

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

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Rules Coordinator

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Address

RULE CAPTION

Amendments to Wildlife Rehabilitation 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 Ave, Portland, OR 97220	ODFW Commission

RULEMAKING ACTION

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

ADOPT:

OAR Chapter 635, Division 062

AMEND:**REPEAL:**

OAR Chapter 635, Division 044, 0200 through 0310

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, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

Other Authority:**Statutes Implemented:**

ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

RULE SUMMARY

The proposed rules are to change or to update various aspects of agency management of wildlife rehabilitation. At a later date, rule amendments related to Wildlife Holding and Wildlife Propagating will be addressed.

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 commentMichelle Tate
Rules Coordinator Namemichelle.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.

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of State

STATEMENT OF NEED AND FISCAL IMPACT
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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 044, Rules 0200 through 0310, Wildlife Rehabilitation Permits

Statutory Authority:

ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

Other Authority:

Statutes Implemented:

ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

Need for the Rule(s):

Amendments are being proposed to update rules governing the activities of Wildlife Rehabilitation, including updated permit conditions and requirements, notification guidelines, and guidance for restricted and sensitive species. Permit holders may now consult the updated online 2013 Edition of American Veterinary Medical Association Guidelines for the Euthanasia of Animals at no cost instead of purchasing the printed 2006 Edition of the American Association of Zoo Veterinarians-Guidelines for the Euthanasia of Nondomestic Animals.

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 rehabilitation permits. Fiscal and economic impacts discussed below pertain to the proposed rules at the time of the writing of this FIS.

Wildlife Rehabilitation: Rules relating to wildlife rehabilitation are being moved to their own Division. The wildlife rehabilitation permit continues to be free. Under proposed rules, permit holders may now use the free online 2013 Edition of American Association of Zoo Veterinarians (AZA) - Guidelines for the Euthanasia of Nondomestic Animals instead of buying the printed 2006 Edition. Relating to restricted animals, wildlife rehabilitators must now notify the local ODFW district biologist within 24 hours of receiving a coyote into their facility and immediately upon receiving a cougar, black bear, or wolf into their facility. Under proposed rules, new language has been added for restricted species including black bear, cougars, ungulates, raccoons, and wolves among other rare, protected, and sensitive species, requiring that wildlife rehabilitation facilities obtain prior Department approval to hold and rehabilitate and must meet "all specifications and standards for design, construction," etc. as designated by the Department.

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 Rehabilitation: Some staff time may be needed to develop the specifications and standards for rehabilitation facilities for certain restricted species, though this work will be absorbed with existing staff and expenditures. 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 Rehabilitation: Wildlife rehabilitators who wish to hold and rehabilitate certain restricted species will be required to upgrade their facilities to specifications and standards determined by the Department, if those facilities do not currently meet those standards. This could mean additional costs for those rehabilitators, though precise costs cannot be estimated since rehabilitator facilities and resources vary greatly and the costs for facility and construction requirements, animal capacity, etc. vary by restricted species.

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 businesses or not-for-profits engaged in wildlife rehabilitation. ODFW issued 54 wildlife rehabilitation 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?

Twelve different licensed Wildlife Rehabilitators as part of the wildlife rehab community reviewed the rules and provided suggestions which were included in the draft document.

Administrative Rule Advisory Committee consulted?:Yes

If not, why?:

Wildlife Rehab Task Force (of 2012 rule revision) were part of this review process. Department staff and the twelve rehabilitators referred to in the previous section developed the 2012 rules and reviewed current changes along with input from the Wildlife Holding Advisory Group.

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