

Exhibit D
supplemental
correspondence

Craig Pfeifer

From: Craig Pfeifer
Sent: Tuesday, September 10, 2019 10:42 PM
To: Nick Myatt
Cc: Andy York; Jake Love; 'odfw.commission@state.or.us'; 'thomas.l.thornton@state.or.us'; 'Roxann.B.Borisch@state.or.us'; 'curt.melcher@state.or.us'; 'Michelle Tate'
Subject: RE: Sig Sauer BDX Rangefinders and Riflescopes

Hello Nick-

Thank you for your correspondence with others from our SIG Optics team. In regards to the topic, we plan on addressing this in the public testimony on Friday, September in Gold Beach under Exhibit D: BIG GAME SEASON AND REGULATIONS. We want to bring this to the public testimony as a previous visitation on this topic was not addressed in the Public Forum on December 7, 2018. Please advise if this is an appropriate agenda location to open this up for discussion.

This email pertains to Exhibit E of the 2018 Commission Meeting on 9-14-18 and items of interest protecting due process within OAR Class 65 Prohibited Methods; 635-065-0745:

https://www.dfw.state.or.us/agency/commission/minutes/18/09_Sep/index.asp

This subject stems from the confusion the difference in wording that the 2019 Hunting Regulations uses on page 15 in the Prohibited Methods and again on page 18 under General Weapon Provisions; Centerfire Firearm. We are getting communications from customers that enforcement is telling them our Sierra3 BDX Rifle Scope is not legal at all in Oregon. We have discussed these concerns with Lieutenant Craig Heuberger and there is agreeance we have a good argument based on the current wording. Remember, we have four use cases with our BDX System (Scope and Rangefinder); three can be deemed legal to use while hunting big game animals. Of which one use case involves of our SIERRA3 BDX rifle scope receiving information from a rangefinder, and it is in this capacity that makes our SIERRA3 BDX system illegal to use while hunting big game. If I understand the Oregon Administrative Rules correctly, the language in the Hunting Regulations are trumped by the OAR and Oregon Revised Statutes. Of which the language on Page 15 (Prohibitive Methods) takes precedents since this falls under the required verbiage of OAR #065 - Game Mammal General Season and Regulations; 635-065-0745. The language within the General Weapons Provisions is not outlined specifically within the OAR;

[https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=81.](https://secure.sos.state.or.us/oard/displayChapterRules.action?selectedChapter=81)

In addition, the monthly Commission Meeting Minutes are readily available on-line, however, the Public Meeting Minutes are not. I was informed today by Michelle Dennehey that the Wildlife District Big Game Public Meetings conclude without publishing meeting minutes. I find this unusual as it would be difficult for individuals to attend every meeting (20 scheduled in all) to gather the discussion points and concerns; a critical part of the review process. We would like to understand how the Prohibited Method, 635-065-0745 (4) was not originally listed in the Staff Proposal, the Summary of Regulation Simplification Proposals, nor the Draft Oregon Administrative Rules. However, later was noted on the Notice of Proposed Rulemaking Hearing and FIS, dated 7-16-18. The language at this time was proposed, *"this includes scopes with electronic rangefinders"*. Our SIG BDX system (SIERRA3 Rifle Scope) does not have an onboard rangefinder. At this time we had no vested impact of the proposed change. In fact, reading through the public correspondences attached to this exhibit there was no comments favoring this proposal, and one comment opposing. I have also read a correspondence from Mr. Craig Starr, of the Oregon Outdoor Council Advisory Committee, stating his disappoint of public input, *"One of the major concerns I've had with Phase 1 and 2 of the project has been the decided lack of public input opportunity in the initial development of the proposals that go to you. In effect, the Phase 1 ad 2 proposals were developed virtually entirely by ODFW staff with no effective opportunity for public input"*.

Then on September 14, 2018 at the Commission Meeting this proposed regulation change was presented as an Exhibit E Addendum1, "including scopes with electronic rangefinders and scopes that receive information from a rangefinder or any electronic device". There is no dialogue that we can find in Commission Meeting Minutes, videos/transcripts, nor Public

Correspondence (Attachment 6 of the Exhibit E) and the Supplemental Public Correspondence_9-14-18 within Exhibit E, that indicates the public had knowledge of this addendum prior to 9-14-18. It was clearly stated by Tom Thornton during the Exhibit E presentation, "but because of new technology becoming available, and you have received an addendum that expands on this prohibition"....(this is stated in the YouTube ODFW Commission 9/14/18 video part 3, starting at the 1:10:30 mark). Since the addendum impacts our current business position and support to our customers, we feel that there was not a substantial public fact finding period prior to the Commission approving 635-065-0745 (4), also on 9-14-18. **Most certainly, if we had known this addendum was being added, we would have been able to include our Public Testimony at the Commission Meeting in Bandon on September 14, 2018.** There appears to have been misinformed, inadequate communication and a rushed timeline as addendums are governed by the OAR process; <https://dfw.state.or.us/oars/>. If within my research there was an oversight on this matter, please let me know.

As part of the OAR process, it is noted in the Notice of Proposed Rulemaking (Attachment 2 of Exhibit E), "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". Furthermore in this document it outlines the *Cost of Compliance - (2) the effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s)*. This perceived gloss-over really hits home as we are an Oregon business and the SIG BDX system (SIERRA3 Rifle Scope) is our proprietary technology that we introduced as innovative method to take ethical shots at known distances. It is difficult to understand how the newly introduced changes to Prohibitive Methods was introduced in a fair process.

As you can attest, there is large amount of information to digest. Perhaps this can be floored in the near future as a temporary rule allowance with the proper agreed upon verbiage. We look forward to the opportunity to discuss this matter further with ODFW and Big Game Regulation shareholders.

Thanks for your time,
Craig Pfeifer

Craig Pfeifer
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SIG SAUER 27100 SW Parkway Ave
Wilsonville, OR 97070
USA

From: Michelle Tate [mailto:Michelle.L.Tate@state.or.us]
Sent: Thursday, September 5, 2019 1:24 PM
To: Jake Love <Jake.Love@sigsauer.com>; Michelle Tate <Michelle.L.Tate@state.or.us>
Cc: Nick Myatt <Nick.A.Myatt@state.or.us>; Craig Pfeifer <Craig.Pfeifer@sigsauer.com>; Andy York <Andy.York@sigsauer.com>
Subject: RE: Sig Sauer.BDX Rangefinders and Riflescopes

Thank you

From: Jake Love <Jake.Love@sigsauer.com>
Sent: Thursday, September 5, 2019 1:15 PM
To: Michelle Tate <Michelle.L.Tate@state.or.us>
Cc: Nick Myatt <Nick.A.Myatt@state.or.us>; Craig Pfeifer <Craig.Pfeifer@sigsauer.com>; Andy York <Andy.York@sigsauer.com>

Subject: FW: Sig Sauer BDX Rangefinders and Riflescopes
Importance: High

Hi Michelle,

Below is the email that Andy sent out on 8/30.

Thanks,

Jake Love

Sales Operations Support Representative – Electro-Optics

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SIGSAUER 27100 SW Parkway Ave
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USA

From: Andy York <Andy.York@sigsauer.com>

Sent: Friday, August 30, 2019 12:40 PM

To: odfw.commission@state.or.us

Cc: Joseph Fruechtel <Joe.Fruechtel@sigsauer.com>; Craig Pfeifer <Craig.Pfeifer@sigsauer.com>; Jake Love <Jake.Love@sigsauer.com>; Scott Smith <Scott.Smith@sigsauer.com>; Jason Clark <Jason.Clark@sigsauer.com>

Subject: Sig Sauer BDX Rangefinders and Riflescopes

Importance: High

To The ODFW Commissioners,

The 2019 General Hunting Regulations included a change that impacted one of our optics products, the new SIERRA3BDX riflescopes and rangefinders. The change in question is the one found on page 15 of the 2019 hunting regulations that makes it unlawful to:

- *Use an artificial light for hunting any wildlife, except raccoon, bobcat and opossum provided the light is not cast from or attached to a motor vehicle. **This includes laser sights or any other sights which project a beam to the target, including scopes with electronic rangefinders and scopes that receive information from a rangefinder or any electronic device. This does not include battery operated sights which only light the reticle.***

This same verbage is repeated on page 18 in the General Weapons Provisions for Hunting Game Mammals, where it states it is unlawful to hunt game mammals with:

- *Infrared, night vision, laser or any other sight that projects a beam to the target, **including scopes with electronic rangefinders and scopes that receive information from any electronic device.***

The Sig Sauer BDX system does NOT have an integrated electronic rangefinder and it can be used in Four (4) ways while hunting:

1. You can use the riflescope as an ordinary riflescope, with illuminated reticle on or off, it is just a normal riflescope when used this way. **There is no communication in the field with any electronic device while using in this mode.**
2. You can use the riflescope with a preset illuminated ballistic reticle based on your ballistic information, with multiple holds points, for say 100, 200, 300 and 400 yards. This is no different than any other holdover ballistic BDC style reticle

that has been in use for decades. **There is no communication in the field with any electronic device while using in this mode.**

3. You can use the rangefinder as an ordinary rangefinder, including the ability to use ballistic profiles/groups to allow the rangefinder to compute holdover adjustments in MOA or MILS and display that information along with the distance to the target. This information can then be used with any riflescope reticle or dials from any riflescope manufacturer to adjust for holdover manually. This type of rangefinder has been in use for years and is allowed in Oregon for usage while hunting. **There is no communication in the field with any electronic device while using in this mode.**
4. You can bond the rangefinder and riflescope such that they can communicate in the field with Bluetooth, and once a distance to target is acquired by the rangefinder, it will use your ballistic profile/group to compute the correct holdover adjustment and will send that MOA holdover information to the riflescope and the riflescope will then display the single correct holdover dot on the reticle. **According to the new regulations for 2019, this mode of use is prohibited while hunting in Oregon, as the riflescope is "receiving information from any electronic device"**

We have two primary concerns at this point.

1. There is confusion by hunters in Oregon that "BDX is illegal to use". It is not prohibited if it is used in any of the use cases 1-3 outlined above. The key word here is "USE" in the regulations. As long BDX is not being USED as outlined in USE CASE 4, then it is legal to use. This is similar to a hunter using a flashlight while hunting, you can possess the flashlight, you can use the flashlight correctly, but you cannot illuminate game and "spotlight" game with the flashlight. I think there is confusion. Not sure of the solution, but it does say "USE" on page 15 in the General Hunting Regulations section, but then in the General Weapons Provisions it says "unlawful to hunt game mammals with...scopes with electronic rangefinders and scopes that receive information from any electronic device". I suppose "hunt game animals with" is the equivalent of "USE", but it would be simplified to just write it to match as "It is unlawful to use..."
2. The final use case #4 is prohibited. I suppose because it is perceived that this new BDX capability is some type of "smart scope" or offers some new advantage which is not in keeping with principles of Fair Chase. I have discussed this at length with the Boone & Crockett Club, of which I am a professional member. I think folks hear the word "smart scope" and instantly have a negative reaction. Understandably so. However, I would propose that the analytical tool we should use when looking at "new" technologies could be, "does this new technology provide a new and unfair advantage while hunting, something that diminishes Fair Chase from the current allowable equipment for hunting". This type of question would catch things like hunting with drones, cellular enabled trail cams accessed while hunting, thermal vision used for hunting and would force the answer that yes all of these things change the nature of a Fair Chase hunt and should be prohibited. However, the BDX system in use case 4 does not change the nature of the hunt or give the hunter any new advantage over the equipment that is already allowed. Rangefinders that compute holdover adjustment in MOA have been allowed for decades. The hunter then simply turns the elevation 5 MOA for example to move the reticle to adjust for the distance ranged to target. The only new feature that BDX introduced was to light that spot on the reticle with an LED. It is the same spot you could have dialed to in a few seconds on your elevation turret. This would have moved your reticle in the riflescope to the EXACT same spot that we are illuminating with the BDX system. Alternatively, some folks have ballistic holdover reticles that are also allowed for hunting in Oregon. This reticle may have a fixed reticle marking at 5 MOA, in this case the hunter would just use that 5 MOA hold. Again, that is the exact same point that the BDX reticle would illuminate. The BDX system in use case 4 is not doing anything new that was not already allowed. It is not lowering Fair Chase standards. It is not the equivalent of a drone or a thermal sight. It is a new way of allowing the hunter to use holdover to make a shot.

In the end it is our belief that this system will allow hunters to make more accurate and more ethical shots. Estimated holdover "holding on the top of the back" of an Elk for example or using Kentucky windage can result in wounded animals. This system continues the allowed tradition of using holdover reticles and rangefinders that compute holdover, BDX just does it slightly differently. It is not a "Smart Scope", it just receives an MOA holdover value from the rangefinder and illuminates the corresponding holdover dot. To encourage more ethical shots, we included our KinETHIC™ feature in the BDX system. This feature allows the hunter to set the minimum allowable kinetic energy or feet per second (FPS) value that they feel will result in

an ethical harvest, and then the system can notify the hunter by flashing the reticle when the ranged target is too far and the bullet will fall below that value and not have the power on target to perform and make a clean and ethical harvest.

There is a lot of information here to ponder and discuss. We wanted to get this out to you for consideration and would welcome the opportunity at Gold Beach to go into more detail and answer any questions. Please let us know if that is an option and how best to proceed from here. We are asking the commission to consider modifying the language of the hunting regulations to clarify use cases 1-3 as being allowed, and to also allow use case 4 while hunting big game in Oregon.

Best Regards,

Andy York

President Electro-Optics Division

SIG SAUER

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The logo for SIG SAUER, with "SIG" in a large, bold, serif font and "SAUER" in a smaller, bold, serif font below it.

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USA

Computerized Scopes

Scopes with internal rangefinders are not legal for hunting.

Proposed clarification plus addendum

- 635-065-0745

It is *unlawful*: (4) To use an artificial light for hunting any wildlife, except raccoon, bobcat, and opossum provided the light is not cast from or attached to a motor vehicle.

This includes laser sights or any other sights which

project a beam to the target including scopes with electronic rangefinders and scopes that receive

information from a rangefinder or any electronic device.

This does not include battery operated sights which only light the reticle.

GENERAL HUNTING REGULATIONS

General Hunting Regulations

Shooting Hours

Game mammals may only be hunted from 1/2 hour before sunrise to 1/2 hour after sunset.

Aircraft, ATVs, Boats, Drones, Vehicles

It is unlawful to:

- Hunt or harass any wildlife from a motor-propelled vehicle.
- Hunt within eight hours of having been transported by, communicating with, or having received information on the location of a game mammal from an aircraft.
- Use drones for the following purposes:
 - » Hunting, trapping, or angling.
 - » Aiding hunting, trapping, or angling through the use of drones to harass, track, locate or scout wildlife.
 - » Interfering in the acts of a person who is lawfully hunting, trapping or angling.
- Operate or be transported by a motor-propelled vehicle in violation of a Cooperative Travel Management Area restriction. This includes electric assisted

bicycles, and aircraft, except for those landing on a designated air strip.

- Operate a snowmobile or ATV, unless firearms and bows are unloaded except for the following circumstances:
 - » A person who is licensed to carry a concealed handgun in Oregon
 - » A current or honorably retired law enforcement officer
- For this regulation "unloaded" means:
- » Revolver – no live cartridge in the chamber that is aligned with the hammer
 - » Muzzleloader – not capped or primed
 - » Bow – all arrows in the quiver
 - » All Other Firearms – no live cartridge in the chamber

See ORS 821.240 for complete statute language.

- Cast an artificial light from a motor vehicle while in possession of a weapon; or cast an artificial light upon a game mammal, predatory animal, or livestock from within 500 feet of a motor vehicle while in possession of a weapon.
- Shoot game mammals from or with the help of any motorboat or sailboat unless the motor has been shut off and/or sail furled and movement caused by any motor or sail has stopped.

Prohibited Methods

It is unlawful to:

- Hunt or shoot from or across a public Rd, Rd right-of-way or railroad right-of-way, except persons legally hunting on Rds closed to use of motor vehicles by the public.
- Hunt for or kill any wildlife for another person.
- Hunt any game mammal with dogs, except western gray squirrel.
- Hunt, locate, or scout for the purpose of hunting any wildlife with infrared or other night vision sight or equipment except trail cameras.
- Use an artificial light for hunting any wildlife, except raccoon, bobcat and opossum provided the light is not cast from or attached to a motor vehicle. This includes laser sights or any other sights which project a beam to the target, including scopes with electronic rangefinders and scopes that receive information from a rangefinder or any electronic device. This does not include battery operated sights which only light the reticle.
- Take game mammals with trap or snare.
- Use any poisoning, immobilizing, or tranquilizing drug or chemical to hunt or kill any game mammal.

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LEGAL HUNTING WEAPONS FOR GAME MAMMALS

Below are the requirements for weapons that can be used to hunt game mammals. In addition to these restrictions, some controlled hunts or special areas may have further weapon restriction.

General Weapon Provisions for Hunting Game Mammals

Centerfire firearm

It is unlawful to hunt game mammals with:

- .22 caliber rimfire (except for western gray squirrel).
- Fully automatic firearms.
- Semiautomatic rifles with a magazine capacity greater than five cartridges (except for western gray squirrel).
- Tracer or full-metal jacket bullets.
- Infrared, night vision, laser or any other sight that projects a beam to the target, including scopes with electronic rangefinders and scopes that receive information from any electronic device.

Shotgun

Shotguns (see definition on page 88) with rifled barrels are considered shotguns when used for hunting game mammals when centerfire rifles or shotguns are legal weapons.

Bow

- Only recurve, long, or compound bows are legal for hunting game mammals.
- Broadheads must be unbarbed and at least 7/8" wide. Broadheads with moveable blades that fold/collapse when withdrawn are not considered barbed. Western gray squirrel may also be hunted with small game arrow points/heads.

It is unlawful to hunt game mammals with:

- Bows having a draw weight of less than 40 pounds (except no minimum draw weight for western gray squirrel).
- Any device secured to or supported by the bow that maintains the bow at full draw.
- Any electronic device attached to the bow or arrow, except lighted arrow nocks that have no function other than to increase visibility of the arrow.

Muzzleloader

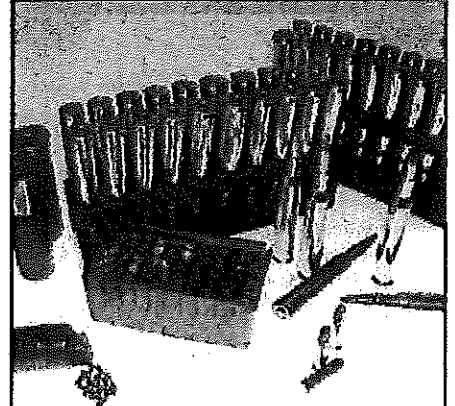
During muzzleloader only seasons and 600 series hunts where there is a weapon restriction of shotgun/muzzleloader only or archery/muzzleloader only:

It is unlawful to:

- Use scopes or sights that use batteries, artificial light or energy except for visually impaired hunters with a permit (see page 23). Open and peep sights are legal, including open and peep sights with fiber optics or fluorescent paint on them.
- Hunt with or have in possession while hunting, sabots or bullets with plastic or synthetic parts. Cloth, paper or felt patches are allowed.
- Hunt with centerfire primers as an ignition source; the muzzleloader must have an open ignition. See definition on page 87.
- Hunt with pelletized powders or propellants. Granular (loose) black powder and black powder substitutes are the only legal propellants.
- Hunt with a revolving action muzzleloader.

During centerfire firearm seasons, hunters may use muzzleloaders with any ignition type (except matchlock), any legal sight, any propellant, or any bullet type provided the weapon meets caliber restrictions for the species.

HELP OREGON WILDLIFE



Hunters have a long history of supporting and conserving Oregon's wildlife. Continue that tradition by switching to non-lead ammunition. Non-lead ammunition is available for most rifles, handguns and shotguns.

High performance non-lead bullets have the same stopping power as lead, but leave fewer bullet fragments that can be swallowed by scavengers and other wildlife. Switching to non-lead ammunition means eagles, scavengers, other wildlife and humans will not be exposed to lead fragments in game meat.

Lead can be harmful to wildlife and humans. A nationwide ban on lead shot for waterfowl hunting is credited with saving millions of ducks, geese and waterfowl from lead poisoning. Birds of prey, scavengers and other wildlife can be harmed by eating meat containing lead fragments.

DO YOUR PART TO HELP OREGON WILDLIFE. GET THE LEAD OUT.



SPECIES SPECIFIC WEAPON RESTRICTIONS

DEER, PRONGHORN, BLACK BEAR, COUGAR

Minimum Centerfire Caliber	.22 caliber .40 caliber: Round ball or legal bullet
Minimum Muzzleloader Caliber	#1 or larger buckshot allowed for deer, bear, and cougar
Shotgun	#1 or larger buckshot or slugs

ELK, BIGHORN SHEEP, ROCKY MOUNTAIN GOAT

Minimum Centerfire Caliber	.24 caliber
Minimum Muzzleloader Caliber	.50 caliber: Round ball or legal bullet
Shotgun	Elk, slugs only. Shotguns not legal for Bighorn Sheep or Rocky Mt Goat

WESTERN GRAY SQUIRREL

Any rifle; handgun; shotgun; muzzleloader; or long, recurve or compound bow.

OFFICE OF THE SECRETARY OF STATE
DENNIS RICHARDSON
SECRETARY OF STATE

LESLIE CUMMINGS
DEPUTY SECRETARY OF STATE



ARCHIVES DIVISION
MARY BETH HERKERT
DIRECTOR
800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701

NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE

FILED
07/16/2018 12:49 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: 2019 Big Game Controlled Hunt Tag Numbers, Season Dates and Regulations

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
513-947-6314
roxann.b.borisch@state.or.us

4034 Fairview Industrial Drive SE
Salem, OR 97300

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: 09/14/2018

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):

This action is necessary to set 2019 hunting season regulations and controlled hunt tag numbers for game mammals.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Draft rules are available from the division's Rule 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:

Rule changes are being proposed to set hunting season regulations and controlled hunt tag numbers for 2019 for game mammals. These changes include rule and regulation simplification to incentivize hunting participation and improve enforcement efficiency.

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 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.

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 2019 compared to 2018, assuming adverse weather and environmental conditions are not experienced between now and the 2019 seasons. 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 2017 dollars, the average expenditure per hunter day would amount to about \$93 per hunter day, of which an average of \$49 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 2017 dollars would be about \$70 per hunter day at the state level, and about \$41 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 \$576.3 million in 2017 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 2017 dollars, this would mean \$449 million in expenditures, \$290 million in personal income, and \$927 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 2019 compared to 2018. 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 2019, especially for deer hunts. Obviously, the magnitude of these changes cannot be predicted, but should a hard winter occur, the effects on tag availability could possibly 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. *Manufacturers?*

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.

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

During July of 2018, 19 public meetings are scheduled around the state to discuss 2019 controlled hunt tag numbers, hunting regulations, and seasons.

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

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. The Department provides information and Draft proposals to, and receives comments from interested and affected persons at a series of town hall meetings. At the Commission hearing, public correspondence and testimony is accepted into the record as part of the rulemaking process.

RULES PROPOSED:

635-008-0050, 635-008-0055, 635-008-0080, 635-008-0085, 635-008-0110, 635-008-0124, 635-008-0153, 635-008-0170, 635-043-0003, 635-043-0110, 635-045-0000, 635-045-0002, 635-046-0045, 635-046-0050, 635-046-0055, 635-060-0000, 635-060-0005, 635-060-0008, 635-060-0009, 635-060-0023, 635-060-0030, 635-060-0046, 635-060-0055, 635-065-0001, 635-065-0011, 635-065-0015, 635-065-0090, 635-065-0401, 635-065-0501, 635-065-0700, 635-065-0705, 635-065-0720, 635-065-0733, 635-065-0735, 635-065-0740, 635-065-0745, 635-065-0765, 635-066-0000, 635-066-0010, 635-066-0020, 635-067-0000, 635-067-0004, 635-067-0024, 635-067-0029, 635-067-0034, 635-067-0041, 635-068-0000, 635-069-0000, 635-070-0000, 635-071-0000, 635-071-0010, 635-072-0000, 635-073-0000, 635-073-0090, 635-074-0020, 635-075-0005, 635-075-0011, 635-075-0020, 635-075-0022, 635-075-0024, 635-090-0140

AMEND: 635-008-0050

RULE SUMMARY: Set hunting season regulations and controlled hunt tag numbers for 2019 game mammal seasons. These changes include rule and regulation simplification to incentivize hunting participation and improve enforcement efficiency.

CHANGES TO RULE:

635-008-0050

Fish and Wildlife Commission to Post and Enforce Rules ¶

In compliance with authority contained in ORS 496.146(9), and penalties prescribed in 496.992, the following rules are adopted to protect wildlife, fish, lands, and appurtenances or management activities and objectives on lands where title to, or control of, rests in the State of Oregon, acting by and through its Department of Fish and Wildlife ("department owned, managed, or controlled areas"). In addition to the requirements and restrictions contained in chapter 635, divisions 011, 021, 045, 046, 050, 051, 052, 053, 054, 060 and 065; the following rules shall apply to all Department owned, managed, or controlled areas referenced in chapter 635, division 008 except as modified by the rules for individual wildlife areas.¶

(1) In order to further the purposes of ORS 496.012 or to protect public safety, portions of Department owned, managed, or controlled areas may be posted and closed to all entry. Entering an area posted "closed to entry" is prohibited except by permit.¶

(2) Leaving garbage and litter on the area is prohibited.¶

(3) Posted Refuges and Safety Zones are closed to hunting and shooting.¶

(4) Motor vehicles are prohibited except on parking areas, open roads, areas posted as open to motor vehicles, or as provided for in the following rules. No cross country travel or off road motor vehicle use is allowed, except by ODFW issued permit or for administrative use.¶

AMEND: 635-065-0745

RULE SUMMARY: Set hunting season regulations and controlled hunt tag numbers for 2019 game mammal seasons. These changes include rule and regulation simplification to incentivize hunting participation and improve enforcement efficiency.

CHANGES TO RULE:

635-065-0745

Prohibited Methods ¶¶

It is unlawful:¶¶

(1) To shoot from or across a public road, road right-of-way, or railroad right-of-way, except that persons legally hunting on closed roads within department Cooperative Travel Management Areas are not violating current prohibitions on shooting from or across a public road.¶¶

(2) To hunt for or kill any wildlife for another person except as provided in ORS 498.170 for visually impaired hunters, and OAR 635-065-0090 for hunters with permanent disability permits.¶¶

(3) To hunt any game mammal with dogs, except western gray squirrel.¶¶

(4) To use an artificial light for hunting any wildlife, except raccoon, bobcat, and opossum provided the light is not cast from or attached to a motor vehicle. This includes laser sights or any other sights which project a beam to the target, this includes scopes with electronic rangefinders. This does not include battery operated sights which only light the reticle.¶¶

(5) To hunt or locate or scout for the purpose of hunting any wildlife with infrared or any other "night vision" sight or equipment except trail cameras.¶¶

(6) To cast from or within 500 feet of a motor vehicle an artificial light on game mammals, predatory animals or livestock while having in possession or immediate physical presence a weapon with which the game mammals or livestock could be killed.¶¶

(7) To take any game mammals with trap or snare.¶¶

(8) To use any poisoning, immobilizing, or tranquilizing drug or chemical to hunt or kill any game mammal.

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

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

AMEND: 635-065-0765

RULE SUMMARY: Set hunting season regulations and controlled hunt tag numbers for 2019 game mammal seasons. These changes include rule and regulation simplification to incentivize hunting participation and improve enforcement efficiency.

CHANGES TO RULE:

635-065-0765

Tagging, Possession, Transportation and Evidence of Sex ¶

(1) When the owner of any game mammal tag kills a game mammal for which a tag is issued, the owner shall immediately ~~remove in its entirety only the month and day of kill and attach the tag~~ validate paper tags as in (a) and attach the tag, or validate electronic tags as in (b) and attach the required information in plain sight securely to the game mammal. The tag or required information shall be kept attached to such carcass or remain with any parts thereof so long as the same are preserved. ¶

(2) ~~It is unlawful to have in possession any game mammal tag from which all or part of any date has been removed or mutilated except when~~ (a) Paper tags are validated by writing on the tag the date and time of harvest and the Wildlife Management Unit where harvest occurred. ¶

(A) Tags are not valid until signed. ¶

(B) It is unlawful to have in possession an unsigned tag and/or reproduction/photocopied tag(s). ¶

(b) Electronic Tags are validated electronically by pressing the validate button on the image of the tag. At the time of validation a confirmation number will become visible. The required information which must be written on material of the tag owners choice and attached tag is legally validated and attached to a game mammal the harvested animal is the tag owners name, ODFW ID number, date, and confirmation number. ¶

(2) The required information attached to game mammals, and paper game mammal tags, must be maintained in legible condition at all times. ¶

(3) It is unlawful to possess the meat or carcass of any deer, elk, pronghorn antelope, bighorn sheep, or Rocky Mountain goat without evidence of sex while in the field, forest, or in transit on any of the highways or premises open to the public in Oregon, except processed or cut and wrapped meat. ~~E~~ Hunters must choose one of two options for providing evidence of sex for deer, elk, pronghorn antelope, bighorn sheep, or Rocky Mountain goat is ¶

(a) Option 1: The animal's scalp which head or skull include the attached eyes and ears, if animal is female; or ears, antlers or horns, and eyes if the animal is male, or; ¶

(b) Rp from the eyes to the ears for females, and antlers or horns for males, or; ¶

(b) Option 2: A reproductive organs (a testicles, scrotum, or penis if male; vulva or udder (mammary) if female) naturally attached to one quarter of the carcass or to another penis, udder or vulva) attached to a major portion of meat. ¶

(i) For hunts with antler or horn restrictions, if the head is not attached to the carcass, in addition to leaving the testicles, scrotum, or penis naturally attac White-tailed Deer and Mule Deer Only Hunts, the head or skull plate with both antlers or horns naturally attached shall accompany the carcass or major portions of meat. ¶

(ii) For hunts where only white-tailed deer and for hunts where only mule deer are legal: in addition to evidence of sex, (testicles, scrotum, penis, vulva, udder, mammary), either the head or tail shall remain naturally attached to one quarter of the carcass or to another major portion of meat as evidence of the species taken tail must be retained for proof of species. ¶

(c) Option 1. (3)(a). must be used for hunts with antler point restrictions. ¶

(4) When any game mammal or part thereof is transferred to the possession of another person, a written record describing shall accompany such transfer and include: ¶

(a) a description of the game mammal or part being transferred indicating; ¶

(b) the name and address, and ODFW ID number of the person whose tag was originally attached to the carcass

End over.

Roxann B Borisch

From: Michelle Tate
Sent: Wednesday, January 30, 2019 9:03 AM
To: Roxann B Borisch
Subject: FW: Big Game Review Phase 3

Categories: Red Category

PC

From: Craig <craig1945@centurylink.net>
Sent: Saturday, January 19, 2019 5:45 PM
To: odfw.commission@state.or.us
Cc: Curt Melcher <curt.melcher@state.or.us>; Nick Myatt <Nick.A.Myatt@state.or.us>
Subject: Fw: Big Game Review Phase 3

Dear Commissioners,

An additional thought – if ODFW can't or doesn't want to use an existing hunting forum to solicit public involvement in the big game regulation review project, ODFW might consider establishing a forum on the ODFW web site specifically to allow the public to suggest Phase 3 regulatory concepts for your consideration.

Craig Starr

From: Craig
Sent: Saturday, January 19, 2019 12:27 PM
To: odfw.commission@state.or.us
Cc: Curt Melcher ; Nick Myatt
Subject: Big Game Review Phase 3

Dear Commissioners,

Some of you may have recognized that I attended a portion of your Commission meeting yesterday. I was there primarily to listen to Nick Myatt's presentation regarding ODFW's project to review and update the big game hunting regulations.

One of the major concerns I've had with Phases 1 and 2 of the project has been the decided lack of public input opportunity in the initial development of the proposals that go to you. In effect, the Phase 1 and 2 proposals were developed virtually entirely by ODFW staff with no effective opportunity for public input. Once the proposals were developed by staff and reviewed with you, they were presented publically through the big game public meetings. At that point, any public comment was entirely reactive and there was no opportunity for the public to offer other concepts for your consideration. ODFW staff has indicated to me that the big game public meetings provide the opportunity for "public involvement", but I would argue that a process that prevents consideration of concepts that might be suggested by the public is a completely ineffective way of providing real public involvement.

I attended your meeting yesterday in hope that I might hear that there would be an effective opportunity for the public to be involved in development of the critical Phase 3 concept proposals. Unfortunately, my hope was not fulfilled. While I appreciate that ODFW will be having a consultant (??) prepare a survey to be sent to a significant number of Oregon hunters as part of Phase 3, the fact is that 2,000 surveys will reach only about 1-percent, more or less, of Oregon hunters. That may well be a statistically valid sample for a general attitude survey of Oregon hunters, but I find it impossible to believe that the survey will be detailed enough to solicit specific regulatory concepts that might be offered by hunters through a broader outreach effort. If not, Phase 3 will be yet another instance where the concepts you get to consider will be only those developed by ODFW staff, not concepts desired by Oregon's public hunters.

I know that soliciting public involvement for something as complex as Phase 3 of the regulation simplification project used to require an imposing and often expensive effort. However, in today's internet environment, there are several hunting forums where the opinions of and suggestions from hunters can readily be solicited with little effort or expense. On iFish Hunting, for example, there was a post titled "iFish think tank – specific suggestions for ODFW" that had over 200 comments/suggestions last I checked some months ago. As is often the case, a lot of the comments on that thread were "garbage" in my opinion, but there could be a few "gems" that should be considered by your ODFW staff. Use of iFish Hunting or other internet hunting forums by ODFW to solicit specific regulatory suggestions for consideration in Phase 3 could be more effective in generating concepts than a thread initiated by an individual, especially if ODFW "advertised" the comment/suggestion opportunity with a new release so that it reached many of Oregon's hunters. As an added benefit, ODFW might even get a few positive "points" for actively asking for public input rather than being criticized for failing to reach out to 99-percent of Oregon's hunters through the survey.

Craig Starr

Craig Pfeifer

From: Andy York
Sent: Wednesday, September 11, 2019 2:08 PM
To: Tony A. Schoonen
Cc: Sandy Poston; Keith Balfourd; Justin E. Spring; Joseph Fruechtel; Craig Pfeifer; Jake Love; Danny Noonan
Subject: RE: Annual Meeting in Tucson
Importance: High

Thank you Tony,

We are in discussion currently with various Fish & Wildlife offices and Sportsman's Caucuses on this question of using the Ballistic Data Xchange optics for big game hunting. Continuing the conversation with B&C is greatly appreciated and our main goal is to educate on the different ways to use the system and its components. Sometimes a video is easier than me explaining the three main ways of using the system – Scope Only, Rangefinder Only or both together as a system. That video link is listed below:

- https://www.dropbox.com/s/utdtvbhwmwtkhmba/SSEO_2019_Broadcast_Game_UseCase_Video_60sec.mp4?dl=0

Our view remains the same as we have discussed in the past, that the rangefinder used alone should be allowed as it functions much like any other rangefinder when used as a standalone unit. Same goes for the riflescope when used alone in the field, it is simply an illuminated scope with a custom BDC reticle, which is also currently allowed. The final use case is the system, here the conversation shifts to Fair Chase and ethics and the word "smart scope" comes up. Not really. As I have demonstrated in the past, we light up an MOA hold on the reticle. You could achieve the same hold using any number of scopes on the market with BDC reticles or you could dial the solution with the elevation turrets on any riflescope.

I have suggested in the past that we look at new technologies and ask "does this new technology fundamentally add an unfair and new advantage to the hunter in his/her pursuit of big game, over and above what has already been allowed". If the answer is yes, as in the case of drones, cellular linked trail cameras, thermal sights, then for sure these products should not be allowed in the records book. Our position is that the BDX components when used separately are definitely not new at all and that when used as a system, also do nothing new. They provide an MOA adjustment that is translated to an illuminated holdover point on the reticle of the riflescope. Yes, this looks cool and sells scopes. But in the end, it does nothing new. That same MOA adjustment could be dialed with your custom turrets or any standard or custom BDC holdover reticle already. The automatic light up of that adjusted hold really saves you about 2-3 seconds, that is it. It does not give the hunter any new capability that they did not already possess with products that are allowed for the records book. It is not a smart scope at all.

I hope this helps and we hope to have an opportunity to discuss as you feel appropriate with B&C. If you have questions, please feel free to call...but I will be out chasing Elk around with my bow for the next several days!

Thank You,

Andy York
President Electro-Optics Division
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M - 603-686-4528
O - 603-610-3881
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27100 SW Parkway Ave
Wilsonville, OR 97070
USA

From: Tony A. Schoonen [mailto:tony@boone-crockett.org]
Sent: Monday, September 9, 2019 12:11 PM
To: Andy York <Andy.York@sigsauer.com>
Cc: Sandy Poston <ydnas@boone-crockett.org>; Keith Balfourd <keith@boone-crockett.org>; Justin E. Spring <justin@boone-crockett.org>
Subject: Annual Meeting in Tucson

Hi Andy!

I hope the summer has gone well for you and you have some hunts lined up this fall!

You may have seen our recent members newsletter regarding the Annual Meeting in December but I wanted to get the attached event schedule and committee meeting schedule so you would be aware. Please let me know if I can assist you in any way to make sure we get any re-aheads you'd like to the Records folks for our discussion.

Thanks for your willingness to have a discussion with the Records Committee.

Best regards

Tony