

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

FILED 4-14-16 10:12 AM ARCHIVES DIVISION SECRETARY OF STATE

<u>Department of Fish and Wildlife</u>	635
Agency and Division	Administrative Rules Chapter Number
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Rules Coordinator	Telephone
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Address	

RULE CAPTION

2016-2017 Big Game Tag Numbers, Dates, and Regulations and Tag Numbers for 2017 Big Game

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 Way, SE, Salem, OR 97302	ODFW Commission
6-10-16	8:00 a.m.	ODFW, 4034 Fairview Industrial Way, 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 002, 008, 043, 045, 049, 060, 065, 066, 067, 068, 069, 070, 071, 072, 073, 075, 078, 080 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, 496.162

Other Authority:

Statutes Implemented:

ORS 496.012, 496.138, 496.146, 496.162

RULE SUMMARY

Set hunting season regulations and/or controlled hunt tag numbers for 2016 and 2017 for game mammals. Set tag numbers for the present year (2016) and tag numbers for next year (2017) in advance.

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
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SECRETARY OF STATE

Department of Fish and Wildlife

635

Agency and Division

Administrative Rules Chapter Number

2016-2017 Big Game Tag Numbers, Dates, and Regulations and Tag Numbers for 2017 Big Game

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 the Year 2016 and 2017 Tag Numbers for Bighorn Sheep, Black Bear, Deer, Elk, Cougar, Pronghorn Antelope, Rocky Mountain Goat and Western Gray Squirrel Hunting Seasons and Associated Regulations

Statutory Authority:

ORS 496.012, 496.138, 496.146, 496.162

Other Authority:

Statutes Implemented:

ORS 496.012, 496.138, 496.146, 496.162

Need for the Rule(s):

This action is necessary to set hunting season regulations and/or controlled hunt tag numbers for 2016 and 2017 for game mammals. Set tag numbers for the present year (2016) and tag numbers for next year (2017) in advance as well as propose quotas for cougar seasons and spring bear bag limits and tag numbers for first-come first-serve and controlled hunts.

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?

In May of 2016, 20 public meetings will be held to discuss the 2016 controlled hunt tag numbers and 2017 seasons.

Administrative Rule Advisory Committee consulted?: No

If not, why?:

The draft administrative rules were developed without a committee of interested or affected persons. These rules are amended annually to administer an existing program. Interested and affected persons are generally aware of this rulemaking schedule. Correspondence from and testimony by interested and affected persons at a series of town hall meetings, as well as the Commission hearing is accepted into the record and is part of the rulemaking process.

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

**Fiscal and Economic Impact Statement for the June 9, 2016 & June 10, 2016 Hearing
in the Matter of Amendment of Rules Relating to the Year 2016 and 2017 Bighorn Sheep,
Black Bear, Deer, Elk, Cougar, Pronghorn Antelope, Rocky Mountain Goat and Western
Gray Squirrel Hunting Seasons and Associated 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.)

Rule changes are being proposed to set hunting season regulations and/or controlled hunt tag numbers for 2016 and 2017 for game mammals. In addition to setting tag numbers for the present year (2016), this is the first year that tag numbers for the next year (2017 in this case) will be set in advance. This will obviate the need for the traditional October Commission exhibit on Big Game Regulation this year and in the future. In 2017, the hunting season regulations and/or controlled hunt tag numbers for 2018 will be set at the September Commission meeting.

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 (wildlife management costs) and the Oregon State Police (enforcement costs). No major changes from the current levels of these agencies' operations or expenditures are expected as a result of adoption of these particular rules.

The change from two Big Game exhibits at the Commission per year to just one exhibit per year will likely result in cost savings in ODFW staff time for exhibit preparation. Those savings will not be seen in 2016 since two seasons (2016 and 2017) are being covered in this June exhibit, but should be seen in 2017 and on. This change should also result in more efficient use of Commission meeting time. The magnitude of the savings cannot be determined precisely, but would not be expected to significantly affect agency operations or expenditures.

The "Premium" Hunt Series was approved last year and may result in additional revenues for ODFW in 2016, its first year of implementation. The concept is that one additional Premium Hunt tag for deer and elk would be available for most Wildlife Management Units (WMUs). Tags for antelope would be available in a limited number of WMUs. These tags proffer the privilege to hunt those animals in the respective WMU for an extended season and can be purchased in addition to a regular tag for a given species. It was estimated that 14,500 to 29,000 Premium Hunt Series applications would be sold in 2016. At \$8 per application, that would mean about \$115,000 to \$230,000 additional revenue in license dollars. At the time of the writing of this fiscal (April 12), about 11,000 applications for Premium Hunts have been sold. Overall, the additional revenue would not be expected to significantly affect agency operations or expenditures.

b. No units of local government are expected to be significantly 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 establishment of these hunting seasons and regulations.

c. The public is affected by the rules relating to the hunting seasons.

Various sectors of the public economy (hunters, suppliers of hunters, and the general economy) will experience different impacts. The economic impact of changes in hunting rules depends primarily on the changes in hunting opportunities associated with the rule changes and related effects on direct expenditures by hunters. These effects are best measured by estimating the magnitude of changes in the number of hunter days and estimating the resulting changes in expenditures made by hunters, and the associated effects on personal income.

In general, no significant changes in hunter participation levels are anticipated in 2017 compared to 2016, assuming adverse weather and environmental conditions are not experienced between now and the time that tag levels are finally set. Some controlled hunts have been removed or tag numbers reduced, while others controlled hunts have been added (or tag numbers increased) to manage animal populations and/or damage caused by wildlife.

The total (direct, indirect and induced) effects on personal income in the areas surrounding the associated hunting areas and statewide are the result of the direct expenditures on goods and services made by sport participants during their hunting trips. Through the "multiplier process", there is a resulting increase in economic activity and personal income in the general economy of the area and the entire state.

Survey data from 1989 - 1991 from Starkey Experimental Forest hunts in Eastern Oregon indicate average overall trip expenditure by elk and deer hunters of about \$285, with nearly \$150 of the total made in Eastern Oregon. This is equivalent to an average expenditure of \$52.36 per hunter day, of which an average of \$27.52 per hunter day was made in Eastern Oregon. In inflation adjusted 2016 dollars, the average expenditure per hunter day would amount to about \$91 per hunter day, of which an average of \$48 would be spent in Eastern Oregon.

The relationship between direct, indirect and induced personal income from the direct trip expenditures per hunter day can be estimated based on response coefficients developed from an economic input-output model. Using the 1989 - 1991 Starkey Experimental Forest data and information on the relationship between expenditures and the personal income associated with the spending, the state-level personal income impact per hunter day for Eastern Oregon deer and elk was about \$39; the personal income impact in Eastern Oregon was about \$13 per hunter activity day. Adjusting for inflation since 1991, the personal income impacts in 2016 dollars would be about \$68 per hunter day at the state level, and about \$23 per hunter day in Eastern Oregon.

A more recent survey conducted for ODFW and Travel Oregon by Dean Runyan Associates found that hunting-related direct expenditures were \$517.94 Million in 2008 for all of Oregon. This is equivalent to \$570.4 million in 2016 dollars. This spending includes trip costs, such as food, lodging/camping, gasoline, guide fees, and equipment expenditures. The equipment category represents the majority (about 62%) of those expenditures.

According to data from the 2006 National Survey of Fishing, Hunting and Wildlife-Associated Recreation (2008), total hunter expenditures in Oregon were about \$373.6 million in 2006. The impact on state level personal income was slightly over \$259 million, and the effect on gross output was \$827.4 million in 2006. In 2016 dollars, this would mean \$411 million in expenditures, \$285 million in personal income, and \$911 million in gross output.

The estimates above will be reasonably good measures of the impact on total personal income per hunter day to the extent that the dollars spent for the hunting trips would not have been spent on other activities or commodities in Oregon had there been no hunting seasons. The economic impacts of hunters' expenditures on durable equipment associated with hunting are not included in the estimates above. These equipment expenditures are not necessarily related to hunter use in a simple linear fashion, and hence, may not be significantly affected by marginal changes in seasons. However, there is probably a positive relationship between hunting opportunities and equipment expenditures, particularly in the long run.

The effect of changes in numbers of hunters and hunter activity on personal income in the regions and at the state level can be estimated using the personal income impact per day

estimates. However, the aggregate impact depends on the magnitude of the changes in the number of hunters and hunter days. As indicated above, no major changes in the game mammal regulations are expected for 2017 compared to 2016. However, depending on the weather next winter and other environmental factors affecting survival, there may be changes in the numbers of controlled hunt tags available in 2017, especially deer hunts. Obviously, the magnitude of these changes can't be predicted, but should a hard winter occur, the effects on tag availability would probably be greater than the effects of any changes in these proposed regulations.

The current restrictions in some of the hunting seasons for game mammals can be viewed as restricting opportunities and reducing positive economic impacts in the short run. However, conservation through adjustment of these and other game mammal hunting seasons is intended to perpetuate the resources at optimum levels over the long run. Failure to restrict harvests of game animals to allow escapement for reproduction would result in reduced hunting opportunities in the future. The proposed regulations strike a balance that will sustain game mammal population levels and maintain future benefits.

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:

The types of business subject to the rule are primarily those that supply goods or services to hunters. These may include taxidermy services, hunting guides, private hunting preserve operators, food and beverage stores, gasoline stations, sporting goods stores, general merchandise stores, accommodation businesses, food services and drinking places. Big game hunting occurs in myriad locations throughout the state and thus the number of small businesses subject to the rule cannot be estimated.

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.

References

Dean Runyan Associates, Fishing, Hunting, Wildlife Viewing, and Shellfishing in Oregon, 2008. Prepared for the Oregon Department of Fish and Wildlife, May 2009.

Oregon Department of Fish and Wildlife. Unpublished Analysis of Hunter Expenditure Data Collected from Hunters on the Starkey Experimental Forest, 1989 - 1991.

U.S. Fish and Wildlife Service. 1996 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation - Oregon. 1998.

U.S. Fish and Wildlife Service and U.S. Census Bureau. 2006 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation - Oregon. 2008.