

OFFICE OF THE SECRETARY OF STATE

LAVONNE GRIFFIN-VALADE
SECRETARY OF STATE

CHERYL MYERS
DEPUTY SECRETARY OF STATE
AND TRIBAL LIAISON



Attachment 2

ARCHIVES DIVISION
STEPHANIE CLARK
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
10/30/2024 12:03 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Updates to fees for reprinting, or mailing hunting and angling tags, or hunt unit maps

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/13/2024 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: Steven Emerson
503-947-6233
Steven.C.Emerson@odfw.oregon.gov

4034 Fairview Industrial Dr SE
Salem, OR 97302

Filed By:
Steven Emerson
Rules Coordinator

HEARING(S)

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

DATE: 12/13/2024

TIME: 8:00 AM - 5:00 PM

OFFICER: Steven Emerson

IN-PERSON HEARING DETAILS

ADDRESS: Oregon Department of Fish and Wildlife, 4034 Fairview Industrial Dr SE, Salem, OR 97302

SPECIAL INSTRUCTIONS:

This hearing will be conducted as a hybrid meeting, providing an opportunity to give testimony either in person or virtually. Additional information regarding participation will be posted on our website at www.dfw.state.or.us/agency/commission/minutes/. The meeting can be viewed at www.youtube.com/user/IEODFW. Any changes to the meeting format (to virtual only if emergency arises) will be posted to our website as soon as possible.

NEED FOR THE RULE(S)

These proposed amended rules are necessary to provide flexibility to the Department to help cover the costs associated with reprinting and shipping materials like hunting and angling tags and maps. The ability to charge shipping fees for special orders allows the Department to manage expenses more effectively, ensuring that resources are allocated where they are most needed. Overall, these rules support the sustainability of the Department's services while maintaining accessibility for outdoor enthusiasts.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

1. Staff report prepared for the Oregon Fish and Wildlife Commission hearing on 12/13/2024.

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, Fish Division, 4034 Fairview Industrial Drive SE, Salem, Oregon 97302-1142. Contact Steve Emerson at 503-947-6233 or Steven.C.Emerson@odfw.oregon.gov to view by appointment

between the hours of 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Department has solicited input from representatives of underrepresented communities likely to be affected on whether the proposed rule will have a fiscal impact on the community, the extent of the fiscal impact, and whether the rules will have significant impact on underrepresented communities. <https://www.dfw.state.or.us/OARs/index.asp>

FISCAL AND ECONOMIC IMPACT:

No major fiscal or economic impacts are expected to result from the rule.

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) The only state agency likely to be affected by the rule is the Oregon Department of Fish and Wildlife (ODFW). Under the proposed rule, ODFW would have discretion to choose whether to charge a \$2 shipping and handling fee for transactions, purchases, or other circumstances that require ODFW to provide items via fax or mail. Under the current rule, it is mandatory for ODFW to charge this \$2 fee. On average only 10 such transactions or circumstances occur during any given year. Thus, the fiscal impacts to ODFW are anticipated to be very minimal, estimated as a reduction in revenue amounting to \$20 per year.

No units of local government are expected to be impacted by the rule.

The public may be minimally affected by the rule. The small number of individuals who are involved in transactions that require ODFW to provide them items via fax or mail may not be required to pay the \$2 shipping and handling fee, and thus may receive some minor cost savings.

(2)(a) No small businesses are expected to be subject to the rule. The proposed rule would only impact ODFW procedures for charging shipping and handling fees for transactions, purchases, or other circumstances that require ODFW to provide items via fax or mail.

(b) No significant changes in these costs are expected to result from the rule.

(c) No significant changes in these costs are expected to result from the rule.

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

Opportunities for public comment are provided during the ODFW Commission process.

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

Correspondence from and testimony by interested and affected persons is accepted into record and is part of the rulemaking process.

AMEND: 635-010-0012

RULE SUMMARY: The proposed amended rules allow the Department to charge a \$2.00 fee for reprinting hard copy

hunting and angling tags and for mailing hunt unit maps ordered online. Additionally, the proposed amended rule allows for the Department to impose shipping fees for special orders or large mailings or other instances based on the actual cost of shipping.

The Commission may decide to adopt staff recommended proposed rule and rule amendments as proposed in attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments. The existing rules require the Department to charge a \$2.00 fee in situations where item(s) are provided to customers via fax or mail or when reprinting hard copy hunting and angling tags.

CHANGES TO RULE:

635-010-0012

Service Fees

~~(1) The Department will charge shipping and handling fee of \$2.00 per session whenever a person makes a purchase that requires and its agents or contractors may charge a \$2.00 fee for the Department or its Agent or Contractor to provide item(s) via fax or mail order. This fee is in addition to all other document costs Exception: For landowner preference and related documents, the fee is as referenced in Division 635-075rinting of hard copy hunting and angling tags as well as for the mailing of hunt unit maps ordered through the electronic licensing system.~~

~~(2) The Department will may charge a shipping and handling fee of \$2.00 per transaction whenever a person makes a purchase that requires the Department or its Agent or Contractor to provide item(s) via mail.~~

~~(3) This fee may also be required for transactions or documentation updates in the Department's Electronic Licensing Systems that are handled by the Department at the request of a person who could otherwise complete the transaction or update without Department handling.~~

~~(4) This fee will be charged for reprinting of hard copy hunting and angling tags issued by the Department, when handled by the Department or its agent fees, up to the true cost of shipping, for special orders, large mailings, or other similar instances where shipping fees exceed \$10. Exception: For landowner preference and related documents, the fee is referenced in OAR 635, division 075.~~

~~Statutory/Other Authority: ORS 496, ORS 497.138(2)~~

~~Statutes/Other Implemented: ORS 496.146, ORS 497.032~~