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Attachment 2

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

CHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE

FILED

06/24/2025 9:30 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amend Rules to Modify Controlled Hunt Permit Number for 2025 Oregon Sage-Grouse Hunting Season

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/15/2025 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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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: 08/15/2025

TIME: 8:00 AM - 5:00 PM

OFFICER: ODFW Commission

IN-PERSON HEARING DETAILS

ADDRESS: Oregon Department of Fish and Wildlife, 4034 Fairview Industrial Drive SE, Salem, OR 97302

SPECIAL INSTRUCTIONS:

This hearing will be conducted as a hybrid meeting, providing an opportunity to give testimony either in person or virtually. Additional information regarding participation will be posted on our website at www.dfw.state.or.us/agency/commission/minutes/. The meeting can be viewed at www.youtube.com/user/IEODFW. Any changes to the meeting format (to virtual only if emergency arises) will be posted to our website as soon as possible.

NEED FOR THE RULE(S)

Oregon Administrative Rules establishing seasons and permit numbers for 2025 controlled sage-grouse hunts were adopted by the Commission on April 18, 2025. Permit numbers adopted at that time did not account for ongoing and incomplete sage-grouse population surveys which potentially reflect population changes resulting from habitat impacts from 2024 wildfires and weather patterns. This rule amendment is necessary to adjust permit numbers in some sage-grouse hunt areas to account for changes to sage-grouse population (e.g., lower populations in some areas and higher populations in other areas) estimates resulting from data collected in the surveys completed after permit numbers were adopted. Analysis of population surveys is ongoing and final staff proposals for changes to sage-grouse permit numbers will be available approximately August 1, 2025.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

1. Staff report prepared for the Oregon Fish and Wildlife Commission hearing on 08/15/2025, including the

presentation and all provided materials.

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. Contact Roxann Borisch at 503-947-6314 or Roxann.B.Borisch@odfw.oregon.gov to view by appointment between the hours of 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Department has solicited input from representatives of underrepresented communities likely to be affected on whether the proposed rule will have a fiscal impact on the community, the extent of the fiscal impact, and whether the rules will have significant impact on underrepresented communities. <https://www.dfw.state.or.us/OARs/index.asp>

FISCAL AND ECONOMIC IMPACT:

Amendment adjusts permit numbers in some sage-grouse hunt areas to account for unanticipated changes to sage-grouse population. There is a potential for some modest shifts in hunting effort geographically in response to changes in the number of controlled hunts available in each hunt area. The majority of effected units (6 of 8) will have additional permits available because of the amendment.

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

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 that could be affected by rules relating to sage-grouse permits are the Oregon Department of Fish and Wildlife (ODFW) for wildlife management costs and the Oregon State Police (OSP) for enforcement costs. While ODFW does not expect any significant changes to expenditures as a result of the changes there may be an increase or decrease in the number of controlled hunt permits that will now be available due to changes to the sage-grouse population.

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 because of the revised permit numbers.

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 the proposed rule updates. There could be minor changes in hunter participation and effort for controlled sage-grouse hunts occurring in the 2025 season as permits numbers for some hunt areas may increase while others may decrease.

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

The types of businesses that have potential to be affected are those that supply goods or services to 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. The number of small businesses that could be impacted by shifts in sage-grouse hunter participation and effort cannot be estimated.

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

No additional compliance costs of this nature are expected.

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

No additional compliance costs of this nature are expected.

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?

No, this rule was reviewed by Wildlife Division administration. This rule adjusts the existing permit numbers to incorporate the newest scientific findings related to sage-grouse populations in Oregon. Correspondence from and testimony by interested and affected persons is accepted into record as part of the rulemaking process.

AMEND: 635-053-0000

RULE SUMMARY: Changes in habitat conditions due to 2024 wildfires and analysis of sage-grouse survey data collected during spring 2025 necessitate a modification of sage-grouse hunting permits for the 2025 hunting season. Sage-grouse are a species of upland game bird with the number of controlled hunting permits available for each sage-grouse hunt area adopted by the Fish and Wildlife Commission (Commission) at their April 18, 2025 meeting and printed in the "2024-25 Oregon Game Bird Hunting Regulations." This rulemaking is necessary to modify the permit numbers because OAR 635-053-0000 states in part that restrictions for 2025 upland game bird hunting are described in the "2024-2025 Oregon Game Bird Hunting Regulations" and are adopted and incorporated into OAR Chapter 635, by reference.

CHANGES TO RULE:

635-053-0000

Purpose ¶¶

- (1) The purpose of these rules is to establish season dates, bag limits, areas and other restrictions for hunting upland game birds pursuant to ORS Chapter 496.¶¶
- (2) The document entitled "2025-2026 Oregon Game Bird Hunting Regulations," is incorporated by reference into these rules.¶¶
- (3) Notwithstanding the provisions of the 2025-26 Oregon Game Bird Hunting Regulations, the 2024 Sage-grouse controlled hunt permit numbers for the controlled hunt areas listed on page 21 and Table 1 (see attached table) are as follows:¶¶

[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

RULE ATTACHMENTS MAY NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

635-053-0000

Table 1.

Hunt Number	Hunt Name	2025 Permits
J65	Beulah Unit	125
J66	Malheur River Unit	100
J67	Owyhee Unit	[50] <u>45</u>
J68A	Trout Creek Mtns	40
J68B	E. Whitehorse	[100] <u>105</u>
J69	Steens Mtn Unit	50
J70	Beatys Butte Unit	90
J71	Juniper	0
J72	Silvies	20
J73A	N. Wagontire	25
J73B	S. Warner	0
J74	Warner Unit	70