

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

**FILED**  
 6-14-16 3:32 PM  
 ARCHIVES DIVISION  
 SECRETARY OF STATE

Department of Fish and Wildlife 635  
 Agency and Division Administrative Rules Chapter Number  
Michelle Tate (503) 947-6044  
 Rules Coordinator Telephone  
Department of Fish and Wildlife, 4034 Fairview Industrial Dr. SE, Salem, OR 97302  
 Address

**RULE CAPTION**

Amend rules relating to Wildlife Management Plans for elk and mule deer.  
 Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Hearing Date	Time	Location	Hearings Officer
8-5-16	8:00 a.m.	4034 Fairview Industrial Drive SE, Salem, OR 97302	ODFW Commission

**RULEMAKING ACTION**

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

**ADOPT:**

**AMEND:**

OAR Chapter 635, Divisions 160 and 190

**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 183, 496.012, 496.138, 496.146, 496.162 and 496.164

**Other Authority:**

**Statutes Implemented:**

ORS 183, 496.012, 496.138, 496.146, 496.162 and 496.164

**RULE SUMMARY**

Amendments to elk and mule deer Wildlife Management Plans.

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.

<u>08-05-2016 Close of Hearing</u>	<u>Michelle Tate</u>	<u>michelle.l.tate@state.or.us</u>
Last Day (m/d/yyyy) and Time for public comment	Rules Coordinator Name	Email Address

\*The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation.

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**STATEMENT OF NEED AND FISCAL IMPACT**  
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Department of Fish and Wildlife

635

Agency and Division

Administrative Rules Chapter Number

Amend rules relating to Wildlife Management Plans for elk and mule deer.

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

In the Matter of:

OAR Chapter 635, Divisions 160 and 190, Amendment of Rules Relating to Wildlife Management Plans

**Statutory Authority:**

ORS 183, 496.012, 496.138, 496.146, 496.162 and 496.164

**Other Authority:**

**Statutes Implemented:**

ORS 183, 496.012, 496.138, 496.146, 496.162 and 496.164

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

Amendments are needed to update the Oregon Mule Deer and the Oregon Elk Wildlife Management Plans.

**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>.

**Fiscal and Economic Impact:**

Amendments are proposed in the winter range population and bull ratio Management Objectives (MOs) for Rocky Mountain and Roosevelt elk and in the winter range population and buck ratio Management Objectives (MOs) for mule deer. The MO's are part of the Wildlife Management Plans for elk and mule deer and vary across wildlife management units (WMUs) in the state.

Changes in MOs can affect hunting opportunity. For example, increasing the buck or bull ratio in a WMU can decrease opportunity by increasing the number of years needed to draw a controlled hunt tag in that WMU. Another example is that increasing the population MO can lead to more opportunity, but only if the big game population increases in response.

At the time of the writing of this fiscal and economic impact statement, staff recommendations for MOs for the various WMUs are not final. However, many of the current proposals are the same as what is in the management plans. There are proposals to increase the buck and bull ratios in some WMUs, though in most cases the ratios would be moved toward what is currently observed on the ground and so no changes in tag numbers would result. Any changes in tag numbers related to proposed rule amendments would not be seen until 2017 at the earliest. Overall, net change in tags numbers is expected to be small to negligible. Consequently, little change in agency revenues related to license/tag sales or in the number of hunter days is expected to result from these rules changes.

**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; license revenues) 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 and regulations.

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 controlled hunt tags nor hunter participation levels are anticipated to result from these proposed rules.

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 from 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 2016 dollars, the average expenditure per hunter day would amount to about \$91 per hunter day, of which an average of \$48 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 2016 dollars would be about \$68 per hunter day at the state level, and about \$23 per hunter day in Eastern Oregon.

A more recent survey conducted for ODFW and Travel Oregon by Dean Runyan Associates found that hunting-related direct expenditures were \$517.94 Million in 2008 for all of Oregon. This is equivalent to \$570.4 million in 2016 dollars. This spending includes trip costs, such as food, lodging/camping, gasoline, guide fees, and equipment expenditures. The equipment category represents the majority (about 62%) of those expenditures.

According to data from the 2006 National Survey of Fishing, Hunting and Wildlife-Associated Recreation (2008), total hunter expenditures in Oregon were about \$373.6 million in 2006. The impact on state level personal income was slightly over \$259 million, and the effect on gross output was \$827.4 million in 2006. In 2016 dollars, this would mean \$411 million in expenditures, \$285 million in personal income, and \$911 million in gross output.

**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:**

The types of business subject to the rule are primarily those that supply goods or services to hunters. These may include taxidermy services, hunting guides, private hunting preserve operators, food and beverage stores, gasoline stations, sporting goods stores, general merchandise stores, accommodation businesses, food services and drinking places. Big game hunting occurs in myriad locations throughout the state and thus 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?**

Not Applicable

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

**If not, why?:**

A formal advisory committee was not formed to review management objectives for each management unit. Department staff of each wildlife district formed local review committees (20 total across the state), comprised of stakeholders, to review and comment on staff proposals and provided proposals of their own. Correspondence from and testimony by interested persons is accepted into record and is part of the rulemaking process.

<u>08-05-2016 Close of Hearing</u>	<u>Michelle Tate</u>	<u>michelle.l.tate@state.or.us</u>
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