



OREGON ADMINISTRATIVE RULES
OREGON DEPARTMENT OF FISH AND WILDLIFE

DIVISION 043

MISCELLANEOUS PERMITS AND RECORDS

635-043-0000

Purpose

The purpose of these rules is to describe the regulations governing fur dealers, taxidermists, hide and antler dealers, scientific collectors, and other miscellaneous permits.

Stat. Auth.: ORS 183 & ORS 496

Stats. Implemented: ORS 183 & ORS 496

635-043-0003

Fur Dealer and Taxidermy

- (1) Fur Dealer License shall cost \$106.00 (plus a \$2.00 license agent fee) and shall expire on December 31 of the year issued.
- (2) Whenever a fur dealer purchases, possesses, sells, or disposes of the pelt of any furbearing mammal, the dealer must record:
 - (a) The date, numbers and types of pelts;
 - (b) For furbearing mammals requiring tags, the tag number, the state issuing the tag, the species, and the year the tag was issued; and
 - (c) The name and address of those from whom the pelts were obtained, and to whom they were sold or otherwise transferred;
 - (d) This record must be maintained at the business address of the fur dealer for a period of three years.
- (3) No fur dealer may purchase, sell, or possess any raw pelt requiring a tag or seal without having a proper tag or seal affixed to the pelt.
- (4) Fur buyers who are agents for companies shall have a fur dealer's license and record the company whom they represent on the fur dealer's license application.
- (5) Fur dealer records and pelts are subject to inspection at any time by any Oregon State Police officer or Department representative.
- (6) Failure to comply with the record keeping criteria in OAR 635-043-0003(1) or to permit inspection of such records may result in a two year license suspension.
- (7) Taxidermy License shall cost \$106.00 (plus a \$2.00 license agent fee) and shall expire on December 31 of the year issued.
- (8) Licensed taxidermists may sell a client's unclaimed, legally taken, mounted wildlife, except migratory birds protected by Federal Law 16 USC 703, provided that:
 - (a) Upon completion, at least two written notices of intent to sell are sent to the client;
 - (b) Two months have passed since completion of mount;
 - (c) The amount realized by the sale of a mount is not to exceed the original quoted price stated contemporaneously in writing, less any deposit received;
 - (d) Taxidermists may mount and sell legally taken furbearing animals with a fur dealer's license.
- (9) At the time of receiving wildlife for mounting, every licensed taxidermist shall:
 - (a) Record the date, number and kinds of wildlife received;
 - (b) Record the tag number and year of issuance of those furbearing mammals requiring tags;
 - (c) For game mammals and game birds requiring tags, record the confirmation number of electronic



OREGON ADMINISTRATIVE RULES
OREGON DEPARTMENT OF FISH AND WILDLIFE

tags, record the date (month/day/year) and time (hour:minute) of issuance of paper tags.

(d) Record the date taken, the county or hunting unit and state where taken, and the name and address of the person who killed the wildlife;

(e) Record the name and address of the person from whom the wildlife is received and the quoted price for the taxidermy work;

(f) Maintain this record at the business address of the taxidermist for a three-year period;

(g) Maintain copies of the written notices, as described in 635-043-0003(6), date of sale, amount of sale and name and address of the person purchasing the mount at the business address of the taxidermist for a three-year period.

(10) Taxidermy records and all wildlife possessed by licensed taxidermists for the purpose of taxidermy are subject to inspection at any time by any Oregon State Police officer or Department representative.

Stat. Auth.: 496.012, 496.138, 496.146, 498.019, 498.022, 498.042

Other Auth.: Senate Bill 247 (2015)

Stats. Implemented: 496.012, 496.138, 496.146, 498.019, 498.022, 498.042

635-043-0023

Purpose of Scientific Taking Permits

Rules to take wildlife for scientific study allow educational institutions and private and public scientists a means to study or gain knowledge of wildlife. The Department acts as coordinator and contact for wildlife research projects conducted in Oregon. Refer to Division 7 for taking fish on a Scientific Taking Permits.

Stat. Auth.: ORS 183 & ORS 496

Stats. Implemented: ORS 183 & ORS 496

635-043-0030

Scientific Taking Permit Requirements

Any person desiring to take wildlife for scientific purposes must first secure a Scientific Taking Permit by applying to the Oregon Department of Fish and Wildlife. The application shall list the wildlife species and numbers to be collected, the areas and methods of collecting, purpose for collecting, the date of application, the name, address, occupation, and signature of the applicant, and the signature and affiliation of the sponsor if the applicant is a student. This permit may not be used in lieu of a hunting license.

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

635-043-0033

Cost of Permit

(1) Wildlife Scientific/Educational Taking Permits (K-12 grades) shall be issued at no cost and shall expire on December 31 of the year issued.

(2) Wildlife Scientific/Educational Taking Permits (other) shall cost \$112.50 (plus a \$2.00 license agent fee) and shall expire on December 31 of the year issued.



OREGON ADMINISTRATIVE RULES
OREGON DEPARTMENT OF FISH AND WILDLIFE

Stat. Auth.: ORS 183 & 496
Other Auth.: Senate Bill 247 (2015)
Stats. Implemented: ORS 183 & 496

635-043-0035

Conditions of Scientific Taking Permit

Scientific taking permittees shall adhere to all requirements, terms, and conditions included on the Scientific Taking Permit and the record keeping requirements below:

- (1) Every scientific taking permittee shall at the time of taking wildlife, record the species, numbers, area and date wildlife were taken.
- (2) Records shall be maintained at the business address of the scientific taking permittee for a period of three years.
- (3) Records shall be sent to the Department at 4034 Fairview Industrial Drive SE, Salem, OR 97302 within 30 days of the expiration of the permit.

Stat. Auth.: ORS 183 & 496
Stats. Implemented: ORS 183 & 496

635-043-0040

Persons Eligible for Scientific Taking Permit

Any person who has need to collect wildlife for the purpose of acquiring knowledge thereof may apply for a Scientific Taking Permit. Eligible persons include members of public or private scientific organizations, professional educators, college or university students working under the sponsorship of accredited professors, and scientists employed by private corporations and public natural resource agencies. An application will be evaluated for approval and may be denied if it lacks merit.

Stat. Auth.: ORS 183 & 496
Stats. Implemented: ORS 183 & 496

635-043-0045

Cancellation of Scientific Taking Permit

Failure to comply with the conditions stipulated in OAR 635-043-0030 through 635-043-0040 is cause to cancel the permit and confiscate the wildlife taken.

Stat. Auth.: ORS 183 & 496
Stats. Implemented: ORS 183 & 496

635-043-0051

Authority to Take or Harass Wildlife

- (1) In accordance with ORS 496.012, 496.162, 497.298, 498.002, and 498.006, Department staff or their agents, and sworn law enforcement officers, may take or harass wildlife in the times, places and manners necessary for:
- (a) Scientific purposes pursuant to Department programs;
 - (b) Protection against a threat to human safety;
 - (c) Protection of land or property from damage;



OREGON ADMINISTRATIVE RULES
OREGON DEPARTMENT OF FISH AND WILDLIFE

- (d) Wildlife management purposes pursuant to Department programs;
- (e) Education and display purposes;
- (f) Rehabilitation of sick, injured or orphaned wildlife; and
- (g) Law enforcement activities.

(2) Harassment means acts that frighten or chase but do not kill wildlife.

(3) ORS 498.126(1) provides that a person may not hunt game mammals or game birds from or with the aid of an aircraft, nor transmit from an aircraft to a person not in the aircraft information regarding the location of any game mammals or game birds. ORS 498.126(4) provides an exception for the Department of Fish and Wildlife, and its agents, when conducting wildlife management activities necessary for scientific research or, in emergency situations, protecting human safety, wildlife species or property. ORS 498.126(4)(b) requires definition of “emergency situation” and “necessary” by rule.

(a) “Emergency situation” means that the Department has determined that prompt action is required to implement a provision of a species management plan or administrative rule adopted by the Fish and Wildlife Commission.

(b) “Necessary” means that the Department has determined that the use of aircraft in a particular instance is the most efficient method of implementing a provision of a species management plan or administrative rule adopted by the Fish and Wildlife Commission.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

635-043-0056

Trapping of Wildlife

For the purpose of alleviating a public nuisance or preventing property damage, the Department may trap and relocate wild turkeys found within the Roseburg city limits.

Stat. Auth.: ORS 498.158

Stats. Implemented: ORS 498.158

635-043-0085

Hunting from a Motor-Propelled Vehicle

(1) Any person who carries on his or her person an Oregon Disabilities Hunting and Fishing Permit and any required license and tag issued by the Commission may hunt wildlife from a motor-propelled vehicle except while the vehicle is in motion or on any public road or highway.

(2) Any person authorized to alleviate wildlife damage pursuant to ORS 498.136 may hunt designated wildlife from a motor propelled vehicle in the manner prescribed by permit.

Stat. Auth.: ORS 183 & 496

Stats. Implemented: ORS 183 & 496

635-043-0090

Who May Hunt with the Aid of an Artificial Light

Any person hunting bobcat, raccoon or opossum may hunt with an artificial light not attached to or operated from a motor-propelled vehicle. Any person authorized to alleviate wildlife damage pursuant to ORS 498.142 may hunt with the aid of an artificial light in the manner prescribed by permit.



OREGON ADMINISTRATIVE RULES
OREGON DEPARTMENT OF FISH AND WILDLIFE

Stat. Auth.: ORS 183 & ORS 496
Stats Implemented: ORS 183 & ORS 496

Authority to Harass Wildlife

635-043-0096

Harassing Wildlife Causing Damage

Administrative Rules 635-043-0100 through 635-043-0115 govern harassment of wildlife to control damage, except for wolves, which are addressed in 635-110-0010 through 635-110-0030.

Stat. Auth.: ORS 183 & 496
Stats. Implemented: ORS 183 & 496

635-043-0105

Permit Required to Harass Wildlife

Any landowner suffering damage from wildlife (except for bobcat, red fox, cougar, bear, and non-threatened or non-endangered migratory birds) to property that they own or lawfully occupy, and desiring to control the damage by means of harassment shall first secure a Wildlife Harassing Permit by applying to the Department. Any harassment of non-threatened or non-endangered migratory birds must not result in the take of migratory birds, their eggs or their nests.

Stat. Auth.: ORS 183 & 496
Stats. Implemented: ORS 183 & 496

635-043-0110

Form of Harassment Permit

The Wildlife Harassing Permit shall include the name and address of the complainant suffering wildlife damage, the name and address of the person or persons designated by the landowner to act as his agent, the description of the property on which harassment will be permitted, the wildlife species to be harassed, the date of issue and date of expiration of the permit, and the signature of the Department representative issuing the permit.

Stat. Auth.: ORS 183 & ORS 496
Stats. Implemented: ORS 183 & ORS 496

635-043-0115

Cancellation of Harassment Permit

The harassment permit may be cancelled if the wildlife damage ceases before the termination date or if permittee fails to comply with provisions on the permit.

Stat. Auth.: ORS 183 & ORS 496
Stats. Implemented: ORS 183 & ORS 496



635-043-0120

Ceremonial Harvest Permits

Ceremonial harvest permits for use by the Confederated Tribes of the Grand Ronde Community of Oregon (for the purpose of this rule here in referred to as the Tribe).

(1) The Commission authorizes the harvest of deer, elk, and black bear by members of the Confederated Tribes of the Grand Ronde Community of Oregon for ceremonial purposes in accordance with these rules.

(2) Authorization for ceremonial harvest permits will be considered only upon written request from the Tribe.

(3) Authorization for harvest shall specify the season dates, times, locations, and numbers of permits authorized for each species.

(a) Permits authorized shall be provided to the Tribe and may be used only by authorized members of the Tribe. Each permit shall specify the season dates, times, and location where the permit is valid.

(b) Tribal hunters using authorized ceremonial harvest permits must carry on their person a valid ceremonial harvest permit, and shall present this document, as well as documents identifying said hunter as a member of the Confederated Tribes of the Grand Ronde Community of Oregon, to Department employees or law enforcement personnel upon request.

(c) Tribal members designated to harvest animals using ceremonial harvest permits shall not be required to possess big game tags in addition to the ceremonial harvest permits authorizing harvest.

(d) In recognition of accepted Tribal custom, the Commission acknowledges that Tribal authorities may designate individuals to harvest animals using these ceremonial harvest permits. The Tribe may designate the number of permits used by a Tribal member, so long as the total harvest does not exceed the number of ceremonial tags authorized under subsection (e) of these rules.

(e) Pursuant to a request received under subsection (2), the Department shall issue up to 15 deer permits with a bag limit of "one deer", 9 elk permits with a bag limit of "one elk", and 3 bear permits with a bag limit of "one bear" for ceremonial purposes annually. Season dates are: for elk, April 1 through 3 days before the 1st day of general archery season (inclusive); for deer, January 1 through 3 days before the 1st day of general archery season (inclusive); for bear, January 1 through March 31 and June 1 through July 31 (inclusive) each year.

(f) Each permit shall be validated immediately upon successful harvest of a designated animal by entry on the permit, in ink, the date of the kill. The permit shall be attached securely to the game mammal in plain sight. The permit shall be kept attached to the carcass or remain with any parts thereof so long as the same are preserved.

(g) Ceremonial harvest permits are valid only in the area as described in section 4 (a) 1 of the 1986 Agreement between the State of Oregon and the Tribes (See OAR 635-041-0600(4)(a)(1)). Ceremonial harvest permits do not authorize trespass upon private lands or entry or use on private or public lands where landowner permission has not been obtained or where hunting, access, or discharge of firearms is precluded by any other statute or rule.

(h) Methods of take, shooting hours, and other restrictions or limits on hunting methods, weapons and techniques all remain the same as those pertaining to sport harvest during other Commission authorized big game seasons.

(4) All harvest of deer, elk, or bear conducted under ceremonial harvest permit by a tribe shall be reported to the Department on an annual basis.

(5) Animals harvested under an authorized ceremonial harvest permit may only be used by Tribal members for ceremonial and cultural purposes. Animals and parts thereof may not be bartered or sold.



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

(6) Authorization of these ceremonial-hunting permits does not create, convey or imply any additional tribal legal or treaty entitlement, nor does it modify any existing agreement, treaty, or court decree.

Stat. Auth.: ORS 496

Stats Implemented: ORS 496

635-043-0130

Grand Ronde Reservation and Trust Lands Wildlife Management

(1) The Commission authorizes the take of the following wildlife, to be allocated by the Confederated Tribes of the Grand Ronde Community of Oregon (Tribe, for purposes of this rule) for the purposes of accomplishing the goals of the “Confederated Tribes of the Grand Ronde Fish and Wildlife Management Plan,” (Management Plan) dated September 5, 2014, and delegates to the Tribe the management of fish and wildlife resources on the Tribe’s reservation and trust lands, in accordance with the Management Plan.

(2) The Department authorizes the Tribe to annually take the following number of animals and shall provide tags annually, where applicable:

- (a) Columbia Black-tailed Deer: 200 animals
- (b) Roosevelt Elk: 200 animals
- (c) Cougar: 50 animals
- (d) Bear: 50 animals
- (e) Crayfish: no annual limit
- (f) Pacific Lamprey: 100 animals
- (g) Cutthroat trout: no annual limit
- (h) Spring Chinook: 100 animals
- (i) Coho: 100 animals
- (j) Upland Game Birds (Blue (Sooty) Grouse, Ruffed Grouse, Mountain Quail, California Quail and wild Turkey): no annual limit
- (k) Bobcat: 100 animals.

(3) Harvesters exercising take authorized by subsection (2) must possess the applicable state-issued permits, licenses and tags and a tribally issued hunting tag, however a valid tribal license issued pursuant to the Consent Decree (OAR 635-041-0600) along with a tag issued under subsection (2) of this rule may be used in lieu of any otherwise required state license, tag or permit. The Tribe may impose such conditions upon the take of this wildlife, which must occur on reservation or trust lands, as the Tribes determine will effect the purposes of the Management Plan.

(4) The Tribe shall report actual take to the Department under this authority by January 30 of the year following the take.

(5) This rule does not delegate any authority with respect to fish hatcheries or fish supplementation programs. Any proposal to build a fish hatchery or implement a hatchery supplementation program would require additional agreement between the Tribe and the Commission.

(6) Nothing in this rule authorizes or alters any legal restriction on the sale, barter, trade or exchange of wildlife or wildlife parts.

(7) No additional tribal legal or treaty entitlement is created, conveyed or implied, nor is any existing agreement, treaty or court decree modified by the adoption of these rules or the Management Plan.



OREGON ADMINISTRATIVE RULES
OREGON DEPARTMENT OF FISH AND WILDLIFE

Stat. Auth.: ORS 183 & ORS 496
Stats Implemented: ORS 183 & ORS 496

635-043-0140

Warm Springs Hunting Agreement

(1) Tribal members of the Confederated Tribes of the Warm Springs Reservation are authorized to take wildlife under the terms and conditions in the Memorandum of Agreement Between the Confederated Tribes of the Warm Springs Reservation and the State of Oregon Regarding Off-reservation Hunting Subject to the 1855 Treaty with the Tribes of Middle Oregon, entered into by both parties in 2018, incorporated herein by reference.

(2) No additional tribal legal or treaty entitlement is created, conveyed or implied, nor is any existing agreement, treaty or court decree modified by the adoption of these rules or the above referenced Memorandum of Agreement.

Stat. Authority: ORS 496.138, 496.146, 496.162
Stats. Implemented: ORS 496.138, 496.146, 496.162

635-043-0150

Burns Paiute Ceremonial Harvest Permits

Temporary Rule: Effective January 11, 2019 through July 9, 2019

Ceremonial harvest permits for use by the Burns Paiute Tribe (the "Tribe").

(1) The Commission authorizes the harvest of deer, elk and pronghorn antelope by members of the Tribe for ceremonial and cultural purposes in accordance with these rules.

(2) Authorization for ceremonial harvest permits will be considered only upon written request from the Tribe.

(3) Authorization for harvest shall specify the season dates, times, locations, and numbers of permits authorized for each species.

(a) Permits authorized shall be provided to the Tribe and may be used only by enrolled members of the Tribe. Each permit shall specify the season dates, times, and location where the permit is valid.

(b) Enrolled Burns Paiute Tribal members using authorized ceremonial harvest permits must carry on their person a valid ceremonial harvest permit, and shall present this document, as well as documents identifying said hunter as a member of the Burns Paiute Tribe, to Department employees or law enforcement personnel upon request.

(c) Enrolled Burns Paiute Tribal members designated to harvest animals using ceremonial harvest permits shall not be required to possess a state hunting license or big game tags in addition to the ceremonial harvest permits authorizing harvest.

(d) In recognition of accepted Tribal custom, the Commission acknowledges that Tribal authorities may designate individuals to harvest animals using these ceremonial harvest permits. The Tribe may designate the number of permits used by enrolled Burns Paiute Tribal members, so long as the total harvest does not exceed the number of ceremonial permits authorized under subsection (e) of these rules.

(e) Pursuant to a request received under subsection (2), the Department shall issue up to eight (8) deer permits with a bag limit of "one deer" up to six (6) elk permits with a bag limit of "one elk", and up to four (4) pronghorn antelope permits with a bag limit of "one pronghorn", for ceremonial purposes annually. Season dates are: January 1 through three days before the first day of general archery deer and



OREGON ADMINISTRATIVE RULES
OREGON DEPARTMENT OF FISH AND WILDLIFE

elk season (inclusive) for deer and elk permits, and January 1 through three days before the first day of the Department pronghorn antelope season in the Silvies and Malheur River WMUs (inclusive) for pronghorn antelope.

(f) Each permit shall be validated immediately upon successful harvest of a designated animal by blacking out in ink, or removing in its entirety, only the month and day of the kill. The permit shall be attached securely to the game mammal in plain sight. The permit shall be kept attached to the carcass, or remain with any parts thereof, so long as the same are preserved.

(g) Ceremonial harvest permits are valid only on federal lands and Burns Paiute Tribal lands (Tribal trust and fee title) in the Silvies Wildlife Management Unit, that portion of the Malheur River Wildlife Management Unit (WMU) that is north of U.S. Highway 20, and the Burns Paiute Tribal property known as the Jonesboro property south of U.S. Highway 20 in the Malheur River WMU. Ceremonial harvest permits cannot be used on private lands and do not authorize trespass upon private lands to access federal or tribal lands where landowner permission has not been obtained. Ceremonial harvest permits do not authorize entry or use on public lands where hunting, access, or discharge of firearms is precluded by any other statute, rule or law.

(h) Methods of take, shooting hours, and other restrictions or limits on hunting methods, weapons and techniques all remain the same as those pertaining to sport harvest during other Commission authorized big game seasons.

(i) If a ceremonial need arises after the end of authorized season dates and a previously issued ceremonial harvest tag from that year was not validated for harvest, the Tribe may request a date extension in writing.

(A) Written request must include the specific ceremonial need as determined by the Tribe, the requested new dates for hunt, and the original tag.

(B) The species on the ceremonial harvest tag cannot be changed.

(C) The Department will consider the request to avoid conflicts with ongoing hunting seasons and may limit the hunt area from the description in (3)(g).

(D) If approved, the local Wildlife District staff from the Department will provide the revalidated tag to the Tribe.

(4) The Tribe shall report all harvest of deer, elk or pronghorn antelope conducted under ceremonial harvest permit to the Department on an annual basis.

(5) Animals harvested under an authorized ceremonial harvest permit may only be used by Tribal members for ceremonial and cultural purposes. Animals and parts thereof may not be bartered or sold.

(6) Authorization of these ceremonial-hunting permits does not create, convey, modify, limit, impede or imply any tribal legal or treaty entitlement.

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

Stats Implemented: ORS 496.012, 496.138, 496.146 & 496.162



OREGON ADMINISTRATIVE RULES
OREGON DEPARTMENT OF FISH AND WILDLIFE

635-043-0175

Roadkill Salvage Permit

Temporary Rule: Effective January 1, 2019 through June 29, 2019

A Roadkill Salvage Permit allows a person to recover, possess, transport, and use the carcass of a deer or elk killed as a result of an accidental collision with a vehicle for the purpose of salvaging the meat for human consumption.

(1) The person taking possession of the carcass at the site of the collision must acquire a Roadkill Salvage Permit within 24 hours of taking the carcass into possession.

(2) A Roadkill Salvage Permit requires the person taking possession of a carcass to complete an on-line application that provides the Department with:

(a) Name, address of physical residence, and phone number;

(b) Date and time the carcass was removed from the site of the collision;

(c) Location, including road name and mile marker or valid coordinate, where the carcass was collected;

(d) A statement identifying the driver of the vehicle that collided with the deer or elk, if known;

(e) Species and sex of the carcass being salvaged; and

(f) An acknowledgement that the carcass is being salvaged at the permit holder's own risk and the State of Oregon is not liable for any loss or damage arising out of the recovery, possession, use, transport or consumption of the deer or elk salvaged pursuant to the Roadkill Salvage Permit.

(3) Within five (5) business days of taking possession of the carcass, the entire head of the deer or elk, including the antlers of antlered animals, must be delivered and surrendered to the Department at a District Office or alternative location determined by the Department.

(4) A Roadkill Salvage Permit may not be issued for the recovery, possession, transport or use of any deer or elk that was rendered crippled or helpless as a result of a vehicle collision and then killed pursuant to ORS 498.016, unless the person seeking the Roadkill Salvage Permit accidentally rendered the deer or elk crippled or helpless is the driver of the motor vehicle involved in the collision. Any person that kills a crippled or helpless deer or elk pursuant to ORS 498.016 must immediately report the killing to a person authorized to enforce the wildlife laws.

(5) Salvage of white-tailed deer is prohibited west of the crest of the Cascade Mountains except within Douglas County.

(6) The entire carcass, including entrails, of any salvaged deer or elk must be completely removed from the road and road right of way.

(7) No portion of any deer or elk salvaged pursuant to this rule may be sold, bartered, or exchanged.

(8) Pursuant to this rule, when any part of a deer or elk salvaged is transferred to the possession of another person, a written record describing the animal or part being transferred indicating the name and address of the person who obtained the Roadkill Salvage Permit for the animal and the number or confirmation number of the Roadkill Salvage Permit shall accompany such transfer and shall remain with such animal or part so long as the same is preserved.

(9) This rule does not authorize the salvage of deer and elk from the reservation lands of any sovereign tribe.

Stat. Auth.: SB 372 (2017), ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042

Stats. Implemented: SB 372 (2017), ORS 496.012, 496.138, 496.146, 498.019, 498.022 & 498.042



635-043-0250

Purpose of the Urban Deer Population Control Pilot Program

The purpose of these rules is to describe the procedures and requirements for issuing kill permits to take deer within urban boundaries, thereby allowing cities the ability to reduce deer populations in response to public nuisance as defined in OAR 498.012, health or safety concerns, and/or property damage.

Stat. Auth.: Or Laws 2017, ch 331, § 1-3; ORS 496.012, 496.162, 498.002, 498.006, 498.012
Stats Implemented: Or Laws 2017, ch 331, § 1-3; ORS 496.012, 496.162, 498.002, 498.006, 498.012

635-043-0260

Permit to Control Urban Deer Application Requirements

Before requesting a kill permit to conduct urban deer population control, the city must:

(1) Adopt and enforce an ordinance restricting placing, depositing, distributing, storing or scattering food, garbage or any other attractant so as to knowingly constitute a lure, attractant or enticement for deer.

(2) Adopt an ordinance, resolution or order declaring that deer populations have risen to levels that constitute a public nuisance.

(3) Following the passage by a city of subsections (1) and (2) of this section, the city can petition the Department for kill permits necessary to reduce deer population levels within city limits.

Stat. Auth.: Or Laws 2017, ch 331, § 1-3; ORS 496.012, 496.162, 498.002, 498.006, 498.012
Stats Implemented: Or Laws 2017, ch 331, § 1-3; ORS 496.012, 496.162, 498.002, 498.006, 498.012

635-043-0270

Department and City Responsibilities

(1) In cities where the Department determines the deer population does constitute a public nuisance as defined in ORS 498.012, or it presents health, safety or property damage concerns, the Department will:

(a) Designate dates when take is allowed.

(b) Determine the number and sex of deer to be taken. The number of deer taken should not exceed the number necessary to reduce the deer population to a level that no longer constitutes a public nuisance.

(c) Issue the appropriate kill permit(s) to the city.

(2) The city is responsible to:

(a) Designate areas within city limits where deer are to be taken.

(b) Designate the manner of taking deer, which may be by use of firearms or by live capture;

(A) It is unlawful to use any poisoning, immobilizing, or tranquilizing drug or chemical to take or euthanize deer for purposes of population control.

(B) If live capture methods are used, traps must be checked at least once per day, animals must be immediately euthanized and not relocated or released.

(C) Cities and agents must follow Department approved capture methodology, and handling requirements.

(D) Methods for humane euthanasia must comply with most recent version of American Veterinary Medical Association standards;



OREGON ADMINISTRATIVE RULES
OREGON DEPARTMENT OF FISH AND WILDLIFE

- (E) Non-lead ammunition must be used if animals are euthanized with a firearm.
- (c) Designate an agent(s) with appropriate qualifications to take deer.

Stat. Auth.: Or Laws 2017, ch 331, § 1-3; ORS 496.012, 496.162, 498.002, 498.006, 498.012
Stats Implemented: Or Laws 2017, ch 331, § 1-3; ORS 496.012, 496.162, 498.002, 498.006, 498.012

635-043-0280

Agent Authorization to Take Deer on Other than City Owned Property

(1) Any agent of the city who takes a deer on property other than city owned property must have in possession written authority to act as the agent of the landowner or lawful occupant of the land which includes:

- (a) The date of issuance of the authorization;
- (b) The name, address, telephone number and signature of the person granting the authorization;
- (c) The name, address and telephone number of the person to whom the authorization is granted;
- (d) The expiration date of the authorization, which shall be no later than one year from the date of issuance of the authorization.

(2) Any agent who takes deer under this program must immediately report the taking to the Department or a person authorized to enforce the wildlife laws. At a minimum, the reported information must include:

- (a) Name and phone number of the person reporting the take;
- (b) The kill permit number(s);
- (c) Number and sex of animals taken (including antler points if bucks are taken);
- (d) Location/address where take occurred;
- (e) Time of take;
- (f) Destination of carcasses.
- (g) Status of biological samples (if requested by the Department to take samples).

Stat. Auth.: Or Laws 2017, ch 331, § 1-3; ORS 496.012, 496.162, 498.002, 498.006, 498.012
Stats Implemented: Or Laws 2017, ch 331, § 1-3; ORS 496.012, 496.162, 498.002, 498.006, 498.012

635-043-0290

Salvage of Deer

(1) As defined in ORS 315.154, and used in this section “food bank or other charitable organization” means any organization located in the state, including but not limited to a gleaning cooperative, that is exempt from federal income taxes under section 501(c)(3) of the Internal Revenue Code, and has as a principal or ongoing purpose the distribution of food to children or homeless, unemployed, elderly or low-income individuals.

(2) Any deer taken, to the extent feasible, shall be salvaged and delivered to a “food bank or other charitable organization” for distribution. Any processing and distribution fees shall be at the expense of the city.

(3) The Commission is not liable for any loss or damages arising out of the recovery, possession, transportation or consumption of deer pursuant to a kill permit.



OREGON ADMINISTRATIVE RULES
OREGON DEPARTMENT OF FISH AND WILDLIFE

(4) The city may sell hides and antlers from deer taken under this program within thirty days of take to persons licensed under ORS 498.019 to offset the cost of the program. Antlers not sold must be surrendered to the Department within forty-five days of take. Antler sales must comply with 635-200-0050(4).

Stat. Auth.: Or Laws 2017, ch 331, § 1-3; ORS 496.012, 496.162, 498.002, 498.006, 498.012
Stats Implemented: Or Laws 2017, ch 331, § 1-3; ORS 496.012, 496.162, 498.002, 498.006, 498.012

Amended January 2019