

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	3406 Cherry Ave N	Salem, OR 9730	(503) 947-6033
Rules Coordinator	Address		Telephone

**RULE CAPTION**

Amend Rules Relating to Competitive Trials, Commercial and Individual Training for Hunting Dogs and Raptors  
**Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.**

June 2, 2011	1:00 PM	3406 Cherry Ave NE, Salem OR 97303	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 635-043, 635-046, 635-050

**REPEAL:**

**RENUMBER:**

**AMEND & RENUMBER:**

Stat. Auth.: ORS 496.012, 496.138, 496.146, 498.006 and 498.106

Other Auth.:

Stats. Implemented: ORS 496.012, 496.138, 496.146, 498.006 and 498.106

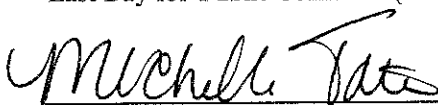
**RULE SUMMARY**

The purpose of this rule is to carry out the provisions of ORS 498.106 which relates to competitive field trials for hunting dogs and to provide the conditions under which wildlife may be used to train hunting dogs and raptors.

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.

June 2, 2011

**Last Day for Public Comment** (Last day to submit written comments to the Rules Coordinator)



Michelle Tate

04/14/11

Signature

Printed name

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 (ODFW) Wildlife Division  
Agency and Division

635

Administrative Rules Chapter Number

**Amend Rules Relating to Competitive Trials, Commercial and Individual Training for Hunting Dogs and Raptors**

Rule Caption (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)

In the Matter of: Training for Hunting Dogs  
Amendments of OAR Chapter 635,  
Division 043, 046, 050

- ) Statutory Authority,
- ) Statues Implemented,
- ) Statement of Need,
- ) Principal Documents Relied Upon,
- ) Statement of Emergency Justification

Statutory Authority: ORS 496.012, 496.138, 496.146, 498.006 and 498.106

Other Authority:

Stats. Implemented: ORS 496.012, 496.138, 496.146, 498.006 and 498.106

Need for the Rule(s):

The need for this rule is to carry out the provisions of ORS 498.106 which relates to competitive field trials for hunting dogs and to provide the conditions under which wildlife may be used to train hunting dogs and raptors.

Documents Relied Upon, and where they are available:

Fiscal and Economic Impact:

Statement of Cost of Compliance:

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):
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:
  - b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:
  - c. Equipment, supplies, labor and increased administration required for compliance:

How were small businesses involved in the development of this rule?

Administrative Rule Advisory Committee consulted?: Yes

If not, why?:



Signature

Michelle Tate

Printed name

04/14/11

Date

**Fiscal and Economic Impact Statement for the June 2, 2011 Hearing**  
**Use of Wildlife in Competitive Hunting Dog Trials and the Training of Hunting**  
**Dogs and Raptors**

Fiscal and economic impact: Rule changes are being proposed to allow the release and take of certain domestically raised game birds for the purpose of training hunting dogs and raptors. Additionally, changes to the rules which prohibit the running or training of dogs in game bird nesting habitat from April 1 to July 31 or which classify the training of dogs in productive wildlife habitat from April 1 to July 31 as wildlife harassment, are being proposed.

A. The only state agency that would be affected by adoption of these rules is the Oregon Department of Fish and Wildlife (ODFW). Permits are currently required for the release of domestically raised or imported wildlife, but the rule change to allow shooting of domestically raised birds which have been released into the wild will likely increase the demand for these permits. The Department proposes a self-issuing permit to release game birds to train a hunting dog or raptor so a minor increase in staff time is expected to manage this process.

B. No units of local government are expected to be 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 adoption of these rules.

C. The public could be affected by the adoption of these rules. Businesses and individuals that train dogs will benefit from having the option to train dogs in additional areas year-round as well as the ability to shoot domestically raised game birds for hunting dog training. While this will provide a more effective means of training hunting dogs, the financial benefits to these businesses are not known.

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

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

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.