

DIVISION 008

DEPARTMENT OF FISH AND WILDLIFE LANDS

635-008-0050

Fish and Wildlife Commission to Post and Enforce Rules

In compliance with authority contained in ORS 496.146(9), and penalties prescribed in ORS 496.992, the following rules are adopted to protect wildlife, fish, lands, and appurtenances or management activities and objectives on lands where title to, or control of, rests in the State of Oregon, acting by and through its Department of Fish and Wildlife. In addition to the requirements and restrictions contained in Chapter 635, Divisions 011, 021, 045, 046, 050, 051, 052, 053, 054, and 060; the following rules shall apply to all Department wildlife areas referenced in Chapter 635, Division 008 except as modified by the rules for individual wildlife areas.

- (1) In order to further the purposes of ORS 496.012 or to protect public safety, portions of wildlife areas may be posted and closed to all entry. Entering an area posted "closed to entry" is prohibited except by permit.
- (2) Leaving garbage and litter on the area is prohibited.
- (3) Posted Refuges and Safety Zones are closed to hunting and shooting.
- (4) Motor vehicles are prohibited except on parking areas and open roads or as provided for in the following rules.
- (5) A permit is required to remove firewood, cut trees, dig or remove artifacts or archeological specimens, minerals, sand, gravel, rock, or any other article, product or material found on the area except for fish and wildlife taken as permitted by law.
- (6) A permit is required to graze livestock except riding and pack animals in actual use for recreational purposes. Trespass livestock may be removed and/or impounded at the owner's expense in compliance with ORS Chapter 607.
- (7) No person shall display behavior which unreasonably deters, distracts or hinders others in the peaceable enjoyment of the area.
- (8) ~~Any person~~ **The Department** may [be] evict[ed] **any person** from the area **for any violation of any department rule or regulation or** when continued presence of that person could cause a threat to the rights and safety of others or property.
- (9) No person, commercial vendor or company shall dispense or sell material, goods or items on the area, except by permit.

Stat. Auth.: ORS Ch. 498

Stats. Implemented: ORS Ch. 498

DIVISION 043

MISCELLANEOUS PERMITS AND RECORDS

635-043-0120

Ceremonial Harvest Permits

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

- (1) The Commission authorizes the harvest of deer, elk, and black bear by members of the Confederated Tribes of the Grand Ronde Community of Oregon for ceremonial purposes in accordance with these rules.
- (2) Authorization for ceremonial harvest permits will be considered only upon written request from the Tribe.
- (3) Authorization for harvest shall specify the season dates, times, locations, and numbers of permits authorized for each species.
 - (a) Permits authorized shall be provided to the Tribe and may be used only by authorized members of the Tribe. Each permit shall specify the season dates, times, and location where the permit is valid.
 - (b) Tribal hunters using authorized ceremonial harvest permits must carry on their person a valid ceremonial harvest permit, and shall present this document, as well as documents identifying said hunter as a member of the Confederated Tribes of the Grand Ronde Community of Oregon, to Department employees or law enforcement personnel upon request.
 - (c) Tribal members designated to harvest animals using ceremonial harvest permits shall not be required to possess big game tags in addition to the ceremonial harvest permits authorizing harvest.
 - (d) In recognition of accepted Tribal custom, the Commission acknowledges that Tribal authorities may designate individuals to harvest animals using these ceremonial harvest permits. The Tribe may designate the number of permits used by a Tribal member, so long as the total harvest does not exceed the number of ceremonial tags authorized under subsection (e) of these rules.
 - (e) Pursuant to a request received under subsection (2), the Department shall issue up to 15 deer permits with a bag limit of “one deer”, 9 elk permits with a bag limit of “one elk”, and 3 bear permits with a bag limit of “one bear” for ceremonial purposes annually. Season dates are: for elk, April 1 through 3 days before the 1st day of general archery season (inclusive); for deer,

January 1 through 3 days before the 1st day of general archery season (inclusive); for bear, January 1 through March 31 and June 1 through July 31 (inclusive) each year.

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

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

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

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

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

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

Stat. Auth.: ORS 496

Stats Implemented: ORS 496

DIVISION 045

DEFINITIONS

635-045-0000

Purpose

(1) The purpose of these rules is to list definitions pursuant to hunting seasons for big game and game birds.

(2) The documents entitled "2009-2010 Oregon Game Bird Regulations", and "[2009] **2010** Oregon Big Game Regulations", are incorporated by reference into these rules. These documents

are available at hunting license vendors and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

Statutory Authority: ORS 496.012, 496.138, 496.146, 496.162

Stats Implemented: ORS 496.012, 496.138, 496.146, 496.162

635-045-0002 Definitions

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

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

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

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

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

- (13) "Bull elk" for the purposes of a bag limit definition, means a male elk with at least one visible antler.
- (14) "Calendar year" means from January 1 through December 31.
- (15) "Carcass" is the skinned or unskinned body, with or without entrails, of a gamebird or game mammal.
- (16) "Cascade elk" means any live elk occurring in the Dixon, Evans Creek, Indigo, Keno, McKenzie, Metolius, Rogue, Santiam and Upper Deschutes units and those parts of Fort Rock and Sprague units west of Highway 97, and that part of Grizzly Unit west of Hwy 97 and south of Hwy 26.
- (17) "Closed season" is any time and place when it is not authorized to take a specific species, sex or size of wildlife.
- (18) "Coast elk" means any live elk occurring in the Alsea, Applegate, Chetco, Melrose, Powers, Saddle Mountain, Scappoose, Siuslaw, Sixes, Stott Mountain, Tioga, Trask, Willamette, and Wilson units.
- (19) "Commission" means the Oregon Fish and Wildlife Commission.
- (20) "Controlled hunt" is a season where the number or distribution of hunters is limited through a public drawing or other means.
- (21) "Department" means the Oregon Department of Fish and Wildlife.
- (22) "Director" means the Oregon Fish and Wildlife Director.
- (23) "Doe or fawn pronghorn" means a female pronghorn antelope without a dark cheek patch below the ear or a pronghorn fawns (young of the year) of either sex.
- (24) "Domestic partner" as used in this rule means a person in a relationship with another person, each of whom:
- (a) Is under no legal disability to marry the other person, but for the fact that each is of the same sex;
 - (b) Desires a relationship of marriage under Oregon law and would enter into marriage with the other person, and only with the other person, if Oregon law permitted it;
 - (c) Acknowledges and accepts financial obligations to the other person and to third parties equivalent to the financial obligation that arise within a marriage recognized under Oregon state law; and
 - (d) Is not married and has no similar commitment and responsibility to any other person.
 - (e) Has continuously lived for 6 months with the other person
- (25) "Eastern Oregon" means all counties east of the summit of the Cascade Range including all of Klamath and Hood River counties.

- (26) "Eastern Oregon deer" means any live deer occurring east of the east boundaries of the Santiam, McKenzie, Dixon, Indigo and Rogue units.
- (27) "Eligible Hunter" means someone who will be 12 years of age by the time they hunt.
- (28) "Entry permit" means a permit issued by the Department to be in an area where entry is restricted by regulation.
- (29) "Established airport" is one that the [~~Aeronautics Division~~] **Oregon Department of Aviation** has licensed as a public-use airport, registered as a personal-use airport, or specifically exempted from either licensing or registration.
- (30) "Feral Swine" means animals of the genus *Sus* as defined by the Oregon Department of Agriculture in OAR 603-010-0055.
- (31) "Fiscal year" means from July 1 through June 30.
- (32) "Furbearers" are beaver, bobcat, fisher, marten, mink, muskrat, otter, raccoon, red fox, and gray fox.
- (33) "Game Birds" are any waterfowl, snipe, band-tailed pigeon, dove, pheasant, quail, partridge, grouse, or wild turkey.
- (34) "Game mammals" are pronghorn antelope, black bear, cougar, deer, elk, moose, Rocky Mountain goat, bighorn sheep, and western gray squirrel.
- (35) "General season" is any season open to the holder of a valid hunting license and appropriate game mammal tag without restriction as to the number of participants.
- (36) "Hunter certification" means to have met educational, safety or other requirements designated by administrative rule for participation in a hunt.
- (37) "Hunt" means to take or attempt to take any wildlife by means involving the use of a weapon or with the assistance of any mammal or bird.
- (38) "Husbandry" means the care given animals directly by their owners and managers, including but not limited to:
- (a) Nutrition;
 - (b) Breeding program;
 - (c) Veterinary medical care;
 - (d) Environmental cleanliness; and
 - (e) Humane handling.
- (39) "Immediate family" for the purpose of Landowner Preference, means a landowner's spouse, children, father, mother, brother, sister, stepchildren, and grandchildren.; for all other purposes, it means spouse, domestic partner, children, father, mother, brother, sister, stepchildren, and grandchildren.

(40) "Inedible" means unfit for human consumption.

(41) "Juvenile hunting license" is a resident, nonresident hunting license or resident combination angling and hunting license for persons 12 to 17 years of age to hunt wildlife.

~~[(41)]~~ **(42)** "Landowner", as used in OAR chapter 635, division 075, means:

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

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

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

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

~~[(42)]~~ **(43)** "Low Income" means a person who is "economically disadvantaged" as defined in Section 4(8) of the Federal Job Training Partnership Act of 1982.

~~[(43)]~~ **(44)** "Mounted Wildlife" means any hide, head or whole body of wildlife prepared by a licensed taxidermist for display.

~~[(44)]~~ **(45)** "Muzzleloader" is any single-barreled (shotguns may be double barreled) long gun meant to be fired from the shoulder and loaded from the muzzle with an open ignition system and open or peep sights.

~~[(45)]~~ **(46)** "On or within" means a straight line distance measured on a map.

~~[(46)]~~ **(47)** "One deer" means a buck, doe, or fawn deer.

~~[(47)]~~ **(48)** "One elk" means a bull, cow, or calf elk.

~~[(48)]~~ **(49)** "Open Ignition" is an ignition system where the percussion cap, or frizzen, or flint is visible and exposed to the weather at all times and is not capable of being closed or covered by any permanent piece of the weapon.

~~[(49)]~~ **(50)** "Partner" means a person in an association of two or more persons formed to carry on as co-owners for profit.

~~[(50)]~~ **(51)** "Point-of-Sale" (POS) is a computerized licensing system available at locations that sell Oregon's hunting and angling licenses. Licenses and tags are generated and issued directly to customers from a POS machine at the time of sale.

~~[(51)]~~ **(52)** "Possession" means to have physical possession or to otherwise exercise dominion or control over any wildlife or parts thereof, and any person who counsels, aids or assists another person holding such wildlife is deemed equally in possession.

~~[(52)]~~ **(53)** "Postmark" means the date of mailing as stated in a mark applied by the U.S. Postal Service to a piece of mail. Office postal machine meter marks are not valid application deadline postmarks.

~~[(53)]~~ **(54)** "Predatory animals" means coyotes, rabbits, rodents, and feral swine which are or may be destructive to agricultural crops, products and activities.

~~[(54)]~~ **(55)** "Protected wildlife" means "game mammals" as defined in OAR 635-045-0002(34) "game birds" as defined in 635-045-0002(33), "furbearers" as defined in 635-045-0002(32), "threatened and endangered species" as defined in 635-100-0125, and "nongame wildlife protected" as defined in 635-044-0130.

~~[(55)]~~ **(56)** "Pursue" means the act of trailing, tracking, or chasing wildlife in an attempt to locate, capture, catch, tree, or kill any game mammal or furbearer.

~~[(56)]~~ **(57)** "Raw pelt" means any pelt that has not been processed or converted to any usable form beyond initial cleaning, stretching, and drying.

~~[(57)]~~ **(58)** "Resident" is any person who has resided in Oregon for a period of at least six months immediately prior to the date of making application for a license or tag. Members of the armed forces assigned to permanent duty status in Oregon including spouses and dependent children, and foreign exchange students attending school in Oregon under a foreign student exchange program may purchase a resident license and tags. All other persons are nonresidents.

~~[(58)]~~ **(59)** "Resident juvenile" is any "Resident" of Oregon 14 through 17 years of age.

~~[(59)]~~ **(60)** "River" is that portion of a natural water body lying below the level of bankfull stage. Bankfull stage is the stage or elevation at which overflow of the natural banks of a stream or body of water begins to inundate the upland.

~~[(60)]~~ **(61)** "Rocky Mountain elk" is any live elk occurring east of the following described line: Beginning at the California line on Highway 97; north on Highway 97 to State Highway 26 at Madras; northwest on Highway 26 to east boundary of Santiam Unit; north along east boundary of Santiam Unit to the Columbia River.

~~[(61)]~~ **(62)** "Sabot" A carrier, bushing or device in which a projectile of a smaller caliber is centered so as to permit firing the projectile within a larger caliber weapon. Cloth, paper or felt patches used with round balls are not considered a sabot.

~~[(62)]~~ **(63)** "Shotgun" is a smoothbore firearm, designed for firing birdshot, and intended to be fired from the shoulder, with a barrel length of 18 inches or more, and with an overall length of 26 inches or more. Exception: Shotguns equipped with rifled slug barrels are considered shotguns when used for hunting pronghorn antelope, black bear, cougar, deer, or elk when centerfire rifles or shotguns are legal weapons.

~~[(63)]~~ **(64)** "Sight bait" is exposed flesh bait within 15 feet of any leghold trap set for carnivores.

~~[(64)]~~ **(65)** "Spike deer" is a deer with spike (unbranched) antlers.

~~[(65)]~~ **(66)** "Spike-only bull elk" means a bull elk with at least one visible unbranched antler (brow tines are not considered an antler branch under spike-only regulations).

~~[(66)]~~ **(67)** "Stockholder" is a person who owns stock within a corporation as defined in OAR 635-045-0002 ~~[(41)]~~ **42** (b).

~~[(67)]~~ **(68)** "Tag" is a document authorizing the taking of a designated kind of mammal at a specified time and place.

~~[(68)]~~ **(69)** "Take" means to kill or obtain possession or control of any wildlife.

~~[(69)]~~ **(70)** "Three point plus elk" for the purposes of a bag limit definition, means a bull elk having 3 points or more on one antler including the brow tine.

~~[(70)]~~ **(71)** "Unbarbed broadhead" is a fixed position arrowhead where the rear edge of the blade(s) forms an angle with the arrow shaft to which it is attached of 90o or greater.

~~[(71)]~~ **(72)** "Unprotected Mammals and Birds" are European starling, house sparrow, rock pigeon and any mammal species for which there are no closed seasons or bag limits.

~~[(72)]~~ **(73)** "Valid certification permit" is a permit for the current season that has not become invalid after taking a season limit or illegal game bird.

~~[(73)]~~ **(74)** "Visible Antler" means a velvet or hardened antler that is visible above the hairline on the skullcap and is capable of being shed.

~~[(74)]~~ **(75)** "Wait period" means the length of time a successful controlled hunt applicant must wait before reapplying for the species for which he was successful in drawing.

~~[(75)]~~ **(76)** "Waste" means to allow any edible portion of any game mammal (except cougar) or game bird to be rendered unfit for human consumption, or, to fail to retrieve edible portions, except internal organs, of such game mammals or game birds from the field. Entrails, including the heart and liver, are not considered edible.

~~[(76)]~~ **(77)** "Waterfowl" means ducks, geese, mergansers and coots.

~~[(77)]~~ **(78)** "Weapon" is any device used to take or attempt to take wildlife.

~~[(78)]~~ **(79)** "Western Oregon" means all counties west of the summit of the Cascade Range except Klamath and Hood River counties.

~~[(79)]~~ **(80)** "Western Oregon deer" is any live deer except the Columbian white-tailed deer occurring west of the east boundaries of the Santiam, McKenzie, Dixon, Indigo, and Rogue units.

~~[(80)]~~ **(81)** "Wildlife" means fish, wild birds, amphibians, reptiles, wild mammals, and feral swine.

~~[(81)]~~ **(82)** "Wildlife" means for the purposes of harassment to relieve damage described in OAR 635-043-0096 through 635-043-0115, game mammals, game birds except migratory birds protected by Federal law, furbearing mammals and wildlife declared protected by the commission.

~~[(82)]~~ **(83)** "Wildlife" means for the purposes of scientific taking described in OAR 635-043-0023 through 635-043-0045, wild birds, wild mammals, amphibians and reptiles, including nests, eggs, or young of same.

~~[(83)]~~ **(84)** "Wildlife" means, for the purposes of the Wildlife Diversity Plan described in OAR 635-100-0001 through 635-100-0194, fish, shellfish, amphibians, reptiles, feral swine, wild mammals, wild birds, and animals living intertidally on the bottom as defined by ORS 506.011.

~~[(84)]~~ **(85)** "Wildlife unit" is a geographic area described in OAR 635-080-0000 through OAR 635-080-0077.

[Publications: Publications referenced are available from the agency.]

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

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

DIVISION 060

GAME MAMMAL AND GAME BIRD CONTROLLED HUNT REGULATIONS

635-060-0000

Purpose and General Information

(1) The purpose of these rules is to describe the requirements and procedures for controlled hunts pursuant to ORS 496.162.

(2) The documents entitled "2009-2010 Oregon Game Bird Regulations", and "~~[2009]~~ **2010** Oregon Big Game Regulations," are incorporated by reference into these rules. These documents are available at hunting license agents and regional, district, and headquarters offices of the Oregon Department of Fish and Wildlife.

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

Stats Implemented: ORS 496.012, 496.138, 496.146, 496.162

635-060-0005

Application Eligibility and Procedures

(1a) An applicant for game mammal controlled hunts shall have a current adult hunting license **or juvenile hunting license**. A current and complete hunting license number shall be entered on the application for the controlled hunt.

(b) Licenses are nonrefundable, whether or not an applicant is successful in the drawing.

(2a) A valid controlled hunt application shall be purchased from a license agent authorized to sell controlled hunt applications. The purchase price of the application shall be a nonrefundable fee of \$3.00 per game mammal application, and a nonrefundable \$1.50 license agent processing fee.

(b) Department license agents authorized to sell applications for controlled hunts shall be connected to the department's computerized licensing system.

(3) Each controlled hunt is assigned a hunt number. The hunt number shall be entered on the application indicating area of choice and shall match the type of application purchased. All hunt numbers listed on an application shall have the same first digit, which indicates a species or group of hunts as listed below:

(a) 100 series for controlled buck deer.

(b) 200 series for controlled elk.

(c) 400 series for pronghorn antelope.

(d) 500 series for bighorn sheep.

(e) 600 series for controlled antlerless deer.

(f) 700 series for controlled black bear.

(g) 900 series for controlled Rocky Mountain goat.

(4) If successful in the drawing, party members shall receive the same hunt choice as the party leader. If a party application exceeds the allowed party size, all applicants in the party shall be considered as individual applicants in the drawing. Party size limits are as follows:

(a) 100 series hunts up to 18 persons.

(b) 200 series hunts up to 18 persons

(c) 400 series hunts up to two persons.

(d) 500 series hunts, no parties allowed.

(e) 600 series hunts up to 18 persons.

(f) 700 series hunts up to six persons.

(g) 900 series hunts no parties allowed.

(5) Controlled Hunt applications may be submitted to the department headquarters office via telephone fax machine, US Postal Service, or hand-delivery (3406 Cherry Ave, NE, Salem, OR, 97303). Applications along with the proper fees must be submitted by telephone, fax machine, or

hand-delivered received at the department headquarters office (3406 Cherry Ave, NE, Salem, OR, 97303; Fax: (503) 947-6117 no later than midnight of the deadline date described in OAR 635-060-0008 (1) - (5). Applications along with proper fees submitted by U.S. Postal Service must be postmarked by the application deadline. Applications received after the specified deadline dates may be considered disqualified as described in OAR 635-060-0018 (4).

(6) To apply for a controlled youth hunt for spring bear, pronghorn, deer or elk a youth must be 12-17 years old at the time they hunt.

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

Stats Implemented: ORS 496.012, 496.138, 496.146, 496.162

635-060-0023

Modified Preference Point System

(1) The Modified Preference Point System separates the tags for each controlled game mammal hunt into two groups:

- (a) Seventy-five percent of the tags will be issued through the preference point system;
- (b) The remaining 25 percent of the tags will be issued by the equal-probability computer drawing.

(2) Applicants shall accrue no more than one preference point per hunt number series per year.

(a) Valid applicants who did not receive controlled hunt tags for their first choice hunt number in the 100, 200, 400, 600, or 700 series hunts during the controlled hunt drawing shall receive one preference point applicable to subsequent controlled hunt drawings for the respective hunt number series, except as excluded in OAR 635-060-0008(4).

(3) A preference point will automatically accrue within each controlled hunt series when an applicant's first choice is as follows:

- (a) Hunt number 199: controlled buck deer
- (b) Hunt number 299: controlled elk
- (c) Hunt number 499: controlled pronghorn antelope
- (d) Hunt number 699: controlled antlerless deer
- (e) Hunt number 799: controlled black bear

(4) Youth nine years of age or older are eligible to apply for automatic Preference Points as described in (3) provided they have a social security number, a Hunter/Angler ID number issued by ODFW, and purchase the appropriate (resident or nonresident) **juvenile or** adult hunting license.

- (5) The Modified Preference Point System will group controlled hunt applicants by the number of preference points they have accrued for each hunt number series. Applicants with the highest number of preference points for each hunt number will be drawn first. Applicants having the next highest number of preference points per hunt number will be drawn next. This tag issuance process will continue through descending numbers of preference points until 75 percent of the tags authorized for the hunt have been issued, unless all qualified applicants with preference points have been issued tags prior to that point. Any tags remaining following the issuance of preference point tags will be issued through the equal-probability computer drawing. Applicants unsuccessful in the preference point tag issuance procedure and those applicants without preference points will be placed in the equal-probability computer drawing for the remaining tags.
- (6) Applicants successful in drawing their first choice hunt except numbers ending in 99 within a hunt number series shall have zero preference points when they next apply for a tag in that hunt number series.
- (7) Beginning in 2008 applicants will not forfeit preference points accumulated for a hunt number series when they do not apply for that hunt number series for two consecutive years.
- (8) Applicants who have their hunting license suspended or revoked by legal action will forfeit all preference points.
- (9) Party applicant preference points shall be determined by totaling the preference points of all party members and then calculating the average of this total. Party preference points will be rounded up from x.51 (e.g. 3.51 to 4, 3.50 to 3) to the next whole number.
- (10) Department records are final to determine accrued preference points for controlled hunt applicants.
- (11) Each applicant's preference point accrual record will be linked to his or her permanent identification number. Preference point applicants shall use the permanent identification number each time they apply for a controlled hunt tag. Failure to do so shall place the applicant in the equal-probability drawing for his or her hunt number series and preference points will not be accrued together.
- (12) Applicants will receive no preference points when:
- (a) Their application is not received by the appropriate application date;
 - (b) They request their controlled hunt application be withdrawn prior to the controlled hunt drawing;
 - (c) The controlled hunt application has been falsified.
- (13) The Modified Preference Point System shall apply to 100, 200, 400, 600, and 700 series hunts.

(14) In 2005, 800 series points will be converted into 600 series points

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

Stats Implemented: ORS 496.012, 496.138, 496.146, 496.162

635-060-0055

Documents Required in Field

(1) A person hunting in any controlled game mammal hunt shall have on his or her person a valid hunting license, Hunter Education Certificate **or a department document which includes their Hunter Education Certificate Number** (for persons less than 18 years old), and a controlled hunt tag (if applicable) for the area and season being hunted. The hunting license number shall be the same as that indicated on the controlled hunt tag. Exception: Controlled hunts continuing or occurring after December 31, [2008] **2009** will have a [2009] **2010** hunting license number on the controlled hunt tag.

(2) A tag or permit holder for a hunt after December 31, [2008] **2009** shall have on his or her person a valid [2009] **2010** hunting license.

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

Stats Implemented: ORS 496.012, 496.138, 496.146, 496.162

DIVISION 065

GAME MAMMAL

GENERAL SEASONS AND REGULATIONS

635-065-0001

Purpose and General Information

(1) The purpose of these rules is to establish license and tag requirements, limits, areas, methods and other restrictions for hunting game mammals pursuant to ORS Chapter 496.

(2) OAR Chapter 635, Division 065 incorporates, by reference, the requirements for hunting game mammals set out in the document entitled “[2009] **2010** Oregon Big Game Regulations,” into Oregon Administrative Rules. Therefore, persons must consult the “[2009] **2010** Oregon Big Game Regulations” in addition to OAR Chapter 635, to determine all applicable requirements for game mammals. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district, and headquarters offices of the Oregon Department of Fish and Wildlife.

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

Stats Implemented: ORS 496.012, 496.138, 496.146, 496.162

635-065-0015

General Tag Requirements and Limits

(1) Big Game Tags: Any person hunting game mammals for which a tag is required must have on their person a valid tag for the dates, area and species being hunted.

(2) Any person 12 years of age or older may purchase game mammal tags if they possess a **juvenile hunting license or** an adult hunting license.

(3) A person may obtain and possess during an annual hunting season only:

(a) One valid general season black bear tag;

(b) one valid additional general black bear tag valid in management units 20-30;

(c) one valid controlled black bear tag in addition to general season bear tags issued under subsection (a) and (b) above;

(d) one valid 700 series “leftover” controlled bear tag;

(e) one valid cougar (mountain lion) tag;

(f) one valid eastern additional general cougar (mountain lion) tag;

(g) one valid pronghorn antelope tag.

(4) Except as provided in OAR Chapter 635, Division 090, and except as provided in OAR 635-075-0010, a person may obtain and possess only one of the following tags during an annual hunting season:

(a) One valid deer bow tag;

(b) one valid western Oregon deer tag;

(c) one valid 100 series controlled buck hunt tag;

(d) one valid 600 series controlled antlerless deer tag in addition to one of (4) (a)-(4) (c) and (4) (e);

(e) one valid 100 series “left over” controlled deer tag;

(f) one valid 600 series “left over” controlled deer tag;

(5) Except as provided in OAR Chapter 635, Division 090, a person may obtain and possess only one of the following tags during an annual hunting season:

(a) One valid Cascade elk tag;

(b) one valid Coast First Season elk tag;

(c) one valid Coast Second Season elk tag;

- (d) one valid Rocky Mountain elk - first season tag,
- (e) one valid Rocky Mountain elk - second season tag;
- (f) one valid elk bow tag;
- (g) one valid controlled elk hunt tag;
- (6) In addition to the tags described in OAR 635-065-0015 (5), a person during an annual hunting season may obtain or possess only one valid 200 series “leftover” controlled elk tag.
- (7) Except as provided in OAR 635-067-0032 thru 635-067-0034, a person may obtain and possess only one bighorn sheep ram tag in a lifetime.
- (8) A person may obtain and possess only one Rocky Mountain goat tag in a lifetime.
- (9) It is unlawful for any person to issue or to possess any game mammal tag which has been backdated.
- (10) Any game mammal tag having an issue date subsequent to the last day authorized for issue of such tag as listed in “Oregon Big Game Regulations” for the current season is a void tag.
Exception: Members of the armed forces returning to the state after the deadline shall be permitted to purchase general season tags for themselves at the Salem headquarters and regional offices of the department.

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

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

635-065-0301

Black Bear Season

Any person hunting bear during the general black bear season in the open area listed under general black bear season described in OAR Chapter 635, Division 066 shall have on their person **an unused** general season black bear tag **or an unused SW Additional Bear Tag.**

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

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

635-065-0401

Deadline for Purchase of General Season Tags

(1) No western Oregon deer rifle tag shall be issued after 11:59 pm, Pacific Time, October [~~2,~~ ~~2009~~] **1, 2010.**

(2) No deer bow tag shall be issued after 11:59 pm, Pacific Time, August [~~28, 2009~~] **27, 2010.**

(3) No **General Season** bear tag shall be issued after 11:59 pm, Pacific Time. October [~~2, 2009~~]
1, 2010.

(4) SW Additional Bear Tags may be purchased anytime during the bear hunting season, after a General Season Bear tag has been purchased. An unused bear tag must be in the hunter's position at the time they are hunting.

[~~(4)~~] **(5)** No **General Season** cougar (mountain lion) tag shall be issued after 11:59 pm, Pacific Time. October [~~2, 2009~~]
1, 2010.

(6) Additional Cougar Tags may be purchased anytime during the cougar hunting season, after a General Season Cougar tag has been purchased. An unused cougar tag must be in the hunter's position at the time they are hunting.

[~~(5)~~] **(7)** No Rocky Mountain Elk Rifle First Season Tag shall be issued after 11:59 pm, Pacific Time, October [~~27, 2009~~]
26, 2010.

[~~(6)~~] **(8)** No Rocky Mountain Elk Rifle Second Season Tag shall be issued after 11:59 pm, Pacific Time, November [~~6, 2009~~]
5, 2010.

[~~(7)~~] **(9)** No Coast First Season Elk Tag shall be issued after 11:59 pm, Pacific Time, November [~~13, 2009~~]
12, 2010.

[~~(8)~~] **(10)** No Coast Second Season Elk Tag shall be issued after 11:59 pm, Pacific Time, November [~~20, 2009~~]
19, 2010.

[~~(9)~~] **(11)** No Cascade Elk Rifle Tag shall be issued after 11:59 pm, Pacific Time, October [~~16, 2009~~]
15, 2010.

[~~(10)~~] **(12)** No elk bow tag shall be issued after 11:59 pm, Pacific Time, August [~~28, 2009~~]
27, 2010.

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

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

635-065-0625

Regulations on State Wildlife Areas, Refuges and Special Areas

State wildlife areas, refuges and special areas shall be open to hunting during authorized seasons, subject to the following special regulations and exceptions:

(1) Bear Valley National Wildlife Refuge (Klamath County): Closed to all public entry except walk-in deer hunting prior to November 1.

(2) Bridge Creek Wildlife Area (Umatilla County): Open to public access and hunting. Motorized vehicle travel restricted to open roads. Entry is by permit only December 1 through April 30.

(3) Cascade Head– Lincoln City Area: The Cascade Head - Lincoln City Area shall be closed to hunting with centerfire rifles, muzzleloaders, or handguns. Hunting shall be restricted to archery and shotguns only during authorized seasons, except for Department approved emergency hunts. Hunters using shotguns for elk shall use slugs (single projectile) only. The Cascade Head – Lincoln City Area boundaries shall be defined as follows: Beginning at the Pacific Ocean and Siletz River mouth, east along the north shoreline of the Siletz River to Drift Cr. Rd. (mile post 1 on Hwy 229); north on Drift Cr. Rd. to Anderson Cr. Rd.; north on Anderson Cr. Rd. to Schooner Cr. Rd.; west on Schooner Cr. Rd. to Forest Rd. 2200; north and east on FR 2200 to FR 1726; west on FR 1726 to FR 2100; northeast on FR 2100 to the power line crossing; north along the power line to State Hwy. 18; west on Hwy 18 to Old Scenic Hwy 101; north on Old Scenic Hwy 101 to Three Rocks Rd.; west on Three Rocks Rd. to U.S. Hwy 101; north on Hwy 101 to FR 1861; west on FR 1861 to Harts Cove trailhead; west on Harts Cove trail to the Pacific Ocean; south along the coastline to the Siletz River, point of beginning.

(4) Cold Springs Refuge (Umatilla County): The Cold Springs Refuge shall be closed to deer and elk hunting.

(5) Dean Creek Elk Viewing Area (Douglas County): All Bureau of Land Management lands within or contiguous to BLM lands within T22S R11W (including Spruce Reach Island located adjacent to Hwy. 38 and between the outlets of Koapke and Hinsdale Sloughs) are closed to hunting. Also, other lands located within the following boundary are closed to hunting during all elk and deer seasons that pertain to this area: beginning at the intersection of Schofield Rd. and Hwy. 38, south on Schofield Rd. to its intersection with Hakki Ridge Rd., east on Hakki Ridge Rd. to the crest of Hakki Ridge., east along the crest of Hakki Ridge to its intersection with the BLM boundary located in T22S, R11W Section 4, easterly along the BLM boundary to Hwy. 38, west on Hwy 38 to point of beginning.

(6) Denman Wildlife Area (Jackson County): The Denman Wildlife Area shall be open to hunting only during game mammal and game bird seasons. Use of rifles and handguns is prohibited at all times.

(7) Dunes National Recreational Area: Use of rifles and handguns is prohibited for all hunting in that portion of the Siuslaw Unit west of Highway 101 and north of Tahkenitch Creek.

(8) North Bank Habitat Management Area (NBHMA; previously known as the Dunning Ranch Area in Douglas County): 6,500 acres located approximately eight miles northeast of Roseburg. Area: All BLM lands located in T25S, R5W, Sections 35,36; T26S, R5W, Sections 1,2,11,12,13,14; T25S, R4W, Sections 31,32,33; T26S, R4W, Sections 4,5,6,7,8,18. This area shall be closed to all big game hunting except for and during controlled hunts specific to the

management area NBHMA by hunters possessing a controlled hunt tag for the area. Elk hunting will be allowed by hunters who possess a valid NBHMA controlled hunt tag in addition to a valid elk tag.

(9) E.E. Wilson Wildlife Area (Benton County): This area is open to deer hunting during authorized seasons, except closed to bow hunting for deer when juvenile pheasant hunts are in progress. Rabbit hunting is permitted from November 1 through February each year. Hunting is by permit only. Permits are available at area headquarters and shall be filled out and returned each day hunted. Use of rifles, handguns, and crossbows shall be prohibited at all times.

(10) Elkhorn Wildlife Area (Baker/Union counties): Closed to all entry December 1 through April 10 annually. The Roth Tract is closed to all hunting. The Roth Tract is closed to public entry except by entry permit; an entry permit is required at all times of the year.

(11) Enterprise Wildlife Area (Wallowa County): Open to hunting seven days a week. No entry permit is required. Posted portions of the area lying south of the Union Pacific Railroad line and the entire Marr Tract are closed to all hunting.

(12) Fern Ridge Wildlife Area (Lane County): Open to black-tailed deer hunting during authorized seasons, except that East and West Coyote units are closed after October 31, and hunting in Fisher Butte Unit after October 31 is limited to Saturdays, Sundays, and Wednesdays, Thanksgiving Day, Christmas Day, New Year's Day, and Veteran's Day only. A free daily hunting permit is required for East Coyote, West Coyote, Fisher Butte, and Royal Amazon units. Permits are available at check stations located at area access points. Hunters are limited to shotguns and archery equipment only. The discharging of rifles and handguns within the wildlife area is prohibited.

(13) William Finley National Wildlife Refuge (Benton County):

(a) Portions of the refuge shall be open to deer hunting August 29 through September 27, 2009 under the regulations for bowhunting seasons.

(b) Portions of the refuge shall be open to hunting for buck deer October 3 through October 31, 2009 under regulations for the general western Oregon deer buck season. Use of rifles is prohibited.

(c) All hunters shall obtain a refuge permit and check in and out of the refuge daily. Information on open areas and special regulations are available at the refuge.

(14) Gods Valley Wildlife Area (Clatsop County): Vehicles shall be restricted to county roads.

(15) Government Island State Recreation Area (Multnomah County): Use of rifles, handguns, and shotguns with slugs or buckshot, and bows is prohibited at all times.

- (16) Irrigon, Coyote Springs, Power City, and Boardman wildlife management areas (Morrow and Umatilla counties): Use of rifles and handguns are prohibited at all times.
- (17) Hart Mountain National Antelope Refuge (Lake County): Portions of the refuge shall be open for hunting as prescribed under chukar season, controlled pronghorn antelope and bighorn sheep hunts, deer bowhunting season, and muzzleloader deer season. The refuge is open for pronghorn antelope and bighorn sheep auction and raffle tag holders but is closed for Access and Habitat deer and elk auction and raffle tag holders.
- (18) Heppner Regulated Hunt Area: Bowhunting, open fires and camping prohibited in posted areas. Approximately 63 square miles in Townships 2, 3, 4, and 5 South, Ranges 25, 26, 27 and 28 East;
- (19) Jewell Meadows Wildlife Area (Clatsop County): The Beneke Tract and the Humbug Tract shall be open to hunting only during authorized game mammal and game bird seasons. The Beneke Tract is closed to all public entry during any open Saddle Mountain elk season. It is unlawful to shoot rifles and bows from or across open fields during any open Saddle Mountain Unit or Wilson Unit elk seasons. The Fishhawk Tract is closed to public access. Posted lands of Cavenham Forest Industries, Inc., in T5N, R7W, Sections 2, 3 and 4, 9, 10 and 11 and T6N, R7W, Sections 33 and 34, are closed to all hunting. All areas posted as Refuge are closed to public access. Entry for other purposes is only by permit obtained at the Jewell Wildlife Area Headquarters.
- (20) John Day Fossil Beds National Monument: Those parts of the National Monument in the Grizzly, Biggs, Fossil, and Northside Units are closed to all hunting and trapping.
- (21) John Day River Refuge: All land within 1/4 mile of the John Day River mean high water line from the Columbia River upstream to Thirty Mile Creek. The area shall be open to hunting of upland game birds during authorized seasons only between September 1 and October 31 annually but closed to all waterfowl hunting. Hunting of big game is allowed during authorized seasons.
- (22) Klamath Wildlife Area (Klamath County): [~~This area~~] **Millers Island unit** is closed to all deer hunting.
- (23) Klamath Marsh National Wildlife Refuge: Closed to deer and elk hunting.
- (24) Ladd Marsh Wildlife Area (Union County): All land north and east of Foothill Road shall be closed to all deer and elk hunting except during controlled youth deer hunts and closed to all rifle and handgun shooting.
- (25) Long Ranch (Linn County): Forty-eight acres in T13S, R4E, and S32 shall be closed to all hunting.

- (26) Lower Deschutes Wildlife Area: Open to hunting of big game, game birds, and waterfowl during authorized seasons. Discharge of firearms prohibited the remainder of the year. Access by foot, boat or bicycle only.
- (27) Malheur National Wildlife Refuge (Harney County): Portions of the refuge in Blitzen Valley lying west of State Highway 205 shall be open during authorized rifle and bow deer seasons.
- (28) McDonald Forest-Dunn Forest Area (Benton County): The area is closed to all hunting except during controlled hunts as authorized by the commission.
- (29) McKay Creek Refuge (Umatilla County): This refuge is closed to deer and elk hunting.
- (30) Metolius Wildlife Refuge (Jefferson County). All hunting, injuring, taking, killing, or destroying any wild bird or mammal on public land is prohibited on public lands within T12 and T13S, R9E, bounded by USFS road 1420 and 1419 on the west; road 1400 on the south and east; and road 1420-400, Metolius River, and posted boundary from the Metolius River to road 1400 on the north (approximately five square miles). 36 CFR 261.58(v).
- (31) Mill Creek Watershed (Umatilla County): This watershed is closed to all access and hunting except by holders of a Mill Creek Watershed controlled elk tag and a Forest Service entry permit.
- (32) Newberry Crater Wildlife Refuge (Deschutes County). All hunting, injuring, taking, killing, or destroying any wild bird or mammal on public land is prohibited on public lands within the rim of Newberry Crater in: T21S, R12E; T22S, R12E; T21S, R13E; T22S, R13E (approximately 15 square miles).
- (33) Rimrock Springs Wildlife Area (Grizzly Unit): This area is closed to all hunting.
- (34) Rogue River Area:
- (a) All land within one mile of the Rogue River between Grave Creek and Lobster Creek is closed to bear hunting.
- (b) All land within 1/4 mile of the Rogue River in the wild river section from Grave Creek downstream to Watson Creek is closed to all hunting except during authorized seasons.
- (35) Saddle Mountain Unit (White-tailed Deer Area): That portion of Saddle Mountain Wildlife Unit north of Burlington Northern railroad tracks to Astoria is closed to all deer hunting.
- (36) Sauvie Island Wildlife Area (Multnomah-Columbia counties): This area shall be open to bowhunting for black-tailed deer August 29 through September 27, 2009, except Oak Island (Multnomah-Columbia Cos) is closed to deer hunting and Sturgeon LK Refuge is closed to all hunting. Daily permits are required. Hunters shall check in and out daily. This area shall be closed to deer hunting after September 27, 2009. Closed to hunting for furbearers, predators, unprotected and protected wildlife (except black-tail deer and game birds). Use of rifles, handguns and crossbows shall be prohibited at all times. Parking permits are required.

- (37) Phillip W. Schneider Wildlife Area (Grant County): Open to public access and hunting. Motorized vehicle travel restricted to open roads. Some roads closed seasonally from December 1 through April 30, or year-round; including BLM land within the exterior boundaries of the Wildlife Area.
- (38) Snake River Islands (Malheur County): Closed to hunting with centerfire rifles and centerfire handguns.
- (39) South Slough National Estuarine Reserve: Specific areas are closed to hunting due to public health and safety. Contact reserve headquarters office for specific closures.
- (40) Starkey Experimental Forest Enclosure (Union County): That portion of The Starkey Experimental Forest within the eight foot elk-proof fence enclosure is closed to all hunting during deer and elk season except for persons possessing a controlled hunt tag for the area. A posted 1/4 mile buffer zone on the National Forest lands surrounding the enclosure is closed to all hunting with a centerfire rifle **or bow**. **The main study area is open to hunting of other species during authorized seasons.** The enclosure is open to deer and elk hunting only by permit during controlled hunts. The 12-foot right-of-way along each side of all 8-foot-high perimeter and internal game fences is closed to all motorized travel. Public entry is allowed only through the main gate. The Experimental Forest is closed to all public entry during the winter closure, which runs from ~~[the day after the controlled antlerless elk hunt until May 1 annually]~~ **Nov. 15 – April 30.** ~~[Access and Habitat]~~ **Big Game** auction or raffle tag holders are not eligible to hunt in the Starkey Experimental Forest enclosure.
- (41) Summer Lake Wildlife Area (Lake County): Open to public access and hunting during authorized mule deer and game bird hunting seasons. Closed to deer hunting during any pheasant, quail or waterfowl hunting seasons and posted refuge areas are closed to hunting. Motorized vehicle travel restricted to open roads. Some roads may be closed seasonally from Mar. 15-Aug.15 and 3 days prior to and during waterfowl hunting seasons. Hunters must obtain a daily hunting permit and check out at the end of the day. Permits and Area maps are available at Headquarters (1.3 mi. south of the town of Summer Lake). It is unlawful to discharge firearms except during deer and game bird hunting seasons or by permit. Centerfire rifles and handguns are prohibited for deer hunting.
- (42) Umatilla Refuge (Morrow County): This refuge shall be closed to deer and elk hunting except during controlled hunts specific to the refuge and emergency hunts as provided in OAR Chapter 635, Division 078.

(43) Wallowa Lake (Wallowa County): All land on or within 1/4 mile of the Wallowa River from Wallowa Lake upstream to the falls and within 1/4 mile along the west side of Wallowa Lake from the Wallowa Lake State Park to the Wallowa River outlet is closed to all big game hunting.

(44) Wenaha Wildlife Area (Union County): Open to public access and hunting. Motorized vehicle travel restricted to open roads.

(45) Willamette River Greenway Corridor: Hunting is permitted with shotguns or bows and arrows only during authorized season on Willamette River Greenway parcels, except in those parcels where hunting is prohibited.

(45) White River Wildlife Area: Open to hunting during authorized seasons.

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

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

635-065-0705

Muzzleloading Firearms

During controlled muzzleloader only seasons:

(1) Hunters shall use any long gun that:

(a) Is fired from the shoulder;

(b) Is loaded from the muzzle;

(c) Has an open ignition system;

(d) Is a single shot except for muzzleloading shotguns that may be double barreled;

(e) ~~[Has only open or aperture (peep) sights.]~~ **Scopes (permanent or detachable), and**

sights that use batteries, artificial light or power, are not allowed during muzzleloader-only seasons or during 600 series hunts where there is a weapon restriction of “shotgun/muzzleloader only” or “archery/muzzleloader only”.

However, this restriction does not apply to a visually impaired hunter who has a visual acuity of $\leq 20/200$ with lenses or visual field of ≤ 20 degrees, provided that the hunter holds an Oregon Disabilities Hunting and Fishing Permit. Open and peep sights made from alloys, plastic, or other materials that do not have the properties described above are legal. Open or iron sights that make use of fiber optics or fluorescent paint are also legal.

(2) Hunters shall use only round ball, conical lead or lead alloy bullets whose length does not exceed two times the diameter.

- (3) Hunters shall use only flint or percussion caps as a source of ignition.
- (4) Hunters shall use only loose or granular black powder or black powder substitutes as propellants.
- (5) Any .40 caliber or larger muzzleloader as described in OAR 635-065-0705 (1-4) to hunt pronghorn antelope, black bear, cougar (mountain lion), or deer.
- (6) Any .50 caliber or larger muzzleloader as described in OAR 635-065-0705 (1-4) to hunt bighorn sheep, Rocky Mountain goat, or elk.
- (7) Hunters shall use only number 1 or larger buckshot or bullets as described in OAR 635-065-0705 (2) for hunting deer, black bear or cougar (mountain lion).
- (8) Hunters shall use only single projectiles as described in OAR 635-065-0705 (2) for hunting pronghorn antelope, elk, bighorn sheep, or Rocky Mountain goat
- (9) Hunters may only use a legal muzzleloading firearm as described in OAR 635-065-0705. During centerfire firearms seasons where muzzleloaders are also a legal firearm, hunters may:
 - (a) Use any .40 caliber or larger muzzleloading firearm to hunt pronghorn antelope, black bear, cougar (mountain lion), or deer.
 - (b) Use any .50 caliber or larger muzzleloading firearm to hunt bighorn sheep, Rocky Mountain goat, or elk.
 - (c) Use any muzzleloader ignition type (excepting matchlock), any sight, any propellant, or any bullet type.

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

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

635-065-0720

Bows and Arrows

Hunters shall use:

- (1) Any long, recurve, or compound bow with 40-pound or heavier pull rating to hunt pronghorn antelope, black bear, cougar (mountain lion), or deer.
- (2) Any long, recurve, or compound bow to hunt western gray squirrels.
- (3) Any long, recurve, or compound bow with a 50-pound or heavier pull rating to hunt bighorn sheep, Rocky Mountain goat, or elk.
- (4) Only unbarbed fixed position blade broadheads at least 7/8-inch wide to hunt game mammals other than western gray squirrel. [~~See 635-045-0002 (79).~~] Possession of moveable blade broadheads is prohibited when hunting game mammals, except western gray squirrels may be hunted with moveable blade broadheads.

- (5) A long, recurve, or compound bow and shall not possess any crossbow while hunting within an authorized bowhunting area or season.
- (6) Only a long, recurve, or compound bow during any authorized pronghorn antelope, deer or elk bowhunting season to hunt pronghorn antelope, deer, or elk.
- (7) For hunting seasons designated as bowhunting, hunters shall only use the bows legal for the species being hunted. Bows may be used during controlled antlerless deer seasons. Bows shall not be used during any designated rifle hunt.
- (8) Hunters shall not use any electronic device(s) attached to bow or arrow.
- (9) Hunters shall not use any device secured to or supported by the bow for the purpose of maintaining the bow at full draw (Persons unable to comply because of a disability may be eligible for a temporary permit from the department).
- (10) Hunters shall not use any device secured to or supported by a bow's riser which supports or guides an arrow from a point rearward of a bow's brace height (i.e. the position of the bows string when the bow is undrawn).

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

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

635-065-0740

Hunting Prohibited

It is unlawful:

(1) To hunt with a centerfire or muzzleloading rifle during eastern Oregon controlled buck season (October [3] ~~2~~– October [14, 2009] **13, 2010**) Cascade bull elk season, Coast bull elk seasons, Rocky Mountain bull or either-sex elk seasons, or the standard Rocky Mountain unit’s antlerless elk seasons (Nov. [21] **20**– Nov. [29, 2009] **28, 2010**) without a valid, unused tag for that species, time period and area on their person. EXCEPTION:

(a) Landowners, or their agent, hunting predators on lands they own or lease may use centerfire or muzzleloading rifles to hunt on such lands.

(b) ~~EXCEPTION:~~ Hunters may use .22 caliber or smaller centerfire rifles for hunting coyotes (*Canis latrans*) in the Juniper, Beatys Butte, East Beulah, Whitehorse and Owyhee units and in the Wagonfire Unit south of the Lake County Road 5-14 during Rocky Mountain bull or either-sex elk seasons, or the standard Rocky Mountain unit’s antlerless elk seasons (Nov. [21] **20**– Nov. [29, 2009] **28, 2010**).

(c) Hunters who have a tag for one of the hunts listed in this paragraph may hunt bear and/or cougar within the time period and area for which their deer or elk tag is valid provided they have a valid unused bear and/or cougar tag.

(2) To hunt on any refuge closed by the state or federal government.

(3) To hunt within the corporate limits of any city or town, public park or cemetery, or on any campus or grounds of a public school, college, or university or from a public road, road right-of-way, or railroad right-of-way.

(4) Notwithstanding section (4) of this rule, controlled antlerless elk hunts are permitted within the south city limits of Seaside if the herd should become a serious problem.

(5) To hunt game mammals outside any area designated by a controlled hunt tag when such tag is required for that hunt season.

(6) To hunt in any Safety Zones created and posted by the department.

(7) To hunt protected wildlife except:

(a) by a permit or during an authorized season established by the commission.

(b) That crow, blackbirds, cowbirds, and magpies may be taken under Federal regulations for reason of depredation or health hazards as described in the Code of Federal Regulations.

(8) To pursue or assist another to pursue a cougar (mountain lion) during an authorized cougar (mountain lion) season unless in possession of an unused cougar (mountain lion) tag or accompanied by the holder of an unused cougar (mountain lion) tag which is valid for that area and time period.

(9) To engage in computer-assisted hunting (internet hunting) or provide or operate facilities for computer-assisted hunting in Oregon. As used in this act, "computer-assisted hunting" (internet hunting) means the use of a computer or any other device, equipment, or software to remotely control the aiming and discharge of a firearm, bow, or any other weapon to hunt any game bird, wildlife, game mammal, or other mammal, and "facilities for computer-assisted remote hunting" means real property and improvements on the property associated with hunting, including hunting blinds, offices and rooms equipped to facilitate computer-assisted remote hunting. Nothing in subsection (9) of this section prohibits the use computer-assisted hunting by employees or agents of county, state or federal agencies while acting in their official capacities.

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

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

DIVISION 066

BLACK BEAR SEASONS

635-066-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods, and other restrictions for hunting black bear pursuant to ORS Chapter 496.

(2) OAR Chapter 635, Division 066 incorporates, by reference, the requirement for black bear hunting set out in the document entitled “[2009] **2010** Oregon Big Game Regulations,” into Oregon Administrative Rules. Therefore, persons must consult the “[2009] **2010** Oregon Big Game Regulations” in addition to OAR Chapter 635, to determine all applicable requirements for the hunting of black bear. The annual Oregon Big Game Regulations are available at authorized license agents and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

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

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

635-066-0010

General Season Regulations

(1) Pursuant to ORS 497.112, annual black bear tag sales to nonresident black bear hunters for the general fall season shall be limited to no more than three percent of the total tag sales based on previous year’s hunter densities.

(a) Tags shall be available at any authorized license agent and through the Salem Headquarters office on a first-come, first-served basis.

(b) The application procedure shall be as follows:

(A) An applicant may purchase a nonresident general black bear tag at any hunting license agent or;

(B) An applicant shall mail or fax copies, through the Salem Headquarters only, of his/her nonresident driver’s license; [or] adult nonresident hunting license **or juvenile nonresident hunting license** or provide documentation which includes the following information:

- (1) Applicant's full name and current address;
 - (2) Applicant's date of birth;
 - (3) Applicant's Social Security number;
 - (4) Applicant's telephone number;
 - (c) An applicant shall include a fee of \$151.50 with the application.
 - (d) The applicant shall state the areas for which he/she is applying in order of choice.
 - (2) Open Area: The entire state is open, except that lands within one mile of the Rogue River between Grave Creek and Lobster Creek are closed to all black bear hunting. Nonresidents shall be restricted to hunting black bear only in specific areas as described below.
 - (a) Nonresident black bear tags shall be distributed by areas as described in the Black Bear Management Plan. These areas are described as follows:
 - (A) Northwest: All of wildlife management units: 10, 11, 12, 14, 15, 17, and 18.
 - (B) Southwest: All of wildlife management units: 20, 23, 24, 25, 26, 27, 28, and 29.
 - (C) Cascades: All of wildlife management units: 16, 19, 21, 22, 30, 31, 34, 39, 41, and 42 and those portions of wildlife management units 33 and 77 lying west of Highway 97.
 - (D) Eastern: All of wildlife management units: 32, 35, 38, 40, and 43 and those portions of wildlife management units 33 and 77 lying east of Highway 97; and all other wildlife management units to the east of these units.
 - (3) No person shall use dogs to hunt or pursue black bear.
 - (4) No person shall use bait to attract or hunt black bear.
 - (5) The skull of any bear taken must be presented to an ODFW office or designated collection site, by the person who took the animal, within 10 days of the kill to be checked and marked. Skull must be unfrozen when presented for check-in. Checkout at ODFW offices must occur during normal business hours (8-5, Mon-Fri.). Hunters are required to check in the skull only for the purpose of inspection, tagging and removal of a tooth for aging.
- Stat. Auth.: ORS 496.012, 496.138, 496.146, and 496.162
- Stats Implemented: ORS 496.012, 496.138, 496.146, and 496.162

DIVISION 067

**PRONGHORN ANTELOPE, COUGAR,
ROCKY MOUNTAIN GOAT, BIGHORN SHEEP
REGULATIONS**

635-067-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods, and other restrictions for hunting pronghorn antelope, cougar, bighorn sheep, and Rocky Mountain goat pursuant to ORS Chapter 496.

(2) OAR Chapter 635, Division 067 incorporates, by reference, the requirements for hunting pronghorn antelope, cougar, bighorn sheep, and Rocky Mountain goat set out in the document entitled “[2009] **2010** Oregon Big Game Regulations,” into Oregon Administrative Rules. Therefore, persons must consult the “[2009] **2010** Oregon Big Game Regulations” in addition to OAR Chapter 635, to determine all applicable requirements for hunting pronghorn antelope, cougar, bighorn sheep, and Rocky Mountain goat. The annual Oregon Big Game Regulations are available at authorized license agents and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

(3) Controlled hunt tags shall be issued by a controlled hunt drawing following the procedures established in OAR Chapter 635, Division 060. Permitted arms and ammunition are established in OAR Chapter 635, Division 065. Controlled hunt tag numbers for 2009 are listed in Tables 1, 2, and 3 and are adopted and incorporated into OAR Chapter 635, Division 067 by reference.

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

Stats. Implemented: ORS 496.012, ORS 496.138, ORS 496.146 & ORS 496.162

635-067-0024

Controlled Pronghorn Antelope Youth Rifle Hunt Application

Hunters must be 12 to 17 years of age at the time they hunt. An adult at least 21 years of age, who [~~may not hunt,~~] must accompany not more than two juveniles. Juveniles must have a hunter education certificate **or a department document which includes their Hunter Education Certificate Number**, a valid hunting license, and a controlled hunt permit valid for that area and time period in possession while hunting.

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

Stats. Implemented: ORS 496.012, ORS 496.138, ORS 496.146 & ORS 496.162

635-067-0028

Pronghorn Antelope Auction Tag

(1) One pronghorn antelope tag will be auctioned to the highest bidder annually in the manner and at such time as provided by the department. The department may contract with a sportsmen's group or organization to conduct the auction.

(2) The pronghorn antelope auction tag and auction shall be limited as follows:

- (a) Bag Limit: One buck pronghorn antelope.
- (b) Hunting Hours: One-half hour before sunrise to one-half hour after sunset.
- (c) Open Season: The season shall begin on August 1 and shall end on September 30.
- (d) Open Area: Any area where pronghorn antelope hunts and tags have been authorized for the current year.
- (e) Auction Requirements:
 - (A) The minimum acceptable bid for a pronghorn antelope auction tag shall be \$2,000.00. The bid price includes the hunting license and tag fee. A valid pronghorn antelope tag will be provided to the winning bidder and a valid hunting license will be provided if the winning bidder has not already purchased one, so long as the winner is eligible to purchase an adult Oregon hunting license **or a juvenile Oregon hunting license**.
 - (B) Any person, resident or nonresident, is eligible to bid.
 - (C) If the highest bid is submitted by a person other than the person who is to receive the tag, the department shall be notified within five business days of the name, address, and phone number of the individual who is to receive the license and tag and his or her position or affiliation with the corporation or organization.
 - (D) Acceptance of the highest bid shall be conditional until the full amount of the bid is paid. Payment shall be made to the Oregon Department of Fish and Wildlife by cashiers check or certified check within 60 days of the date of the auction, whether conducted by the department or by a sportsman's group or organization authorized by the department to conduct the auction.
 - (E) If the full amount is not paid as provided in OAR 635-067-0032 (2)(d)(D), the department may, at its discretion, reject the bid and offer the tag to the next highest bidder. If the department offers the tag to the next highest bidder, such next highest bidder must make payment to the Oregon Department of Fish and Wildlife by cashiers check or certified check within 30 days of notification of his or her opportunity to obtain the tag.
 - (F) The department shall reserve the right to accept or reject any or all bids.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 497.112

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & ORS 497.112

635-067-0029

Controlled Pronghorn Antelope Raffle Tag

- (1) One pronghorn antelope tag will be raffled annually to an individual selected at a public drawing. The department may contract with a sportsmen's group or organization to conduct the raffle.

- (2) The pronghorn antelope raffle tag shall be limited as follows:
- (a) Bag Limit: One buck pronghorn antelope.
 - (b) Hunting Hours: One-half hour before sunrise to one-half hour after sunset.
 - (c) Open Season: The season shall begin on August 1 and shall end on September 30.
 - (d) Open Area: Any area where pronghorn antelope hunts and tags have been authorized for the current year.
- (3) Raffle Requirements:
- (a) There is no limit on the number of tickets that a person may purchase.
 - (A) One ticket package at a cost of \$9.50 (plus a \$1.50 license agent fee).
 - (B) Six ticket package at a cost of \$49.50 (plus a \$1.50 license agent fee).
 - (C) Thirteen ticket package at a cost of \$99.50 (plus a \$1.50 license agent fee).
 - (b) Raffle tickets will be made available during the dates specified in the current Big Game Regulations to the public through the authorized license agents in the state or through licensing in the Salem headquarters office or may be purchased through the mail using Oregon Department of Fish and Wildlife accepted forms. Tickets may be sold by department representatives at various gatherings of sportmen's groups.
 - (c) Residents and nonresidents shall be eligible to purchase tickets.
 - (d) There shall be no refunds on any purchases of raffle tickets.
 - (e) Tickets purchased through license agents and handled by mail shall be received in the Salem headquarters office of the department by the date specified in the current Big Game Regulations. Hand delivered tickets submitted for the drawing must be received by 5 p.m. at the Salem headquarters office no later than two days before the drawing event. Completed tickets delivered to the drawing event must be turned in by the time specified in the current Big Game Regulations. Additional tickets may be purchased at the actual raffle site prior to the drawing.
 - (f) All tickets submitted for the drawing must be complete with a name, address, and phone number.
 - (g) One winner and two alternate winners will be drawn at a public drawing; time and location to be announced by the department.
 - (h) The department will mail notification to the winner and two alternates. If the winner does not claim the tag by 5 p.m., July 1, the winner shall be disqualified and the department will offer the tag to the first alternate. If the first alternate does not claim the tag within 10 business days of July 1, the second alternate will be contacted. If the tag is not claimed by 5 p.m., July 31, it will not be issued.

(i) License and Tag Requirements: A valid pronghorn antelope tag will be provided to the winner of the raffle and a valid hunting license will be provided if the winner has not already purchased one, so long as the winner is eligible to purchase an adult Oregon hunting license **or a juvenile Oregon hunting license**.

(j) The pronghorn antelope tag shall be issued in the name of the person on the winning ticket provided that person meets all criteria outlined above. The tag may not be sold, assigned, or otherwise transferred.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 497.112

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & ORS 497.112

635-067-0032

Bighorn Sheep Auction Tag

(1) One bighorn sheep tag will be auctioned to the highest bidder annually in the manner and at such time as provided by the department. The department may contract with a sportsmen's group or organization to conduct the auction.

(2) The bighorn sheep auction tag and auction shall be limited as follows:

(a) Bag Limit: One bighorn sheep ram.

(b) Hunting Hours: One-half hour before sunrise to one-half hour after sunset.

(c) Open Season: The season shall begin on the opening day of the first regularly scheduled bighorn sheep season for the current year and shall end on the last day of the last regularly scheduled bighorn sheep season for the current year.

(d) Open Area: Any area where bighorn sheep hunts and tags have been authorized for the current year. The remainder of the state is closed to bighorn sheep hunting.

(e) Auction Requirements:

(A) The minimum acceptable bid for a bighorn sheep auction tag shall be \$25,000. The bid price includes the hunting license and tag fee. A valid bighorn sheep tag will be provided to the winning bidder in the auction and a valid hunting license will be provided if the winning bidder has not already purchased one, so long as the winning bidder is eligible to purchase an adult Oregon hunting license **or a juvenile Oregon hunting license**.

(B) Any person, resident or nonresident, is eligible to bid.

(C) If the highest bid is submitted by a person other than the person who is to receive the tag, the department shall be notified within five business days of the name, address, and phone number of the individual who is to receive the license and tag and his or her position or affiliation with the corporation or organization.

(D) Acceptance of the highest bid shall be conditional until the full amount of the bid is paid. Payment shall be made to the Oregon Department of Fish and Wildlife by cashiers check or certified check within 60 days of the date of the auction, whether conducted by the department or by a sportsman's group or organization authorized by the department to conduct the auction.

(E) If the full amount is not paid as provided in OAR 635-067-0032 (2)(d)(D), the department may, at its discretion, reject the bid and offer the tag to the next highest bidder. If the department offers the tag to the next highest bidder, such next highest bidder must make payment to the Oregon Department of Fish and Wildlife by cashiers check or certified check within 30 days of notification of his or her opportunity to obtain the tag.

(F) The successful bidder may be required to complete a bighorn sheep hunting orientation course prior to their hunt. The hunter shall inform the department when and where the hunt will be conducted. The successful bidder shall be required to take appropriate steps to assure that any ram taken is marked with an identification pin by department personnel within five days of being taken.

(G) The department shall reserve the right to accept or reject any or all bids.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162 & 497.112

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162 & ORS 497.112

635-067-0034

Bighorn Sheep Raffle Tag

(1) One bighorn sheep tag will be raffled during the current year to an individual selected at a public drawing. The department may contract with a sportsmen's group or organization to conduct the raffle.

(2) The bighorn sheep raffle tag shall be limited as follows:

(a) Bag Limit: One bighorn sheep ram.

(b) Hunting Hours: One-half hour before sunrise to one-half hour after sunset.

(c) Open Season: The season shall begin on the opening day of the first regularly scheduled bighorn sheep season for the current year and shall end on the last day of the last regularly scheduled bighorn sheep season for the current year.

(d) Open Area: Any area where bighorn sheep hunts and tags have been authorized for the the current year. The remainder of the state is closed to bighorn sheep hunting.

(3) Raffle Requirements:

(a) There is no limit on the number of tickets that a person may purchase. Raffle tickets shall be available for purchase in the following denominations:

- (A) One ticket package at a cost of \$9.50 (plus a \$1.50 license agent fee).
- (B) Six ticket package at a cost of \$49.50 (plus a \$1.50 license agent fee).
- (C) Thirteen ticket package at a cost of \$99.50 (plus a \$1.50 license agent fee).
- (b) Raffle tickets will be made available during the dates specified in the current Big Game Regulations to the public through the authorized license agents in the state or through licensing in the Salem headquarters office or may be purchased through the mail using Oregon Department of Fish and Wildlife accepted forms. Tickets may be sold by department representatives at various gatherings of sportmen's groups.
- (c) Residents and nonresidents shall be eligible to purchase tickets.
- (d) There shall be no refunds on any purchases of raffle tickets.
- (e) Tickets purchased through license agents and handled by mail shall be received in the Salem headquarters office of the department by the date specified in the current Big Game Regulations. Hand delivered tickets submitted for the drawing must be received by 5 p.m. at the Salem headquarters office no later than two days before the drawing event. Completed tickets delivered to the drawing event must be turned in by the time specified in the current Big Game Regulations. Additional tickets may be purchased at the actual raffle site prior to the drawing.
- (f) All tickets submitted for the drawing must be complete with a name, address, and phone number.
- (g) One winner and two alternate winners will be drawn at a public drawing; time and location to be announced by the department.
- (h) The department will mail notification to the winner and two alternates. If the winner does not claim the tag by 5 p.m., July 1, the winner shall be disqualified and the department will offer the tag to the first alternate. If the first alternate does not claim the tag within 10 business days of July 1, the second alternate will be contacted. If the tag is not claimed by 5 p.m., August 18, it will not be issued.
- (i) License and Tag Requirements: A valid bighorn sheep tag will be provided to the winner of the raffle and a valid hunting license will be provided if the winner has not already purchased one, so long as the winner is eligible to purchase an adult Oregon hunting license **or a juvenile Oregon hunting license.**
- (j) The bighorn sheep tag shall be issued in the name of the person on the winning ticket provided that person meets all criteria outlined above. The tag may not be sold, assigned, or otherwise transferred.

(k) The winner of the bighorn sheep tag may be required to complete a bighorn sheep hunting orientation course prior to their hunt. The hunter shall inform the department as to where and when the hunt will be conducted.

(l) If the holder of the raffle bighorn sheep tag is successful in taking a bighorn sheep ram, that person shall present the ram to the department for permanent marking within five days of taking of the ram.

Stat. Auth.: ORS 496.012, 496.138 & 496.146

Stats Implemented: ORS 496.012, 496.138 & 496.146

635-067-0041

Rocky Mountain Goat Raffle

(1) One Rocky Mountain goat tag will be raffled annually to an individual selected at a public drawing. The department may contract with a sportsmen's group or organization to conduct the raffle.

(2) The Rocky Mountain goat raffle tag shall be limited as follows:

(a) Bag Limit: One Rocky Mountain goat.

(b) Hunting Hours: One-half hour before sunrise to one-half hour after sunset.

(c) Open Season: The season shall begin on September 1 and shall end on October 31.

(d) Open Area: Any area where Rocky Mountain goat hunts and tags have been authorized for the current year. The remainder of the state is closed to Rocky Mountain goat hunting.

(3) Raffle Requirements:

(a) There is no limit on the number of tickets that a person may purchase.

(A) One ticket package at a cost of \$9.50 (plus a \$1.50 license agent fee).

(B) Six ticket package at a cost of \$49.50 (plus a \$1.50 license agent fee).

(C) Thirteen ticket package at a cost of \$99.50 (plus a \$1.50 license agent fee).

(b) Raffle tickets will be made available during the dates specified in the current Big Game regulations to the public through the authorized license agents in the state or through licensing in the Salem headquarters office or may be purchased through the mail using Oregon Department of Fish and Wildlife accepted forms. Tickets may be sold by department representatives at various gatherings of sportmen's groups.

(c) Residents and nonresidents shall be eligible to purchase tickets.

(d) There shall be no refunds on any purchases of raffle tickets.

(e) Tickets purchased through license agents and handled by mail shall be received in the Salem headquarters office of the department by the date specified in the current Big Game Regulations.

Hand delivered tickets submitted for the drawing must be received by 5 p.m. at the Salem headquarters office no later than two days before the drawing event. Completed tickets delivered to the drawing event must be turning in by the time specified in the current Big Game Regulations. Additional tickets may be purchased at the actual raffle site prior to the drawing.

(f) All tickets submitted for the drawing must be complete with a name, address, and phone number.

(g) One winner and two alternate winners will be drawn at a public drawing; time and location to be announced by the department.

(h) The department will mail notification to the winner and two alternates. If the winner does not claim the tag by 5 p.m., July 1, the winner shall be disqualified and the department will offer the tag to the first alternate. If the first alternate does not claim the tag within 10 business days of July 1, the second alternate will be contacted. If the tag is not claimed by 5 p.m., August 31, it will not be issued.

(i) License and Tag Requirements: A valid Rocky Mountain goat tag will be provided to the winner of the raffle and a valid hunting license will be provided if the winner has not already purchased one, so long as the winner is eligible to purchase an adult Oregon hunting license **or a juvenile Oregon hunting license**.

(j) The Rocky Mountain goat tag shall be issued in the name of the person on the winning ticket provided that person meets all criteria outlined above. The tag may not be sold, assigned, or otherwise transferred.

(k) The winner of the Rocky Mountain goat tag will be required to complete a Rocky Mountain goat hunting orientation course prior to their hunt. The hunter shall inform the department as to where and when the hunt will be conducted.

(l) If the holder of the Rocky Mountain goat raffle tag is successful in taking a Rocky Mountain goat, that person shall present the animal to the department for permanent marking within five days of taking of the animal.

Stat. Auth.: ORS 496.012, 496.138 & 496.146

Stats Implemented: ORS 496.012, 496.138 & 496.146

DIVISION 068

WESTERN OREGON DEER SEASONS

635-068-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods and other restrictions for hunting western Oregon deer pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2009 are listed in Tables 1 and 2 and are adopted and incorporated into OAR Chapter 635, Division 068 by reference.

(3) OAR Chapter 635, Division 068 incorporates, by reference, the requirements for hunting western Oregon deer set out in the document entitled “[~~2009~~] **2010** Oregon Big Game Regulations,” into Oregon Administrative Rules. Therefore, persons must consult the “[~~2009~~] **2010** Oregon Big Game Regulations” in addition to OAR Chapter 635, to determine all applicable requirements for hunting western Oregon deer. The annual Oregon Big Game Regulations are available at authorized license agents and regional, district, and headquarters offices of the Oregon Department of Fish and Wildlife.

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

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

DIVISION 069

EASTERN OREGON DEER SEASONS

635-069-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods and other restrictions for hunting eastern Oregon deer pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2009 are listed in Tables 1 and 2 and are adopted and incorporated into OAR Chapter 635, Division 069 by reference.

(3) OAR Chapter 635, Division 069 incorporates, by reference, the requirements for hunting eastern Oregon deer set out in the document entitled “[~~2009~~] **2010** Oregon Big Game Regulations,” into Oregon Administrative Rules. Therefore, persons must consult the “[~~2009~~] **2010** Oregon Big Game Regulations” in addition to OAR Chapter 635, to determine all

applicable requirements for hunting eastern Oregon deer. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

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

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

DIVISION 070

WESTERN OREGON ELK SEASONS

635-070-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods and other restrictions for hunting Cascade and Coast elk pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2009 are listed in Tables 1 and 2 and are adopted and incorporated into OAR Chapter 635, Division 070 by reference.

(3) OAR Chapter 635, Division 070 incorporates, by reference, the requirements for hunting western Oregon elk set out in the document entitled “[~~2009~~] 2010 Oregon Big Game Regulations,” into Oregon Administrative Rules. Therefore, persons must consult the “[~~2009~~] 2010 Oregon Big Game Regulations” in addition to OAR Chapter 635, to determine all applicable requirements for hunting western Oregon elk. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

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

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

DIVISION 071

ROCKY MOUNTAIN ELK SEASONS

635-071-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, methods and other restrictions for hunting Rocky Mountain elk pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2009 are listed in Tables 1 and 2 and are adopted and incorporated in OAR Chapter 635, Division 071 by reference.

(3) OAR Chapter 635, Division 071 incorporates, by reference, the requirements for hunting Rocky Mountain elk set out in the document entitled “[2009] **2010** Oregon Big Game Regulations,” into Oregon Administrative Rules. Therefore, persons must consult the “[2009] **2010** Oregon Big Game Regulations” in addition to OAR Chapter 635, to determine all applicable requirements for hunting Rocky Mountain elk. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

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

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

DIVISION 072

WESTERN GRAY SQUIRREL SEASON

635-072-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas, and other restrictions for hunting western gray squirrels pursuant to ORS Chapter 496.

(2) OAR Chapter 635, Division 072 incorporates, by reference, the requirements for hunting western gray squirrel set out in the document entitled “[2009] **2010** Oregon Big Game Regulations,” into Oregon Administrative Rules. Therefore, persons must consult the “[2009] **2010** Oregon Big Game Regulations” in addition to OAR Chapter 635, to determine all applicable requirements for hunting western gray squirrel. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife.

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

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

DIVISION 073

SPECIAL INTEREST SEASONS

635-073-0000

Purpose and General Information

(1) The purpose of these rules is to establish season dates, bag limits, areas and other restrictions for bow and muzzleloader hunting and controlled deer and elk youth hunts; pursuant to ORS Chapter 496.

(2) Controlled hunt tag numbers for 2009 for deer and elk bow and muzzleloader hunting and deer and elk youth hunts are listed in Tables 1 and 2 and are adopted and incorporated into OAR Chapter 635, Division 073 by reference.

(3) OAR Chapter 073 incorporates, by reference, the requirements for bow and muzzleloader hunting and controlled deer and elk youth hunts set out in the document entitled “[2009] **2010** Oregon Big Game Regulations,” into Oregon Administrative Rules. Therefore, persons must consult the “[2009] **2010** Oregon Big Game Regulations,” in addition to OAR Chapter 635, to determine all applicable requirements for bow and muzzleloader hunting and controlled deer and elk youth hunts. The annual Oregon Big Game Regulations are available at hunting license agents and regional, district and headquarters offices of the Oregon Department of Fish and Wildlife. Stat. Auth.: ORS 496.012, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

635-073-0090

Controlled Antlerless Deer and Elk Youth Hunting Regulations

(1) General Regulations: Tags shall be issued by a controlled hunt drawing following the procedures established in OAR Chapter 635, Division 060. Hunters must be 12 to 17 years of age at the time they hunt. Youths must be accompanied by an adult at least 21 years of age, who ~~may not hunt, except for adults accompanying youths with tags for Saddle Mountain Unit 610T, Seappoose Unit 611T, Wilson Unit 612T, Trask Unit 614T, Stott Mtn. Unit 617T, Alsea Unit 618T, or North Siuslaw 620T. Adults~~ must accompany not more than two juveniles. Juveniles must have a hunter education certificate **or a department document which includes their Hunter Education Certificate Number**, a valid hunting license, and a controlled hunt permit valid for that area and time period in possession while hunting. A hunter successful in drawing one of the controlled 600 series deer youth hunt tags may hunt in any general deer season or

controlled buck deer hunt, and as provided in OAR Chapter 635, Division 090; if possessing the proper tag for the area and time period being hunted. A youth hunter obtaining a “left over” tag through the first-come, first-served process also may hunt during the season for which that tag was issued.

(2) A hunter successful in drawing a controlled antlerless elk youth hunt tag shall not hunt in any other elk season, except as provided in OAR Chapter 635, Division 090.

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

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 496.162

DIVISION 075

LANDOWNER HUNTING PREFERENCE AND OUTFITTERS AND GUIDES TAG ALLOCATION

635-075-0005

Registration, Application and Tag Issuance Procedures and Limits for All Controlled Hunts

(1) A landowner shall submit a landowner preference registration form to be eligible for a landowner preference tag. A landowner can have only one registration form on file with the department. **However, an individual who owns (through business entities) more than one property eligible for the landowner preference program may register each such property.**

The registration form is an affidavit certifying ownership, number of acres owned, the county and Wildlife Management Unit where the property is located. This registration form registers the individual and remains valid until the individual registered no longer qualifies as a landowner as defined under OAR 635-045-0002, writes to the department requesting the registration form be deleted, or the department notifies the landowner that a renewal is required.

(2) In addition to having a landowner preference registration form on file with the department, a landowner shall submit a tag distribution form annually. The tag distribution form shall list the names of the landowner, stockholder(s), partner(s), and their immediate family members to receive tags for pronghorn antelope, and the names of the landowner, stockholder(s), partner(s), their immediate family members, and those persons of the landowners’ choosing to receive landowner preference tags for deer and elk.

(3) Landowners shall submit registration forms and tag distribution forms prior to September 15 for all controlled 100 series buck deer and bull elk hunts, and through the day prior to the season openings for 600 series antlerless deer, antlerless elk, and doe/fawn pronghorn antelope hunts.

(4) Registration forms and tag distribution forms are available at no charge in any office of the department.

(5) Registration forms, tag distribution forms, and applications shall be received at the Salem headquarters office of the department prior to issuance of any landowner preference tag, except as provided for in OAR 635-075-0007. Landowners are not required to submit proof of ownership with their registration form. Landowners shall be required to submit proof of ownership at the request of the department or the Oregon State Police acting on behalf of the department.

(6) A landowner, stockholder(s), partner(s), and immediate family and those persons of the landowners' choosing wishing to also apply for controlled hunt tags shall apply by the May 15 controlled hunt deadline. Listing a hunt choice other than a landowner preference choice is not required.

(7) Everyone shall follow controlled hunt application procedures and regulations as described in OAR Division 060.

(8) The number of landowner preference tags issued is based upon a landowner's acreage.

Landowner Preference tags shall be allocated by the following minimum acreage requirements:

TAGS	MINIMUM ACREAGE	HUNT TYPE
2	40	all hunts except eastern Oregon buck deer, eastern Oregon bull elk, either-sex elk, and doe/fawn pronghorn antelope hunts
2	160	all hunts
3	1,200	all hunts
4	2,500	all hunts
5	5,000	all hunts
6	10,000	all hunts
8	20,000	all hunts
10	40,000	all hunts
12	80,000	all hunts
14	160,000 and greater	all hunts

(9) Landowner preference tags for the hunting of deer or elk may be issued to any person of the landowner's choosing, and shall be used for the taking of antlerless animals except as described in OAR 635-075-0005 (8). Season dates of the transferred landowner preference tags shall be the same dates as the original tag.

(10) Landowner preference tags for the hunting of antlered deer or elk that are issued to a person of the landowner's choosing who is not a member of the landowner's, partner's, or stockholder's immediate family may be used to take an antlered animal only as follows:

(a) If the landowner is eligible for two, three, or four preference tags, one of those tags may be so used.

(b) If the landowner is eligible for five, six or seven preference tags, two of those tags may be so used.

(c) If the landowner is eligible for eight, nine or 10 preference tags, three of those tags may be so used.

(d) If the landowner is eligible for 11 or 12 preference tags, four of those tags may be so used.

(e) If the landowner is eligible for 13 or 14 preference tags, five of those tags may be so used.

(11) A landowner who is qualified to receive landowner hunting preference tags may request two additional tags for providing public access and/or two additional tags for wildlife habitat programs. This request shall be made to the Access and Habitat Board with supporting evidence that the access is significant and the habitat programs benefit wildlife. The board may recommend that the commission grant the request. These tags may not be applied to the options as defined in OAR 635-075-0005(8).

(12) No one shall receive both a controlled hunt tag and a landowner preference tag for the same type of hunt. Landowner hunting preference tags shall not be issued to any person successful in the controlled hunt drawing for the same type of hunt.

(13) Landowner preference tags, except as described in OAR 635-075-0007, OAR 635-075-0010, and OAR 635-075-0015 shall only be issued from the headquarters office of the department following the controlled hunt drawings.

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

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

635-075-0010

Hunting Area Allowed With Landowner Hunting Preference Tags

(1) A landowner preference tag authorizes the recipient to hunt only on those lands owned by the landowner, and meeting the minimum acreage requirements for that hunt, during the season dates for which the tag is valid, except as provided for in OAR 635-075-0010 (4) and (5).

(2) Landowner hunting preference tags are valid on the landowner's property in other controlled hunt areas provided the species, bag limits, and season dates are the same, and the landowner's property in that area either:

- (a) Meets the minimum acreage requirements for that hunt; or
- (b) Is contiguous to other property owned by the landowner that, if added together, would meet the minimum acreage requirements for that hunt.
- (3) A landowner receiving a landowner preference controlled buck deer hunt or controlled elk hunt tag may not hunt in any other controlled or general buck deer or elk season, except as provided in OAR Division 090.
- (4) When a landowner is qualified under landowner preference rules adopted by the Commission and **the landowner or an immediate family member** receives a deer or elk controlled hunt tag for that unit and has not harvested an animal, the landowner **or immediate family member** may use that tag to take an antlerless deer, except for white-tailed deer in Western Oregon, or elk before, during, or after the hunting season for which the tags are valid, when approved by the department, to alleviate damage that is presently occurring to the landowner's property.
- (5) Each unfilled landowner preference deer or elk tag may be transferred and used to take two antlerless animals, except for white-tailed deer in Western Oregon, before, during or after the hunting season for which the tags are valid, when approved by the department, to alleviate damage that is presently occurring to the landowner's property in accordance with the following criteria:
 - (a) Transfer must be done by an authorized representative of the department for no charge;
 - (b) Tag(s) is/are to be transferred to someone of the landowner's choice;
 - (c) The landowner and those receiving a transferred elk tag must surrender any original unfilled elk tag; or sign an affidavit stating the tag has been lost, stolen, or destroyed;
 - (d) No more than one tag may be transferred to any one person;
 - (e) Each tag may only be transferred once;
 - (f) Tags shall be issued for a period of no more than 30 days from the date of issuance, and end no later than March 31. A department representative may reauthorize an unfilled tag to the same person for an additional 30 days if damage is presently occurring;
 - (g) Persons who have been successful in harvesting a buck and/or antlerless deer in a general and/or controlled hunt season (excluding "leftover" tags) are also eligible to receive one damage landowner preference deer tag in a fiscal year of July through June;
 - (h) Only persons who have not been successful in harvesting an elk in a general or controlled hunt season are eligible to receive one damage landowner preference elk tag in a fiscal year of July through June;

- (i) Department personnel shall verify that the person(s) receiving tag(s) has a valid hunting license and has not been successful in harvesting an elk during current general or controlled seasons.
- (j) Department personnel shall collect the appropriate fee for the second tag at time of transfer;
- (6) Landowner preference pronghorn antelope tags may only be used during the authorized hunt season.

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

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

DIVISION 080

WILDLIFE UNITS

635-080-0053

Catherine Creek Unit

The Catherine Creek Unit, number 53, is that area beginning at Elgin; northeast on State Highway 82 to Minam; south along Minam River to the boundary of Wallowa-Whitman National Forest; west along forest boundary to Point Prominence Road (62 and 6220); south along Point Prominence Road to Moss Springs Campground; south and east from Moss Springs Campground on Lodgepole Trail 1920 to Cartwheel Ridge Trail 1907; north and east on Cartwheel Ridge Trail 1907 to the divide between the Catherine Creek and Minam River drainages past Burger Butte to Granite Butte; generally south on the divide between Catherine Creek and Eagle Creek drainages to Flagstaff Butte; west on Forest Road 7700582 to Forest Road 77; west on Forest Road 77 to Forest Road [6730; south on 6730 to Forest Road 6730310; west on 6730310 to Forest Road 6750300; west on 6750300 to Lick Creek Road 6750; south on Lick Creek Road 6750] **7740; south on 7740 to 7740050; south and west on 7740050 o Big Creek; Big Creek** to Big Creek Road 67; west on Big Creek Road to Medical Springs; southwest on State Highway 203 to the Powder River; northwest on Powder River to Interstate Highway 84 at North Powder; north on Interstate Highway 84 to State Highway 82 at La Grande; northeast on State Highway 82 to Elgin, point of beginning.

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

Stats. Implemented: ORS 496.012, ORS 496.138, ORS 496.146 & ORS 496.162

635-080-0063

Keating Unit

The Keating Unit, number 63, is that area beginning at North Powder; northeast and southeast along Powder River to State Highway 203; northeast on State Highway 203 to Medical Springs; southeast and northeast on Big Creek Road 67 to [~~Lick Creek; north on Lick Creek Road 6750 to Forest Road 6750300; east on Forest Road 6750300 to Forest Road 6730310; east on 6730310 to Forest Road 6730; north on 6730~~] **Big Creek and north on Big Creek to Forest Road 7740050; east and north on Forest Road 7740050 to Forest Road 7740 and** to Forest Road 77; east on Forest Road 77 to Flagstaff Butte Road 7700582; east on road 7700582 to Flagstaff Butte; north along the divide between the Catherine Creek and Eagle Creek drainages to Granite Butte; east along summit of Eagle Mountains to Hawkins pass; south to Jackson Peak: south to Krag Peal; south and east to Crater Lake; north and east to Red Mt; north and east to Blue Creek Trail (1865) north of Cornucopia; south along Blue Creek Trail to Pine Creek; south and east along Pine Creek to State Highway 86; southwest on State Highway 86 to Old Richland-Halfway Highway (Sag Road); south on Sag Road to Powder River arm of Brownlee Reservoir; west along Powder River to State Highway 86 near Goose Cr; west on Highway 86 to Interstate Highway 84; north on Interstate Highway 84 to North Powder, point of beginning.

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

Stats. Implemented: ORS 496.012, ORS 496.138, ORS 496.146 & ORS 496.162