

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

Attachment 2 FILED 4-14-16 9:44 AM ARCHIVES DIVISION SECRETARY OF STATE

<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

Modify 2016-2018 Furbearer Trapping and Hunting Regulations

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:

OAR Chapter 635, Divisions 008, 043, 045, 048, 050 and 200

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 and 496.162

Other Authority:

Statutes Implemented:

ORS 496.012, 496.138, 496.146 and 496.162

RULE SUMMARY

Amend rules regarding seasons and bag limits for the 2016-2017 and 2017-2018 furbearer harvest and pursuit seasons and general furbearer trapping and hunting regulations.

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

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

FILED
4-14-16 9:44 AM
ARCHIVES DIVISION
SECRETARY OF STATE

Department of Fish and Wildlife
Agency and Division

635
Administrative Rules Chapter Number

Modify 2016-2018 Furbearer Trapping and Hunting Regulations

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 Relating to Furbearer Harvest and Pursuit Seasons and General Furbearer Trapping and Hunting Regulations

Statutory Authority:

ORS 496.012, 496.138, 496.146 and 496.162

Other Authority:

Statutes Implemented:

ORS 496.012, 496.138, 496.146 and 496.162

Need for the Rule(s):

This action is necessary to establish harvest and pursuit seasons for furbearers to maintain their numbers at optimum levels and provide optimum recreational and aesthetic benefits for citizens of this state.

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:

See attached

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?

Not applicable.

Administrative Rule Advisory Committee consulted?: No

If not, why?:

These rules are amended biennially and reviewed annually to administer an existing program. Interested and affected persons are generally aware of this rulemaking schedule. Department staff met with interested stakeholders and members of the public. Correspondence from and testimony by interested persons is accepted into record and is part of the rulemaking process.

<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	Printed Name	Email Address
for public comment		

**Fiscal and Economic Impact Statement for the June 9, 2016 & June 10, 2016
Hearing In the Matter of Rules Relating to the 2016-17 and 2017-18
Furbearer Harvest and Pursuit Seasons**

Furtaker licenses are required to trap and hunt furbearing mammals in Oregon. These include bobcat, muskrat, river otter, beaver, and raccoon, among others. Record cards are required to take western bobcat, eastern bobcat, and river otter. As of the writing of this fiscal impact statement, there are no proposed rule changes that would be expected to have a significant fiscal impact.

Statement of Cost of Compliance

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

Proposed rules will affect state agencies, units of local government, and the public, respectively, as discussed below:

A. State agencies which could be affected by rules relating to furbearer seasons are the Oregon Department of Fish and Wildlife (wildlife management costs) and the Oregon State Police (enforcement costs). However, no significant changes from the current levels of these agencies' operations or expenditures are expected as a result of these particular rules.

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 is affected by rules relating to furbearer seasons. Various sectors of the public economy (trappers and their suppliers, purchasers of furs, livestock producers, and the general economy) will experience different impacts. The economic impact of possible changes in furbearer harvest rules depends primarily on the effects on (a) furbearer harvesters through changes in harvest levels, (b) livestock producers through changes in the level of predator control and (c) other parties through changes in predator control. An Oregon State University economic report by Gum and O'Connor (1987) contained a discussion of these effects that is still useful as background information. We expect no significant changes in the level of predator harvest that could affect livestock producers.

Table 1 contains a summary of license sales and revenues for the for the 2014-15 furtaking season. Oregon licensed 864 resident furbearer hunters and 947 resident furtakers who can both trap and hunt. There were 2,112 record cards (bobcat & otter) sold. Overall license revenues were about \$140,000.

Table 1. 2014-15 sales for furtaker and furbearer licenses in Oregon

License Type	# Sold	Fee	Revenue
Resident Hunt and Trap	947	\$47.00	\$44,509
Resident Hunt Only	864	\$22.00	\$19,008
Non-Resident Furtakers	72	\$352.00	\$25,344
Juvenile Furtaker (14-17)	70	\$17.00	\$1,190
Western Bobcat Card	676	\$22.00	\$14,872
Eastern Bobcat Card	1104	\$22.00	\$24,288
River Otter Card	332	\$17.00	\$5,644
Fur Dealer Permit	101	\$52.00	\$5,252
			\$140,107

Estimated harvest levels in Table 2 are drawn from the 2014-15 mandatory harvest report and include both trapping and hunting. These harvest numbers are considered “minimum” because the mandatory reporting does not have 100% compliance and thus the actual total harvest is likely underestimated. Under statute, species defined as predatory, such as beavers and coyotes, may be taken on private property without reporting. Therefore, the reported harvest of these species are likely underestimated (especially coyotes). The pelt values are the weighted averages of the OTC 2016 Prineville and Klamath Falls fur sale results (OTC = Oregon Territorial Council on Furs). Harvest estimates and pelt values are multiplied to estimate the associated harvest revenues for 2014-15 furtaking season. Total revenues were nearly \$600,000.

Table 2. Estimated harvest and associated revenues for 2014-15 furtaking season

	Total Statewide Harvest	Avg Pelt Value	Total Harvest Revenues
Badger	92	\$9.98	\$919
Beaver	1980	\$11.16	\$22,104
Bobcat - eastern	1426	\$252.34	\$359,834
Bobcat - western	856	\$42.64	\$36,503
Civet	294	\$10.91	\$3,208
Coyote	3762	\$25.19	\$94,767
Fox - grey	414	\$10.95	\$4,533
Fox - red	69	\$19.40	\$1,339
Marten	45	\$19.51	\$878
Mink	270	\$6.20	\$1,674
Muskrat	8619	\$2.10	\$18,124
Nutria	1603	\$1.87	\$3,003
Otter	358	\$59.63	\$21,347
Opossum	540	\$1.55	\$836
Raccoon	1309	\$4.18	\$5,476
Skunk	612	\$6.81	\$4,168
			\$578,711

A 2015 Responsive Management study estimated the number of active trappers in the U.S. at 177,000 and in the West (not including Alaska) at about 23,000. In Oregon, the estimated mean days trapped in the 2014-15 season was about 36 days, which is the same as the national average. In terms of where they trap primarily, 24% focus on public land, 30% private land, and 46% both equally. Oregon trappers have out, on average, about 7 snares and 6.5 non-snare traps daily. Sixty percent of Oregon trappers have been contacted by a landowner to trap nuisance wildlife of their property, though only 32% of their trapping, on average, involves removal of nuisance wildlife. About two-thirds of Oregon trappers indicated that trapping is not important as a source of income (11% said “very important”). Mean expenses for Oregon trappers was \$1761, with 57% of them spending \$500 or more per season.

Although the rules relating to wildlife regulations can be generally viewed as reducing positive economic impacts in the short run, conservation through the regulation of seasons and other factors is intended to conserve Oregon's natural resources at optimal levels in the long run. Failure to restrict harvests of furbearers to allow for adequate reproduction and growth would result in adverse economic effects in the future. The regulations attempt to strike a balance that will provide opportunities and associated benefits subject to the need to conserve these wildlife populations.

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:**

Businesses that buy pelts would be affected by the rules. There were 101 Fur Dealer permits sold in 2014-15.

- 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.

Reference

Gum, Russell L. and Carl W. O'Connor. *Economic Value of the Fur Trapping Industry in Oregon*. Special Report 812. Oregon State University, Agricultural Experiment Station. September, 1987.

Responsive Management. Trap Use, Furbearers Trapped, and Trapper Characteristics in the United States in 2015. Conducted for the Association of Fish and Wildlife Agencies.