

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

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ARCHIVES DIVISION
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Department of Fish and Wildlife
Agency and Division
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635
Administrative Rules Chapter Number
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RULE CAPTION

Establish 2016 Seasons and Regulations for Game Mammals

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

Hearing Date	Time	Location	Hearings Officer
10-9-15	8:00 a.m.	88416 1st Ave. Florence, OR 97439	ODFW Commission

RULEMAKING ACTION

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

ADOPT:

AMEND:

OAR Chapter 635, Divisions: 008, 010, 043, 045, 050, 060, 065, 066, 067, 068, 069, 070, 071, 072, 073, 075, 078, 080

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, SB247 (2015 Law)

RULE SUMMARY

Establish 2016 hunting regulations for game mammals, including season dates, open areas, location of cooperative travel management areas, wildlife areas, and other rules including, but not limited to, general hunting and controlled hunt regulations.

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.

10-09-2015 Close of Hearing Michelle Tate michelle.l.tate@state.or.us
Last Day (m/d/yyyy) and Time Rules Coordinator Name Email Address
for public comment

*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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635
Administrative Rules Chapter Number

Establish 2016 Seasons and Regulations for Game Mammals

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

In the Matter of:

ORS Chapter 635: Amendment of Rules Relating to the Year 2016 Bighorn Sheep, Black Bear, Deer, Elk, Cougar, Pronghorn Antelope, Rocky Mountain Goat and Western Gray Squirrel Hunting Seasons and Associated 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, SB247 (2015 Law)

Need for the Rule(s):

These rules are necessary to establish 2016 hunting seasons and regulations for game mammals in a manner that will maintain their optimum levels and prevent their serious depletion and will provide optimum recreational and aesthetic benefits for present and future generations of citizens of this state, in accordance with ORS 496.012.

Documents Relied Upon, and where they are available:

Census data, 2014 hunting season results, species plans, staff analysis, written and oral presentations presented by experts and public. Draft rules are available from the division's rules coordinator located at Oregon Department of Fish and Wildlife, 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:

Fiscal and economic impact: Rule changes are being proposed to set the hunting regulations for 2016 for game mammals.

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 that could be affected by these rules are the Oregon Department of Fish and Wildlife (wildlife management costs) and the Oregon State Police (enforcement costs). No major changes from the current levels of these agencies' operations or expenditures are expected as a result of adoption of these particular rules.

If approved, the proposed Special Opportunity "Premium" Hunt Series could result in additional revenues for ODFW. The concept is that one additional Premium Hunt tag for deer and elk would be available for most Wildlife Management Units (WMUs). Tags for antelope would be available in a limited number of WMUs. These tags proffer the privilege to hunt those animals in the respective WMU for an extended season and could potentially be in high demand. Hunters could buy one application for a Premium Hunt for each species. The exact number of Premium Hunt tags that would be available is not yet determined, but could be in the range of 60-70 deer tags, 60-70 elk tags, and 20-25 antelope tags each year. In an ODFW customer survey conducted by Southwick Associates in 2013, 67% of hunters indicated that, if offered, they would buy an application for a Premium Hunt like these in addition to the application(s) they usually purchase. Controlled Hunt application sales would increase substantially if hunters' actual behavior tracked closely with the hypothetical behavior expressed in the survey responses. More likely, some hunters may purchase a Premium Hunt application instead of their "regular" application(s) and some hunters will not purchase a Premium Hunt application at all. In 2014, there were about 122,000 unique buyers of elk tag applications, about 117,000 unique buyers of buck deer applications, and about 50,000 buyers of antelope tag applications. To create a rough (perhaps conservative) estimate, suppose that 5% to 10% of hunters in each of those three big game hunter groups purchased an additional application for a Premium Hunt for that species, in addition to their other application purchases. In that scenario, there would be about 14,500 to 29,000 additional application sales. At \$8 per application, that would mean about \$115,000 to \$230,000 additional revenue in license dollars per year. Given the complex dynamics in application buyer behavior and other factors, the number of applications that might be sold for Premium Hunts cannot be forecast with any precision. Overall, the additional revenue would not be expected to affect significantly agency operations or expenditures.

b. No units of local government are expected to be significantly 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 establishment of these hunting seasons and regulations.

c. The public is affected by the rules relating to the hunting seasons.

Various sectors of the public economy (hunters, suppliers of hunters, and the general economy) will experience different impacts. The economic impact of changes in hunting rules depends primarily on the changes in hunting opportunities associated with the rule changes and related effects on direct expenditures by hunters. These effects are best measured by estimating the magnitude of changes in the number of hunter days and estimating the resulting changes in expenditures made by hunters, and the associated effects on personal income.

In general, no significant changes in hunter participation levels are anticipated in 2016 compared to 2015, assuming adverse weather and environmental conditions are not experienced between now and the time that tag levels are finally set. Some controlled hunts have been removed or tag numbers reduced, while others controlled hunts have been added (or tag numbers increased) to manage animal populations and/or damage caused by wildlife.

The total (direct, indirect and induced) effects on personal income in the areas surrounding the associated hunting areas and statewide are the result of the direct expenditures on goods and services made by sport participants during their hunting trips. Through the "multiplier process", there is a resulting increase in economic activity and personal income in the general economy of the area and the entire state.

Survey data from 1989 - 1991 from Starkey Experimental Forest hunts in Eastern Oregon indicate average overall trip expenditure by elk and deer hunters of about \$285, with nearly \$150 of the total made in Eastern Oregon. This is equivalent to an average expenditure of \$52.36 per hunter day, of which an average of \$27.52 per hunter day was made in Eastern Oregon. In inflation adjusted 2015 dollars, the average expenditure per hunter day would amount to about \$92 per hunter day, of which an average of \$48 would be spent in Eastern Oregon.

The relationship between direct, indirect and induced personal income from the direct trip expenditures per hunter day can be estimated based on response coefficients developed from an economic input-output model. Using the 1989 - 1991 Starkey Experimental Forest data and information on the relationship between expenditures and the personal income associated with the spending, the state-level personal income impact per hunter day for Eastern Oregon deer and elk was about \$39; the personal income impact in Eastern Oregon was about \$13 per hunter activity day. Adjusting for inflation since 1991, the personal income impacts in 2015 dollars would be about \$68 per hunter day at the state level, and about \$23 per hunter day in Eastern Oregon.

A more recent survey conducted for ODFW and Travel Oregon by Dean Runyan Associates found that hunting-related direct expenditures were \$517.94 Million in 2008 for all of Oregon. This includes trip costs, such as food, lodging/camping, gasoline, guide fees, and equipment expenditures. The equipment category represents the majority (about 62%) of those expenditures.

According to data from the 2006 National Survey of Fishing, Hunting and Wildlife-Associated Recreation (2008), total hunter expenditures in Oregon were about \$373.6 million in 2006. The impact on state level personal income was slightly over \$259 million, and the effect on gross output was \$827.4 million in 2006.

An economic survey of 1991 Oregon bighorn sheep hunters was conducted after the 1991 season. Analysis of questionnaires returned by 48 of 60 Oregon bighorn sheep hunters indicated a substantially higher level of expenditure for these highly rationed hunts. The estimated average variable expenditure per bighorn sheep hunting trip was \$1,164 per hunter for various trip related needs, excluding purchases of durable equipment and license and tag fees. Durable equipment expenditures averaged \$511 per hunter. Of the \$1,164 of average trip expenditures, an estimated 58 percent, or nearly \$679 per hunter was made in Eastern Oregon. Average variable trip expenditures on a per day basis for hunting were \$304. Measured in terms of the personal income (direct, indirect and induced) associated with the expenditures, the \$1,164 of trip expenditures produced an estimated \$1,041 in personal income at the state level. The personal income impact of the \$679 per trip expenditure in Eastern Oregon was about \$469. Adjusted to 2015 dollars, these personal income impact estimates would amount to about \$1,824 per hunter at the state level and \$822 per hunter in Eastern Oregon.

The estimates above will be reasonably good measures of the impact on total personal income per hunter day to the extent that the dollars spent for the hunting trips would not have been spent on other activities or commodities in Oregon had there been no hunting seasons. The economic impacts of hunters' expenditures on durable equipment associated with hunting are not included in the estimates above. These equipment expenditures are not necessarily related to hunter use in a simple linear fashion, and hence, may not be significantly affected by marginal changes in seasons. However, there is probably a positive relationship between hunting opportunities and equipment expenditures, particularly in the long run.

The effect of changes in numbers of hunters and hunter activity on personal income in the regions and at the state level can be estimated using the personal income impact per day estimates. However, the aggregate impact depends on the magnitude of the changes in the number of hunters and hunter days. As indicated above, no major changes in the game mammal regulations are expected for 2016 compared to 2015. However, depending on the weather this winter and other environmental factors affecting survival, there may be changes in the numbers of controlled hunt tags available in 2016, especially deer hunts. Obviously, the magnitude of these changes can't be predicted, but should a hard winter occur, the effects on tag availability would probably be greater than the effects of any changes in these proposed regulations.

The current restrictions in some of the hunting seasons for game mammals can be viewed as restricting opportunities and reducing positive economic impacts in the short run. However, conservation through adjustment of these and other game mammal hunting seasons is intended to perpetuate the resources at optimum levels over the long run. Failure to restrict harvests of game animals to allow escapement for reproduction would result in reduced hunting opportunities in the future. The proposed regulations strike a balance that will sustain game mammal population levels and maintain future benefits.

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

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

The types of business subject to the rule are primarily those that supply goods or services to 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. Big game hunting 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?

In May of 2015, 21 public meetings were held throughout the state to review staff proposals concerning the 2014 controlled hunts and 2015 hunting seasons. Testimony and comments from interested individuals were collected at these meetings.

Administrative Rule Advisory Committee consulted?: No

If not, why?:

The draft administrative rules were developed without a committee of interested or affected persons. These rules are amended annually to administer an existing program; interested and affected persons are generally aware of this rulemaking schedule. Correspondence from interested and affected persons and testimony received at town hall meetings as well as the hearing are accepted into the record and considered as part of the rulemaking process. In addition, recommendations from the Archery Review Committee and Oregon State Police were taken into consideration for rule development.

<u>10-09-2015 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

References

Dean Runyan Associates. Fishing, Hunting, Wildlife Viewing, and Shellfishing in Oregon, 2008. Prepared for the Oregon Department of Fish and Wildlife, May 2009.

Oregon Department of Fish and Wildlife. Unpublished Analysis of Hunter Expenditure Data Collected from Hunters on the Starkey Experimental Forest, 1989 - 1991.

Oregon Department of Fish and Wildlife. Unpublished Analysis of Hunter Expenditure Data Collected from 1991 Oregon Bighorn Sheep Hunters.

Southwick Associates. A Survey of Oregon's Resident and Nonresident Sportsmen, April 2014.

U.S. Fish and Wildlife Service. 1996 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation - Oregon. 1998.

U.S. Fish and Wildlife Service and U.S. Census Bureau. 2006 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation - Oregon. 2008.