

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

<p><b>FILED</b>                  10-15-15 2:50 PM                  ARCHIVES DIVISION                  SECRETARY OF STATE</p>
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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**

Amendments to Wildlife Control Operators Rules

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

Hearing Date	Time	Location	Hearings Officer
12-4-15	8:00 a.m.	Embassy Suites, 7900 NE 82nd Avenue, Portland, OR 97220	ODFW Commission

**RULEMAKING ACTION**

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

**ADOPT:**

**AMEND:**

OAR 635, Division 435

**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 Ch. 496.012, 496.138, 496.146, & 496.162

**Other Authority:**

**Statutes Implemented:**

ORS Ch. 496.012, 496.138, 496.146, & 496.162

**RULE SUMMARY**

These rules are needed to change or update various aspects of agency management of Wildlife Control Operators.

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.

12-04-2015 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
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\*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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**STATEMENT OF NEED AND FISCAL IMPACT**  
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Agency and Division

Administrative Rules Chapter Number

Amendments to Wildlife Control Operators Rules

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

In the Matter of:

Rules pertaining to OAR Chapter 635, Division 435, Wildlife Control Operators

**Statutory Authority:**

ORS Ch. 496.012, 496.138, 496.146, & 496.162

**Other Authority:**

**Statutes Implemented:**

ORS Ch. 496.012, 496.138, 496.146, & 496.162

**Need for the Rule(s):**

Amendments are being proposed to update rules governing the activities of Wildlife Control Operators in the state., including proposed fees associated with the program.

**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 rules are to change or to update various aspects of agency management of wildlife control operators. Fiscal and economic impacts discussed below pertain to the proposed rules at the time of the writing of this FIS.

Wildlife Control Operators (WCO): Currently, the WCO permit is free and valid for one year; under proposed rules, the permit would require a fee of \$60 and would be valid for two years. Under current rules only the business owner was required to pass the WCO test and employees of the business would sign a document stating that they read the WCO training manual. Under proposed rules, anyone conducting WCO activities will be required to complete and pass the WCO test at a cost of \$25 each time the test is administered. With the exception that a business owner who does not conduct any WCO activities would not be required to take the WCO test. WCO that are renewing their permit would be required to either retake the WCO test and pay the associated cost of \$25 or to complete 12 hours of continuous education credits during the two-year permit period and be exempt from retaking the WCO test. The business owner will now be responsible to submit monthly reports on activities for all WCOs in the firm, whereas previously each WCO in the firm had to submit his or her own monthly activity report.

**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 (ODFW) and the Oregon State Police. No significant changes from the current levels of these agencies' staffing, expenditures, or revenues are expected as a result of these particular rules.

Wildlife Control Operators: There will be some additional revenues to ODFW related to the establishment of fees for the WCO permit and test, but this amount is not expected to exceed \$10,000 per two-year permit period.

B. Units of local government are not expected to be affected by the proposed rules.

C. The public is affected by the proposed rules.

Wildlife Control Operators: Wildlife control operators would have new costs associated with obtaining a permit and having "certified employees". In most cases, these new costs are insignificant relative to the revenue potential of the WCO work. Moreover, the fees for permitting were actually requested by professional WCOs in Oregon in order to professionalize the industry. Continuing education could potentially provide WCOs with improved techniques and methods to conduct control activities more effectively and efficiently, thereby reducing costs by the business owner.

**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 main types of small business subject to the rule are wildlife control operators. ODFW issued 86 WCO permits in 2014.

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

No significant changes in these costs are expected for the small businesses subject to the rule.

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

No significant changes in these costs are expected for the small businesses subject to the rule.

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

Three Wildlife Control Operators are members of the Wildlife Control Operator Task Force

**Administrative Rule Advisory Committee consulted?: Yes**

**If not, why?:**

12-04-2015 Close of Hearing	Michelle Tate	michelle.l.tate@state.or.us
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address