

## WAFWA Survey Questions: Oregon Department of Fish & Wildlife

**1. Does your agency give landowners big game permits or vouchers that they can use or sell to compensate landowners or offset crop damage? If so, are the permits for antlerless animals, bucks/bulls, or both? Please explain the details of these permits or vouchers?**

No, tags are not issued directly to the landowner, all tags are issued by the Oregon Department of Fish and Wildlife (Department or ODFW) to the hunter for the appropriate tag fee (resident or nonresident). However, there are programs that allow the landowner to specify the hunter(s) that will receive the tag. Although landowners cannot sell tags, they often benefit financially by charging hunters access or guiding fees for the privilege of hunting on their property.

**Landowner Preference (LOP) Program Tags** The LOP Program is a complicated program. <https://secure.sos.state.or.us/oard/displayDivisionRules.action?selectedDivision=2965>

General LOP Program rules (although there are exceptions):

- LOP Tags are issued for deer, elk, and pronghorn based on acres a landowner registers in the Program.
  - 40 acre minimum for antlerless deer and elk statewide
  - 40 acre minimum for buck deer and bull elk in western Oregon
  - 160 acre minimum for buck deer and bull elk in eastern Oregon
  - 160 acre minimum for pronghorn,
- Pronghorn tags are only valid for does/fawns and available to only landowners and immediate family members
- Antlerless deer and elk tags are available to anyone the landowner chooses
- Approximately one half of a landowners tags for buck deer or bull elk can be issued to a
  
- Tags to address property damage can be issued anytime between August 1 to March 31 for antlerless deer and elk, and doe/fawn pronghorn

### **Oregon Landowner Damage Program**

This program addresses damage caused by elk on privately owned lands in Oregon by granting damage tags to qualifying landowners whose land is or has within the past five years suffered damage from elk; damage must be verified. Primary differences from the LOP Program:

- Damage Program tags are limited by statute to antlerless elk
- Hunters may exchange unused general season elk tags or controlled hunt tags for Damage Program tags
- No more than five Damage Program tags may be valid at any one time on a property
- There is no minimum acreage requirement
- Damage Program tags are obtained or exchanged through Department District Biologists rather than License Agents

**2. Are landowners allowed to remove big game animals depredating on private lands in an effort to protect their agricultural resources? If so, under what circumstances?**

Yes; for **ungulates** removal must be pre-approved by a Department biologist. In addition to the **Kill Permits**

- Kill Permits may be issued year-round, often valid for ~30 days
- Kill Permits may be used to take animals at night
- No limit on numbers but generally only a few Kill Permits are issued for a property
- Animals are killed by landowner or an agent named by them
- Most animals are donated to a charitable organization, landowner and their agent may keep one animal each in some cases

**Bear and cougar** may be taken without pre-approval as authorized by the Oregon Legislature. [https://www.oregonlegislature.gov/bills\\_laws/ors/ors498.html](https://www.oregonlegislature.gov/bills_laws/ors/ors498.html)

**ORS 498.012 Taking wildlife causing damage, posing public health risk or that is public nuisance.**

- Nothing in this section requires a permit for the taking of cougar or bear. However, any person who takes a cougar or bear must have in possession written authority from the landowner or lawful occupant of the land.
- Any person who takes pursuant to this section any cougar or bear, shall immediately report the taking to a person authorized to enforce the wildlife laws, and shall dispose of the wildlife as directed.
  - In determining procedures for disposal of bear and cougar causing damage, the Department will first offer the animal to the landowner incurring the damage.

**3. Does your agency call depredation hunts to target populations on private lands?**

initiated at the request of the District Wildlife

Biologist -

[https://secure.sos.state.or.us/oard/displayDivisionRules.action;JSESSIONID\\_OARD=ileN23JKCOM2c0bOId78E7IJ3fQlJrnwAOSJQs8cc7x53\\_emCmi!-1835049044?selectedDivision=2966](https://secure.sos.state.or.us/oard/displayDivisionRules.action;JSESSIONID_OARD=ileN23JKCOM2c0bOId78E7IJ3fQlJrnwAOSJQs8cc7x53_emCmi!-1835049044?selectedDivision=2966)

Emergency Hunts are used to address unanticipated damage conflicts. They can be established on short notice. Hunters place their names on an Emergency Hunt List for one county. Emergency hunts are most common for antlerless deer, antlerless elk, or wild turkey. Season length of each hunt is determined by the Biologist establishing the hunt, but must be during the August 1-March 31 timeframe.

Except for turkey, Emergency Hunts have largely been replaced by Oregon Landowner Damage Program tags (program described in Question 1).

**4. Does your agency have “private lands only” permits that are issued to the public, or a similar program that promotes hunting on private property?**

Yes, LOP, Oregon Landowner Damage Program tags, and Kill Permits are only valid on private lands. Emergency hunts are focused on private lands but occasionally include a small area of adjacent public land.

controlled hunts.

Beginning with the 2020 hunting season, an over the counter antlerless elk tag was established for designated areas that have heavy, persistent damage caused by elk. These hunts are a tool for hunters and landowners to directly work together to reduce elk damage. The hunt areas are

nearly 100% private land and largely agricultural lands. Hunters are advised not to purchase this tag unless they already have access to a place to hunt. Season dates are very liberal, August 1- November 30 in areas where migratory herds move in, August 1-March 31 in areas where there is not a concern of reducing migratory herds.

**5. What type of landowner incentive programs does your agency have that promotes wildlife and allows public hunters on private property (e.g., ranching for wildlife in CO or CWMU's in UT - programs where landowners financially benefit from big game)?**

Oregon has no program where landowners are directly issued tags they sell to hunters. However, landowners commonly have LOP Tags (described in Question 1) distributed to non-family members who pay an access or guiding fee.

The Access and Habitat (A&H) Program is the primary program that pays landowners for opening their land to public hunters. Details of the A&H Program can be found in Oregon Revised Statutes, ORS 496.228 496.242, [https://www.oregonlegislature.gov/bills\\_laws/ors/ors496.html](https://www.oregonlegislature.gov/bills_laws/ors/ors496.html) and further modified by Oregon Administrative Rules, [https://secure.sos.state.or.us/oard/displayDivisionRules.action;JSESSIONID\\_OARD=APyOuCQajdkX3WVGBPSEbBulZkj-PKUzd35EVImXSDaJRulKv6qb!-1835049044?selectedDivision=2969](https://secure.sos.state.or.us/oard/displayDivisionRules.action;JSESSIONID_OARD=APyOuCQajdkX3WVGBPSEbBulZkj-PKUzd35EVImXSDaJRulKv6qb!-1835049044?selectedDivision=2969) .

Following, as an overview of the A&H Program are excerpts from a 2019-2021 Biennial Report.

**About the Access & Habitat Program**

The Access & Habitat Program (A&H) was created by the Oregon Legislature in 1993 for the purpose of improving public hunting access and wildlife habitat on private lands. A seven-member volunteer board, appointed by the Oregon Fish and Wildlife Commission (Commission), reviews project proposals submitted by private landowners, timber and agriculture corporations, sporting organizations, and public agencies among others, and recommends funding for projects that further the A&H mission. Final funding approval for projects is determined by the Commission.

**Funding, Revenue, and Expenditures**

Program funding is derived from a \$4 surcharge on hunting and combination licenses,

and Deer Enhancement and Restoration (D.E.A.R) programs, and proceeds from the annual auction and raffle of 10 deer and 10 elk tags. Revenues not spent during the biennium are retained in a dedicated reserve account for future expenditure. Projected revenue for the 2019-2021 biennium (through June 2021) is \$3,066,000, including \$1,446,000 from hunting license surcharges, \$800,000 from raffle sales, \$730,000 from auction sales, and \$90,000 from Green Forage and D.E.A.R programs. As of December 21, 2020, program obligations for the 2019-2021 biennium include \$478,842 for administrative activities and \$2,826,441 for project grants (including those carried over from previous biennia). The projected reserve account balance at the end of the biennium is \$1,480,809.

**Project Accomplishments: Hunting Access**

Approximately ninety percent of A&H projects provide public hunting opportunities on private lands. A&H funded public access to over three million acres of farms, ranches, and forestlands

throughout Oregon. Additionally, the A&H program used federal grant funds from the 2014 Farm Bill to provide access to over 454,000 acres.

**Project Accomplishments: Wildlife Habitat**

Projects active during the 2019-2021 biennium improved habitat on over 26,000 acres of private land. The total acres includes over 24,000 acres in A&H habitat projects, roughly 7,800 acres of Emergency Fire Reseeding projects, and 2,400 in Small Grants pr Fire Reseeding projects reseed critical wildlife habitat after a wildfire. The A&H Small Grants projects added approximately 2,400 acres of habitat improvement, most of which is also in response to wildfire.

**Obtaining the Complete Report**

To obtain a hardcopy of the full report contact A&H Program Coordinator Travis Schultz at 503-947-6087 or [travis.r.schultz@state.or.us](mailto:travis.r.schultz@state.or.us). An electronic copy of the report is available at <https://www.dfw.state.or.us/lands/ah/>.

Generally, most landowners who participate in an A&H Access Project are compensated at from ~\$1 to \$2.40 per acre of enrolled property. Most A&H Access Areas have a travel management component with some portion of the roads being closed to motor vehicle travel. Some A&H Access Projects do not pay landowners directly. Oregon State Police, Fish and Wildlife Division Troopers, are contracted for enhanced patrols focused on A&H cooperators property. The cost to fund enhanced enforcement patrols varies by project but averages ~\$0.50 per acre.

The Upland Cooperative Access Program (UCAP) pays landowners for access specifically to hunt upland game birds. UCAP is designed to provide quality public hunting opportunities for upland game birds on private lands in four counties in north-central Oregon. Most landowners

Approximately 18,500 acres are enrolled in UCAP at a cost of \$1.00 per acre, ~\$37,000 per biennium. UCAP is funded with dedicated funds from the sale of Upland Game Bird Validations (Stamps).

**6. Does your agency provide damage payments or fencing for big game on private lands? If so, how much per year is paid and how is it funded?**

Oregon does not pay direct compensation for crop damage caused by wildlife. License funds are used for damage response including fencing, and related supplies. Damage funds are allocated to ODFW Regions, statewide for the 2017-19 biennium expenditures were approximately \$320,000. One preferred option to alleviate current conflict and reduce future damage is permanent stackyard fences. Reusable welded steel cattle panels are one of the options utilized if permanent fencing is not practical. Fencing materials may also be provided to very rough estimate would be about one half of the damage budget (\$150K per biennium) is spent on fencing and stackyard protection materials. Annual costs vary depending on prices of materials, winter severity, and other factors.

In addition to damage funds, the Green Forage Program and Deer Enhancement and Restoration (DEAR) Program (described in Question 9), with biennial budgets of \$100K each are intended to improve habitat to reduce damage.

**7. What mitigation measures does your agency employ to reduce big game damage (e.g., provide temporary fencing, hazing animals, agency removals of big game)?**

ODFW responds to damage caused by ungulates, primarily deer and elk, less commonly pronghorn with a wide variety of measures. Many complaints are addressed by providing information, including the use of repellants. Hazing permits are issued to landowners, in rare circumstances ODFW personnel conduct hazing activities. As described in Question 6, materials for temporary and permanent fencing may be provided.

Kill Permits, as detailed in Question 2, allow landowners and their agents to remove depredating animals. Emergency Hunts described in Question 3 address unanticipated damage. Because they are labor intensive Kill Permits and Emergency Hunts are considered short-term measures. If damage is recurring, more permanent measures such as controlled hunts are implemented if feasible.

Agency removal, either lethal or trap and relocate is a last resort and is seldom resorted to for ungulates.

**8. Does your agency have an urban deer program? If so, what does that entail?**

Yes, Oregon does have an Urban Deer Population Control Pilot Program. Details of the program are in the following administrative rules:

- [635-043-0250](#) Purpose of the Urban Deer Population Control Pilot Program
- [635-043-0260](#) Permit to Control Urban Deer Application Requirements
- [635-043-0270](#) Department and City Responsibilities
- [635-043-0280](#) Agent Authorization to Take Deer on Other than City Owned Property
- [635-043-0290](#) Salvage of Deer

The purpose of the Urban Deer Program is to describe the procedures and requirements for issuing kill permits to take deer within urban boundaries, thereby allowing cities the ability to reduce deer populations in response to public nuisance, health or safety concerns, and/or property damage. An important aspect of this new Program is that it puts much of the burden on the City. Before requesting a kill permit to conduct urban deer 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.
- (2) Adopt an ordinance, resolution or order declaring that deer 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 population levels within city limits.

ODFW has no information to report regarding the success of the Urban Deer Program. Cities are finding it is not easy to obtain consensus from their constituents that lethal removal is the preferred alternative. Ultimately, deer taken, to the extent feasible, are to be salvaged and delivered to a food bank or other charitable organization for distribution. Any processing and distribution fees are at the expense of the city.

**9. What other programs does your agency have in place to promote tolerance of big game on private lands?**

- Green Forage Program

The Green Forage Program is intended to alleviate big game damage on private lands while benefiting wildlife by improving forage quality and/or quantity on public or private lands. Forage improvement may be used to attract the animals away from potential conflict areas, or

The Green Forage Program can be considered either a preventive or a corrective action. Forage enhancement away from potential conflict areas is considered preventive, but enhancement of private property to offset damage is considered corrective. The long-term objective of the Green Forage Program is to utilize available funds and resources as preventive measures.

Acceptable practices for the Green Forage Program include forage seedings, fertilization, shrubs and cover development, controlled burns, fencing, water developments and chemical or mechanical control of undesirable forage. The criteria for a green forage project are as follow:

- a. Projects may be located on either private or public land but must be designed to alleviate damage on private land.
- b. Projects must have the potential for improved and increased forage production, which will directly or indirectly benefit wildlife.
- c. Projects should be in an area with a history of big game damage and where maintenance of big game populations is desired.
- d. The Watershed Manager will have final project approval after evaluation by District Wildlife and Regional Habitat Biologists.
- e. Prior to implementing a Green Forage Program project, the landowner is required to sign a Green Forage Program agreement with the Department outlining the responsibilities of each party.

- Deer Enhancement and Restoration (DEAR) Program

The DEAR Program is intended to enhance mule deer ranges on private and public lands. DEAR projects are commonly designed to rehabilitate deteriorated habitat conditions on summer or winter ranges that have potential for sustaining high mule deer numbers. Practices include water developments, seeding, fertilization, tree and shrub plantings, fencing, and vegetation control via mechanical, chemical, prescribed fire or managed grazing.

**10. Does your agency respond to all wildlife conflict calls or is it limited to specific species or guilds of species?**

ODFW responds to all calls that involve wildlife. ODFW is required by statute to address damage, there are several key statutes related to damage caused by various species.

**ORS 496.012 Wildlife policy**, states in part that as one of seven co-equal goals is regulate wildlife populations and the public enjoyment of wildlife in a manner that is

goal, one outcome is that game animals are taken to address damage in areas that are below population Management Objectives.

[https://www.oregonlegislature.gov/bills\\_laws/ors/ors496.html](https://www.oregonlegislature.gov/bills_laws/ors/ors496.html)

**ORS 498.012, Taking wildlife causing damage, posing public health risk or that is public nuisance**, is another guiding damage statute. It states (1) Nothing in the wildlife laws is intended to prevent any person from taking any wildlife that is causing damage, is a public nuisance or poses a public health risk on land that the person owns or lawfully occupies. However, no person shall take, pursuant to this subsection, at a time or under circumstances when such taking is prohibited by the State Fish and Wildlife Commission, any game mammal or game bird, fur-bearing mammal or nongame wildlife species, unless the person first obtains a permit for such taking from the commission.

**ORS 498.012** also has specific language regarding specific predators. (2)(a) Nothing in subsection (1) of this section requires a permit for the taking of cougar, bobcat, red fox or bear pursuant to that subsection. However, any person who takes a cougar, bobcat, red fox or bear must have in possession written authority from the landowner or lawful occupant of the land.

(3) Any person who takes, pursuant to subsection (1) of this section, any cougar, bobcat, red fox, bear, game mammal, game bird, fur-bearing mammal or wildlife species whose survival the commission determines is endangered shall immediately report the taking to a person authorized to enforce the wildlife laws, and shall dispose of the wildlife in such manner as the commission directs. In determining procedures for disposal of bear and cougar, the commission shall direct the State Department of Fish and Wildlife to first offer the animal to the landowner incurring the damage.

There are also more specific statute sections, such as: **498.014 Taking of wolves by State Department of Fish and Wildlife to address chronic depredation; taking by landowners; rules.** Also, **498.164 Use of dogs or bait to hunt black bears or cougars; prohibitions; exemptions; penalties.**

Most damage statutes are in ORS chapter 498 at the following address:

[https://www.oregonlegislature.gov/bills\\_laws/ors/ors498.html](https://www.oregonlegislature.gov/bills_laws/ors/ors498.html) .

One complicating factor is that some wildlife falls under the jurisdiction of the Oregon

[https://www.oregonlegislature.gov/bills\\_laws/ors/ors610.html](https://www.oregonlegislature.gov/bills_laws/ors/ors610.html)

Beaver for example, are classified as a furbearer by ODFW, but on private land they are classified as a predatory animal under ODA statutes. **ORS 610.002 “Predatory animals” defined.** includes feral swine as defined by State Department of Agriculture rule, coyotes, rabbits, rodents and birds that are or may be destructive to agricultural crops, products and activities, but excluding game birds and other birds determined by the State Fish and Wildlife Commission to be in need of protection. [https://www.oregonlegislature.gov/bills\\_laws/ors/ors610.html](https://www.oregonlegislature.gov/bills_laws/ors/ors610.html)

There are also administrative rules that direct disposal of animals taken because of damage, which for bear and cougar is different than disposal of animals taken because of safety concerns.

[https://secure.sos.state.or.us/oard/displayDivisionRules.action;JSESSIONID\\_OARD=bd2X9zow4hVtvySLUIPkJggwBemghP4lq8GhHZ9qxe154uqPZ6QZ!-1835049044?selectedDivision=2895](https://secure.sos.state.or.us/oard/displayDivisionRules.action;JSESSIONID_OARD=bd2X9zow4hVtvySLUIPkJggwBemghP4lq8GhHZ9qxe154uqPZ6QZ!-1835049044?selectedDivision=2895)

**11. What program(s) in your agency provide response to negative wildlife interaction (wildlife conflict) complaints and depredation? If the responsibility is split or shared between programs (i.e. Wildlife Program/Enforcement Program) or contracted or referred to another agency or private party, please describe how the work is assigned or shared. (e.g. by species, commercial agriculture versus residential, public safety versus property damage, etc.)**

In Oregon, wildlife conflict complaints are handled by Wildlife Biologists and Technicians as part of their assigned duties. With rare exception, individual positions are not dedicated to handling wildlife conflicts.

Oregon is one of two states, along with Alaska, that do not have an enforcement section within the wildlife management agency. Oregon State Police Officers do assist ODFW with wildlife conflicts, particularly when the conflict is a public safety concern.

County and State road maintenance crews pick up some carcasses as part of their regular duties.

ODFW works closely with USDA-APHIS Wildlife Services (WS) personnel to verify the species responsible for livestock losses and other conflicts. At the request of ODFW, WS often removes predators and other wildlife causing damage. Generally, producers and landowners may remove animals caught in the act of depredation or receive Kill Permits, if required for the species, to remove animals causing chronic losses in a particular area.

Damage or nuisance caused by migratory birds may be addressed by ODFW but is often referred to Wildlife Services, depending on the situation. Propane cannons and other hazing materials are used to deter bird use in problem areas. Situations requiring depredation permits are referred to Wildlife Services or the USFWS.

**12. Please describe what funding sources support wildlife conflict response and depredation payments if applicable in your agency. Please include specifics regarding where the funding comes from for expenses such as staff and equipment, commercial crop loss compensation, livestock predation compensation, non-lethal deterrent programs, outreach and education, or any other services or materials provided in response to wildlife conflict issues.**

- The majority of wildlife conflict funding for ODFW comes from state general funds or license funds. By state statute, ODFW is required to commit at least \$60k/year for predatory animal control through an agreement with USDA Wildlife Services. However, additional general funds are typically committed through the legislature each biennium. For 19-21, the amount from ODFW for WS is \$484,792.
- ODFW funds three wolf biologists using general funds for salary and all supplies.
- License funds are also used for damage, fencing, and related supplies.
- Livestock predation compensation is handled by the Oregon Department of Agriculture and no ODFW funds are used for this program.