



OREGON ADMINISTRATIVE RULES  
OREGON DEPARTMENT OF FISH AND WILDLIFE

DIVISION 043

MISCELLANEOUS PERMITS AND RECORDS

**635-043-0250**

Purpose of the Urban Deer **and Elk** Population Control Pilot Program

The purpose of these rules is to describe the procedures and requirements for issuing kill permits to take deer **and elk** within urban boundaries, thereby allowing cities the ability to reduce deer **or elk** populations in response to public nuisance as defined in OAR 498.012, health or safety concerns, and/or property damage.

Statutory/Other Authority: ORS 496.012, 496.162, 498.002, 498.006, 498.012, **Or Laws 2017, ch 331, § 1-3, compiled as a note after ORS 498.012 & Senate Bill [373 (2017)]761 (2021)**

Statutes/Other Implemented: ORS 496.012, 496.162, 498.002, 498.006, 498.012, **Or Laws 2017, ch 331, § 1-3, compiled as a note after ORS 498.012 & Senate Bill [373 (2017)]761 (2021)**

**635-043-0260**

Permit to Control Urban Deer **and Elk** Application Requirements

Before requesting a kill permit to conduct urban deer **or elk** population control, the city must:

(1) Adopt and enforce an ordinance restricting placing, depositing, distributing, storing or scattering food, garbage or any other attractant so as to knowingly constitute a lure, attractant or enticement for deer **or elk**.

(2) Adopt an ordinance, resolution or order declaring that deer **or elk** populations have risen to levels that constitute a public nuisance.

(3) Following the passage by a city of subsections (1) and (2) of this section, the city can petition the Department for kill permits necessary to reduce deer **or elk** population levels within city limits.

Statutory/Other Authority: ORS 496.012, 496.162, 498.002, 498.006, 498.012, **Or Laws 2017, ch 331, § 1-3, compiled as a note after ORS 498.012 & Senate Bill [373 (2017)]761 (2021)**

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3 **635-043-0270**

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5 Department and City Responsibilities

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7 (1) In cities where the Department determines the deer **or elk** population does constitute a public  
8 nuisance as defined in ORS 498.012, or it presents health, safety or property damage concerns,  
9 the Department will:

- 10 (a) Designate dates when take is allowed.  
11 (b) Determine the number and sex of deer **or elk** to be taken. The number of deer **and elk** taken  
12 should not exceed the number necessary to reduce the [~~deer~~] population to a level that no longer  
13 constitutes a public nuisance.

14 (c) Issue the appropriate kill permit(s) to the city.

15 (2) The city is responsible to:

16 (a) Designate areas within city limits where deer **or elk** are to be taken.

17 (b) Designate the manner of taking deer **or elk**, which may be by use of firearms or by live  
18 capture;

19 (A) It is unlawful to use any poisoning, immobilizing, or tranquilizing drug or chemical to take  
20 or euthanize deer **or elk** for purposes of population control.

21 (B) If live capture methods are used, traps must be checked at least once per day, animals must  
22 be immediately euthanized and not relocated or released.

23 (C) Cities and agents must follow Department approved capture methodology, and handling  
24 requirements.

25 (D) Methods for humane euthanasia must comply with most recent version of American  
26 Veterinary Medical Association standards;

27 (E) Non-lead ammunition must be used if animals are euthanized with a firearm.

28 (c) Designate an agent(s) with appropriate qualifications to take deer **and elk**.

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4 **635-043-0280**

5 Agent Authorization to Take Deer **and Elk** on Other than City Owned Property

6 (1) Any agent of the city who takes a deer **or elk** on property other than city owned property  
7 must have in possession written authority to act as the agent of the landowner or lawful occupant  
8 of the land which includes:

9 (a) The date of issuance of the authorization;

10 (b) The name, address, telephone number and signature of the person granting the authorization;

11 (c) The name, address and telephone number of the person to whom the authorization is granted;

12 (d) The expiration date of the authorization, which shall be no later than one year from the date  
13 of issuance of the authorization.

14 (2) Any agent who takes deer **or elk** under this program must immediately report the taking to  
15 the Department or a person authorized to enforce the wildlife laws. At a minimum, the reported  
16 information must include:

17 (a) Name and phone number of the person reporting the take;

18 (b) The kill permit number(s);

19 (c) Number and sex of animals taken (including antler points if bucks **or bulls** are taken);

20 (d) Location/address where take occurred;

21 (e) Time of take;

22 (f) Destination of carcasses.

23 (g) Status of biological samples (if requested by the Department to take samples).

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1 **635-043-0290**

2 Salvage of Deer **and Elk**

3 (1) As defined in ORS 315.154, and used in this section “food bank or other charitable  
4 organization” means any organization located in the state, including but not limited to a gleaning  
5 cooperative, that is exempt from federal income taxes under section 501(c)(3) of the Internal  
6 Revenue Code, and has as a principal or ongoing purpose the distribution of food to children or  
7 homeless, unemployed, elderly or low-income individuals.

8 (2) Any deer **or elk** taken, to the extent feasible, shall be salvaged and delivered to a “food bank  
9 or other charitable organization” for distribution. Any processing and distribution fees shall be at  
10 the expense of the city.

11 (3) The Commission is not liable for any loss or damages arising out of the recovery, possession,  
12 transportation or consumption of deer **or elk** pursuant to a kill permit.

13 (4) The city may sell hides and antlers from deer **and elk** taken under this program within thirty  
14 days of take to persons licensed under ORS 498.019 to offset the cost of the program. Antlers not  
15 sold must be surrendered to the Department within forty-five days of take. Antler sales must  
16 comply with 635-200-0050(4).

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