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ARCHIVES DIVISION  
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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT  
  
CHAPTER 635  
DEPARTMENT OF FISH AND WILDLIFE

**FILED**  
01/09/2018 4:02 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Sauvie Island Wildlife Area Seasonal Alcohol Restriction

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 03/16/2018 4:00 PM

*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.*

CONTACT: Roxann Borisch	4034 Fairview Industrial Drive SE	Filed By:
503-947-6314		Roxann Borisch
roxann.b.borisch@state.or.us	Salem, OR 97302	Rules Coordinator

HEARING(S)  
*Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.*

DATE: 03/16/2018  
TIME: 8:00 AM  
OFFICER: ODFW Commission  
ADDRESS: Oregon Department of Fish  
and Wildlife  
4034 Fairview Industrial Drive SE  
Salem, OR 97302

NEED FOR THE RULE(S):  
This rule is needed to prohibit the possession and use of alcohol on the Sauvie Island Wildlife Area annually from May 1 through September 30.

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 available on the ODFW website at: <http://www.dfw.state.or.us/OARs/index.asp>.

FISCAL AND ECONOMIC IMPACT:  
Presently, alcohol-related issues are prevalent during summer months on Sauvie Island Wildlife Area. In order to address issues of public safety, the proposed rule amendment will seasonally prohibit the possession and use of alcohol, and consumable products containing alcohol, on Sauvie Island Wildlife Area. The alcohol-related restrictions would be in effect annually from May 1 through September 30.

COST OF COMPLIANCE:  
*(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the*

*expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

#### 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 and the Oregon State Police (enforcement costs). ODFW and OSP will likely experience a reduction in costs associated with law enforcement at the Sauvie Island Wildlife Area during summer months. The potential reduction in cost would be associated with a reduction in alcohol-related crimes (e.g.: driving under the influence) and fewer calls for emergency medical response resulting from excessive alcohol use. OSP would continue to provide enforcement at Sauvie Island but the need for additional officers (and associated overtime compensation costs) during peak public use periods is expected to be reduced after the public becomes accustomed to the new prohibition. Overall, no net increase from the current levels of these agencies' operations or expenditures are expected as a result of adoption of this rule.

b. Several units of local government, including Multnomah County Sheriff's Department, Columbia County Sheriff's Department, and the Sauvie Island Fire Department, could be expected to benefit from the proposed rule. Specifically, the rule should result in reduced calls to local government law enforcement agencies to respond to alcohol-related crimes and problems on, and in the vicinity of, Sauvie Island. Additionally, the rule is expected to result in a reduction in the need for emergency medical responses associated with excessive alcohol use at the Sauvie Island beaches.

c. The public, specifically including residents of, and visitors to, Sauvie Island, are expected to benefit by having safer conditions on Sauvie Island and an ability to experience more enjoyable use of the Sauvie Island Wildlife Area through a reduction in the alcohol-related problems that are currently prevalent during summer months. Some members of the public who desire to consume alcohol while on the Wildlife Area will be negatively affected.

#### 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 businesses potentially affected by the rule are primarily those that supply customers with consumable alcohol products. These include licensed liquor stores and general food and beverage stores authorized to sell alcoholic products. These products can be purchased in myriad locations where visitors to Sauvie Island originate (e.g. throughout northwest Oregon and southwest Washington) and thus the number of small businesses affected by 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.

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DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Not applicable

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

The rule was developed with Oregon State Police to address a significant public safety concern after consultation with Wildlife Division and the Directors Office.

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AMEND: 635-008-0147

RULE SUMMARY: Presently, alcohol-related issues are prevalent during summer months on Sauvie Island Wildlife Area. In order to address issues of public safety, the proposed rule amendment will seasonally prohibit the possession and use of alcohol, and consumable products containing alcohol, on Sauvie Island Wildlife Area. The alcohol-related restrictions would be in effect annually from May 1 through September 30.

CHANGES TO RULE:

635-008-0147

Rules Regarding Public Use for Sauvie Island Wildlife Area ¶¶

The Sauvie Island Wildlife Area is open to wildlife-oriented public use compatible with the goals and objectives contained in the 2012 Sauvie Island Wildlife Area Management Plan unless otherwise excluded or restricted by the following rules:¶¶

- (1) Hunting is prohibited except by daily hunt permit. The permit must be possessed at all times by users and must be completed and returned at the end of the day.¶¶
- (2) Discharging firearms is prohibited except for shotguns on designated Dog Training Areas, Trapshooting Areas, or as authorized during game bird and game mammal season.¶¶
- (3) The wildlife area is closed to the public between 10 pm and 4 am.¶¶

- (4) Camping is prohibited.¶
- (5) All dogs must be on leash, except while hunting during seasons authorized on Sauvie Island Wildlife Area, or pursuant to a valid "Competitive Hunting Dog Trial Permit" or "Sauvie Island Wildlife Area Individual Dog Training Permit."¶
- (6) Domestically-raised game birds may only be released, pursued or taken pursuant to:¶
- (a) A valid "Competitive Hunting Dog Trial Permit" or;¶
  - (b) A valid "Game Bird Release Permit for Hunting Dog and Raptor Training" and a "Sauvie Island Wildlife Area Individual Dog Training Permit" or;¶
  - (c) As authorized by the Department.¶
- (7) Open fires are prohibited.¶
- (8) Any vehicle found parked or unattended on the Wildlife Area between the hours of 10 pm and 4 am, or obstructing public access, may be towed at the expense of the registered owner or owners.¶
- (9) No person shall possess or use lead shot at any time.¶
- (10) Horses and bicycles are restricted to roads open to vehicles.¶
- (11) Portions of Sauvie Island Wildlife Area are closed to all entry except by hunting permit during authorized waterfowl hunting seasons.¶
- (12) Portions of Sauvie Island Wildlife Area will be closed from the end of waterfowl hunting season through April 30 each year.¶
- (13) The use of air guns, BB guns and paintball guns is prohibited.¶
- (14) Operation of boats in Sturgeon Lake Refuge is prohibited from Oct. 1 to April 15. Operating boats over 5 mi per hour is prohibited on all area lakes. Sturgeon Lake Refuge is closed to all hunting year-round.¶
- (15) Closed to hunting of furbearers, predators, unprotected and protected wildlife (except black-tailed deer, rabbit, crow, Eurasian collared-dove and game birds).¶
- (16) Trapping is prohibited except by access permit issued by ODFW.¶
- (17) ODFW Wildlife Area Parking Permit required.¶
- (18) No person shall possess or use alcoholic beverages or consumable products containing alcohol from May 1 through September 30 on the Wildlife Area except ODFW employees, family members and guests of the employee may possess and use alcohol on agency owned residential property leased by the employee.
- Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 496.162, 496.992
- Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 496.162, 496.992