

Secretary of State
NOTICE OF PROPOSED RULEMAKING HEARING*
 A Statement of Need and Fiscal Impact accompanies this form.

Oregon Department of Fish and Wildlife (ODFW) – Wildlife Division	635
Agency and Division	Administrative Rules Chapter Number
Teri Kucera	(503) 947-6033
Rules Coordinator	Telephone
3406 Cherry Ave. NE, Salem, OR 97303	
Address	

RULE CAPTION

Amendments regarding harvest of gamebirds, season dates, open areas, bag limits and take of wildbirds including nests and eggs
 Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

August 8, 2008	8:00AM	3406 Cherry Ave. N Salem, OR 97303	Oregon Fish and Wildlife Commission
Hearing Date	Time	Location	Hearings Officer

Hearing Date	Time	Location	Hearings Officer
<i>Auxiliary aids for persons with disabilities are available upon advance request.</i>			

RULEMAKING ACTION

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND: OAR Chapter 635, Division 008, 010, 045, 047, 051, 052, 053, 054, 060 and 100

REPEAL:

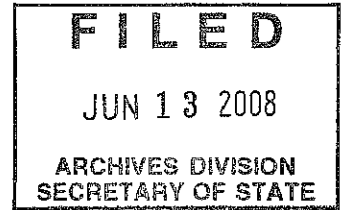
RENUMBER:

AMEND & RENUMBER:

Stat. Auth. : ORS 496.012, 496.138, 496.146, 496.162, 498.002

Other Auth.:

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162, 498.002



RULE SUMMARY

Amend rules regarding the harvest of game birds including 2008-2009 season dates, open areas, regulations and bag limits and to allow the continuation of control methods currently allowed under Federal permits for all migratory birds and to implement the Nest and Egg Depredation Order for resident Canada geese. The department may allow the destruction of nests and/or eggs by authorized federal agencies and their permittees for the purposes of public health and safety, nuisance, and depredation control.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

August 8, 2008
Last Day for Public Comment (Last day to submit written comments to the Rules Coordinator)

Signature

Michelle Tate
 Printed name

June 13, 2008
 Date

*Hearing Notices published in the Oregon Bulletin must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, upon which the deadline is 5:00 pm the preceding workday. ARC 920-2005

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Department of Fish and Wildlife – Wildlife Division
Agency and Division

635
Administrative Rules Chapter Number

In the Matter of Amendment of Rules)	Statutory Authority,
Relating to the 2008-2009 Game Bird)	Statutes Implemented,
Seasons and Rules relating to the take of Wild)	Statement of Need,
Birds including Nests and Eggs)	Principal Documents Relied Upon,
)	Statement of Fiscal Impact

Amendments regarding harvest of gamebirds, season dates, open areas, bag limits and take of wildbirds including nests and eggs
Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

Statutory Authority: 496.012, 496.138, 496.146, 496.162 and 498.002

Other Authority:

Stats. Implemented: 496.012, 496.138, 496.146, 496.162 and 498.002

Need for the Rule(s): The rules are needed to establish hunting seasons for game birds in a manner to maintain their number at optimum levels and prevent their serious depletion so as to provide optimum recreational benefits for present and future generations of citizens of this state.

In recent years, the numbers of Canada geese that nest and/or reside predominantly within the conterminous United States have undergone dramatic growth to levels that are increasingly coming into conflict with people and human activities and causing personal and public property damage, as well as public health concerns. Other migratory birds also pose public health and safety concerns and controls are permitted by federal agencies.

Documents Relied Upon, and where they are available: Census data, 2005-2010 Upland Game Bird Frameworks, 2007-08 hunting season results, Pacific Flyaway data, Federal Register documents, staff analysis, written and oral presentations by experts and public. These documents may be obtained during normal business hours from the Department of Fish and Wildlife, 3406 Cherry Ave NE, Salem, OR 97303.

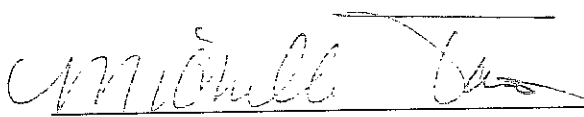
Fiscal and Economic Impact, including Statement of Cost of Compliance:
See attached

How were small businesses involved in the development of this rule? Public comments, including those from small business are considered when making these rule changes.

Administrative Rule Advisory Committee consulted? : No

If not, why?: The draft administrative rules relating to hunting seasons were developed without a committee of interest or affected persons. These rules are amended annually in a public format to administer existing programs and hunting seasons; interested and affected persons are generally aware of this rulemaking schedule. Correspondence from and testimony by interested and affected persons is accepted into record as part of the rulemaking process. These regulation proposals do not vary significantly from rules previously in effect.

The draft administrative rules relating to the take of wild birds including nests and eggs, were developed by consultation with the US Department of Agriculture and the US Fish and Wildlife Service. The proposed rules have been developed to be consistent with the changes in federal regulations.



Michelle Tate
Printed name

June 13, 2008
Date

Fiscal and Economic Impact Statement for the August 8, 2008 Hearing on Rules Relating to the Hunting of Game Birds, including the 2008 - 2009 Game Bird Hunting Seasons and the Take of Resident Canada Goose Eggs

Fiscal and economic impact: Rules are proposed to set the 2008-2009 season according to the stabilized upland game bird season framework for September 1, 2005 to August 31, 2010 and final federal frameworks for migratory game bird seasons. In addition, rule changes are being proposed to allow the limited destruction of resident Canada goose nests and eggs for the purposes public safety and preventing wildlife damage. Under the proposed rule change, egg destruction would primarily be allowed in urban areas, and will be restricted otherwise to protect huntable resident goose populations. A recent environmental impact statement conducted by the United States Fish and Wildlife Service (USFWS) concluded that limited egg take will not be harmful to the population of resident Canada geese. In response, federal permits are to be made available to allow destruction of nests and eggs in certain circumstances. The proposed rule changes will allow for this take and compliment federal regulations. Additionally, the role of the United States Department of Agriculture's Wildlife Services would be acknowledged by the rule change for authorized control of all migratory birds in public safety and depredation situations.

The proposed rules will affect state agencies, units of local government and the public, respectively, as discussed below:

a. State agencies which could be affected by rules relating to game bird hunting seasons are the Oregon Department of Fish and Wildlife (ODFW) for wildlife management costs and the Oregon State Police (enforcement costs).

No significant changes are expected to regulations pertaining to game bird seasons or hunting opportunity that are associated with license sales revenue to ODFW.

The other proposed rule change authorizes the issuance of permits by ODFW to landowners to destroy goose eggs if necessary to avoid depredation. Permits will only be issued through a federal website at no cost to ODFW.

b. Units of local government are expected to be affected by these rules. There might be benefits to city and industrial park managers related to the option of destroying nests or eggs of unwanted Canada geese. Cost savings might apply if less harassment is necessary. The amount of this fiscal impact depends on the size of the park, the cost of harassment, and the population of resident Canada geese in the area.

c. The public is affected by rules relating to game bird hunting seasons. Various sectors of the public economy (hunters, suppliers of hunting equipment, and the general economy) will experience different impacts.

The economic impact of changes in game bird (waterfowl and upland bird) hunting rules depends primarily on the changes in hunting opportunities associated with the rule changes, and the associated effects on direct expenditures by hunters. These effects are best measured by estimating the magnitude

of changes in the number of hunters and hunter days and estimating the resulting changes in expenditures made by hunters.

Annual retail sales associated with migratory bird hunting and upland bird hunting (excluding turkey hunting) in Oregon were an estimated \$57 million and \$45 million respectively in 2006 (U.S. Fish and Wildlife Service, 2008 and International Association of Fish and Wildlife Agencies, 2007). Annual retail sales associated with wild turkey hunting were approximately \$13 million in 2006¹ (U.S. Fish and Wildlife Service, 2008). The total (direct, indirect and induced) effects on personal income in the areas surrounding the game bird hunting areas (and statewide) are the result of direct expenditures on goods and services made by sportspeople from local suppliers. Through the "multiplier process", there is an increase in overall economic activity and personal income in the general economy associated with the retail sales made to hunters. The estimated annual impact on state level personal income of migratory bird hunting and upland bird hunting in Oregon was about \$30 million and \$21 million respectively in 2006² (U.S. Fish and Wildlife Service, 2008 and International Association of Fish and Wildlife Agencies, 2007).

At this writing, we are not projecting significant statewide changes in upland or migratory game bird hunter activity and related economic impacts as a result of adopting the proposed regulations. The Fish and Wildlife Commission has adopted stabilized season frameworks for upland game bird hunting for the period September 1, 2005 to August 31, 2010. These frameworks are similar to the previous five-year period and most upland game bird seasons will be similar when compared to previous years. While not finalized until late July, USFWS frameworks for migratory game bird hunting should be very similar to the previous year.

The rules relating to game bird hunting seasons could be viewed as reducing positive economic impacts in the short run, compared to an unrestricted situation. However, conservation through the use of a seasonal framework is intended to perpetuate these wildlife resources at optimal levels in the long run. Failure to restrict harvests of game birds to allow escapement for reproduction would result in severe adverse economic effects in the future. The proposed regulations attempt to strike a balance, which will sustain wildlife population levels and maintain future benefits.

Individuals that complain of damages from resident Canada geese within urban boundaries would be helped by the option of nest and egg destruction. Small businesses such as golf courses would benefit if geese are undesired. It is not clear how many businesses would benefit from this option, but it would have a positive fiscal impact on business operations if damages are harming business. Without specific information on the effects of resident Canada goose damages to business, it is impossible to determine the size of this monetary benefit.

Most businesses affected by these rules are believed to be "small business."

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

The rules are believed to be fully compatible with legislative direction on the goals of wildlife management in Oregon.

References

International Association of Fish and Wildlife Agencies. 2007. Economic Importance of Hunting in America. Washington, DC.

US Fish and Wildlife Service. 2008. 2006 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation, Oregon State Report. U.S. Department of the Interior, Fish and Wildlife Service and U.S. Department of Commerce, U.S. Census Bureau.

¹The National Survey groups wild turkey with the big game category. The \$13 million estimate was arrived at by prorating big game expenditures in direct proportion to the number of wild turkey hunting days in the field estimated in the survey. The estimate is somewhat uncertain because of the small sample size of turkey hunters in the survey.

²Wild turkey were not included in the personal income estimates provided by the International Association of Fish and Wildlife Agencies.