

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

<b>Attachment 2</b> <b>FILED</b> 4-14-16 9:47 AM ARCHIVES DIVISION SECRETARY OF STATE
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<u>Department of Fish and Wildlife</u>	635
Agency and Division	Administrative Rules Chapter Number
<u>Michelle Tate</u>	(503) 947-6044
Rules Coordinator	Telephone
<u>Department of Fish and Wildlife, 4034 Fairview Industrial Dr. SE, Salem, OR 97302</u>	
Address	

**RULE CAPTION**

Amendment to Wildlife Control Operator Rules

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

Hearing Date	Time	Location	Hearings Officer
6-9-16	1:00 p.m.	ODFW, 4034 Fairview Industrial Drive SE, Salem, OR 97302	ODFW Commission
6-10-16	8:00 a.m.	ODFW, 4034 Fairview Industrial Drive SE, Salem, OR 97302	ODFW Commission

**RULEMAKING ACTION**

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

**ADOPT:**

**AMEND:**

635-435-0010

**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**

The Commission approved amendments to Division 435, Wildlife Control Operators, on December 4, 2015. Additional amendments are needed to correct 435-0010(3) regarding the time frame for bat control activities.

NOTE: Commission hearing dates for June are June 9 and June 10, 2016. (On June 9th the meeting will begin at 1:00 p.m. On June 10, the meeting will begin at 8:00 a.m.) Exhibits for the Wildlife Division are expected to be completed on June 9, 2016. However, should additional time be needed, the Commission reserves the right to carry over Wildlife Division exhibits on June 10, 2016.

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.

<u>06-09-2016 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	Rules Coordinator Name	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**  
4-14-16 9:47 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

Department of Fish and Wildlife  
Agency and Division

635  
Administrative Rules Chapter Number

Amendment to Wildlife Control Operator 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 635-435-0010(3), 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):**

This rule amendment is necessary to correct Wildlife Control Operators time frame for bat control. A temporary rule was filed on December 9, 2015 to make this correction and permanent rule making is being proposed at the June 2016 Commission meeting.

**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 rule is to make permanent a temporary rule that corrects the time frame for bat control in the Wildlife Control Operators regulations. Fiscal and economic impacts discussed below pertain to the proposed rules at the time of the writing of this FIS.

**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.
- B. Units of local government are not expected to be affected by the proposed rules.
- C. The public is not affected by the proposed rules.

**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?:

06-09-2016 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