

**DIVISION 006**  
**COMMERCIAL FISHERIES**  
**COMMERCIAL GEAR; LICENSES, POUNDAGE FEES,**  
**RECORDS AND REPORTS**

**Fishing Gear Specifications and Operation**

**635-006-0001**

**Definitions**

For the purposes of OAR 635-006-0001 through 635-006-1210:

- (1) "Commercial fishing license" means the commercial fishing licenses required by ORS 508.235 and, for purposes of the Limited Fish Seller Permit, includes an Albacore Tuna Landing License.
- (2) "Commission" means the Oregon Fish and Wildlife Commission.
- (3) "Department" means the Oregon Department of Fish and Wildlife.
- (4) "Director" means the Director of the Oregon Department of Fish and Wildlife.
- (5) "Fair market value" shall be based on the market price of food fish or shellfish at the same time and place that the fish are landed, or the price established in OAR 635-006-0232 when the market price cannot be determined. For species not listed in OAR 635-006-0232, fair market value shall be based on the average price per pound paid to law enforcement officials for any fish or shellfish confiscated from persons landing legal overages, or the average ex-vessel price per pound paid for that species in that port during the month in which the overage occurred, whichever is greater. Unless otherwise noted, the fair market value is the price per pound and is based on round weight.
- (6) "Fish buyer" means an individual employed by a wholesale fish dealer or food fish canner to purchase or receive food fish or shellfish from commercial fishers at locations other than the licensed premises of the wholesale fish dealer or food fish canner.
- (7) "Fish-buying station" means a location other than the licensed premises of a wholesale fish dealer or food fish canner at which such wholesale fish dealer or food fish canner purchases or receives food fish or shellfish from commercial fishers.
- (8) "Food fish canner" means a wholesale fish dealer who cans food fish including shellfish in hermetically sealed containers whereby no further preservation, artificial or otherwise, is required.
- (9) "Harvester" means any person legally authorized to take food fish for commercial purposes.
- (10) "Import" means to transport into Oregon from outside the State of Oregon.
- (11) "Land" or "landing" means to begin transfer of fish from a fishing vessel. Once transfer begins, all fish aboard the vessel are counted as part of the landing, except anchovies being held live on a vessel for the purpose of using for bait in that vessel's commercial fishing operation.
- (12) "Landing fees" means all fees due to the Department based on the pounds of fish or value of fish landed.
- (13) "Limited fish seller" means any person who holds a valid Oregon commercial fishing license and who has

obtained an annual Limited Fish Seller Permit which enables the fisher to sell any species of food fish, taken in lawful activity directly from his or her boat, pursuant to ORS 508.550.

(14) "Limited fish seller – nontreaty Columbia River Gillnet Salmon Vessel Permit fishery" means a person who holds a valid Oregon commercial fishing license, a Columbia River Gillnet Salmon Vessel Permit, and who has obtained an annual limited fish seller permit which enables the fisher to sell any species of food fish, taken in lawful activity directly from his or her boat or at locations away from the boat.

(15) "Nonreporting fish dealer" means a wholesale fish dealer or fish bait dealer who buys food fish exclusively from other wholesale fish dealers or bait dealers.

[(16)] "Overage" means any landing or portion of a landing that exceeds groundfish trip limits. Groundfish trip limits are approved by Pacific Fisheries Management Council and implemented by the National Marine Fisheries Service.

[(17)] "Possession" means holding any food fish, shellfish or parts thereof in a person's custody or control.

[(18)] "Processing" means smoking, reducing, loining, steaking, pickling, filleting, or fresh packaging requiring freezing of food fish, or any part thereof. (Does not include cooking crab.)

[(19)] "Processor" means a person who buys fresh food fish from a licensed commercial fisher or a wholesale fish dealer and processes food fish for sale through retail outlets or for sale to the ultimate consumer.

[(20)] "Purchase" means to obtain by paying money or its equivalent, trade, or barter.

[(21)] "Receive" or "Receiving" means to take or come into possession of.

**(22) "Resident" means an actual bona fide resident of this state for at least one year immediately prior to application.**

[(22)] **(23)** "Retail fish bait dealer" means a person who buys fresh food fish or shellfish from a wholesale fish dealer or wholesale fish bait dealer, and sells to the ultimate consumer for use as bait.

[(23)] **(24)** "Retail fish dealer" means a person who buys fresh food fish or shellfish from wholesale fish dealers, undertakes limited processing activity (limited to loining of tuna, filleting, smoking, steaking, or pickling food fish or shellfish), and sells only to the ultimate consumer.

[(24)] **(25)** "Retain" means to keep in possession or use.

[(25)] **(26)** "Shellfish canner" means a wholesale fish dealer who cans only shellfish in hermetically sealed containers whereby no further preservation, artificial or otherwise, is required.

[(26)] **(27)** "Transport" means, for purposes of OAR 635-006-0165, to move the food fish after landing.

[(27)] **(28)** "Ultimate consumer" means the party that utilizes the product as food, including restaurants.

[(28)] **(29)** "Value" means the monetary value of the food fish, or parts thereof, including eggs and other by-products, at the point of landing as usually determined by the first exchange between the harvester and the first purchaser. In addition:

(a) Value is typically the amount of money which the first purchaser pays at the time and place that the fish are off-loaded from a vessel, or brought to shore if there is no vessel involved in harvesting, before any reductions or deductions in the amount of money as a result of the dealer furnishing ice, fuel, food or other commodities; and

(b) Value includes bonuses and other payments based directly on the quantity or quality of food fish exchanged,

regardless of the time of payment of such bonuses or other payments; and

(c) Value includes any payments based on the proportion or percentage of processed products recovered from the food fish landed in the round or other form; and

(d) Value for food fish not sold by the harvester is the value received for comparable fish sold to a wholesale fish dealer at the same time and place that the fish are landed; and

(e) Value for food fish purchased from a harvester, by the harvester when acting as a wholesale fish dealer, is the price that is or would be paid to any other harvester for the same fish; and

(f) Value for food fish sold by a limited fish seller is the retail price received by the harvester from the first purchaser; and

(g) Value for food fish imported from out of state but not previously taxed out of state is the price paid for the fish by the first Oregon purchaser.

~~[(29)]~~ **(30)** "Wholesale fish bait dealer" means a person who buys food fish or shellfish, or parts thereof, from a licensed commercial fisher, licensed commercial bait fisher, or licensed angler, and sells or uses such food fish or shellfish for bait, scientific or educational purposes, or live public display.

~~[(30)]~~ **(31)** "Wholesale fish dealer" means a person who:

(a) Buys food fish or shellfish from a commercial fisher; or

(b) Processes food fish or shellfish or any part thereof; or

(c) Sells food fish or shellfish to retail dealers or other wholesale fish dealers.

Stat. Auth.: ORS 506.119 and 513.020

Stats. Implemented: ORS 506.129, 508.025, 508.040 and 508.550

## **635-006-0020**

### **Experimental Fishing Gear Permit**

(1) The Director is authorized to issue experimental fishing gear permits for the taking of food fish under the authority of ORS 508.106 provided the use of such fishing gear is not otherwise prohibited by the commercial fishing laws.

(2) Application for a permit shall be in writing accompanied by a fee of \$30.00~~[3.00]~~ **(plus a \$2.00 license agent fee)** and shall include the species of fish to be taken, the method to be used, and the name and location of the body of water from which the food fish are to be taken.

(3) It is *unlawful* to use the experimental fishing gear in the waters of this state or the Pacific Ocean except under the terms and conditions specified in the permit.

Stat. Auth.: ORS 506.109, 506.119 and 506.129

Stats. Implemented: ORS 506.109, 506.119 and 506.129

## Developmental Fisheries Program

**635-006-0910**

### **Procedures for Issuance, Transfer and Renewal of Developmental Fisheries Species Permits**

(1) Applications:

(a) An applicant for a permit must submit a complete application in writing accompanied by an annual fee of **\$125.00~~[75]~~ (plus a \$2.00 license agent fee)**. The application shall include the species of fish to be taken, the method and gear proposed to be used, and the area from which the Developmental Fisheries Species are to be taken, the vessel operator, and other information as the Oregon Department of Fish and Wildlife (Department) may require;

(b) Except as listed below, complete applications must be received postmarked or date-stamped by January 1 of the year of issue for new species added to the developmental fishery list in OAR 635-006-0850, and thereafter by the annual filing date of February 1 of the year of issue.

(A) Applications for box crab permits must be postmarked or date-stamped by January 1 of the year of issue; and

(B) Applications for new hagfish permits will be accepted on a first-come, first-serve basis.

(c) An application shall be considered complete if it is legible, has all information requested on the form, and is accompanied by the required fee in full. Any application which is not complete shall be returned and, unless it is thereafter resubmitted and deemed complete by the filing date, the individual shall not be considered to have applied in a timely manner;

(d) Before applying for a permit, an applicant must first have obtained the appropriate vessel license (or individual license if permit is issued to individual) for the year the permit will be issued.

(e) The vessel operator designated in subsection (1)(a) above may change up to twice a year, with at least three work days' notice by the permit holder to ODFW, Newport office.

(2) Number of permits allowed:

(a) An individual shall not submit more than one application, per vessel (or per person for individual permits), for each developmental fishery species gear category;

(b) A permit holder who holds a valid developmental fisheries permit may not apply for any additional permits for the same vessel (or person for an individual permit) and species gear category unless the Department proposes to deny that permit;

(c) If a permit holder who holds a permit at issue either before the Commercial Fishery Permit Board or a court of law, is awarded another permit for the same species gear category through the lottery and thereafter prevails before the Commercial Fishery Permit Board or in court, the permit holder shall immediately surrender one of the permits to any Department office, so that only one valid permit per species gear category is held.

(3) Issuance of permits:

(a) Except for new hagfish permits, if the number of applications received by the filing date is less than the number of permits available, all applicants who have submitted complete applications shall be issued a permit within 14 days of the filing date.

- (A) Any remaining permits shall be issued on a first-come, first-served basis, within 14 days of receipt of each completed application, until the maximum number of permits is issued. Priority shall be based on postmark or date-stamped date;
- (B) The names of applicants who did not receive a permit shall be placed on an alternates list, in the order they are received, until the next annual filing date. Applicants whose names are placed on the alternates list shall be refunded their permit fee minus a \$10 application fee. Permits which become available before the end of the year shall be made available to the alternates list, in the order listed. The applicant shall be notified of an available permit and shall resubmit a complete application and permit fee within 30 days of the date the notification is mailed. The permit shall be issued within 14 days of receipt of the resubmitted application and fee. If an alternate fails to apply, he shall forfeit the permit and the permit shall then be made available to the next name on the alternates list.
- (b) Except for new hagfish permits, if the number of applications received by the filing date is greater than the number of permits available, the Department shall determine first how many applications there are with preference points as accrued under OAR 635-006-0915, except for new species that have qualification restrictions set forth in OAR 635-006-0850. Evidence of landings must be supplied by the applicant and submitted with the application.
- (A) If the number of these applicants does not exceed the number of permits, they shall be given all available permits and any remaining applicants shall be placed in a lottery;
- (B) If the number of applicants who have preference points exceeds the number of permits, then these applicants only shall be placed in a lottery, and grouped by the number of preference points they have accrued for each species gear category. Applicants with the highest number of preference points for each species gear category will be drawn first. Applicants having the highest number of preference points per species gear category will be drawn next. This permit issuance process will continue through descending numbers of preference points until all the available permits have been issued, unless all qualified applicants with preference points have been issued permits prior to that point. Permits shall be issued within 14 days of the lottery;
- (C) In addition, remaining applicants (who do not have preference points) shall be placed in a lottery and their names shall be drawn;
- (D) The Department then shall prepare an alternates list, in which applicants who have preference points are listed first (in the order drawn), and thereafter remaining applicants are listed, in the order in which they were drawn. All applicants whose names are placed on the alternates list shall be refunded their permit fee minus a \$10 application fee. Any permits available before the end of the year shall be made available to the first name on the alternates list. The applicant shall be notified of an available permit and shall resubmit a complete application and permit fee within 30 days of the date the notification is mailed. The permit shall be issued within 14 days of receipt of the resubmitted application and fee. If an alternate fails to apply for the lottery permit within 30 days, he shall forfeit such permit and the permit shall then be made available to the next name on the alternates list.
- (c) Permits may be made available before the end of the year by a permit holder voluntarily turning in a permit.
- (d) A subcommittee of the Developmental Fishery Board shall evaluate the business plans submitted by hagfish

fishery applicants to determine if the applicant is likely to actively prosecute the fishery. If more applicants submit acceptable business plans than there are available new permits, then the available permits will be distributed as otherwise specified in subsections (3)(a) and (3)(b) of this rule.

(4) Persons to whom permits are issued: Permits shall be issued to an individual person or entity and assigned to a vessel, except when hand harvest methods are used. The permit holder is the owner or controller of the vessel or the individual person when hand harvest methods are used.

(5) Transfer of permits: Permits for Developmental Fisheries Species are not transferable to another person or entity; provided however that permits may be ~~reassigned~~ **transferred** to another vessel owned or leased and controlled by the permit holder up to two times annually.

(a) In the event of the death of a permit holder, the permit of the deceased may be issued to an immediate family member as defined by OAR 635-006-0810. Permit transfer shall require a copy of the death certificate and the original permit, and must be requested by the family member to the deceased which shall be presumed by possession of the permit and death certificate.

(b) To ~~reassign~~ **transfer** the vessel on a permit, a permit holder shall first apply on a form provided by the Department and shall include a ~~[\$25]~~ **\$100.00** fee;

(c) If the permit holder is not the registered owner of the vessel to which a permit is being ~~reassigned~~ **transferred**, a copy of a signed lease agreement with the owner of the vessel must accompany the application. The lease agreement must show the permit holder will be in control of the daily activities of the vessel during the time of the lease.

(d) No reassignment shall be effective until the permit holder has received approval from the Department and an updated permit.

(e) If a permit is ~~reassigned~~ **transfer** to a vessel under the ownership of other than the permit holder, the permit holder or designated vessel operator must be aboard the vessel during harvest activities under the permit.

(6) Renewal of permits:

(a) Permits may be renewed by submission, to the Department, of the appropriate fee and a complete application date-stamped or postmarked before January 1 of the year for which renewal is sought, except renewal applications for box crab permits must be postmarked or date-stamped before December 1 of the year prior to which renewal is sought;

(b) An application for renewal shall be considered complete if it is legible and has all information requested on the form and is accompanied by the required fee in full. Any application which is not complete shall be returned, and unless it is thereafter resubmitted and deemed complete before the deadline listed in section (6)(a) above, the individual shall not be considered to have applied for renewal in a timely manner;

(c) It is the responsibility of the permit holder to ensure an application is complete and is filed in a timely manner. Failure of the Department to return an application for incompleteness or of an individual to receive a returned application shall not be grounds for treating the application as having been filed in a timely and complete manner;

(d) In addition to timely and complete filing to renew a permit, a permit holder must annually lawfully land the required pounds and/or landings listed in OAR 635-006-0850. However, if a permit holder obtained a permit later

than July 1 of the prior year, the permit holder shall not be required to make the annual landing requirement by the following January. Instead, at the next renewal thereafter, the permit holder shall be required to demonstrate the annual landing requirement was fulfilled during the first full year in which the permit was held.

(e) Landings made by one vessel can not be used for qualification to renew more than one permit per permit category in any given year.

(f) In addition to the above landing requirements, logbooks required under OAR 635-006-0890 must be turned into an ODFW office by the application deadline for renewal of a permit.

(7) Authority of Director: Consistent with OAR 635-006-0810 through 635-006-0950, the Director is authorized to issue Developmental Fisheries Permits under the authority of ORS 506.460.

Stat. Auth.: ORS 506.109 and ORS 506.119

Stats. Implemented: ORS 506.129 and ORS 506.450

### Restricted Participation Systems

#### 635-006-1025

##### Permit Fee

The annual fee to participate in limited entry fisheries is as follows:

(1) Gillnet salmon:

**(a) The annual fee is [-]\$125.00<sup>[75]</sup> (plus a \$2.00 license agent fee) for resident applicants and \$290.00 (plus a \$2.00 license agent fee) for nonresident applicants.** See ORS 508.790, **ORS 508.775** and Section 6, Chapter 512, Oregon Laws 1989.

**(b) A fee of \$100.00 shall be charged for each transfer of participation rights under this section.**

(2) Troll salmon:

**(a) The annual fee is [-]\$125.00<sup>[75]</sup> (plus a \$2.00 license agent fee) for resident applicants and \$290.00 (plus a \$2.00 license agent fee) for nonresident applicants.** See ORS 508.816, **ORS 508.822** and Section 6, Chapter 512, Oregon Laws 1989.

**(b) A fee of \$100.00 shall be charged for each transfer of participation rights under this section.**

(3) Shrimp:

**(a) The annual fee is [-]\$125.00<sup>[75]</sup> (plus a \$2.00 license agent fee) for resident applicants and \$290.00 (plus a \$2.00 license agent fee) for nonresident applicants.** See ORS 508.901 **and 508.907.**

**(b) A fee of \$100.00 shall be charged for each transfer of participation rights under this section.**

(4) Scallop:

**(a) The annual fee is [-]\$125.00<sup>[75]</sup> (plus a \$2.00 license agent fee) for resident applicants and \$290.00 (plus a \$2.00 license agent fee) for nonresident applicants.** See ORS 508.858 **and 508.840.**

**(b) A fee of \$100.00 shall be charged for each transfer of participation rights under this section.**

(5) Roe-herring:

**(a) The annual fee is [-]\$125.00<sup>[75]</sup> (plus a \$2.00 license agent fee) for resident applicants and \$290.00 (plus a \$2.00 license agent fee) for nonresident applicants.** See ORS 508.765.

**(b) A fee of \$100.00 shall be charged for each transfer of participation rights under this section.**

(6) Sea Urchin:

**(a) The annual fee is [-]\$100.00<sup>[75]</sup> (plus a \$2.00 license agent fee) for resident applicants and \$290.00 (plus a \$2.00 license agent fee) for nonresident applicants.** See ORS 508.760.

**(b) A fee of \$100.00 shall be charged for each transfer of participation rights under this section.**

(7) Ocean Dungeness crab:

**(a) The annual fee is [-]\$125.00<sup>[75]</sup> (plus a \$2.00 license agent fee) for resident applicants and \$290.00 (plus a \$2.00 license agent fee) for nonresident applicants.** See ORS 508.941(4).

**(b) A fee of \$100.00 shall be charged for each transfer of participation rights under this section.**

(8) Black rockfish/blue rockfish/nearshore fishery:

**(a) The annual fee is \$100.00<sup>[75]</sup> (plus a \$2.00 license agent fee).** See ORS 508.949 **and ORS 508.957.**

**(a) A fee of \$100.00 shall be charged for each transfer of participation rights under this section.**

(9) Brine Shrimp:

**(a) The annual fee is [-]\$100.00<sup>[75]</sup> (plus a \$2.00 license agent fee) for resident applicants.**

(10) Bay clam dive fishery:

**(a) The annual fee is [-]\$100.00<sup>[0]</sup> (plus a \$2.00 license agent fee) for resident applicants.**

(11) Sardine fishery:

**(a) The annual fee is [-]\$100.00<sup>[0]</sup> (plus a \$2.00 license agent fee) for resident applicants.**

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109

## **635-006-1075**

### **Renewal of Permit**

(1) An individual who obtained a limited entry permit may renew the permit as follows:

(a) Gillnet salmon - see ORS 508.781 **and 508.790;**

(b) Troll salmon - see ORS 508.807 **and 508.816;**

(c) Shrimp - see ORS 508.892 **and 508.907;**

(d) Scallop - see ORS 508.849 **and 508.858;**

(e) Roe-herring permit - Permits may be renewed by submission to the Department of a **\$125.00<sup>[75]</sup> fee (plus a \$2.00 license agent fee) for resident applicants and \$290.00 fee (plus a \$2.00 license agent fee) for nonresident applicants** and a complete application;

(f) Sea Urchin permit:

(A) Permits may be renewed by submission to the Department of a **\$100.00<sup>[75]</sup> fee (plus a \$2.00 license agent**



**fee for resident applicants and \$290.00 fee (plus a \$2.00 license agent fee) for nonresident applicants** and a complete application date-stamped or postmarked by January 31 of the year for which renewal is sought; and  
(B) The permittee shall have annually lawfully landed 5,000 pounds of sea urchins in Oregon. If a permittee obtained a permit later than January of the prior year (because the permit was obtained through the lottery, or as a result of the Commercial Fishery Permit Board actions or surrender of a permit by a permit holder), the permittee shall not be required to make the 5,000 pound landing requirement by the following January. Instead, at the next renewal thereafter, the permittee shall be required to demonstrate that the 5,000 pound landing requirement was fulfilled during the first full year (twelve-month period) in which the permit was held.

(g) Ocean Dungeness crab permit - see ORS 508.941. A permit which is not renewed by December 31 lapses, and may not be renewed for subsequent years.

(h) Black rockfish / blue rockfish / nearshore fishery - see ORS 508.947.

(i) Brine Shrimp permit:

(A) Permits may be renewed by submission to the Department of a **\$125.00[75] fee (plus a \$2.00 license agent fee) for resident applicants and \$290.00 fee (plus a \$2.00 license agent fee) for nonresident applicants** and a complete application date-stamped or postmarked by January 31 of the year for which renewal is sought; and  
(B) The permittee shall have lawfully landed 5,000 pounds of brine shrimp in Oregon in the prior year.

(j) Bay clam dive fishery:

(A) Permits may be renewed by submitting to the Department a complete application date-stamped or postmarked by January 31 of the year for which renewal is sought and;

(B) The permittee shall have lawfully made five landings consisting of at least 100 pounds each landing or an annual total of 2,500 pounds of bay clams, using dive gear in Oregon in the prior calendar year;

(C) Logbooks required under OAR 635-006-1110 must be turned into an ODFW office by the application deadline for renewal of a permit.

(D) If a permit is transferred under OAR 635-006-1095(10)(d), annual renewal requirements are waived in the year the transfer occurred.

(k) Sardine fishery:

(A) Permits may be renewed for the following year:

(i) by submitting a complete application to the Department date-stamped or postmarked by December 31 of the year the permit is sought for renewal and;

(ii) submitting the logbooks required under OAR 635-006-1110; and

(iii) if during the year preceding the calendar year for which the permit is sought for renewal, the federal coastwide maximum harvest guideline referenced in OAR 635-004-0016 was greater than 100,000 metric tons and the permitted vessel lawfully landed into Oregon either (I) a minimum of 10 landings of sardines of at least 5 metric tons each, or (II) landings of sardines having an aggregate ex-vessel price of at least \$40,000.

(B) The Commercial Fishery Permit Board may waive the landing requirements of section (A)(iii) of this rule if it finds that the failure to meet these requirements is due to the permit holder's illness or injury, or to circumstances beyond the control of the permit holder. Final Orders shall be issued by the Commercial Fishery Permit Board

and may be appealed as provided in ORS 183.480 through 183.550.

(C) The Commission may, at its discretion, waive the landing requirements of section (A)(iii) of this rule for all Limited Entry Sardine Permit holders due to unusual market conditions.

(2) An application for renewal in any limited entry fishery shall be considered complete if it is legible, has all information requested in the form, and is accompanied by the required fee in full. Any application which is not complete shall be returned, and unless it is thereafter resubmitted and deemed complete by December 31 of the permit year sought, the individual shall not be considered to have applied for renewal in a timely manner.

(3) It is the responsibility of the permittee to ensure that an application is complete and is filed in a timely manner. Failure of the Department to return an application for incompleteness or of an individual to receive a returned application shall not be grounds for treating the application as having been filed in a timely and complete manner.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109, 506.129, and 508.921 through 508.941

### **635-006-1085**

#### **Lottery for Certain Limited Entry Fisheries**

(1) A lottery process is provided in all limited entry fisheries except ocean Dungeness crab.

(2) A lottery for issuance of permits shall be conducted as follows:

(a) Gillnet salmon - see ORS 508.792;

(b) Troll salmon - see ORS 508.819;

(c) Shrimp - see ORS 508.904;

(d) Scallop - see ORS 508.861. If the number of permits issued in accordance with ORS 508.849 falls below 25, the Department in the next succeeding calendar year may issue permits by a lottery system. However, the total number of permits issued shall not exceed 25;

(e) Roe-herring - If the number of permits issued in accordance with OAR 635-006-1035 falls below six, the Department in the next succeeding calendar year may issue permits by a lottery system. However, as a result of any such lottery, the total number of permits issued shall not exceed six;

(f) Sea Urchin:

(A) If the total number of permits which have been renewed, and/or for which an appeal is pending, with the Commercial Fishery Permit Board and/or awarded through a prior lottery, is less than 30, a lottery shall be held on the 4th Friday in April;

(B) An individual must be 18 years of age or older and furnish proof of age to be eligible for the lottery;

(C) An individual may not already hold a valid urchin permit, however, an individual whose permit is at issue in a pending Sea Urchin Permit Board proceeding or before a court of law may participate in the lottery;

(D) If a permittee whose permit is at issue either before the Sea Urchin Permit Board or a court of law is awarded another permit through the lottery and thereafter prevails before the Board or in court, the permittee shall immediately surrender one of the permits to any Department office, so that only one valid permit is held;

(E) An individual who qualifies to participate in the lottery shall send a complete lottery application to the

Department, date-stamped or postmarked no later than April 15 of the year for which the permit is to be issued. An individual shall not submit more than one application to participate in the lottery. For successful applicants, the application fee shall apply toward the permit fee of \$100.00[75] (plus a \$2.00 license agent fee) for resident applicants and \$290.00 (plus a \$2.00 license agent fee) for nonresident applicants;

(F) The names of lottery applicants shall be drawn to obtain the available permits. All other names of lottery applicants shall be drawn and placed on an alternate list in the order in which they were drawn, and shall be issued permits during the next 24 months as they may become available through Permit Board actions or surrender of permits by a permit holder;

(G) An individual whose name is drawn in the lottery shall thereafter apply on the prescribed form, to the Department to obtain a permit. Such application must be received by the Department within 30 days of the date the notification was mailed to the successful applicant following the lottery;

(H) Any individual who fails to apply for the lottery permit within 30 days shall forfeit such permit. The permit shall then be made available to the first name on the alternate list, and shall be applied for in accordance with section (G) of this rule;

(I) If all permits are not issued by renewal or through the lottery, permits thereafter may be issued on a first come first served basis up to the total number of permits allowed. All applications shall be mailed to the Department and priority shall be based on postmark or date-stamped date;

(J) The Commission may suspend the lottery for up to two years based upon its assessment of the condition of the resource and recommendations of the Sea Urchin Permit Review Board.

(g) Black rockfish / blue rockfish / nearshore fishery - see ORS 508.955. If the number of permits issued in accordance with ORS 508.947 falls below 80 for black rockfish and blue rockfish permits or 50 for black rockfish and blue rockfish permits with a nearshore endorsement, the Department in the next succeeding calendar year may issue permits by a lottery system. However, the total number of permits issued shall not exceed 80 for black rockfish and blue rockfish permits or 50 for black rockfish and blue rockfish permits with a nearshore endorsement.

(h) Brine Shrimp - If the number of permits issued in accordance with OAR 635-006-1035 falls below three, the Department in the next succeeding calendar year may issue permits by a lottery system. However, as a result of any such lottery, the total number of permits issued shall not exceed three;

(i) Bay clam dive fishery - If the number of permits issued in accordance with OAR 635-006-1035 falls below ten for coast-wide permits or five for south-coast permits, the Department may issue permits by a lottery system. However, as a result of any such lottery, the total number of permits issued shall not exceed ten for coast-wide permits or five for south-coast permits;

(j) Sardine fishery:

(A) If the number of permits issued in accordance with OAR 635-006-1035 falls below 24, the Department in the next succeeding calendar year may issue permits by a lottery system. However, as a result of such a lottery the total number of permits issued shall not exceed 26.

(3) Each applicant for a permit lottery shall complete the application form prescribed by the Department.

(4) Application for vessel permits shall only be accepted for vessels, which in the judgment of the Department, are capable of operating the gear necessary to legally participate in the fishery. Vessels of a size or design incapable of harvesting the permitted species are not eligible for the lottery.

(5) Only one application per vessel may be submitted for each permit fishery lottery.

(6) Any application which is not legible, has incomplete information, or is postmarked after the deadline will not be entered in the lottery. Applications for all permits will be accepted at the Salem headquarters office of the Department, and shall be postmarked or date stamped no later than March 31 of the year for which the permit is issued.

Stat. Auth.: ORS 506.119

Stats. Implemented: ORS 506.109

## **DIVISION 007**

### **Fish Transport Permit**

**635-007-0605**

#### **Permit Application**

(1) Any person wishing to obtain a Fish Transport Permit shall complete and submit to the Department the appropriate permit application form. [~~Application forms are available upon request from the Oregon Department of Fish and Wildlife.~~]

**(2) A fee of \$10.00 (plus a \$2.00 license agent fee) shall be charged for each Fish Transportation Permit issued by the Department.**

**(a) An invoices will be issued to Private Fish Suppliers for fish transferred to or from their production facilities for permits that the Department has issued the previous year.**

**(b) Invoice Payment must be received in full by March 1 for permits issued the previous year.**

**(c) Failure to pay invoice in full by March 1 shall result in suspension of approved permits.**

~~(2)~~**(3)** The Department may prescribe such terms and conditions in a permit as it deems necessary, including but not limited to, the period of time [~~usually 30 days~~] during which the transportation and/or release of fish is authorized.

~~(3)~~**(4)** Fish may be held for an indefinite period of time under a Fish Transport Permit. The permit, or a copy thereof, shall be made available for inspection upon request by the Department or the Oregon State Police.

Stat. Auth.: ORS 496.138, 496.146 and 506.119

Stats. Implemented: ORS 497.252 and 498.222

### **Scientific Taking Permit - Fish**

**635-007-0910**

#### **Permit Application**

(1) Any person or entity wishing to obtain a Scientific Taking Permit must complete and submit to the Department the appropriate permit application form. [~~Applications forms are available upon request from the Oregon Department of Fish and Wildlife.~~]

**(a) A fee of \$15.00 (plus a \$2.00 license agent fee) shall be charged for each Fish Scientific Taking Permit issued for scientific or educational purposes as part of a program or course of study at a K-12 educational institution.**

**(b) A fee of \$100.00 (plus a \$2.00 license agent fee) shall be charged for each Fish Scientific Taking Permit issued for any agency, corporation, association, or other such entity.**

(2) The Department may prescribe such terms and conditions in a permit as it may deem necessary to ensure that fish taken pursuant to the permit will be used only for scientific or educational purposes.

(3) Permits will not be issued to any person or entity for the purpose of collecting fish to sell to scientific or educational supply houses or to any other person or entity.

Stat. Auth.: ORS 496.138, 496.146 and 506.119

Stats. Implemented: ORS 497.298 and 508.111

## DIVISION 008

### DEPARTMENT OF FISH AND WILDLIFE LANDS

#### 635-008-0151

Procedures for Issuance and Enforcement of Parking Permits for Sauvie Island Wildlife Area.

The Oregon Department of Fish and Wildlife hereby adopts the following procedures relating to issuance and enforcement of parking permits for certain vehicles in Sauvie Island Wildlife Area parking areas:

(1) A parking permit is required at all times for all parking areas. Parking is permitted only in designated parking areas.

(2) Parking areas are designated by the following signs:

(a) "Entering Sauvie Island Wildlife Area - Parking Permits Required Beyond This Point";

(b) "Parking allowed only in designated areas - Sauvie Island Wildlife Area Parking Permit Required".

(3) There are two separate permits of different colors: an annual permit and a daily permit.

(4) The fee for parking permits is [~~\$2.00~~] **\$5.00 (plus a \$2.00 license agent fee)** for permits issued on a daily basis or [~~\$9.50~~] **\$20.00 (plus a \$2.00 license agent fee)** for permits issued on an annual basis beginning each January 1.

(5) Permits are issued by selected local agents to a party upon payment and may be transferred from vehicle to vehicle.

- (6) The permits must be visible from outside the vehicle and be displayed in the front or rear window of the vehicle.
- (7) No parking permits will be required for those vehicles which are owned or operated by government agencies.
- (8)(a) A person who operates or parks a motor-propelled vehicle in violation of restrictions established and posted under OAR 635-008-0146 through 635-008-0151 commits an offense punishable as provided in ORS 496.992;
- (b) Except as otherwise provided in subsection (8)(a) of this section, a person who is the owner of an unattended motor-propelled vehicle parked in violation of restrictions established and posted under OAR 635-008-0146 through 635-008-0151 is guilty of a violation punishable as described in ORS 161.635 without regard to culpable mental state;
- (c) The procedure for a police officer to follow upon finding a non government vehicle parked in designated parking area without a permit shall consist of the issuance of a notice which shall be either delivered to the defendant or placed in a conspicuous place upon the vehicle in the violation.

Stat. Auth.: ORS. 496.012, 496.138, 496.146 & 497.071

Stats. Implemented: ORS 496.012, 496.138, 496.146 & 497.071

## **LICENSE AGENTS**

### **DIVISION 10**

#### **PROCEDURES FOR ESTABLISHING, OPERATING, DISCONTINUING AND SUSPENDING LICENSE AGENCIES**

##### **635-010-0007**

###### **Computerized Licensing System Agents**

- (1) All agents must use the Department's computerized licensing system for issuing documents, except for issuing Prepaid Daily Angling Licenses.
- (2) All Agents must issue documents according to the "Point-of Sale License Agent User Manual" provided by the Department.
- (3) Agents may retain a fee of [~~75~~] **\$1.00** [~~cents~~] for regular licensing documents and \$2.50 for a sportsman's license. Agents may not charge or accept any additional service or processing fees. Agents must deposit in the bank account identified in the Agreement all other monies collected from the sale of licensing documents.
- (4) For the purposes of this rule, the Department may determine Agents having more than one location and owned by a single entity are one agent.

Stat. Auth.: ORS 497.022

Stats. Implemented: ORS 497.022

##### **635-010-0157**

### **Free Resident Licenses for Disabled Veterans**

(1) Pursuant to ORS 497.102 and 497.121, a disabled war veteran is entitled to a free hunting license ~~[and]~~, angling license and shellfish license if the veteran meets the following requirements. The license remains valid so long as the licensee remains an Oregon resident.

(a) The veteran has been an Oregon resident for at least six months; and

(b) The veteran provides to the Department written certification from the U.S. Veteran's Administration or any branch of the U.S. Armed Forces that the veteran is at least 25 percent disabled.

(2) Any valid permanent angling license issued before January 1, 2000, to a person permanently confined to a wheelchair is valid for as long as the licensee is a resident of Oregon.

Stat. Auth.: ORS 496, ORS 497 & Ch. 25, OL 1999

Stats. Implemented: ORS 496 & ORS 497, Ch. 25, OL 1999

### **635-010-0170**

#### **Licenses, tags or documents available by mail order, fax or Internet.**

1) All licenses, tags, permits or validations sold by the Department over the Internet fall into one of three categories concerning how the sale is made: Instant; Temporary; or Postal. Postal transactions are also available by mail order or fax.

a) Instant: means that the internet purchase results in an immediate sale and printing of the item, allowing the purchaser to make immediate use of item purchased. No other action is required to complete the transaction. The items in this category are:

A) Daily Angling Licenses: one-, two-, three-, four- and seven-day licenses;

B) Three-day Nonresident Shellfish licenses;

C) Three-day Nonresident Bird Hunting Licenses;

D) Big Game controlled hunt applications;

E) Game Bird controlled hunt applications;

F) Sauvie Island Daily parking permits;

G) Band-tailed Pigeon permits;

H) Black Brant Permits;

I) Sage Grouse Permits;

J) Fern Ridge Reservation Permits;

K) Klamath Reservation Permits; and

L) Sauvie Island Reservation Permits.

b) Temporary: means that the internet purchase results in an immediate sale and printing of the item, allowing the purchaser to make limited use (10 days) of the item purchased. The Department will send the final, permanent item to the purchaser via postal mail. The items in this category are:

A) HIP Migratory Bird Validations;

B) HIP Upland Bird Validations;

- C) HIP Crow Validations;
- D) Nonresident Game Bird Validations;
- E) Upland Game Bird Validations;
- F) Waterfowl Bird Validations;
- G) Sauvie Island Annual Parking Permits;
- H) Sea Duck Permits; [~~and~~]

**(I) Aquatic Invasive Species Prevention Permit;**

**(J) Two-Rod Angling License; and**

[~~H~~] **(K)** all annual hunting and angling licenses;

c) Postal: means that the internet purchase results in an immediate sale and the printing of a transaction receipt, but that the Department mails the actual item to the purchaser via postal mail. The privilege(s) purchased is not valid until the purchaser receives the item. The items in this category are:

- A) Combined Hunting Tags;
- B) Combined Angling Tag;
- C) Hatchery Harvest Tag;
- D) All Big Game Tags (controlled hunt and general season);
- E) Pheasant Tags;
- F) NW Oregon Goose Permit; and
- G) Turkey Tags.

2) The Department will charge shipping and handling fee of \$2.00 per session whenever a person makes a purchase via Internet, fax, or mail order. This fee is in addition to all other document costs and covers the processing, printing, and postal mailing of the requested documents.

Stat. Auth.: ORS 496 & ORS 497

Stats. Implemented: ORS 496 & ORS 497

**DIVISION 043**

**MISCELLANEOUS PERMITS AND RECORDS**

**635-043-0033**

**Cost of Permit**

[~~Scientific Taking Permits shall cost [\$10] effective with permits issued for 1992 and shall expire on December 31 of the year issued.~~]

**(1) Wildlife Scientific/ Educational Taking Permits (K-12 grades) shall cost \$15.00 (plus a \$2.00 license agent fee) and shall expire on December 31 of the year issued.**

**(2) Wildlife Scientific/ Educational Taking Permits (other) shall cost \$100.00 (plus a \$2.00 license agent fee) and shall expire on December 31 of the year issued.**

Stat. Auth.: ORS 183 & ORS 496



**DIVISION 044**  
**HOLDING, PROPAGATING, PROTECTED WILDLIFE**

**635-044-0030**

**Cost and Expiration Date of Wildlife Holding Permit**

**Any person desiring to obtain a Wildlife Holding Permit must submit a complete application and a non refundable application fee of \$7.00 (plus a \$2.00 license agent fee).** [~~The permit shall cost \$1 and~~] **Wildlife Holding permit shall** expire on December 31 of the year issued.

Statutory Authority: 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498. 222, 498.242

Stats Implemented: 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, and 498. 222, 498.242

**Wildlife Propagation License Regulations**

**635-044-0060**

**License Required to Propagate Wildlife**

(1) Any person desiring to propagate for sale any game mammal (excluding the family Cervidae), game bird, or tiger salamander (*Ambystoma tigrinum*) (excluding Blotched tiger salamander *A. t. melanostictum*) or desiring to sell any propagated game mammal (excluding the family Cervidae), game bird, or tiger salamander (*Ambystoma tigrinum*) (excluding Blotched tiger salamander *A. t. melanostictum*) must first secure a Wildlife Propagation License by applying on a form provided to the Oregon Department of Fish and Wildlife. The application shall list the wildlife species and numbers being held for propagation purposes, or the species being held for sale. The application shall also include the date of application, and the name, address, and signature of applicant.

**(2) Wildlife Propagation License shall cost \$25.00 (plus a \$2.00 license agent fee) and shall expire on December 31 of the year issued.**

~~(2)~~ **(3)** Any person desiring to propagate and sell any raptor must adhere to all permit requirements and regulations pertaining to the propagation and selling of raptors, as adopted by the U.S. Department of the Interior on July 8, 1983. (Federal Register, Vol. 48, No. 132, Part 21)

Statutory Authority: 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498. 222, 498.242  
Stats Implemented: 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498. 222, 498.242

## DIVISION 47

### PRIVATE HUNTING PRESERVE RULES

#### 635-047-0025

##### Marking of Birds

All privately owned game birds to be released must be premarked in a manner prescribed by the Department:

(1) All game birds reared for release upon hunting preserves shall be identified by a healed toe mark or be marked with a plastic poultry band or marked by a nasal scar. A nasal scar is a permanent deformity caused by an anti pecking device. For a healed toe mark, the terminal joint, including the entire toenail, shall be clipped from the outside of the right foot of each chick.

(2) In the event that an operator acquires birds that have not been marked, they shall be banded prior to release by the operator with plastic poultry bands or other bands approved by the Department.

(3) Any wild game bird incidentally taken upon a hunting preserve at any time other than the general open season therefore shall be immediately marked with a wild bird seal that has been issued by the Department. The fee for such seals shall be [~~\$10.00~~] **\$15.00** each. Any unused wild bird seals may be submitted for refund not later than 30 days after the close of business if a preserve discontinues operation.

(4) Operators shall pay for in advance and have on hand not less than 10 wild bird seals at all times.

(5) A wild bird seal shall be securely affixed to any wild bird taken outside the general season or any wild hen pheasant before it leaves the premises of the hunting preserve.

(6) A record of the date of issue and the names and address of persons receiving wild bird seals must be maintained by the operator and available to Department personnel or enforcement officers at all times.

Stat. Auth.: ORS 496.012, 496.138, 496.570, 497.102, 497.156, 497.248

Stats Implemented: ORS 496.012, 496.138, 496.570, 497.102, 497.156, 497.248

#### 635-047-0035

##### Fees

(1) Fee for hunting preserve license shall be [~~\$101.50~~] **\$200.00(plus a \$2.00 license agent fee)** per year, [~~including agents fee~~].

(2) Licenses issued under this rule shall be issued for a period of July 1 to June 30 of the following year.

Stat. Auth.: ORS 496.112, 496.138, 496.146, and 496.162

Stats Implemented: ORS 496.112, 496.138, 496.146, and 496.162

#### 635-047-0045

### **License Requirements of Hunters**

State hunting licenses shall be required of all persons hunting on hunting preserves. Residents shall be required to possess either a resident hunting license or an annual resident private hunting preserve permit. The resident private hunting preserve permit shall cost [~~\$4.50~~] **\$4.00 (plus a \$2.00 license agent fee)** [~~(agent fee included)~~] and is good for the entire hunting preserve season on any licensed hunting preserve. Nonresidents shall be required to possess a regular nonresident hunting license, or an annual nonresident private hunting preserve permit. The nonresident private hunting preserve permit shall cost [~~\$10.50~~] **\$10.00 (plus a \$2.00 license agent fee)** [~~(agent fee included)~~] and shall be good for the entire hunting preserve season on any licensed hunting preserve in the state. Operators may obtain special hunting preserve permits for reissue to their clients from the Department. Operators who are not authorized license agents of the Department shall pay in advance for the special [~~\$4.50~~] **\$4.00 (plus a \$2.00 license agent fee)** resident and [~~\$10.50~~] **\$10.00 (plus a \$2.00 license agent fee)** nonresident hunting preserve permits and maintain a record of all sales. Operators shall have on hand a minimum of not less than ten resident and not less than ten nonresident special preserve permits at all times. Operators may return unissued preserve permits for refund within 30 days of close of business in the event they discontinue operation.

Stat. Auth.: ORS 496.012, 496.138, 496.570, 497.102, 497.156, 497.248

Stats Implemented: ORS 496.012, 496.138, 496.570, 497.102, 497.156, 497.248

## **DIVISION 048 HUNTER EDUCATION**

### **635-048-0030**

#### **Issuing Duplicate Certificates of Course Completion**

**(1)** Duplicate certificates of course completion shall be issued only through a field office or the Salem headquarters office of the Department. A permanent duplicate will be issued only when the student's registration card is on file. **Duplicate Certificates are:**

**(a) free of charge if the student is a minor ; or**

**(b) a fee of \$10.00 will be charged if the student is 18 yrs or older .**

**(2)** A temporary duplicate (valid only through the end of that year) will be issued when a student's records are not on file, if the student provides an affidavit, signed by the student and a parent or guardian if the student is a minor, stating that the student has successfully completed the required course. Such students may obtain a permanent duplicate only by successfully repeating the required course.

Stat. Auth.: ORS Ch. 496 & 497

Stats Implemented: ORS 496.012, 496.138, 496.146 and 497.360

**DIVISION 049**  
**PRIVATE HOLDING OR PROPAGATING OF CERVID SPECIES**

**635-049-0270**

**Application for Cervid Propagation License - Type 2**

(1) Person desiring to hold or propagate live fallow deer or reindeer must first secure a Cervid Propagation License - Type 2 by applying to the Department's headquarters office.

(a) The application shall list the:

(A) Cervid species and numbers to be held;

(B) Date of application;

(C) Location and size of the facility; and

(D) Name, address, and signature of the applicant.

(b) Provided review of the application indicates the proposed operation meets the requirements of OAR Chapter 635, Division 049, the Department will notify the applicant of preliminary approval and the need for a facility inspection.

(2) The fee for a Cervid Propagation License - Type 2 shall be [~~five (\$5) dollars~~] **\$25 (plus a \$2.00 license agent fee)** annually.

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

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

**DIVISION 050**  
**FURBEARING AND UNPROTECTED MAMMAL REGULATIONS**

**635-050-0180**

**Bobcat and River Otter Record Cards**

(1) Each person desiring to hunt or trap bobcat or river otter shall purchase a bobcat or river otter record card prior to hunting or trapping bobcat or river otter.

(2) Bobcat record cards will be available for a fee of [~~\$11.50~~] **\$20.00 (plus a \$2.00 license agent fee)** per card.

(3) River otter record cards will be available for a fee of [~~\$6.50~~] **\$15.00 (plus a \$2.00 license agent fee)** per card.

(4) Record cards will be available at the Salem headquarters and regional offices of the Department.

(5) River otter cards will have spaces for recording 15 river otters. There is no limit on the purchase of river otter record cards.

(6) Each western Oregon bobcat record card will have spaces for recording 15 bobcats. There is no limit on purchase of western Oregon bobcat record cards.

(7) Each eastern Oregon bobcat record card will have spaces for recording seven bobcats.

- (8) No more than one card for seven eastern Oregon bobcats will be issued any furtaker or hunter. A duplicate card may be issued, but no more than seven eastern Oregon bobcats may be taken in a season.
- (9) No person may obtain or possess both eastern and western Oregon bobcat record cards.
- (10) Bobcat and river otter record cards shall not be sold after the end of their respective seasons.
- (11) Each furtaker shall have the appropriate record card on his person while trapping or hunting bobcat or river otter.
- (12) Furtakers shall not have record cards other than their own on their person while in the field.
- (13) Upon coming into possession of any bobcat or river otter, the furtaker shall immediately write on the record card, species, sex, date of possession and county of harvest.
- (14) Each furtaker shall retain the record card until he disposes of the raw pelts.
- (15) Fees paid for unused record cards shall not be refunded.
- (16) It is *unlawful* to alter or be in possession of an altered bobcat or river otter record card.
- (17) Each licensee shall register a brand number to obtain a bobcat or river otter record card.

Statutory Authority: 496.012, 496.138, 496.146, 496.162

Stats Implemented: 496.012, 496.138, 496.146, and 496.162

## **DIVISION 55**

### **FALCONRY LICENSES, PERMITS AND REQUIREMENTS**

#### **635-055-0015**

##### **Cost and Expiration Date of Falconry License**

- (1) The fee for a falconry license shall be [~~\$50~~] **\$125.00 (plus a \$2.00 license agent fee)**.
- (2) The falconry license is valid for three years. The three year period shall extend from July 1 of the year of issue to June 30 of the third year.

**EXAMPLE:** A license issued on November 1, 2001 will expire on June 30, 2004.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496

#### **635-055-0025**

##### **Inspections, Facilities and Equipment**

The following facilities and equipment, in good operating condition, shall be in the possession of an applicant and shall be inspected and certified by the Department or a designated representative possessing knowledge of falconry facilities before a falconry license is issued. An inspection fee of [~~\$10~~] **\$15.00** shall be assessed for an inspection of facilities and shall accompany an inspection request form from the falconer. A facilities inspection is required for all new falconry applicants, falconers from another state who have moved to Oregon and Oregon falconers with newly constructed facilities. The raptor housing facilities shall provide protection from adverse weather, predators, and disturbance. All facilities and equipment shall be maintained at or above the level

approved and are subject to inspection by the Department or Oregon State Police at any time. Inspection of facilities may take place without warrant or notice but, unless prompted by emergency or other extenuating circumstances, shall be limited to regular and usual business hours, including weekends.

(1) Indoor facilities (mews) shall be large enough to allow easy access for care of raptors. Each raptor shall have an area large enough to fully extend its wings. If more than one incompatible raptor is kept in the same structure, they shall be separated by tethering or partitions. All partitions and inner walls shall be constructed of smooth, nonabrasive material. Each structure shall have at least one window, and all windows shall be protected on the inside by smooth, vertical bars spaced narrower than the width of the bird's body. All doors shall be secure and easily closed. The floor shall be well drained and easily cleaned. Perches shall be provided for each raptor and of a design and location that provide the raptor suitable and injury free perching.

(2) Outdoor facilities (weathering area) shall be fenced and covered with netting or wire, or roofed to protect the raptors from disturbance and other predators. A fenced area without a cover may be used if each perch is at least 6 feet high. The enclosed area shall be large enough to insure that the tethered raptors cannot strike the fence when flying from the perch. Raptors shall not be exposed to excessive sun, wind, and precipitation. Perches shall be provided for each raptor of a design and location that provide the raptor suitable and injury-free perching. It is permissible to construct the mew and the weathering area in combination, provided the requirements of both facilities are met.

(3) Temporary holding facilities may be used to transport or hold a raptor for not more than 30 consecutive days. Temporary facilities shall contain a perch, be adequately ventilated, be sanitary and provide protection from adverse weather.

(4) Jesses -- at least one pair of Aylmeri bracelets or similar type jesse arrangements, constructed of pliable, high quality leather or suitable synthetic material shall be used when any raptor is flown free. (Traditional one-piece jesses may be used on raptors when not flown.)

(5) Leashes and swivels -- at least one flexible, weather resistant leash and one strong swivel of acceptable falconry design.

(6) Bath container -- at least one suitable container for each raptor, two to six inches deep and wider than the length of the raptor for drinking and bathing.

(7) Outdoor perches -- at least one weathering area perch of acceptable design shall be provided for each raptor.

(8) Weighing device -- an operative scale or balance suitable to weigh raptors, graduated in at least 1/2 ounce (15 gram) increments.

Stat. Auth.: ORS 496.012, ORS 496.112, ORS 496.138, ORS 496.146 & ORS 496.162

Stats. Implemented: ORS 496.012, ORS 496.112, ORS 496.138, ORS 496.146 & ORS 496.162

**635-055-0035**

**Capture and Transportation of Raptors**

A raptor capture permit is required prior to capturing or attempting to capture any raptor. A non-resident falconer from a state having a federally approved falconry program may obtain a capture permit for a red-tailed hawk, Cooper's hawk, sharp-shinned hawk, prairie falcon, peregrine falcon, great horned owl, golden eagle or American kestrel only. All non-resident applications must include copies of current state and federal falconry permits. All applicants for golden eagle capture must include a copy of the federal authorization to take golden eagles. Only 20 non-resident capture permits will be issued in total each capture season. All non-resident capture permits, except for capture permits for peregrine falcons, will be issued on a first come first served basis.

(1) An application fee of [~~\$10~~] **\$15.00 (plus a \$2.00 license agent fee)** will be charged for each capture permit allowing the capture of one raptor per permit.

(2) Except for take of nestling (eyas) peregrine falcons, the Department will issue capture permits in the order applications are received. The permit process will begin January 1st of each year, and applicants must hold a valid Oregon falconry license. The category of species shall be listed on the permit (e.g. "golden eagle", "gyrfalcon", "eyas peregrine falcon", or "other raptor") and the falconer is authorized to take only one raptor from the category specified. A falconer may apply for a capture permit in more than one category. The falconer whose name appears on the permit must do the capturing except for peregrine falcon nestlings; the permit is not transferable.

(3) Capture permit applications for nestling peregrine falcons may be submitted to the Department beginning January 1st and received no later than March 1st of each year. The Department will issue peregrine falcon capture permits by way of a lottery draw pursuant to OAR 635-055-0037.

Of the number of permits available for issuance annually, the Department will make one such permit available to nonresidents. Each permit will include conditions crafted by the Department on a case by case basis to address the particular proposal to capture peregrine falcons. Such conditions may include, but are not limited to, requirements to protect the safety of falconers and other humans during capture of peregrine falcons, and shall specify where the permittee may capture peregrine falcons. The following general conditions apply to all peregrine falcon capture permits:

(a) Young falcons may be removed from their eyries from May 15th to June 30th daily and when only between 15 and 24 days of age. At least one nestling must be left in each eyrie prior to fledging.

(b) Permittee must be present when the nestling is being removed from the eyrie.

(c) Take of passage peregrine is unlawful.

(d) Each falconer who takes a peregrine falcon from the wild must report the sex and precise capture location to the Department and the U.S. Fish and Wildlife Service within 5 days after. If the falconer later determines that the sex of any peregrine falcon taken was reported incorrectly, then the falconer must submit a corrected report as soon as possible after discovering the error.

(e) Falconers must band each peregrine falcon taken with a band provided by the Department.

(f) After a captured falcon reaches 30 days of age, the falconer must pluck breast feathers from the falcon and submit them to the U.S. Fish and Wildlife Service, along with a written record of the precise location of where the bird was taken from in the wild. The address for submission is U.S. Fish and Wildlife Service, Division of Migratory Bird Management, 4401 North Fairfax Drive, Mail Stop 4107, Arlington, Virginia 22203-1610.

- (4) Upon taking the raptor authorized, the permittee shall immediately validate the permit by recording the date, species, sex, county, and capture method and signing his/her name in the space provided. At the time of capture, the permittee shall affix the permanent plastic band, issued with the permit, to one leg of the bird. Within five business days of capture, the permittee shall take the bird to a Department office to have the permit certified.
- (5) Lost, raptors at hack, or captive bred raptors may be retrapped at anytime without a capture permit. All other raptors captured shall be immediately released.
- (6) Exportation of wild caught raptors - No raptor taken from the wild in Oregon shall be transferred to another person residing outside the state except those Oregon wild caught raptors held for six months or longer may be transferred to another person residing outside the state.
- (7) An Oregon licensed falconer is allowed to retain legally captured raptors in their possession if they move from Oregon.
- (8) Falconers are responsible for treatment and rehabilitation costs of raptors taken for falconry and injured during trapping efforts.

Stat. Auth.: ORS 496.012, 496.112, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.112, 496.138, 496.146 & 496.162

### **635-055-0037**

#### **Peregrine falcon capture permit process**

- (1) The Department will conduct the lottery to award peregrine falcon capture permits by drawing names of eligible entrants at random. To participate in the lottery, a person must:
  - (a) (if an Oregon resident) possess a current Master Falconers license as per OAR 635-055-0002 or (if a non-resident) possess a Master Falconers license from a state having a federally approved falconry program; and
  - (b) pay the Department a [~~\$10~~] **\$15.00 (plus a \$2.00 license agent fee)** application fee. Application fees are nonrefundable, whether or not an applicant is successful in the drawing.
- (2) Peregrine capture permit applications (including fees) must be submitted to the Department's Salem headquarters office no later than March 1 each year.
  - (a) If hand delivered, an application must be received at Department headquarters office (3406 Cherry Ave, NE, Salem, OR, 97303) by 5:00 p.m. on March 1
  - (b) If sent via postal mail, an application must be postmarked no later than March 1.
- (3) If an applicant violates any of the following restrictions, the Department will remove his or her application from the drawing.
  - (a) An applicant may submit only one peregrine capture permit application per capture season.
  - (b) An applicant must submit a completed application containing name, license number, address, and phone number.
- (4)(a) During each year's lottery, the Department will draw six Oregon resident applications and two alternates, plus one non-resident application and a non-resident alternate.
- (b) The Department will notify successful applicants and alternates by mail. If the applicant does not reply in



writing (mail, fax, or email) within 10 calendar days, the applicant will be disqualified and the Department will offer the permit to the next alternate. If neither alternate replies in the required time, the permit will not be issued.

(5) Peregrine falcon capture permits are not transferable.

Stat. Auth.: ORS 496.012, 496.112, 496.138, 496.146 & 496.162

Stats. Implemented: ORS 496.012, 496.112, 496.138, 496.146 & 496.162

## DIVISION 056

### IMPORTATION, POSSESSION, CONFINEMENT, TRANSPORTATION AND SALE OF NONNATIVE WILDLIFE

#### 635-056-0075

##### Controlled Fish Species

(1) Grass carp (*Ctenopharyngodon idella*): Grass carp may be released into water bodies within Oregon only pursuant to the issuance of a permit from the Department. Complete permit applications shall be submitted to Department headquarters at least 60 days before proposed stocking. **A fee of \$100.00 (plus a \$2.00 license agent fee) shall be charged for each Grass carp permit issued.**

(2) (a) The following restrictions and standards will govern the issuance of grass carp permits:

(A) Stocking will occur only in water bodies which are:

(i) Completely within private land; or

(ii) On land owned or controlled by irrigation districts or drainage districts.

(B) Stocking will occur only in the following types of water bodies:

(i) Lakes, ponds, or reservoirs less than 10 acres; or

(ii) Ditches and canals.

(C) Public use of the water body must be restricted to prevent removal of grass carp (by angling or otherwise) by unauthorized persons. At a minimum, the water body must be closed to angling and other use by the general public.

(D) Stocking shall not detrimentally affect any population of species listed as threatened or endangered by the federal or state government.

(E) Stocking shall occur only in water bodies with fish screens approved by the Department. Such screens shall have screen openings 1 inch or less for fish 12–19 inches total length and screen openings 2 inches or less for fish over 19 inches total length. Screens shall be inspected and approved by the Department before a permit will be issued. The applicant must comply with fish passage requirements (OAR 635, Division 412); given grass carp screening requirements, this entails applying for and receiving a waiver or exemption from passage requirements if grass carp will be stocked into waters where native migratory fish are or were historically present.

(F) Stocking will not be allowed in water bodies within 100-year floodplains (as delineated by the Federal Emergency Management Agency on federal Flood Insurance Rate Maps) during times of potential flood. Times of

potential flood are January 1 through July 31 in watersheds east of the Cascades and October 15 through May 31 in watersheds west of the Cascades. Grass carp will be removed from water bodies in a 100-year floodplain and held or disposed of during times of potential flood. If grass carp will be held and not disposed of, they shall be held at a permitted site outside the 100-year floodplain. Applications for sites within a 100-year floodplain shall contain a detailed removal plan which shall receive Department approval.

(G) Grass carp may only be purchased and imported from approved suppliers outside Oregon. Grass carp may not be propagated or held for further distribution within Oregon. Department pathologists shall approve suppliers. Approval will be based on ability to provide grass carp free of Asian tapeworms and meet health and disease requirements according to OAR 635-007-0555 through 635-007-0585.

(H) Grass carp imported into Oregon shall be:

(i) Sterile triploids. Documentation from the U.S. Fish and Wildlife Service that each fish is triploid must be submitted to the Department prior to release;

(ii) At least 12 inches long;

(iii) Tagged with a Passive Integrated Transponder (PIT) tag of frequency 134.2-kilohertz. Each tag shall be programmed with a unique identification number. A list of unique tag numbers shall be submitted to the Department prior to release; and

(iv) stocked at a rate not exceeding 22 per affected acre.

(b) In addition to documentation relating to the restrictions above, each permit application shall include:

(A) Applicant's name, address and daytime telephone number. All property owners of the water body to which grass carp will have unrestricted access must be party to the application and permit;

(B) Location of the water body, including township, range, section and quarter section, with map including written directions for access;

(C) Map of the water body including, vegetation present in the water body, all inlets and outlets, and screen locations;

(D) Description of emergency procedures for responding to fish escapes from approved sites;

(E) Description of how fish will be removed and disposed of at the end of the proposed project.

(c) An application becomes the management plan upon approval. Permits and management plans shall be specific to particular sites and particular stocking projects. Permittees shall not deviate from permit conditions and management plans without prior written approval from the Department. No person may remove grass carp from one site (as identified in a management plan) and transport them to any other site without prior written approval from the Department.

(d) An Oregon Department of Fish and Wildlife fish transport permit shall accompany grass carp imported into and transported within Oregon. If transport is required within the management plan and occurs entirely on the permittee's property, a transport permit is not needed. Any other permit or documentation required for fish import, transport, or stocking shall also be obtained prior to importation and stocking.

(e) Permittees shall, as a condition of the permit, allow employees of the Department or the Oregon State Police to inspect at reasonable times the permitted water body, permit, and associated records. Inspection may take place

without warrant or notice, but, unless prompted by emergency or other exigent circumstances, shall be limited to regular and usual business hours, including weekends. Nothing in these rules is intended to authorize or allow the warrantless search or inspection of property other than the water bodies or fish holding facilities on the permittee's property.

(f) Permits are revocable at any time for violation of any wildlife statute or rule of the Department. Upon revocation, if stocking has already occurred, the permittee shall remove all grass carp within two weeks at her/his own cost.

(g) Grass carp which escape a permitted water body are subject to seizure or destruction by the Department at the expense of the permit holder. The permit holder shall be held liable for incidental kill of any other species due to or during destruction of escaped grass carp.

(h) The Commission may grant an exception to OAR 635-056-0075(2) (a) (B) or (2) (a) (F). Exception requests must be submitted in writing in addition to the normal application and must address the requirements in this section. Unless the Commission determines that an alternative provides equivalent protection to fish and wildlife resources and their habitats, exceptions shall have the following additional requirements:

(A) If the water body into which grass carp will be stocked is greater than or equal to 10 acres a professional topographic survey by a licensed surveyor must be provided for the entire perimeter of the water body showing all points of water movement in and out of the water body. A topographic survey completed by a state or federal agency within five years from the date of application for the water body may be used. The Department shall determine screening requirements from the survey;

(B) Grass carp may remain in a water body within the 100-year floodplain year-round if a professional plan or drawing that is certified by a licensed engineer is provided which indicates that the entire perimeter of the water body is protected from 100-year floods. In order to prevent grass carp escape, screens, dikes, and devices protecting the water body must be able to remain structurally sound within 100-year floods and not be overtopped by a 100-year flood. The Department reserves the right to have a licensed engineer retained by the agency review and approve or deny the plan or drawing submitted by the applicant.

(3) Tilapia (Mozambique tilapia *Oreochromis mossambicus*, Nile tilapia *O. niloticus*, and hybrids thereof): The possession, propagation, transportation, sale, purchase, exchange and disposition of these tilapia is controlled according to the following restrictions and standards:

(i) a person must apply for and receive an approved propagation license from the Oregon Department of Fish and Wildlife Fish Propagation Program prior to commencing production;

(ii) propagation must occur in ponds covered with nets or screens adequate to prevent the capture or transport of cultured fish by predators or other animals;

(iii) access to production facilities must be through secure locked gates;

(iv) only animals certified as disease-free by the vendor may be purchased;

(v) permittees must provide adequate veterinary care to identify and minimize the spread of diseases originating from the animals being held;

(vi) no live tilapia or their gametes, fertilized eggs, or larvae may be released into waters of this State, as defined in ORS 506.006; and

(vii) an Oregon Department of Fish and Wildlife fish transport permit shall accompany live tilapia imported into and transported within Oregon. If transport occurs entirely on the permittee's property, a transport permit is not needed.

Stat. Auth.: ORS 496.012, 496.138, 496.146

Stats. Implemented: ORS 497.308, 497.318, 498.022, 498.052, 498. 222

**DIVISION 060**  
**GAME MAMMAL AND GAME BIRD**  
**CONTROLLED HUNT REGULATIONS**

**635-060-0005**

**Application Eligibility and Procedures**

(1a) An applicant for game mammal controlled hunts shall have a current adult 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~~] **\$6.00** per game mammal application, and a nonrefundable [~~\$1.50~~] **\$2.00** 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

## **635-060-0046**

### **Lost Tags and Tag Exchanges**

- (1) A fee of [~~\$5.00~~] **\$15.00** [~~and a \$1.50~~] (**plus a \$2.00 license agent fee**) is charged to replace [~~or exchange~~] a tag or permit. **A fee of \$5.00 (plus a \$2.00 license agent fee) is charged to exchange a tag or permit.** Duplicates and exchanges may be obtained only through the Salem headquarters, regional offices of the Department, and designated district offices. Exception: Replacement controlled hunt tags or permits will be issued at no charge only through the Salem headquarters or regional office of the Department if the Department determines that the person never received the original controlled tag or permit mailed from the Salem headquarters office.
- (2) A Controlled Buck Deer Tag or Controlled Elk Tag may be exchanged for a general season tag before the opening date of the season for which either tag is valid.
- (3) No controlled hunt tag shall be exchanged for another controlled hunt tag, except as described in 635-060-0008 (5) and 635-075-0015 (3).
- (4) A Controlled Antlerless Deer Tag shall not be exchanged.
- (5) In the event of the death of a successful controlled hunt applicant before the start of the season for which the tag or permit was issued, the tags of the deceased may be issued to a family member as defined by OAR 635-045-0002. Tag or permit transfer shall require a copy of the death certificate and the original controlled hunt tag or

- permit, and must be requested by the legal heir to the deceased which shall be presumed by possession of the tag or permit and death certificate.
- (6) A “leftover” controlled hunt tag may only be exchanged for a general season tag, but only if the person does not already possess a tag authorized by OAR 635-065-0015 (4) (a), (b) or (c) or OAR 635-0065-0015 (5) (a), (b), (c), (d), (e), (f), or (g).
- (7) The Commission shall accommodate Oregon residents who have lost preference points because of being called to active military service after June 1, 2002.
- (a) The Commission shall accommodate the following individuals called to service at any location: Oregon National Guard.
- (b) The Commission shall accommodate the following Oregon residents with military operational commitments: regular members of the United States Armed Forces (Army, Navy, Air Force, Marines, and Coast Guard), members of the United States military reserves, and members of the National Guard.
- (c) The Commission authorizes the Director to make such accommodations by:
- (A) Reinstating preference points existing for a series, plus an additional point for participating in the draw.
- (B) Reinstating preference points lost after two consecutive years of not applying for a controlled hunt in that series.
- (d) Individuals seeking accommodation pursuant to this rule (or immediate family members acting on their behalf) must make a request in writing or in person to the Salem headquarters office. Each request must include a letter from a supervising officer on official unit letterhead verifying operational commitments.
- (8)(a) The Director may reinstate the preference points of a person who the Director determines did not or will not participate in a controlled hunt because of:
- (A) Circumstances beyond the person’s control; or
- (B) Tragic personal circumstances.
- (b) “Tragic personal circumstances” means:
- (A) Death or life-threatening injury or illness in the person’s immediate family; or
- (B) The person’s own serious injury or illness, which results in the person’s hospitalization. The person need not be hospitalized during the hunt; this rule also applies if preparation for surgery or recovery after hospitalization renders the person incapable of participating in the hunt.
- (c) To apply for reinstatement, the person must provide a sworn affidavit providing adequate details and must return the unused tag if it was purchased or a signed affidavit stating the tag was not used. When relying upon tragic personal circumstances, the person must also provide a sworn affidavit by a physician. When relying upon circumstances beyond the person’s control, the person must also provide documentation of the circumstances (such as an accident report or affidavit from an employer).
- (d) “Circumstances beyond the person’s control” excludes complaints about the quality of a hunt (including, but not limited to, road closures, inclement weather and work being conducted in the hunt area).
- (e) If the Director decides that the person does not qualify for reinstatement, the person may appeal that decision to the Oregon Fish and Wildlife Commission (Commission). The Commission must review the Director’s

decision within 60 days after receipt of appeal. The Commission will not take verbal testimony from the person, and the Commission's decision is final.

(f) If the Director or Commission reinstates a person's preference point under this subsection, the person is not awarded a new point for being classified as "unsuccessful" and is not entitled to a refund of license or tag fees.

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**

**635-065-0501**

**Exchange of Deer and Elk Tags**

(1) Tags may be exchanged only prior to the seasons for which both of the tags to be exchanged are valid. No tag may be exchanged after the start of the season for which it is valid.

(2) Exchanges of tags and duplicate tags may be obtained only through the Department's regional offices or Salem headquarters.

(3) ~~[The fee to replace or exchange a tag is \$6.50]~~ **A fee of \$15.00 (plus a \$2.00 license agent fee) is charged to replace a tag. A fee of \$5.00 (plus a \$2.00 license agent fee) is charged to exchange a tag.**

(4) A "leftover" controlled hunt deer tag may only be exchanged for a general season deer tag, but only if the person does not already possess a deer tag authorized by OAR 635-065-0015 (4) (a), (b), or (c).

(5) A "leftover" controlled hunt elk tag may only be exchanged for a general season elk tag but only if the person does not already possess an elk tag authorized by OAR 635-065-0015 (5) (a), (b), (c), (d), (e), (f), (g) or (h).

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**

**635-066-0010**

**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 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] **\$180.50 (plus a \$2.00 license agent fee)** 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

### 635-067-0029

#### 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~~] **\$2.00** license agent fee).
    - (B) Six ticket package at a cost of \$49.50 (plus a [~~\$1.50~~] **\$2.00** license agent fee).
    - (C) Thirteen ticket package at a cost of \$99.50 (plus a [~~\$1.50~~] **\$2.00** 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.

(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

#### **635-067-0034**

##### **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 tube 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~~] **\$2.00** license agent fee).

(B) Six ticket package at a cost of \$49.50 (plus a [~~\$1.50~~] **\$2.00** license agent fee).

(C) Thirteen ticket package at a cost of \$99.50 (plus a [~~\$1.50~~] **\$2.00** 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.

(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~~] **\$2.00** \$1.50 license agent fee).

(B) Six ticket package at a cost of \$49.50 (plus a [~~\$1.50~~] **\$2.00** license agent fee).

(C) Thirteen ticket package at a cost of \$99.50 (plus a [~~\$1.50~~] **\$2.00** 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.
- (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 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 one time fee of \$30.00 at the time of registration for new program participants.** A landowner can have only one registration form on file with the Department. 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. A **Landowner Preference Tag Redistribution fee \$15.00 will be charged per species for amendments made to the original tag distribution forms.**

(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:

<b>TAGS</b>	<b>MINIMUM ACREAGE</b>	<b>HUNT TYPE</b>
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

## **635-075-0026**

### **Application Requirements**

(1) A valid controlled hunt Outfitter and Guide application shall be purchased from the Department. The purchase price of the application is set forth in OAR 635-060-0005 (2) (~~[\$3.00]~~ **\$6.00** plus [~~\$1.50]~~ **a \$2.00** agent fee).

(a) Only one hunt number and one species type may be included on a single application. No more than 50% of the available tags for a specific hunt number and species may be applied for, except in cases where only one person applies for tags and/or an odd number of tags exists in particular hunt.

(b) Tags will only be issued for specific hunt units in which the Outfitter and Guide is certified.

(c) Applications must be complete and include such information as required which will include the six-digit State Marine Board Registration number required under ORS 704.020 or they may be disqualified from the tag allocation drawing.

(d) Applications, along with the proper fees, must be received by midnight December 1, of each year, at the Department headquarters office. Applications received after the specified deadline dates shall be disqualified.

(2) No outfitter or guide may receive more than 25 tags per year for any single species of big game from the December Outfitter and Guide tag drawing. Tags received in the first-come, first-serve remaining tag process are in addition to tags drawn by an outfitter and guide in the December Outfitter and Guide tag drawing.

Stat. Auth.: ORS 496.012, 496.138, 497.112

Stats Implemented: ORS 496.012, 496.138, 497.112

### **635-075-0035**

#### **Remaining Tags**

(1) Any remaining Outfitter and Guide tags not sold on or before March 31<sup>st</sup> will become available on a first-come, first-serve basis. The Department will publish a list of available tags two business days after March 31<sup>st</sup>.

(2) First-come, first-serve tags will become available for purchase starting at 8:00 AM on the third business day after March 31<sup>st</sup> and ending at 5:00 PM on April 15<sup>th</sup>. Any applications received prior to 8:00 AM on the third business day after March 31<sup>st</sup> will not be accepted.

(3) Up to five first-come, first-serve tags can be sold to outfitters and guides for unnamed clients.

(a) The non-refundable tag fee for unnamed client tags is [~~\$451.50]~~ **\$495.25 (plus a \$2.00 license agent fee)** for deer and [~~\$666.50]~~ **\$731.75 (plus a \$2.00 license agent fee)** for elk.

(b) The deadline to identify a hunter for tags sold with unnamed clients is one week before the hunt begins.

(4) An unlimited number of first-come, first-serve tags can be sold to an outfitter or guide when the client is identified.

(5) Any unsold Outfitter and Guide Tags remaining after 5:00 PM on April 15<sup>th</sup> will be included in the June public controlled hunt drawing.

Stat. Auth.: ORS 496.012, 496.138, 497.112

Stats Implemented: ORS 496.012, 496.138 and 497.112

## ACCESS AND HABITAT PROGRAM

### 635-090-0140

#### Deer and Elk Tag Auction and Raffle

(1) Notwithstanding ORS 496.146(10), upon the recommendation of the Access and Habitat Board, the commission may issue each year up to ten elk and ten deer tags to hunt deer or elk. Recommendations from the board shall include:

- (a) The land on which each tag shall be used;
- (b) The percentage of funds (not to exceed 50 percent) received from the tags that may revert to the landowner if the tag is limited to private land; and
- (c) A written agreement with the commission which provides public access and habitat improvements.

(2) The board may contract with a sportsman's group or other organization to conduct a raffle or an auction to issue the access and habitat deer and elk tags.

(3) The access and habitat raffle and/or auction deer and elk tags are in addition to all other tags and permits approved by the commission.

(a) In addition to the number of deer and elk tags legally available to an individual, an individual is allowed one additional elk and one additional deer tag annually, provided these tags are Access and Habitat auction or raffle tags.

(b) Hunting hours, open season, and open area will be determined by the board specific to the tag.

(c) Bag limit: one deer or one elk.

(4) Access and habitat deer/elk tag raffle requirements:

(a) There is no limit on the number of tickets a person may purchase. Raffle tickets shall be available for purchase in the following denominations with the addition of a [~~\$1.50~~] **\$2.00** license agent fee:

#### (A) Deer Tags

- (i) One ticket at a cost of \$2.50.
- (ii) Six tickets at a cost of \$9.50.
- (iii) Fifteen tickets at a cost of \$19.50.
- (iv) Forty tickets at a cost of \$49.50.
- (v) One hundred tickets at a cost of \$99.50.

#### (B) Elk tags

- (i) One ticket at a cost of \$4.50.
- (ii) Six tickets at a cost of \$19.50.
- (iii) Fifteen tickets at a cost of \$39.50.
- (iv) Forty tickets at a cost of \$99.50.

#### (C) Combination Elk and Deer Tags

- (i) One ticket at a cost of \$9.50.



- (ii) Six tickets at a cost of \$29.50.
- (iii) Fifteen tickets at a cost of \$59.50.
- (iv) Forty tickets at a cost of \$149.50.
- (b) Raffle tickets in denominations of 1, 6, and 15 will be available to the public through authorized POS license vendors or through the Department's Salem headquarters office during the dates specified in the current Big Game Regulations. Tickets in denominations of forty and one hundred will be available only through the Department's Salem headquarters office. Tickets also may be sold by Department representatives at various public events or meetings of sportsmen and landowners.
- (c) Residents and nonresidents shall be eligible to purchase tickets.
- (d) There shall be no refunds for any raffle ticket purchases.
- (e) Tickets purchased through license agents and submitted for the drawing by mail must be received at the Department's Salem headquarters office by the date specified in the current Big Game Regulations. Hand delivered tickets submitted for the drawing must be received by 5pm 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 raffle site prior to the drawing.
- (f) All tickets submitted for the drawing must be complete with a name, address, phone number, and hunt number (if applicable).
- (g) One winner and a minimum of two alternate winners shall be drawn at a public drawing; time and location to be determined by the board and Department.
- (h) If a person is drawn as the winner of more than one hunt for the same species, the Department will issue the first Access and Habitat raffle deer/elk tag drawn by the person who meets all criteria specified herein.
- (i) The order in which the winner and alternate winners for the deer/elk raffle hunts shall be drawn at the public drawing is as follows:
  - (i) Statewide Combination Elk and Deer- #AH002
  - (ii) Statewide Deer Hunt- #AH001
  - (iii) Southeast Oregon Deer Hunt- #AH004
  - (iv) Central Oregon Deer Hunt- #AH005
  - (v) Northeast Oregon Deer Hunt- #AH003
  - (vi) Statewide Elk Hunt- #AH009
  - (vii) Northeast Oregon Elk Hunt- #AH006
  - (viii) Central/Southeast Elk Hunt- #AH007
  - (ix) Western Oregon Elk Hunt- #AH008
- (j) The Department will notify the winner and two alternates by mail. The winner must claim the tag during regular business hours within 30 days of the drawing or he/she shall be disqualified and the Department will offer the tag to the first alternate. The first alternate must claim the tag within 10 business days of notification or he/she

shall be disqualified and the Department will notify the second alternate. The second alternate will be contacted in the same manner and with the same deadlines as the first alternate if the winner or first alternate have not claimed the tag as required. The tag will not be issued if not claimed during regular business hours within 90 days following the drawing.

(k) The access and habitat raffle deer/elk tag winners must have a valid hunting license.

(l) The Department will issue an access and habitat raffle deer/elk tag to the person whose name appears on the winning ticket and who meets all criteria specified herein. The tag is not transferable.

(5) Access and habitat deer/elk tag auction requirements:

(a) Residents and nonresidents shall be eligible to bid.

(b) The minimum acceptable bid for an access and habitat auction tag shall be \$2,000.00 for deer and \$5,000.00 for elk. The bid price includes the tag fee.

(c) Individuals, agents, corporations, or others that submit the highest bid shall provide the name, address, phone number, and affiliation of the individual to whom the access and habitat auction deer/elk tag shall be issued to a Department representative or a representative of the organization authorized to conduct the auction immediately upon the conclusion of the auction of such tag.

(d) Submittal of the winning bid shall be made to the Department by cashiers check or certified check within 20 working days of the date of the auction (whether conducted by the Department or by a sportsman's group or organization authorized to do so).

(e) If the full amount of the bid is not paid as required by OAR 635-090-140(5)(d), the Department may, at its discretion, reject the bid and offer the access and habitat auction deer/elk tag to the next highest bidder. Such next highest bidder must make payment to the Department by cashiers check or certified check within five working days of notification.

(f) The access and habitat auction deer/elk tag winner must have a valid hunting license.

(g) The Department will issue an access and habitat auction deer/elk tag to the winner who meets all criteria specified herein. The tag is not transferable.

(h) The Department reserves the right to accept or reject any or all access and habitat auction deer/elk tag bids.

Statutory Authority: ORS 496.012, 496.138, 496.146, 496.232, 496.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.232, 496.242

## **DIVISION 200**

### **SALE, PURCHASE OR EXCHANGE OF WILDLIFE PARTS**

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

**635-200-0050**

**Deer, Elk, and Antelope (Pronghorn)**

- (1) Any person may purchase, sell, or exchange processed hides, hooves, dewclaws, sinews, or capes of deer (*Odocoileus hemionus* or *O. virginianus*), elk (*Cervus canadensis*) or antelope (pronghorn) (*Antilocapra americana*).
- (2) Any person may sell or exchange the unprocessed hides, hooves, dewclaws, sinews, or capes of a deer, elk, or antelope legally taken during an authorized hunting season.
- (3) Any person may sell, purchase, or exchange any bone, elk ivory “buglers” or other part of the skeletal structure of a deer or elk, except the skull.
- (4) Any person may sell or exchange lawfully taken antlers which are detached from the skull, skull is split apart between the antlers or naturally shed antlers to a licensed antler dealer for use only in manufacturing handcrafted items from parts of these antlers. Handcrafted items do not include complete sets of antlers or whole heads and antlers which are mounted for display or other purposes. Any person may purchase such lawfully manufactured handcrafted items.
- (5) Except as provided in subsection 6, any person desiring to purchase or exchange unprocessed deer, elk, and antelope hides, hooves, dewclaws, or sinews must first secure a Hide Dealer Permit. Clients of a taxidermist do not need this permit when a taxidermist provides the hide for mounting a client's legally taken antler or horn.
  - (a) Any person desiring to purchase or exchange antlers for use in the manufacture of handcrafted items must first secure an Antler Dealers Permit. Antlers may not be purchased unless antlers are detached from the skull, the skull is split apart between antlers, or the antlers are naturally shed;
  - (b) Hide and Antler Dealer Permits may be obtained by applying to the Oregon Department of Fish and Wildlife.
- (6) Any person may purchase the following for their personal use (not resale):
  - (a) Unprocessed deer, elk and antelope hides; and
  - (b) Deer and elk antlers (if detached from the skull, if skull is split apart between the antlers, or if naturally shed).
- (7) Hide Dealer and Antler Dealer Permit shall cost [~~\$10~~] **\$15.00 (plus a \$2.00 license agent fee)** and shall expire on December 31 of the year issued.
- (8) At the time of purchase or exchange for unprocessed deer and elk hides and antlers, and for antelope hides, every dealer shall maintain a record. Such record shall:
  - (a) Include the date of the transaction, numbers and kinds of hides or antlers purchased or exchanged, and the name and address of the person from whom acquired;
  - (b) Be maintained at the business address of the hide dealer or antler dealer for a three-year period.
- (9) Hide and antler dealer records are subject to inspection at any time by any State Police officer or Department of Fish and Wildlife representative.
- (10) Any person may sell, purchase or exchange any bone or other part of the skeletal structure of pronghorn antelope, except the skull and horn sheaths.

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

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

**635-200-0030**

## **Fur Dealer and Taxidermy**

**(1) Fur Dealer License shall cost \$50.00 (plus a \$2.00 license agent fee) and shall expire on December 31 of the year issued.**

~~(1)~~ **(2)** Whenever a fur dealer purchases, possesses, sells, or disposes of the pelt of any furbearing mammal, the dealer must record:

- (a) The date, numbers and types of pelts;
- (b) For furbearing mammals requiring tags, the tag number, the state issuing the tag, the species, and the year the tag was issued; and
- (c) The name and address of those from whom the pelts were obtained, and to whom they were sold or otherwise transferred;
- (d) This record must be maintained at the business address of the fur dealer for a period of three years.

~~(2)~~ **(3)** No fur dealer may purchase, sell, or possess any raw pelt requiring a tag or seal without having a proper tag or seal affixed to the pelt.

~~(3)~~ **(4)** Fur buyers who are agents for companies shall have a fur dealer's license and record the company whom they represent on the fur dealer's license application.

~~(4)~~ **(5)** Fur dealer records and pelts are subject to inspection at any time by any Oregon State Police officer or Department representative.

~~(5)~~ **(6)** Failure to comply with the record keeping criteria in OAR 635-200-0030 (1) or to permit inspection of such records may result in a two year license suspension.

**(7) Taxidermy License shall cost \$50.00 (plus a \$2.00 license agent fee) and shall expire on December 31 of the year issued.**

~~(6)~~ **(8)** Licensed taxidermists may sell a client's unclaimed, legally taken, mounted wildlife, except migratory birds protected by Federal Law 16 USC 703, provided that:

- (a) Upon completion, at least two written notices of intent to sell are sent to the client;
- (b) Two months have passed since completion of mount;
- (c) The amount realized by the sale of a mount is not to exceed the original quoted price stated contemporaneously in writing, less any deposit received;
- (d) Taxidermists may mount and sell legally taken furbearing animals with a fur dealer's license.

~~(7)~~ **(9)** At the time of receiving wildlife for mounting, every licensed taxidermist shall:

- (a) Record the date, number and kinds of wildlife received;
- (b) Record the tag number and year of issuance of those furbearing mammals requiring tags;
- (c) Record the date taken and county or hunting unit and state where taken and the name and address of the person who killed the wildlife;
- (d) Record the name and address of the person from whom received and the quoted price for the taxidermy work;
- (e) Maintain this record at the business address of the taxidermist for a three-year period;
- (f) Maintain copies of the written notices, as described in 635-200-0030 (6), date of sale, amount of sale and name and address of the person purchasing the mount at the business address of the taxidermist for a three-year period.

~~(8)~~ **(10)** Taxidermy records are subject to inspection at any time by any Oregon State Police officer or Department representative.

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

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