

Agenda Item Summary

BACKGROUND

The 2017 Oregon Legislative Assembly directed the Commission to adopt rules for the issuance of wildlife salvage permits. Permits allow the salvage of deer or elk accidentally killed as a result of vehicle collisions. The purpose of the salvage is for human consumption of the meat. The statute directs the rules to prescribe the form and method for applying for and receiving a salvage permit as well as set the terms and conditions for the recovery, possession, and transport of deer or elk. The statute also declares that the State of Oregon is not liable for any loss or damage arising out of the recovery, possession, use, transport, or consumption of deer or elk pursuant to a wildlife salvage permit.

Prior to the allowance of roadkill salvage which took effect January 1 2019, big game animals killed along Oregon roadways by motor vehicles were generally removed and disposed of by road maintenance crews or left to decompose along the roadway. Previous to this date, Department staff occasionally received requests to salvage carcasses of big game animals killed by vehicle collisions. This type of salvage was contrary to existing administrative rules governing the tagging and possession of game mammal parts as well as the disposition of edible wildlife. Except for naturally shed antlers, Department rules generally prohibit the possession of game mammal parts unless they were obtained through legal hunting.

With the adoption of OAR 635-043-0175, an on-line Roadkill Salvage Permit can now be obtained by a person wishing to recover, possess, transport, and use the carcass of a deer or elk killed as a result of an accidental collision with a vehicle for the purpose of salvaging the meat for human consumption. In situations where a deer or elk is killed by a person after being made crippled or helpless as a result of a vehicle collision, statutory language specified that only the driver of the vehicle involved in the collision could salvage the deer or elk. In June 2019, a temporary rule was filed to clarify salvage permit rule language and resolve some occurrences when the driver of the vehicle was not equipped or did not desire to salvage the animal in that circumstance. The clarification allows for any person with authority to enforce wildlife laws pursuant to ORS 496.605, to dispatch any deer or elk rendered crippled or helpless by an accidental vehicle collision, and for the Department to then issue a Roadkill Salvage Permit for the carcass. The purpose of the temporary rulemaking was to avoid waste of wildlife and to make use of a readily available and valuable food source until a permanent rule amendment process could be completed. As of November 22, 2019, the Department has issued 1,260 roadkill salvage permits. The majority of permits are issued west of the Cascades, with the highest frequency of permit issuance occurring in September and October.

PUBLIC INVOLVEMENT

Public input was received during the 2017 Oregon State Legislative session when Senate Bill 372 was passed. In addition, public testimony was received during 2018 and 2019 Commission meetings.. The rules are believed to be fully compatible with legislative direction on the goals of Senate Bill 372.

ISSUE 1

Whether to amend current roadkill salvage rules to provide opportunity for the Department to issue salvage permits to the general public after a person with the authority to enforce wildlife laws dispatches a road-struck animal.

ANALYSIS

Prior to the temporary rule modifying OAR 635-043-0175, the language of the rule dictated that crippled or helpless deer/elk as a result of an accidental vehicle collision were only salvageable via a roadkill salvage permit if the driver of the vehicle dispatched the animal. The specificity of this language directly reflects statutory language and created problematic situations where members of the public were either legally unable (i.e.; city/town firearm discharge laws) or did not possess the capability to humanely dispatch the animal. Typically, in these situations, enforcement staff from local law enforcement, Oregon State Police, or the Department had been called in to dispatch the animal. It was not clear, in these situations, if the Department then had the ability to issue on-line salvage permits to members of the public. The temporary rule specifically clarified the authority for wildlife law enforcement personnel to dispatch a road-struck animal and the subsequent ability for the Department to issue roadkill salvage permits in these situations.

The Department is proposing to amend the roadkill salvage permit rules to reflect the current temporary rule language.

OPTIONS

- 1. Adopt staff recommendations
- 2. Amend staff recommendations

STAFF RECOMMENDATION

Option 1.

DRAFT MOTION	I move to adopt OAR Chapter 635, Division 043 as proposed by staff.
EFFECTIVE DATE	Upon filing.