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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 635  
DEPARTMENT OF FISH AND WILDLIFE

**FILED**  
07/19/2019 4:31 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Marten harvest regulations in western Oregon

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/13/2019 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.*

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Filed By:  
Roxann Borisch  
Rules Coordinator

HEARING(S)

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

DATE: 09/13/2019

TIME: 8:00 AM - 5:00 PM

OFFICER: ODFW Commissioners

ADDRESS: The Event Center

29392 Ellensburg Ave

Gold Beach, OR 97444

NEED FOR THE RULE(S):

Rule changes are proposed to restrict marten harvest in an area of western Oregon to be more conservative and provide additional opportunity for data collection. Proposed changes follow Commission acceptance of public petition requesting the following changes:

OAR 635-050-0110

Marten

(1) Open season: November 1, 2016 through January 31, 2017 and November 1, 2017 through January 31, 2018.

(2) Open area: [Entire State] Eastern Oregon and that portion of Western Oregon east of the Interstate 5 corridor.

OAR 635-050-0210

Areas Closed to Hunting or Trapping

It is unlawful to hunt or trap furbearing mammals or unprotected mammals on the following areas except as authorized by permit or as provided in sections (24) and (25) of this section:

(25) Oregon Dunes National Recreation Area is open to hunting as permitted by the Department but closed to trapping furbearing and unprotected mammals.

OAR 635-050-0045

General Furbearer Regulations

(18) It is unlawful for any person to use traps or snares suspended in trees in the Siskiyou and Siuslaw National Forests.

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DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

A copy of the rules and the other documents relied upon for this rulemaking [the above document(s)] 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.

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FISCAL AND ECONOMIC IMPACT:

See below

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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) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s).

State agencies that would be affected are the Oregon Department of Fish and Wildlife (ODFW) and the Oregon State Police (OSP). ODFW may experience additional administrative costs from this rule making. Marten harvest restrictions in the Oregon Dunes National Recreation Area also could affect OSP's enforcement costs.

There are no expected impacts to local governments.

It is unlikely that this rule would affect the general public. Based on 2017-2018 mandatory harvest reports 31 marten were harvested (from hunting, trapping, and roadkill) statewide with zero reported marten harvest from the Oregon Dunes National Recreation Area. As harvest of marten does not currently occur in the Oregon Dunes National Recreation Area there are no impacts to those who participate in recreational furtaking. If other areas, harvest methods, and or species are restricted, this could result in economic impacts.

The requirement for mandatory marten carcass check-in for marten taken west of the I-5 is expected to have a minimal effect, this would consist of the travel expenses and time required to drop off marten carcasses at an ODFW office. Based off the 2017-2018 mandatory harvest reports this would not impact any licensed individuals.

(2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s);

Small businesses including licensed furtakers, suppliers, purchasers of furs, and livestock producers are not affected for reasons described above. This specific Oregon Dunes National Recreation Area marten harvest restriction does not result in an economic impact, but further restrictions could impact these businesses.

(b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s);

None expected

(c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

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?

Rules Advisory Committee was not consulted as public testimony was received at the August 2018 Commission meeting and recent discussions with stakeholders have occurred.

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AMEND: 635-050-0110

RULE SUMMARY: Proposed rule changes to restrict marten harvest in an area of western Oregon to be more conservative and provide additional opportunity for data collection.

CHANGES TO RULE:

635-050-0110

Marten Harvest Seasons ¶

(1) Open season: November 1, 2018 through January 31, 2019 and November 1, 2019 through January 31, 2020.¶

(2) Open area: Entire state except the Oregon Dunes National Recreation Area. ¶

(3) A furtaker shall surrender the carcass of each individual marten harvested (including roadkill) in that portion of Oregon west of Interstate 5 to an Oregon Department of Fish and Wildlife district or regional office within five business days after the season ends.

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

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