

5-18

Secretary of State
Certificate and Order for Filing
TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form.

I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted on [May 17, 2010] by the
Date prior to or same as filing date

Oregon Department of Fish and Wildlife (ODFW) Wildlife Division 635
Agency and Division Administrative Rules Chapter Number

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To become effective [May 18, 2010] through [November 10, 2010].
Date upon filing or later A maximum of 180 days including the effective date.

RULE CAPTION

Adopt and amend rules related to Tag sales after the deadline and Mandatory Hunter Reporting Incentive Tags
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

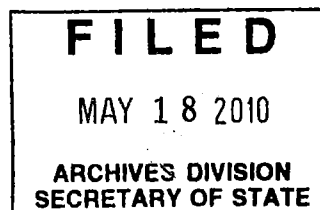
List each rule number separately, 000-000-0000.

Secure approval of new rule numbers (Adopted rules) with the Administrative Rules Unit prior to filing

ADOPT:

AMEND: 635-065-0015

SUSPEND: 635-065-0015(T)



Stat. Auth.: ORS 496.012, 496.138, 496.146, and 496.162

Other Auth.:

Stats. Implemented: 496.012, 496.138, 496.146, and 496.162

RULE SUMMARY

Amend rules to allow the department to sell 2009 buck/deer, elk or 2010 spring bear tags after the tag sale deadline. The hunter must provide the Department with a written affidavit certifying that the person has not yet hunted during the season for which the tag is sought.

Amend rules to govern the issuance and use of Mandatory Hunter Reporting Incentive Tags as additional hunting tags.

Curtis E Melcher
Printed name

5/17/2010
Date

*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.
ARC 940-2005

DFW 70-2010(T)

STATEMENT OF NEED AND JUSTIFICATION

A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Department of Fish and Wildlife – Wildlife Division (ODFW)

635

Agency and Division

Administrative Rules Chapter Number

In the Matter of: rules related to tag sale deadlines
and to incentive tag Adoptions and amendments
of OAR Chapter 635, Divisions 065

) Statutory Authority,
) Statutes Implemented,
) Statement of Need,
) Principal Documents Relied Upon,
) Statement of Emergency Justification

Adopt and amend rules related to Tag sales after the deadline and Mandatory Hunter Reporting Incentive Tags

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

Statutory Authority: ORS 496.012, 496.138, 496.146, and 496.162

Other Authority:

Stats. Implemented: ORS 496.012, 496.138, 496.146, and 496.162

Need for the Temporary Rule(s):

A process and standards are needed to govern issuance of special tags as an incentive to encourage hunters to comply with the Mandatory Reporting of Harvest and Effort requirements. These "incentive tags" would be in addition to other deer, elk, or pronghorn tag a hunter may purchase through the regular controlled hunt process.

A process is needed to allow ODFW to sell 2009 buck/deer, elk or 2010 spring bear hunting tags to hunters who miss the tag sale deadline. This process will allow hunters to obtain a tag during the season.

Documents Relied Upon, and where they are available:**Justification of Temporary Rule(s):**

Following the permanent rulemaking process, rather than taking this temporary rulemaking action, would result in serious prejudice to the public interest and to hunters who wish to be included in a drawing for Mandatory Hunter Reporting Incentive Tags. Rules governing the issuance of such incentive tags need to be in place before the controlled hunt drawings. Moreover, hunters often invest considerable time, effort and expense preparing for a hunting season including making decisions with family and friends regarding the controlled hunts they choose to apply for. The application deadline to apply for controlled hunts generally is May 15, 2010. Hunters successful in the drawing for an incentive tag need to be informed before May 15, to be aware of their additional tag when planning controlled hunt applications and scheduling vacations. This temporary rulemaking action would avoid this consequence by putting in place the system for Mandatory Hunter Reporting Incentive Tags now, before the annual controlled hunts deadline.

Following the permanent rulemaking process, rather than taking this temporary rulemaking action, would also result in serious prejudice to the public interest and to hunters interested in hunting the 2009 buck/deer, elk with an open season from March 3 through March 31, 2010 or the 2010 spring bear. Hunters often have invested considerable time, effort and expense preparing for a hunting season only to inadvertently forget or due to exceptional circumstances not be able to purchase their tag before the deadline. Some of these hunters paid for a tag as part of a SportsPac License but are not able to obtain the tag they paid for after the tag sale deadline. This temporary rulemaking action would avoid this consequence by putting in place now a path for hunters who miss the tag sale deadline to obtain a tag during the season. Given that the big game hunting season are currently occurring or will occur during the next few months, it is important to get this rule in place now so that hunters are aware of it as they deal with circumstances that arise during the hunting season.



Curtis E Melcher

Authorized Signer

Printed name

05/17/2010

Date

**DIVISION 065
GAME MAMMAL
GENERAL SEASONS AND REGULATIONS**

635-065-0015 (T)

General Tag Requirements and Limits

- (1) Big Game Tags: Any person hunting game mammals for which a tag is required must have on their person a valid tag for the dates, area and species being hunted.
- (2) Any person 12 years of age or older may purchase game mammal tags if they possess an adult hunting license.
- (3) A person may obtain and possess during an annual hunting season only:
 - (a) One valid general season black bear tag;
 - (b) one valid additional general black bear tag valid in management units 20-30;
 - (c) one valid controlled black bear tag in addition to general season bear tags issued under subsection (a) and (b) above;
 - (d) one valid 700 series "leftover" controlled bear tag;
 - (e) one valid cougar (mountain lion) tag;
 - (f) one valid eastern additional general cougar (mountain lion) tag;
 - (g) one valid pronghorn antelope tag.
- (4) Except as provided in OAR Chapter 635, Division 090, and except as provided in OAR 635-075-0010, a person may obtain and possess only one of the following tags during an annual hunting season:
 - (a) One valid deer bow tag;
 - (b) one valid western Oregon deer tag;
 - (c) one valid 100 series controlled buck hunt tag;
 - (d) one valid 600 series controlled antlerless deer tag in addition to one of (4) (a)-(4) (c) and (4) (e);
 - (e) one valid 100 series "left over" controlled deer tag;
 - (f) one valid 600 series "left over" controlled deer tag;
- (5) Except as provided in OAR Chapter 635, Division 090, a person may obtain and possess only one of the following tags during an annual hunting season:
 - (a) One valid Cascade elk tag;
 - (b) one valid Coast First Season elk tag;
 - (c) one valid Coast Second Season elk tag;
 - (d) one valid Rocky Mountain elk - first season tag;
 - (e) one valid Rocky Mountain elk - second season tag;
 - (f) one valid elk bow tag;
 - (g) one valid controlled elk hunt tag;
- (6) In addition to the tags described in OAR 635-065-0015 (5), a person during an annual hunting season may obtain or possess only one valid 200 series "leftover" controlled elk tag.
- (7) In addition to the tags described in OAR 635-065-0015 (3), (4), and (5), a person during an annual hunting season may obtain or possess only one valid "Mandatory Hunter Reporting Incentive Tag" per annual hunting season. If the Department awards a hunter such a tag through the controlled hunt draw authorized by OAR 635-060-0030(5), the following requirements will apply:
 - (a) On or before July 15, 2010 the hunter must inform the Department which species the tag is to be issued for (pronghorn antelope, deer, or elk) and purchase the tag. Tags not purchased by July 15 will be offered to an alternate hunter with a tag sale deadline of July 31, 2010.
 - (b) Hunting hours, hunt dates, bag limit and hunt area for Mandatory Hunter Reporting Incentive Tags will be the same as those listed in OAR 635-090-150 (3) for deer or (4) for elk, or 635-067-0028(2) for pronghorn.
 - (c) Bag limit: one pronghorn antelope or one deer or one elk.
 - (d) Oregon Department of Fish and Wildlife employees are not eligible for a Mandatory Hunter Reporting Incentive Tag.

(8) A person may obtain and possess only one Rocky Mountain goat tag in a lifetime.

(9) It is unlawful for any person to issue or to possess any game mammal tag which has been backdated.

(10) Any game mammal tag having an issue date subsequent to the last day authorized for issue of such tag as listed in "Oregon Big Game Regulations" for the current season is a void tag. Exception:

(a) Members of the armed forces returning to the state after the deadline shall be permitted to purchase general season tags for themselves at the Salem headquarters and regional offices of the department.

(b) Notwithstanding the deadlines for tag purchases provided by rule and in the hunting regulation synopses, any person who qualifies to purchase a 2009 buck/deer or elk tag with an open season from March 3 through March 31, 2010, or a 2010 spring bear tag but fails to make the purchase by the deadline, may purchase the tag late if the person:

(A) Submits a written affidavit certifying that the person has not yet hunted during the season for which the tag is sought to the Department's Licensing Services Office;

(B) The request must be received by the Department before the end of the season for the particular tag; and

(C) in addition to the usual tag fee, pays the Department the fee of:

i) \$6.50 for a duplicate 2009 buck/deer or elk tag;

ii) \$12.50 (plus a \$2.00 license agent fee) for a duplicate residents 2010 spring bear tag or;

iii) \$15.00 (plus a \$2.00 license agent fee) for a duplicate non residents 2010 spring bear tag.

Stat. Auth.: ORS 496.012, 496.138, 496.146, and 496.162

Stats Implemented: ORS 496.012, 496.138, 496.146, and 496.162