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

CHAPTER 635  
DEPARTMENT OF FISH AND WILDLIFE

**FILED**

08/18/2021 2:51 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Oregon Conservation and Recreation Advisory Committee Rule Changes

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/15/2021 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: 10/15/2021

TIME: 8:00 AM - 5:00 PM

OFFICER: ODFW Commission

ADDRESS: Oregon Dept of Fish and  
Wildlife

4034 Fairview Industrial Dr SE  
Salem, OR 97302

SPECIAL INSTRUCTIONS:

Because of the rapidly changing  
situation with COVID-19, all or  
portions of this hearing may be  
conducted electronically. Information  
will be posted on our website at  
<https://www.dfw.state.or.us/agency/commission/minutes/>

NEED FOR THE RULE(S):

Proposed rule amendments allow for the administrative rules regarding the Oregon Conservation and Recreation Advisory Committee to be consistent with the language of HB 2171, passed in the 2021 legislative session.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

1. Staff report prepared for the Oregon Fish and Wildlife Commission hearing on 10/15/2021.

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.

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**FISCAL AND ECONOMIC IMPACT:**

No fiscal and or economic impacts are expected to result from these proposed amendments.

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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).

The state entities that could potentially be affected by these rule amendments is the Oregon Department of Fish and Wildlife (ODFW) and the Oregon Office of Outdoor Recreation (OREC). No significant changes from the current levels of the agency's staffing, expenditures, or revenues are expected as a result of these particular rule amendments.

No units of local government would be affected by the proposed rules. The public is not significantly affected by the proposed rules.

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

No significant effects on small businesses are expected as a result of these amendments.

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

No changes in these costs are expected.

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

No changes in these costs are expected.

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

Small businesses were not directly involved with the development of these amendments, opportunities for public participation in the process of the passage of HB 2171 were provided through the 2021 Legislative Session.

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

These rule amendments are believed to be fully compatible with legislative direction on the goals of fish and wildlife management in Oregon. The agency is engaging with the public through this noticed rulemaking process. Public correspondence will also be part of the Commission meeting for October 2021, when this rule will be decided upon.

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AMEND: 635-098-0040

RULE SUMMARY: The proposed rules provide further clarification on the Oregon Conservation and Recreation Advisory Committee and establish term limits where members shall not serve more than two consecutive four year terms.

CHANGES TO RULE:

635-098-0040

Membership

(1) Advisory Committee Composition: ¶

(a) The advisory committee shall consist of nine members appointed by the Governor.¶

(b) Six members of the advisory committee shall be appointed to represent one of each of the ecoregions described below, which are documented and described in the Oregon Conservation Strategy. To represent an ecoregion, the member shall live in and possess demonstrable scientific expertise related to the ecoregion ¶

(A) Nearshore Marine or Coast Range¶

(B) Willamette Valley¶

(C) Klamath Mountains¶

(D) West Cascades or East Cascades¶

(E) Columbia Plateau or Blue Mountains¶

(F) Northern Basin and Range¶

(c) Three members of the advisory committee shall be appointed from Oregon-at-large. These three members shall have an interest in fish and wildlife conservation or outdoor recreation, especially wildlife-associated recreation such as wildlife viewing, nature photography, nature tourism, outdoor education, or community science. ¶

(d) In making appointments of all nine advisory committee members, consideration should be given to appointing members who possess experience engaging youth, underserved communities and diverse audiences, such as communities of color, tribes, and low income communities, in conservation and recreation activities. Consideration should also be given to members with interests in the economic, social, and educational benefits of healthy ecosystems. ¶

(e) Consideration should be given to ensuring that the advisory committee membership reflects the demographic and geographic diversity of Oregon. ¶

~~(f) One member of the Oregon Fish and Wildlife Commission may be designated by the Commission as a non-voting participant.~~ The Associate Director of Outdoor Recreation, or the Associate Director's designee, shall serve as a non-voting, ex-officio member on the Advisory Committee.¶

~~(g) The Director~~ One member of the Oregon Office of Outdoor Recreation ~~may~~ Fish and Wildlife Commission may be designated by the Commission ~~may~~ to serve as a non-voting ex-officio member of ~~n~~ the a ~~Advisory e~~ Committee.¶

(2) Officers:¶

(a) The officers of the advisory committee shall be a Chair and a Vice Chair.¶

(b) Officers shall be elected by the advisory committee. ¶

(c) Officers may hold office for a period of two years from the date of appointment, and may be re-elected. ¶

(3) Advisory Committee Term Limits:¶

Each of the nine, voting members of the advisory committee shall serve for a term of four years. A member shall be eligible for reappointment, but no member shall serve more than two consecutive terms.¶

(4) Compensation: ¶

Members of the advisory committee may not receive compensation for service as members. However, subject to any applicable law regulating travel and other expenses of state officers a member may be reimbursed for actual and necessary travel and other expenses incurred in the performance of official duties from moneys available to the department for the purpose of reimbursement of advisory committee members.

Statutory/Other Authority: ORS 496.012, 496.138, 496.146, HB 2829 (2019), HB 2171 (2021)

Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, HB 2829 (2019), HB 2171 (2021)