

Secretary of State

NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form

FILED

6-15-15 11:29 AM

ARCHIVES DIVISION
SECRETARY OF STATE

Department of Fish and Wildlife

Agency and Division

635

Administrative Rules Chapter Number

Michelle Tate

(503) 947-6044

Rules Coordinator

Telephone

Department of Fish and Wildlife, 4034 Fairview Industrial Dr. SE, Salem, OR 97302

Address

RULE CAPTIONAmendments Regarding Harvest of Game Birds, Season Dates, Open Areas and Bag Limits

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, 4034 Fairview Industrial Dr 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, Divisions 08, 010, 044, 045, 051, 052, 053, 054, 056, 060, 200

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, 796.138, 496.146, 496.162, 498.002

Other Authority:**Statutes Implemented:**

ORS 496.012, 796.138, 496.146, 496.162, 498.002

RULE SUMMARY

Amend rules regarding the harvest of game birds including 2015-2016 season dates, open areas, regulations and bag limits.

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 Last Day (m/d/yyyy) and Time for public comment	Michelle Tate Rules Coordinator Name	michelle.l.tate@state.or.us 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.

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

FILED
6-15-15 11:29 AM
ARCHIVES DIVISION
SECRETARY OF STATE

Department of Fish and Wildlife

635

Agency and Division

Administrative Rules Chapter Number

Amendments Regarding Harvest of Game Birds, Season Dates, Open Areas and Bag Limits

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

In the Matter of:

OAR Chapter 635, Amendments Regarding Harvest of Game Birds, Season Dates, Open Areas and Bag Limits

Statutory Authority:

ORS 496.012, 796.138, 496.146, 496.162, 498.002

Other Authority:

Statutes Implemented:

ORS 496.012, 796.138, 496.146, 496.162, 498.002

Need for the Rule(s):

These rules are needed to establish hunting seasons for game birds in a manner to maintain their number at optimum levels and prevent their serious depletion so as to provide optimum recreational benefits for present and future generations of citizens of this state.

Documents Relied Upon, and where they are available:

Draft Oregon Administrative Rules are available for public inspection in the Department of Fish and Wildlife, Wildlife Division, Second Floor, 4034 Fairview Industrial Dr., Salem, Oregon, between 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

Fiscal and Economic Impact:

Rules are proposed to set the 2015-16 seasons for upland and migratory game birds in accordance with the stabilized upland game bird season framework for September 1, 2015 to August 31, 2020 and final federal frameworks for migratory game bird seasons. One noteworthy change in the federal framework for migratory game birds this year is that the Department is no longer required to administer goose check stations for harvested birds. Therefore, the Department will not run goose check stations in the coming season.

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. State agencies which could be affected by rules relating to game bird hunting seasons are the Oregon Department of Fish and Wildlife (ODFW) for wildlife management costs and license sales revenues and the Oregon State Police for enforcement costs. The discontinuation of the goose check stations will mean a cost savings of approximately \$200,000 to ODFW. This is mostly in personnel services, but also some infrastructure savings. Only two of the usual nine seasonal employees will be employed next season and they will be engaged in monitoring duties rather than manning check stations. In 2014-5, Pittman-Robertson funds were used for 75% of goose check station costs, while the other 25% came from the Waterfowl Fund. In seasons previous to 2014-15, the Waterfowl Fund monies covered 100% of the goose check station costs. No other significant changes are expected to regulations pertaining to game bird seasons or hunting opportunity and thus no significant effects on costs or revenues are anticipated.

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 these particular rules.

C. The public is affected by rules relating to game bird hunting seasons. Various sectors of the public economy (hunters, suppliers of hunting equipment, and the general economy) can experience different impacts, though no significant impacts are expected to result from proposed rule changes/updates.

The discontinuation of goose check stations will result in a small benefit to waterfowl hunters, in that they will no longer be required to drive to a check station after harvesting birds. In some cases, check stations were not located near goose hunting areas and waterfowl hunters had to expend gas and time to go to them.

Annual hunting trip and equipment expenditures associated with migratory bird hunting and upland bird hunting (excluding turkey hunting) in Oregon were an estimated \$54.4 million (2014\$) and \$53.1 million (2014\$) respectively in 2006 (U.S. Fish and Wildlife Service, 2008 and International Association of Fish and Wildlife Agencies, 2007). Annual retail sales associated with wild turkey hunting were approximately \$15.2 million (2014\$) in 2006 (U.S. Fish and Wildlife Service, 2008). The 2011 USFWS survey utilized a smaller sample size than in 2006 and, as a result, the sample size for expenditures for migratory bird hunting was too small (less than 10) to report data reliably. The total (direct, indirect and induced) effects on personal income in the areas surrounding the game bird hunting areas (and statewide) are the result of purchases of goods and services made by sportspeople. Through the "multiplier process", there is an increase in overall economic activity and personal income in the general economy associated with the retail sales made to hunters.

The rules relating to game bird hunting seasons could be viewed as reducing positive economic impacts in the short run, compared to an unrestricted situation. However, conservation through the use of a seasonal framework is intended to perpetuate these wildlife resources at optimal levels in the long run. Failure to restrict harvests of game birds to allow escapement for reproduction would result in severe adverse economic effects in the future. The proposed regulations attempt to strike a balance, which will sustain wildlife population levels and maintain future benefits.

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:

The types of business subject to the rule are those that supply goods or services to bird hunters. These may include taxidermy services, hunting guides, private hunting preserve operators, food and beverage stores, gasoline stations, sporting goods stores, general merchandise stores, accommodation businesses, food services and drinking places. Game bird hunting (upland, waterfowl, turkey) occurs in myriad locations throughout the state and thus the number of small businesses subject to the rule cannot be estimated.

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?

There is opportunity for public input during public meetings in the spring of each year, as well as in the form of public comments via correspondence or at the Commission hearing.

Administrative Rule Advisory Committee consulted?: No

If not, why?:

The draft administrative rules relating to hunting seasons were developed without a committee. These rules are amended annually in a public format to administer existing programs and hunting seasons; interested and affected persons are generally aware of this rulemaking schedule. Correspondence from and testimony by interested and affected persons is accepted into record as part of the rulemaking process. These regulation proposals do not vary significantly from rules previously in effect.

<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