

Division 079

APPOINTING BLACK BEAR and/or COUGAR AGENTS

635-079-0000

Purpose

These rules implement HB 2971, enacted by the 2007 Legislative Assembly, which authorized appointment of agents to assist the Department in its official duties by pursuing black bear and/or cougar with dogs subject to the Department's direction and control. These rules authorize two classes of agents 1) volunteer agents and 2) private contractors hired by the department on personal services contracts, for responding to specific conflict or management actions consistent with the Oregon cougar and bear management plans and/or to work on specific research projects.

635-079-0005

Selection

- (1) Any person applying for appointment as a black bear and/or cougar agent for the Department must submit a completed volunteer application form providing at least the following:
- (a) the person's name, contact information and employment history;
  - (b) a detailed description of the person's experience in pursuing or hunting wildlife with dogs;
  - (c) a detailed description of the person's experience with firearms, first aid and the use of all-terrain vehicles, four wheel drive pickups, and snowmobiles;
  - (d) consent to run a criminal records check on the person, including a fingerprint check;
  - (e) a detailed description of the person's tracking dogs including their training history, and locations, timing, and species of wildlife the dogs have pursued;
  - (f) a current certified copy of their motor vehicle records; and

(g) a detailed description of available equipment that can be used while pursuing or hunting cougar or bear with dogs.

(2) The Department shall review the person's application materials, run state and national criminal records checks on the person, hold an in-person interview, and determine whether the person meets the following criteria:

(a) is not awaiting prosecution for and has not been convicted of any felony violation of the animal cruelty, animal abuse, or domestic abuse laws;

(b) in the last five years, has not been convicted of a wildlife violation involving the illegal take of wildlife;

(c) in the last five years, has not been convicted of aiding in the illegal take of wildlife;

(d) in the last five years, has not had their hunting or fishing license suspended for a wildlife violation;

(e) in the last five years, has not been convicted of any wildlife violation involving the use of dogs;

(f) would be available to respond to assignment by the Department;

(g) is skilled in the safe use of firearms, all terrain vehicles, four wheel drive pickups, and snowmobiles;

(h) has a basic understanding of first aid;

(i) is not awaiting prosecution for and has not been convicted of any violation involving illegal drugs or alcohol abuse;

(j) understands and respects basic principles of wildlife management; and

(k) currently holds an Oregon drivers license.

(3) The Department will consider the experience level of the person for each of the criteria listed in paragraph (2) and will use that information to select individuals suitable for appointment as an agent.

635-079-0010

## Appointment

- (1) To appoint a person as an agent or as a private contractor under these rules, the Department and the person must enter into a signed agreement which (at minimum):
- (a) obligates the person to act on the Department's behalf and subject to the Department's direction and control;
  - (b) limits the person, when acting on the Department's behalf, to implementing the Department's specific management programs, consistent with the Commission's black bear management plan or Commission's cougar management plan;
  - (c) prohibits the person from engaging in any other hunting or pursuit while pursuing black bear or cougar on the Department's behalf;
  - (d) obligates the person to promptly inform his/her Department supervisor of any arrest or violation of the felony animal cruelty, animal abuse, or domestic abuse laws; any arrest or violation involving illegal drugs or alcohol abuse; and any arrest or violation of the wildlife laws. Upon notification, the Department shall immediately suspend the person as the Department's agent or contractor pending disposition of any cases relating to the arrest or violation;
  - (e) automatically terminates the appointment if the person is convicted of a felony or any violation of the animal cruelty, animal abuse, or domestic abuse laws; is convicted of any violation involving illegal drugs or alcohol abuse; the Wildlife Division of the Department determines the individual has purposely violated the wildlife laws; or if the Department determines the individual can no longer legally operate motor vehicles in Oregon;
  - (f) automatically terminates the appointment if the Department determines that the person is not trustworthy, fails to carefully obey all directions from the Department, or conducts oneself in a manner that reflects poorly on the Department;
  - (g) authorizes the person to pursue black bear and/or cougar with dogs at the direction of the Department and in an official capacity; and

(h) obligates the person to follow all applicable safety and health rules while operating on the Department's behalf.

(2) An agreement with a volunteer agent shall not authorize payment of any compensation or wages to the agent except for the following:

(a) the Department may compensate the agent for vehicle fuel cost incurred while acting for the Department; and

(b) the Department may compensate the agent for dog related expenses incurred while acting for the Department.

(3) An agreement with a person as a private contractor to assist the Department with black bear and/or cougar pursuit using dogs shall provide compensation as per state contracting requirements.

(4) Before pursuing black bear or cougar on the Department's behalf, each appointed agent or selected contractor shall complete an information and training session conducted by the Department. The session shall cover, at a minimum:

(a) requirements for use of pursuit dogs, firearms, all terrain vehicles and snowmobiles;

(b) a code of conduct for volunteers working on the Department's behalf;

(c) information regarding the humane capture and euthanasia of wildlife;

(d) identification of specific areas and boundaries where activities will be conducted; and

(e) identification specific timing of when activities will be conducted for the Department.

(5) All activities of agents and contractors will be reviewed at least annually.

(6) All agreements and contracts with volunteer agents and contractors will be available for public review at the Department's main office in Salem.

(7) The Department may terminate appointment of any individual as an authorized agent or contractor at any time or for any reason if it determines that the appointment no longer is in the best interest of the state of Oregon. Appointment as an agent or contractor conveys

no rights or privileges other than those specifically outlined in the agreement, which terminates immediately upon termination of the agent or contractor.

DRAFT

