

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, licensing status, canine immunization records, and locations, timing and species of wildlife the dogs have pursued;

(g) a current certified copy of his or her 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 or any violation of the animal cruelty, animal abuse, or domestic abuse laws;

(b) is not awaiting prosecution for and has not been convicted of a wildlife violation involving the illegal take of wildlife;

(c) is not awaiting prosecution for and has not been convicted of aiding in the illegal take of wildlife;

(d) is not awaiting prosecution for and has not been convicted of any wildlife violation involving the use of dogs;

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

(f) has not had his or her hunting or fishing license suspended for a wildlife violation;

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

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

(i) has a basic understanding of first aid;

(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.

(a) The Department will review any violations on the person's record.

(b) The Department retains discretion to determine how many agents to appoint and which applicants would best represent the state of Oregon.

635-079-0010

Appointment

(1) To appoint a person as an agent 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 or her Department supervisor of any arrest, citation or conviction since application. The appointment is automatically suspended pending disposition of any arrest or citation;

(e) automatically terminates the appointment if the person is convicted of a felony or any violation of animal cruelty, animal abuse, or domestic abuse laws; the person is convicted of any violation involving illegal drugs or alcohol abuse; the person is convicted of any violation of the wildlife laws; or if the person 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 engages in conduct 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 agent 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 of specific timing of when activities will be conducted for the Department.

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

(6) All agreements and contracts with agents 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 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 conveys no rights or privileges other than those specifically outlined in the agreement or contract, all of which rights or privileges terminate immediately upon termination of the agent.