

**DIVISION 045**

**DEFINITIONS**

**635-045-0002**

**Definitions**

(1) "Adult hunting license" is a resident or nonresident hunter's license, resident combination angler's and hunter's license, disabled war veteran's license, pioneer's hunting license or senior citizen's hunting and fishing license.

(2) "Agricultural lands" are lands that are not less than ten acres in extent that have been cultivated and planted or irrigated to domestic crops that are currently in use. Isolated home gardens, abandoned farmsteads, logged lands, rangelands, and tree farms, are not included in this definition.

(3) "Antler Point" is a point at least one inch in length measured from tip of point to nearest edge of beam. This definition applies only to the three-point elk and spike only elk bag limits.

(4) "Antlerless deer" means doe or fawn deer.

(5) "Antlerless elk" means cow or calf elk.

(6) "Application" means the electronic form completed and purchased to apply for a hunt where the number or distribution of hunters is limited through a public drawing or other means. Mail order applications sent to the Department along with the proper remittance are used to generate the electronic form.

(7) "Baited Area" means an area where baiting has taken place.

(8) "Baiting" means the placing, exposing, depositing, distributing, or scattering of corn, wheat, salt or other feed to constitute a lure or enticement to, on, or over an area where hunters are attempting to take game birds.

28 (9) "Brace" is defined as an orthosis that is prescribed by a physician and fabricated by an  
29 orthotist certified by the American Board for Certification in Orthotics and Prosthetics, Inc.

30 (10) "Brace Height" is the distance from the back of the bow's riser at the handgrip to the string  
31 when the bow is at rest.

32 (11) "Buck Deer" means a male deer with at least one visible antler.

33 (12) "Buck Pronghorn" means a male pronghorn antelope with visible horns and a dark cheek  
34 patch below the ear.

35 (13) "Bull elk" for the purposes of a bag limit definition, means a male elk with at least one  
36 visible antler.

37 (14) "Calendar year" means from January 1 through December 31.

38 (15) "Carcass" is the skinned or unskinned body, with or without entrails, of a gamebird or game  
39 mammal.

40 (16) "Cascade elk" means any live elk occurring in the Dixon, Evans Creek, Indigo, Keno,  
41 McKenzie, Metolius, Rogue, Santiam and Upper Deschutes units and those parts of Fort Rock  
42 and Sprague units west of Highway 97, and that part of Grizzly Unit west of Hwy 97 and south of  
43 Hwy 26.

44 ~~[(17) "Cervid" means any member of the family cervidae (deer), including gametes or hybrids.  
45 Species included within the family, taxonomic nomenclature, and other matters pertaining to the  
46 identification of animals within the family shall be that of *Walker's Mammals of the World, Sixth  
47 Edition, Johns Hopkins University Press, Baltimore, Maryland, 1999, by Ronald M. Nowak.]*~~

48 ~~[(18) "Cervid Propagation License—Type 1" means a license required to hold any live cervid  
49 species other than fallow deer and reindeer except as provided in OAR 635-049-0010(1)-(3).]~~

50 ~~[(19) "Cervid Propagation License—Type 2" means a license required to hold live fallow deer and  
51 reindeer except as provided in OAR 635-049-0010(1)-(3).]~~

52 [(20)] **(17)** "Closed season" is any time and place when it is not authorized to take a specific  
53 species, sex or size of wildlife.

54 ~~(21)~~ **(18)** "Coast elk" means any live elk occurring in the Alsea, Applegate, Chetco, Melrose,  
55 Powers, Saddle Mountain, Scappoose, Siuslaw, Sixes, Stott Mountain, Tioga, Trask, Willamette,  
56 and Wilson units.

57 ~~(22)~~ **(19)** "Commission" means the Oregon Fish and Wildlife Commission.

58 ~~(23)~~ **(20)** "Controlled hunt" is a season where the number or distribution of hunters is limited  
59 through a public drawing or other means.

60 ~~(24)~~ **(21)** "Department" means the Oregon Department of Fish and Wildlife.

61 ~~(25)~~ **(22)** "Director" means the Oregon Fish and Wildlife Director.

62 ~~(26)~~ **(23)** "Doe or fawn pronghorn" means a female pronghorn antelope without a dark cheek  
63 patch below the ear or a pronghorn fawns (young of the year) of either sex.

64 ~~(27)~~ **(24)** "Domestic partner" as used in this rule means a person in a relationship with another  
65 person, each of whom:

66 (a) Is under no legal disability to marry the other person, but for the fact that each is of the same  
67 sex;

68 (b) Desires a relationship of marriage under Oregon law and would enter into marriage with the  
69 other person, and only with the other person, if Oregon law permitted it;

70 (c) Acknowledges and accepts financial obligations to the other person and to third parties  
71 equivalent to the financial obligation that arise within a marriage recognized under Oregon state  
72 law; and

73 (d) Is not married and has no similar commitment and responsibility to any other person.

74 (e) Has continuously lived for 6 months with the other person

75 ~~(28)~~ **(25)** "Eastern Oregon" means all counties east of the summit of the Cascade Range  
76 including all of Klamath and Hood River counties.

77 ~~(29)~~ **(26)** "Eastern Oregon deer" means any live deer occurring east of the east boundaries of the  
78 Santiam, McKenzie, Dixon, Indigo and Rogue units.

79 ~~(30)~~ **(27)** "Eligible Hunter" means someone who will be 12 years of age by the time they hunt.

80 ~~[(31)]~~ **(28)** "Entry permit" means a permit issued by the Department to be in an area where entry  
81 is restricted by regulation.

82 ~~[(32)]~~ **(29)** "Established airport" is one that the Aeronautics Division has licensed as a public-use  
83 airport, registered as a personal-use airport, or specifically exempted from either licensing or  
84 registration.

85 ~~[(33)]~~ **"Evidence of lawful possession"** means ~~any license or permit allowing possession of the~~  
86 ~~specified live cervid; or other documentation establishing lawful possession, including but not~~  
87 ~~limited to a statement of no requirement for a license or permit for the specified live cervid~~  
88 ~~granted by the country or state of origin.]~~

89 ~~[(34)]~~ **"Facility"** means ~~the location where animals are held, including the exterior perimeter fence~~  
90 ~~and all pastures, paddocks, runways, buildings, and pens therein.]~~

91 ~~[(35)]~~ **(30)** "Feral Swine" means animals of the genus *Sus* as defined by the Oregon Department  
92 of Agriculture in OAR 603-010-0055.

93 ~~[(36)]~~ **(31)** "Fiscal year" means from July 1 through June 30.

94 ~~[(37)]~~ **(32)** "Furbearers" are beaver, bobcat, fisher, marten, mink, muskrat, otter, raccoon, red fox,  
95 and gray fox.

96 ~~[(38)]~~ **(33)** "Game Birds" are any waterfowl, snipe, band-tailed pigeon, dove, pheasant, quail,  
97 partridge, grouse, or wild turkey.

98 ~~[(39)]~~ **(34)** "Game mammals" are pronghorn antelope, black bear, cougar, deer, elk, moose,  
99 Rocky Mountain goat, bighorn sheep, and western gray squirrel.

100 ~~[(40)]~~ **(35)** "General season" is any season open to the holder of a valid hunting license and  
101 appropriate game mammal tag without restriction as to the number of participants.

102 ~~[(41)]~~ **"Hold"** means ~~any form of possession or control of an animal, gamete, hybrid, or part~~  
103 ~~thereof.]~~

104 ~~[(42)]~~ **(36)** "Hunter certification" means to have met educational, safety or other requirements  
105 designated by administrative rule for participation in a hunt.

106 [~~43~~] **(37)** "Hunt" means to take or attempt to take any wildlife by means involving the use of a  
107 weapon or with the assistance of any mammal or bird.

108 [~~44~~] **(38)** "Husbandry" means the care given animals directly by their owners and managers,  
109 including but not limited to:

110 (a) Nutrition;

111 (b) Breeding program;

112 (c) Veterinary medical care;

113 (d) Environmental cleanliness; and

114 (e) Humane handling.

115 [~~45~~] **(39)** "Immediate family" for the purpose of Landowner Preference, means a landowner's  
116 spouse, children, father, mother, brother, sister, stepchildren, and grandchildren.; for all other  
117 purposes, it means spouse, domestic partner, children, father, mother, brother, sister,  
118 stepchildren, and grandchildren.

119 [~~46~~] **(40)** "Inedible" means unfit for human consumption.

120 [~~47~~] **(41)** "Landowner", as used in OAR Chapter 635, Division 075, means:

121 (a) A person who holds title in trust or in fee simple to 40 or more contiguous acres of land;  
122 provided however that a recorded deed or contract of ownership shall be on file in the county in  
123 which the land is located; and/or

124 (b) A corporation holding title in fee simple to 40 or more contiguous acres of land; provided  
125 however that the corporation shall be registered with the State of Oregon; and/or

126 (c) A partnership holding title in fee simple to 40 or more contiguous acres of land; and/or

127 (d) Persons who hold title as part of a time share are not eligible for landowner preference.

128 [~~48~~] **(42)** "Low Income" means a person who is "economically disadvantaged" as defined in  
129 Section 4(8) of the Federal Job Training Partnership Act of 1982.

130 [~~49~~] **(43)** "Mounted Wildlife" means any hide, head or whole body of wildlife prepared by a  
131 licensed taxidermist for display.

132 [~~(50)~~] **(44)** "Muzzleloader" is any single-barreled (shotguns may be double barreled) long gun  
133 meant to be fired from the shoulder and loaded from the muzzle with an open ignition system and  
134 open or peep sights.

135 [~~(51)~~] "~~Native cervid~~" means ~~mule deer, black-tailed deer, white-tailed deer, Roosevelt elk, Rocky~~  
136 ~~Mountain elk and moose, including gamete or hybrid.~~]

137 [~~(52)~~] "~~Nonindigenous cervid~~" means ~~any member of a cervid species, including gamete or hybrid,~~  
138 ~~not classified as a native cervid species.~~]

139 [~~(53)~~] **(45)** "On or within" means a straight line distance measured on a map.

140 [~~(54)~~] **(46)** "One deer" means a buck, doe, or fawn deer.

141 [~~(55)~~] **(47)** "One elk" means a bull, cow, or calf elk.

142 [~~(56)~~] **(48)** "Open Ignition" is an ignition system where the percussion cap, or frizzen, or flint is  
143 visible and exposed to the weather at all times and is not capable of being closed or covered by  
144 any permanent piece of the weapon.

145 [~~(57)~~] **(49)** "Partner" means a person in an association of two or more persons formed to carry on  
146 as co-owners for

147 [~~(58)~~] **(50)** "Point-of-Sale" (POS) is a computerized licensing system available at locations that  
148 sell Oregon's hunting and angling licenses. Licenses and tags are generated and issued directly to  
149 customers from a POS machine at the time of sale.

150 [~~(59)~~] **(51)** "Possession" means to have physical possession or to otherwise exercise dominion or  
151 control over any wildlife or parts thereof, and any person who counsels, aids or assists another  
152 person holding such wildlife is deemed equally in possession.

153 [~~(60)~~] **(52)** "Postmark" means the date of mailing as stated in a mark applied by the U.S. Postal  
154 Service to a piece of mail. Office postal machine meter marks are not valid application deadline  
155 postmarks.

156 [~~(61)~~] **(53)** "Predatory animals" means coyotes, rabbits, rodents, and feral swine which are or may  
157 be destructive to agricultural crops, products and activities.

158 [(62)] **(54)** "Protected wildlife" means "game mammals" as defined in OAR 635-045-0002 [(39)]  
159 **(34)** "game birds" as defined in OAR 635-045-0002 [(38)] **(33)**, "furbearers" as defined in OAR  
160 635-045-0002 [(37)] **(32)**, "threatened and endangered species" as defined in OAR 635-100-0125,  
161 and "nongame wildlife protected" as defined in OAR 635-044-0130.

162 [(63)] **(55)** "Pursue" means the act of trailing, tracking, or chasing wildlife in an attempt to locate,  
163 capture, catch, tree, or kill any game mammal or furbearer.

164 [(64)] **(56)** "Raw pelt" means any pelt that has not been processed or converted to any usable  
165 form beyond initial cleaning, stretching, and drying.

166 ~~[(65)] "Red deer" means any species, subspecies, or race of the elk red deer wapiti complex~~  
167 ~~*Cervus elaphus* not indigenous to the state of Oregon.]~~

168 ~~[(66)] "Release" is permitting any domestically raised or imported wildlife currently or previously~~  
169 ~~in possession to exist alive outside an approved holding or propagation facility. For the purposes~~  
170 ~~of OAR Chapter 635, Division 049, release means permitting a cervid currently or previously in~~  
171 ~~possession to exist alive outside an approved holding or propagating facility, except animals that~~  
172 ~~are in transit pursuant to OAR 635-049-0075]~~

173 [(67)] **(57)** "Resident" is any person who has resided in Oregon for a period of at least six months  
174 immediately prior to the date of making application for a license or tag. Members of the armed  
175 forces assigned to permanent duty status in Oregon including spouses and dependent children,  
176 and foreign exchange students attending school in Oregon under a foreign student exchange  
177 program may purchase a resident license and tags. All other persons are nonresidents.

178 [(68)] **(58)** "Resident juvenile" is any "Resident" of Oregon 14 through 17 years of age.

179 [(69)] **(59)** "River" is that portion of a natural water body lying below the level of bankfull stage.  
180 Bankfull stage is the stage or elevation at which overflow of the natural banks of a stream or body  
181 of water begins to inundate the upland.

182 [(70)] **(60)** "Rocky Mountain elk" is any live elk occurring east of the following described line:  
183 Beginning at the California line on Highway 97; north on Highway 97 to State Highway 26 at

184 Madras; northwest on Highway 26 to east boundary of Santiam Unit; north along east boundary  
185 of Santiam Unit to the Columbia River.

186 [~~(71)~~] **(61)** "Shotgun" is a smoothbore firearm, designed for firing birdshot, and intended to be  
187 fired from the shoulder, with a barrel length of 18 inches or more, and with an overall length of  
188 26 inches or more. Exception: Shotguns equipped with rifled slug barrels are considered shotguns  
189 when used for hunting pronghorn antelope, black bear, cougar, deer, or elk when centerfire rifles  
190 or shotguns are legal weapons.

191 [~~(72)~~] **(62)** "Sight bait" is exposed flesh bait within 15 feet of any leghold trap set for carnivores.

192 [~~(73)~~] **(63)** "Spike deer" is a deer with spike (unbranched) antlers.

193 [~~(74)~~] **(64)** "Spike-only bull elk" means a bull elk with at least one visible unbranched antler  
194 (brow tines are not considered an antler branch under spike-only regulations).

195 [~~(75)~~] **(65)** "Stockholder" is a person who owns stock within a corporation as defined in OAR  
196 635-045-0002 [~~(47)~~] **(41)**(b).

197 [~~(76)~~] **(66)** "Tag" is a document authorizing the taking of a designated kind of mammal at a  
198 specified time and place.

199 [~~(77)~~] **(67)** "Take" means to kill or obtain possession or control of any wildlife.

200 [~~(78)~~] **(68)** "Three point plus elk" for the purposes of a bag limit definition, means a bull elk  
201 having 3 points or more on one antler including the brow tine.

202 [~~(79)~~] **(69)** "Unbarbed broadhead" is a fixed position arrowhead where the rear edge of the  
203 blade(s) forms an angle with the arrow shaft to which it is attached of 90° or greater.

204 [~~(80)~~] **(70)** "Unprotected Mammals and Birds" are European starling, house sparrow, rock pigeon  
205 and any mammal species for which there are no closed seasons or bag limits.

206 [~~(81)~~] **(71)** "Valid certification permit" is a permit for the current season that has not become  
207 invalid after taking a season limit or illegal game bird.

208 [~~(82)~~] **(72)** "Visible Antler" means a velvet or hardened antler that is visible above the hairline on  
209 the skullcap and is capable of being shed.



210 [~~(83)~~] **(73)** "Wait period" means the length of time a successful controlled hunt applicant must  
211 wait before reapplying for the species for which he was successful in drawing.

212 [~~(84)~~] **(74)** "Waste" means to allow any edible portion of any game mammal (except cougar) or  
213 game bird to be rendered unfit for human consumption, or, to fail to retrieve edible portions,  
214 except internal organs, of such game mammals or game birds from the field. Entrails, including  
215 the heart and liver, are not considered edible.

216 [~~(85)~~] **(75)** "Waterfowl" means ducks, geese, mergansers and coots.

217 [~~(86)~~] **(76)** "Weapon" is any device used to take or attempt to take wildlife.

218 [~~(87)~~] **(77)** "Western Oregon" means all counties west of the summit of the Cascade Range except  
219 Klamath and Hood River counties.

220 [~~(88)~~] **(78)** "Western Oregon deer" is any live deer except the Columbian white-tailed deer  
221 occurring west of the east boundaries of the Santiam, McKenzie, Dixon, Indigo, and Rogue units.

222 [~~(89)~~] **(79)** "Wildlife" means fish, wild birds, amphibians, reptiles, wild mammals, and feral  
223 swine.

224 [~~(90)~~] **(80)** "Wildlife" means for the purposes of harassment to relieve damage described in OAR  
225 635-043-0096 through 635-043-0115, game mammals, game birds except migratory birds  
226 protected by Federal law, furbearing mammals and wildlife declared protected by the  
227 commission.

228 [~~(91)~~] **(81)** "Wildlife" means for the purposes of scientific taking described in OAR 635-043-  
229 0023 through 635-043-0045, wild birds, wild mammals, amphibians and reptiles, including nests,  
230 eggs, or young of same.

231 [~~(92)~~] **(82)** "Wildlife unit" is a geographic area described in OAR 635-080-0000 through OAR  
232 635-080-0077.

233

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

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

1 DIVISION 049

2 PRIVATE HOLDING OR PROPAGATING OF CERVID SPECIES

3  
4 ~~[635-049-0000]~~

5 ~~[Purpose]~~

6 ~~[The purpose of these rules is to further the Wildlife Policy (ORS 496.012) of the State of Oregon through~~  
7 ~~the application of consistent standards for the holding and propagating of cervid species.]~~

8 ~~[Statutory Authority: ORS 496.004, 496.012, 496.138, 497.228, 497.308, 498.002, 498.052~~

9 ~~Stats Implemented: ORS 496.004, 496.012, 496.138, 497.228, 497.308, 498.002, 498.052]~~

10  
11 635-049-0001

12 Policy

13 These rules govern holding and propagation of cervids in Oregon. Oregon’s wildlife policy (ORS  
14 496.012) requires the Fish and Wildlife Commission to prevent “serious depletion of any indigenous  
15 wildlife species.” More specifically, ORS 497.228 requires the Commission to ensure that cervid  
16 propagation operations are conducted “in such manner as will not be harmful to existing wildlife  
17 populations.” Accordingly, these rules regulate the private holding and propagation of cervids to  
18 protect the public’s native wildlife. In particular, the Commission is concerned that unregulated  
19 holding of captive cervids would put the public’s native wildlife at risk in terms of genetic pollution  
20 and disease.

21  
22 635-049-0005

23 Definitions

24 The following define terms used in these Division 49 cervid holding rules:

25 (1)“Cervids” are animals of the family Cervidae (deer, elk, moose, reindeer, and caribou).

26 (2) A “captive cervid” is any live cervid held in a state of more than temporary confinement.

- 27 **(3) “Double-fenced” means two parallel lines of fence spaced no less than 10 feet apart.**
- 28 **(4) “Escape” is when a captive cervid leaves a holding facility and wanders freely without an**
- 29 **intentional or negligent act by the holder.**
- 30 **(5) A “hybrid” is an animal produced by crossing the sperm or egg of an individual of one species**
- 31 **or subspecies with the egg or sperm of an individual of any other species or subspecies.**
- 32 **(6) “Native cervids” are those endemic to Oregon (mule deer, black-tailed deer, white-tailed deer,**
- 33 **Roosevelt elk, Rocky Mountain elk and moose).**
- 34 **(7)“Non-native cervids” are cervids other than native cervids.**
- 35 **(8) “Release” is when a holder intentionally or through negligence allows a captive cervid to leave a**
- 36 **holding facility and wander freely.**
- 37 **(9) A “wild cervid” is a native cervid born in the wild.**

38

39 **[635-049-0010]**

40 **[Cervid Holding and Propagation Policy]**

41 ~~[It is the policy of the Fish and Wildlife Commission to protect and enhance Oregon's wildlife~~

42 ~~populations and their habitats for the use of current and future generations. In furtherance of this policy,~~

43 ~~the commission, based upon available information, opposes:~~

44 ~~(1) Any commercial or private use of wildlife that threatens this natural resource. The commission~~

45 ~~specifically opposes the private ownership and commercial use of all native cervids;~~

46 ~~(2) The commercial use of nonindigenous cervid species if that activity poses a risk to native wildlife or~~

47 ~~wildlife habitat; and~~

48 ~~(3) The taking of cervid species by hunting while held under a Cervid Propagation License—Type 1 or a~~

49 ~~Cervid Propagation License—Type 2]~~

50 ~~[Statutory Authority: ORS 496.012, 496.138, 497.308, 497.318, 498.002, 498.052~~

51 ~~Stats Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002, 498.052]~~

52

53 635-049-0015

54 Basic requirements

55 (1) Cervids may not be held except as authorized by a cervid license issued by the department.

56 (a) To hold Rocky Mountain elk (*Cervus elaphus nelsoni*), Roosevelt elk (*Cervus elaphus roosevelti*),

57 Sika deer (*Cervus nippon*), Muntjac deer (*Muntiacus sp.*), white-tailed deer (*Odocoileus virginianus*)

58 or black-tailed deer (*Odocoileus hemionus columbianus*), a Type 1 license is required.

59 (b) To hold fallow deer (*Dama dama*) or reindeer (*Rangifer tarandus*), a Type 2 license is required.

60 (c) No other species or subspecies of cervids may be held under a cervid license.

61 (2) The following are exceptions to the cervid license requirements of subsection (1):

62 (a) A scientific take permit issued pursuant to OAR chapter 635, division 43 may authorize the  
63 holding of cervids for the purpose of scientific research;

64 (b) A wildlife rehabilitation permit issued pursuant to OAR chapter 635, division 44 may authorize  
65 the temporary holding of wild cervids for the purpose of rehabilitation and return to the wild;

66 (c) Public agencies may hold cervids as necessary in the performance of their official duties.

67 Temporary holding of cervids by public agencies is not subject to these Division 49 rules. The  
68 director may exempt a public agency's permanent holding of cervids from any or all of these  
69 Division 49 rules upon a finding that the operation would not tend to be harmful to existing wildlife  
70 populations and would significantly benefit the public.

71 (3) Hybridization of native cervids held in captivity is restricted.

72 (a) Hybrids of Rocky Mountain and Roosevelt elk may not be held unless specifically authorized.

73 (b) Hybrids of native cervids and other native or non-native cervids may be held as part of a  
74 scientific effort if determined by the Director of the department to be of overwhelming benefit to  
75 wildlife or wildlife habitat in Oregon and if specifically authorized as a condition of a license.

76 (4) No pairings between wild and captive cervids are allowed for the purpose of producing  
77 offspring unless specifically authorized as a license condition.

78

79 ~~[General Rules Pertaining to the Holding of Cervids]~~

80

81 ~~[635-049-0020]~~

82 ~~[Exceptions]~~

83 ~~[It is prohibited to possess, purchase, sell, exchange, or otherwise hold any cervid or part thereof in the~~  
84 ~~state of Oregon unless specifically excepted as follows:~~

85 ~~(1) Deer and elk legally taken during an authorized season may be possessed.~~

86 ~~(2) Hides, bones, elk ivory, or naturally shed antlers may be possessed, sold, purchased, and exchanged~~  
87 ~~pursuant to OAR Chapter 635, Division 200.~~

88 ~~(3) Licensed taxidermists may possess, sell, purchase, exchange, or otherwise hold any cervid or part~~  
89 ~~thereof pursuant to OAR Chapter 635, Division 043.~~

90 ~~(4) Public employees may possess or hold cervids or parts thereof as needed to complete authorized~~  
91 ~~duties.~~

92 ~~(5) Licensed wildlife rehabilitators may possess or hold cervids or parts thereof, pursuant to OAR Chapter~~  
93 ~~635, Division 044, provided that any cervids held originated within the state of Oregon and are held only~~  
94 ~~until such time as they may be released into the wild.~~

95 ~~(6) Persons holding valid Scientific Taking Permits that allow the taking of cervid species may possess or~~  
96 ~~hold cervids or parts thereof pursuant to OAR Chapter 635, Division 043.~~

97 ~~(7) Institutions or individuals involved in bona fide scientific research, education, or conservation projects~~  
98 ~~may possess or hold cervids or parts thereof, provided they possess a Cervid Propagation License—Type~~  
99 ~~1 issued by the department pursuant to OAR 635-049-0160 and 0170. All those possessing animals under~~  
100 ~~these Cervid Propagation Licenses—Type 1 must comply with all rules and regulations listed herein.~~

101 ~~These Cervid Propagation Licenses—Type 1 may be issued at the discretion of the director and shall be~~  
102 ~~limited to:~~

103 ~~(a) Accredited members or accredited related organizations subject to the rules and regulations of the~~  
104 ~~American Zoo and Aquarium Association (AZA), or individuals or organizations that meet the standards~~  
105 ~~of AZA in effect as of January 20, 1993;~~  
106 ~~(b) Institutions or individuals with cervids held in temporary possession pursuant to OAR 635-049-0070;~~  
107 ~~or~~  
108 ~~(c) Other organizations or individuals that the Director determines to be involved in scientific,~~  
109 ~~educational, or conservation efforts of overwhelming benefit to wildlife or wildlife habitat in the state of~~  
110 ~~Oregon. All those possessing animals under such Cervid Propagation Licenses—Type 1 must comply~~  
111 ~~with all rules and regulations listed herein.~~  
112 ~~(8) Individuals or organizations holding cervids other than fallow deer or reindeer on or before January~~  
113 ~~20, 1993 may possess or hold cervids or parts thereof, provided they apply for and receive a Cervid~~  
114 ~~Holding Permit and they are in compliance with all rules in OAR Chapter 635, Division 049.~~  
115 ~~(9) Cervid Propagation Licenses—Type 1 may be issued to individuals or organizations to hold Roosevelt~~  
116 ~~elk (*Cervus elaphus roosevelti*) or Rocky Mountain elk (*Cervus elaphus nelsoni*) other than those~~  
117 ~~belonging to the state of Oregon or those held under provisions of OAR Chapter 635, Division 049-~~  
118 ~~0020(7) (science, education, conservation). However, the number of Type 1 licenses in effect shall not~~  
119 ~~exceed 16. All those holding elk under these licenses must comply with all rules in Chapter 635, Division~~  
120 ~~049. On or about March, 2004, the commission shall re-examine the issues concerning elk licenses and~~  
121 ~~determine whether to increase the number of licenses that may be in effect at one time.~~  
122 ~~(10) Individuals and organizations holding fallow deer (*Dama dama*) and reindeer (*Rangifer tarandus*)~~  
123 ~~under a Cervid Propagation License—Type 2 may possess or hold cervids or parts thereof, provided they~~  
124 ~~are in compliance with the rules of OAR Chapter 635, Division 049. Meat, antlers, or other products~~  
125 ~~derived from fallow deer and reindeer held under a Cervid Propagation License—Type 2 may be sold or~~  
126 ~~exchanged as permitted by state and federal regulations.~~  
127 ~~(11) Meat, antlers, or other products derived from Sika deer (*Cervus nippon*) held under a Cervid~~  
128 ~~Propagation License—Type 1 may be sold, traded, bartered, or exchanged.~~

129 ~~(12) Individuals or institutions holding cervids or cervid parts under 635-049-0020(1) (6) are exempt~~  
130 ~~from the provisions of these rules.]~~

131 ~~[Statutory Authority: ORS 496.012, 496.138, 497.308, 497.318, 498.022, 498.952~~

132 ~~Stats Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.022, 498.952]~~

133

134 **635-049-0025**

135 **Import or export**

136 **(1) It is unlawful to import live cervids. However, live reindeer that leave Oregon temporarily for**  
137 **educational or display purposes may return to Oregon upon obtaining any necessary Department**  
138 **of Agriculture permits, provided:**

139 **(a) There has been no contact with other cervids while outside Oregon; and**

140 **(b) The Department of Fish and Wildlife is notified each time before the reindeer re-enter Oregon.**

141 **(2) Cervid gametes or embryos may be imported into Oregon only under the following conditions:**

142 **(a) The person or entity proposing to import provides the department with documentation of the**  
143 **pedigree of the parents;**

144 **(b) The gametes or embryos are of the species or subspecies for which the recipient is licensed to**  
145 **hold; and**

146 **(c) The department approves the import proposal in advance as posing no threat to native wildlife.**

147 **(3) Live cervids, gametes and embryos may be exported from Oregon, and cervid gametes and**  
148 **embryos may be imported into Oregon, only by a holder of an Oregon license valid for that species**  
149 **or subspecies, and provided that the licensee complies with all requirements of the Oregon**

150 **Department of Agriculture governing transport, import and export in addition to provisions of**

151 **OAR 635-049.**

152 **(4) To the extent import or export of cervids, gametes or embryos is allowed by the above, anyone**  
153 **proposing such import or export must obtain a permit from the Department in advance.**

154 **(5) Note the requirements of OAR 635-049-0265 governing transport of cervids.**

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~~[635-049-0030]~~

~~[Cervids That May Not Be Held]~~

~~[(1) Regardless of the rules contained herein, no person shall hold or propagate the following cervids:~~

~~(a) White-tailed deer (*Odocoileus virginianus*);~~

~~(A) Exception: White-tailed deer that can be demonstrated to have originated within the state of Oregon and remained within the state for their entire lives may continue to be held, provided they are certified as free of meningeal worm by a licensed veterinarian who is recognized by the department as a qualified wildlife parasitologist.~~

~~(b) Red deer (any subspecies, race, or species of the elk-red deer-wapiti complex *Cervus elaphus* not indigenous to the state of Oregon);~~

~~(c) Any animals that are shown by genetic testing to be hybrids of red deer.~~

~~(2) If animals named in OAR 635-049-0030(1) are currently being held, they must be disposed of as follows:~~

~~(a) White-tailed deer not excepted in 635-049-0030(1)(a)(A) must be removed from the confines of the state or destroyed within 180 days of commission adoption of OAR Chapter 635, Division 049.~~

~~(b) Red deer or red deer hybrids must be removed from the confines of the state, destroyed, or sterilized within 180 days of commission adoption of OAR Chapter 635, Division 049.]~~

~~[Statutory Authority: ORS 496.012, 496.138, 497.308, 497.318, 498.022, 498.952~~

~~Stats Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.022, 498.952]~~

**635-049-0035**

**Hunting of privately held cervids prohibited**

**It is unlawful to hunt, kill, or attempt to hunt or kill cervids held by a private party; however:**

**(1) Any person may slaughter such a cervid for meat or leather production;**



180 (2) Any person may euthanize such a cervid for scientific, health, safety or other valid husbandry  
181 concerns; and

182 (3) The department's Wildlife Division Administrator may authorize any person to hunt or kill a  
183 captive cervid if the Division Administrator determines it would be in the best interest of sound  
184 wildlife management. The Division Administrator may impose conditions on such authorizations.

185

186 ~~[635-049-0040]~~

187 ~~[Cervids That May Be Held]~~

188 ~~{(1) Subject to all other provisions of these rules, persons holding a Wildlife Propagation License issued~~  
189 ~~on or before January 20, 1993 may continue to hold those cervid species in their possession and listed on~~  
190 ~~their propagation license at a facility approved by the department. Except, cervids referenced in OAR~~  
191 ~~635-049-0030 may not be held after January 20, 1993 and must be disposed of pursuant to OAR 635-049-~~  
192 ~~0030(2).~~

193 ~~(a) Persons possessing cervid species other than fallow deer or reindeer under a current Wildlife~~  
194 ~~Propagation License must apply for a Cervid Propagation License—Type 1 and comply with applicable~~  
195 ~~statutes and rules.~~

196 ~~(b) Persons possessing or wishing to possess fallow deer or reindeer must apply for a Cervid Propagation~~  
197 ~~License—Type 2 and comply with all applicable statutes and rules.~~

198 ~~(2) No person holding cervids under the provisions of 635-049-0020(8) may possess any cervid species~~  
199 ~~other than those species listed on their Wildlife Propagation License and in their possession on or before~~  
200 ~~January 20, 1993; except they may obtain a Cervid Propagation License Type 2 for fallow deer or~~  
201 ~~reindeer at a facility approved by the department.~~

202 ~~(3) A Cervid Propagation License—Type 1 issued under the provisions of 635-049-0020(8) shall not be~~  
203 ~~renewed if the permittee fails to renew the permit or license pursuant to OAR 635-049-0220, or ceases to~~  
204 ~~possess such cervids for 180 consecutive days.]~~

205 ~~[Statutory Authority: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052~~

206 ~~Stats Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052]~~

207

208 **635-049-0045**

209 **Release or escape of captive cervids**

210 **(1) It is unlawful to release, or to negligently allow to escape, any captive cervids without first**  
211 **obtaining a permit from the department pursuant to ORS 498.052, or unless operating under a**  
212 **rehabilitation or scientific take permit.**

213 **(2) Any cervids escaped or illegally released from captivity are deemed a public nuisance.**

214 **(3) Captive cervids that have escaped or been illegally released from a holding facility are**  
215 **unprotected wildlife, and therefore may be killed by any person authorized under provisions of**  
216 **635-049-0035(3).**

217 **(4) Anyone holding cervids under other than a rehabilitation or scientific take license or permit**  
218 **must notify the department immediately of any release or escape of cervids and must, at their own**  
219 **expense, recapture or destroy the cervids within 72 hours of discovering the release or escape. If**  
220 **they do not recapture or destroy the released or escaped cervids within 72 hours, the department or**  
221 **its agent may capture or destroy such cervids. Anyone holding cervids is responsible for any**  
222 **expenses the State of Oregon incurs in recovering, maintaining or disposing of such cervids, plus**  
223 **any damage to the state's wildlife or wildlife habitat, and must, with 30 days of written demand,**  
224 **reimburse the department in full.**

225 **(5) Anyone holding cervids must keep wild cervids out of enclosures holding at least one captive**  
226 **cervid. If a wild cervid enters an enclosure holding at least one captive cervid, the holder must**  
227 **remove the wild cervid as soon as practicable.**

228 **(6) Notwithstanding subsection (4), if the department determines that released or escaped cervids**  
229 **present an imminent danger to wildlife, the department may take whatever action it deems**  
230 **appropriate, including destruction of the released or escaped cervids. Similarly, if the department**

231 determines that a holder has failed to remove a wild cervid from an enclosure holding at least one  
232 captive cervid as soon as practicable, the department may remove the wild cervid.

233

234 ~~[635-049-0050]~~

235 ~~[Petition Process for Those Holding Cervids Without a License or Permit]~~

236 ~~[(1) Persons engaged in holding or propagating cervids other than fallow deer and reindeer prior to~~  
237 ~~January 20, 1993 without a Wildlife Propagation License, and who wish to maintain possession of these~~  
238 ~~cervids, may petition the department for issuance of a Cervid Propagation License—Type 1 under the~~  
239 ~~following conditions:~~

240 ~~(a) The petitioner must file an affidavit with the department by April 1, 1993 testifying that the petitioner~~  
241 ~~was not aware of the legal requirement for a propagation license to propagate, hold or sell cervids.~~

242 ~~(b) The petitioner must submit to the department a completed application for a holding permit, including~~  
243 ~~all required fees and information, to be received at the department's headquarters office by April 1, 1993.~~

244 ~~(c) Facilities for holding cervids must meet the standards provided in OAR Chapter 635, Division 049,~~  
245 ~~and applicants must arrange for and receive a passing inspection by department personnel prior to~~  
246 ~~application consideration.~~

247 ~~(2) This petition process applies only to individuals and organizations holding cervids other than fallow~~  
248 ~~deer and reindeer on or before January 20, 1993.~~

249 ~~(3) The department may deny a license if it finds the issuance of a license would tend to be harmful to~~  
250 ~~existing wildlife populations.]~~

251 ~~[Statutory Authority: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052~~

252 ~~Stats Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052]~~

253

254 635-049-0055

255 Disease testing

256 After consultation between the department and the Department of Agriculture, the commission  
257 will adopt a cervid disease surveillance list by rule and update it when necessary. The list shall  
258 include diseases posing risk to cervids, cervid diseases posing risk to livestock, wildlife or humans,  
259 testing standards, test methods, prohibitions, and deadlines for required disease analysis and  
260 reporting. The list will also address disease testing requirements and prohibitions for gamete or  
261 embryo transfer and importation. Any person holding cervids must comply with the requirements  
262 of the cervid disease surveillance list.

263

264 ~~[635-049-0060]~~

265 ~~[Hunting of Cervids That Are Held Specifically Prohibited]~~

266 ~~[It is prohibited to hunt, pursue, chase, or kill; or attempt to hunt, pursue, chase, or kill cervids held under~~  
267 ~~any Cervid Propagation License, except that animals may be slaughtered for meat production or may be~~  
268 ~~ethanized for scientific, health, safety, or other valid husbandry concerns.]~~

269 ~~[Statutory Authority: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052~~

270 ~~Stats Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052]~~

271

272 635-049-0065

273 Requirements upon death of held cervids

274 (1) Anyone holding cervids must, after discovery of the death of any cervid in their custody:

275 (a) Report the death to the department and Department of Agriculture within 24 hours; and,

276 (b) Test the cervid per the requirements of the cervid disease surveillance list within 24 hours.

277 (2) The holder must ensure that the laboratory reports are immediately and directly reported to the

278 department's veterinarian and Department of Agriculture consistent with OAR 603-011.

279

280 ~~[635-049-0070]~~

281 ~~[Possession of Cervids Without a License Prohibited]~~

282 ~~{(1) No person shall capture, purchase, sell, exchange or otherwise possess; or offer to capture, purchase,~~  
283 ~~sell or exchange a live native cervid from the wild without a permit, license, or other written authorization~~  
284 ~~from the Department allowing such activity pursuant to ORS 497.308 and 498.022.~~

285 ~~(2) A holding permit, propagation license, or other written authorization issued by the Department shall~~  
286 ~~be specific to the individual owning or possessing the cervid species and to the approved facility at which~~  
287 ~~the animals are held.}~~

288 [~~Statutory Authority: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052~~

289 ~~Stats Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052]~~

290 **635-049-0075**

291 **Genetic requirements**

292 **Anyone holding cervids must comply with the following genetics management requirements:**

293 **(1) The holder must inform the department in advance of any *in vitro* fertilization or artificial**  
294 **insemination of captive cervids;**

295 **(2) Upon demand by the department, the holder must verify that a cervid born from *in vitro***  
296 **fertilization or artificial insemination is of a species or subspecies authorized by the holder's license.**

297 **(3) The department may, at its discretion and expense, subject any captive cervids to genetic**  
298 **analysis;**

299 **(4) If the department determines that an unauthorized cervid exists at a cervid holding facility, the**  
300 **holder must have all cervids in the facility genetically tested as directed by the department and at**  
301 **the holder's expense. An "unauthorized cervid" is one which was not listed in the holder's annual**  
302 **report for the previous year or one of a species or subspecies (or a hybrid of a species) which is not**  
303 **authorized by the holder's license.**

304 **(5) If the department determines that a holder is holding any unauthorized cervids, the holder**  
305 **must kill or otherwise legally dispose of those cervids within 30 days of the department's**  
306 **determination. The department bears no liability for such a determination. "Otherwise legally**

307 dispose” means to legally export from Oregon or transfer to a licensed Oregon facility that is  
308 authorized to hold such cervids.

309

310 ~~[635-049-0080]~~

311 ~~[Release of Cervids Held Specifically Prohibited]~~

312 ~~[(1) It is unlawful for anyone holding cervids to intentionally release cervids in the state of Oregon~~  
313 ~~without first obtaining a permit for release from the department pursuant to ORS 498.052, or to otherwise~~  
314 ~~cause or allow the release of cervids in the state of Oregon.~~

315 ~~(a) Released cervids will be considered a public nuisance.~~

316 ~~(b) Persons holding cervids shall recognize that nonindigenous cervids existing outside of their facility are~~  
317 ~~classified as unprotected wildlife.~~

318 ~~(c) Persons holding cervids shall notify the department immediately of any release of these cervids and~~  
319 ~~shall, at their own expense, recapture or destroy the released animal(s) within 72 hours.~~

320 ~~(2) If the owner does not capture or destroy the released animal(s) within 72 hours, the department or its~~  
321 ~~designated agent may seize, capture or destroy such animal(s). Persons holding cervids shall be~~  
322 ~~responsible for all expenses incurred in recovering, maintaining or disposing of such animal(s) as well as~~  
323 ~~any damage to the state's wildlife or wildlife habitat and shall, upon written demand, reimburse the~~  
324 ~~department in full within 30 days of the date of written demand.~~

325 ~~(3) Notwithstanding the provisions of OAR 635-049-0080(1)(c) and (2), if the department determines that~~  
326 ~~the released cervid(s) presents a danger to the wildlife of the state of Oregon, the department may take~~  
327 ~~whatever action it deems appropriate, including destruction of the released cervid(s).]~~

328 ~~[Statutory Authority: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052~~

329 ~~Stats Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052]~~

330

331 635-049-0085

332 Licenses generally

333 **(1) Cervid holding licenses must be renewed annually and are valid for as long as a licensee**  
334 **complies with all requirements of OAR chapter 635 division 049.**

335 **(2) Cervid holding licenses are specific to the holder and to the holding facility described in the**  
336 **license.**

337

338 ~~[635-049-0090]~~

339 ~~[Requirements Upon the Death of Any Cervids Held]~~

340 ~~[(1) Anyone possessing cervids under the provisions of OAR Chapter 635, Division 049 must, at their~~  
341 ~~own expense, subject any animal that dies to necropsy by a licensed veterinarian and report the cause of~~  
342 ~~death to the Oregon Department of Agriculture within 14 working days from date of death or completion~~  
343 ~~of any required laboratory tests; unless death is due to obvious nondisease related causes.~~

344 ~~(a) The report must include examination and, where appropriate, test results for any communicable~~  
345 ~~disease or parasite that may have, in the professional opinion of the veterinarian, led to or contributed to~~  
346 ~~the cause of death of the animal.~~

347 ~~(2) All annual reports submitted to the department with the required annual renewal must include the date~~  
348 ~~and cause of death for any animals dying on the facility, including the name of the veterinarian who may~~  
349 ~~have performed a necropsy.~~

350 ~~(3) Animals subject to routine slaughter are exempt from this requirement.]~~

351 ~~[Statutory Authority: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052~~

352 ~~Stats Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052]~~

353

354 **635-049-0095**

355 **Decision standard for issuing a license**

356 **The decision standard for issuing a cervid license is whether the proposed cervid holding operation**  
357 **would tend to be harmful to wildlife populations then existing in the wild, especially native wildlife.**

358 Anyone whose license application the department proposes to deny may request a contested case  
359 hearing within 14 days of notice of the proposed decision.

360

361 ~~[635-049-0100]~~

362 ~~[Requirements for Disease Testing of Cervids Held or Imported]~~

363 ~~[(1) Importation of live cervids is prohibited.~~

364 ~~(2) The import ban in subsection (1) does not apply to:~~

365 ~~(a) The fourteen elk from the Starkey Experimental Forest that are in Washington as of November 8, 2002~~  
366 ~~for research purposes, provided that the elk are returned to Oregon no later than November 25, 2002. This~~  
367 ~~exception is intended to allow only the one-time return of these elk to Oregon.~~

368 ~~(b) Live reindeer that leave the state for educational or display purposes may be returned to Oregon upon~~  
369 ~~obtaining proper Oregon Department of Agriculture permits, provided there has been no contact with~~  
370 ~~other domestic or wild cervids.~~

371 ~~(3) The department and the Oregon Department of Agriculture shall jointly establish a current list of tests,~~  
372 ~~import prohibitions, meningeal worm endemic areas, and other regulations adequate to protect the health~~  
373 ~~and welfare of Oregon's agricultural industries, human population and wildlife resources.~~

374 ~~(4) Any person desiring to import any cervid into the state of Oregon under any type of license shall test~~  
375 ~~such animals for any and all diseases and parasites and obtain an import permit as required by the Oregon~~  
376 ~~Department of Agriculture. Exception: Fallow deer or reindeer that will be slaughtered within 72 hours of~~  
377 ~~entry may be imported without testing provided the holding/slaughtered facility:~~

378 ~~(a) Is constructed so as to preclude escape of fallow deer and reindeer;~~

379 ~~(b) Has a double-gate system so that live cervids inside the facility are always contained by at least one~~  
380 ~~closed-gate;~~

381 ~~(c) Is inspected and approved by department personnel.~~



382 ~~(5) It is prohibited to import any elk or sika deer from meningeal worm endemic areas, or any elk or sika~~  
383 ~~deer that has been in contact with elk or sika deer from meningeal worm endemic areas within 180 days~~  
384 ~~from the date of import, as certified by an affidavit of the importer.~~

385 ~~(6) All cervids imported into the state shall be placed in quarantine on the holding facility in an enclosure~~  
386 ~~that prevents any contact between quarantined cervids and all other animals on the facility.~~

387 ~~(a) Cervids shall be released from quarantine only upon the approval of the Oregon Department of~~  
388 ~~Agriculture. Persons holding cervids must comply with all procedures specified by the department and~~  
389 ~~Oregon Department of Agriculture to control diseases or parasites if the cervids test positive for any~~  
390 ~~diseases or parasites identified as diseases of concern pursuant to OAR 635-049-100(3).~~

391 ~~(b) Failure to comply with these procedures shall be cause for immediate revocation of the Cervid~~  
392 ~~Holding Permit.~~

393 ~~(7) The Oregon Department of Agriculture may coordinate administration of these jointly established~~  
394 ~~standards.]~~

395 [~~Statutory Authority: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052~~

396 ~~Stats Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052]~~

397

398 **645-049-0105**

399 **Decision standard for suspending, revoking or refusing to renew a license**

400 **(1) The following are grounds for suspending, revoking or refusing to renew a license.**

401 **(a) That the licensee (or the licensee's officer or employee) was convicted or admitted violation of**  
402 **these rules or any other provision of the wildlife laws at the licensed facility or in connection with**  
403 **the licensed operation; or**

404 **(b) A finding by the department that continued operation would tend to be harmful to native**  
405 **wildlife.**

406 **(2) Any licensee whose license the department proposes to suspend, revoke or refuse to renew may**  
407 **request a contested case hearing within 14 days of notice of the proposed decision.**

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~~[635-049-0110]~~

~~[Requirements for Genetic Testing of Cervids Held or Imported]~~

~~[(1) Persons importing elk, or animals that are morphologically similar to elk, must submit either records of genetic tests to identify red deer genetic material conducted at the holder's expense by a professionally recognized laboratory approved by the department, or certification that the animals have no red deer genetic material (e.g., "certified herd status") from an appropriate government agency.~~

~~(a) Animals examined and deemed by department biologists to exhibit either behavioral (vocalization) or morphological (size, rump patch, color) indications of hybridization may not be imported. Importers of these animals may request a review by the director if they have evidence to the contrary.~~

~~(b) Biochemical indications of hybridization (hemoglobin, superoxide dismutase, transferrin and post-transferrin, or other indicators yet to be developed) will be taken as indications of hybridization and these animals may not be imported.~~

~~(2) Persons currently holding elk, red deer, hybrids; or animals that are morphologically similar to elk, red deer, or hybrids must submit to the department by October 1, 1993, records of genetic tests to identify red deer genetic material for each individual cervid held conducted at the holder's expense by a professionally recognized and approved laboratory. Any animals identified as red deer or having nonindigenous genetic material must be removed from the confines of the state, destroyed, or sterilized by January 1, 1994. Holders of these animals may request a review by the director if they have evidence to the contrary.]~~

~~[Statutory Authority: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052~~

~~Stats Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052]~~

**635-049-0115**

**Disposition of cervids upon license suspension, revocation, nonrenewal or denial**

**(1) Within 90 days after any of the following events, anyone holding cervids must dispose of the cervids:**

434 **(a) Suspension, revocation or expiration of the cervid license;**  
435 **(b) Denial of an application for license; or**  
436 **(c) Receipt of a notice from the department informing the holder that the cervid(s) is/are not**  
437 **authorized by license.**  
438 **(2) “Dispose” means to do the following in compliance with these rules:**  
439 **(a) Kill;**  
440 **(b) Transfer to another licensed facility; or**  
441 **(c) Export from Oregon.**  
442 **(3) If the holder fails to dispose of any cervids by the deadline specified in paragraph (1), and if the**  
443 **department determines that the cervids pose an imminent threat to wildlife, livestock, or public**  
444 **health requiring prompt action, the department may kill, confine, transfer, or otherwise dispose of**  
445 **the cervids as it determines necessary. In all other circumstances, the department may kill,**  
446 **transfer, confine or otherwise dispose of the cervids only after providing the holder with notice and**  
447 **an opportunity for hearing. The department may choose to keep the cervids on the holder's**  
448 **property until an appropriate means of disposal is found or pending a hearing. The department**  
449 **bears no liability for such actions. Any cervids held for disposal must be treated humanely in**  
450 **compliance with these rules.**  
451 **(4) The holders of any cervids of which the department disposes pursuant to paragraph (3) must**  
452 **compensate the State of Oregon for any and all expenses incurred by the State during disposition.**

453  
454 **[635-049-0120]**

455 **[Suspension, Revocation, or Nonrenewal of Licenses for Cervids Held]**

456 ~~[The department may suspend, revoke or refuse to renew any propagation license or holding permit for~~  
457 ~~cervids for failure to comply with the provisions of OAR Chapter 635, Division 049 or upon a finding by~~  
458 ~~the department that renewal or failure to suspend or revoke the license or permit would be harmful to the~~  
459 ~~wildlife of the state of Oregon pursuant to contested case hearing procedures in ORS Chapter 183.]~~

460 [~~Statutory Authority: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052~~

461 ~~Stats Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052]~~

462

463 **635-049-0125**

464 **Control of disease outbreaks**

465 **(1) Diseased captive cervids posing an imminent danger to public health, wildlife or livestock**

466 **constitute a public nuisance.**

467 **(2) Upon a finding that an outbreak of communicable disease among captive cervids poses**

468 **imminent danger to public health, wildlife or livestock requiring prompt action, the department**

469 **may order the holder to destroy, confine or transfer any or all cervids they hold by a specified**

470 **deadline.**

471 **(3) If a holder fails to take the action ordered by the department pursuant to paragraph (2), the**

472 **department or its agents may enter the holder's facility and take the action. The holder is liable for**

473 **any costs the State of Oregon so incurs. The department bears no liability for such actions.**

474

475 **[635-049-0130]**

476 **[Disposition of Cervids Held Upon Suspension, Revocation or Nonrenewal of License]**

477 ~~[(1) Upon suspension, revocation or nonrenewal of a permit or license pursuant to OAR Chapter 635,~~

478 ~~Division 049, persons holding cervids under the permit or license shall, within 60 days, remove the~~

479 ~~animal(s) from the facility and dispose of the animal(s) through legal avenues within or outside of the~~

480 ~~state.~~

481 ~~(2) If the holder fails to dispose of the animal(s) within 60 days, and if the department determines that the~~

482 ~~animal(s) pose an imminent threat to native wildlife, livestock, or public health requiring prompt action,~~

483 ~~the department may kill, confine, transfer, or otherwise dispose of the animal(s) as it determines~~

484 ~~necessary. In all other circumstances, the department may kill, transfer, or otherwise dispose of the~~

485 ~~animal(s) only after provision of notice and opportunity for hearing to the holder. The department may~~

486 choose to keep the cervids on the holder's property until an appropriate means of disposal is found or  
487 pending a hearing. Any cervids held for disposal must be treated humanely pursuant to OAR 635-049-  
488 0140(1).

489 (3) Persons holding cervids under any permit or license issued by the state shall compensate the  
490 department for any and all expenses accrued by the department or its agents during disposition of the  
491 animals after suspension, revocation or nonrenewal of the permit or license. Any funds received in excess  
492 of expenses related to disposing of the cervids shall be returned to the previous licensee or permittee.]

493 [Statutory Authority: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052

494 Stats Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052]

495

496 **635-049-0135**

497 **General requirements for holding cervids**

498 **NOTE: This section establishes general requirements applicable to all cervid holders. The sections**  
499 **governing Type 1 and Type 2 cervid licenses impose additional, more specific requirements**  
500 **concerning particular aspects of cervid holding**

501 **(1) Holders must treat their captive cervids in a humane manner, and provide food and water in**  
502 **sufficient quantity and quality to maintain the cervids in a healthy condition. In addition, the**  
503 **holder must comply with ORS 167.310, .315, .320, .322, .325, .330, .333, .335 and 340 (concerning**  
504 **humane treatment of animals) and any applicable requirements concerning water quality.**

505 **(2) Holders must maintain their cervid holding facility in a sanitary condition and provide adequate**  
506 **room for exercise.**

507 **(3) Holders must ensure that their cervid holding facility, including vegetation management and**  
508 **individual pasture/paddock size, allows daily, ground level observation of all cervids on the facility.**  
509 **“Ground level observation” does not necessarily require a single observation point. In addition to**  
510 **any applicable fencing standards under these rules, the following requirements apply:**

511 (a) Maximum facility size is 300 contiguous acres, unless a facility plan has been approved by the  
512 director as an exemption.

513 (b) The holder's facility must prevent ingress of wild cervids into the facility and egress of captive  
514 cervids from the facility, plus maintain complete separation of captive and wild cervids at all times.

515 (4) Holders must ensure that facility enclosures include handling facilities adequate to gather and  
516 hold cervids safely and efficiently for inspection, testing or quarantine.

517 (5) Each license authorizes only one facility.

518

519 ~~[635-049-0140]~~

520 ~~[Facilities for Cervid Holding or Propagating]~~

521 ~~{(1) Care of Cervids: All cervids held under a Cervid Propagation License must be treated in a humane~~  
522 ~~manner and food and water must be provided in sufficient quantity and quality to maintain the animals in~~  
523 ~~a healthy condition.~~

524 ~~(2) Facilities: The permitted facility must be maintained in a sanitary condition and must provide room for~~  
525 ~~exercise as well as prevent escape.~~

526 ~~(3) Facility Size: The permitted facility, including vegetation management and individual pasture/paddock~~  
527 ~~size, must be constructed and maintained to allow for ground level observation of all animals held on the~~  
528 ~~facility on a daily basis. Enclosures must meet all fencing and other standards pursuant to OAR Chapter~~  
529 ~~635, Division 049.~~

530 ~~(a) Maximum facility size is 300 acres unless a facility plan has been submitted to and approved by the~~  
531 ~~director as an exemption.~~

532 ~~(b) Such a facility plan will describe measures that ensure the requirements of OAR 635-049-0140(3) will~~  
533 ~~be met. Such measures will include but are not limited to: fencing for specific species, access,~~  
534 ~~observability, and pasture size.~~

535 ~~(c) Failure to comply with the conditions of the facility plan shall be grounds for immediate permit or~~  
536 ~~license revocation.~~

537 ~~(4) Handling Facilities: Facility enclosures must include handling facilities adequate to gather and hold all~~  
538 ~~animals in a safe and efficient manner for any inspection, testing, quarantine or other management actions~~  
539 ~~necessary to meet the provisions of OAR Chapter 635, Division 049 before cervids may be held therein.~~  
540 ~~The facility must be adequate to ensure complete separation between captive and wild cervids.]~~  
541 ~~[Statutory Authority: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052~~  
542 ~~Stats Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052]~~

543

544 **635-049-0145**

545 **Sale or exchange**

546 **(1) The sale or exchange of live cervids, cervid embryos and cervid gametes is restricted. Live**  
547 **cervids, embryos and gametes may be sold or exchanged only if legally held under an Oregon**  
548 **cervid license and only if :**

549 **(a) Sold to others who hold cervids legally outside the state of Oregon; or**

550 **(b) Sold to or exchanged with others with an Oregon cervid license valid for that species or**  
551 **subspecies.**

552 **(2) Purchase, sale or exchange of cervid parts are governed by OAR chapter 635, division 200.**

553 **(3) Note the requirements of OAR 635-049-0265 governing transport of cervids.**

554

555 **PROVISIONS SPECIFIC TO TYPE I CERVID LICENSES**

556 **[Cervid Propagation License — Type 1]**

557

558 **[635-049-0160]**

559 **[Cervid Propagation License — Type 1 Required]**

560 ~~[A Cervid Propagation License — Type 1 is required to possess or to propagate any live cervids other than~~  
561 ~~fallow deer and reindeer.]~~

562 ~~[Statutory Authority: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052~~

563 Stats Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052]

564

565 **635-049-0165**

566 **Type 1 cervid licenses**

567 (1) **A Type 1 cervid license is required to hold Rocky Mountain elk, Roosevelt elk, Sika deer,**

568 **Muntjac deer, white-tailed deer or black-tailed deer. No hybrid cervids are allowed except as**

569 **authorized in OAR 635-049-0015(3).**

570 (2) **A Type 1 cervid license is valid as long as the licensee complies with all requirements of these**

571 **rules, but must be renewed annually.**

572 (3) **Type 1 cervid licenses are allocated as follows:**

573 (a) **The number of Type 1 cervid licenses for commercial or exhibition holding of Rocky Mountain**

574 **elk , and/or Roosevelt elk and their hybrids is limited to 16. Commercial operations are those**

575 **intending to sell elk or their parts or products. Exhibition operations are operations intending to**

576 **display elk. These are the 16 Type 1 commercial and exhibition licenses as of April 18, 2008:**

<b><u>Type 1 commercial and exhibition licenses as of April 18, 2008</u></b>	
<b><u>License Number</u></b>	<b><u>Issued to:</u></b>
<b><u>1106</u></b>	<b><u>Lonnie and Louise Woosley</u></b>
<b><u>1107</u></b>	<b><u>Alan and Brenda Ross</u></b>
<b><u>1203</u></b>	<b><u>Lois and Judy M. McDonald</u></b>
<b><u>1301</u></b>	<b><u>Richard Patterson</u></b>
<b><u>1303</u></b>	<b><u>Steve and Kathy Simpson</u></b>
<b><u>1304</u></b>	<b><u>Ochoco Valley Ranch, LLC.</u></b>
<b><u>1305</u></b>	<b><u>Pardwood LLC.</u></b>
<b><u>1401</u></b>	<b><u>Mike and Cindy Kilpatrick</u></b>
<b><u>1404</u></b>	<b><u>Sheldon and Carol Kirk</u></b>
<b><u>1405</u></b>	<b><u>Mark Rosenberg</u></b>
<b><u>1406</u></b>	<b><u>Lewis and Judy Parent</u></b>
<b><u>1407</u></b>	<b><u>Stanley G. Hermens</u></b>
<b><u>1703</u></b>	<b><u>William McCamman</u></b>
<b><u>1704</u></b>	<b><u>Kelly, Donald and Marina</u></b>
<b><u>1705</u></b>	<b><u>John R Kelly</u></b>

577



578 Licenses for commercial and exhibition holding are also subject to the following additional  
579 restrictions:  
580 (A) New facilities for Type 1 cervid licenses for commercial or exhibition holding of Roosevelt elk  
581 must be located west of the crest of the Cascade Mountains.  
582 (B) New facilities for Type 1 cervid licenses for commercial or exhibition holding of Rocky  
583 Mountain elk must be located east of the crest of the Cascade Mountains.  
584 (C) No new Type 1 cervid licenses will be issued for commercial or exhibition holding of hybrids of  
585 Roosevelt elk and Rocky Mountain elk.  
586 (b) Type 1 cervid licenses for commercial or exhibition holding of Sika deer, Muntjac deer, White-  
587 tailed deer or Black-tailed deer are limited to those issued on or before January 20, 1993.  
588 (c) There is no limit on the number of licenses the department may issue for holding Type 1 species  
589 for scientific research, education or conservation operations. Before a license can be issued for  
590 these purposes, the Director of the department must first determine that the application is  
591 submitted by an individual or organization involved in a bona fide scientific research, education or  
592 conservation project and that the operation will result in an overwhelmingly benefit to wildlife or  
593 wildlife habitat in Oregon.  
594 (4) Notwithstanding the above, if the department chooses to place any cervid in its custody with a  
595 licensed facility, it may do so (with the licensee's consent) regardless of whether that facility is  
596 licensed for that particular species.

597  
598 ~~[635-049-0170]~~

599 ~~[Application for Cervid Propagation License – Type 1]~~

600 ~~{(1) Persons desiring to hold any live cervid pursuant to OAR Chapter 635, Division 049 must first secure~~  
601 ~~a Cervid Propagation License – Type 1 by applying to the department's headquarters office.~~

602 ~~(a) The application shall state or provide the:~~

603 ~~(A) Cervid species and number to be held;~~

604 ~~(B) Date of application;~~

605 ~~(C) Location and size of facility; and~~

606 ~~(D) Whether the applicant is an individual, a partnership, or a corporation. If the applicant is an~~  
607 ~~individual, the application shall state the full name and address of the applicant. If the applicant is a~~  
608 ~~partnership, the application shall state the full names and addresses of the partners. If the applicant is a~~  
609 ~~corporation, the application shall state the full names and addresses of all the officers, directors, and~~  
610 ~~majority stockholders, if any.~~

611 ~~(E) A diagram of the proposed facility and relationship to local landforms (e.g., bodies of water, hills,~~  
612 ~~roadways, etc.);~~

613 ~~(F) A description of the technical ability of the applicant to successfully maintain and operate a holding~~  
614 ~~facility;~~

615 ~~(G) Whether the applicant has been convicted of a felony, or misdemeanor, or otherwise found to have~~  
616 ~~committed any violation (criminal or civil) involving natural resources (e.g., wildlife, forestry, fisheries,~~  
617 ~~environment, etc.);~~

618 ~~(H) A statement from the appropriate local planning authorities of the county or other jurisdiction~~  
619 ~~describing whether, in the opinion of the local jurisdiction, the proposed facility is in compliance with the~~  
620 ~~local jurisdiction's comprehensive land use plan and other applicable laws;~~

621 ~~(I) Subspecies of elk to be held.~~

622 ~~(b) Using information from the application and from the department's files, the department shall~~  
623 ~~determine whether:~~

624 ~~(A) The applicant has the technical ability to successfully operate and maintain a cervid facility;~~

625 ~~(B) The applicant can be expected to comply with all legal requirements; and~~

626 ~~(C) The proposed holding facility is adequate and would comply with all legal requirements and would~~  
627 ~~not result in harm to native wildlife.~~

628 ~~(c) If the department determines that the applicant satisfies these basic requirements, the applicant will be~~  
629 ~~notified of preliminary approval for a Cervid Propagation License Type 1 for elk or, where it is~~

630 necessary to allocate permits among multiple applicants, of eligibility to participate in the lottery called  
631 for under OAR 635-049-0171. However, in either situation, the applicant must also submit to a facility  
632 inspection.

633 ~~(2) The fee for a Cervid Propagation License—Type 1 shall be five (\$5) dollars annually].~~

634 ~~[Statutory Authority: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052~~

635 ~~Stats Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052]~~

636

637 **635-049-0175**

638 **License applications**

639 **(1) An applicant seeking a license for the first time must submit to department headquarters the**  
640 **following information on a form provided by the department:**

641 **(a) The species, subspecies and number of cervids to be held;**

642 **(b) Date of application;**

643 **(c) Location and size of facility;**

644 **(d) Whether the applicant is an individual, partnership, corporation or other legal entity. If a**  
645 **partnership, the application must also provide the full names and addresses of the partners. If a**  
646 **corporation, the application must provide the full names and addresses of all officers, directors and**  
647 **majority stockholders;**

648 **(e) A diagram of the proposed facility and its relationship to local landforms (e.g., bodies of water,**  
649 **hills, roadways, etc.);**

650 **(f) A description of the applicant's technical ability to successfully maintain and operate a cervid**  
651 **holding facility;**

652 **(g) Whether the applicant (or, its partners, officers or employees) has been convicted of a felony or**  
653 **misdemeanor or otherwise found or admitted to have committed any violation (criminal or civil)**  
654 **involving natural resources (wildlife, forestry, fisheries, environment); and**

655 **(h) A statement from the appropriate local planning authorities that the proposed facility complies**  
656 **with the local comprehensive land use plan and land use ordinances.**

657 **(2) These timelines govern the department's processing of a license application:**

658 **(a) Within 30 days of receiving an application, the department must determine whether the**  
659 **application is complete or notify the applicant in writing of any deficiencies;**

660 **(b) Within 60 days of receiving a complete and accurate application, the department must**  
661 **determine whether the applicant qualifies for a license and notify the applicant in writing of this**  
662 **decision.**

663 **(c) Upon qualification for a license, it is the applicant's responsibility to request a facility inspection**  
664 **by the department. This inspection must occur within 30 days of the applicant's request and before**  
665 **cervids occupy the facility.**

666 **(d) Within 14 days after the inspection, the department must inform the applicant in writing**  
667 **whether the facility passes inspection. If the department determines that the facility does not pass**  
668 **inspection, it must inform the applicant of any deficiencies and allow the applicant 60 days to**  
669 **correct them.**

670 **(e) Within the 60 day period noted in paragraph (d), the applicant may ask the department to**  
671 **reinspect the facility. The department must reinspect within 30 days of such request. If the facility**  
672 **again fails to pass inspection, the application is deemed denied.**

673 **(f) Upon approving the facility, the department will issue a license. Upon receipt of the license, the**  
674 **applicant may place cervids in the facility.**

675 **(3) The department may grant a license only if it determines that:**

676 **(a) The operation will not tend to be harmful to wildlife populations existing outside the facility;**

677 **(b) The applicant has the technical ability to successfully operate and maintain a cervid facility;**

678 **(c) The applicant can be expected to comply with all legal requirements; and**

679 **(d) The proposed holding facility is adequate and complies with all legal requirements.**

680

681 ~~[635-049-0171]~~

682 ~~[Lottery for Elk Propagation Licenses]~~

683 ~~[(1) If the number of licenses for elk in effect in accordance with OAR Chapter 635, Division 049-~~  
684 ~~0020(9) falls below 16, the department may issue licenses by a lottery system. However, the number of~~  
685 ~~licenses in effect at any one time shall not exceed 16.~~

686 ~~(a) The application period for such licenses shall be not less than one month or more than two months and~~  
687 ~~applications must be received by a deadline specified by the department;~~

688 ~~(b) An individual or organization shall not submit more than one application per application period;~~

689 ~~(c) Applications shall be reviewed by the department within 30 days from the end of the application~~  
690 ~~period. Illegible or incomplete applications shall be returned to the applicant;~~

691 ~~(d) The department shall draw names of eligible applicants at random and notify successful applicants of~~  
692 ~~preliminary approval for a license by mail within 10 business days of the drawing;~~

693 ~~(e) If all available licenses are not issued through the lottery, applications thereafter will be reviewed on a~~  
694 ~~first come, first served basis up to the total number of licenses allowed.~~

695 ~~(2) Applicants notified of preliminary approval for a Cervid Propagation License—Type 1 for elk under~~  
696 ~~OAR 635-049-0171(d) must, within 12 months of the date of notification, complete a holding facility and~~  
697 ~~pass a department inspection.~~

698 ~~(3) Failure of a facility to pass a department inspection within the allotted 12 months will result in~~  
699 ~~revocation of preliminary approval and reopening of the application and lottery process for that license.]~~

700 ~~[Statutory Authority: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052~~

701 ~~Stats Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052]~~

702

703 **635-049-0185**

704 **Lottery for Elk Licenses Issued for Commercial or Exhibition Purposes**

705 **(1) If an elk holding facility license for commercial or exhibition purposes becomes available, the**  
706 **department may choose to allocate that license to a new applicant by lottery.**

- 707 (2) To participate in the lottery, one must have qualified for a license as per OAR 635-049-  
708 0175(2)(b). The lottery drawing shall precede facility inspection.
- 709 (3) The department will conduct the lottery by drawing names of eligible entrants at random, then  
710 notifying the successful entrant in writing within 10 business days;
- 711 (4) If the lottery does not allocate all available licenses, the department will allocate remaining  
712 licenses to qualified applicants on a first-come, first-served basis.

713

714 ~~[635-049-0180]~~

715 ~~[Inspection of Cervid Propagation License – Type 1 Facilities and Records]~~

716 ~~{Applicants shall mail the "request for inspection" form to the department office designated in their~~  
717 ~~application approval notification letter and arrange for inspection of their facilities. If the department has~~  
718 ~~made the determinations required by OAR 635-049-0170(1)(b), a license may be issued upon department~~  
719 ~~inspection and approval of the facilities.~~

720 ~~(1) No animals may be held until receipt of the license. Such license is an annual license, valid from~~  
721 ~~January 1 through December 31.~~

722 ~~(2) In the first year of issuance, the license shall be valid from the date of issuance through December 31.~~

723 ~~(3) Persons holding cervids under a Cervid Propagation License – Type 1 agree, as a condition of the~~  
724 ~~license, to allow employees of the department, the Oregon Department of Agriculture, or the Oregon State~~  
725 ~~Police to inspect at reasonable times all facilities, records, animals, and other property related to the~~  
726 ~~licensed operation. Inspection of the animals and the facilities related to animal husbandry may take place~~  
727 ~~without warrant or notice, but, unless prompted by emergency or other exigent circumstances, shall be~~  
728 ~~limited to regular and usual business hours, including weekends. Nothing in these rules is intended to~~  
729 ~~authorize or allow the warrantless search or inspection of a license holder's residence.~~

730 ~~(4) Cervid license holders also agree, as a condition of the license, to provide all records related to the~~  
731 ~~animals, facilities or other property related to the cervid operation upon request. Failure to provide such~~

732 information shall be a basis for revoking, suspending or refusing to renew a license, as provided in OAR  
733 635-049-0120.]

734 [~~Statutory Authority: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052~~

735 ~~Stats Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052~~]

736

737 **635-049-0195**

738 **License renewal**

739 **To renew a type 1 license, a licensee must submit a renewal request to the department by November**

740 **31. Such a request must be made on the licensing form identified in OAR 635-049-0175 and note**

741 **any and all changes that have occurred since the last license application was approved. OAR 635-**

742 **049-0105 governs the department's decision. A license will be deemed relinquished if a renewal**

743 **application is not submitted by November 31. The license period is January 1 through December**

744 **31.**

745

746 [~~635-049-0190~~]

747 [~~Fencing Standards for Cervid Propagation License – Type 1~~]

748 [~~All Cervid Propagation License – Type 1 facilities must be built and maintained in such a manner as to~~

749 ~~make every reasonable effort to avoid contact between captive and wild cervids. Fencing must prevent~~

750 ~~both ingress and egress. All facilities must be fenced along the entire exterior boundary of the facility in~~

751 ~~compliance with OAR 635-049-0190.~~

752 ~~(1) Conventional perimeter fences must be, at a minimum, 8 feet above ground level for their entire~~

753 ~~length. The bottom 6 feet must be woven wire mesh with 6 inch vertical spacing and graduated horizontal~~

754 ~~spacing from 3 inch at the bottom to 8 inch at the top; constructed with either hinge or knotted joints; and~~

755 ~~at least 12 1/2 gauge woven wire, 14 1/2 gauge high tensile woven wire, or nonclimbable chain link. If~~

756 ~~woven wire is used to attain the full 8 feet in height by overlapping, it must be overlapped one row and~~

757 ~~securely fastened at every other vertical row or woven together with cable. If supplemental wire is used to~~

758 attain a height of 8 feet, it may be smooth, barbed, or woven wire (at least 12 1/2 gauge) with strands  
759 spaced not more than 6 inches apart.

760 (2) Electric fencing materials may be used on perimeter fences only to supplement conventional fencing  
761 materials.

762 (3) All gates in the perimeter fence must be constructed of a material that will meet or exceed the strength  
763 of the fence, and must be equipped with two latching devices. Double gates may be installed at points in  
764 the perimeter fence subject to frequent vehicle traffic that is not related to operation of the facility.

765 (4) Posts used in the perimeter fence must be:

766 (a) Of material of sufficient strength to keep captive wildlife securely contained and prevent native  
767 cervids from entering. Wooden corner posts shall be a minimum of 5 inches in diameter at the small end  
768 and line posts must be a wooden post with a minimum of 4 inches in diameter on the small end, or a metal  
769 "T" post weighing at least 1.25 pounds per foot;

770 (b) Extended at least 8 feet above ground level and at least 2 feet below ground surface;

771 (c) Spaced no more than 24 feet apart. If conditions warrant, stays or supports between posts may be  
772 required; and

773 (d) Braced with wood or with suitable metal material properly set at all corners.

774 (5) Cervid proof swinging water gaps and stream crossings supported with steel cables and constructed to  
775 equal or exceed the standards of the fence are required. These crossings are subject to individual approval  
776 by department inspectors. If, in the judgment of the department inspector, these crossings are inadequate  
777 to prevent ingress and egress during high water, the facility shall not pass inspection and no cervids shall  
778 be held therein.

779 (6) Existing Facilities: Any deviation from these standards must first be submitted in writing to the  
780 department and approved by the director. This does not apply to repairs of existing facilities, provided the  
781 repairs maintain existing standards.



782 ~~(7) New Facilities or Expansion of Existing Facilities: Approval of deviations from these standards must~~  
783 ~~be granted by the director prior to construction. The facility shall not be occupied without prior~~  
784 ~~department inspection or approval.]~~

785 ~~[Statutory Authority: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052~~

786 ~~Stats Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052]~~

787

788 ~~[635-049-0200]~~

789 ~~[Animal Marking Required for Cervid Propagation License – Type 1]~~

790 ~~[(1) Persons holding cervids must register with the Oregon Department of Agriculture an individual~~  
791 ~~brand, ear notch, approved combination of permanent ear tags, or other approved mark.~~

792 ~~(a) This mark must be unique to the operation, and must be clearly visible and identifiable at a distance of~~  
793 ~~50 feet from the animals. All cervids held must be clearly identified with this approved mark unless~~  
794 ~~exempted by the director.~~

795 ~~(b) Marking registration must include the facility location, species held, name and address of the person~~  
796 ~~holding the Cervid Propagation License – Type 1, and emergency telephone number(s) and contacts to be~~  
797 ~~made should the animals be found in the wild.~~

798 ~~(c) Upon issuance by the Oregon Department of Agriculture, the licensee shall submit a copy of the~~  
799 ~~registration to the department's headquarters office. Any change in required information must be reported~~  
800 ~~immediately to both agencies.~~

801 ~~(2) In addition to the visible mark, all native cervids must be marked with a unique individual tattoo, an~~  
802 ~~implanted micro identification transponder placed behind the left ear at the base (as is now in use in zoos~~  
803 ~~in agreement with the protocol suggested by the Captive Breeding Specialist Group of the International~~  
804 ~~Union for the Conservation of Nature), or a permanent ear tag issued by the North American Elk Breeders~~  
805 ~~Association. These individual markers must correspond with records indicating the facility of origination,~~  
806 ~~the year of birth or date of purchase, and a unique number or letter combination for each individual~~  
807 ~~animal.~~

808 (a) ~~This unique mark must be placed or implanted on the animals within 14 days of birth or purchase if~~  
809 ~~the unique mark is not present on the animal when purchased.~~

810 (b) ~~The unique mark must be recorded in the holder's records, and must be noted in any transfer or other~~  
811 ~~transaction records or reports for each animal.~~

812 (3) ~~The department may at a later date require a tissue sample of native cervids obtained by an ear punch~~  
813 ~~to be desiccated and stored at a central repository for later DNA "fingerprinting."}]~~

814 [~~Statutory Authority: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052~~

815 ~~Stats Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052]~~

816

817 ~~[635-049-0210]~~

818 ~~[Record Keeping Required for Cervid Propagation License—Type 1]~~

819 ~~[(1) Persons holding any cervid under a Cervid Propagation License—Type 1 must keep accurate and up-~~  
820 ~~to-date records of all transactions involving movement of any animal on or off of the facility. These~~  
821 ~~records must include all sales, purchases, loans, trades, or other transactions that involve movement into~~  
822 ~~or out of the approved facility, and include any births or deaths at the facility. These records must be up to~~  
823 ~~date, legible, and accurate; record all animal movements by individual unique mark; and list the names,~~  
824 ~~addresses, and license or permit numbers of any individuals or organizations involved in the transactions.~~

825 ~~(2) These records shall be open to inspection upon request by any department, Oregon Department of~~  
826 ~~Agriculture, or Oregon State Police employee.~~

827 ~~(3) Applications for annual renewal of a Cervid Propagation License—Type 1 must include a complete~~  
828 ~~annual record of all transactions involving movement of animals off of or on to the approved facility, and~~  
829 ~~of any births or deaths on the facility.}]~~

830 [~~Statutory Authority: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052~~

831 ~~Stats Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052]~~

832

833 ~~635-049-0205~~

834 **Record keeping**

835 **Licenses must keep accurate, legible and up-to-date records of:**

836 **(1)All movement of cervids (including gametes and embryos) into or out of their facility. At**

837 **minimum, these records must include all sales, purchases, loans, trades, or other such transactions**

838 **involving cervids, cervid parts and cervid products, as well as any cervid births or deaths at the**

839 **facility. Each record must refer to individual cervids by their unique mark and ear tag and list the**

840 **names, addresses, and license or permit numbers of any individuals or entities involved in the**

841 **transactions;**

842 **(2) Calving and fawning (as per OAR 635-049-0235);**

843 **(3) Escape or release;**

844 **(4) Disease testing;**

845 **(5) Artificial insemination and embryo implants; and**

846 **(6) Each cervid's pedigree.**

847

848 ~~[635-049-0220]~~

849 ~~[Cervid Propagation License – Type 1 Renewal]~~

850 ~~[(1) Persons holding a Cervid Propagation License – Type 1 must apply for renewal by November 1 each~~  
851 ~~year, and must have maintained compliance with all rules and regulations pertaining to their activities.~~

852 ~~(2) Failure to apply for renewal by November 1 shall render their license void as of the following January~~

853 ~~1.~~

854 ~~(3) Notice of the need to renew shall be sent to all license holders by registered mail to the last address of~~

855 ~~record for the license holder on September 1 each year. Reminder postcards will be sent by regular mail~~

856 ~~to license holders who do not renew by September 30 each year.]~~

857 ~~[Statutory Authority: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052~~

858 ~~Stats Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052]~~

859

860 635-049-0225

861 Inspection of Facilities and Records

862 (1) Licensees must agree, as a condition of the license, to allow the department, the Oregon  
863 Department of Agriculture, or the Oregon State Police to inspect any cervids, any records of the  
864 cervid holding operation and any facilities related to the holding operation. No advance notice is  
865 required, but in the absence of an emergency or other exigent circumstance such inspections will be  
866 limited to regular business hours (8 a.m. to 5 p.m.) seven days a week.

867 (2) Nothing in this rule authorizes the warrantless search of a residence.

868

869 [~~635-049-0230~~]

870 [~~Suspension or Revocation of Cervid Propagation License—Type 1~~]

871 [~~Conviction of any violation of OAR Chapter 635, Division 049, or any other provision of the wildlife~~  
872 ~~laws committed on the holding facility or in connection with or related to the operation of such facility,~~  
873 ~~may be grounds for suspending or revoking the Cervid Propagation License—Type 1 pursuant to OAR~~  
874 ~~635-049-0120.]~~

875 [~~Statutory Authority: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052~~

876 ~~Stats Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052]~~

877

878 635-049-0235

879 Reporting

880 (1) Each licensee must:

881 (a) Within 30 days after the birth of any calf in its facility, report that birth to the department; and

882 (b) By January 31 each year, submit to the department an annual report for the previous year.

883 (2) A calving/fawning report must list all cervid calves/fawns born on the facility to date and the  
884 identifying marks applied to each new calf/fawn.

885 (3) An annual report must:

886 **(a) Provide details of any and all changes in cervid inventory (deaths, births, slaughter, sale,**  
887 **purchase, transfer, etc).**

888 **(b) Provide details of any escape or release.**

889 **(c) Summarize results of disease testing; and**

890 **(d) Summarize results of any artificial fertilizations or embryo implants.**

891 **(5) A license shall be revoked if any required report is not submitted by the required date.**

892

893 ~~[635-049-0240]~~

894 ~~[Sale of Cervids and Cervid Parts Held Under Cervid Propagation Licenses – Type 1]~~

895 ~~[(1) The sale or exchange of live cervids held under a Cervid Propagation License – Type 1 is prohibited;~~

896 ~~except live cervids may be sold or exchanged to others who hold cervids legally outside the state of~~

897 ~~Oregon or to other persons with an Oregon Cervid Propagation License – Type 1 valid for that species.~~

898 ~~(2) Live cervids may not be imported into the state except as provided in 635-049-0100 (2) and any~~

899 ~~cervids may be exported out of the state provided possession within the state is limited to holders of a~~

900 ~~Cervid Propagation License – Type 1 valid for that species, and the holder complies with all rules and~~

901 ~~regulations pertaining to such movement.~~

902 ~~(3) Purchase, sale or exchange of native and nonnative cervids are governed by OAR Chapter 635,~~

903 ~~Division 200.]~~

904 ~~[Statutory Authority: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052~~

905 ~~Stats Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052]~~

906

907 **635-049-0245**

908 **Fencing requirements**

909 **(1) To prevent contact between captive and wild cervids (and therefore protect wild cervids from**

910 **disease and genetic risks), a cervid holding facility subject to a Type 1 license must meet the**

911 **following requirements:**

912 (a) The facility must be double-fenced along its entire exterior perimeter boundary to prevent  
913 ingress and egress by cervids.

914 (b) Both perimeter fences must be parallel, extend at least eight feet above ground level for its  
915 entire length and be at least 10 feet apart. The bottom six feet must be woven wire mesh with 6-  
916 inch vertical spacing and graduated horizontal spacing from 3-inch at the bottom to 8-inch at the  
917 top; constructed with either hinge or knotted joints; and at least 12-1/2 gauge woven wire, 14-1/2  
918 gauge high-tensile woven wire, or nonclimbable chain link. If more than one width of fencing  
919 material is used to attain the full eight feet in height, it must be overlapped one row and securely  
920 fastened at every other vertical row or woven together with cable. If supplemental wire is used to  
921 attain a height of eight feet, it may be smooth, barbed, or woven wire (at least 12-1/2 gauge) with  
922 strands spaced not more than six inches apart. Electric fencing may be used only to supplement the  
923 fencing requirements described above.

924 (c) Gates must be of a material that meets or exceeds the strength of the fence, and be equipped  
925 with two independent latching devices.

926 (d) At a minimum, fence posts must:

927 (A) Be either wood or metal. If wood, a corner post must be a minimum of 5 inches diameter at the  
928 small end and a line post must be a minimum of 4 inches at the small end. If metal, a post must be  
929 of "T" construction weighing at least 1.25 pounds per foot.

930 (B) Extend at least eight feet above ground level and at least two feet below ground surface;

931 (C) Be spaced no more than 16 feet apart. Wider spacing may be approved by the department for  
932 other posts and specific site conditions. Stays or supports must be placed between posts where  
933 necessary to maintain strength.

934 (D) Be braced at all corners with metal or wood of sufficient strength to keep captive cervids  
935 securely contained and to prevent wild cervids from entering.

936 (e) Where the facility includes a stream or other water body, the facility must provide cervid-proof  
937 swinging water gaps or stream crossings to prevent ingress and egress by cervids. Any such water

938 gaps or crossings must be supported with steel cables and constructed to equal or exceed the  
939 standards of the fence.

940 (f) Facilities licensed as of April 1, 2008 have until December 31, 2010 to comply with the double-  
941 fencing and watergap requirements of subsections (a) and (e). Licensees must comply with other  
942 requirements as fencing is replaced or new fence is constructed.

943

944 ~~[635-049-0250]~~

945 ~~[Changes in Facility Operations and Transfer of a Cervid Propagation License - Type 1]~~

946 ~~[This rule describes the requirements for notification or requests for approval of changes in the operation~~  
947 ~~of a cervid holding facility or transfer of a Cervid Propagation License - Type 1. While all of the~~  
948 ~~decisions normally shall be made in the first instance by the department, this rule provides that the~~  
949 ~~permittee may request review of the department's decision by the commission and, in addition, the~~  
950 ~~commission may choose to consider a request for a change in the first instance.~~

951 ~~(1) The licensee shall advise the department in writing within two weeks of a change in address. The~~  
952 ~~licensee shall also notify the department within two weeks in the event of a change in any of the~~  
953 ~~following persons or entities, and provide the names and addresses of:~~

954 ~~(a) Principals of the licensee, operating company, parent company or any other entity active in the~~  
955 ~~operations of the facility under the license;~~

956 ~~(b) The individual(s) designated by the licensee as the contact person for the department.~~

957 ~~(2) Persons holding a Cervid Propagation License - Type 1 shall notify the department of any proposed~~  
958 ~~change in ownership of the cervid facility to another individual or entity. The current licensee shall, in~~  
959 ~~writing, request department approval for any proposed transfer of the Cervid Propagation License - Type~~  
960 ~~1, and provide the following information regarding the proposed transfer:~~

961 ~~(a) The location of the facility and the number and species of cervids in the facility at the time of~~  
962 ~~application for transfer;~~

963 ~~(b) The name and address of the individual or entity proposed as the principle operator of the facility if~~  
964 ~~the transfer is approved;~~

965 ~~(c) The financial and technical capability of the proposed operator to successfully construct or operate the~~  
966 ~~facility;~~

967 ~~(d) Any proposed changes in the operation or in the number or species of cervids held; and~~

968 ~~(e) Whether the person holding the controlling interest in the cervid facility has been convicted of a~~  
969 ~~felony, a misdemeanor involving moral turpitude, or any wildlife offense.~~

970 ~~(3) The department shall approve or disapprove the proposed transfer of controlling interest in a cervid~~  
971 ~~facility based on the criteria set forth in 635-049-0250(2), and shall notify in writing both the current~~  
972 ~~operator and the proposed operator of its decision. Department notification shall be made within 60 days~~  
973 ~~from the date on which complete information is provided to the department pursuant to OAR 635-049-~~  
974 ~~0250(2).~~

975 ~~(4) Any operator or any proposed new operator of a cervid facility whose request for a change pursuant to~~  
976 ~~635-049-0250(2) has been disapproved by the department may petition the commission for review of the~~  
977 ~~decision. The petition shall be in writing and shall set forth the petitioner's reasons why the decision~~  
978 ~~should be reviewed. Within 60 days of receipt of the petition, the commission shall schedule the matter~~  
979 ~~for the next regularly scheduled commission meeting, and shall consider the request for a change pursuant~~  
980 ~~to OAR 635-049-0250(2) de novo (as though it had not been heard before). The commission shall hear~~  
981 ~~the matter in a contested case proceeding.~~

982 ~~(5) The department or the commission may determine that the commission should consider a request for a~~  
983 ~~transfer pursuant to 635-049-0250 in the first instance. In that event, the matter shall be placed on the~~  
984 ~~agenda of the next regularly scheduled commission meeting during which time is available, and shall be~~  
985 ~~heard in a proceeding other than a contested case. The licensee, proposed new licensee, and the public~~  
986 ~~shall be allowed to testify on the matter. The commission shall, within 30 days after the meeting at which~~  
987 ~~the matter is considered, advise the licensee of its decision, including any decision to proceed with the~~  
988 ~~matter in a contested case hearing.]~~



989 ~~[Statutory Authority: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052~~

990 ~~Stats Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052]~~

991

992 **635-049-0255**

993 **Cervid marking**

994 **(1) Each cervid held under a Type 1 license must be marked in two ways:**

995 **(a) With a permanent, uniquely numbered mark, brand, tattoo, Radio Frequency Identification**

996 **(RFID) transponder implant or other method approved in advance by the department; and**

997 **(b) With two ear tags visible from 50 feet. Ear tags can be any color but must be identically**

998 **numbered and include the licensee's name, address and emergency phone number. Licensee's**

999 **records must match the ear tags number and color to the animal's unique permanent mark. Any**

1000 **lost ear tag must be replaced within 30 days.**

1001 **(2) Licensees must register the marks and tags called for in (1) with the Department's headquarters**

1002 **office within 30 days after application. Tags and marks must be used as follows:**

1003 **(a) Placed on each cervid calf or fawn within 30 days after its birth;**

1004 **(b) Present on each newly acquired cervid within 14 days after its acquisition; and**

1005 **(c) Recorded by the holder and noted in any transfer or other transaction records or reports for the**

1006 **cervid.**

1007 **(3) In addition to the requirements imposed here, the licensee must also comply with any applicable**

1008 **Department of Agriculture marking and registration requirements.**

1009

1010 **635-049-0265**

1011 **Transport of cervids among licensed facilities**

1012 **(1) Cervids held under license may not be transported outside their licensed facility except:**

1013 (a) From one Oregon licensed cervid facility to another under a permit issued by the department.

1014 The permit will specify any conditions necessary to protect native wildlife and to ensure safe and

1015 humane treatment of the cervids being transported.

1016 (b) While being legally exported from Oregon under a permit issued by the department, a

1017 certificate of veterinary inspection and any import permit or license required by the receiving state.

1018 (c) Elk (legally captured from the wild in Oregon or bred from elk legally captured from the wild in

1019 Oregon ) to and from an exhibition within Oregon under a permit issued by the department, on the

1020 condition that the elk has no contact with, and will not be held in an area frequented by, any other

1021 cervid.

1022 (d) As allowed by OAR 635-049-0025(1)(a) and (b) for reindeer.

1023 (e) To a slaughtering facility.

1024 (2) To obtain a permit, the holder must apply using a form provided by the department and

1025 provide all requested details concerning the proposed transport.

1026

1027 635-049-0275

1028 Requesting changes to a license

1029 (1) Change in the address (not location) of a licensed facility requires 21 days advance written

1030 notice to the department, but does not require approval.

1031 (2) Any proposed change in the species or subspecies held requires a new license application and

1032 department approval.

1033 (3) Any proposed change in the ownership or location of a licensed facility requires a new license

1034 application and Commission approval. Exception: Upon request, the department may transfer a

1035 license to an immediate family member of the holder if there is no change in facility location.

1036 (4) If the department or Commission rejects a proposed change to a license, the licensee may

1037 request a contested case hearing within 14 days after mailing of the decision.

1038

1039 635-049-0285

1040 Decommissioning

1041 (1) If a license is suspended, revoked or relinquished, or if the cervid herd of an unlicensed facility  
1042 is eliminated, the holder must maintain fences necessary to prevent ingress by wild cervids to areas  
1043 inhabited by captive cervids within the last year of the cervid operation. The purpose of this  
1044 requirement is to ensure that wild cervids do not access a site potentially contaminated with  
1045 disease.

1046 (1) A holder may ask the department to lift the fencing requirement imposed by paragraph (1).  
1047 Upon its determination that the site is not contaminated with a disease posing a threat to wildlife,  
1048 the department may rescind the fencing requirement and allow the site to be made accessible to  
1049 wild cervids.

1050

1051 ~~[635-049-0330]~~

1052 ~~[Suspension or Revocation of Cervid Propagation License – Type 2]~~

1053 ~~[Conviction of any violation of OAR Chapter 635, Division 049, or any other provision of the wildlife~~  
1054 ~~laws committed on the propagation facility or in connection with or related to the operation of such~~  
1055 ~~facility, may be grounds for suspending or revoking the Cervid Propagation License pursuant to OAR~~  
1056 ~~635-049-0120.]~~

1057 ~~[Statutory Authority: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052~~

1058 ~~Stats Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052]~~

1059

1060 ~~[635-049-0340]~~

1061 ~~[Sale of Cervids and Cervid Parts Held Under Cervid Propagation License – Type 2]~~

1062 ~~[(1) Live fallow deer and reindeer may be sold or exchanged to others who hold cervids legally outside~~  
1063 ~~the state of Oregon; and may be sold or exchanged between holders of Cervid Propagation Licenses –~~

1064 ~~Type 2 in the state of Oregon when both participants possess a Cervid Propagation License—Type 2 valid~~  
1065 ~~for the species exchanged.~~

1066 ~~(2) Live fallow deer and reindeer may be imported into the state by holders of a Cervid Propagation~~  
1067 ~~License—Type 2 provided import is conducted pursuant to OAR Chapter 635, Division 049 and all other~~  
1068 ~~applicable statutes and rules.~~

1069 ~~Importation is allowed only for those species listed on the importer's Cervid Propagation License—Type~~  
1070 ~~2; and~~

1071 ~~(3) Purchase, sale, or exchange of native and nonnative cervids parts are governed by OAR Chapter 635,~~  
1072 ~~Division 200.]~~

1073 ~~[Statutory Authority: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052~~

1074 ~~Stats Implemented: ORS 496.012, 496.138, 497.308, 497.318, 498.002 & 498.052]~~

1075 **635-049-0295**

1076 **Financial security requirements**

1077 **(1) To protect the department's budget (and thereby shield Oregon hunters and taxpayers), a**  
1078 **licensee must provide the department with financial security sufficient to cover the department's**  
1079 **costs in the event the department must take action to protect wildlife, livestock or public health**  
1080 **from risks caused by the licensee's cervid holding operation. The amount of the financial security**  
1081 **must be \$1,000,000:**

1082 **(2)The financial security required of each licensee by paragraph (1) must be provided to the**  
1083 **department:**

1084 **(a)With the license renewal due November 31, 2008, for those who hold licenses as of April 18,**  
1085 **2008; or**

1086 **(b)Upon qualification for a license as per OAR 635-049-0175(2)(b) but before the facility inspection**  
1087 **as per OAR 635-049-0175(2)(c).**

1088 **(3)The licensee has some flexibility in determining how to provide the department with the financial**  
1089 **security required by this rule. So long as the financial security instrument meets all requirements**  
1090 **of this rule, it may be:**

1091 **(a) A surety bond;**

1092 **(b) An irrevocable letter of credit;**

1093 **(c) A certificate of deposit assigned to the department; or**

1094 **(d) Any other financial security instrument of equivalent reliability approved by the department.**

1095 **(4) General requirements for financial security instruments.**

1096 **(a) The instrument must be in the amount required by this rule and be payable to the "State of**  
1097 **Oregon, Department of Fish and Wildlife".**

1098 **(b) The licensee's liability under the financial security instrument must be for the duration of the**  
1099 **license term.**

1100 **(d) A surety bond must be executed by the licensee and a corporate surety licensed to do business in**  
1101 **Oregon, and must not be cancelable during the license term.**

1102 **(5) A certificate of deposit or letter of credit must be issued by a bank authorized to do business in**  
1103 **Oregon.**

1 **DIVISION 200**

2  
3 **SALE, PURCHASE OR EXCHANGE OF WILDLIFE PARTS**

4 **(Excluding Marine and Commercial Fish, Shellfish and Marine Invertebrates)**

5  
6 **635-200-0090**

7 **Sale of Meat**

8 (1) Any person may sell or purchase food items prepared with the meat of game birds (except  
9 migratory waterfowl), game mammals or fish donated as part of:

10 (a) Fund raisers held by trapping, hunting or fishing organizations, or churches, schools and other  
11 nonprofit\_charitable organizations, provided that the wildlife was not taken under a damage  
12 control permit; or

13 (b) Charitable use by churches, schools and other nonprofit charitable organizations.

14 (2) The exception provided in subsection (1) does not allow the sale of raw meat.

15 (3) Any person may sell or purchase the meat and by-products of domesticated elk (as defined by  
16 ORS 174.106) raised pursuant to a cervid license issued by the Fish and Wildlife Commission,  
17 provided that:

18 (a) The slaughter and processing is conducted in an official exotic animal establishment inspected  
19 and certified by the U.S. Department of Agriculture; and

20 (b) The elk is slaughtered, processed and sold in compliance with the rules of the Oregon  
21 Department of Agriculture. [~~pursuant to Oregon Laws 2001, Chapter 783, Section 2.~~]

22 Statutory Authority: 496.012, 496.138, 496.146, 498.019, 498.022, 498.042

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