

OFFICE OF THE SECRETARY OF STATE

DENNIS RICHARDSON
SECRETARY OF STATELESLIE CUMMINGS
DEPUTY SECRETARY OF STATE

ARCHIVES DIVISION

MARY BETH HERKERT
DIRECTOR800 SUMMER STREET NE
SALEM, OR 97310
503-373-0701**NOTICE OF PROPOSED RULEMAKING**
INCLUDING STATEMENT OF NEED & FISCAL IMPACTCHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE**FILED**10/18/2018 8:45 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Big Game Hunting Tags to Nonprofit Organizations for Use by Qualified Disabled Veterans

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/07/2018 5:00 PM

*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.*CONTACT: Roxann Borisch
503-947-6314
roxann.b.borisch@state.or.us4034 Fairview Industrial Drive SE
Salem, OR 97303Filed By:
Roxann Borisch
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 12/07/2018

TIME: 8:00 AM - 5:00 PM

OFFICER: ODFW Commission

ADDRESS: Oregon Department of Fish
and Wildlife4034 Fairview Industrial Drive SE
Salem, OR 97303

NEED FOR THE RULE(S):

Senate Bill 1517 authorized the Department of Fish and Wildlife to annually issue a limited number of big game hunting tags without charge to nonprofit organizations for use by qualified disabled veterans. Current rules provide limited deer, elk, pronghorn antelope, and black bear tags to host organizations for granting hunting adventures to terminally ill children. The proposed rule will rely on the nonprofit organizations to filter the interest from disabled vets to match intent of tags going to veterans with some fairly severe limitations and life challenges incurred in the line of duty. This document specifically addresses the rules changing from a temporary to permanent rule.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

A copy of the rules and the other documents relied upon for this rulemaking are available from the Oregon Department of Fish and Wildlife, Fish Division, Second Floor, 4034 Fairview Industrial Drive SE, Salem, Oregon 97302-1142, between the hours of 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

FISCAL AND ECONOMIC IMPACT:

The proposed rules may affect state agencies, units of local government and the public, respectively, as discussed below. The proposed action will establish a permanent rule relating to Big Game Hunting Tags to Nonprofit Organizations for Use by Qualified Disabled Veterans.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

There are no projected state fiscal impacts to state government agencies, including the Oregon Department of Fish and Wildlife (ODFW) and the Oregon State Police (OSP). The number of tags given by ODFW will not change substantially, and will not generate any losses in revenue. OSP enforcement of wildlife laws will also not change substantially.

There are no projected state fiscal impacts to local government agencies. The additional tag holders may slightly increase sales of hunting equipment, which may affect local business revenue. However, this change is expected to be negligible, and not lead to any economic impact.

There are no expected impacts to the public. The number of tags released to the general public will remain unchanged based on the passage of this rule.

There is no additional cost of compliance for small businesses due to the changes to this rule.

Small businesses may see small increase to sales based on the additional allotted tags given to disabled veterans. These impacts are varying, and would depend heavily on location of tag holders, and goods purchased. In general, we project little to no impacts to small businesses.

There are no additional costs from administrative activities required for small businesses due to the changes to this rule.

There are no additional costs for equipment or services required for small businesses due to the changes to this rule.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Not applicable

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

These rules are in response to Senate Bill 1517, which authorized the Department of Fish and Wildlife to issue a limited number of big game hunting tags for use by qualified disabled veterans by modifying an existing program that provides tags to terminally ill children.

AMEND: 635-065-0772

RULE SUMMARY: Adoption of permanent rules relating to the big game hunting tags to nonprofit organizations for use by qualified disabled veterans

CHANGES TO RULE:

635-065-0772

Tags for Terminally Ill Children and Disabled Veterans ¶

(1)(a) "Organization" means a non-profit organization qualified under Internal Revenue Code section 501(c)(3) with the principle purpose of granting hunting and fishing adventures for children that have been diagnosed with a terminal illness by a licensed physician; ~~or;~~ ¶

~~(b) providing hunting and outdoor experiences for disabled veterans whose discharge or release from active duty was under honorable conditions for a disability incurred in the line of duty or a veteran who was awarded the Purple Heart for wounds received in combat.~~ ¶

(2) "Qualified child" means a terminally ill child sponsored by an organization who provides to the Department supporting documentation demonstrating compliance with the prerequisites provided in this rule. ¶

(3) "Qualified veteran" means a disabled veteran ("disabled veteran" and "veteran" has the meaning given that term in ORS 408.225) sponsored by an organization who provides to the Department supporting documentation demonstrating compliance with the prerequisites provided in this rule. ¶

(4) Annually upon approval by the Director, the Department may issue no more than 35 big game tags free of charge to organizations for use by qualified children or qualified veterans. The 35 tags will be distributed across black bear, deer, elk, and pronghorn antelope with no more than 10 tags to hunt black bear, no more than 10 tags to hunt either-sex deer, no more than 10 tags to hunt either-sex elk, and no more than five tags to hunt either-sex pronghorn antelope. ¶

(a) From January 1-June 30 each year 20 tags will be available to qualified veterans (six deer tags, six elk tags, five black bear tags, and three pronghorn tags); 15 tags will be available to qualified children (four deer tags, four elk tags, five black bear tags and two pronghorn tags); and each organization is limited to two tags of any one species. After June 30 remaining unrequested tags may be made available to either qualified veterans or qualified children. ¶

~~(b)~~ Each organization is limited to five tags total for all species except black bear per year. ¶

~~(b)c)~~ Each organization is limited to two tags for black bear per year. ¶

~~(e)d)~~ An individual tag entitles the holder to only one black bear, or one deer, or one elk, or one pronghorn antelope. ¶

~~(d)e)~~ A qualified child or qualified veteran may obtain only one tag pursuant to this rule. ¶

(e)f) Tags issued under this rule may be used to hunt within any Oregon Wildlife Management Unit (as defined in OAR chapter 635 division 080), except specific area closures as identified in the current Oregon Big Game Regulations, Hart Mountain Antelope Refuge, or Starkey Experimental Forest enclosure. ¶

~~(4)5)~~ A qualified child must be between 12 and 21 years of age at the time of the hunt; ¶

~~(6)~~ A qualified child under the age of 18 must hunt in the company of an adult 21 years of age or older. ¶

~~(7)~~ A qualified child or qualified veteran may be either resident or non-resident and must comply with all requirements concerning: ¶

(a) Minimum hunting age (ORS 497.350); ¶

(b) Hunter education (ORS 497.360); ¶

(c) Hunting hours (OAR 635-065-0730); ¶

(d) Holding a valid Oregon hunting license, and ¶

(e) Using legal weapon for hunting the species for which the tag is issued. ¶

~~(5)~~ A qualified child may be either resident or non-resident. ¶

~~(6)~~ A qualified child under the age of 18 must hunt in the company of an adult 21 years of age or older. ¶

~~(7)~~ ¶

(8) For tags issued under this rule, open seasons are as follows: ¶

(a) For deer ~~and elk~~: September 1 through November 30 of the year the tag is issued. ¶

~~(b)~~ For elk, and pronghorn antelope: August 1 through ~~Sept~~ November 30 of the year the tag is issued. ¶

(e)b) For spring black bear: April 1 through May 31 of the year the tag is issued. ¶

(d) For fall black bear: August 1 through December 31 of the year the tag is issued.
Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 496.162, SB 1517 (2018)
Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 496.162