

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.

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

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