drive SE, Salem, OR 97302	ODFW Commission

RULEMAKING ACTION

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

ADOPT:

AMEND:

OAR Chapter 635, Division 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, 496.012, 496.138, 496.146 & 496.162

Other Authority:

Statutes Implemented:

ORS 496, 496.012, 496.138, 496.146 & 496.162

RULE SUMMARY

Modify language relating to forage removal from Department Lands and include rules governing the administration of the new Coquille Valley Wildlife Area.

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.

08-07-2015 Close of Hearing	Michelle Tate	michelle.l.tate@state.or.us
Last Day (m/d/yyyy) and Time for public comment	Rules Coordinator Name	Email Address

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

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Department of Fish and Wildlife
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635
Administrative Rules Chapter Number

Amend Rules Relating to Oregon Department of Fish and Wildlife Lands

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 OAR Chapter 635, Division 008, related to ODFW Lands

Statutory Authority:

ORS 496, 496.012, 496.138, 496.146 & 496.162

Other Authority:

Statutes Implemented:

ORS 496, 496.012, 496.138, 496.146 & 496.162

Need for the Rule(s):

To amend language regarding forage removal. The current terms "permit" and "permittees" are to be replaced with "agreement" and "agreement holders", respectively, throughout the rule. These language changes are necessary to remove the possibility of contested cases brought against the Department for forage removal services agreements. Additionally, include rules governing the administration of the new Coquille Valley Wildlife Area.

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:

The proposed rule changes would modify language in 635-008-0040 relating to forage removal from Department Lands. The terms "permit" and "permittees" are to be replaced with "agreement" and "agreement holders", respectively, throughout the rule. These language changes remove the possibility of contested cases brought against the Department for forage removal services agreements. In addition, rules governing the administration of the new Coquille Valley Wildlife Area are proposed to be added to Division 008.

Statement of Cost of Compliance:

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

- A. The only state agency that will be affected by adoption of these rules is the Oregon Department of Fish and Wildlife (ODFW). The proposed rule changes will remove the possibility of contested cases brought by forage removal "agreement holders" against the Department and thus could potentially save the Department in legal costs in the future. The administrative rules for the Coquille Valley Wildlife Area will not result in additional staff positions; staff duties will be adjusted within the district. No significant additional costs or revenues for ODFW are expected with these rule changes.
- B. No units of local government are expected to be affected by these rules. The land for the Coquille Valley Wildlife Area was already in ODFW's possession and ODFW pays in lieu taxes on the property to the county government. Thus, the county will see no change in property tax revenues related to 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 affected by these rules. Members of the public who do forage removal on Department Lands will do so under an agreement instead of a permit with the adoption of the proposed rule changes. "Agreement holders" will not experience any change in their business dealings with ODFW other than they will not be able to bring a contested case against the Department related to forage removal work. The Coquille Valley Wildlife Area will have the potential to increase opportunity for hunting, angling, and wildlife viewing in the area, which can result in additional user trips to the area and more expenditures related to those trips. The amount of new opportunity and user days cannot be forecast as they are contingent on the effects of restoration actions planned in the coming years. These proposed rules govern the administration of the wildlife area, not the implementation of restoration actions or creation of access, and are unlikely to impact the



public in any significant way.

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:

Small businesses affected will be farmers, ranchers, and contractors offering forage removal services in the various areas where the Department has properties. The number of affected small businesses is not known as the Department lands are numerous, widely distributed, and apply different management regimes.

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 amendments to these rules. For the Coquille Valley Wildlife Area, between January and November 2013, local ODFW staff held five public review meetings with a Stakeholder Committee at local venues. The Stakeholder Committee is comprised of several local landowners, Drainage District Representatives (Beaver Slough and Coaledo), NRCS, Oregon Hunters Association, South Slough National Estuary Research Reserve, commercial fisherman, and local fisherman and hunters. Draft plans were circulated to the Stakeholder Committee with ample time for input and comment. On June 18, 2015, a public meeting will be held in Coquille, OR.

<u>08-07-2015 Close of Hearing</u>	<u>Michelle Tate</u>	<u>michelle.l.tate@state.or.us</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address

