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

CHAPTER 635  
DEPARTMENT OF FISH AND WILDLIFE

**FILED**  
10/20/2021 9:19 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Include Bighorn Sheep in Tags for Terminally Ill Children Program

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/17/2021 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.*

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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: 12/17/2021

TIME: 8:00 AM - 5:00 PM

OFFICER: ODFW Commission

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)

Including bighorn sheep into the available tags for terminally ill children program allows an extension of the program to add bighorn sheep along with the other big game species for which tags are currently issued.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

1. Staff report prepared for the Oregon Fish and Wildlife Commission hearing on 12/17/2021.

A copy of the rules and the other documents relied upon for this rulemaking [the above document(s)] 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.

FISCAL AND ECONOMIC IMPACT:

No fiscal or economic effects are expected to result from the proposed rule amendments.

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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).

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

A. No fiscal impact to state government agencies is expected at this time, 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 because of this proposal, this specific tag will only be authorized in an area not included in any other bighorn sheep hunt and thus is not anticipated to result in a loss of auction and or tag revenue to ODFW. OSP enforcement costs are not anticipated to be affected by these amendments.

B. No units of local government would be affected by the proposed rule amendments.

C. The public is not significantly affected by the proposed rule amendments. The number of tags released to the public will not be impacted by up to one bighorn sheep tag issued annually for terminally ill children. This tag will only be authorized in an area not included in any other bighorn sheep hunt areas and therefore will have little to no impact on guides, auction revenues, tag revenues, and or bighorn sheep hunt opportunities more generally.

(2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s);  
No significant effects on small businesses are expected as a result of these amendments.

(b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s);  
No changes in these costs are expected.

(c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).  
No changes in these costs are expected.

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

Small businesses were not directly involved in the development of this rule.

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

A Rules Advisory Committee was not consulted. The rules are believed to be fully compatible with legislative direction on the goals of wildlife management in Oregon. The agency is engaging with the public through this noticed rulemaking process. Public correspondence will also be part of the Commission meeting for December 2021, when these rule amendments will be decided upon.

AMEND: 635-065-0772

RULE SUMMARY: The proposed rule amendment would include up to one bighorn sheep tag annually in the tags for terminally ill children program.

CHANGES TO RULE:

635-065-0772

Tags for Terminally Ill Children and Disabled Veterans ¶

(1) "Disabled veteran" means a veteran who has a disability rating from the United States Department of Veterans Affairs, a veteran whose discharge or release from active duty was for a disability incurred or aggravated in the line of duty or a veteran who was awarded the Purple Heart for wounds received in combat. ORS 408.225.¶

(2) "Organization" means a non-profit organization qualified under Internal Revenue Code section 501(c)(3) with the principal 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. ¶

(3) "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. ¶

(4) "Qualified veteran" means a disabled veteran who is sponsored by an organization and who provides to the Department supporting documentation demonstrating that the veteran is a disabled veteran.¶

(5) 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. Additionally, one bighorn sheep tag may be made available each year to a qualified child as part of the 15-tag total allocated for qualified child opportunity.¶

(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) and 15 tags will be available to qualified children (four deer tags, four elk tags, ~~five black bear tags and two pronghorn tags~~; two pronghorn tags, no more than five black bear tags and no more than one bighorn sheep tag.) 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.¶

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

(d) An individual tag entitles the holder to only one black bear, or one deer, or one elk, or one pronghorn antelope, or one bighorn sheep as specified on each tag.¶

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

(f) Tags for deer, elk, bear and pronghorn 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.¶

(g) Tags for bighorn sheep issued under this rule may be used to hunt only in a specified geographic area which is outside of any other authorized bighorn sheep hunt area or opportunity and where there are issues of access or location that are not compatible with normal season and tag opportunity. ¶

(6) A qualified child must be between 12 and 21 years of age at the time of the hunt.¶

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

(8) 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.¶

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

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

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

(c) For fall black bear: August 1 through December 31 of the year the tag is issued.¶

(d) For bighorn sheep: August 1 through November 30 of the year the tag is issued.

Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 496.162, SB 1517 (2018), Or Laws 2018, ch 100, ¶ 1-4

Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 496.162, Or Laws 2018, ch 100, ¶ 1-4