



**OREGON DEPARTMENT OF FISH AND WILDLIFE
INFORMATION RELATIVE TO HB 4046 -
VIOLATIONS OF WILDLIFE LAWS**

The statutory changes outlined in HB 4046 would not apply to damage animals that are legally taken as directed by OAR Chapter 635, Division 002, and which include direction for “disposed of as specified by personnel of the Department”. Additionally, several other statutes outline fundamentals related to addressing wildlife damage, disposal of carcasses and waste of edible meat:

ORS 498.012 - Taking wildlife causing damage, posing public health risk or that is public nuisance; and ORS 498.166 - Bears or cougars posing threat to human safety

- Recognizes wildlife damage, public nuisance and public health risk to landowners; opportunity for permits as outlined by Department for any game mammal, game bird, fur-bearing mammal or nongame wildlife species
- No permit is required prior to taking a bear or cougar for damage or human safety
- Taking shall immediately be reported to the Department or OSP
- Disposal will be in such manner as the commission directs in OAR 635 Division 002 (additionally as per OAR 635-065-0750, the meat of cougar is considered inedible and need not be salvaged)

OAR 635-002-0005 - Disposal of Edible Wildlife; and OAR 635-002-0007 – Disposal of Black Bear Carcasses

- Carcasses of edible wildlife and black bear shall be disposed of through donations primarily to public and charitable institutions but may also go to persons determined to be eligible because of low income or medical reasons, wildlife rehabilitators rendering plants or disposed of as specified by Department

OAR 635-002-0008 - Disposition of Wildlife Taken on Damage

- Any deer, elk, antelope, bighorn sheep or game bird shall be salvaged and delivered to a location determined by the Department. Carcasses shall be disposed of as directed by OAR 635-002-0005.
- Specific to black bear, the carcass and hide, including gall bladder and female reproductive tract, shall be delivered to a location determined by the Department; the Department may permit the landowner to retain the carcass including hide, skull, paws, claws, and meat (but not the gall bladder) for personal use.
- Specific to cougar taken when damaging livestock, the carcass and hide, including viscera, shall be delivered to a location determined by the Department; the Department may permit the landowner to retain the legally marked hide and carcass, including the skull of such cougar for personal use.

OAR 635-002-0009

Disposition of Bear and Cougar Killed Posing a Threat to Human Safety

- Similar to the disposition of bear and cougar taken on damage, except:
 - The Department shall not permit the person [killing the animal] to retain any part of the carcass including hide, skull, paws, claws, meat, or gall bladder for personal use

Waste of Migratory Birds (includes discussion on geese)

- Generally, as described in ORS 498.042, no person shall waste any edible portion of any game mammal or game bird. State statutes reference that take of wildlife species for which a U. S. Fish and Wildlife Service permit is required to address damage recognizes the USFWS has pre-eminent authority and responsibility to manage migratory birds, including geese. All Kill Permits for geese are issued by the USFWS. The permittee is required by federal law to abide by any permit conditions/restrictions imposed by the USFWS, including retrieval of birds from the field and options for disposition of any geese taken under the permit.

Wildlife Law Violator Compact

- The Interstate Wildlife Violator Compact (Compact) is an agreement in which member states reciprocate regarding the suspension or revocation of licenses and permits resulting from violations concerning hunting, fishing and trapping laws. If a person's license or permit privileges which come under the scope of the Compact are suspended or revoked in one member state, they are subject to suspension or revocation in all member states. In addition to license and permit suspensions and revocations which result from a conviction for the illegal pursuit, possession or taking of mammals, birds, fish, reptiles, amphibians, mollusks, shellfish and crustaceans, failing to appear in court or to otherwise answer a ticket or summons issued for such violations will also result in license or permit suspension. Compact member states also agree to recognize convictions for violations within the scope of the Compact which occur in all other member states and to apply them toward license and permit suspension and revocations in the state in which the person resides.
- There are currently 43 member states as part of the Compact (including all western states) with 5 more states in the process of becoming participants.
- The concept of a wildlife violator Compact was first brought forward in the early 1980s by member states in the Western Association of Fish and Wildlife Agencies. Law enforcement administrators and Wildlife Commissioners from several states began discussing the idea of a Compact based on the format of the existing Driver's License Compact and Non-Resident Violator Compact, both of these related to motor vehicle operator licensing and enforcement.
- During the 1989 Legislative session Wildlife Violator Compact legislation was passed into law in Colorado, Nevada and Oregon (ORS 496.750). These three states formed the nucleus for the development of the operational procedures of the Compact.
- The Oregon Fish and Wildlife Commission adopted rules directing the agency on the standard for license suspension or revocation under the Compact. Upon notification from a party state, the agency first must determine that the person has had their license privileges suspended or revoked in a party state for a fish and wildlife offense which could have been the basis for suspension or revocation of license privileges in Oregon. The rules further dictate that the period of suspension is the period provided by Oregon statute for an equivalent offense or such longer period imposed by the party state. The suspension begins when the Commission or Department issues the final order of suspension.