

Secretary of State

NOTICE OF PROPOSED RULEMAKING HEARING*

A Statement of Need and Fiscal Impact accompanies this form

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ARCHIVES DIVISION
SECRETARY OF STATE

Department of Fish and Wildlife

635

Agency and Division

Administrative Rules Chapter Number

Michelle Tate

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Rules Coordinator

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

Address

RULE CAPTIONAmend Rules Related to Hunting, Angling, and Commercial Fishing Fees

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:

OAR Chapter 635, Divisions

001, 004, 005, 006, 007, 008, 010, 011, 040, 043, 044, 046, 047, 048, 049, 050, 051, 055, 056, 060, 065, 066, 067, 075, 090, 095, and 200 as necessary.

AMEND:

OAR Chapter 635, Divisions

001, 004, 005, 006, 007, 008, 010, 011, 040, 043, 044, 046, 047, 048, 049, 050, 051, 055, 056, 060, 065, 066, 067, 075, 090, 095 and 200 as necessary.

REPEAL:

OAR Chapter 635, Divisions

001, 004, 005, 006, 007, 008, 010, 011, 040, 043, 044, 046, 047, 048, 049, 050, 051, 055, 056, 060, 065, 066, 067, 075, 090, 095 and 200 as necessary.

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 183 and 496; SB 247 (2015).

Other Authority:**Statutes Implemented:**

ORS 183 and 496; SB 247 (2015).

RULE SUMMARY

Adopt amendments to the Oregon Administrative rules to implement SB247, enacted by the 2015 Legislative Assembly. Per Senate Bill 247, incrementally decreases, increases or establishes certain fees related to hunting, angling and commercial fishing over six-year period, applicable January 1, 2016, January 1, 2018 and January 1, 2020.

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
for public comment

Rules Coordinator Name

Email Address

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

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Department of Fish and Wildlife
Agency and Division

635
Administrative Rules Chapter Number

Amend Rules Related to Hunting, Angling, and Commercial Fishing Fees

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 Related to the Department of Fish and Wildlife Hunting, Angling, and Commercial Fishing Fees

Statutory Authority:

ORS 183 and 496; SB 247 (2015).

Other Authority:

Statutes Implemented:

ORS 183 and 496; SB 247 (2015).

Need for the Rule(s):

Per Senate Bill 247, incrementally decreases, increases or establishes certain fees related to hunting, angling and commercial fishing over six-year period, applicable January 1, 2016, January 1, 2018 and January 1, 2020.

Documents Relied Upon, and where they are available:

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 97303. SB 247 available from Department or at: <https://olis.leg.state.or.us/liz/2015R1/Measures/Overview/SB247>

Fiscal and Economic Impact:

Rule changes are being proposed to establish new fees and to increase the cost of a number of licenses and permits issued by the Oregon Department of Fish and Wildlife (ODFW). The fees in this exhibit are administratively established, i.e., non-statutory. Like most statutory recreational fees, many of these fees will change incrementally every two years over the six-year license fee period, as indicated in the enrolled SB 247 (agency fee bill). Thus, most administrative fees will change first in 2016, then in 2018 and 2020. The fee schedule for these administrative fees is found at the end of the document. The additional revenues from this fee adjustment will support the agency's programs into the future and will roughly account for inflation in the cost of doing business. Most of these administratively established fees have not been changed in since 2010.

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

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

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

See attached

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

See attached

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

Various small businesses provided feedback during the development process of the fee proposal through the Department's External Budget Advisory Committee (EBAC). Four EBAC meetings were held in Salem during the period of March 11th through May 1st 2014. Select members of EBAC were also present and provided input during the Legislative Workshops for SB 247.

Administrative Rule Advisory Committee consulted?: No

If not, why?:

These fees were set by the legislature, although Department staff hosted a series of public meetings to present fee increase proposals and

get feedback from the public in the development of SB 247. Public meetings were held in Clackamas, La Grande, Bend, Newport, Tillamook, Coos Bay/North Bend, Roseburg, and Klamath Falls during the period of May 19th through May 29th 2014.

<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

Fiscal and Economic Impact Statement for the October 9, 2015 Hearing in the Matter of Rules Relating to Non-Statutory License and Permit Fees

Rule changes are being proposed to establish new fees and to increase the cost of a number of licenses and permits issued by the Oregon Department of Fish and Wildlife (ODFW). The fees in this exhibit are administratively established, i.e., non-statutory. Like most statutory recreational fees, many of these fees will change incrementally every two years over the six-year license fee period, as indicated in the enrolled SB 247 (agency fee bill). Thus, most administrative fees will change first in 2016, then in 2018 and 2020. The fee schedule for these administrative fees is found at the end of the document. The additional revenues from this fee adjustment will support the agency's programs into the future and will roughly account for inflation in the cost of doing business. Most of these administratively established fees have not been changed in since 2010.

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 would be affected by adoption of these rules is the Oregon Department of Fish and Wildlife (ODFW). Increased revenues from changes in administrative fees are projected to total about \$900,000 in 2015-17, the majority going to general license dollars in Other Funds. Additional revenues in the 2017-19 and 2019-21 biennia are estimated to be marginally higher due to small increases in many administrative fees scheduled for 2018 and 2020. The commercial fishing fee increases considered here will stay the same through 2021 and are expected to bring about \$4,00 in additional revenues into the Commercial Fish Fund per biennium. Due to limited data, buyer response to the fee changes cannot be predicted with any precision. Because of this and other variable factors, such as weather, levels of fish and wildlife population, etc., revenues cannot be forecast with any precision and the projected revenues should be considered very rough estimates.

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 could be affected by the adoption of these rules. The public will be required to pay more for the above permits than current fees. Certain commercial fishing businesses will also pay more annually for these permits and licenses.

Occupational/Miscellaneous Fees

Fee Title/Description	Current Fee	2016 Fee	Additional Revenues 2015-17
Wildlife Site Inspection	\$0.00	\$150.00	\$4,500
Facility Inspection (New Falconers)	\$17.00	\$0.00	-\$408
Falconry License (3-year license)	\$127.00	\$137.00	\$420
Raptor Capture Permit (Falconry)	\$17.00	\$25.00	\$928
Cervid Propagation License - Type 1	\$27.00	\$60.00	\$990
Cervid Propagation License - Type 2	\$27.00	\$60.00	\$1,254
Hide Dealer & Antler Dealer Permit	\$17.00	\$34.00	\$9,894

Wild Bird Seal (Private Hunt Preserve)	\$15.00	\$16.00	\$70
Bobcat Record Card	\$22.00	\$35.00	\$54,600
Otter Record Card	\$17.00	\$35.00	\$6,750
Wildlife Area Daily Parking Permit	\$7.00	\$10.00	\$230,862
Wildlife Area Annual Parking Permit	\$22.00	\$30.00	\$180,112
Wildlife Holding Permit	\$17.00	\$25.00	\$848
Special Opportunity Hunt Series Application	\$0.00	\$8.00	\$320,000
Controlled Hunt App Change Request Fee	\$0.00	\$25.50	\$25,500
Guide/Outfitter Controlled Hunt Application	\$8.00	\$30.00	\$22,000
Competitive Hunting Dog Permit	\$0.00	\$28.00	\$1,960
Wildlife Sci/Educ. Taking Permit (K-12)	\$17.00	\$0.00	-\$68
Wildlife Sci/Educ. Taking Permit (Other)	\$102.00	\$108.00	\$1,452
Fish Scientific/Educ. Taking Permit (K-12)	\$17.00	\$0.00	-\$204
Fish Scientific/Educ. Taking Permit (Other)	\$102.00	\$108.00	\$3,180
Fish Transport Permit	\$12.00	\$40.00	\$36,288
Grass Carp Permits	\$100.00	\$335.00	\$1,410
Game Fish Tournament Permit	\$0.00	\$108.00	\$5,400
Unique Fishing Opportunities Raffle	\$0.00	\$8.00	\$20,000
Total Additional Revenue			\$927,738

Commercial Fishing Fees

Fee Title/Description	Current Fee	2016 Fee	Additional Revenues 2015-17
Sardine Permit - Resident	\$102.00	\$127.00	\$400
Sardine Permit - Nonresident	\$102.00	\$177.00	\$2,550
Brine Shrimp Permit - Resident	\$102.00	\$127.00	\$350
Brine Shrimp Permit - Resident	\$102.00	\$177.00	\$225
Bay Clam Dive Permit (Coastwide) - Resident	\$102.00	\$127.00	\$350
Bay Clam Dive Permit (Coastwide) - Nonresident	\$102.00	\$177.00	\$0
Bay Clam Dive Permit (South Coast) - Resident	\$102.00	\$127.00	\$150
Bay Clam Dive Permit (South Coast) - Nonresident	\$102.00	\$177.00	\$0
Total Additional Revenue			\$4,025

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

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

A wide variety of businesses or industries with small businesses, including cervid farms, private hatcheries, accommodation businesses, food and beverage services, food stores, general merchandise or other retail stores, sporting good stores, ground transportation, outfitters/guides, commercial fishing concerns, and seafood processors. Given the statewide reach of this rule, the number of small businesses affected by the rule cannot be estimated.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:
No additional costs anticipated.

c. Equipment, supplies, labor and increased administration required for compliance under the proposed rules.
No additional costs anticipated.

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.

The rules are believed to be fully compatible with legislative direction on the goals of wildlife management in Oregon.

Oregon Department of Fish and Wildlife Administrative Fee Schedule				
Prices shown include all vendor fees. New fees take effect on Jan. 1 of 2016, 2018, or 2020.	Current Fee	2016 Fee	2018 Fee	2020 Fee
WILDLIFE SITE INSPECTION FEE	-	\$150.00	\$156.00	\$160.00
FALCONRY INSPECTION FEE	\$17.00	\$0.00	\$0.00	\$0.00
FALCONRY - 3-YR LICENSE	\$127.00	\$137.00	\$142.50	\$147.00
FALCONRY - CAPTURE PERMIT	\$17.00	\$25.00	\$26.00	\$27.00
CERVID PROPAGATION - I	\$27.00	\$60.00	\$62.50	\$64.50
CERVID PROPAGATION - II	\$27.00	\$60.00	\$62.50	\$64.50
HIDE/ANTLER DEALER PERMIT	\$17.00	\$34.00	\$35.50	\$36.50
WILD BIRD SEAL (PRIV. HUNT PRESERVE)	\$15.00	\$16.00	\$16.50	\$17.00
BOBCAT RECORD CARD	\$22.00	\$35.00	\$36.50	\$37.50
OTTER RECORD CARD	\$17.00	\$35.00	\$36.50	\$37.50
WILDLIFE AREA PKING - DAY	\$7.00	\$10.00	\$10.00	\$10.00
WILDLIFE AREA PKING - ANNUAL	\$22.00	\$30.00	\$30.00	\$30.00
WILDLIFE HOLDING PERMIT	\$17.00	\$25.00	\$26.00	\$27.00
SPECIAL OPPORTUNITY HUNTING SERIES APPLICATION	-	\$8.00	\$8.00	\$8.00
GUIDE/OUTFITTER CH APPLICATION	\$8.00	\$30.00	\$31.00	\$32.00
CONTROLLED HUNT APPLICATION CHANGE REQUEST FEE	-	\$25.50	\$25.50	\$25.50
COMPETITIVE HUNTING DOG PERMIT	\$0.00	\$28.00	\$29.00	\$30.00
WL SCIENTIFIC TAKE PERMIT - K-12	\$17.00	\$0.00	\$0.00	\$0.00
WL SCIENTIFIC TAKE PERMIT - Other	\$102.00	\$108.00	\$114.50	\$121.50
FISH SCIENTIFIC TAKE PERMIT - K-12	\$17.00	\$0.00	\$0.00	\$0.00
FISH SCIENTIFIC TAKE PERMIT - Other	\$102.00	\$108.00	\$114.50	\$121.50
FISH TRANSPORT PERMIT	\$12.00	\$40.00	\$42.50	\$45.00
GRASS CARP STOCKING PERMIT	\$100.00	\$335.00	\$355.00	\$375.00
GAME FISH TOURNAMENT PERMIT	-	\$108.00	\$114.50	\$121.50
UNIQUE FISHING OPPORTUNITIES RAFFLE	-	\$8.00	\$8.00	\$8.00