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ARCHIVES DIVISION
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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE

FILED
04/08/2019 2:03 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Rules Pertaining to SB 372 (2017) Permitting the Salvage of Road Struck Deer and Elk

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/07/2019 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
Roxann Borisch
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 06/07/2019

TIME: 8:00 AM - 5:00 PM

OFFICER: ODFW Commission

ADDRESS: Oregon Department of Fish
and Wildlife

4034 Fairview Industrial Drive SE
Salem, OR 97302

NEED FOR THE RULE(S):

This rule is needed to correct only an inadvertent error with the numbering of a rule passed by the Commission on October 12, 2018, that implements SB 372 (2017) permitting the salvage of deer and elk that are accidentally killed as a result of a vehicle collision. The purpose of the salvage is for the human consumption of the meat from the carcasses.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

A copy of the rules and the other documents relied upon for this rulemaking [the above document(s)] are available from the Oregon Department of Fish and Wildlife, Wildlife Division, 4034 Fairview Industrial Drive SE, Salem, Oregon

97302-1142, between the hours of 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

FISCAL AND ECONOMIC IMPACT:

See below

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

The change from the temporary rule to a permanent rule will not induce any additional fiscal impacts. While generally, ODFW and OSP would be impacted by this rule, there will be no impacts to any state agency from the passage of this rule. Local government and the public at large are similarly impacted by changing these rules from temporary to permanent. All of the impacts from the temporary rule changes have already been absorbed or addressed.

Small businesses will also not be impacted by this rule. Any impacts that were present from the temporary rules will still be present in passing the permanent rule. Any small businesses impacted from the temporary rule are assumed to still be affected by these rules in permanent form.

Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s): None expected

Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s): None expected

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Not applicable

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

This rule is needed to correct only an inadvertent error with the numbering of a rule passed by the Commission on October 12, 2018.

ADOPT: 635-043-0175

RULE SUMMARY: Permanent rule filing only to correct an inadvertent error with rule number and adoption of rule.

CHANGES TO RULE:

635-043-0175

Roadkill Salvage Permit

A Roadkill Salvage Permit allows a person to recover, possess, transport, and use the carcass of a deer or elk killed as a result of an accidental collision with a vehicle for the purpose of salvaging the meat for human consumption.

(1) The person taking possession of the carcass at the site of the collision must acquire a Roadkill Salvage Permit within 24 hours of taking the carcass into possession.

(2) A Roadkill Salvage Permit requires the person taking possession of a carcass to complete an on-line application that provides the Department with:

(a) Name, address of physical residence, and phone number;

(b) Date and time the carcass was removed from the site of the collision;

(c) Location, including road name and mile marker or valid coordinate, where the carcass was collected;

(d) A statement identifying the driver of the vehicle that collided with the deer or elk, if known;

(e) Species and sex of the carcass being salvaged; and

(f) An acknowledgement that the carcass is being salvaged at the permit holder's own risk and the State of Oregon is not liable for any loss or damage arising out of the recovery, possession, use, transport or consumption of the deer or elk salvaged pursuant to the Roadkill Salvage Permit.

(3) Within five (5) business days of taking possession of the carcass, the entire head of the deer or elk, including the antlers of antlered animals, must be delivered and surrendered to the Department at a District Office or alternative location determined by the Department.

(4) A Roadkill Salvage Permit may not be issued for the recovery, possession, transport or use of any deer or elk that was rendered crippled or helpless as a result of a vehicle collision and then killed pursuant to ORS 498.016, unless the person seeking the Roadkill Salvage Permit accidentally rendered the deer or elk crippled or helpless is the driver of the motor vehicle involved in the collision. Any person that kills a crippled or helpless deer or elk pursuant to ORS 498.016 must immediately report the killing to a person authorized to enforce the wildlife laws.

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(5) Salvage of white-tailed deer is prohibited west of the crest of the Cascade Mountains except within Douglas County.

(6) The entire carcass, including entrails, of any salvaged deer or elk must be completely removed from the road and road right of way.

(7) No portion of any deer or elk salvaged pursuant to this rule may be sold, bartered, or exchanged.

(8) Pursuant to this rule, when any part of a deer or elk salvaged is transferred to the possession of another person, a written record describing the animal or part being transferred indicating the name and address of the person who obtained the Roadkill Salvage Permit for the animal and the number or confirmation number of the Roadkill Salvage Permit shall accompany such transfer and shall remain with such animal or part so long as the same is preserved.

(9) This rule does not authorize the salvage of deer and elk from the reservation lands of any sovereign tribe.

Statutory/Other Authority: SB 372 (2017), ORS 496.012, 496.138, 496.146, 498.019, 498.022, 498.042

Statutes/Other Implemented: SB 372 (2017), ORS 496.012, 496.138, 496.146, 498.019, 498.022, 498.042