

Secretary of State

**NOTICE OF PROPOSED RULEMAKING HEARING\***

A Statement of Need and Fiscal Impact accompanies this form

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

**RULE CAPTION****2014 ANNUAL CHANGES TO GAME MAMMAL HUNTING REGULATIONS, PLUS 2013 CONTROLLED HUNT TAG NUMBERS**

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

Hearing Date	Time	Location	Hearings Officer
6-6-13	8:00 a.m.	9000 SW Washington Square Rd, Tigard, OR 97223	Oregon Fish & Wildlife
6-7-13	8:00 a.m.	9000 SW Washington Square Rd, Tigard, OR 97223	Oregon Fish & Wildlife

**RULEMAKING ACTION**

Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

**ADOPT:****AMEND:**

OAR Chapter 635, Divisions 002, 008, 043, 045, 049, 060, 065, 066, 067, 068, 069, 070, 071, 072, 073, 075, 078, and 080.

**REPEAL:****RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.**AMEND AND RENUMBER:** Secure approval of new rule numbers with the Administrative Rules Unit prior to filing.**Statutory Authority:**

ORS 496.012, 496.138, 496.146, 496.162

**Other Authority:****Statutes Implemented:**

ORS 496.012, 496.138, 496.146, 496.162

**RULE SUMMARY**

NOTE: Commission/Hearing dates for June are June 6 and 7, 2013 beginning at 8:00 a.m. Exhibits for the Wildlife Division are expected to complete on June 6, 2013. However, should additional time be needed, the Commission reserves the right to carry over Wildlife Division exhibits on June 7, 2013.

**2013 CONTROLLED HUNT TAG NUMBERS, PLUS 2014 ANNUAL CHANGES TO GAME MAMMAL HUNTING REGULATIONS**

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.

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.

06-05-2013 Close of Business Last Day (m/d/yyyy) and Time for public comment	Therese Kucera Rules Coordinator Name	Teri.Kucera@state.or.us Email Address
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\*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 600 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday.

## STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing accompanies this form.

Department of Fish and Wildlife

635

Agency and Division

Administrative Rules Chapter Number

### 2014 ANNUAL CHANGES TO GAME MAMMAL HUNTING REGULATIONS, PLUS 2013 CONTROLLED HUNT TAG NUMBERS

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 Relating to 2013 Tag Numbers for Controlled Pronghorn Antelope, Bighorn Sheep, Rocky Mountain Goat, Deer and Elk Seasons and 2014 Annual Changes to Game Mammal Hunting Regulations.

**Statutory Authority:**

ORS 496.012, 496.138, 496.146, 496.162

**Other Authority:**

**Statutes Implemented:**

ORS 496.012, 496.138, 496.146, 496.162

**Need for the Rule(s):**

This action is necessary to set tag numbers for the 2013 controlled hunting seasons for pronghorn antelope, bighorn sheep, Rocky Mountain goat, deer, elk, and special interest seasons. Some 2013 hunting seasons and/or regulations may be amended. In addition, this action is necessary to propose various 2014 hunting regulations for game mammals and to propose quotas for 2014 cougar seasons and spring bear limits and for first-come first-serve and controlled hunt tag numbers for 2014.

**Documents Relied Upon, and where they are available:**

Oregon Administrative Rules, population survey data, 2012 hunting season results, species plans, staff analysis, written and oral presentations by experts and the public. These documents may be obtained on the internet at <http://www.dfw.state.or.us/> or from the Department of Fish and Wildlife, 3406 Cherry Ave NE, Salem, OR 97303.

**Fiscal and Economic Impact:**

The proposed rules establish 2013 controlled hunt tag numbers and /or season regulations for the hunting of pronghorn antelope, bighorn sheep, Rocky Mountain goat, deer and elk.

Propose 2014 hunting regulations for game mammals, including season dates, bag limits, open areas, location of cooperative travel management areas, and controlled hunting regulations. Propose quotas for 2014 cougar seasons and spring bear limited, first-come first-serve and controlled hunt tag numbers for 2014. These proposals will be presented in principle to the Oregon Fish and Wildlife Commission in June 2013 and again for adoption in October 2013.

**Statement of Cost of Compliance:**

**1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):**

- a. State agencies that could be affected by these rules are the Oregon Department of Fish and Wildlife (wildlife management costs) and the Oregon State Police (enforcement costs). No major changes from the current levels of these agencies' operations or expenditures are expected as a result of adoption of these particular rules.
- b. No units of local government are expected to be significantly 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 establishment of these hunting seasons.
- c. The public is affected by the rules relating to the hunting seasons. Various sectors of the public economy (hunters, suppliers of hunters, and the general economy) will experience different impacts. The economic impact of changes in hunting rules depends primarily on the changes in hunting opportunities associated with the rule changes and related effects on direct expenditures by hunters. These effects are best measured by estimating the magnitude of changes in the number of hunter days and estimating the resulting changes in expenditures made by hunters, and the associated effects on personal income.

In general, no significant changes in hunter activity levels are anticipated in 2013 compared to 2012, assuming adverse weather and environmental conditions are not experienced between now and the time that tag levels are finally set. Some controlled hunts have been removed, while others have been added to manage damage caused by wildlife.

The total (direct, indirect and induced) effects on personal income in the areas surrounding the associated hunting areas and statewide are the result of the direct expenditures on goods and services made by sport participants during their hunting trips. Through the "multiplier process", there is a resulting increase in economic activity and personal income in the general economy of the area and the entire state.

Survey data from 1989 - 1991 Starkey Experimental Forest hunts in Eastern Oregon indicate average overall trip expenditure by elk and deer hunters of about \$285, with nearly \$150 of the total made in Eastern Oregon. This is equivalent to an average expenditure of \$52.36 per hunter day, of which an average of \$27.52 per hunter day was made in Eastern Oregon. In inflation adjusted 2012 dollars, the average expenditure per hunter day would amount to \$88.26 per hunter day, of which an average of \$46.39 would be spent in Eastern Oregon.

The relationship between direct, indirect and induced personal income from the direct trip expenditures per hunter day can be estimated based on response coefficients developed from an economic input-output model. Using the 1989 - 1991 Starkey Experimental Forest data and information on the relationship between expenditures and the personal income associated with the spending, the state-level personal income impact per hunter day for Eastern Oregon deer and elk was about \$39; the personal income impact in Eastern Oregon was about \$13 per hunter activity day. Adjusting for inflation since 1991, the personal income impacts in 2012 dollars would be about \$66 per hunter day at the state level, and about \$22 per hunter day in Eastern Oregon.

A more recent survey conducted for ODFW by Dean Runyan Associates found that hunting-related direct expenditures in Oregon were \$517.9 Million in 2008. This includes hunting equipment costs and trip costs, including food, lodging/camping, gasoline, guide fees, and other travel related and local expenses. The largest contributor to this category (about 74%) was equipment expenditures related to hunting.

An economic survey of 1991 Oregon bighorn sheep hunters was conducted after the 1991 season. Analysis of questionnaires returned by 48 of 60 Oregon bighorn sheep hunters indicated a substantially higher level of expenditure for these highly rationed hunts. The estimated average variable expenditure per bighorn sheep hunting trip was \$1,164 per hunter for various trip related needs, excluding purchases of durable equipment and license and tag fees. Durable equipment expenditures averaged \$511 per hunter. Of the \$1,164 of average trip expenditures, an estimated 58 percent, or nearly \$679 per hunter was made in Eastern Oregon. Average variable trip expenditures on a per

**2. Cost of compliance effect on small business (ORS 183.336):**

**a. Estimate the number of small business and types of businesses and industries with small businesses subject to the rule:**

A wide variety of businesses or industries with small businesses are subject to the rule, including accommodation businesses, food and beverage services, food stores, general merchandise or other retail stores, sporting good stores, ground transportation, and outfitters/guides. Given the statewide reach of this rule, the number of small businesses affected by the rule cannot be estimated.

**b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:**

No additional costs anticipated.

**c. Equipment, supplies, labor and increased administration required for compliance:**

No additional costs anticipated.

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

In May of 2013, approximately 20 public meetings will be held to discuss the 2013 controlled hunt tag numbers and 2014 seasons.

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

**Administrative Rule Advisory Committee consulted?: No**

**If not, why?:**

The draft administrative rules were developed without a committee of interested or affected persons. These rules are amended annually to administer an existing program; interested and affected persons are generally aware of this rulemaking schedule. Correspondence from and testimony by interested and affected persons at a series of town hall meetings, as well as the Commission hearing is accepted into the record and is part of the rulemaking process.

06-05-2013 Close of Business	Therese Kucera	Teri.Kucera@state.or.us
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address

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**Fiscal and Economic Impact Statement for the June 6 and 7, 2013 Hearing  
in the Matter of Amendment of Rules Relating to the Year 2013 Bighorn Sheep,  
Black Bear, Deer, Elk, Cougar, Pronghorn Antelope, Rocky Mountain Goat and  
Western Gray Squirrel Hunting Seasons and Associated Regulations**

**Fiscal and Economic Impact**

The proposed rules establish 2013 controlled hunt tag numbers and /or season regulations for the hunting of pronghorn antelope, bighorn sheep, Rocky Mountain goat, deer and elk.

Propose 2014 hunting regulations for game mammals, including season dates, bag limits, open areas, location of cooperative travel management areas, and controlled hunting regulations. Propose quotas for 2014 cougar seasons and spring bear limited, first-come first-serve and controlled hunt tag numbers for 2014. These proposals will be presented in principle to the Oregon Fish and Wildlife Commission in June 2013 and again for adoption in October 2013.

**Statement of Cost of Compliance**

**1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):**

a. State agencies that could be affected by these rules are the Oregon Department of Fish and Wildlife (wildlife management costs) and the Oregon State Police (enforcement costs). No major changes from the current levels of these agencies' operations or expenditures are expected as a result of adoption of these particular rules.

b. No units of local government are expected to be significantly 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 establishment of these hunting seasons.

c. The public is affected by the rules relating to the hunting seasons. Various sectors of the public economy (hunters, suppliers of hunters, and the general economy) will experience different impacts. The economic impact of changes in hunting rules depends primarily on the changes in hunting opportunities associated with the rule changes and related effects on direct expenditures by hunters. These effects are best measured by estimating the magnitude of changes in the number of hunter days and estimating the resulting changes in expenditures made by hunters, and the associated effects on personal income.

In general, no significant changes in hunter activity levels are anticipated in 2013 compared to 2012, assuming adverse weather and environmental conditions are not experienced between now and the time that tag levels are finally set. Some controlled hunts have been removed, while others have been added to manage damage caused by wildlife.

The total (direct, indirect and induced) effects on personal income in the areas surrounding the associated hunting areas and statewide are the result of the direct expenditures on goods and services made by sport participants during their hunting trips. Through the "multiplier process", there is a resulting increase in economic activity and personal income in the general economy of the area and the entire state.

Survey data from 1989 - 1991 Starkey Experimental Forest hunts in Eastern Oregon indicate average overall trip expenditure by elk and deer hunters of about \$285, with nearly \$150 of the total made in Eastern Oregon. This is equivalent to an average expenditure of \$52.36 per hunter day, of which an average of \$27.52 per hunter day was made in Eastern Oregon. In inflation adjusted 2012 dollars, the average expenditure per hunter day would amount to \$88.26 per hunter day, of which an average of \$46.39 would be spent in Eastern Oregon.

The relationship between direct, indirect and induced personal income from the direct trip expenditures per hunter day can be estimated based on response coefficients developed from an economic input-output model. Using the 1989 - 1991 Starkey Experimental Forest data and information on the relationship between expenditures and the personal income associated with the spending, the state-level personal income impact per hunter day for Eastern Oregon deer and elk was about \$39; the personal income impact in Eastern Oregon was about \$13 per hunter activity day. Adjusting for inflation since 1991, the personal income impacts in 2012 dollars would be about \$66 per hunter day at the state level, and about \$22 per hunter day in Eastern Oregon.

A more recent survey conducted for ODFW by Dean Runyan Associates found that hunting-related direct expenditures in Oregon were \$517.9 Million in 2008. This includes hunting equipment costs and trip costs, including food, lodging/camping, gasoline, guide fees, and other travel related and local expenses. The largest contributor to this category (about 74%) was equipment expenditures related to hunting.

An economic survey of 1991 Oregon bighorn sheep hunters was conducted after the 1991 season. Analysis of questionnaires returned by 48 of 60 Oregon bighorn sheep hunters indicated a substantially higher level of expenditure for these highly rationed hunts. The estimated average variable expenditure per bighorn sheep hunting trip was \$1,164 per hunter for various trip related needs, excluding purchases of durable equipment and license and tag fees. Durable equipment expenditures averaged \$511 per hunter. Of the \$1,164 of average trip expenditures, an estimated 58 percent, or nearly \$679 per hunter was made in Eastern Oregon. Average variable trip expenditures on a per day basis for hunting were \$304. Measured in terms of the personal income (direct, indirect and induced) associated with the expenditures, the \$1,164 of trip expenditures produced an estimated \$1,041 in personal income at the state level. The personal income impact of the \$679 per trip expenditure in Eastern Oregon was about \$469. Adjusted to 2012 dollars, these personal income impact estimates would amount to \$1,755 per hunter at the state level and \$791 per hunter in Eastern Oregon.

The estimates above will be reasonably good measures of the impact on total personal income per hunter day to the extent that the dollars spent for the hunting trips may not have been spent on other activities or commodities in Oregon had there been no hunting seasons. The economic impacts of hunters' expenditures on durable equipment associated with hunting are not included in the estimates above. These equipment expenditures are not necessarily related to hunter use in a simple linear fashion, and hence, may not be significantly affected by marginal changes in seasons. However, there is probably a positive relationship between hunting opportunities and equipment expenditures, particularly in the long run.

The effect of changes in numbers of hunters and hunter activity on personal income in the regions and at the state level can be estimated using the personal income impact per day estimates. However, the aggregate impact depends on the magnitude of the overall changes in the number of hunters and hunter days. As indicated above, no major changes in the big game regulations are expected for 2013 compared to 2012. However, depending on the weather this winter and other environmental factors affecting survival, there may be changes in the numbers of controlled hunt tags available in 2013, especially deer hunts. The magnitude of these changes cannot be predicted, but should a hard winter occur, the effects on tag availability would probably be greater than the effects of any changes in these proposed regulations.

The current restrictions in some of the hunting seasons for game mammals can be viewed as restricting opportunities and reducing positive economic impacts in the short run. However, conservation through adjustment of these and other game mammal hunting seasons is intended to perpetuate the resources at optimum levels over the long run. Failure to restrict harvests of game animals to allow escapement for reproduction would result in reduced hunting opportunities in the future. The proposed regulations strike a balance that will sustain big game population levels and maintain future benefits.

**2. Cost of compliance effect on small business (ORS 183.336):**

- a. Estimate the number of small businesses and types of businesses and industries with small businesses subject to the rule:

A wide variety of businesses or industries with small businesses are subject to the rule, including accommodation businesses, food and beverage services, food stores, general merchandise or other retail stores, sporting good stores, ground transportation, and outfitters/guides. Given the statewide reach of this rule, the number of small businesses affected by the rule cannot be estimated.

- b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services:

No additional costs anticipated.

- c. Equipment, supplies, labor and increased administration required for compliance under the proposed rules.

No additional costs anticipated.

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

Dean Runyan Associates, Fishing, Hunting, Wildlife Viewing, and Shellfishing in Oregon, 2008. Prepared for the Oregon Department of Fish and Wildlife, May 2009.

Oregon Department of Fish and Wildlife. Unpublished Analysis of Hunter Expenditure Data Collected from Hunters on the Starkey Experimental Forest, 1989 - 1991.

Oregon Department of Fish and Wildlife. Unpublished Analysis of Hunter Expenditure Data Collected from 1991 Oregon Bighorn Sheep Hunters.

U.S. Fish and Wildlife Service. 1996 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation - Oregon. 1998.

U.S. Fish and Wildlife Service and U.S. Census Bureau. 2006 National Survey of Fishing, Hunting, and Wildlife-Associated Recreation - Oregon. 2008.