

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

<p>FILED 7-15-14 1:08 PM ARCHIVES DIVISION SECRETARY OF STATE</p>

<p>Department of Fish and Wildlife Agency and Division</p>	<p>635 Administrative Rules Chapter Number</p>
<p>Therese Kucera Rules Coordinator</p>	<p>(503) 947-6033 Telephone</p>
<p>Department of Fish and Wildlife, 4034 Fairview Industrial Dr. SE, Salem, OR 97302 Address</p>	

RULE CAPTION

Adopt Rules for Confederated Tribes of Grand Ronde; Approval of Fish and Wildlife Management Plan
 Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Hearing Date	Time	Location	Hearings Officer
9-5-14	8:00 a.m.	102 E 1st Street, Joseph, OR 97846	Oregon Department of Fish

RULEMAKING ACTION

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

ADOPT:

OAR Chapter 635, Division 043

AMEND:

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 496.138

Other Authority:

Statutes Implemented:

ORS 506.129 & 507.030

RULE SUMMARY

The rule delegates management authority within certain specified limits for fish and wildlife resources to the Confederated Tribes of Grand Ronde (CTGR) on CTGR Reservation and Trust lands pursuant to the CTGR Fish and Wildlife Management Plan, and authorizes the take of animals by species and number. The delegation authority would implement a provision of a 2007 Proclamation signed by the Governor, Chair of the Fish and Wildlife Commission and Chair of the Tribal Council.

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.

<p>09-05-2014 Close of Hearing Last Day (m/d/yyyy) and Time for public comment</p>	<p>Therese Kucera Rules Coordinator Name</p>	<p>Teri.Kucera@state.or.us Email Address</p>
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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.

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT
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Department of Fish and Wildlife
Agency and Division

635
Administrative Rules Chapter Number

Adopt Rules for Confederated Tribes of Grand Ronde; Approval of Fish and Wildlife Management Plan

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

In the Matter of:

Rules Relating to OAR Chapter 635, Division 043, Miscellaneous Permits and Records

Statutory Authority:

ORS 496.138

Other Authority:

Statutes Implemented:

ORS 506.129 & 507.030

Need for the Rule(s):

The delegation authority would implement a provision of a 2007 Proclamation signed by the Governor, Chair of the Fish and Wildlife Commission and Chair of the Tribal Council.

Documents Relied Upon, and where they are available:

Draft rules are available from the division's rules coordinator, located at 4034 Fairview Industrial Drive, SE; Salem, OR 97302. Rules are also on the ODFW website at <http://www.dfw.state.or.us/OARs/index.asp>. A copy of the Commission's and Tribes' proclamation, and the proposed management plan are also available for the rules coordinator at the above address.

Fiscal and Economic Impact:

043 Kb 7.16.14
Rule changes are being proposed to OAR 635-041-0601 to delegate to the Confederated Tribes of Grand Ronde (Tribes) the management of fish and wildlife resources on the Tribes' reservation and trust lands, in accordance with the Tribal Fish and Wildlife Management Plan. Oregon Department of Fish and Wildlife (ODFW) shall provide tags to the Tribes authorizing the maximum annual take of various species of fish and wildlife. The Tribes may determine the conditions of the take of this wildlife, which shall only occur on reservation or trust lands. The Tribes shall report actual take under this authority by January 30 of the year following the take. The Tribes may use the hunting license granted under the consent decree in lieu of purchasing a state-issued license from ODFW.

Statement of Cost of Compliance:

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

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

- A. The only state agency that might be affected by adoption of these rules is the Oregon Department of Fish and Wildlife (ODFW). Small administrative costs would be related to the granting of the harvest tags, but that would be absorbed by existing resources. No significant changes from the current levels of ODFW operations or expenditures are expected as a result of the adoption of these rules.
- 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. The harvest of fish and wildlife on Tribes' land is not likely to have an effect on populations in the surrounding region. As a result, there would be little risk to those fish and wildlife populations valued by anglers, hunters, and wildlife viewers. Therefore, it would be unlikely that the number of fishing, hunting or wildlife viewing trips would be significantly impacted and that businesses catering to those sportspeople would experience any significant revenue losses.

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:

Small businesses that provide services to anglers, hunters, or wildlife viewers who are active in the northwestern coastal region of Oregon could be impacted by this rule. The types of small businesses could include guides/outfitters, food and beverage stores, gasoline stations, sporting goods stores, general merchandise stores, accommodation businesses, food services and drinking places. Given most anglers, hunters, or wildlife viewers would be patronizing businesses in myriad locations in coastal Oregon or the Willamette Valley, the number of small businesses subject to the rule cannot be estimated.

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

None expected.

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

None expected.

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

None expected. 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.

Administrative Rule Advisory Committee consulted?: No

If not, why?:

This management plan has been negotiated with staff and the Grand Ronde Tribe as specified in a proclamation between the Governor, Fish and Wildlife Commission and the Tribe on a government to government basis.

<u>09-05-2014 Close of Hearing</u>	<u>Therese Kucera</u>	<u>Teri.Kucera@state.or.us</u>
Last Day (m/d/yyyy) and Time for public comment	Printed Name	Email Address