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ARCHIVES DIVISION  
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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 635  
DEPARTMENT OF FISH AND WILDLIFE

**FILED**  
03/24/2021 10:35 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Amendments Regarding Harvest of Game Birds, Season Dates, Open Areas, Bag Limits and Regulations

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 04/23/2021 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  
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4034 Fairview Industrial Drive SE  
Salem, OR 97302

Filed By:  
Roxann Borisch  
Rules Coordinator

HEARING(S)

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

DATE: 04/23/2021

TIME: 8:00 AM - 5:00 PM

OFFICER: Roxann Borisch

ADDRESS: Oregon Dept of Fish and  
Wildlife

4034 Fairview Industrial Dr SE  
Salem, OR 97302

SPECIAL INSTRUCTIONS:

Because of the rapidly changing situation with COVID-19, all or portions of this hearing may be conducted electronically. Information will be posted on our website at <https://www.dfw.state.or.us/agency/commission/minutes/>

NEED FOR THE RULE(S):

These rules are needed to establish hunting seasons for game birds in a manner to maintain their numbers 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:

A copy of the rules and the other documents relied upon for this rulemaking are available from the Oregon Department

of Fish and Wildlife, Wildlife Division, 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.

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#### FISCAL AND ECONOMIC IMPACT:

Rules are proposed to set the 2021-22 seasons for upland and migratory game birds in accordance with the standardized upland game bird season framework for September 1, 2020 to August 31, 2025 and this year's federal frameworks for migratory game bird seasons. Proposed game bird season rules will also describe open areas and general hunting regulations.

Fiscal and economic impacts discussed in this document pertain only to the proposed rules at the time of the writing of this fiscal impact statement.

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#### 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).*

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s).

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 license sales revenues and the Oregon State Police (OSP) for enforcement costs. While ODFW does not expect any significant changes to expenditures as a result of these changes, there is a potential for a small increase in bird hunting license sale revenues due to the addition of a new late-winter goose hunting season and allowing for turkey hunts in 4 WMUs associated with Grant County in September provides bird hunters new opportunities.

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.

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 additional opportunity to hunt turkeys during September in 4 WMUs associated with Grant County may generate slight positive impacts to some sectors of the public economy. The addition of a new late-winter goose hunting season period may also generate slight positive impacts to some sectors of the public economy because hunters may decide to take trips and pursue this new opportunity to hunt in this area at a time when the season was always closed in previous years.

Annual hunting trip and equipment expenditures associated with migratory bird hunting and upland bird hunting (excluding turkey hunting) in Oregon were an estimated \$59.3 million (2020\$) and \$58.2 million (2020\$), 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 \$16.55 million (2020\$) in 2006<sup>1</sup> (U.S. Fish and Wildlife Service, 2008). The 2006 USFWS survey results are used here because the 2011 USFWS survey utilized a smaller sample size than in 2006 and, as a result, the sample size for expenditures for migratory bird hunting was too small (less than 10) to report data reliably. 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 purchases of goods and services made by sportspeople. 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 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 harvest 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.

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 \$15.8 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.

(2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s);

The types of business subject to the rule are those that supply goods or services to game bird 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. Game bird hunting occurs in myriad locations throughout the state and thus the number of small businesses subject to the rule cannot be estimated. Expansion of the fall turkey season in WMUs associated with Grant County may increase the economic activity for small businesses selling goods and services to turkey hunters in that area. The addition of a new late-winter goose hunting season period may generate slight positive impacts to small business through expenses on travel (lodging, fuel, food, etc) by hunters traveling to take advantage of this new opportunity to hunt in this area at a time when the season was closed in previous years.

(b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s);

No additional compliance costs are anticipated.

(c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

No additional compliance costs are anticipated.

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

Not applicable to this notice.

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

The draft administrative rules relating to hunting seasons were developed without a committee. 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.

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AMEND: 635-045-0000

RULE SUMMARY: Amend rules regarding the harvest of game birds, including 2021-2022 season dates, open areas, regulations, and bag limits. Also includes amendments regarding regulations for areas owned, managed, or controlled by the Oregon Department of Fish and Wildlife.

NOTE: This hearing notice is being filed to add 635-045-0000 which was inadvertently omitted from the notice filed on February 26, 2021. This rule amends the date referencing the 2021-2022 Game Bird Regulations.

CHANGES TO RULE:

635-045-0000

Purpose ¶¶

- (1) The purpose of these rules is to list definitions pursuant to hunting seasons for big game and game birds.¶¶
  - (2) The documents entitled "~~2020~~2021-~~2021~~2022" Oregon Game Bird Regulations," and "2021 Oregon Big Game Regulations", are incorporated by reference into these rules. These documents are available at hunting license vendors and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.¶¶
- [Publications: Publications referenced are available from the agency.]
- Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 496.162
- Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 496.162