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

CHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE

FILED
10/07/2019 4:41 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Issuance of Roadkill Salvage Permit for dispatched deer and elk by enforcement personnel

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/06/2019 5:00 PM

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

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Salem, OR 97302

Filed By:
Roxann Borisch
Rules Coordinator

HEARING(S)

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

DATE: 12/06/2019

TIME: 8:00 AM - 5:00 PM

OFFICER: ODFW Commission

ADDRESS: Oregon Department of Fish
and Wildlife

4034 Fairview Industrial Drive SE
Salem, OR 97302

NEED FOR THE RULE(S):

Rule amendments are needed to clarify the authority for persons with authority to enforce the wildlife laws to dispatch a roadstruck animal, and the opportunity for the Department to issue salvage permit in these situations to the general public.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

A copy of the rules and the other documents relied upon for this rulemaking 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:

No major fiscal or economic effects are expected to result from these proposed rules.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the

rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s).

The state agencies that would be affected are the Oregon Department of Fish and Wildlife (Department) and the Oregon State Police (OSP). While the Department's and OSP's enforcement efforts and associated costs are not expected to be directly impacted in a significant manner, the rules allow for consistency in resolution as to situations after an accidental vehicle collision injures an animal, on-scene law enforcement dispatches the animal and a secondary vehicle/person wants to obtain a Roadkill Salvage Permit.

There are no major expected fiscal or economic impacts to local governments.

These rules would affect the general public by providing beneficial clarification on Roadkill Salvage Permits. Review of road Roadkill Salvage Permit data indicates rural areas with a presence of deer and elk as well as trafficked highways apply for a greater number of permits.

(2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); Salvaged deer or elk may not be sold, bartered, or exchanged and is not considered an economic commodity in the context of these rules. The rules provide clarification for enforcement personnel and the general public concerning the application and issuance of a Roadkill Salvage Permit. Additional compliance costs for small businesses are not expected.

(b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s);

None Expected

(c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

None Expected

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

Small businesses are unlikely to be impacted at this time.

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

A Rules Advisory Committee was not consulted as public input was received during the 2017 Oregon State Legislative session when Senate Bill 372 was passed. In addition, public testimony has been received during 2018 and 2019 Commission meetings along with other recent discussions with stakeholders. The rules are believed to be fully compatible with legislative direction on the goals of wildlife management in Oregon.

AMEND: 635-043-0175

RULE SUMMARY: Amendment to allow the Department to issue a Roadkill Salvage Permit for a deer or elk rendered crippled or helpless by accidental vehicle collision which was dispatched by any person with authority to enforce the wildlife laws pursuant to ORS 496.605

CHANGES TO RULE:

635-043-0175

Roadkill Salvage Permit

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

- (1) The person taking possession of the carcass at the site of the collision must acquire a Roadkill Salvage Permit within 24 hours of taking the carcass into possession. ¶
 - (2) A Roadkill Salvage Permit requires the person taking possession of a carcass to complete an on-line application that provides the Department with:¶
 - (a) Name, address of physical residence, and phone number;¶
 - (b) Date and time the carcass was removed from the site of the collision;¶
 - (c) Location, including road name and mile marker or valid coordinate, where the carcass was collected;¶
 - (d) A statement identifying the driver of the vehicle that collided with the deer or elk, if known;¶
 - (e) Species and sex of the carcass being salvaged; and¶
 - (f) An acknowledgement that the carcass is being salvaged at the permit holder's own risk and the State of Oregon is not liable for any loss or damage arising out of the recovery, possession, use, transport or consumption of the deer or elk salvaged pursuant to the Roadkill Salvage Permit.¶
 - (3) Within five (5) business days of taking possession of the carcass, the entire head of the deer or elk, including the antlers of antlered animals, must be delivered and surrendered to the Department at a District Office or alternative location determined by the Department. ¶
 - (4) A Roadkill Salvage Permit may not be issued for the recovery, possession, transport or use of any deer or elk that was rendered crippled or helpless as a result of a vehicle collision and then killed pursuant to ORS 498.016, unless the person seeking the Roadkill Salvage Permit accidentally rendered the deer or elk crippled or helpless is the driver of the motor vehicle involved in the collision. Any person that kills a crippled or helpless deer or elk pursuant to ORS 498.016 must immediately report the killing to a person authorized to enforce the wildlife laws. ¶
 - (5) Any person with authority to enforce the wildlife laws pursuant to ORS 496.605 may kill any deer or elk rendered crippled or helpless by accidental vehicle collision, and the Department may thereafter issue a Roadkill Salvage Permit for the carcass. ¶
 - (6) Salvage of white-tailed deer is prohibited west of the crest of the Cascade Mountains except within Douglas County.¶
 - (67) The entire carcass, including entrails, of any salvaged deer or elk must be completely removed from the road and road right of way. ¶
 - (78) No portion of any deer or elk salvaged pursuant to this rule may be sold, bartered, or exchanged.¶
 - (89) Pursuant to this rule, when any part of a deer or elk salvaged is transferred to the possession of another person, a written record describing the animal or part being transferred indicating the name and address of the person who obtained the Roadkill Salvage Permit for the animal and the number or confirmation number of the Roadkill Salvage Permit shall accompany such transfer and shall remain with such animal or part so long as the same is preserved.¶
 - (910) This rule does not authorize the salvage of deer and elk from the reservation lands of any sovereign tribe.
- Statutory/Other Authority: ~~SB-372 (2017)~~ Oregon Laws 2017, ch 330, ¶ 1-4, ORS 496.012, 496.138, 496.146, 498.019, 498.022, 498.042, 496.605
- Statutes/Other Implemented: ~~SB-372 (2017)~~ Oregon Laws 2017, ch 330, ¶ 1-4, ORS 496.012, 496.138, 496.146, 498.019, 498.022, 498.042, 496.605