

DIVISION 043

MISCELLANEOUS PERMITS AND RECORDS

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34

**635-043-0051**

**Authority to Take or Harass Wildlife**

(1) In accordance with ORS 496.012, 496.162, 497.298, 498.002, and 498.006, Department staff or their agents, **and sworn law enforcement officers,** may take or harass wildlife in the times, places and manners necessary for:

- (a) Scientific purposes pursuant to Department programs;
- (b) Protection against a threat to human safety;
- (c) Protection of land or property from damage;
- (d) Wildlife management purposes pursuant to Department programs;
- (e) Education and display purposes; [~~and~~ ]
- (f) Rehabilitation of sick, injured or orphaned wildlife; **and**
- (g) Law enforcement activities.**

(2) Harassment means acts that frighten or chase but do not kill wildlife.

(3) ORS 498.126(1) provides that a person may not hunt game mammals or game birds from or with the aid of an aircraft, nor transmit from an aircraft to a person not in the aircraft information regarding the location of any game mammals or game birds. ORS 498.126(4) provides an exception for the Department of Fish and Wildlife, and its agents, when conducting wildlife management activities necessary for scientific research or, in emergency situations, protecting human safety, wildlife species or property. ORS 498.126(4)(b) requires definition of “emergency situation” and “necessary” by rule.

(a) “Emergency situation” means that the Department has determined that prompt action is required to implement a provision of a species management plan or administrative rule adopted by the Fish and Wildlife Commission.

(b) “Necessary” means that the Department has determined that the use of aircraft in a particular instance is the most efficient method of implementing a provision of a species management plan or administrative rule adopted by the Fish and Wildlife Commission.

Stat. Auth.: ORS 496

Stats. Implemented: ORS 496