

7-12

Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on [July 7, 2006] by the
Date prior to or same as filing date

Oregon Department of Fish and Wildlife

635

Agency and Division

Administrative Rules Chapter Number

Casaria Tuttle

3406 Cherry Ave. NE Salem, OR 97303

(503)947-6033

Rules Coordinator

Address

Telephone

to become effective [upon filing]. Rulemaking Notice was published in the [June 2006] Oregon Bulletin.**
Date upon filing or later Month and Year

RULE CAPTION

Rules regarding furbearer harvest and pursuit seasons and bag limits for the 2006-2007 and 2007-2008 seasons

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately (000-000-0000)

Secure approval of new rule numbers (Adopted or Renumbered rules) with the Administrative Rules Unit prior to filing.

ADOPT:

AMEND: 635-043-0090, 635-050-0045, 635-050-0070, 635-050-0080, 635-050-0090, 635-050-0100, 635-050-0110, 635-050-0120, 635-050-0130, 635-050-0140, 635-050-0150, 635-050-0170, 635-050-0183, 635-050-0189

REPEAL:

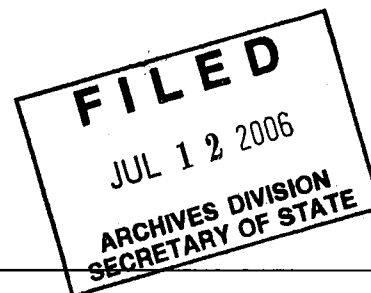
RENUMBER:

AMEND & RENUMBER:

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162

Other Auth.:

Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162



RULE SUMMARY

Amended rules regarding seasons and bag limits for the 2006- 2007 and 2007-2008 furbearer harvest and pursuit seasons.

[Handwritten signature]

Roy Elicker

7/10/06

Authorized Signer

Printed name

Date

*With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules. **The Oregon Bulletin is published the 1st of each month and updates rules found in the OAR Compilation. For publication in Bulletin, rule and notice filings must be submitted by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a weekend or legal holiday, when filings are accepted until 5:00 pm on the preceding workday.

ARC 930-2005

DFW 60-2006



OREGON ADMINISTRATIVE RULES
OREGON DEPARTMENT OF FISH AND WILDLIFE

635-043-0090

Who May Hunt With the Aid of an Artificial Light

Any person hunting bobcat, raccoon or opossum may hunt with an artificial light not attached to or operated from a motor-propelled vehicle. Any person authorized to alleviate wildlife damage pursuant to ORS 498.142 may hunt with the aid of an artificial light in the manner prescribed by permit.

Stat. Auth.: ORS 183 & ORS 496

Stats Implemented: ORS 183 & ORS 496

Hist.: FWC 49-1991, f. & cert. ef. 5-13-91



OREGON ADMINISTRATIVE RULES OREGON DEPARTMENT OF FISH AND WILDLIFE

DIVISION 050 FURBEARING AND UNPROTECTED MAMMAL REGULATIONS

635-050-0045

General Furbearer Regulations

The following general regulations apply to furbearer seasons:

- (1) Any person possessing a valid furtaker's license or hunting license for furbearers is required to fill out and return a completed harvest report form to the Department at 3406 Cherry Avenue NE, Salem, Oregon 97303. The form shall be postmarked by April 15, 2007 for the 2006-07 seasons and April 15, 2008 for the 2007-08 seasons. Failure to do so shall deny the license holder the opportunity to purchase a hunting license for furbearers or furtakers license for the following furbearer season.
- (2) Any person may sell or exchange the hide, carcass, or any part thereof, of any legally taken furbearing or unprotected mammal.
- (3) All traps and snares, whether set for furbearing or other unprotected mammals, shall be legibly marked or branded with the owner's license (brand) number that has been assigned by the Department; except that unmarked traps or snares may be set for nongame mammals unprotected by law or Department regulations by any person or member of his immediate family upon land of which he is the lawful owner. A landowner is required to register the location of such land with the Department and shall possess each year a free landowner's license before hunting or trapping furbearing mammals.
- (4) No branded trap or snare may be sold unless accompanied by a uniform bill of sale.
- (5) Bobcat, raccoon and opossum may be hunted with the aid of an artificial light provided the light is not cast from or attached to a motor vehicle or boat.
- (6) Use of dogs is permitted to hunt or pursue bobcat, raccoon, fox, and unprotected mammals except in game bird nesting habitat during April, May, June or July, except as authorized by the Fish and Wildlife Commission.
- (7) It is *unlawful* for any person to trap for furbearers or unprotected mammals using:
 - (a) A steel leghold trap with a jaw spread greater than 9 inches.
 - (b) A No. 3 or larger leghold trap not having a jaw spacing of at least 3/16 of one inch when the trap is sprung (measurement excludes pads on padded jaw traps) and when the trap is placed in a manner that is not capable of drowning a trapped animal.
 - (c) The flesh of any game bird, game fish, game mammal for trap bait.
 - (d) Any instant-kill trap having a jaw spread of 9 inches or more in any land set.
 - (e) Any toothed trap, or trap with a protuberance on the facing edge of the jaws that is intended to hold the animal (except pads on padded jaw traps).
 - (f) Or possessing the branded traps or snares of another unless in possession of written permission or a bill of sale from the person to whom the brand is registered.
 - (g) Sight bait within 15 feet of any leghold trap set for carnivores.
- (8) Except for persons authorized to enforce the wildlife laws, it is *unlawful* to disturb or remove the traps or snares of any licensed trapper while he is trapping on public lands or on land where he has permission to trap.
- (9) All traps or snares set or used for the taking of furbearing or unprotected mammals shall be inspected at least every 48 hours and all trapped animals removed. This regulation does not apply to the taking of predatory animals.
- (10) Any person setting a trap for predatory animals, as defined in ORS 610.002, must check the trap as follows:



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- (a) for killing traps and snares, at least once every 30 days and remove all animals;
- (b) for restraining traps and snares, at least once every 76 hours and remove all animals. However, restraining traps and snares set by a person owning, leasing, occupying, possessing or having charge of or dominion over any land, place, building, structure, wharf, pier or dock or their agent, and set for predatory animals damaging land, livestock or agricultural or forest crops, shall be checked at least once every 7 days. Any person(s) acting as an agent for a landowner shall have in their possession written authority from the landowner or lawful occupant of the land. Such written authority shall contain at least all of the following:
 - (A) The date of issuance of the authorization;
 - (B) The name, address, telephone number and signature of the person granting the authorization;
 - (C) The name, address and telephone number of the person to whom the authorization is granted; and
 - (D) The expiration date of the authorization, which shall be not later than one year from the date of issuance of the authorization.
- (11) A "killing trap" means a device used to kill a mammal as part of a killing trap system. A killing trap system is a system set with the intent to kill a mammal comprising a combination of: equipment (the trap and trigger configuration), and set (including site modifications, lures, baits, location and other relevant requirements).
- (12) A "restraining trap" means a device used to capture and restrain (but not kill) a mammal as part of a restraining trap system. A restraining trap system is a system set with the intent to capture and restrain (but not kill) a mammal comprising a combination of: equipment (the trap and the trigger configuration), and set (including site modifications, lures, baits, location and other relevant requirements).
- (13) These general furbearer regulations do not apply to the trapping of gophers, moles, ground squirrels and mountain beaver.
- (14) When any furbearer or raw furbearer pelt is transferred to the possession of another person, a written record indicating the name and address of the person from whom the raw pelt was obtained shall accompany such transfer and remain with same so long as preserved in raw pelt form.
- (15) It is *unlawful* for any person to damage or destroy any muskrat house at any time except where such muskrat house is an obstruction to a private or public ditch or watercourse.

Statutory Authority: 496.012, 496.138, 496.146, 496.162

Stats Implemented: 496.012, 496.138, 496.146, 496.162

Hist: Adopted 7-9-04, ef. upon filing

Furbearer Harvest Seasons

635-050-0070

Beaver

Open Season: November 15, 2006, through March 15, 2007, and November 15, 2007, through March 15, 2008, in the following described areas:

- (1) Clackamas County. All open except waters within the exterior boundaries of Mt.Hood National Forest.
- (2) Crook County. All open except Prineville Reservoir below high water line and the Ochoco National Forest.



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- (3) Curry County. All open except the Rogue River from the east county line to the mouth.
- (4) Grant County. All open except within the exterior boundaries of the Ochoco National Forest; Murderers Creek and Deer Creek, tributaries of the South Fork John Day River, within the exterior boundaries of the Malheur National Forest.
- (5) Jefferson County. All open except that portion of Willow Creek and its tributaries on the National Grasslands.
- (6) Josephine County. All open except Rogue River from the confluence of Grave Creek downstream to the county line.
- (7) Umatilla County: All open except the Camas Creek drainage in its entirety and that portion of the North Fork of the Umatilla River and its tributaries that are within the exterior boundaries of the Umatilla National Forest.
- (8) Union County. All open except:
 - (a) Waters inside exterior boundaries of National Forests. However, private inholdings within the National Forest remain open.
 - (b) Grande Ronde River above Beaver Creek.
 - (c) All tributaries of the Grande Ronde River above the confluence of Five Points Creek. (Five Points Creek open to the National Forest boundary.)
- (9) Wallowa County. All open except:
 - (a) Wallowa River and tributaries above Wallowa Lake.
 - (b) Lostine River, Hurricane Creek, Bear Creek and their tributaries above the Wallowa-Whitman National Forest boundary.
 - (c) Minam River and tributaries.
 - (d) Peavine Creek, a tributary of Chesnimnus Creek.
- (10) Wheeler County. All open except within the exterior boundaries of the Ochoco National Forest and Bridge Creek at its tributaries within the exterior boundaries of Bureau of Land Management lands.
- (11) Other counties: All of the following counties in their entirety: Baker, Benton, Clatsop, Columbia, Coos, Deschutes, Douglas, Gilliam, Hood River, Harney, Jackson, Klamath, Lake, Lane, Lincoln, Linn, Malheur, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Wasco, Washington and Yamhill.

Statutory Authority: 496.012, 496.138, 496.146, 496.162

Stats Implemented: 496.012, 496.138, 496.146, 496.162

Hist: Adopted 7-9-04, ef. upon filing

635-050-0080

Bobcat

- (1) The open harvest season for bobcat is December 1, 2006, through February 28, 2007, and December 1, 2007, through February 28, 2008.
- (2) The bag limit for bobcat in those counties east of the summit of the Cascade Range (including Hood River and Klamath counties) is seven per season per licensed hunter or trapper.

Statutory Authority: 496.012, 496.138, 496.146, 496.162

Stats Implemented: 496.012, 496.138, 496.146, 496.162

Hist: Adopted 7-9-04, ef. upon filing



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635-050-0090

Gray Fox

- (1) Open Season: November 15, 2006, through February 28, 2007, and November 15, 2007, through February 28, 2008.
- (2) Open area: Entire state.

Statutory Authority: 496.012, 496.138, 496.146, 496.162
Stats Implemented: 496.012, 496.138, 496.146, 496.162
Hist: Adopted 7-9-04, ef. upon filing

635-050-0100

Red Fox

Open Seasons and areas are as follows:

- (1) Open season entire year in Baker, Gilliam, Harney, Malheur, Morrow, Umatilla, Union, Wallowa and Wheeler counties (Furtaker license is required).
- (2) October 15, 2006, through January 15, 2007, and October 15, 2007, through January 15, 2008, in remainder of state.

Statutory Authority: 496.012, 496.138, 496.146, 496.162
Stats Implemented: 496.012, 496.138, 496.146, 496.162
Hist: Adopted 7-9-04, ef. upon filing

635-050-0110

Marten

- (1) Open season: November 1, 2006 through January 31, 2007 and November 1, 2007 through January 31, 2008.
- (2) Open area: Entire state.

Statutory Authority: 496.012, 496.138, 496.146, 496.162
Stats Implemented: 496.012, 496.138, 496.146, 496.162
Hist: DFW 73-2002, f. & cert. ef. 7-16-02

635-050-0120

Mink

- (1) Open season: November 15, 2006, through March 31, 2007, and November 15, [2005] 2007, through March 31, 2008.
- (2) Open area: Entire state.

Statutory Authority: 496.012, 496.138, 496.146, 496.162
Stats Implemented: 496.012, 496.138, 496.146, 496.162
Hist: Adopted 7-9-04, ef. upon filing

635-050-0130

Muskrat

- (1) Open Season: November 15, 2006, through March 31, 2007, and November 15, 2007, through March 31, 2008.
- (2) Open area: Entire state.



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Statutory Authority: 496.012, 496.138, 496.146, 496.162
Stats Implemented: 496.012, 496.138, 496.146, 496.162
Hist: Adopted 7-9-04, ef. upon filing

635-050-0140

Raccoon

- (1) Open Season: November 15, 2006, through March 15, 2007, and November 15, 2007, through March 15, 2008.
(2) Open area: Entire state.

Statutory Authority: 496.012, 496.138, 496.146, 496.162
Stats Implemented: 496.012, 496.138, 496.146, 496.162
Hist: Adopted 7-9-04, ef. upon filing

635-050-0150

River Otter

Open Seasons and areas are as follows: November 15, 2006, through March 15, 2007, and November 15, 2007, through March 15, 2008, in the entire state except Grant County and all areas closed to beaver trapping in OAR 635-050-0070.

Statutory Authority: 496.012, 496.138, 496.146, 496.162
Stats Implemented: 496.012, 496.138, 496.146, 496.162
Hist: Adopted 7-9-04, ef. upon filing

635-050-0170

Pursuit Seasons

- (1) The following pursuit seasons are authorized:
- (a) Bobcat: September 1, 2006 through February 28, 2007 and September 1, 2007 through February 28, 2008.
 - (b) Fox: September 1, 2006 through February 28, 2007 and September 1, 2007 through February 28, 2008.
 - (c) Raccoon: September 1, 2006 through March 15, 2007 and September 1, 2007 through March 15, 2008.
- (2) License Requirements: Furtaker's license or hunting license for furbearers shall be on one's person during pursuit.
- (3) No animals shall be killed except during authorized open harvest season.
- (4) A bobcat record card shall be on one's person while taking or attempting to take bobcat.

Statutory Authority: 496.012, 496.138, 496.146, 496.162
Stats Implemented: 496.012, 496.138, 496.146, 496.162
Hist: Adopted 7-9-04, ef. upon filing

635-050-0183

Bobcat and River Otter Ownership Tags

- (1) The ownership tag shall be affixed by Department personnel at district and regional offices and shall remain so affixed while the pelt is in raw form.



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- (2) Ownership tags may be used as foreign export tags.
- (3) Each ownership tag authorizes the holder to sell one bobcat or river otter.
- (4) Each person shall have an ownership tag affixed to his or her bobcat or river otter pelt at a Department district or regional office within 5 business days after the season ends.
- (5) It shall be *unlawful* to possess a 2006-2007 or 2007-2008 harvested bobcat or river otter after 5 business days following the season closure without an ownership tag.
- (6) It shall be *unlawful* to sell or remove from the state a 2006-2007 or 2007-2008 harvested bobcat or river otter pelt without the respective year's ownership tag.
- (7) A furtaker shall be responsible for presenting the lower jawbone and information on sex, date of catch and county of harvest with each individual Oregon bobcat and river otter to qualify for ownership tags. A district office may, on a case-by-case basis, waive the lower jawbone requirement where the furtaker provides evidence that failure to provide the jawbone is due to unexpected circumstances beyond his or her control.
- (8) The record card with the required information including species, sex, date of possession and county shall be presented to obtain an ownership tag.

Statutory Authority: 496.012, 496.138, 496.146, 496.162

Stats Implemented: 496.012, 496.138, 496.146, 496.162

Hist: Adopted 7-9-04, ef. upon filing

635-050-0189

Special Bobcat and River Otter Regulations

- (1) Raw pelts taken prior to September 1, 1982, may not be sold unless they were metal-sealed by the Oregon State Police or the Department prior to that date.
- (2) Those persons failing to comply with 2006-2007 or 2007-2008

Special Bobcat and River Otter Regulations shall not be issued a license for the following furbearer season and shall be subject to the penalties provided in ORS 496.992.

Statutory Authority: 496.012, 496.138, 496.146, 496.162

Stats Implemented: 496.012, 496.138, 496.146, 496.162

Hist: Adopted 7-9-04, ef. upon filing