

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

STEPHANIE CLARK
INTERIM DIRECTOR

800 SUMMER STREET NE
SALEM, OR 97310
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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE

FILED

08/12/2019 2:42 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Adoption of Administration Fees

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/11/2019 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.

CONTACT: April Mack
503-947-6233
April.H.Mack@state.or.us

4034 Fairview Industrial DR SE
Salem, OR 97302

Filed By:
April Mack
Rules Coordinator

HEARING(S)

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

DATE: 10/11/2019

TIME: 8:00 AM - 5:00 PM

OFFICER: Oregon Department of Fish
& Wildlife Commissioners

ADDRESS: Four Rivers Cultural Center
676 SW 5th Ave
Ontario, OR 97914

NEED FOR THE RULE(S):

The additional revenues from this fee adjustment will support the agency's programs into the future and will roughly account for inflation in the cost of doing business.

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:

The only state agency that would be affected is the Oregon Department of Fish and Wildlife (ODFW). Increased revenues from changes in administrative fees are projected to total about \$35,000 for calendar years 2020-2021. Revenues are estimated by multiplying the number of projected license and permit sales by the increase in price for that license or permit. Due to limited data, buyer response to the fee changes cannot be predicted with any certainty. Because of this and other variable factors, such as weather, levels of fish and wildlife population, etc., revenues cannot be forecast exactly and the projected revenues should be considered rough estimates.

No units of local government are expected to be affected.

The public could be affected by the adoption of these rules. The public will be required to pay more for permits and licenses than current fees.

Occupational/Miscellaneous Fee Chart: (SEE ATTACHED)

A wide variety of small businesses are affected, including cervid farms, trappers, fur dealers, outfitters/guides, and taxidermists. Given the statewide reach of this rule, the number of small businesses affected by the rule cannot be estimated.

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).

See Fiscal Impact Statement

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

See Fiscal Impact Statement

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

The rules are believed to be fully compatible with legislative direction on the goals of wildlife management in Oregon.

NOTE: Additional PDF filed with this filing not included in this document. Please contact Department of Fish and Wildlife for a copy of this document.

RULES PROPOSED:

635-001-0116, 635-007-0910, 635-043-0003, 635-043-0033, 635-044-0470, 635-044-0490, 635-044-0510, 635-044-0540, 635-046-0055, 635-047-0025, 635-047-0035, 635-047-0045, 635-049-0165, 635-049-0270, 635-050-0180, 635-055-0015, 635-055-0035, 635-055-0037, 635-075-0005, 635-075-0026, 635-200-0050, 635-435-0015

AMEND: 635-001-0116

RULE SUMMARY: Rule changes are being proposed to establish new fees and to increase the cost of a number of licenses and permits issued by the Oregon Department of Fish and Wildlife (ODFW). The fees in this exhibit are administratively established, i.e., non-statutory. Like most statutory recreational fees, many of these fees have changed

incrementally every two years over the six-year license fee period, as indicated in the enrolled SB 247 (agency fee bill). Thus, most administrative fees changed in 2016 and 2018, while this fee adoption is associated with scheduled changes for 2020.

CHANGES TO RULE:

635-001-0116

Game Fish Tournaments ¶¶

In accordance with ORS 498.286 (2), when a prize is offered that exceeds \$1,000 for the amount, quality, size, weight or other physical characteristic of a game fish taken, other than black bass or walleye, the following restrictions apply:¶¶

(1) A permit from ODFW is required. Sponsors must apply for permits at least 60 days prior to the event. Permits must be in possession of the sponsor or a designated representative at the tournament location, and must be shown to OSP or ODFW representatives on request. ODFW shall set permit conditions after consideration of the condition of the resource and social impacts.¶¶

(2) Permit applications shall be accepted beginning November 1 of the year prior to the event. No more than one event on any water body shall be authorized on any single date, and no more than two tournaments shall be authorized on any single water body in any 14 days.¶¶

(3) The fee for a Game Fish Tournament Permit is \$~~12~~14.50. No license agent fee is required.¶¶

(4) All current angling regulations apply and shall not be altered to accommodate any tournament. In addition, special permit conditions such as reduced bag limits may be applied in order to protect affected fish stocks.¶¶

(5) Catch and release is permitted, provided fish are released unharmed.¶¶

(6) Tournament sponsors are responsible for identifying non-profit outlets for any unwanted fish which result from the tournament.¶¶

(7) Tournament sponsors are responsible for meeting all other state and local requirements for such things as special use permits, etc.

Statutory/Other Authority: SB 247 (2015), ORS 496.118, ORS 496.138, ORS 496.146, ORS 497.071

Statutes/Other Implemented: ORS 497.071, ORS 498.279

AMEND: 635-007-0910

RULE SUMMARY: Rule changes are being proposed to establish new fees and to increase the cost of a number of licenses and permits issued by the Oregon Department of Fish and Wildlife (ODFW). The fees in this exhibit are administratively established, i.e., non-statutory. Like most statutory recreational fees, many of these fees have changed incrementally every two years over the six-year license fee period, as indicated in the enrolled SB 247 (agency fee bill). Thus, most administrative fees changed in 2016 and 2018, while this fee adoption is associated with scheduled changes for 2020.

CHANGES TO RULE:

635-007-0910

Scientific Taking Permit Application - Fish ¶

(1) Any person or entity wishing to obtain a Scientific Taking Permit must complete and submit to the Department the appropriate permit application form.¶

(a) No fee is charged for Fish Scientific Taking Permits issued for scientific or educational purposes as part of a program or course of study at a K-12 educational institution.¶

(b) A fee of \$1129.50 (plus a \$2.00 license agent fee) shall be charged for each Fish Scientific Taking Permit issued for any agency, corporation, association, or other such entity.¶

(2) The Department may prescribe such terms and conditions in a permit as it may deem necessary to ensure that fish taken pursuant to the permit will be used only for scientific or educational purposes.¶

(3) Permits will not be issued to any person or entity for the purpose of collecting fish to sell to scientific or educational supply houses or to any other person or entity.

Statutory/Other Authority: ORS 496.138, SB 247 (2015), ORS 496.146, ORS 506.119

Statutes/Other Implemented: ORS 497.298, ORS 508.111

AMEND: 635-043-0003

RULE SUMMARY: Rule changes are being proposed to establish new fees and to increase the cost of a number of licenses and permits issued by the Oregon Department of Fish and Wildlife (ODFW). The fees in this exhibit are administratively established, i.e., non-statutory. Like most statutory recreational fees, many of these fees have changed incrementally every two years over the six-year license fee period, as indicated in the enrolled SB 247 (agency fee bill). Thus, most administrative fees changed in 2016 and 2018, while this fee adoption is associated with scheduled changes for 2020.

CHANGES TO RULE:

635-043-0003

Fur Dealer and Taxidermy ¶¶

- (1) Fur Dealer License shall cost \$1069.00 (plus a \$2.00 license agent fee) and shall expire on December 31 of the year issued.¶¶
- (2) Whenever a fur dealer purchases, possesses, sells, or disposes of the pelt of any furbearing mammal, the dealer must record:¶¶
 - (a) The date, numbers and types of pelts;¶¶
 - (b) For furbearing mammals requiring tags, the tag number, the state issuing the tag, the species, and the year the tag was issued; and¶¶
 - (c) The name and address of those from whom the pelts were obtained, and to whom they were sold or otherwise transferred;¶¶
 - (d) This record must be maintained at the business address of the fur dealer for a period of three years.¶¶
- (3) No fur dealer may purchase, sell, or possess any raw pelt requiring a tag or seal without having a proper tag or seal affixed to the pelt.¶¶
- (4) Fur buyers who are agents for companies shall have a fur dealer's license and record the company whom they represent on the fur dealer's license application.¶¶
- (5) Fur dealer records and pelts are subject to inspection at any time by any Oregon State Police officer or Department representative.¶¶
- (6) Failure to comply with the record keeping criteria in OAR 635-043-0003(1) or to permit inspection of such records may result in a two year license suspension.¶¶
- (7) Taxidermy License shall cost \$1069.00 (plus a \$2.00 license agent fee) and shall expire on December 31 of the year issued.¶¶
- (8) Licensed taxidermists may sell a client's unclaimed, legally taken, mounted wildlife, except migratory birds protected by Federal Law 16 USC 703, provided that:¶¶
 - (a) Upon completion, at least two written notices of intent to sell are sent to the client;¶¶
 - (b) Two months have passed since completion of mount;¶¶
 - (c) The amount realized by the sale of a mount is not to exceed the original quoted price stated contemporaneously in writing, less any deposit received;¶¶
 - (d) Taxidermists may mount and sell legally taken furbearing animals with a fur dealer's license.¶¶
- (9) At the time of receiving wildlife for mounting, every licensed taxidermist shall:¶¶
 - (a) Record the date, number and kinds of wildlife received;¶¶
 - (b) Record the tag number and year of issuance of those furbearing mammals requiring tags;¶¶
 - (c) For game mammals and game birds requiring tags, record the confirmation number of electronic tags, record the date (month/day/year) and time (hour:minute) of issuance of paper tags.¶¶
 - (d) Record the date taken, the county or hunting unit and state where taken, and the name and address of the person who killed the wildlife;¶¶
 - (e) Record the name and address of the person from whom the wildlife is received and the quoted price for the taxidermy work;¶¶

(f) Maintain this record at the business address of the taxidermist for a three-year period;¶

(g) Maintain copies of the written notices, as described in 635-043-0003(6), date of sale, amount of sale and name and address of the person purchasing the mount at the business address of the taxidermist for a three-year period.¶

(10) Taxidermy records and all wildlife possessed by licensed taxidermists for the purpose of taxidermy are subject to inspection at any time by any Oregon State Police officer or Department representative.

Statutory/Other Authority: SB 247 (2015), ORS 496.012, ORS 496.138, ORS 496.146, ORS 498.019, ORS 498.022, ORS 498.042

Statutes/Other Implemented: ORS 496.012, ORS 496.138, ORS 496.146, ORS 498.019, ORS 498.022, ORS 498.042

AMEND: 635-043-0033

RULE SUMMARY: Rule changes are being proposed to establish new fees and to increase the cost of a number of licenses and permits issued by the Oregon Department of Fish and Wildlife (ODFW). The fees in this exhibit are administratively established, i.e., non-statutory. Like most statutory recreational fees, many of these fees have changed incrementally every two years over the six-year license fee period, as indicated in the enrolled SB 247 (agency fee bill). Thus, most administrative fees changed in 2016 and 2018, while this fee adoption is associated with scheduled changes for 2020.

CHANGES TO RULE:

635-043-0033

Cost of Permit ¶¶

(1) Wildlife Scientific/Educational Taking Permits (K-12 grades) shall be issued at no cost and shall expire on December 31 of the year issued.¶¶

(2) Wildlife Scientific/Educational Taking Permits (other) shall cost \$1129.50 (plus a \$2.00 license agent fee) and shall expire on December 31 of the year issued.

Statutory/Other Authority: SB 247 (2015), ORS 183, ORS 496

Statutes/Other Implemented: ORS 183, ORS 496

AMEND: 635-044-0470

RULE SUMMARY: Rule changes are being proposed to establish new fees and to increase the cost of a number of licenses and permits issued by the Oregon Department of Fish and Wildlife (ODFW). The fees in this exhibit are administratively established, i.e., non-statutory. Like most statutory recreational fees, many of these fees have changed incrementally every two years over the six-year license fee period, as indicated in the enrolled SB 247 (agency fee bill). Thus, most administrative fees changed in 2016 and 2018, while this fee adoption is associated with scheduled changes for 2020.

CHANGES TO RULE:

635-044-0470

Grandfathering the Possession of Black Bear, Cougar, Bobcat, Wolf, Raccoon, Skunk, Squirrel, Chipmunk and Other Non-game Wildlife Species Legally Held as Pets ¶

(1) Grandfathered wildlife may be held as pets, or for exhibitor, educational, or animal entertainment industry or sanctuary purposes, or in AZA accredited facilities as defined in these rules.¶

(2) A person who legally held native wildlife (black bear, cougar, bobcat, wolf, raccoon, skunk, squirrel, chipmunk) or other nongame species in Oregon prior to and on January 20, 2017 may continue to hold those animal(s) for the remainder of the animal(s) life provided:¶

(a) The holder submits an application for an annual Wildlife Holding, Exhibitor/Animal Entertainment Industry or Sanctuary Permit by January 21, 2018. Included with the application, the person must:¶

(A) Remit to the Department a fee of ~~\$269.00~~ per species held for a Wildlife Holding permit or \$100.00 for a Wildlife Exhibitor/Animal Entertainment Industry or Sanctuary Permit ~~(plus a \$2.00 license agent fee)~~ for the permit or permit renewal; and¶

(B) Demonstrate to the Department that the person's black bear, cougar, bobcat, wolf, raccoon and skunk holding facility complies with any applicable city or county ordinances and any applicable federal laws;¶

(C) Permit conditions may include, but are not limited to, facility design standards and actions to protect native wildlife and human safety;¶

(D) Permit renewal must occur before the expiration date printed on the permit issued by the Department.¶

(b) Grandfathered animals are held in Department approved facilities meeting standards defined in the Oregon Enclosure and Caging Standards for Holding Wildlife (Exhibit 1). The facilities housing legally acquired grandfathered black bears, cougars, bobcats, wolves, raccoons, skunks, squirrels, chipmunks, and other legally held non-game species, must meet the minimum facility standards defined herein in Exhibit 1 by January 21, 2018.¶

(c) Grandfathered bears, cougars, bobcats, wolves, raccoons, skunks, squirrels, and chipmunks must have been acquired from a legally propagated out-of-state source or legally acquired with approved documentation that may include a valid sales receipt, Certificate of Veterinary Inspection with import permit from Oregon Department of Agriculture, valid agency transfer of ownership permit identifying the animal was propagated and born in legal captivity, or as approved by the Department. All permit holders of grandfathered animals shall provide to the Department a signed and notarized affidavit stating how the grandfathered animal(s) were legally acquired;¶

(d) Grandfathered wildlife held as pets may not be bred. Two or more held grandfathered black bears, cougars, bobcats, wolves, raccoons, skunks, squirrels, chipmunks, or other grandfathered wildlife of the same species of different sexes, requires sterilization of either sex for animals older than 6 months of age, within 30 days of rule adoption. Written documentation of the completed procedure by a licensed veterinarian is required. Avoidance of reproduction of nongame wildlife of different sexes can be accomplished by separation of the sexes, disposal of eggs, veterinary sterilization, etc., and is the responsibility of the wildlife holding permittee.¶

(3) The only person(s) who may hold pure-bred wolves in captivity are those who, as of December 31, 2009, held a gray wolf or wolves in captivity in Oregon under previous Oregon Department of Agriculture, Class I Exotic Canine, Exotic Animal Division 603 Rules or held a valid license or registration from the U.S. Department of

Agriculture, under the federal Animal Welfare Act of 1970. These persons must also obtain authority under the requirements of 635-044-0460(7) [Gray Wolves in Captivity] of this rule.¶

(a) Beyond the persons described in paragraph (2), the Department will not issue any new permits to hold a pure-bred wolf in captivity except as defined in OAR 635-044-0460.(7).(a).¶

(b) Wolves legally held under the provisions of paragraph (2) may only be transferred to an AZA accredited facility unless specifically approved by the Department.¶

(4) Grandfathered black bears, cougars, and bobcats may only be transferred from the original Wildlife Holding Permit to an AZA accredited facility or an approved Wildlife Exhibitor/Animal Entertainment Industry or Sanctuary facility, or as approved by the Department. Raccoons and skunks may not be offered for sale, trade, barter, or exchange as a household pet (ORS 498.029).

Statutory/Other Authority: ORS 498.002, ORS 497.228, ORS 496.171 - 182

Statutes/Other Implemented: ORS 498.002, ORS 497.228, ORS 496.171 - 182

AMEND: 635-044-0490

RULE SUMMARY: Rule changes are being proposed to establish new fees and to increase the cost of a number of licenses and permits issued by the Oregon Department of Fish and Wildlife (ODFW). The fees in this exhibit are administratively established, i.e., non-statutory. Like most statutory recreational fees, many of these fees have changed incrementally every two years over the six-year license fee period, as indicated in the enrolled SB 247 (agency fee bill). Thus, most administrative fees changed in 2016 and 2018, while this fee adoption is associated with scheduled changes for 2020.

CHANGES TO RULE:

635-044-0490

Cost, Expiration Date, and Changes to a Wildlife Holding, Wildlife Exhibitor/Animal Entertainment Industry or Wildlife Sanctuary Permit ¶

- (1) Any person desiring to obtain a Wildlife Holding Permit must be an Oregon resident with a legal Oregon address and must submit a complete application and a non-refundable application species fee and license agent fee listed on the permit application. All applications require Department approval and payment of the Wildlife Holding Permit fees of \$269.00 for each species held. ¶
- (2) Any person desiring to obtain a Wildlife Exhibitor/Animal Entertainment Industry or Sanctuary permit must be an Oregon resident and identify whether the applicant is an individual, partnership, corporation, Limited Liability Company or other legal entity. (if a partnership, the application must provide the full names and addresses of the partners; if a corporation, the application must provide the full names and addresses of all officers, directors and stockholder; if a limited liability company, the application must provide the full names and addresses of all members and managers; if the applicant is structured as a tiered organization, the application must provide the full names and address of all of the partners; or officers, directors and stockholders; or members and managers of each constituent entity within the tiered organization). Applicant must submit a complete application and a non-refundable application fee of \$100.00 and license agent fee listed on the permit application. ¶
- (3) The Wildlife Holding, Wildlife Exhibitor/Animal Entertainment Industry, and Wildlife Sanctuary Permits expires on December 31 of the year issued. ¶
- (4) All permit renewals and payment of associated fees must occur before the expiration date of the current permit. Verification of annual permit requirements (if applicable to the permit) must accompany the renewal application. ¶
- (5) A new application is required for any change of address by the permittee. ¶
- (6) The addition of animals of the species approved on the original permit requires prior approval by the local department biologist. ¶
- (7) Except as directed in 635-044-0470(4) and 635-044-0475.(1)(A) and (3), wildlife held on a Wildlife Holding Permit may only be transferred to another Wildlife Holding Permittee and requires: ¶
 - (a) The species transferred is listed on the receiving permittee's Wildlife Holding Permit, and; ¶
 - (b) A new application and updated Wildlife Holding Permit and payment of associated fees for the addition of animals of the species transferred, and; ¶
 - (c) Approval by the Department. ¶
- (8) Failure to renew a Wildlife Exhibitor/Animal Entertainment Industry or Wildlife Sanctuary Permit, or Wildlife Holding Permit by December 31 of the year issued may result in a penalty or confiscation of held species, fines, and denial of a future permit. ¶
- (9) The Department may revoke or decline to renew a Wildlife Exhibitor/Animal Entertainment Industry or Wildlife Sanctuary Permit or Wildlife Holding Permit or Game Bird Propagation License if the permittee/licensee is convicted of, or admits to a violation of, any wildlife law or any rule, order or permit issued under the wildlife laws within the previous ~~5~~five years of the date of application. Upon revocation or non-renewal of a permit, the Department will confiscate any birds, mammals, amphibians and reptiles held. ¶

(10) Cancellation or non-renewal of application, licenses, or permits and contested case procedure is defined in 635-044-0570.

Statutory/Other Authority: [ORS 496.012](#), [ORS 496.138](#), [ORS 496.146](#), [ORS 497.298](#), [ORS 497.308](#), [ORS 497.312](#), [ORS 497.318](#), [ORS 498.022](#), [ORS 498.029](#), [ORS 498.052](#), [ORS 498.222](#), [ORS 498.242](#)

Statutes/Other Implemented: [ORS 496.012](#), [ORS 496.138](#), [ORS 496.146](#), [ORS 497.298](#), [ORS 497.308](#), [ORS 497.312](#), [ORS 497.318](#), [ORS 498.022](#), [ORS 498.029](#), [ORS 498.052](#), [ORS 498.222](#), [ORS 498.242](#)

AMEND: 635-044-0510

RULE SUMMARY: Rule changes are being proposed to establish new fees and to increase the cost of a number of licenses and permits issued by the Oregon Department of Fish and Wildlife (ODFW). The fees in this exhibit are administratively established, i.e., non-statutory. Like most statutory recreational fees, many of these fees have changed incrementally every two years over the six-year license fee period, as indicated in the enrolled SB 247 (agency fee bill). Thus, most administrative fees changed in 2016 and 2018, while this fee adoption is associated with scheduled changes for 2020.

CHANGES TO RULE:

635-044-0510

Inspection of Facilities ¶¶

(1) Facilities holding captive wildlife are subject to inspection by any State Police officer or Department representative. Inspection of the facilities may take place without warrant or notice, but, unless prompted by emergency or other exigent circumstances, shall be limited to regular and usual business hours, including weekends. Nothing in these rules is intended to authorize or allow the warrantless search or inspection of a permit holder's residence.¶¶

(2) Any inspection(s) of Exhibitor/Animal Entertainment or Sanctuary Permit or Wildlife Holding permit facilities involving approval of new or modified facilities may require a \$1560.00 inspection fee. An inspection fee may be assessed for Wildlife Holding Permit facilities depending on species and number of wildlife held.

Statutory/Other Authority: ORS 496.012, ORS 496.138, ORS 496.146, ORS 497.298, ORS 497.308, ORS 497.312, ORS 497.318, ORS 498.022, ORS 498.029, ORS 498.052, ORS 498.222, ORS 498.242

Statutes/Other Implemented: ORS 496.012, ORS 496.138, ORS 496.146, ORS 497.298, ORS 497.308, ORS 497.312, ORS 497.318, ORS 498.022, ORS 498.029, ORS 498.052, ORS 498.222, ORS 498.242

AMEND: 635-044-0540

RULE SUMMARY: Rule changes are being proposed to establish new fees and to increase the cost of a number of licenses and permits issued by the Oregon Department of Fish and Wildlife (ODFW). The fees in this exhibit are administratively established, i.e., non-statutory. Like most statutory recreational fees, many of these fees have changed incrementally every two years over the six-year license fee period, as indicated in the enrolled SB 247 (agency fee bill). Thus, most administrative fees changed in 2016 and 2018, while this fee adoption is associated with scheduled changes for 2020.

CHANGES TO RULE:

635-044-0540

License Required to Propagate Game Birds ¶

(1) Any person or business desiring to propagate for sale any game bird, limited to the following bird species in the families listed below, must submit a complete application and a non-refundable application fee of \$546.00 ~~and~~ (plus a \$2.00 license agent fee) listed on the permit application:¶

(a) Columbidae (mourning doves and band-tailed pigeons only);¶

(b) Anatidae (all species except mute swans and Egyptian geese);¶

(c) Phasianidae;¶

(A) Subfamily Phasianinae species only;¶

(B) Subfamily Tetraoninae (grouse and ptarmigan except Genuses Centrocercus and Tympanuchus);¶

(C) Subfamily Meleagridinae (wild turkey); and¶

(D) Subfamily Perdicinae (partridges and common quail (*Coturnix coturnix*));¶

(d) Odontophoridae (Genuses *Callipepla*, *Colinus*, and *Oreortyx* only); and¶

(e) Scolopacidae (*Gallinago delicata* only).¶

(2) Game Bird Propagation Licenses expire on December 31 of the year issued.¶

(3) Any person desiring to propagate, sell or barter any raptor as defined in OAR 635-055-0002(3) protected by federal law must first adhere to all permit requirements and regulations pertaining to the propagation and selling of raptors, as adopted by the U.S. Department of the Interior (Federal Register, Vol. 48, No. 132, Part 21). The license holder must provide a copy of their current federal permits to the department with their application or renewal.

Statutory/Other Authority: ORS 498.029, ORS 498.052, ORS 498.222, ORS 498.242, ORS 496.012, ORS 496.138, ORS 496.146, ORS 497.298, ORS 497.308, ORS 497.312, ORS 497.318, ORS 498.022

Statutes/Other Implemented: ORS 496.012, ORS 496.138, ORS 496.146, ORS 497.298, ORS 497.308, ORS 497.312, ORS 497.318, ORS 498.022, ORS 498.029, ORS 498.052, ORS 498.222, ORS 498.242

AMEND: 635-046-0055

RULE SUMMARY: Rule changes are being proposed to establish new fees and to increase the cost of a number of licenses and permits issued by the Oregon Department of Fish and Wildlife (ODFW). The fees in this exhibit are administratively established, i.e., non-statutory. Like most statutory recreational fees, many of these fees have changed incrementally every two years over the six-year license fee period, as indicated in the enrolled SB 247 (agency fee bill). Thus, most administrative fees changed in 2016 and 2018, while this fee adoption is associated with scheduled changes for 2020.

CHANGES TO RULE:

635-046-0055

Use of Wildlife for Competitive Hunting Dog Trials ¶

- (1) To hold a competitive hunting dog trial, a person must possess a "Competitive Hunting Dog Trial Permit" from the Department.¶
 - (a) If domestically-raised game birds are released.¶
 - (b) If wildlife is used outside the pursuit or hunting season for that species; or¶
 - (c) If the trial occurs between March 16 and August 14 (whether domestically-raised game birds are released or not).¶
- (2) The applicant (sponsor of the competitive hunting dog trial) must apply for a Competitive Hunting Dog Trial Permit to the Department's wildlife district where the trial will take place.¶
 - (a) The fee for a Competitive Hunting Dog Trial Permit is \$278.00 (plus a \$2.00 license agent fee).¶
 - (b) The application (available online) must be received by the Department at least ten business days prior to the start of a competitive trial via hand-delivery, U.S. Mail, electronic mail, or facsimile.¶
 - (c) The District Wildlife Biologist or his or her designee will respond to permit applications within 10 business days from the received date.¶
- (3) To issue a Competitive Hunting Dog Trial Permit, the Department must determine that the proposed trial will not:¶
 - (a) Conflict to a significant degree with other authorized activities, including but not limited to land management actions, other permitted trials, or lawful hunting.¶
 - (b) Result in significant adverse impact to wildlife or wildlife habitat, taking into consideration location, land ownership, designation of site, size, and date of the proposed trial.¶
- (4) The Department may approve, approve with conditions, or deny a permit application.¶
 - (a) If the Department denies the issuance a permit, the Department will provide the applicant with a written explanation and an opportunity to request a hearing to appeal that action.¶
 - (b) The applicant may appeal the Department's decision by submitting a written request for a contested case hearing to the Department within 10 business days after mailing of the Department's decision.¶
- (5) If after issuance of a Competitive Hunting Dog Trial Permit any unforeseen or emergency circumstances necessitate a change to the permit, the Department will, to the maximum extent practicable, work with permittee to exhaust other options to maintain the trial.¶
- (6) The following species may be released under a Competitive Hunting Dog Trial Permit: common pheasant (all races of *Phasianus colchicus*, most commonly ring-necked); California (valley), bobwhite, and Coturnix quail; Hungarian (gray), chukar, and red-legged partridge; or mallards, provided all domestically-raised game birds were lawfully acquired and any mallard used must be a marked bird.¶
- (7) Domestically-raised game birds released under a valid Competitive Hunting Dog Trial Permit may be pursued or taken during the course of the permitted trial.¶
- (8) Use of recall pens to recapture domestically-raised upland game birds released under a valid Competitive Hunting Dog Trial Permit is allowed on private lands only if all released game birds were marked (except bobwhite and Coturnix quail, or if there is an exception granted as a condition of the permit) and provided that the person

operating the recall pen has the original or a copy of the permit.¶

(9) The carcasses of domestically-raised game birds which were lawfully released under a valid Competitive Hunting Dog Trial Permit and subsequently taken during the trial may be possessed in any number by any person, provided that the person holds a copy of the Competitive Hunting Dog Trial Permit or a written note from the permittee describing when, where, and for what purpose the birds were taken.

Statutory/Other Authority: SB 247 (2015), ORS 496.012, ORS 496.138, ORS 496.146, ORS 498.006, ORS 498.106

Statutes/Other Implemented: ORS 496.012, ORS 496.138, ORS 496.146, ORS 498.006, ORS 498.106

AMEND: 635-047-0025

RULE SUMMARY: Rule changes are being proposed to establish new fees and to increase the cost of a number of licenses and permits issued by the Oregon Department of Fish and Wildlife (ODFW). The fees in this exhibit are administratively established, i.e., non-statutory. Like most statutory recreational fees, many of these fees have changed incrementally every two years over the six-year license fee period, as indicated in the enrolled SB 247 (agency fee bill). Thus, most administrative fees changed in 2016 and 2018, while this fee adoption is associated with scheduled changes for 2020.

CHANGES TO RULE:

635-047-0025

Marking of Birds ¶¶

All privately owned game birds to be released must be premarked in a manner prescribed by the Department:¶¶

(1) All game birds reared for release upon hunting preserves shall be identified by a healed toe mark or be marked with a plastic poultry band or marked by a nasal scar. A nasal scar is a permanent deformity caused by an anti-pecking device. For a healed toe mark, the terminal joint, including the entire toenail, shall be clipped from the outside of the right foot of each chick.¶¶

(2) In the event that an operator acquires birds that have not been marked, they shall be banded prior to release by the operator with plastic poultry bands or other bands approved by the Department.¶¶

(3) Any wild game bird incidentally taken upon a hunting preserve at any time other than the general open season therefore shall be immediately marked with a wild bird seal that has been issued by the Department. The fee for such seals shall be \$~~16.57~~.00 each. Any unused wild bird seals may be submitted for refund not later than 30 days after the close of business if a preserve discontinues operation.¶¶

(4) Operators shall pay for in advance and have on hand not less than 10 wild bird seals at all times.¶¶

(5) A wild bird seal shall be securely affixed to any wild bird taken outside the general season or any wild hen pheasant before it leaves the premises of the hunting preserve.¶¶

(6) A record of the date of issue and the names and address of persons receiving wild bird seals must be maintained by the operator and available to Department personnel or enforcement officers at all times.

Statutory/Other Authority: SB 247 (2015), ORS 496.012, ORS 496.138, ORS 496.570, ORS 497.102, ORS 497.156, ORS 497.248

Statutes/Other Implemented: ORS 496.012, ORS 496.138, ORS 496.570, ORS 497.102, ORS 497.156, ORS .248

AMEND: 635-047-0035

RULE SUMMARY: Rule changes are being proposed to establish new fees and to increase the cost of a number of licenses and permits issued by the Oregon Department of Fish and Wildlife (ODFW). The fees in this exhibit are administratively established, i.e., non-statutory. Like most statutory recreational fees, many of these fees have changed incrementally every two years over the six-year license fee period, as indicated in the enrolled SB 247 (agency fee bill). Thus, most administrative fees changed in 2016 and 2018, while this fee adoption is associated with scheduled changes for 2020.

CHANGES TO RULE:

635-047-0035

Fees ¶¶

- (1) Fee for hunting preserve license shall be \$2230.00 (plus a \$2.00 license agent fee) per year.¶¶
 - (2) Licenses issued under this rule shall be issued for a period of July 1 to June 30 of the following year.
- Statutory/Other Authority: SB 247 (2015), ORS 496.112, ORS 496.138, ORS 496.146, ORS 496.162
Statutes/Other Implemented: ORS 496.112, ORS 496.138, ORS 496.146, ORS 496.162

AMEND: 635-047-0045

RULE SUMMARY: Rule changes are being proposed to establish new fees and to increase the cost of a number of licenses and permits issued by the Oregon Department of Fish and Wildlife (ODFW). The fees in this exhibit are administratively established, i.e., non-statutory. Like most statutory recreational fees, many of these fees have changed incrementally every two years over the six-year license fee period, as indicated in the enrolled SB 247 (agency fee bill). Thus, most administrative fees changed in 2016 and 2018, while this fee adoption is associated with scheduled changes for 2020.

CHANGES TO RULE:

635-047-0045

License Requirements of Hunters ¶¶

(1) State hunting licenses shall be required of all persons hunting on hunting preserves. Residents shall be required to possess either a resident hunting license or an annual resident private hunting preserve permit. The resident private hunting preserve permit shall cost \$4.50 (plus a \$2.00 license agent fee) and is good for the entire hunting preserve season on any licensed hunting preserve. Nonresidents shall be required to possess a regular nonresident hunting license, or an annual nonresident private hunting preserve permit. The nonresident private hunting preserve permit shall cost ~~\$11.52.00~~ (plus a \$2.00 license agent fee) and shall be good for the entire hunting preserve season on any licensed hunting preserve in the state.¶¶

(2) Operators may obtain special hunting preserve permits for reissue to their clients from the Department. Operators who are not authorized license agents of the Department shall pay in advance for the special \$4.50 (plus a \$2.00 license agent fee) resident and ~~\$11.52.00~~ (plus a \$2.00 license agent fee) nonresident hunting preserve permits and maintain a record of all sales. Operators shall have on hand a minimum of not less than ten resident and not less than ten nonresident special preserve permits at all times. Operators may return unissued preserve permits for refund within 30 days of close of business in the event they discontinue operation.

Statutory/Other Authority: SB 247 (2015), ORS 496.012, ORS 496.138, ORS 496.570, ORS 497.102, ORS 497.156, ORS 497.248

Statutes/Other Implemented: ORS 496.012, ORS 496.138, ORS 496.570, ORS 497.102, ORS 497.156, ORS .248

AMEND: 635-049-0165

RULE SUMMARY: Rule changes are being proposed to establish new fees and to increase the cost of a number of licenses and permits issued by the Oregon Department of Fish and Wildlife (ODFW). The fees in this exhibit are administratively established, i.e., non-statutory. Like most statutory recreational fees, many of these fees have changed incrementally every two years over the six-year license fee period, as indicated in the enrolled SB 247 (agency fee bill). Thus, most administrative fees changed in 2016 and 2018, while this fee adoption is associated with scheduled changes for 2020.

CHANGES TO RULE:

635-049-0165

Type 1 Cervid Licenses ¶¶

(1) A Type 1 cervid license is required to hold Rocky Mountain elk, Roosevelt elk, Sika deer, Muntjac deer, white-tailed deer or black-tailed deer. No hybrid cervids are allowed except as authorized in OAR 635-049-0015(3).¶¶

(2) A Type 1 cervid license is valid as long as the licensee complies with all requirements of these rules, but must be renewed annually. The fee for a Cervid Propagation License -- Type 1 shall be \$602.50 (plus a \$2.00 license agent fee) annually.¶¶

(3) Type 1 cervid licenses are allocated as follows:¶¶

(a) The number of Type 1 cervid licenses for commercial or exhibition holding of Rocky Mountain elk, and/or Roosevelt elk and their hybrids is limited to 16. Commercial operations are those intending to sell elk or their parts or products. Exhibition operations are operations intending to display elk. ~~These are the Type 1 commercial and exhibition licenses as of May 9, 2008: [Table not included. See ED. NOTE.];~~¶¶

(b) Licenses for commercial and exhibition holding are also subject to the following additional restrictions:¶¶

(A) New facilities for Type 1 cervid licenses for commercial or exhibition holding of Roosevelt elk must be located west of the crest of the Cascade Mountains.¶¶

(B) New facilities for Type 1 cervid licenses for commercial or exhibition holding of Rocky Mountain elk must be located east of the crest of the Cascade Mountains.¶¶

(C) No new Type 1 cervid licenses will be issued for commercial or exhibition holding of hybrids of Roosevelt elk and Rocky Mountain elk.¶¶

(c) Type 1 cervid licenses for commercial or exhibition holding of Sika deer, Muntjac deer, White-tailed deer or Black-tailed deer are limited to those issued on or before January 20, 1993.¶¶

(d) There is no limit on the number of licenses the Department may issue for holding Type 1 species for scientific research, education or conservation operations. Before a license can be issued for these purposes, the Director must first determine that the application is submitted by an individual or organization involved in a bona fide scientific research, education or conservation project and that the operation will result in an overwhelming benefit to wildlife or wildlife habitat in Oregon.¶¶

(4) Notwithstanding the above, if the Department chooses to place any cervid in its custody with a licensed facility, it may do so (with the licensee's consent) regardless of whether that facility is licensed for that particular species.¶¶

[ED. NOTE: Tables referenced are available from the agency.]

Statutory/Other Authority: SB 247 (2015), ORS 496.012, ORS 496.138, ORS 496.146, ORS 496.162, ORS 497.228, ORS 498.002, ORS 498.019, ORS 498.052, ORS 174.106

Statutes/Other Implemented: ORS 496.012, ORS 496.138, ORS 496.146, ORS 496.162, ORS 497.228, ORS 498.002, ORS 498.019, ORS 498.052, ORS 174.106

AMEND: 635-049-0270

RULE SUMMARY: Rule changes are being proposed to establish new fees and to increase the cost of a number of licenses and permits issued by the Oregon Department of Fish and Wildlife (ODFW). The fees in this exhibit are administratively established, i.e., non-statutory. Like most statutory recreational fees, many of these fees have changed incrementally every two years over the six-year license fee period, as indicated in the enrolled SB 247 (agency fee bill). Thus, most administrative fees changed in 2016 and 2018, while this fee adoption is associated with scheduled changes for 2020.

CHANGES TO RULE:

635-049-0270

Application for Cervid Propagation License - Type 2 ¶¶

(1) Person desiring to hold or propagate live fallow deer or reindeer must first secure a Cervid Propagation License -- Type 2 by applying to the Department's headquarters office.¶¶

(a) The application shall list the:¶¶

(A) Cervid species and numbers to be held;¶¶

(B) Date of application;¶¶

(C) Location and size of the facility; and¶¶

(D) Name, address, and signature of the applicant.¶¶

(b) Provided review of the application indicates the proposed operation meets the requirements of OAR chapter 635, division 049, the Department will notify the applicant of preliminary approval and the need for a facility inspection.¶¶

(2) The fee for a Cervid Propagation License -- Type 2 shall be \$602.50 (plus a \$2.00 license agent fee) annually.

Statutory/Other Authority: ORS 496.004, ORS 496.012, ORS 496.138, ORS 497.228, ORS 497.308, ORS 498.002, ORS 498.052, SB 247 (2015)

Statutes/Other Implemented: ORS 496.004, ORS 496.012, ORS 496.138, ORS 497.228, ORS 497.308, ORS 498.002, ORS 498.052

AMEND: 635-050-0180

RULE SUMMARY: Rule changes are being proposed to establish new fees and to increase the cost of a number of licenses and permits issued by the Oregon Department of Fish and Wildlife (ODFW). The fees in this exhibit are administratively established, i.e., non-statutory. Like most statutory recreational fees, many of these fees have changed incrementally every two years over the six-year license fee period, as indicated in the enrolled SB 247 (agency fee bill). Thus, most administrative fees changed in 2016 and 2018, while this fee adoption is associated with scheduled changes for 2020.

CHANGES TO RULE:

635-050-0180

Bobcat and River Otter Record Cards ¶¶

- (1) Each person desiring to hunt or trap bobcat or river otter shall purchase a bobcat or river otter record card prior to hunting or trapping bobcat or river otter.¶¶
 - (2) Bobcat record cards will be available for a fee of \$345.50 (plus a \$2.00 license agent fee) per card.¶¶
 - (3) River otter record cards will be available for a fee of \$345.50 (plus a \$2.00 license agent fee) per card.¶¶
 - (4) Record cards will be available at the Salem headquarters and regional offices of the Department.¶¶
 - (5) River otter cards will have spaces for recording 15 river otters. There is no limit on the purchase of river otter record cards.¶¶
 - (6) Each western Oregon bobcat record card will have spaces for recording 15 bobcats. There is no limit on purchase of western Oregon bobcat record cards.¶¶
 - (7) No more than one record card for eastern Oregon bobcats will be issued to any furtaker or hunter. A duplicate card may be issued, but no more than the bag limit described for eastern Oregon bobcats in OAR 635-050-0080 may be taken in a season.¶¶
 - (8) No person may obtain or possess both eastern and western Oregon bobcat record cards.¶¶
 - (9) Bobcat and river otter record cards shall not be sold after the end of their respective seasons.¶¶
 - (10) Each furtaker shall have the appropriate record card on his person while trapping or hunting bobcat or river otter.¶¶
 - (11) Furtakers shall not have record cards other than their own on their person, or in their possession while in the field or in transit.¶¶
 - (12) Upon coming into possession of any bobcat or river otter, the furtaker who killed the animal shall immediately write on their record card, the species, sex, date of possession and county of harvest.¶¶
 - (13) Each furtaker shall retain the record card until he disposes of the raw pelts.¶¶
 - (14) Fees paid for unused record cards shall not be refunded.¶¶
 - (15) It is unlawful to alter or be in possession of an altered bobcat or river otter record card.¶¶
 - (16) Each licensee shall register a brand number to obtain a bobcat or river otter record card.
- Statutory/Other Authority: SB 247 (2015), ORS 496.012, ORS 496.138, ORS 496.146, ORS 496.162
Statutes/Other Implemented: ORS 496.012, ORS 496.138, ORS 496.146, ORS 496.162

AMEND: 635-055-0015

RULE SUMMARY: Rule changes are being proposed to establish new fees and to increase the cost of a number of licenses and permits issued by the Oregon Department of Fish and Wildlife (ODFW). The fees in this exhibit are administratively established, i.e., non-statutory. Like most statutory recreational fees, many of these fees have changed incrementally every two years over the six-year license fee period, as indicated in the enrolled SB 247 (agency fee bill). Thus, most administrative fees changed in 2016 and 2018, while this fee adoption is associated with scheduled changes for 2020.

CHANGES TO RULE:

635-055-0015

Cost and Expiration Date of Falconry License ¶¶

(1) The fee for a falconry license shall be ~~\$140.55~~00 (plus a \$2.00 license agent fee).¶¶

(2) The falconry license is valid for three years. The three year period shall extend from July 1 of the year of issue to June 30 of the third year.¶¶

EXAMPLE: A license issued on November 1, 2011 will expire on June 30, 2014.

Statutory/Other Authority: SB 247 (2015), ORS 496

Statutes/Other Implemented: ORS 496

AMEND: 635-055-0035

RULE SUMMARY: Rule changes are being proposed to establish new fees and to increase the cost of a number of licenses and permits issued by the Oregon Department of Fish and Wildlife (ODFW). The fees in this exhibit are administratively established, i.e., non-statutory. Like most statutory recreational fees, many of these fees have changed incrementally every two years over the six-year license fee period, as indicated in the enrolled SB 247 (agency fee bill). Thus, most administrative fees changed in 2016 and 2018, while this fee adoption is associated with scheduled changes for 2020.

CHANGES TO RULE:

635-055-0035

Capture and Transportation of Raptors ¶

A raptor capture permit is required prior to capturing or attempting to capture any raptor. The permit holder must carry the permit on their person while conducting activities related to Peregrine Capture. ¶

(1) A non-resident falconer from a state having a federally approved falconry program may obtain a capture permit for species listed in 635-055-0020(3) with the exception of gyrfalcons. All non-resident applications must include a copy of the applicant's current state falconry license. All applicants for golden eagle capture must include a copy of the federal authorization to take and possess golden eagles. Only 20 non-resident capture permits will be issued in total each capture season. All non-resident capture permits, except for capture permits for peregrine falcons, will be issued on a first come first served basis. ¶

(12) A nonrefundable application fee of \$245.00 (plus a \$2.00 license agent fee) will be charged for each capture permit allowing the capture of one raptor per permit. ¶

(23) Except for take of peregrine falcons, the Department will issue capture permits in the order applications are received. The permit process will begin January 1st of each year, and applicants must hold a valid Oregon falconry license or a falconry license from a state having a federally approved falconry program. The category of species shall be listed on the permit (e.g. "golden eagle", "gyrfalcon", "peregrine falcon", or "other raptor") and the falconer is authorized to take only one raptor from the category specified. A falconer may apply for a capture permit in more than one category. The falconer whose name appears on the permit must do the capturing except for peregrine falcon nestlings; the permit is not transferable. ¶

(34) Upon taking the raptor authorized, the permit holder shall immediately validate the permit by recording the date, species, sex, county, and capture method and signing his/her name in the space provided. At the time of capture, the permit holder shall affix the permanent plastic band, issued with the permit, to one leg of the bird. Within five business days of capture, the permit holder shall take the bird to a Department office to have the permit certified. ¶

(45) Lost, raptors at hack, or captive bred raptors may be re-trapped at any time without a capture permit. All other raptors captured shall be immediately released. ¶

(56) Exportation of wild caught raptors -- No raptor taken from the wild in Oregon shall be transferred to another person residing outside the state except those Oregon wild caught raptors held for six months or longer may be transferred to another person residing outside the state. ¶

(67) An Oregon licensed falconer is allowed to retain legally captured raptors in their possession if they move from Oregon. ¶

(78) Falconers are responsible for treatment and rehabilitation costs of raptors taken for falconry and injured during trapping efforts. ¶

(89) The Department will not issue a falconry capture permit to any person who: ¶

- (a) Is awaiting prosecution for, or has been convicted of, any violation of the animal cruelty or animal abuse laws; ¶
- (b) Is awaiting prosecution for, or has been convicted of, a wildlife violation involving the illegal take of wildlife; ¶
- (c) Is awaiting prosecution for, or has been convicted of, aiding in the illegal take of wildlife; or ¶
- (d) Has had his or her hunting or fishing license suspended for a wildlife violation. ¶

~~(9)~~10 A person who is denied a falconry capture permit pursuant to subsection (8) may appeal the decision through a contested case hearing.

Statutory/Other Authority: SB 247 (2015), ORS 496.012, ORS 496.112, ORS 496.138, ORS 496.146, ORS 496.162

Statutes/Other Implemented: ORS 496.012, ORS 496.112, ORS 496.138, ORS 496.146, ORS 496.162

AMEND: 635-055-0037

RULE SUMMARY: Rule changes are being proposed to establish new fees and to increase the cost of a number of licenses and permits issued by the Oregon Department of Fish and Wildlife (ODFW). The fees in this exhibit are administratively established, i.e., non-statutory. Like most statutory recreational fees, many of these fees have changed incrementally every two years over the six-year license fee period, as indicated in the enrolled SB 247 (agency fee bill). Thus, most administrative fees changed in 2016 and 2018, while this fee adoption is associated with scheduled changes for 2020.

CHANGES TO RULE:

635-055-0037

Peregrine Falcon Capture Permit ¶¶

- (1) Capture permit applications for peregrine falcons may be submitted to the Department beginning January 1st but must be received no later than March 1st of each year. The Department will issue peregrine falcon capture permits by way of a lottery draw pursuant to OAR 635-055-0037. ¶¶
- (2) The Department will not accept a permit application from any person who: ¶¶
 - (a) Is awaiting prosecution for, or has been convicted of, any violation of the animal cruelty or animal abuse laws; ¶¶
 - (b) Is awaiting prosecution for, or has been convicted of, a wildlife violation involving the illegal take of wildlife; ¶¶
 - (c) Is awaiting prosecution for, or has been convicted of, aiding in the illegal take of wildlife; or ¶¶
 - (d) Has had his or her hunting or fishing license suspended for a wildlife violation. ¶¶
- (3) A \$245.00 application fee (plus a \$2.00 license agent fee) must be submitted with the application. Application fees are nonrefundable, whether or not an applicant is successful in the drawing. ¶¶
- (4) Peregrine capture permit applications (including fees) must be submitted to the Department's Salem headquarters office no later than March 1 each year. ¶¶
 - (a) If hand delivered, an application must be received at Department headquarters office (4034 Fairview Industrial Drive, SE, Salem, OR, 97302-1142) by 5:00 p.m. on March 1. ¶¶
 - (b) If sent via postal mail, an application must be postmarked no later than March 1. ¶¶
- (5) If an applicant violates any of the following restrictions, the Department will remove his or her application from the drawing. ¶¶
 - (a) An applicant may submit only one peregrine capture permit application per capture season. ¶¶
 - (b) An applicant must submit a completed application containing name, license number, address, and phone number. ¶¶
- (6) The Department will conduct the lottery to award peregrine falcon capture permits by drawing names of eligible entrants at random. To participate in the lottery, a person must: ¶¶
 - (a) If an Oregon resident possess a current Master Falconers license as per OAR 635-055-0002; or ¶¶
 - (b) If a nonresident possess a Master Falconers license from a state having a federally approved falconry program. ¶¶
- (7)-(a) During each year's lottery, the Department will draw nine Oregon resident applications and two alternates, plus one non-resident application and a non-resident alternate. ¶¶
 - (b) The Department will notify successful applicants and alternates by mail. If the applicant does not reply in writing (mail, fax, or email) within 10 calendar days, the applicant will be disqualified and the Department will offer the permit to the next alternate. If neither alternate replies in the required time, the permit will not be issued. If no qualified nonresident applies for or accepts a peregrine falcon take permit, the permit will be allocated to a qualified resident applicant drawn next in sequence in the lottery draw. ¶¶
- (8) If a permit holder violates any of these rules or permit conditions, the Department will invalidate his or her peregrine capture permit. Taking of a peregrine falcon without a valid permit is a violation of these rules and is therefore an unlawful taking. ¶¶
 - (a) Up to ten permits will be made available annually by the department to eligible master falconers; nine such

permits will be issued to resident falconers in good standing¶¶

(b) Successful resident applicants will be authorized to take a nestling from a natural nest site, or they may also accept a young peregrine falcon taken by persons (authorized by the Department) from man-made structures (but only where nestlings need to be removed from a nest during management or operational activities on the structures). Alternatively, the permit holder may take a post-fledgling bird.¶¶

(c) Of the number of permits available for issuance annually, the Department will make one such permit available to a nonresident. The nonresident permit holder may only accept a nestling peregrine falcon taken by persons (authorized by the Department) from man-made structures (but only where nestlings need to be removed from a nest during management or operational activities on the structures). Alternatively, the permit holder may take a post-fledgling bird.¶¶

(9) Each permit will include conditions crafted by the Department on a case by case basis to address the capture proposal and include conditions considered appropriate by the Department. The following general conditions apply to all peregrine falcon capture permits:¶¶

(a) Young falcons may be removed from their eyries (nests) between May 15th and June 30th but only when between 15 and 24 days of age. At least one nestling must be left in each eyrie prior to fledging.¶¶

(A) Prior to entering any nest, a permit holder must monitor each potential nest site to assess the presence and occupancy of nesting peregrine falcons and determine the chronology of nestlings in the selected nest(s) by following a protocol and completing a form provided by the Department.¶¶

(B) Permit-holders must contact in person or by phone Falconry Program staff at Salem Headquarters at least seven (7) days prior to proposed nest entry.¶¶

(C) The permit holder must be present when the nestling is being removed from the eyrie.¶¶

(b) A post-fledgling peregrine falcon may be taken (trapped) by a permitted master falconer during the time period between when the falcon first flies from its nest through August 31st. The permit holder must be present at all times whenever a trap is in operation while attempting to take a post-fledgling peregrine falcon.¶¶

(c) Each permit holder who takes a peregrine falcon from the wild must report the sex and precise capture location to the Department within five days following capture by providing a clearly marked map with sufficient labels and information to determine location. If the falconer later determines that the sex of any peregrine falcon taken was reported incorrectly, then the falconer must submit a corrected report as soon as possible after discovering the error.¶¶

(d) Permit holders must band each peregrine falcon taken with a band provided by the Department.¶¶

(e) After a captured falcon reaches 30 days of age, the permit holder must pluck breast feathers from the falcon and submit them to the Department along with the written record of the precise location of where the bird was taken from in the wild.¶¶

(10) Upon taking the raptor authorized, the permit holder must immediately validate the permit by recording the date, species, sex, county, and capture method and signing his or her name in the space provided. At the time of capture, the permit holder must affix the permanent plastic band, issued with the permit, to one leg of the bird. Within five business days of capture, the permit holder must take the bird to a Department office to have the permit certified.¶¶

(11) Peregrine falcon capture permits are not transferable.

Statutory/Other Authority: SB 247 (2015), ORS 496.012, ORS 496.112, ORS 496.138, ORS 496.146, ORS 496.162

Statutes/Other Implemented: ORS 496.012, ORS 496.112, ORS 496.138, ORS 496.146, ORS 496.162

AMEND: 635-075-0005

RULE SUMMARY: Rule changes are being proposed to establish new fees and to increase the cost of a number of licenses and permits issued by the Oregon Department of Fish and Wildlife (ODFW). The fees in this exhibit are administratively established, i.e., non-statutory. Like most statutory recreational fees, many of these fees have changed incrementally every two years over the six-year license fee period, as indicated in the enrolled SB 247 (agency fee bill). Thus, most administrative fees changed in 2016 and 2018, while this fee adoption is associated with scheduled changes for 2020.

CHANGES TO RULE:

635-075-0005

Registration, Application and Tag Issuance Procedures and Limits for All Controlled Hunts ¶¶

- (1) A landowner shall submit a landowner preference registration form to be eligible for a landowner preference tag. A one-time fee of ~~\$33.55.00~~ is required at the time of registration for new program participants. A landowner can have only one registration form on file with the Department. However, an individual who owns (through business entities, in the individual's own name or a combination thereof) more than one property eligible for the landowner preference program may register each such property. The registration form is an affidavit certifying ownership, number of acres owned, the county and Wildlife Management Unit where the property is located. This registration form registers the individual and remains valid until the individual registered no longer qualifies as a landowner as defined under OAR 635-045-0002, writes to the Department requesting the registration form be deleted, or the Department notifies the landowner that a renewal is required.¶¶
- (2) In addition to having a landowner preference registration form on file with the Department, a landowner or an authorized designee identified by the landowner in writing to the Department shall submit a tag distribution form annually. The tag distribution form shall list the names of the landowner, stockholder(s), partner(s), and their immediate family members to receive tags for pronghorn antelope, and the names of the landowner, stockholder(s), partner(s), their immediate family members, and those persons of the landowners' choosing to receive landowner preference tags for deer and elk.¶¶
- (3) Landowners shall submit registration forms and landowners or their designee shall submit tag distribution forms prior to September 15 for all controlled 100 series buck deer and bull elk hunts, and through the day prior to the season openings for 600 series antlerless deer, antlerless elk, and either-sex or doe/fawn pronghorn antelope hunts. A Landowner Preference Tag Redistribution fee of ~~\$16.57.00~~ will be charged per species for amendments made to the original tag distribution forms.¶¶
- (4) Registration forms and tag distribution forms are available at no charge online and in any office of the Department.¶¶
- (5) Registration forms, tag distribution forms, and applications shall be received at the Salem headquarters office of the Department prior to issuance of any landowner preference tag, except as provided for in OAR 635-075-0007. Landowners are not required to submit proof of ownership with their registration form. Landowners shall be required to submit proof of ownership at the request of the Department or the Oregon State Police acting on behalf of the Department.¶¶
- (6) A landowner, stockholder(s), partner(s), and immediate family and those persons of the landowners' choosing wishing to also apply for controlled hunt tags shall apply by the May 15 controlled hunt deadline. Listing a hunt choice other than a landowner preference choice is not required.¶¶
- (7) Everyone shall follow controlled hunt application procedures and regulations as described in OAR Division 060.¶¶
- (8) The number of landowner preference tags issued is based upon a landowner's acreage. Landowner Preference tags shall be allocated by the following minimum acreage requirements: ~~[(Table attached)]~~ available from ODFW.¶¶
- (9) Landowner preference tags for the hunting of deer or elk may be issued to any person of the landowner's choosing, and shall be used for the taking of antlerless animals except as described in OAR 635-075-0005(10).

Season dates of the transferred landowner preference tags shall be the same dates as the original tag.¶

(10) Landowner preference tags for the hunting of antlered deer or elk may be issued to a person of the landowner's choosing who is not a member of the landowner's, partner's, or stockholder's immediate family as follows:¶

(a) A landowner who is issued only one tag may not transfer that tag.¶

(b) A landowner who is issued two or more tags may transfer not more than 50 percent of the tags to a person who is not an immediate family member as defined in ORS 496.146 (4). If calculation of the number of tags eligible for transfer under the provisions of this paragraph results in a fraction, the Commission shall round up the number of tags to the next whole number.¶

(11) A landowner who is qualified to receive landowner hunting preference tags may request two additional tags for providing public access and/or two additional tags for wildlife habitat programs. This request shall be made to the Access and Habitat Board with supporting evidence that the access is significant and the habitat programs benefit wildlife. The board may recommend that the commission grant the request. These tags may not be applied to the options as defined in OAR 635-075-0005(8).¶

(12) No one shall receive both a controlled hunt tag and a landowner preference tag for the same type of hunt. Landowner hunting preference tags shall not be issued to any person successful in the controlled hunt drawing for the same type of hunt.¶

(13) Landowner preference tags, except as described in OAR 635-075-0007, 635-075-0010, and 635-075-0015 shall only be authorized by the headquarters office of the Department following the controlled hunt drawings.¶

(ED NOTE: TABLES REFERENCES AVAILABLE FROM AGENCY)

Statutory/Other Authority: SB 247 (2015), ORS 496.012, ORS 496.138, ORS 496.146, ORS 496.162

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

AMEND: 635-075-0026

RULE SUMMARY: Rule changes are being proposed to establish new fees and to increase the cost of a number of licenses and permits issued by the Oregon Department of Fish and Wildlife (ODFW). The fees in this exhibit are administratively established, i.e., non-statutory. Like most statutory recreational fees, many of these fees have changed incrementally every two years over the six-year license fee period, as indicated in the enrolled SB 247 (agency fee bill). Thus, most administrative fees changed in 2016 and 2018, while this fee adoption is associated with scheduled changes for 2020.

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~~30.00 (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(51).¶¶

(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.¶¶

(e) 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, ORS 496.138, ORS 497.112, ORS 496.151

Statutes/Other Implemented: ORS 496.012, ORS 496.138, ORS 497.112, ORS 496.151

AMEND: 635-200-0050

RULE SUMMARY: Rule changes are being proposed to establish new fees and to increase the cost of a number of licenses and permits issued by the Oregon Department of Fish and Wildlife (ODFW). The fees in this exhibit are administratively established, i.e., non-statutory. Like most statutory recreational fees, many of these fees have changed incrementally every two years over the six-year license fee period, as indicated in the enrolled SB 247 (agency fee bill). Thus, most administrative fees changed in 2016 and 2018, while this fee adoption is associated with scheduled changes for 2020.

CHANGES TO RULE:

635-200-0050

Deer, Elk, and Antelope (Pronghorn) ¶¶

- (1) The provisions of this rule do not apply to carcasses or parts thereof from deer or elk salvaged pursuant to OAR 635-043-0200, ~~175~~. No portion of deer or elk salvaged pursuant to OAR 635-043-0200 may be purchased, sold, or exchanged. ¶¶
- (2) Any person may purchase, sell, or exchange processed hides, hooves, dewclaws, sinews, or capes of deer (*Odocoileus hemionus* or *O. virginianus*), elk (*Cervus canadensis*) or antelope (pronghorn) (*Antilocapra americana*). ¶¶
- (3) Any person may sell or exchange the unprocessed hides, hooves, dewclaws, sinews, or capes of a deer, elk, or antelope legally taken during an authorized hunting season. ¶¶
- (4) Any person may sell, purchase, or exchange any bone, elk ivory "buglers" or other part of the skeletal structure of a deer or elk, except the skull. ¶¶
- (5) Any person may sell or exchange lawfully taken antlers which are detached from the skull, skull is split apart between the antlers or naturally shed antlers to a licensed antler dealer for use only in manufacturing handcrafted items from parts of these antlers. Handcrafted items do not include complete sets of antlers or whole heads and antlers which are mounted for display or other purposes. Any person may purchase such lawfully manufactured handcrafted items. ¶¶
- (6) Except as provided in subsection 7, any person desiring to purchase or exchange unprocessed deer, elk, and antelope hides, hooves, dewclaws, or sinews must first secure a Hide Dealer Permit. Clients of a taxidermist do not need this permit when a taxidermist provides the hide for mounting a client's legally taken antler or horn. ¶¶
 - (a) Any person desiring to purchase or exchange antlers for use in the manufacture of handcrafted items must first secure an Antler Dealers Permit. Antlers may not be purchased unless antlers are detached from the skull, the skull is split apart between antlers, or the antlers are naturally shed; ¶¶
 - (b) Hide and Antler Dealer Permits may be obtained by applying to the Oregon Department of Fish and Wildlife. ¶¶
- (7) Any person may purchase the following for their personal use (not resale): ¶¶
 - (a) Unprocessed deer, elk and antelope hides; and ¶¶
 - (b) Deer and elk antlers (if detached from the skull, if skull is split apart between the antlers, or if naturally shed). ¶¶
- (8) Hide Dealer and Antler Dealer Permit shall cost ~~\$334~~.50 (plus a \$2.00 license agent fee) and shall expire on December 31 of the year issued. ¶¶
- (9) At the time of purchase or exchange for unprocessed deer and elk hides and antlers, and for antelope hides, every dealer shall maintain a record. Such record shall: ¶¶
 - (a) Include the date of the transaction, numbers and kinds of hides or antlers purchased or exchanged, and the name and address of the person from whom acquired; ¶¶
 - (b) Be maintained at the business address of the hide dealer or antler dealer for a three-year period. ¶¶
- (10) Hide and antler dealer records are subject to inspection at any time by any State Police officer or Department of Fish and Wildlife representative. ¶¶
- (11) Any person may sell, purchase or exchange any bone or other part of the skeletal structure of pronghorn antelope, except the skull and horn sheaths.

Statutory/Other Authority: SB 247 (2015), ORS 496.012, ORS 496.138, ORS 496.146, ORS 498.019, ORS 498.022, ORS 498.042

Statutes/Other Implemented: ORS 496.012, ORS 496.138, ORS 496.146, ORS 498.019, ORS 498.022, ORS 498.042

AMEND: 635-435-0015

RULE SUMMARY: Rule changes are being proposed to establish new fees and to increase the cost of a number of licenses and permits issued by the Oregon Department of Fish and Wildlife (ODFW). The fees in this exhibit are administratively established, i.e., non-statutory. Like most statutory recreational fees, many of these fees have changed incrementally every two years over the six-year license fee period, as indicated in the enrolled SB 247 (agency fee bill). Thus, most administrative fees changed in 2016 and 2018, while this fee adoption is associated with scheduled changes for 2020.

CHANGES TO RULE:

635-435-0015

Requirements for Wildlife Control Operator Permit ¶¶

- (1) WCO permits may be issued to either an individual or business listed on the application. A business or business owner is not required to take the WCO test if they do not conduct any wildlife control activities. A biennial, ~~\$624~~ .50 non-refundable WCO permit fee is required for each WCO business; and each permit will cover all employees eligible to conduct WCO activities. A WCO permit for a business requires a minimum of one employee designee passing the WCO test, administered by the Department. ¶¶
- (2) All individuals > 18 years of age conducting wildlife control activities must pass the Department administered WCO test with a minimum test score of 80%. A WCO training manual is available on the ODFW website. A ~~\$25.00~~ non-refundable test administration fee is required of test applicants for each test administered. ¶¶
- (3) Submittal of a completed WCO application form shall include: ¶¶
 - (a) Business information including whether the applicant is an individual, partnership, corporation, Limited Liability Company or other legal entity. ¶¶
 - (A) If a partnership, the application must provide the full names and addresses of the partners. ¶¶
 - (B) If a corporation, the application must provide the full name and addresses of all officers, directors and stockholders. ¶¶
 - (C) If a Limited Liability Company, the application must provide the full names and addresses of all members and managers. ¶¶
 - (D) If the application is structured as a tiered organization, the application must provide the full names and address of all of the partners; or officers, directors and stockholders; or members and managers of each substituent entity within the tiered organization: ¶¶
- (b) List of each employee who will be conducting WCO activities and has passed the WCO test. ¶¶
- (4) Upon application approval, applicants must submit a ~~\$624~~.50 non-refundable WCO Permit fee. ¶¶
- (5) The Department must notify an applicant that it intends to deny the application within 30 days of the date a completed application is received. The proposed denial will be based on a review of the applicant's information not meeting the conditions defined in these rules. ¶¶
- (6) A WCO permit is not required for any person younger than 18 years of age that is directly associated with a business that has at least one employee that has passed the WCO test who is mentoring the young individual. ¶¶
- (7) Permits are valid for two consecutive calendar years from the date of issue. ¶¶
- (8) WCO permit renewal by an individual or business requires: ¶¶
 - (a) Submission of renewal application and remittance of a ~~\$624~~.50 non-refundable application fee. ¶¶
 - (b) Individual Applicants and Employees listed on the business renewal application must: ¶¶
 - (A) Provide documentation with the renewal application of 12 hours of Department approved continuing education within the previous two calendar years; or ¶¶
 - (B) Retake the WCO test administered by the Department with a minimum score of 80%. ¶¶
 - (c) Failure to renew a WCO permit, due to expirations or to permit revocation requires the permittee to apply as a new applicant with all employees listed on the application required to retake the WCO test with a passing score. ¶¶
- (9) A WCO permit revoked for violation of wildlife rules or conditions of the permit may be denied reapplication

by the Department for up to five years.¶¶

(10) Businesses must notify the Department within 14 business days of termination or removal of an employee listed on their WCO permit.

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

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