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ARCHIVES DIVISION

MARY BETH HERKERT
DIRECTOR800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701**NOTICE OF PROPOSED RULEMAKING**
INCLUDING STATEMENT OF NEED & FISCAL IMPACTCHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE**FILED**07/16/2018 11:51 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Controlled Hunt Preference Points in Lieu of Cash Reward for Turn In Poachers Program (TIP)

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/14/2018 5:00 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
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roxann.b.borisch@state.or.us4034 Fairview Industrial Drive SE
Salem, OR 97302Filed By:
Roxann Borisch
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 09/14/2018

TIME: 8:00 AM - 5:00 PM

OFFICER: ODFW Commission

ADDRESS: "The Barn" Bandon

Conference and Community Center

1200 11th St SW

Bandon, OR 97411

NEED FOR THE RULE(S):

New rules are being considered to allow for the allotment of controlled hunt preference points in lieu of the current monetary reward.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

A copy of the rules and the other documents relied upon for this rulemaking are available from the Oregon Department of Fish and Wildlife, Wildlife Division, 4034 Fairview Industrial Drive SE, Salem, Oregon 97302-1142, between the hours of 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

FISCAL AND ECONOMIC IMPACT:

The "Turn-In-Poachers" program provides a monetary reward to people who report poachers to Oregon State Police, provided the information leads to an arrest or citation issued. New rules are being considered to allow for the alternative of controlled hunt preference points in lieu of the current monetary reward. The amount of points to be awarded for information on poaching has not currently been decided, and may affect overall hunter perception of the program.

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).

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 the changes in regulations are the Oregon Department of Fish and Wildlife (ODFW) and the Oregon State Police (OSP). ODFW impacts include slight increases to administrative and clerical workloads, while OSP impacts are from changes in reporting process. Overall, these proposed rule changes are not expected to result in significant changes to current levels of costs or revenues for ODFW or OSP.

b. There are no anticipated impacts to units of local governments, and will likely not be affected by this rule change.

c. The public may be affected by rules relating to changes to the points system. If the amount of points awarded for a poacher report were to negatively affect how hunters view the value of preference points, they may be less likely to participate in future hunting applications. However, there is little to no anticipated change in hunter participation due to these rule changes. There is also no expected change in revenue due to these rule changes.

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 rules:

Small businesses that depend on hunter participation 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. However, because there is no expected change to hunter participation due to these rules, there are no anticipated impact to small businesses.

b. Projected reporting, record keeping 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 rules.

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 rules.

The rule changes are believed to be fully compatible with legislative direction on the goals of fee containment and wildlife management in Oregon.

We do not believe that a less intrusive or less costly alternative adaptation to only small business is consistent with the purpose of these rules.

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

Not Applicable

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

Department staff met with members of Oregon State Police and Oregon Hunters Association to develop rules. Correspondence from and testimony by interested persons is accepted into record and is a part of the rulemaking process.

RULES PROPOSED:

635-001-0150, 635-001-0155, 635-001-0160, 635-001-0165

ADOPT: 635-001-0150

RULE SUMMARY: The "Turn-In-Poachers" program provides a monetary reward to people who report poachers to Oregon State Police, provided the information leads to an arrest or citation issued. New rules are being considered to allow for the alternative of controlled hunt preference points in lieu of the current monetary reward.

CHANGES TO RULE:

635-001-0150

Purpose

The purpose of these rules is to establish the process and requirements for hunters to be awarded controlled hunt preference points (preference points) as an alternative to cash for providing information to the Oregon State Police (OSP) and Oregon Hunters Association (OHA) "Turn-In-Poachers" (TIP) program, pursuant to ORS 497.112. The program is intended to encourage hunters to report wildlife violations they witness involving antelope, bear, cougar, deer, elk, moose, mountain goat, mountain sheep or wolf.

Statutory/Other Authority: ORS 496.138, 496.146, ORS 496.012, 496.162, 497.112

Statutes/Other Implemented: ORS 496.138, 496.146, ORS 496.012, 496.162, 497.112

ADOPT: 635-001-0155

RULE SUMMARY: The "Turn-In-Poachers" program provides a monetary reward to people who report poachers to Oregon State Police, provided the information leads to an arrest or citation issued. New rules are being considered to allow for the alternative of controlled hunt preference points in lieu of the current monetary reward.

CHANGES TO RULE:

635-001-0155

Individual Participation

A person is eligible to receive preference points provided the person: ¶¶

(1) Provides information that led to an arrest or citation issued for the unlawful take, possession, or waste of antelope, bear, cougar, deer, elk, moose, mountain goat, mountain sheep, or wolf.¶¶

(2) Asks to receive preference points in lieu of a cash reward for the information provided.¶¶

(3) Possesses or can legally possess an Oregon hunting license (adult or juvenile) within the current calendar year.

Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 496.162, 497.112

Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 496.162, 497.112

ADOPT: 635-001-0160

RULE SUMMARY: The "Turn-In-Poachers" program provides a monetary reward to people who report poachers to Oregon State Police, provided the information leads to an arrest or citation issued. New rules are being considered to allow for the alternative of controlled hunt preference points in lieu of the current monetary reward.

CHANGES TO RULE:

635-001-0160

Preference Points Awarded

(1) Preference points awarded vary by species involved in the violation as follows: ¶

Species/Preference Points Awarded ¶

(a) Bighorn Sheep-5 Points¶

(b) Mtn. Goat-5 Points¶

(c) Moose-5 Points¶

(d) Wolf-5 Points¶

(e) Elk-4 Points¶

(f) Deer-4 Points¶

(g) Pronghorn-4 Points¶

(h) Bear-4 Points¶

(i) Cougar-4 Points¶

(2) For reported violations involving multiple animals or species, points awarded shall be based on the species with the highest point value, plus one point for each additional animal or species for which an arrest was made or citation issued. For example, a report leading to citations issued for one moose, one elk and one deer would receive seven points total, five for the moose, one for the elk, and one for the deer. ¶

(3) If more than one individual reports the same violation:¶

(a) OSP will determine which reporting person(s) shall be offered the alternative of receiving preference points for providing information that led to the arrest or citation. ¶

(b) Each reporting person will receive the total points awarded for the arrests or citations issued, preference points awarded will not be split among reporting persons.

Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 496.162, 497.112

Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 496.162, 497.112

ADOPT: 635-001-0165

RULE SUMMARY: The "Turn-In-Poachers" program provides a monetary reward to people who report poachers to Oregon State Police, provided the information leads to an arrest or citation issued. New rules are being considered to allow for the alternative of controlled hunt preference points in lieu of the current monetary reward.

CHANGES TO RULE:

635-001-0165

Process for Awarding Preference Points

(1) If OSP determines information provided by the person(s) led to an arrest or citation the officer sends the "Request for Reward" form to the OSP Salem Headquarters (HQ). ¶

(2) OSP HQ staff will review the request report and if approved sends the request form to the Department's License Services Section. ¶

(3) Department staff will review the preference points request form and contact the individual(s) eligible to receive the reward preference points. ¶

(4) The individual(s) eligible to receive the reward preference points must complete a form supplied by the Department's License Services Section clearly indicating to which species preference point file they request the awarded preference points be added. ¶

(5) The reward points must be placed in the preference point file for one species. ¶

(6) Once placed in the preference point file for a species the awarded points are subject to the Oregon Administrative Rules that govern preference points.

Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 496.162, 497.112

Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 496.162, 497.112