



**OREGON ADMINISTRATIVE RULES
OREGON DEPARTMENT OF FISH AND WILDLIFE**

DIVISION 200

**SALE, PURCHASE OR EXCHANGE OF WILDLIFE PARTS
(Excluding Marine and Commercial Fish, Shellfish and Marine Invertebrates)**

635-200-0000

Purpose and Applicability

(1) ORS 498.022 states that except as provided by rule adopted by the commission, no person may purchase, sell, or exchange, or offer to purchase, sell, or exchange any wildlife parts. The purpose of these rules is to provide in one division all rules allowing the sale, purchase, or exchange of wildlife parts.

(2) Each exception to the statutory prohibition applies only to the parts of lawfully taken animals. Unless otherwise specifically allowed by law, the sale, purchase, or exchange of the parts of any wildlife that was taken unlawfully continues to be prohibited. In the case of any enforcement action for violation of these rules, the burden of proving that the animal was taken lawfully is on the person who sells, purchases, or exchanges wildlife parts.

Statutory/Other Authority: ORS 96.012, 496.138, 496.146, 498.019, 498.022 & 498.042

Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

635-200-0010

Definitions

(1) Unless specifically stated otherwise in this rule, terms used in this division retain the meaning accorded them under other divisions of OAR chapter 635 and the governing statutes.

(2) “Bona fide scientific or educational institution means”:

(a) A career school granted authority to operate under ORS 341;

(b) A community college established under ORS chapter 345.010 to 345.450;

(c) An education service district as defined in ORS 334.003;

(d) The Oregon Health and Science University;

(e) A public high school;

(f) A public university listed in ORS 352.002;

(g) Any institution not otherwise listed in the subparagraph that is exempt from ORS 348.594 to 348.615 under ORS 348.597 (2); or a zoo or aquarium that is accredited under standards the equal or exceed the accreditation standards of the Association of Zoos and Aquariums in effect on the effective date of this 2017 Act.

(3) “Cervid” is defined in OAR 635-045-0002.

(4) “Covered animal species” means:

(a) Elephant – Elephantidae – All species

(b) Rhinoceros – Rhinocerotidae – All Species

(c) Whale – Cetacea – All Species

(d) Tiger – Felidae – Panthera tigris

(e) Lion – Felidae – Panthera leo

(f) Leopard – Felidae – Panthera pardus, Neofelis diardi, Neofelis nebulosi, Uncia uncia

(g) Cheetah – Felidae – Acinonyx jubatus

(h) Jaguar – Felidae – Panthera onca



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- (i) Pangolin – Manidae – All species
- (j) Marine and Leatherback turtles – Cheloniidae and Dermochelyidae – All Species
- (k) Shark – all species – excluding spiny dogfish as defined in ORS 498.257(1), and excluding species obtained by an activity expressly authorized by federal law or an activity that involves a species that is subject to a federal management plan under Title III of P.L. 94-265 as amended (Magnuson-Steven Act).
- (l) Ray – all species – excluding species obtained by an activity expressly authorized by federal law or an activity that involves a species that is subject to a federal management plan under Title III of P.L. 94-265 as amended (Magnuson-Stevens Act), and all species of skate (Rajiformes).
- (5) “Covered animal species part or product” means any item that contains, or is wholly or partially made from, any covered animal species and does not include excrement.
- (6) "Furtaker" means a holder of a furtaker's license or a hunting license for furbearers.
- (7) "Furbearer" and "furbearing mammals" are defined in OAR 635-050-0050.
- (8) "Processed" means a hide, pelt, or cape that has been:
 - (a) Permanently preserved through a process such as tanning, freeze-drying or converting to rawhide (but not including salting, drying or freezing); or
 - (b) Converted into a handcrafted item.
- (9) “Person: means any individual, firm, partnership, joint venture, corporation, limited liability company, joint stock company, estate, trust, receiver, syndicate, association, or other legal entity.
- (10) "Raw pelt" is defined in OAR 635-049-0005.
- (11) "Road-killed" means struck and killed by a motor vehicle.
- (12) “Total value” means either the fair market value or the actual price paid for a covered animal species part or product, whichever is greater.
- (13) “Sale” or “sell” of covered animal species part or product means an act of selling, exchanging, trading, or bartering for monetary or non-monetary consideration, and includes any transfer of ownership that occurs in the course of a commercial transaction, but does not include a nonmonetary transfer of ownership by way of gift, donation, or bequest.
- (14) "Unprocessed" means not processed, as defined in this rule.
- (15) "Unprotected Mammals" is defined in OAR 635-050-0050.

Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

635-200-0020

Furbearing and Unprotected Mammals Generally

- (1) Any person may sell, purchase or exchange the pelt, carcass or any part thereof, of any legally taken furbearing or unprotected mammal as allowed by OAR 635 division 50.
- (2) Any person may purchase unprocessed furbearing or unprotected mammal pelts, provided that such pelts are purchased from the furtaker who took the furbearer and that the pelts are purchased for personal use and not for resale. For any furbearer pelt purchased under this section, the purchaser must retain a record of the furtaker's brand.
- (3) Any licensed fur dealer may sell, purchase or exchange unprocessed furbearer pelts pursuant to OAR 635-200-0030.
- (4) Any person may sell, purchase, or exchange unprocessed unprotected mammal pelts.
- (5) Any person may sell, purchase, or exchange processed furbearing or unprotected mammal pelts, carcasses and parts thereof.



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- (6) A licensed furtaker may sell or exchange, and any person may purchase, road-killed furbearers or unprotected mammals, provided that:
- (a) The road kill is taken by a licensed furtaker during an authorized season for hunting or trapping the species, and
 - (b) The sale is made by the licensed furtaker who took the road kill.
- (7) No person may sell a bobcat (*Lynx rufus*) or river otter (*Lutra canadensis*) pelt without the appropriate year's ownership tag as required in OAR 635 division 050.
- (8) No person may sell raw bobcat or river otter pelts taken before September 1, 1982 unless they were metal-sealed by the Oregon State Police or the department before that date as required in OAR 635 division 50.
- (9) Any person may sell, purchase, or exchange the carcass or parts of black-tailed jackrabbits (*Lepus californicus*), white-tailed jackrabbits (*Lepus townsendii*) or any tree squirrel (except western gray squirrel (*Sciurus griseus*) or northern flying squirrel (*Glaucomys sabrinus*)), provided that the animal was lawfully taken and the carcass or parts were lawfully obtained outside Oregon, as documented by appropriate regulatory agency, business or other reliable records.

Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

635-200-0040

Certain Extant Furbearer and Other Species Lawfully Obtained Out of State

- (1) Any person may purchase, sell, or exchange the carcass or parts of the following species, provided that the animal was lawfully taken and the carcass or parts were lawfully obtained outside Oregon, as documented by appropriate regulatory agency, business or other reliable records:
- (a) Lynx (*Lynx lynx*);
 - (b) Wolverine (*Gulo gulo*);
 - (c) Wolf (*Canis lupis*);
 - (d) Fisher (*Martes pennanti*);
 - (e) Kit fox (*Vulpes velox*);
 - (f) Ringtail (*Bassariscus astutus*).
- (2) For those of the above species that are subject to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), the documentation required by this rule is the tag required by CITES for each individual raw pelt only as of November 1998.

Statutory/Other Authority: 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

Statutes/Other Implemented: 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

635-200-0050

Deer, Elk, and Antelope (Pronghorn)

- (1) Any person may purchase, sell, or exchange processed hides, hooves, dewclaws, sinews, or capes of deer (*Odocoileus hemionus* or *O. virginianus*), elk (*Cervus canadensis*) or antelope (pronghorn) (*Antilocapra americana*).
- (2) Any person may sell or exchange the unprocessed hides, hooves, dewclaws, sinews, or capes of a deer, elk, or antelope legally taken during an authorized hunting season.



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- (3) Any person may sell, purchase, or exchange any bone, elk ivory “buglers” or other part of the skeletal structure of a deer or elk, except the skull.
- (4) Any person may sell or exchange lawfully taken antlers which are detached from the skull, skull is split apart between the antlers or naturally shed antlers to a licensed antler dealer for use only in manufacturing handcrafted items from parts of these antlers. Handcrafted items do not include complete sets of antlers or whole heads and antlers which are mounted for display or other purposes. Any person may purchase such lawfully manufactured handcrafted items.
- (5) Except as provided in subsection 6, any person desiring to purchase or exchange unprocessed deer, elk, and antelope hides, hooves, dewclaws, or sinews must first secure a Hide Dealer Permit. Clients of a taxidermist do not need this permit when a taxidermist provides the hide for mounting a client's legally taken antler or horn.
- (a) Any person desiring to purchase or exchange antlers for use in the manufacture of handcrafted items must first secure an Antler Dealers Permit. Antlers may not be purchased unless antlers are detached from the skull, the skull is split apart between antlers, or the antlers are naturally shed;
- (b) Hide and Antler Dealer Permits may be obtained by applying to the Oregon Department of Fish and Wildlife.
- (6) Any person may purchase the following for their personal use (not resale):
- (a) Unprocessed deer, elk and antelope hides; and
- (b) Deer and elk antlers (if detached from the skull, if skull is split apart between the antlers, or if naturally shed).
- (7) Hide Dealer and Antler Dealer Permit shall cost \$33.50 (plus a \$2.00 license agent fee) and shall expire on December 31 of the year issued.
- (8) At the time of purchase or exchange for unprocessed deer and elk hides and antlers, and for antelope hides, every dealer shall maintain a record. Such record shall:
- (a) Include the date of the transaction, numbers and kinds of hides or antlers purchased or exchanged, and the name and address of the person from whom acquired;
- (b) Be maintained at the business address of the hide dealer or antler dealer for a three-year period.
- (9) Hide and antler dealer records are subject to inspection at any time by any State Police officer or Department of Fish and Wildlife representative.
- (10) Any person may sell, purchase or exchange any bone or other part of the skeletal structure of pronghorn antelope, except the skull and horn sheaths.

Statutory/Other Authority: SB 247 (2015), ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042
Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

635-200-0060

Fallow Deer, Reindeer, and Sika Deer

- (1) Any person may sell, purchase or exchange the meat, antlers, or other parts of a fallow Deer (*Dama dama*), reindeer (*Rangifer tarandus*) or sika deer (*Cervus nippon*).
- (2) Any person may sell, purchase or exchange the meat, antlers, or other parts of any other nonnative cervid.

Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042
Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042



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635-200-0070

Moose

Any person may sell, purchase, or exchange the following parts of moose (*Alces alces*):

- (1) The hide;
- (2) Any bone or other part of the skeletal structure, except the skull; and
- (3) Antlers (if detached from the skull, if skull is split apart between antlers or if antlers are naturally shed).

Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

635-200-0080

Wildlife Not Native to Oregon

- (1) Except as provided in ORS 498.022 and this rule, any person may sell, purchase or exchange the parts of any species other than those species listed in Appendix 5 (“Extant, Self-Sustaining Oregon Vertebrates by Physiographic Provinces, Selected Community Types and Selected Habitat Components”) of the Oregon Wildlife Diversity Plan 1993–1998 (November 1993).
- (2) Any person may sell, purchase, or exchange the inedible parts of bullfrogs (*Rana catesbeiana*).
- (3) The sale, purchase, or exchange of nonnative cervid parts is governed by section 60 of this rule.
- (4) Except as provided in ORS 498.022, this rule, or other rules of the commission, no person may purchase, sell, offer for sale, or possess with the intent to sell any “Covered Animal Species”.

Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

635-200-0090

Sale of Meat

- (1) Any person may sell or purchase food items prepared with the meat of game birds (except migratory waterfowl), game mammals or fish donated as part of:
 - (a) Fund raisers held by trapping, hunting or fishing organizations, or churches, schools and other nonprofit charitable organizations, provided that the wildlife was not taken under a damage control permit; or
 - (b) Charitable use by churches, schools and other nonprofit charitable organizations.
- (2) The exception provided in subsection (1) does not allow the sale of raw meat.
- (3) Any person may sell or purchase the meat and by-products of domesticated elk (as defined by ORS 174.106) raised pursuant to a cervid license issued by the Fish and Wildlife Commission, provided that:
 - (a) The slaughter and processing is conducted in an official exotic animal establishment inspected and certified by the U.S. Department of Agriculture; and
 - (b) The elk is slaughtered, processed and sold in compliance with the rules of the Oregon Department of Agriculture.

Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042



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635-200-0100

Birds

(1) Concerning gallinaceous birds (pheasants, turkeys, quail, and grouse):

(a) Any person may sell, purchase or exchange the carcass, meat or parts of propagated birds; and

(b) Sell, purchase or exchange parts, but not the meat, of wild birds;

(c) This exception does not apply to the sale, purchase, or exchange of the parts or meat of wild sharptailed grouse (*Tympanuchus phasianellus*), sage grouse (*Centrocercus urophasianus*), and spruce grouse (*Dendragapus canadensis*).

(2) Any person may sell, purchase or exchange the feathers of migratory waterfowl (ducks, geese, brant and swans) to be used in making fishing flies, bed pillows and mattresses and similar commercial use, provided that:

(a) Such feathers were obtained from birds killed by lawful hunting or seized and condemned by Federal or State game authorities; and

(b) "Similar commercial use" does not include millinery or ornamental use.

(3) Any person may sell, purchase, or exchange the carcasses or parts of starlings (*Sturnus vulgaris*) and English Sparrows (*Passer domesticus*).

(4) Any person may sell, purchase or exchange the carcasses or parts of captive-reared waterfowl to the extent allowed by the rules of the U.S. Fish and Wildlife Service implementing the federal Migratory Bird Act, ORS 40 CFR (Code of Federal Regulations) 21.13 and 21.14 in effect as of November 1998.

(5) Any person may sell, purchase or exchange raptor "pellets," regurgitated masses that typically contain bones, skulls, and teeth of prey (mammals, birds, reptiles, or amphibians).

Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

635-200-0110

Rendering

Any person may sell, purchase, or exchange the fats, oils, and similar end products of the process of rendering wildlife carcasses or parts.

Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

635-200-0120

Taxidermy Mounts

(1) A game mammal taxidermy mount acquired from an Oregon resident 65 years of age or older and legally harvested by the same individual, or acquired from an Oregon decedent by survivorship or any form of succession, may be sold by the person 65 or older, or the decedent's survivor or successor, to any person, provided that the seller first obtains a registration permit from the department.

(2) A registration permit requires a \$25.00 non-refundable permit administration fee which covers processing of up to five taxidermy mounts, and a processing fee of an additional \$5.00 for each additional mounted game mammal.

(3) To obtain a permit if the seller acquired the mount(s) by survivorship or any form of succession, he or she must provide the department with:

(a) An Oregon death certificate for the decedent;



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- (b) For mounts of game mammals harvested before January 1, 2017, an affidavit by the seller stating that (to the best of the seller's knowledge) the decedent legally harvested the game mammal and describing how the seller legally acquired the mount by survivorship or succession; and
- (c) For mounts of game mammals harvested on or after January 1, 2017, a properly validated tag which the decedent used to document legal harvest of the game mammal.
- (4) To obtain a permit if the seller is an Oregon resident 65 years of age or older, he or she must provide the department with:
 - (a) For mounts of game mammals harvested before January 1, 2017, a properly validated tag issued to the seller, or an affidavit by the seller stating that the seller legally harvested the game mammal; and
 - (b) For mounts of game mammals harvested on or after January 1, 2017, a properly validated tag issued to the seller to document legal harvest of the game mammal.
- (5) Upon compliance with the requirements of subsection (2), the department shall register the mount and affix a permanent identification number.

Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

Statutes/Other Implemented: : ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

635-200-0130

Sale, Purchase, or Exchange of Feathers

Any person may sell, purchase, or exchange lawfully obtained feathers of:

- (1) Bird species other than those listed in Appendix 5 (“Extant, Self-sustaining Oregon Vertebrates by Physiographic Provinces, Selected Community Types and Selected Habitat Components” of the Oregon Wildlife Diversity Plan 1993–1998 — November 1993);
- (2) Propagated and wild gallinaceous birds, except sharp-tailed grouse (*Tympanuchus phasianellus*), sage grouse (*Centrocercus urophasianus*), and spruce grouse (*Dendragapus canadensis*);
- (3) Migratory waterfowl, for the making of fishing flies, bed pillows and mattresses, and similar commercial use, provided that such feathers were obtained from birds killed by lawful hunting or seized and condemned by federal or state game authorities.

Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

635-200-0135

Sale of Covered Animal Species

- (1) Except as otherwise provided in ORS 498.022 or Subsection (2) of this section, a person may not purchase, sell, offer for sale, or possess with intent to sell any item that the person knows or should know is a covered animal species part or product. There is a presumption of possession with intent to sell a covered animal species part or product when the part or product is possessed by a retail or wholesale establishment or other forum engaged in the business of buying or selling of similar items. This rebuttable presumption does not preclude a finding of intent to sell based on any other evidence that may serve to independently establish such intent.
- (2) Subsection (1) of this rule does not apply:
 - (a) To employees or agents of federal or state government undertaking any law enforcement activities pursuant to federal or state law or any mandatory duties required by federal or state law;
 - (b) When the activity is expressly authorized by federal law;



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- (c) When the activity involves a species that is subject to a federal management plan under Title III of P.L. 94-265 (16 U.S.C. 1851-1869), as amended; or
 - (d) When the activity is exempt under ORS 498.257(3) or 509.160(3);
 - (e) When the covered animal species part or product is a fixed component of an antique that is not made wholly or primarily of the covered animal species part or product, provided that the antique status is established by the owner or seller thereof with documentation evidencing provenance and showing the covered animal species part or product to be at least 100 years old as of July 1, 2017 and provided that the total weight of covered animal species part or product is less than 200 grams.
 - (f) When the covered animal species part or product is a fixed component of a musical instrument, including, but not limited to, string instruments and bows, wind and percussion instruments, and pianos; provided that the instrument was legally acquired and provided that the total weight of covered animal species part or product is less than 200 grams.
 - (g) To the noncommercial transfer of ownership of a covered animal species part or product to a legal beneficiary of estate, trust or other inheritance;
 - (h) To the possession of a covered animal species part or product by any enrolled member of a federally recognized Indian tribe; or
 - (i) To the sale of a covered animal species part or product by or to a bona fide scientific or educational institution when the sale is made pursuant to a written gift agreement or similar instrument entered into before July 1, 2017.
- (3) The Department may permit the purchase, sale or donation of covered animal species parts or products for scientific or educational purposes by or to a bona fide scientific or educational institution as defined in ORS 498.022(h)(A); if
- (a) The covered animal species part or product was legally acquired;
 - (b) The purchase, sale or donation is made pursuant to a written gift agreement or similar instrument on or after July 1, 2017;
 - (c) The purchase, sale or donation is not prohibited by federal law;
 - (d) The permit applicant submits documentation to the Department detailing the proposed transaction, including the type of covered animal species part or product to be purchased, sold or exchanged and the source of the covered animal species part or product; and
 - (e) The bona fide scientific or educational institution keeps, and provides to the Department, documentation from the transaction detailing the type of covered animal species part or product acquired and the source of the part or product.
- (4) A person who sells, offers to sell, or possess with the intent to sell parts or products that closely resembles material from a covered animal species must, upon request by the Department, immediately provide proof that the material used for the part or product is not from a covered animal species.

Statutory/Other Authority: 496.012, 496.138, 496.146, 498.022, 498.026 & 506.025

Statutes/Other Implemented: 496.012, 496.138, 496.146, 498.022, 498.026 & 506.025



**OREGON ADMINISTRATIVE RULES
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635-200-0140

Confiscation, Disposal, or Cancellation or Non-Renewal of Authorization to Possess Parts or Products from Covered Animal Species

- (1) Each violation of ORS 498.022(2) may result in confiscation or required disposal of the covered animal species part or product as directed by the Department, and imposition of a civil penalty not to exceed \$6,500 or an amount equal to two times the total value of the covered animal species part or product, whichever is higher.
- (2) The Department shall provide notice of its intent to confiscate or require disposal of a covered animal species part or product and of its intent to impose a civil penalty in the form provided in ORS 183.415.
- (3) The person to whom the notice is addressed shall have 20 days from the date of service of the notice in which to make written application for a contested case hearing. If no application for a hearing is made within the time allowed, the Department may issue a final order.
- (4) Final orders will be issued by the Director.
- (5) Any civil penalty imposed pursuant to ORS 498.022 and this rule shall be payable to the Department.

Statutory/Other Authority: 496.012, 496.138, 496.146 , 496.675, 497.238, 497.308, 497.318 & 496.665
Statutes/Other Implemented: 496.012, 496.138, 496.146 , 496.675, 497.238, 497.308, 497.318 & 496.665

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