

Agenda Item Summary

BACKGROUND

An unknown number of big game animals are killed along Oregon roadways as the result of accidental collisions with motor vehicles. The majority of the carcasses of these animals are not salvaged, but are either removed and disposed of by road maintenance crews or they decompose along the roadway. Rarely are carcasses salvaged by Oregon State Police (OSP) staff and delivered to charitable organizations for human consumption. This salvage requires a trained employee of Oregon Department of Fish and Wildlife (Department) or OSP to conduct a game meat inspection and certify the carcass as fit for human consumption.

Department staff occasionally receive requests from individuals desiring to salvage carcasses of big game animals killed as the result of vehicle collisions. This type of salvage is contrary to existing administrative rules governing the tagging and possession of game mammal parts as well as the disposition of edible wildlife. Except for naturally shed antlers, current rules generally prohibit the possession of game mammal parts unless they were obtained through legal hunting.

The 2017 Oregon Legislative Assembly directed development of a permitting process that would allow individuals to salvage game meat from deer and elk that had been accidentally killed as the result of vehicle collisions. This permit must be available for issuance by January 1, 2019.

PUBLIC INVOLVEMENT

A small working group including the Department and OSP staff met to develop recommendations for rule development and a permitting process. Participants had experience in wildlife management, wildlife enforcement, or development of administrative processes. The goal of the group was to develop rules that would effectively allow for the salvage of roadkill deer and elk, while also minimizing the potential for poachers to use this program as a way to disguise illegal activities.

Roadkill salvage programs from other western states were reviewed to see what insights could be gained from their rules and permitting processes. Although differences exist among the various states, there were a number of similarities.

Existing rules were reviewed to determine where changes would be needed to accommodate a roadkill salvage program. The capacity of current Department and OSP programs were also considered in developing the proposed rules.

Information on the wildlife salvage permit issue was included as part of the materials for the twenty public meetings held throughout the state in July to review staff proposals for the Big Game Seasons and Regulations. Department and OSP staff met with Oregon Department of Transportation and Oregon Hunters Association representatives to review the proposed rules and permitting process. Department staff proposals are posted on our website, and members of the public may review the documents and provide comments. Interested parties may also provide comments at the Commission meeting.

ISSUE 1

Implement a program that allows individuals to salvage game meat from deer and elk killed as a result of accidental collisions with motor vehicles.

ANALYSIS

The 2017 Oregon Legislative Assembly directed the Commission to adopt rules for the issuance of wildlife salvage permits allowing persons to salvage deer or elk accidentally killed as a result of vehicle collisions. The purpose of the salvage is for the human consumption of the meat acquired from the animal. The statute directs the rules to prescribe the form and method for applying for and receiving a salvage permit, as well as set the terms and conditions for the recovery, possession, and transport of deer or elk pursuant to the permit.

The statute specifically requires any person salvaging a deer or elk pursuant to the salvage permit to promptly surrender the antlers to the Department. Additionally, in situations where a deer or elk is killed after being made crippled or helpless as a result of a vehicle collision, a roadkill salvage permit may only be issued to the driver of the vehicle involved in the collision. Finally, the statute declares that the State of Oregon is not liable for any loss or damage arising out of the recovery, possession, use, transport, or consumption of deer or elk pursuant to a wildlife salvage permit.

The Department is proposing an on-line permit application process with specific information requirements of the applicant. The applicant must provide their name and contact information, specifics about where and when the salvage occurred, and information about the salvaged animal including the species and gender. Additionally, the applicant must declare if they were the driver of the vehicle that struck the animal and to acknowledge that the state is not liable for Department and OSP damages or loss arising from the salvage. Department staff will not perform game meat inspections for carcasses salvaged under these rules.

The roadkill salvage permit application will need to be completed within 24 hours of taking possession of the carcass. There will not be a requirement to provide notification prior to taking possession of the carcass, except in situations where the animal is crippled as a result of the collision with the vehicle and then killed for humane purposes. Oregon Revised Statute 498.016, which allows people to kill crippled or helpless wildlife for humane purposes, has a provision requiring immediate notification to law enforcement. This statute aids in preventing poaching as it reduces the opportunity for a person caught with a poached deer or elk to claim the animal is being salvaged under these rules.

The Department proposes terms and conditions of the roadkill salvage permit to include surrendering the head of all salvaged animals, including any antlers, to the Department within five business days of taking possession of the carcass. This condition is intended to verify the species and gender indicated on the permit and to ensure that all antlers are surrendered as required by the statute. The surrender of heads will also support the Department's wildlife disease surveillance program including for Chronic Wasting Disease.

The proposed rules would prohibit the sale of parts from any salvaged animal, but would permit transfer to another person with a written record similar to that required when transferring hunter harvested game. There would be a requirement to remove the entire carcass, including entrails, from the road and road right of way. This requirement is intended to avoid attracting scavengers that could cause additional vehicles collisions. Columbian white-tailed deer have federal protections as a threatened species under the Endangered Species Act (except in Douglas County which was delisted in 2003.) The proposed rule prohibits the salvage of white-tailed deer in western Oregon except within Douglas County.

Adoption of the proposed roadkill salvage permit rules necessitates proposing revisions to several existing rule divisions including:

- The addition of the salvage of deer and elk killed as a result of vehicle collisions to the list of options for disposal of edible wildlife (Division 002);
- A new section within the miscellaneous permits for a roadkill salvage permit requirements (Division 043);
- Adding in Division 065 a referral to Division 043 for tagging, possession, and transportation of game mammal rules for roadkill salvaged deer and elk; and
- Proposed revisions to the sale, purchase, and exchange of wildlife parts rules to prohibit the sale of carcasses or parts from roadkill salvaged deer and elk (Division 200).

OPTIONS

1. Adopt staff recommendations
2. Amend staff recommendations

**STAFF
RECOMMENDATION**

Option 1.

DRAFT MOTION

I move to amend OAR Chapter 635, Divisions 002, 043, 065, and 200 as proposed by staff.

EFFECTIVE DATE

01/01/2019