

DRAFT OREGON ADMINISTRATIVE RULES

DIVISION 045
DEFINITIONS

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.

- 1 (13) "Buck Pronghorn" means a male pronghorn antelope with visible horns and a dark cheek patch
2 below the ear.
- 3 (14) "Bull elk" for the purposes of a bag limit definition, means a male elk with at least one visible
4 antler.
- 5 (15) "Calendar year" means from January 1 through December 31.
- 6 (16) "Carcass" is the skinned or unskinned body, with or without entrails, of a game bird or game
7 mammal.
- 8 (17) "Cascade elk" means any live elk occurring in the Dixon, Evans Creek, Indigo, Keno, McKenzie,
9 Metolius, Rogue, Santiam and Upper Deschutes units and those parts of Fort Rock and Sprague units
10 west of Highway 97, and that part of Grizzly Unit west of Hwy 97 and south of Hwy 26.
- 11 (18) "Closed season" is any time and place when it is not authorized to take a specific species, sex or
12 size of wildlife.
- 13 (19) "Coast elk" means any live elk occurring in the Alsea, Applegate, Chetco, Melrose, Powers,
14 Saddle Mountain, Scappoose, Siuslaw, Sixes, Stott Mountain, Tioga, Trask, Willamette, and Wilson
15 units.
- 16 (20) "Commission" means the Oregon Fish and Wildlife Commission.
- 17 (21) "Controlled hunt" is a season where the number or distribution of hunters is limited through a
18 public drawing or other means.
- 19 (22) "Department" means the Oregon Department of Fish and Wildlife.
- 20 (23) "Director" means the Oregon Fish and Wildlife Director.
- 21 (24) "Doe or fawn pronghorn" means a female pronghorn antelope without a dark cheek patch below
22 the ear or a pronghorn fawn (young of the year) of either sex.
- 23 (25) "Domestic partner" means, as provided in section 3 of the Oregon Family Fairness Act of 2007
24 (ORS Chapter 106), "an individual who has, in person, joined into a civil contract with another individual
25 of the same sex, provided that each individual is at least 18 years of age and is otherwise capable, and that
26 at least one of the individuals is a resident of Oregon."
- 27 (26) "Eastern Oregon" means all counties east of the summit of the Cascade Range including all of
28 Klamath and Hood River counties.
- 29 (27) "Eastern Oregon deer" means any live deer occurring east of the east boundaries of the Santiam,
30 McKenzie, Dixon, Indigo and Rogue units.
- 31 (28) "Eligible Hunter" means someone who will be 12 years of age by the time they hunt.
- 32 (29) "Entry permit" means a permit issued by the Department to be in an area where entry is restricted
33 by regulation.

- 1 (30) "Established airport" is one that the Oregon Department of Aviation has licensed as a public-use
2 airport, registered as a personal-use airport, or specifically exempted from either licensing or registration.
- 3 (31) "Feral Swine" means animals of the genus *Sus* as defined by the Oregon Department of
4 Agriculture in OAR 603-010-0055.
- 5 (32) "Fiscal year" means from July 1 through June 30.
- 6 (33) "Furbearers" are beaver, bobcat, fisher, marten, mink, muskrat, otter, raccoon, red fox, and gray
7 fox.
- 8 (34) "Game Birds" are any waterfowl, snipe, band-tailed pigeon, mourning dove, pheasant, quail,
9 partridge, grouse, or wild turkey.
- 10 (35) "Game mammals" are pronghorn antelope, black bear, cougar, deer, elk, moose, Rocky Mountain
11 goat, bighorn sheep, and western gray squirrel.
- 12 (36) "General season" is any season open to the holder of a valid hunting license and appropriate game
13 mammal tag without restriction as to the number of participants.
- 14 (37) "Hunter certification" means to have met educational, safety or other requirements designated by
15 administrative rule for participation in a hunt.
- 16 (38) "Hunt" means to take or attempt to take any wildlife by means involving the use of a weapon or
17 with the assistance of any mammal or bird.
- 18 (39) "Husbandry" means the care given animals directly by their owners and managers, including but
19 not limited to:
- 20 (a) Nutrition;
- 21 (b) Breeding program;
- 22 (c) Veterinary medical care;
- 23 (d) Environmental cleanliness; and
- 24 (e) Humane handling.
- 25 (40) "Immediate family" for the purpose of Landowner Preference, means a landowner's spouse,
26 children, sons-in law, daughters-in-law, father, mother, brother, brothers-in law, sister, sisters-in-law,
27 stepchildren, and grandchildren.; for all other purposes, it means spouse, domestic partner, children,
28 father, mother, brother, sister, stepchildren, and grandchildren.
- 29 (41) "Inedible" means unfit for human consumption.
- 30 (42) "Juvenile hunting license" is a resident, nonresident hunting license or resident combination
31 angling and hunting license for persons 9 to 17 years of age to hunt wildlife.
- 32 (43) "Landowner", as used in OAR chapter 635, division 075, means:

1 (a) A person who holds title in trust or in fee simple to 40 or more contiguous acres of land; provided
2 however that a recorded deed or contract of ownership shall be on file in the county in which the land is
3 located; and/or

4 (b) A corporation or Limited Liability Company (LLC) holding title in fee simple to 40 or more
5 contiguous acres of land; provided however that the corporation or LLC shall be registered with the State
6 of Oregon; and/or

7 (c) A partnership holding title in fee simple to 40 or more contiguous acres of land; and/or

8 (d) Persons who hold title as part of a time share are not eligible for landowner preference.

9 (44) "Low Income" means a person who is "economically disadvantaged" as defined in Section 4(8) of
10 the Federal Job Training Partnership Act of 1982.

11 (45) "Mounted Wildlife" means any hide, head or whole body of wildlife prepared by a licensed
12 taxidermist for display.

13 (46) "Muzzleloader" is any single-barreled (shotguns may be double barreled) long gun meant to be
14 fired from the shoulder and loaded from the muzzle with an open ignition system and open or peep sights.

15 (47) "On or within" means a straight line distance measured on a map.

16 (48) "One deer" means a buck, doe, or fawn deer.

17 (49) "One elk" means a bull, cow, or calf elk.

18 (50) "Open Ignition" is an ignition system where the percussion cap, or frizzen, or flint is visible and
19 exposed to the weather at all times and is not capable of being closed or covered by any permanent piece
20 of the weapon.

21 **(51) "Outfitter and Guide Hunt" is an outdoor recreational activity in which the client is**
22 **physically accompanied in the field by the registered Outfitter and Guide or the employee(s) of the**
23 **registered Outfitter and Guide during the hunt.**

24 (52~~1~~) "Partner" means a person in an association of two or more persons formed to carry on as co-
25 owners for profit.

26 (53~~2~~) "Point-of-Sale" (POS) is a computerized licensing system available at locations that sell
27 Oregon's hunting and angling licenses. Licenses and tags are generated and issued directly to customers
28 from a POS machine at the time of sale.

29 (54~~3~~) "Possession" means to have physical possession or to otherwise exercise dominion or control
30 over any wildlife or parts thereof, and any person who counsels, aids or assists another person holding
31 such wildlife is deemed equally in possession.

32 (55~~4~~) "Postmark" means the date of mailing as stated in a mark applied by the U.S. Postal Service to
33 a piece of mail. Office postal machine meter marks are not valid application deadline postmarks.

1 (56[5]) "Predatory animals" means coyotes, rabbits, rodents, and feral swine which are or may be
2 destructive to agricultural crops, products and activities.

3 (57[6]) "Protected wildlife" means "game mammals" as defined in OAR 635-045-0002(35) "game
4 birds" as defined in 635-045-0002(34), "furbearers" as defined in 635-045-0002(33), "threatened and
5 endangered species" as defined in 635-100-0125, and "nongame wildlife protected" as defined in 635-
6 044-0130.

7 (58[7]) "Pursue" means the act of trailing, tracking, or chasing wildlife in an attempt to locate, capture,
8 catch, tree, or kill any game mammal, game bird, or furbearer.

9 (59[8]) "Raw pelt" means any pelt that has not been processed or converted to any usable form beyond
10 initial cleaning, stretching, and drying.

11 (60[59]) "Resident" is any person who

12 (a) Has resided in Oregon for a period of at least six consecutive months immediately prior to the date
13 of making application for a license, tag, or permit.

14 (b) Members of the uniformed services of the United States who:

15 (i) Are permanently assigned to active duty in this state, and their spouse and dependent children.

16 (ii) Reside in this state while assigned to duty at any base, station, shore establishment or other facility
17 in this state.

18 (iii) Reside in this state while serving as members of the crew of a ship that has an Oregon port or
19 shore establishment as its home port or permanent station.

20 (iv) Aliens attending school in Oregon under a foreign student exchange program.

21 (v) All other persons are nonresidents.

22 (61[0]) "River" is that portion of a natural water body lying below the level of bankfull stage. Bankfull
23 stage is the stage or elevation at which overflow of the natural banks of a stream or body of water begins
24 to inundate the upland.

25 (62[4]) "Rocky Mountain elk" is any live elk occurring east of the following described line: Beginning
26 at the California line on Highway 97; north on Highway 97 to State Highway 26 at Madras; northwest on
27 Highway 26 to east boundary of Santiam Unit; north along east boundary of Santiam Unit to the
28 Columbia River.

29 (63[2]) "Sabot" A carrier, bushing or device in which a projectile of a smaller caliber is centered so as
30 to permit firing the projectile within a larger caliber weapon. Cloth, paper or felt patches used with round
31 balls are not considered a sabot.

32 (64[3]) "Shotgun" is a smoothbore firearm, designed for firing birdshot, and intended to be fired from
33 the shoulder, with a barrel length of 18 inches or more, and with an overall length of 26 inches or more.

1 Exception: Shotguns equipped with rifled slug barrels are considered shotguns when used for hunting
2 pronghorn antelope, black bear, cougar, deer, or elk when centerfire rifles or shotguns are legal weapons.

3 (65[4]) "Sight bait" is exposed flesh bait within 15 feet of any foothold trap set for carnivores.

4 (66[5]) "Spike deer" is a deer with spike (unbranched) antlers.

5 (67[6]) "Spike-only bull elk" means a bull elk with at least one visible unbranched antler (a brow tine
6 is not considered an antler branch under spike-only regulations).

7 (68[7]) "Stockholder" is a person who owns stock within a corporation as defined in OAR 635-045-
8 0002(42)(b).

9 (69[8]) "Tag" is a document authorizing the taking of a designated kind of mammal at a specified time
10 and place.

11 (70[69]) "Take" means to kill or obtain possession or control of any wildlife.

12 (71[0]) "Three point plus elk" for the purposes of a bag limit definition, means a bull elk having 3
13 points or more on one antler including the brow tine.

14 (72[1]) "Unbarbed broadhead" is a fixed position arrowhead where the rear edge of the blade(s) forms
15 an angle with the arrow shaft to which it is attached of 90° or greater.

16 (73[2]) "Uniformed Services" means Army, Navy, Air Force, Marine Corps and Coast Guard, or their
17 reserve components; the National Guard or Oregon National Guard, commissioned corps of the National
18 Oceanic and Atmospheric Administration, and the Public Health Service of the United States Department
19 of health and Human Services detailed with the Army or Navy.

20 (74[3]) "Unprotected Mammals and Birds" are European starling, house sparrow, Eurasian collared-
21 dove and any mammal species for which there are no closed seasons or bag limits.

22 (75[4]) "Valid certification permit" is a permit for the current season that has not become invalid after
23 taking a season limit or illegal game bird.

24 (76[5]) "Visible Antler" means a velvet or hardened antler that is visible above the hairline on the
25 skullcap and is capable of being shed.

26 (77[6]) "Wait period" means the length of time a successful controlled hunt applicant must wait before
27 reapplying for the species for which he was successful in drawing.

28 (78[7]) "Waste" means to allow any edible portion of any game mammal (except cougar) or game bird
29 to be rendered unfit for human consumption, or to fail to retrieve edible portions, except internal organs,
30 of such game mammals or game birds from the field. Entrails, including the heart and liver, are not
31 considered edible. "Edible portion" means the meat of the front quarters as far down as the knees (the
32 distal joint of the radius-ulna), meat of the hindquarters as far down as the hocks (the distal joint of the

1 tibia-fibula), and the meat along the backbone including the loins (back-strap), and tenderloins. For elk, it
2 also includes the meat of the neck.

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

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

5 (79[8]) "Waterfowl" means ducks, geese, mergansers and coots.

6 (80[79]) "Weapon" is any device used to take or attempt to take wildlife.

7 (81[0]) "Western Oregon" means all counties west of the summit of the Cascade Range except
8 Klamath and Hood River counties.

9 (82[4]) "Western Oregon deer" is any live deer except the Columbian white-tailed deer occurring west
10 of the east boundaries of the Santiam, McKenzie, Dixon, Indigo, and Rogue units.

11 (83[2]) "Wildlife" means fish, wild birds, amphibians, reptiles, wild mammals, and feral swine.

12 (84[3]) "Wildlife" means for the purposes of harassment to relieve damage described in OAR 635-043-
13 0096 through 635-043-0115, game mammals, game birds except migratory birds protected by Federal
14 law, furbearing mammals and wildlife declared protected by the commission.

15 (85[4]) "Wildlife" means for the purposes of scientific taking described in OAR 635-043-0023 through
16 635-043-0045, wild birds, wild mammals, amphibians and reptiles, including nests, eggs, or young of
17 same.

18 (86[5]) "Wildlife" means, for the purposes of the Wildlife Diversity Plan described in OAR 635-100-
19 0001 through 635-100-0194, fish, shellfish, amphibians, reptiles, feral swine, wild mammals, wild birds,
20 and animals living intertidally on the bottom as defined by ORS 506.011.

21 (87[6]) "Wildlife unit" is a geographic area described in OAR 635-080-0000 through 635-080-0077.

22 (88[7]) "Youth" is any "Resident" of Oregon or Nonresident 12 through 17 years of age.

23

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

25

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

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

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1 DIVISION 75

2
3 LANDOWNER HUNTING PREFERENCE
4 AND OUTFITTERS AND GUIDES TAG ALLOCATION
5

6
7 **635-075-0026**

8 **Application Requirements**

9 (1) A valid controlled hunt Outfitter and Guide application shall be purchased from the Department. The
10 purchase price of the application is \$29.00 (plus a \$2.00 agent fee).

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

14 (b) Tags will only be issued for specific hunt units in which the Outfitter and Guide is certified **and in**
15 **which the Outfitter and Guide has provided proof, to the Oregon State Marine Board, they have a**
16 **valid federally issued Special Recreation Permit or private land lease.**

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

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

24 [d]e Applications, along with the proper fees, must be received by midnight December 1, of each year, at
25 the Department headquarters office. Applications received after the specified deadline dates shall be
26 disqualified.

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

31 Stat. Auth.: ORS 496.012, 496.138 & 497.112

32 Stats. Implemented: ORS 496.012, 496.138 & 497.112

33 Other Auth.: Senate Bill 247 (2015)

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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).

~~(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.) 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.

Stat. Auth.: ORS 496.012, 496.138 & 497.112

Stats. Implemented: ORS 496.012, 496.138 & 497.112

635-075-0030

Tag Limitations

(1) Tags issued in the above described allocation process are for nonresident hunters only. Outfitter[s] and ~~[g]~~**[g]**Guides 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 ~~[ø]~~**[ø]**Outfitter ~~[ø]~~**and** ~~[g]~~**[g]**Guide made the original application.

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

1 (3) Tags shall not be transferred among [ø]Outfitter[s] and [g]Guides or among hunters **and the**
2 **Outfitter and Guide who drew the tag must have a special use permit for the area where they are**
3 **guiding.**

4 (4) Tags issued to an outfitter and guide will be revoked if at any time the Marine Board revokes or
5 denies a registration or certification. Refunds for tags will be issued to [ø]Outfitter[s] and [g]Guides only.

6 (5) When the commission reduces allocated tags, refunds for tags only will be issued to [ø]Outfitter[s]
7 and [g]Guides who were not selected in the reallocation process.

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9 Stat. Auth.: ORS 496.012, ORS 496.138 & ORS 497.112

10 Stats. Implemented: ORS 496.012, ORS 496.138 & ORS 497.112

11
12 **635-075-0040**

13 **Participation in Guided Hunts**

14 **(1) No person(s) shall compensate any individual(s) for outfitting and guiding services as**
15 **defined in ORS 704.010(5) unless the individual receiving compensation is registered by the Oregon**
16 **State Marine Board as an Outfitter and Guide as defined in ORS 704.010 (4).**

17 **(2) Only a person who is registered by the Oregon State Marine Board to be an Outfitter and**
18 **Guide may receive compensation for Outfitting and Guiding Services.**

19 **Stat. Auth.: ORS 496.012, ORS 496.138 & ORS 497.112**

20 **Stats. Implemented: ORS 496.012, ORS 496.138 & ORS 497.112**