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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 635  
DEPARTMENT OF FISH AND WILDLIFE

**FILED**  
06/15/2018 2:58 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Amend and Adopt Rules Relating to Outfitter and Guide Program

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/03/2018 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: 08/03/2018

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):

These rule changes are necessary to allow Outfitter and Guides to purchase tags they draw in the December Outfitter and Guide Drawing for unnamed clients without the additional steps of returning them to ODFW and competing for them in a leftover tag drawing. The rule changes will also improve the enforceability of the regulations by enforcement officers.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Draft rules are available from the division's rules coordinator, located at 4034 Fairview Industrial Drive SE, Salem, OR 97302. Rules are also available on the ODFW website at: <http://www.dfw.state.or.us/OARs/index.asp>.

FISCAL AND ECONOMIC IMPACT:

The Oregon Department of Fish and Wildlife (ODFW) is considering rule changes associated with Outfitter and Guides, including rule affecting the purchase of hunting tags by Outfitter and Guides. Outfitter and Guides would be allowed to purchase tags they draw in the December Outfitter and Guide Drawing for unnamed clients, instead of returning all drawn tags they had not sold to clients to ODFW. Rule changes also include a revision of language to Outfitter and

Guide permitting to make the rules for enforcement more clear. Fiscal and economic impacts discussed in this document pertain only to the proposed changes to the rules indicated at the time of the writing of this FIS.

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**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).*

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

The proposed rules will affect state agencies, units of local government and the public, respectively, as discussed below:

a. State agencies that could be affected by the rule changes are the Oregon Department of Fish and Wildlife (ODFW) and the Oregon State Police (OSP). Fiscal impacts could come from a potential shift in Outfitter and Guide purchases of controlled hunt applications and tags and would affect only ODFW. This shift may slightly increase the overall revenue from tag sales if Outfitter and Guide activity is increased overall in the state because of increased purchases of tags for unnamed clients. The anticipated impact to ODFW revenue will be minimal. Fiscal impacts to OSP from changes in enforcement due to rule changes are expected to be negligible.

b. No significant impacts to units of local government are expected for the implementation subject to the rules.

c. The public may be affected by these rule changes if there is an increase in Outfitter and Guide participation in controlled hunts. Specifically, any population that relies on Outfitter and Guides to participate in controlled hunts may find an increased opportunity to participate. The overall anticipated impact to the public will be minimal.

2. Cost of compliance effect on small business (ORS 183.336):

a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rules:

Outfitter and Guides would be the primary small business affected. The overall anticipated impact to the Outfitter and Guides should be minimal; however the impact on an individual Outfitter and Guide is unknown. Any minimal impacts to Outfitter and Guides may also impact businesses that depend on offering services to Outfitter and Guides and their clients, albeit to a lesser degree.

b. Projected reporting, record keeping and other administrative activities required for compliance, including costs of professional services:

No significant changes in these costs are expected for the small businesses subject to these rules.

c. Equipment, supplies, labor and increased administration required for compliance:

No significant changes in these costs are expected for the small businesses subject to these rules.

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

Not applicable

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

Revisions were drafted based on discussions with staff, Oregon State Police and Oregon Marine Board.

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RULES PROPOSED:

635-045-0002, 635-075-0026, 635-075-0029, 635-075-0030, 635-075-0040

AMEND: 635-045-0002

RULE SUMMARY: These rule changes associated with the Outfitter and Guide Program would affect the purchase of hunting tags by Outfitter and Guides. Outfitter and Guides would be allowed to purchase tags they draw in the December Outfitter and Guide Drawing for unnamed clients. Rule changes also include additional language and revisions making the rules more clear to improve enforceability.

CHANGES TO RULE:

635-045-0002

Definitions ¶¶

- (1) "Adult hunting license" is a resident or nonresident hunting license, resident combination angling and hunting license, disabled veteran's angling and hunting license, pioneer's angling and hunting license or senior citizen's angling and hunting license.¶¶
- (2) "Agricultural lands" are lands that are not less than ten acres in extent that have been cultivated and planted or irrigated to domestic crops that are currently in use. Isolated home gardens, abandoned farmsteads, logged lands, rangelands, and tree farms, are not included in this definition.¶¶
- (3) "Antler Point" is a point at least one inch in length measured from tip of point to nearest edge of beam. This definition applies only to the three-point elk and spike only elk bag limits.¶¶
- (4) "Antlerless deer" means doe or fawn deer.¶¶
- (5) "Antlerless elk" means cow or calf elk.¶¶
- (6) "Application" means the electronic form completed and purchased to apply for a hunt where the number or distribution of hunters is limited through a public drawing or other means. Mail order applications sent to the Department along with the proper remittance are used to generate the electronic form.¶¶
- (7) "Bait" for hunting game mammals means any substance placed to attract an animal by its sense of smell or taste, including but not limited to food items or minerals (such as salt). Applying a scent or attractant to one's body or clothing while worn, is not baiting.¶¶
- (8) "Baited Area" means an area where baiting has taken place.¶¶
- (9) "Baiting" means the placing, exposing, depositing, distributing, or scattering of corn, wheat, salt or other feed to constitute a lure or enticement to, on, or over an area where hunters are attempting to take game birds.¶¶
- (10) "Brace" is defined as an orthosis that is prescribed by a physician and fabricated by an orthotist certified by the American Board for Certification in Orthotics and Prosthetics, Inc.¶¶
- (11) "Brace Height" is the distance from the back of the bow's riser at the handgrip to the string when the bow is at rest.¶¶
- (12) "Buck Deer" means a male deer with at least one visible antler.¶¶
- (13) "Buck Pronghorn" means a male pronghorn antelope with visible horns and a dark cheek patch below the ear.¶¶
- (14) "Bull elk" for the purposes of a bag limit definition, means a male elk with at least one visible antler.¶¶
- (15) "Calendar year" means from January 1 through December 31.¶¶
- (16) "Carcass" is the skinned or unskinned body, with or without entrails, of a game bird or game mammal.¶¶
- (17) "Cascade elk" means any live elk occurring in the Dixon, Evans Creek, Indigo, Keno, McKenzie, Metolius, Rogue, Santiam and Upper Deschutes units and those parts of Fort Rock and Sprague units west of Highway 97, and that part of Grizzly Unit west of Hwy 97 and south of Hwy 26.¶¶
- (18) "Closed season" is any time and place when it is not authorized to take a specific species, sex or size of

wildlife.¶¶

(19) "Coast elk" means any live elk occurring in the Alsea, Applegate, Chetco, Melrose, Powers, Saddle Mountain, Scappoose, Siuslaw, Sixes, Stott Mountain, Tioga, Trask, Willamette, and Wilson units.¶¶

(20) "Commission" means the Oregon Fish and Wildlife Commission.¶¶

(21) "Controlled hunt" is a season where the number or distribution of hunters is limited through a public drawing or other means.¶¶

(22) "Department" means the Oregon Department of Fish and Wildlife.¶¶

(23) "Director" means the Oregon Fish and Wildlife Director.¶¶

(24) "Doe or fawn pronghorn" means a female pronghorn antelope without a dark cheek patch below the ear or a pronghorn fawn (young of the year) of either sex.¶¶

(25) "Domestic partner" means, as provided in section 3 of the Oregon Family Fairness Act of 2007 (ORS Chapter 106), "an individual who has, in person, joined into a civil contract with another individual of the same sex, provided that each individual is at least 18 years of age and is otherwise capable, and that at least one of the individuals is a resident of Oregon."¶¶

(26) "Eastern Oregon" means all counties east of the summit of the Cascade Range including all of Klamath and Hood River counties.¶¶

(27) "Eastern Oregon deer" means any live deer occurring east of the east boundaries of the Santiam, McKenzie, Dixon, Indigo and Rogue units.¶¶

(28) "Eligible Hunter" means someone who will be 12 years of age by the time they hunt.¶¶

(29) "Entry permit" means a permit issued by the Department to be in an area where entry is restricted by regulation.¶¶

(30) "Established airport" is one that the Oregon Department of Aviation has licensed as a public-use airport, registered as a personal-use airport, or specifically exempted from either licensing or registration.¶¶

(31) "Feral Swine" means animals of the genus *Sus* as defined by the Oregon Department of Agriculture in OAR 603-010-0055.¶¶

(32) "Fiscal year" means from July 1 through June 30.¶¶

(33) "Furbearers" are beaver, bobcat, fisher, marten, mink, muskrat, otter, raccoon, red fox, and gray fox.¶¶

(34) "Game Birds" are any waterfowl, snipe, band-tailed pigeon, mourning dove, pheasant, quail, partridge, grouse, or wild turkey.¶¶

(35) "Game mammals" are pronghorn antelope, black bear, cougar, deer, elk, moose, Rocky Mountain goat, bighorn sheep, and western gray squirrel.¶¶

(36) "General season" is any season open to the holder of a valid hunting license and appropriate game mammal tag without restriction as to the number of participants.¶¶

(37) "Hunter certification" means to have met educational, safety or other requirements designated by administrative rule for participation in a hunt.¶¶

(38) "Hunt" means to take or attempt to take any wildlife by means involving the use of a weapon or with the assistance of any mammal or bird.¶¶

(39) "Husbandry" means the care given animals directly by their owners and managers, including but not limited to:¶¶

(a) Nutrition;¶¶

(b) Breeding program;¶¶

(c) Veterinary medical care;¶¶

(d) Environmental cleanliness; and¶¶

(e) Humane handling.¶¶

(40) "Immediate family" for the purpose of Landowner Preference, means a landowner's spouse, children, sons-in-law, daughters-in-law, father, mother, brother, brothers-in-law, sister, sisters-in-law, stepchildren, and grandchildren.; for all other purposes, it means spouse, domestic partner, children, father, mother, brother, sister, stepchildren, and grandchildren.¶¶

(41) "Inedible" means unfit for human consumption.¶¶

- (42) "Juvenile hunting license" is a resident, nonresident hunting license or resident combination angling and hunting license for persons 9 to 17 years of age to hunt wildlife.¶
- (43) "Landowner", as used in OAR chapter 635, division 075, means:¶
- (a) A person who holds title in trust or in fee simple to 40 or more contiguous acres of land; provided however that a recorded deed or contract of ownership shall be on file in the county in which the land is located; and/or¶
  - (b) A corporation or Limited Liability Company (LLC) holding title in fee simple to 40 or more contiguous acres of land; provided however that the corporation or LLC shall be registered with the State of Oregon; and/or¶
  - (c) A partnership holding title in fee simple to 40 or more contiguous acres of land; and/or¶
  - (d) Persons who hold title as part of a time share are not eligible for landowner preference.¶
- (44) "Low Income" means a person who is "economically disadvantaged" as defined in Section 4(8) of the Federal Job Training Partnership Act of 1982.¶
- (45) "Mounted Wildlife" means any hide, head or whole body of wildlife prepared by a licensed taxidermist for display.¶
- (46) "Muzzleloader" is any single-barreled (shotguns may be double barreled) long gun meant to be fired from the shoulder and loaded from the muzzle with an open ignition system and open or peep sights.¶
- (47) "On or within" means a straight line distance measured on a map.¶
- (48) "One deer" means a buck, doe, or fawn deer.¶
- (49) "One elk" means a bull, cow, or calf elk.¶
- (50) "Open Ignition" is an ignition system where the percussion cap, or frizzen, or flint is visible and exposed to the weather at all times and is not capable of being closed or covered by any permanent piece of the weapon.¶
- (51) "Outfitter and Guide Hunt" is an outdoor recreational activity in which the client is physically accompanied in the field by the registered Outfitter and Guide or the employee(s) of the registered Outfitter and Guide during the hunt.¶
- (52) "Partner" means a person in an association of two or more persons formed to carry on as co-owners for profit.¶
- (523) "Point-of-Sale" (POS) is a computerized licensing system available at locations that sell Oregon's hunting and angling licenses. Licenses and tags are generated and issued directly to customers from a POS machine at the time of sale.¶
- (534) "Possession" means to have physical possession or to otherwise exercise dominion or control over any wildlife or parts thereof, and any person who counsels, aids or assists another person holding such wildlife is deemed equally in possession.¶
- (545) "Postmark" means the date of mailing as stated in a mark applied by the U.S. Postal Service to a piece of mail. Office postal machine meter marks are not valid application deadline postmarks.¶
- (556) "Predatory animals" means coyotes, rabbits, rodents, and feral swine which are or may be destructive to agricultural crops, products and activities.¶
- (567) "Protected wildlife" means "game mammals" as defined in OAR 635-045-0002(35) "game birds" as defined in 635-045-0002(34), "furbearers" as defined in 635-045-0002(33), "threatened and endangered species" as defined in 635-100-0125, and "nongame wildlife protected" as defined in 635-044-0130.¶
- (578) "Pursue" means the act of trailing, tracking, or chasing wildlife in an attempt to locate, capture, catch, tree, or kill any game mammal, game bird, or furbearer.¶
- (589) "Raw pelt" means any pelt that has not been processed or converted to any usable form beyond initial cleaning, stretching, and drying.¶
- (5960) "Resident" is any person who¶
- (a) Has resided in Oregon for a period of at least six consecutive months immediately prior to the date of making application for a license, tag, or permit.¶
  - (b) Members of the uniformed services of the United States who:¶
    - (i) Are permanently assigned to active duty in this state, and their spouse and dependent children.¶
    - (ii) Reside in this state while assigned to duty at any base, station, shore establishment or other facility in this state.¶

- (iii) Reside in this state while serving as members of the crew of a ship that has an Oregon port or shore establishment as its home port or permanent station.¶
- (iv) Aliens attending school in Oregon under a foreign student exchange program.¶
- (v) All other persons are nonresidents.¶
- (601) "River" is that portion of a natural water body lying below the level of bankfull stage. Bankfull stage is the stage or elevation at which overflow of the natural banks of a stream or body of water begins to inundate the upland.¶
- (612) "Rocky Mountain elk" is any live elk occurring east of the following described line: Beginning at the California line on Highway 97; north on Highway 97 to State Highway 26 at Madras; northwest on Highway 26 to east boundary of Santiam Unit; north along east boundary of Santiam Unit to the Columbia River.¶
- (623) "Sabot" A carrier, bushing or device in which a projectile of a smaller caliber is centered so as to permit firing the projectile within a larger caliber weapon. Cloth, paper or felt patches used with round balls are not considered a sabot.¶
- (634) "Shotgun" is a smoothbore firearm, designed for firing birdshot, and intended to be fired from the shoulder, with a barrel length of 18 inches or more, and with an overall length of 26 inches or more. Exception: Shotguns equipped with rifled slug barrels are considered shotguns when used for hunting pronghorn antelope, black bear, cougar, deer, or elk when centerfire rifles or shotguns are legal weapons.¶
- (645) "Sight bait" is exposed flesh bait within 15 feet of any foothold trap set for carnivores.¶
- (656) "Spike deer" is a deer with spike (unbranched) antlers.¶
- (667) "Spike-only bull elk" means a bull elk with at least one visible unbranched antler (a brow tine is not considered an antler branch under spike-only regulations).¶
- (678) "Stockholder" is a person who owns stock within a corporation as defined in OAR 635-045-0002(42)(b).¶
- (689) "Tag" is a document authorizing the taking of a designated kind of mammal at a specified time and place.¶
- (6970) "Take" means to kill or obtain possession or control of any wildlife.¶
- (701) "Three point plus elk" for the purposes of a bag limit definition, means a bull elk having 3 points or more on one antler including the brow tine.¶
- (712) "Unbarbed broadhead" is a fixed position arrowhead where the rear edge of the blade(s) forms an angle with the arrow shaft to which it is attached of 90° or greater.¶
- (723) "Uniformed Services" means Army, Navy, Air Force, Marine Corps and Coast Guard, or their reserve components; the National Guard or Oregon National Guard, commissioned corps of the National Oceanic and Atmospheric Administration, and the Public Health Service of the United States Department of Health and Human Services detailed with the Army or Navy.¶
- (734) "Unprotected Mammals and Birds" are European starling, house sparrow, Eurasian collared-dove and any mammal species for which there are no closed seasons or bag limits.¶
- (745) "Valid certification permit" is a permit for the current season that has not become invalid after taking a season limit or illegal game bird.¶
- (756) "Visible Antler" means a velvet or hardened antler that is visible above the hairline on the skullcap and is capable of being shed.¶
- (767) "Wait period" means the length of time a successful controlled hunt applicant must wait before reapplying for the species for which he was successful in drawing.¶
- (778) "Waste" means to allow any edible portion of any game mammal (except cougar) or game bird to be rendered unfit for human consumption, or to fail to retrieve edible portions, except internal organs, of such game mammals or game birds from the field. Entrails, including the heart and liver, are not considered edible. "Edible portion" means the meat of the front quarters as far down as the knees (the distal joint of the radius-ulna), meat of the hindquarters as far down as the hocks (the distal joint of the tibia-fibula), and the meat along the backbone including the loins (back-strap), and tenderloins. For elk, it also includes the meat of the neck.¶
- (789) "Waterfowl" means ducks, geese, mergansers and coots.¶
- (7980) "Weapon" is any device used to take or attempt to take wildlife.¶
- (801) "Western Oregon" means all counties west of the summit of the Cascade Range except Klamath and Hood

River counties.¶¶

(812) "Western Oregon deer" is any live deer except the Columbian white-tailed deer occurring west of the east boundaries of the Santiam, McKenzie, Dixon, Indigo, and Rogue units.¶¶

(823) "Wildlife" means fish, wild birds, amphibians, reptiles, wild mammals, and feral swine.¶¶

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

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

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

(867) "Wildlife unit" is a geographic area described in OAR 635-080-0000 through 635-080-0077.¶¶

(878) "Youth" is any "Resident" of Oregon or Nonresident 12 through 17 years of age.¶¶

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

Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 496.162

Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 496.162

AMEND: 635-075-0026

RULE SUMMARY: These rule changes associated with the Outfitter and Guide Program would affect the purchase of hunting tags by Outfitter and Guides. Outfitter and Guides would be allowed to purchase tags they draw in the December Outfitter and Guide Drawing for unnamed clients. Rule changes also include additional language and revisions making the rules more clear to improve enforceability.

CHANGES TO RULE:

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 \$29.00 (plus a \$2.00 agent fee).¶¶

(a) 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.¶¶

~~€~~ and in which the Outfitter and Guide has provided proof, to the Oregon State Marine Board, they have a valid federally issued Special Recreation Permit or private land lease.¶¶

(c) When physically accompanying a client on an Outfitter and Guide Hunt on federal lands, Outfitter and Guides must be in possession of a valid federally issued Special Recreation/Use Permit and comply with the conditions and requirements of the permit. For purposes of this rule, "Outfitter and Guide Hunt" has the meaning provided in OAR 635-045-0002.¶¶

(d) 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.¶¶

~~(de)~~ 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.

Statutory/Other Authority: SB 247 (2015), ORS 496.012, 496.138, 497.112

Statutes/Other Implemented: ORS 496.012, 496.138, 497.112

AMEND: 635-075-0029

RULE SUMMARY: These rule changes associated with the Outfitter and Guide Program would affect the purchase of hunting tags by Outfitter and Guides. Outfitter and Guides would be allowed to purchase tags they draw in the December Outfitter and Guide Drawing for unnamed clients. Rule changes also include additional language and revisions making the rules more clear to improve enforceability.

CHANGES TO RULE:

635-075-0029

#### Tag Purchasing Requirements ¶

(1) The department will notify outfitters and guides of the drawing results by December 31 of each year.¶

(2) On or before March 31 of each year Outfitters and Guides who are successful in the drawing must:¶

(a) Submit to the department the names, addresses, proof of nonresidency, and hunting license numbers (if already purchased) of the nonresidents for whom tags are to be issued, if that information is available. For the purpose of these rules: Proper identification for nonresident documents includes an out-of-state driver's license. If an applicant does not have a driver's license, then a combination of three pieces of identification are required including utility bill, rent receipt, passport, birth certificate, social security card, major credit card, medical card, marriage license, voter's registration card, library card, or military ID. One piece must show name and current address outside the state of Oregon.¶

(b) Tags purchased for unnamed clients are subject to OAR 635-075-0035 (3)(a) and (b).¶

(c) Submit to the department all required fees. Outfitters and guides must submit all fees; they will not be accepted from nonresident applicants to whom the tags will be issued. The department shall not issue a tag to any person who does not have a valid nonresident Oregon hunting license.¶

NOTE: Fees for Outfitter and Guides tags are described in ORS 497.112.¶

(e) No later than July 31 the department will issue to outfitters and guides all requested tags from the December drawing for which they have met requirements.

Statutory/Other Authority: ORS 496.012, 496.138, 497.112

Statutes/Other Implemented: ORS 496.012, 496.138, 497.112

AMEND: 635-075-0030

RULE SUMMARY: These rule changes associated with the Outfitter and Guide Program would affect the purchase of hunting tags by Outfitter and Guides. Outfitter and Guides would be allowed to purchase tags they draw in the December Outfitter and Guide Drawing for unnamed clients. Rule changes also include additional language and revisions making the rules more clear to improve enforceability.

CHANGES TO RULE:

635-075-0030

#### Tag Limitations ¶

(1) Tags issued in the above described allocation process are for nonresident hunters only. Outfitters and gGuides and their immediate families (as described in OAR 635-045-0002) or their employees are not eligible to receive or use tags described in this allocation process for personal use, when that ~~e~~Outfitter or gand Guide made the original application.¶

(2) Tags issued under this allocation process are valid only when the hunter is being guided by the ~~e~~Outfitter or g and Guide or their employee ~~as described in ORS 704~~ who made the original application ~~above~~s described above in an "Outfitter and Guide Hunt" as defined in 635-045-0002.¶

(3) Tags shall not be transferred among ~~e~~Outfitters and gGuides or among hunters and the Outfitter and Guide who drew the tag must have a special use permit for the area where they are guiding.¶

(4) Tags issued to an ~~e~~Outfitter and gGuide will be revoked if at any time the Marine Board revokes or denies a registration or certification. Refunds for tags will be issued to ~~e~~Outfitters and gGuides only.¶

(5) When the commission reduces allocated tags, refunds for tags only will be issued to ~~e~~Outfitters and gGuides who were not selected in the reallocation process.

Statutory/Other Authority: ORS 496.012, 496.138, 497.112

Statutes/Other Implemented: ORS 496.012, 496.138, 497.112

ADOPT: 635-075-0040

RULE SUMMARY: These rule changes associated with the Outfitter and Guide Program would affect the purchase of hunting tags by Outfitter and Guides. Outfitter and Guides would be allowed to purchase tags they draw in the December Outfitter and Guide Drawing for unnamed clients. Rule changes also include additional language and revisions making the rules more clear to improve enforceability.

CHANGES TO RULE:

635-075-0040

Participation in Guided Hunts

(1) No person(s) shall compensate any individual(s) for outfitting and guiding services as defined in ORS 704.010(5) unless the individual receiving compensation is registered by the Oregon State Marine Board to conduct an "Outfitter and Guide Hunt" as defined in 635-045-0002 in the area.¶

(2) Only a person who is certified by the Oregon State Marine Board to conduct an "Outfitter and Guide Hunt" in the area may receive compensation for accompanying an individual in the field while hunting.

Statutory/Other Authority: ORS 496.012, ORS 496-138, ORS 497.112

Statutes/Other Implemented: ORS 496.012, ORS 496-138, ORS 497.112