

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) | 635                                 |
| Agency and Division                           | Administrative Rules Chapter Number |
| Teri Kucera                                   | 3406 Cherry Ave NE., Salem, OR 9730 |
| Rules Coordinator                             | Address                             |
|                                               | (503) 947-6033                      |
|                                               | Telephone                           |

**RULE CAPTION**

Amendments regarding harvest of game birds, season dates, open areas and bag limits.

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

|                |         |                                        |                                     |
|----------------|---------|----------------------------------------|-------------------------------------|
| August 3, 2012 | 8:00 am | 3406 Cherry Avenue NE, 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, 044, 045, 051, 052, 053, 054, 056, 060, 200

**REPEAL:****RENUMBER:****AMEND & RENUMBER:**

Stat. Auth. : ORS 496.012, 496.138, 486.146, 496.162, 498.002

Other Auth.:

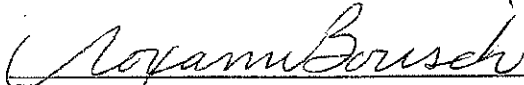
Stats. Implemented: ORS 496.012, 496.138, 486.146, 496.162, 498.002

**RULE SUMMARY**

Amend rules regarding the harvest of game birds including 2012-2013 season dates, open areas, regulations and bag limits. Amend rules regarding unprotected wildlife.

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 2, 2012

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


Roxann Borisch

6/15/12

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)

635

Agency and Division

Administrative Rules Chapter Number

Amendments regarding harvest of game birds, season dates, open areas and bag limits.

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

|                                     |   |                                  |
|-------------------------------------|---|----------------------------------|
| In the Matter of Amendment of Rules | ) | Statutory Authority,             |
| Relating to the 2012-2013 Game Bird | ) | Statutes Implemented,            |
| Seasons and Rules                   | ) | Statement of Need,               |
|                                     | ) | Principal Documents Relied Upon, |
|                                     | ) | Statement of Fiscal Impact       |

Statutory Authority: ORS 496.012, 496.138, 486.146, 496.162, 498.002

Other Authority:

Stats. Implemented: ORS 496.012, 496.138, 486.146, 496.162, 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.

Documents Relied Upon, and where they are available:

Fiscal and Economic Impact: See attached.

Statement of Cost of Compliance:

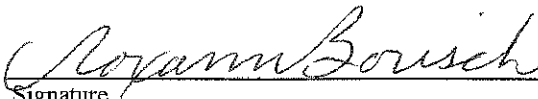
1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):
2. Cost of compliance effect on small business (ORS 183.336):
  - a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule:
  - b. Projected reporting, 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?: 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.



Roxann Borisch

Printed name

6/15/12

Date

## **Fiscal and Economic Impact Statement for the August 3, 2012 Hearing on Rules Relating to the Hunting of Game Birds, including the 2012 - 2013 Game Bird Hunting Seasons**

Fiscal and economic impact: Rules are proposed to set the 2012-2013 season according to the new stabilized upland game bird season framework for September 1, 2010 to August 31, 2015 and final federal frameworks for migratory game bird seasons. Other rules are proposed that would update the stamp art competition process.

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.

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 these particular rules.

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) can experience different impacts, though no significant impacts are expected to result from proposed rule changes/updates.

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 \$60.8 million (2009\$) and \$48.2 million (2009\$) 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 \$13.8 million (2009\$) in 2006<sup>1</sup> (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 \$32 million (2009\$) and \$22 million (2009\$) respectively in 2006<sup>2</sup> (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, 2010 to August 31, 2015. These frameworks are similar to the previous five-year period and most upland game bird seasons will be similar when compared to previous years. 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.

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.

<sup>1</sup>The National Survey groups wild turkey with the big game category. The \$13 million estimate was made 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.

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