

**DIVISION 44**  
**PROTECTED WILDLIFE, HOLDING, AND GAME BIRD PROPAGATING RULES**

**635-044-0400**

**Purpose**

The purpose of these rules is to identify the species of wildlife that are protected; the species of wildlife that may be held and conditions for holding; and to regulate the propagation of game birds.

Stat. Auth.: ORS 496.004, 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

**635-044-0410**

**Taxonomy**

(1) Scientific taxonomic nomenclature reflects the following:

(a) Fish:

(A) Nelson, J. S., E. J. Crossman, H. Espinosa-Perez, L. T. Findley, C. R. Gilbert, R. N. Lea, and J. D. Williams. 2004. Common and scientific names of fishes from the United States, Canada, and Mexico. American Fisheries Society, Special Publication 29, Bethesda, Maryland.

(B) Moyle, P. B. 2002. Inland fishes of California. Revised and expanded. University of California Press. Berkeley, California.

(C) Jelks, H.L., S.J. Walsh, N.M. Burkhead, S. Contreras-Balders, E. Diaz-Pardo, D.A. Hendrickson, J. Lyons, N.E. Mandrak, F. McCormick J. S. Nelson, S. P. Platania, B. A. Porter, C.B. Renaud, J.J. Schmitter-Soto, E. B. Taylor, and M. L. Warren, Jr. 2008. Conservation status of imperiled North American freshwater and diadromous fishes. Fisheries. 33(8): 372-407.

(b) Amphibians and reptiles -- Crother, B. I., editor. 2012. Scientific and standard English names of amphibians and reptiles of North America north of Mexico, with comments regarding confidence in our understanding. 7th Edition. Society for the Study of Amphibians and Reptiles, Herpetological Circular No. 37.

(c) Birds -- Marshall, D.B., M.G. Hunter, A.L. Contreras, editors. 2003. Birds of Oregon: A General Reference. Oregon State University Press. Corvallis, Oregon.

(d) Mammals -- Wilson, D. E. and D. M. Reeder, editors. 2005. Mammal species of the world; a taxonomic and geographic reference. 3rd Edition. Johns Hopkins University Press.

(2) If the taxonomic status of individual species is changed through subsequent publications, scientific taxonomy shall remain as cited in 635-044-0410(1) and 635-044-0430.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

**635-044-0420**

**Definition of Terms**

(1) "Animal Entertainment Industry" means for-profit or nonprofit businesses or organizations that hold wildlife for the purpose of providing wild animals on a movie set, film set, television set, still photography set, or any other professional entertainment activity utilizing captive wildlife allowable under the rules and requirements in Chapter 635 Division 44.

(2) "AZA" means the Association of Zoos and Aquariums.

(a) AZA-accredited facilities must incorporate education, conservation and wildlife research as part of their mission and business model.

(3) "AVMA" means the American Veterinary Medical Association.

- (4) “Department” means the Oregon Department of Fish and Wildlife.
- (5) “Education animal” means wildlife acquired and legally held by a licensed Oregon Exhibitor or Wildlife Rehabilitator as defined in 635-062-0040 and in an approved facility;
- (a) Education animals are primarily non-releasable migratory birds but may include other wildlife species approved by the Department;
- (6) “Educational facility” is a for-profit or non-profit organizations holding non-releasable captive wildlife, often received from Wildlife Rehabilitators, or other captive bred or wild caught sources as approved by the Department, whose primary mission and business model is to provide educational information to the public as part of a living history museum involving native wildlife. Zoos and Aquariums are examples of educational facilities.
- (7) “Exhibitor” means any person who legally acquired wildlife for exhibition or educational purposes and who holds that wildlife under the requirements of OAR 635, division 044;
- (a) Wildlife held by an Exhibitor includes, but is not limited to, animals used for commercial and non-profit or education purposes, or in carnivals, circuses, and zoos;
- (b) Wildlife held for exhibition or educational purposes does not include those held for falconry, game bird propagation, or captive cervid facilities.
- (8) “Endangered species” means those species defined in ORS 496.004(6).
- (9) “Facility” means any building, structure, cage, or pen in which wildlife may be kept, fed, exercised, or held during any portion of its life stages.
- (10) “Grandfathering” means, for the purpose of these rules, that a person who possessed legally held native wildlife prior to January 20, 2017, may continue to hold the animal(s) for the life of said animal(s) within the provisions of these rules.
- (11) “Hold” means any form of possession or control of a live animal, gamete, or hybrid thereof. The term does not include the observation or casual temporary holding of wildlife for observation and photographic purposes in their natural habitat where the animal is not removed from its immediate location.
- (12) “Hybrid” means any offspring, gamete or egg that is produced from wild parent animals of different strains, races, varieties, species, or genera. (for example: *Canis familiaris* (domestic dog) x *Canis lupus* (wolf) are considered F1 generation wolf hybrids. No state permit is required to possess F1 hybrids or the progeny of F1 generation wolf hybrids, however cities and counties may prohibit possession or require a permit.)
- (13) “Import/importation” means to bring or cause live wildlife to be transported into Oregon by any means.
- (14) “Migratory bird” means any bird, whatever its origin and whether or not raised in captivity, which belongs to a species listed in U.S. 50 CFR §10.13, including any part, nest, or egg of any such bird.
- (15) “Native” means indigenous to Oregon, not introduced (ORS 496.171 (2)).
- (16) “Nongame wildlife” means all wildlife species except game mammals, fur-bearing mammals, game birds, and game fish (ORS 496.375).
- (17) “Pedigree” means the record of descent of an animal identifying its ancestry and genetic lineage.
- (18) “Permittee” means the person who holds a valid Wildlife Holding Permit, Wildlife Exhibitor/Animal Entertainment Permit, Wildlife Sanctuary Permit or Game bird Propagation License issued by the Department.
- (19) “Propagation” means the breeding, reproduction, production, incubation, or rearing of wildlife for sale, release, or other uses. For purposes of these rules, propagation refers specifically to game bird species.
- (20) “Public display” means to place or locate wildlife so that it may be viewed by the public directly or electronically.
- (21) “Release” means permitting any legally collected wildlife, domestically raised or imported wildlife currently in possession to exist alive outside an approved holding or propagation facility.
- (22) “Sanctuaries” in Oregon are accredited by the Global Federation of Animal Sanctuaries and provide lifetime care for previously captive wildlife. Wildlife held in sanctuaries may come from private owners, research laboratories, the entertainment industry, or zoos. Sanctuaries are distinguished from education and entertainment industries by limiting public display; animals are not exhibited or transported from the sanctuary for non-medical reasons.

(23) “Sensitive species” means those wildlife species, subspecies, or populations that are facing one or more threats to their populations, habitat quantity or habitat quality or that are subject to a decline in number of sufficient magnitude such that they may become eligible for listing on the state Threatened and Endangered Species List and that are included on the Sensitive Species List pursuant to OAR 635-100-0040.

(24) “Species” means a unit of classification of animals which are capable of interbreeding and producing fertile offspring.

(25) “SSP” means Species Survival Plan, which is a cooperatively managed species population within AZA member institutions to ensure the sustainability of a healthy, genetically diverse, and demographically varied population within AZA and its partners.

(26) “Take” means to kill or obtain possession or control of any wildlife (ORS 496.004 (16))

(27) “Threatened species” means those species defined in ORS 496.004 (17).

(28) “USFWS” means the U.S. Fish and Wildlife Service.

(29) “Wildlife” means those species defined in ORS 496.004 (19).

(30) “Wildlife held as pets” means wildlife species which are native to Oregon and may be legally held including non-game wildlife, grandfathered species, or other wildlife under conditions of Chapter 635 Div. 44 administrative rules and are not held for commercial or non-profit purposes, or supported through fees, contracts or donations or as exhibit, educational, animal entertainment industry or sanctuary animals or in an AZA or ZAA accredited facility.

(A) Wildlife held as pets cannot be bred, reproduced, or propagated and may not be offered for sale, trade, barter, or exchange.

(31) “ZAA” means Zoological Association of America

(32) “Zoo or Aquarium” as defined by the Association of Zoos Aquariums (2016) means “*a permanent institution which owns and maintains wildlife, under the direction of a professional staff, provides its animals with appropriate care and exhibits them in an aesthetic manner to the public on a regular basis. The institution, division, or section shall further be defined as having as their primary mission the exhibition, conservation, and preservation of the earth’s fauna in an educational and scientific manner.*”

Stat. Auth.: ORS 496, 496.390, 498.002, 498.029

Stats. Implemented: ORS 496

### **635-044-0430**

#### **Protected Wildlife**

(1) Except as provided by Oregon statute or rule or letter of authorization, it is unlawful for any person to take, capture, hold, release or have in possession, either dead or alive, whole or in part, any wildlife listed in this section:

(a) Threatened or Endangered animals as provided for in 635-100-0125, Sensitive Species of Oregon as provided by 635-100--0040, species listed by Oregon Biodiversity Information Center (ORBIC) as “rare, threatened or endangered” in Oregon in the ORBIC published book (2016) and federally listed threatened and endangered listed species;

(b) All non-game birds except European starling (*Sturnus vulgaris*), house sparrow (*Passer domesticus*), and Eurasian collared-dove (*Streptopelia decaocto*); unless as authorized by a Migratory Bird Depredation Order, or in compliance with all terms and conditions of a Migratory Bird Depredation Permit issued by the US Fish and Wildlife Service under Title 50 Code of Federal Regulations Part 21, Subpart D. Nothing in this rule is intended to affect the provisions of ORS 610.002 to 610.990, or

(c) Fish:

(A) Alvord Lake chub (*Siphateles alvordensis*);

(B) Oregon lakes tui chub (*Siphateles bicolor oregonensis*);

(C) Sheldon tui chub (*Siphateles bicolor eurysonus*);

(D) Oregon chub (*Oregonichthys crameri*);

(E) Goose Lake tui chub (*Siphateles bicolor thalassinus*);

(F) Northern pit roach (*Hesperoleucus symmetricus mitrulus*);

(G) Millicoma longnose dace (*Rhinichthys cataractae ssp.*);

- (H) Lahonton redbside shiner (*Richardsonius egregius*);
- (I) Goose Lake sucker (*Catostomus occidentalis lacusanserinus*);
- (J) Klamath smallscale sucker, Jenny Creek population (*Catostomus rimiculus*);
- (K) Tahoe sucker (*Catostomus tahoensis*);
- (L) Malheur sculpin (*Cottus bendirei*);
- (M) Margined sculpin (*Cottus marginatus*);
- (N) Pit sculpin (*Cottus pitensis*);
- (O) Pacific lamprey (*Entosphenus tridentatus*);
- (P) Western river lamprey (*Lampetra ayresii*);
- (Q) Western brook lamprey (*Lampetra richardsoni*);
- (R) Miller Lake lamprey (*Entosphenus minimus*);
- (S) Klamath River lamprey (*Entosphenus similis*);
- (T) Pit-Klamath brook lamprey (*Entosphenus lethophagus*);
- (U) Goose Lake lamprey (*Entosphenus spp.*);
- (d) Amphibians:
  - (A) Cope's giant salamander (*Dicamptodon copei*);
  - (B) Clouded salamander (*Aneides ferreus*);
  - (C) Black salamander (*Aneides flavipunctatus*);
  - (D) California slender salamander (*Batrachoseps attenuatus*);
  - (E) Oregon slender salamander (*Batrachoseps wrightorum*);
  - (F) Del Norte salamander (*Plethodon elongatus*);
  - (G) Larch Mountain salamander (*Plethodon larselli*);
  - (H) Siskiyou Mountains salamander (*Plethodon stormi*);
  - (I) Blotched tiger salamander (*Ambystoma mavortium melanostictum*);
  - (J) Dunn's salamander (*Plethodon dunni*);
  - (K) Southern torrent salamander (*Rhyacotriton variegatus*);
  - (L) Columbia torrent salamander (*Rhyacotriton kezeri*);
  - (M) Cascade torrent salamander (*Rhyacotriton cascadae*);
  - (N) Crater lake Newt (*Taricha granulosa mazamae*);
  - (O) Rocky Mountain tailed frog (*Ascaphus montanus*);
  - (P) Coastal tailed frog (*Ascaphus truei*);
  - (Q) Northern red-legged frog (*Rana aurora*);
  - (R) Foothill yellow-legged frog (*Rana boylei*);
  - (S) Cascades frog (*Rana cascadae*);
  - (T) Northern leopard frog (*Lithobates pipiens*);
  - (U) Columbia spotted frog (*Rana luteiventris*);
  - (V) Oregon spotted frog (*Rana pretiosa*);
  - (W) Western toad (*Bufo boreas*);
  - (X) Woodhouse toad (*Anaxyrus woodhousii*);
  - (Y) Great Basin spadefoot (*Spea intermontana*)
- (e) Reptiles:
  - (A) Western painted turtle (*Chrysemys picta bellii*);
  - (B) Western pond turtle (*Actinemys marmorata*);
  - (C) Great Basin collared lizard (*Crotaphytus bicinctores*);
  - (D) Long-nosed leopard lizard (*Gambelia wislizenii*);
  - (E) Pygmy short-horned lizard (*Phrynosoma douglassi*);
  - (F) Desert horned lizard (*Phrynosoma platyrhinus*);
  - (G) Sharp-tailed snake (*Contia tenuis*);
  - (H) Common kingsnake (*Lampropeltis getula*);
  - (I) California mountain kingsnake (*Lampropeltis zonata*);
  - (J) Western ground snake (*Sonora semiannulata*);
  - (K) Racer (*Coluber constrictor*);

- (L) Rubber boa (*Charina bottae*);
- (M) Night snake (*Hypsiglena chlorophaea*);
- (N) Striped Whip snake (*Coluber taeniatus*);
- (O) Ring-necked snake (*Diadophis punctatus*);
- (P) Pacific coast aquatic garter snake (*Thamnophis atratus*);
- (Q) Western whiptail (*Aspidoscelis tigris*);
- (f) Mammals:
  - (A) All bats in the Order Chiroptera;
  - (B) American pika (cony) (*Ochotona princeps*);
  - (C) Pygmy rabbit (*Brachylagus idahoensis*);
  - (D) White-tailed jack rabbit (*Lepus townsendii*);
  - (E) Chipmunk (*Tamias amoenus*, *T. minimus.*, *T. senex*, *T. siskiyou* and *T. townsendii*);
  - (F) Golden-mantled ground squirrel (*Spermophilus lateralis*);
  - (G) Red squirrel (*Tamiasciurus. hudsonicus*);
  - (H) White-tailed antelope squirrel (*Ammospermophilus leucurus*);
  - (I) Northern flying squirrel (*Glaucomys sabrinus*);
  - (J) White-footed vole (*Arborimus albipes*);
  - (K) Red Tree Vole (*Arborimus longicaudus*);
  - (L) Ringtail (*Bassariscus astutus*);
  - (M) Fisher (*Martes pennanti*);
  - (N) All marine mammals.

(2) Notwithstanding section (1) of this rule, it shall be lawful to purchase, sell, or exchange, or have in possession any pelt of wildlife listed in this rule which was lawfully taken in another state and transported into Oregon. A bill of lading or freight bill from a common carrier or other documentary proof indicating the state of origin of the pelt and the name and address of the person from whom the pelt was received shall be sufficient.

Stat. Auth.: ORS 496.138, 496.146, 496.162, 498.012 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

## **635-044-0440**

### **Capture and Holding of Wildlife**

Wildlife may not be captured from the wild and/or held except as provided by OAR 635-044-0450(1), or with the following permits or licenses:

- (1) Wildlife Holding Permit (OAR 635-044-0460 (1) and 635-044-0480 (2a));
- (2) Wildlife Exhibitor/Animal Entertainment Industry Permit (OAR 635-044-0460 (1) and 635-044-0470 (2));
- (3) Wildlife Sanctuary Permit (OAR 635-044-0460 (1) and 635-044-0470 (2a));
- (4) Game bird Propagation License (OAR 635-044-0540(1));
- (5) Falconry License (OAR 635-055-0010);
- (6) Wildlife Rehabilitation Permit (OAR 635-062-0010);
- (7) Scientific Taking Permit (OAR 635-043-0023 and OAR 635-007-0900);
- (8) Game Bird Release Permit for Hunting Dog and Raptor Training and Competitive Hunting Dog Trial Permit as defined in OAR 635 Division 046.
- (9) Hunting Preserve License (pheasants, quail, and partridge) defined in OAR 635 -047-0015;
- (10) Captive Cervid Holding and Propagation permits as defined in OAR 635, Division 049;
- (11) A federal permit or qualifying exception under the Code of Federal Regulations will serve in lieu of a state Wildlife Holding Permit for birds protected by the federal Migratory Bird Treaty;
- (12) Fox (*Vulpes vulpes* or *Urocyon cinereoargenteus*) or mink (*Mustela vison*) may be held by a commercial fur farm under authority of the Oregon Department of Agriculture (ORS 596.010 (3); 609.125; 596.020 (2)).
- (13) Fish Transport Permit (OAR 635-0007-0600);

- (14) Fish Propagation License (OAR 635-007-0650);
- (15) Sturgeon Propagation Permit (OAR 635-007-0725);

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.002, 498.022, 498.029, 498.052, 498.222 & 498.242, 596.010, 596.020, 609.125;  
Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,

### **635-044-0450**

#### **Holding Permit Requirements**

(1) No person shall capture or hold three or more animals listed in OAR 635-044-0480 or legally held grandfathered animals (635-044-0470) without a valid Wildlife Holding Permit.

(2) Wildlife Holding Permits are specific to the species held, permit holder and to the holding facility described on the permit.

(3) Wildlife Exhibitor/Animal Entertainment Industry or Wildlife Sanctuary Permit is required to hold species listed in 635-044-0460 and 635-044-0480.

(4) All Wildlife Holding, Wildlife Exhibitor/Animal Entertainment Industry and Wildlife Sanctuary permittees shall certify to the Department that the species held complies with any applicable city or county ordinances and any applicable federal laws.

(5) No Wildlife Holding Permit is required to hold:

(a) Game birds legally acquired and held under a Game Bird Propagation License; game birds legally acquired from a licensed propagator or with a valid import permit from the Oregon Department of Agriculture;

(b) Captive or farmed cervids held under a Cervid Holding Permit or a Cervid Propagation License (OAR chapter 635 division 49);

(c) Domesticated fur-bearing fox or mink (596.020 (2));

(d) Game fish legally acquired and possessed with a valid Fish Transport Permit.

(6) Wildlife held for purposes of Exhibition or Animal Entertainment or in a wildlife sanctuary as defined in 635-044-0420 (1), (5), (6), (7) or (22) require a Wildlife Exhibitor/Animal Entertainment Industry or Sanctuary permit.

(a) Wildlife Exhibitor/Animal Entertainment Industry or Sanctuary Permits must be renewed annually and include updated animal inventory, employee, facility, and business information, and associated fees.

(b) The annual fee for Wildlife Exhibitor/Animal Entertainment Industry or Sanctuary Permit is \$100 plus the \$2 agent fee.

(c) AZA or ZAA accredited facilities can submit fees for their Wildlife Exhibitor/Animal Entertainment Industry permit at the same interval as their accreditation renewal. A five year AZA accreditation renewal requires payment of the cumulative annual fee for a Wildlife Exhibitor/Animal Entertainment Industry permit of \$500 plus the \$2 agent fee. An annual renewal report is required to document animal inventory, employee, or facility changes.

(7) Revocation or non-renewal of licenses or permits and contested case procedure are defined in 635-044-0570.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

### **635-044-0460**

#### **Holding of Live Black Bear (*Ursus americanus*), Cougar (*Puma concolor*), Bobcat (*Lynx rufus*), Wolf (*Canis lupus*), Raccoon (*Procyon lotor*) and Skunk (*Mephitis spp.*)**

(1) Black bears, cougars, bobcats, wolves, raccoons and skunks held in captivity require a Wildlife Holding or Wildlife Exhibitor/Animal Entertainment Industry or Wildlife Sanctuary Permit and associated fees paid for those species held.

(2) Black bears, cougars, bobcats, wolves, raccoons and skunks may only be held at AZA accredited facilities or in Department approved facilities meeting standards defined in the Oregon Enclosure and Caging Standards for Holding Wildlife (Exhibit 1) or as defined in 635-044-0500 (5) (b).

(3) Black bears, cougars, bobcats, and wolves, acquired by transfer or new acquisition as part of an existing permit or new holding application after January 20, 2017, shall only be held at AZA accredited facilities or as approved by the Department in Wildlife Exhibitor/Animal Entertainment or Wildlife Sanctuary facilities.

(a) No more than one black bear, one cougar, or one bobcat may be held on a Wildlife Exhibitor/Animal Entertainment or Wildlife Sanctuary Permit unless approved by the Department.

(4) Black bears, cougars, bobcats, wolves, raccoons, and skunks must have been acquired from an out-of-state licensed USDA breeder with approved documentation that may include a valid sales receipt, Certificate of Veterinary Inspection with import permit from Oregon Department of Agriculture, valid agency transfer of ownership permit identifying the animal was propagated and born in legal captivity, or as approved by the Department.

(a) Black bears, cougars, bobcats, wolves, raccoons and skunks must be marked permanently and uniquely with either a lip or ear tattoo and/or implanted Radio Frequency Identification Device (microchip). Holders of these defined species of animals shall meet these requirements by January 21, 2018.

(b) Live black bears, cougars, bobcats, wolves, raccoons, and skunks shall not be removed from the wild, with the exception of animals captured and placed by the Department in an AZA accredited facility, or as authorized by a Scientific Taking Permit (OAR 635-043-0023), Wildlife Rehabilitation Rules (OAR 635 Div. 062), as nuisance wildlife captured by permit (OAR 635 Div. 435), or as approved by the Department.

(c) Black bears, cougars, bobcats, wolves, raccoons, and skunks held on a Wildlife Holding Permit or Wildlife Exhibitor/Animal Entertainment Industry or Sanctuary Permit cannot be bred, reproduced, or propagated in Oregon or offered for sale, trade, barter or exchange, including grandfathered animals with one exception:

(A) The Department recognizes that AZA-accredited facilities participate in native species conservation, in part, by the breeding of native species in captivity; therefore, AZA-accredited facilities may breed native species for which there is a current AZA-approved SSP Program which calls for breeding in captivity at the AZA facility with prior approval by the Department. AZA accredited facilities must submit a copy of the relevant AZA SSP Breeding and Transfer Plan Recommendations. If an AZA accredited facility wishes to breed a native species that does not have an AZA-approved SSP Program or is not part of a federal and/or state species recovery plan, the facility may request authorization for breeding from the Department by including information on justification for breeding, number of young desired, and proposed final disposition of resulting progeny.

(d) Black bears, cougars, bobcats, and wolves may only be transferred between valid Wildlife Exhibitor/Animal Entertainment Industry, Sanctuary or AZA or ZAA accredited facilities with prior approval by the Department. Raccoons and skunks may not be offered for sale, trade, barter, or exchange as a household pet in Oregon (ORS 498.029).

(e) Black bears, cougars, bobcats, wolves, and raccoons must be held within AZA accredited facilities or facilities defined in Exhibit 1 and approved by the Department, except when:

(A) Transported to or from licensed Oregon veterinary clinics or other ODFW-approved facilities in temporary holding or transportation caging that is pre-approved by the Department; or

(B) With a Department letter of authorization for requested activities.

(f) Application renewals must include a description of permanent and unique animal identification mark and mark location, and veterinary documentation of reproductive sterilization (if required when both sexes are held).

(A) No access or contact shall occur between wild animals and captive wildlife including but not limited to black bear, cougar, bobcats, wolves, raccoons and skunks or other wildlife held on a Wildlife Holding or Exhibitor/Animal Entertainment Industry or Sanctuary Permit.

(5) The burden of proof of the hybridity of a bobcat-cross or wolf-cross animal is the responsibility of the animal owner. A wolf is considered "pure-bred" when the animal's genetic and phenotypic makeup does not include any genetic material or characteristics of a domestic dog or other canine. A bobcat is considered

“pure-bred” when the animal’s genetic and phenotypic makeup does not include any genetic material or characteristics of a domesticated cat or exotic felid species. Documentation in the form of breeding evidence by pedigree and record, records of acquisition and disposition, transactions, and sworn statements, will be required of all bobcats and wolves claimed to be hybrids, and genetic testing may be conducted by the Department. Lack of sufficient proof of hybridity as determined by the Department will genetically classify the animal as a bobcat or wolf requiring a Wildlife Holding Permit or Exhibitor/Animal Entertainment Industry or Sanctuary Permit and regulation under the conditions of these rules (635-044-0460 (3), (7)(a), and 635-044-0470(2)).

(6) Raccoons and Skunks:

(a) No more than two raccoons may be held on a Wildlife Holding Permit. Additional animals may be held or added to a permit with Department approval.

(b) Two or more held raccoons or skunks of different sexes requires sterilization of either sex. Animals older than 6 months of age and adult animals presently held or newly acquired must be sterilized within 30 days of rule adoption or animal acquisition. Written documentation of the completed procedure by a licensed veterinarian is required.

(c) Held raccoons must be caged or restrained when transported beyond the permitted facility.

(7) Gray Wolves in Captivity:

(a) Except as provided in 635-044-0470 (3), pure-bred wolves acquired after January 20, 2017 must be held in AZA accredited facilities unless specifically approved by the Department.

(b) Current holders of captive wolves must:

(A) Not import, export, purchase, sell or exchange any pure-bred gray wolf except with written authorization from the Department prior to transferring a pure-bred gray wolf to another facility;

(B) Comply with the requirements of OAR 635-044-0470, and;

(C) Possess a valid USDA permit, and;

(D) Provide the Department a copy of their current federal permit/licenses with their Permit application or renewal.

Stat. Auth.: ORS 498.002, 497.228, 496.171 - 182

Stats. Implemented: ORS 498.002, 497.228, 496.171 - 182

### **635-044-0470**

#### **Grandfathering the Possession of Black Bear, Cougar, Bobcat, Wolf, Raccoon, Skunk, Squirrel, Chipmunk and Other Non-game Wildlife Species Legally Held as Pets**

(1) Grandfathered wildlife may be held as pets, or for exhibitor, educational, or animal entertainment industry or sanctuary purposes, or in AZA accredited facilities as defined in these rules.

(2) A person who legally held native wildlife (black bear, cougar, bobcat, wolf, raccoon, skunk, squirrel, chipmunk) or other nongame species in Oregon prior to and on January 20, 2017 may continue to hold those animal(s) for the remainder of the animal(s) life provided:

(a) The holder submits an application for an annual Wildlife Holding, Exhibitor/Animal Entertainment Industry or Sanctuary Permit by January 21, 2018. Included with the application, the person must:

(A) Remit to the Department a fee of \$25 per species held for a Wildlife Holding permit or \$100 for a Wildlife Exhibitor/Animal Entertainment Industry or Sanctuary Permit (plus a \$2.00 license agent fee) for the permit or permit renewal; and

(B) Demonstrate to the Department that the person’s black bear, cougar, bobcat, wolf, raccoon and skunk holding facility complies with any applicable city or county ordinances and any applicable federal laws.

(C) Permit conditions may include, but are not limited to, facility design standards and actions to protect native wildlife and human safety

(D) Permit renewal must occur before the expiration date printed on the permit issued by the Department

(b) Grandfathered animals are held in Department approved facilities meeting standards defined in the Oregon Enclosure and Caging Standards for Holding Wildlife (Exhibit 1). The facilities housing legally acquired grandfathered black bears, cougars, bobcats, wolves, raccoons, skunks, squirrels, chipmunks, and



other legally held non-game species, must meet the minimum facility standards defined herein in Exhibit 1 by January 21, 2018.

(c) Grandfathered bears, cougars, bobcats, wolves, raccoons, skunks, squirrels, and chipmunks must have been acquired from a legally propagated out-of-state source or legally acquired with approved documentation that may include a valid sales receipt, Certificate of Veterinary Inspection with import permit from Oregon Department of Agriculture, valid agency transfer of ownership permit identifying the animal was propagated and born in legal captivity, or as approved by the Department. All permit holders of grandfathered animals shall provide to the Department a signed and notarized affidavit stating how the grandfathered animal(s) were legally acquired.

(d) Grandfathered wildlife held as pets may not be bred. Two or more held grandfathered black bears, cougars, bobcats, wolves, raccoons, skunks, squirrels, chipmunks, or other grandfathered wildlife of the same species of different sexes, requires sterilization of either sex for animals older than 6 months of age, within 30 days of rule adoption. Written documentation of the completed procedure by a licensed veterinarian is required. Avoidance of reproduction of nongame wildlife of different sexes can be accomplished by separation of the sexes, disposal of eggs, veterinary sterilization, etc., and is the responsibility of the wildlife holding permittee.

(3) The only person(s) who may hold pure-bred wolves in captivity are those who, as of December 31, 2009, held a gray wolf or wolves in captivity in Oregon under previous Oregon Department of Agriculture, Class I Exotic Canine, Exotic Animal Division 603 Rules or held a valid license or registration from the U.S. Department of Agriculture, under the federal Animal Welfare Act of 1970. These persons must also obtain authority under the requirements of 635-044-0460(7) [Gray Wolves in Captivity] of this rule.

(a) Beyond the persons described in paragraph (2), the Department will not issue any new permits to hold a pure-bred wolf in captivity except as defined in OAR 635-044-0460 (7) (a).

(b) Wolves legally held under the provisions of paragraph (2) may only be transferred to an AZA accredited facility unless specifically approved by the Department.

(4) Grandfathered black bears, cougars, and bobcats may only be transferred from the original Wildlife Holding Permit to an AZA accredited facility or an approved Wildlife Exhibitor/Animal Entertainment Industry or Sanctuary facility, or as approved by the Department. Raccoons and skunks may not be offered for sale, trade, barter, or exchange as a household pet (ORS 498.029).

Stat. Auth.: ORS 498.002, 497.228, 496.171 - 182

Stats. Implemented: ORS 498.002, 497.228, 496.171 - 182

### **635-044-0475**

#### **Wildlife Held by Exhibitor/Animal Entertainment Industry and Wildlife Sanctuaries**

(1) Wildlife held for exhibitor/education or animal entertainment industry purposes or in wildlife sanctuaries are not considered wildlife held as pets.

(a) Animals previously held for entertainment purposes that are no longer performing due to age or debilitation may be held as pets (e.g. not on exhibit or performing) by the business or transferred to an exhibitor or sanctuary with prior Department approval.

(2) Wildlife Exhibitor/Animal Entertainment Industry and Sanctuary permittees must be Oregon residents, as defined in OAR 635-010-0015 (4) (a), and maintain their approved facility and held wildlife collections in Oregon.

(3) Exhibitor/Animal Entertainment Industry and Sanctuary permittees may only transfer legally held wildlife between other Oregon Wildlife Exhibitor/Animal Entertainment Industry and Sanctuaries permittees or an AZA accredited facility, or add new animals including black bear, cougar, and bobcat to their inventory of legally held wildlife, with prior written approval by the Department.

(4) Exhibitor/Animal Entertainment Industry permittees of held wildlife must provide:

(a) Written documentation to the department with their annual permit application showing that:

(A) Animals held on Exhibitor/Animal Entertainment Industry permit are exhibited to the public for exhibition or education purposes; or,

(B) Permittee of animals used in animal entertainment must document active contract work including dates and job descriptions for that year involving wildlife held on the permit;

(b) A copy of their business license, Non-Profit filing status (if applicable), Tax Identification Number, and/or Employer Identification Number and documentation showing approval of their held species of wildlife by local city, town, or county ordinances;

(c) Written documentation of the permit holder and employee qualifications to transport and possess only those species specified on the department approved permit including black bears, bobcat, cougars, and wolves and including:

(A) Documentation that applicants or the applicant's employee(s) who will be handling wildlife are at least 18 years of age and possess the equivalent of at least two years, paid or volunteer, hands-on experience caring for and handling species at facilities engaged in a similar or directly related activity to the permit requested. Applicants or the applicant's employee shall have at least one year hands-on professional experience working with black bears, bobcats, cougars, or wolves in the same family or closely related taxonomic family as each species being requested. Experience will be considered only for the periods the applicant or the applicant's employee was directly involved in and responsible for the animals while engaged in the activity requested on the permit and only when acquired within five years of the date of the initial permit application.

(d) AZA accredited facilities are exempt from the requirements listed in this section (4).

(5) Wildlife Exhibitor/Animal Entertainment Industry permittees holding native wildlife for the purposes of education may hold species defined under the rules of Chapter 635 Divisions 044 and 062. Native wildlife that are found injured and/or orphaned in the wild in Oregon and are not suitable for release into the wild, but are suitable for educational purposes, may be held under a Wildlife Exhibitor/Animal Entertainment Industry permit provided the animal in question is placed by the Department and given to a licensed Wildlife Rehabilitator not directly associated with the Exhibitor's business, unless approved by the Department.

(a) Placement or final disposition of wild non-releasable wildlife will be determined at the discretion and pre-approval of the Department. Native species shall only be acquired from the Department or, upon approval by the Department, from a licensed Oregon Wildlife Rehabilitation Facility that is permitted with the Department.

(A) The Department veterinarian shall receive written documentation for each animal requested for Exhibit from a licensed Oregon Wildlife Rehabilitation Facility's veterinarian stating why the animal is unsuitable for wildlife rehabilitation and release, but suitable for education purposes.

(b) Licensed Oregon wildlife rehabilitators who legally hold only non-releasable migratory bird species for educational purposes are not required to acquire a Wildlife Exhibitor/Animal Entertainment Industry permit.

(c) Wildlife may only be transferred from a licensed wildlife rehabilitation facility to a permitted Wildlife Exhibitor/Educational facility through prior approval by the Department.

(6) New application requirements for Wildlife Exhibitor/Animal Entertainment Industry and Sanctuary permit shall include:

(a) An inventory of each animal requested including the common and scientific name, sex, and age of each animal.

(b) A resume which provides the dates and description of an applicant or their full-time employee's experience. The resume is required only when applying for the initial permit, an amendment, or when applying to add new species to the inventory upon renewing a permit.

(c) A copy of current USDA license or registration document required by the USDA (for mammals) and a copy of the most recent USDA facility inspection form completed for the facility shall be on file with the department at all times. A copy of the issued USDA license or registration document shall be provided to the department within 10 business days of receipt of the document.

(d) Three letters of recommendation are required for new applicants, written in the previous five years, on letterhead stationary with an original signature signed in ink from the owner or operator of a facility where the applicant or their employee gained his/her experience and may include a recommendation from other licensed industry associates. The letters shall provide the printed name of the owner or operator and

detailed information regarding the quality and extent of the applicant's or their employee's, knowledge and experience related to the permit requested. AZA and ZAA accredited facilities may submit this information with their 5-year accreditation documents, however, animal inventory and employee and facility changes must be submitted annually.

(e) A detailed statement of purpose describing the planned use for each animal. Applicants shall include relevant materials including lists of prospective clients with their contact information or contracts with clients or websites, scripts, brochures or flyers promoting or describing the planned use of the animals. If the animals will be used in an educational program, the applicant shall provide an explanation why live native and/or restricted species are necessary and copies of the educational material that will be distributed. The department may deny the issuance of a permit if it determines that the statement of purpose for the animal(s) does not sufficiently describe the planned use for each animal or is not supported by the permit application materials. The department may require a permittee seeking to renew a permit to provide documents, including but not limited to client lists with contact information or contracts with clients, demonstrating that the use of a permitted animal was consistent with the statement of purpose.

(f) A copy of all current permits required by the United States Fish and Wildlife Service (USFWS) shall be on file with the Department at all times. A copy of the issued USFWS license or registration document shall be provided to the Department within 10 business days of receipt. Any person who is required to possess a USFWS permit for the restricted species applied for or listed on a Department-approved permit is required to comply with these requirements.

(g) The name, address, and telephone number of the veterinarian that provides veterinary care for wildlife listed on the permit.

(h) Emergency Action Plan. Every Exhibitor, Animal Entertainment Industry and Sanctuary Permittee shall have a written Emergency Action Plan readily available and posted in a conspicuous place in the event of an escape, an attack or an emergency evacuation, and shall submit a copy to the department upon application, renewal of a permit and addition of species. The Emergency Action Plan shall be titled, with a revision date, updated annually and include, but is not limited to the following:

(A) List of the re-capture equipment available, including but not limited to darting equipment, nets, traps, and chemical immobilization drugs;

(B) Description of humane lethal dispatch methods for various animals and a list of qualified personnel who are trained to carry out the methods;

(i) List of medical supplies/first aid kits and where they are located;

(ii) Description of mobile transport cages and equipment on hand;

(iii) List of emergency telephone numbers that includes the local department field office, department regional office, and animal control agencies; and

(iv) Written plan of action for emergencies.

(i) Permittees are responsible for the capture, and for the costs incurred by the Department related to capture or elimination of the threat, of an escaped animal or the use of humane lethal force required to capture an animal that escapes. If an escaped animal becomes a public safety threat, state, federal, or local law enforcement personnel have the authority to use appropriate lethal force required to end the threat.

(j) Any incident involving an animal held under a Wildlife Holding or Wildlife Exhibitor/Animal Entertainment Industry or Sanctuary Permit that results in serious injury or death to a person shall be reported immediately to the department's District office having jurisdiction over the area in which the serious injury and death has occurred. If the Department determines that serious injury or death has occurred as a result of contact with an animal held under the authority of a Wildlife Holding, or Wildlife Exhibitor/Animal Entertainment Industry or Sanctuary Permit, the authorizations and conditions of the permit may be reviewed and subject to change by the Department. Additional conditions to the permit may be added at any time to provide for human health and safety.

(k) Permittees shall report by telephone immediately and at first knowledge of the intentional or unintentional escape or release of a wild animal to the Department District biologist and the nearest law enforcement agency of the city or county in which the wild animal was released or escaped.

(7) Wildlife Sanctuaries must follow Global Federation of Animal Sanctuaries standards and requirements in effect on January 20, 2017.

- (a) Wildlife Sanctuaries shall have:
  - (A) No captive breeding;
  - (B) No commercial trade in animals or animal parts;
  - (C) No public tours allowed that are not guided and conducted in a manner that minimizes the impact on the animals and their environment, does not cause them stress, and gives them the ability to seek visual barriers and shelter;
  - (D) Animals are not exhibited or taken from the sanctuary or enclosures/habitats for non-medical reasons; and
  - (E) The public does not have direct contact with wildlife
- (8) Wildlife Exhibitor/Animal Entertainment Industry or Sanctuary Permittees holding black bears, cougars, or wolves exhibited directly to the public or involving guided tours and inclusive of zoos and aquariums, must show annual proof of liability insurance policy with an insurer authorized or approved to write such insurance in Oregon that covers claims or injury or damage to persons or property caused by wildlife held on their permit or any resulting claims against the state. The amount of the insurance coverage shall be not less than one million US dollars.
- (9) Wildlife used in filmed media entertainment must follow the American Humane Association's (AHA) Guidelines for the Safe Use of Animals in Filmed Media monitored by AHA Certified Animal Safety Representatives and use held wildlife in productions that attain the American Humane Association rating of acceptable or outstanding.
- (10) For-profit and non-profit Zoos and Aquariums that are not AZA or ZAA accredited and are holding native wildlife must gain AZA or ZAA accreditation status by January 21, 2022. For purposes of Chapter 635 Division 44 rules, AZA and ZAA are considered equivalent in quality of standards for holding native Oregon wildlife.

Stat. Auth.: ORS 498.002, 496.171 - 182

Stats. Implemented: ORS 498.002, 496.171 - 182

## **635-044-0480**

### **Holding of Nongame Wildlife**

- (1) Native nongame wildlife may not be sold or propagated except as provided in Division 200.
- (2) A Wildlife Holding Permit is required to hold three or more animals of a limited number of nongame wildlife species for each facility or household.
- (3) Only nongame species from the following list are permitted to be held. These species are determined to be demonstrably widespread, abundant, and secure through the NatureServe state ranking process as currently determined by the Oregon Biodiversity Information Center (ORBIC) as of the date of the revised rule adoption. (<http://nr.oregonstate.edu/orbic/rare-species/ranking-definitions>)
  - (a) Amphibians:
    - (A) Northwestern Salamander (*Ambystoma gracile*);
    - (B) Long-toed Salamander (*Ambystoma macrodactylum*);
    - (C) Pacific (Coastal) Giant Salamander (*Dicamptodon tenebrosus*);
    - (D) Ensatina (*Ensatina eschscholtzii*);
    - (E) Western Red-Backed Salamander (*Plethodon vehiculum*);
    - (F) Rough-Skinned Newt (*Taricha granulosa*);
    - (G) Pacific Treefrog or Pacific Chorus Frog (*Pseudacris regilla*);
  - (b) Reptiles:
    - (A) Northern Alligator Lizard (*Elgaria coerulea*);
    - (B) Southern Alligator Lizard (*Elgaria multicarinata*);
    - (C) Western Skink (*Plestiodon skiltonianus*);
    - (D) Northern Sagebrush Lizard (*Sceloporus graciosus graciosus*);
    - (E) Western Fence Lizard (*Sceloporus occidentalis*);
    - (F) Common Side-Blotched Lizard (*Uta stansburiana*);
    - (G) Western Rattlesnake (*Crotalus oreganus*): excluding Willamette Valley populations;

- (H) Pacific Gopher Snake (*Pituophis catenifer*);
- (I) Western Terrestrial Garter Snake (*Thamnophis elegans*);
- (J) Northwestern Garter Snake (*Thamnophis ordinoides*);
- (K) Common Garter Snake (*Thamnophis sirtalis*);
- (c) Mammals:
  - (A) North American Porcupine (*Erethizon dorsatum*);
  - (B) Long-Tailed Vole (*Microtus longicaudus*);
  - (C) Montane Vole (*Microtus montanus*);
  - (D) Creeping vole (*Microtus oregoni*);
  - (E) Ermine (*Mustela erminea*);
  - (F) Long-Tailed Weasel (*Mustela frenata*);
  - (G) Bushy-Tailed Woodrat (*Neotoma cinerea*);
  - (H) Dusky-footed woodrat (*Neotoma fuscipes*);
  - (I) Deer Mouse (*Peromyscus maniculatus*);
  - (J) Great basin pocket mouse (*Perognathus parvus*);
  - (K) Coast Mole (*Scapanus Orarius*);
  - (L) Northern pocket gopher (*Thomomys talpoides*);
  - (M) California Ground Squirrel (*Spermophilus beecheyi*);
  - (N) Belding's Ground Squirrel (*Spermophilus beldingi*);
  - (O) Brush Rabbit (*Sylvilagus bachmani*);
  - (P) Douglas's Squirrel (*Tamiasciurus douglasii*).

(4) Additional species may be petitioned for proposed inclusion to the list of species permitted and held under a Wildlife Holding Permit with a written request and justification submitted to the Department.

(5) Wildlife listed in this section that are captured from the wild and held for more than 48 hours in captivity, or held on a Wildlife Holding Permit, must remain in captivity for the life of the animal and may not be returned to the wild without prior approval by the Department. This rule does not apply to wildlife held under 635-062-0000 (Wildlife Rehabilitation).

(6) Wildlife species whose ORBIC status changes from being demonstrably widespread, abundant, and secure (S5 ORBIC status), to a less secure status (S1-4), will be grandfathered to the individual permit holder at the time of the status change for the life of the animals. No further collections or additions will be permitted to new or existing Wildlife Holding Permits for that species without prior approval by the Department.

Stat. Auth.: ORS 498.002, 496.171 - 182  
 Stats. Implemented: ORS 498.002, 496.171 - 182

### **635-044-0490**

#### **Cost, Expiration Date, and Changes to a Wildlife Holding, Wildlife Exhibitor/Animal Entertainment Industry or Wildlife Sanctuary Permit**

(1) Any person desiring to obtain a Wildlife Holding Permit must be an Oregon resident with a legal Oregon address and must submit a complete application and a non-refundable application species fee and license agent fee listed on the permit application.

(a) All applications require Department approval and payment of the Wildlife Holding Permit fees of \$25 for each species held.

(2) Any person desiring to obtain a Wildlife Exhibitor/Animal Entertainment Industry or Sanctuary permit must be an Oregon resident and identify whether the applicant is an individual, partnership, corporation, Limited Liability Company or other legal entity. (if a partnership, the application must provide the full names and addresses of the partners; if a corporation, the application must provide the full names and addresses of all officers, directors and stockholder; if a limited liability company, the application must provide the full names and addresses of all members and managers; if the applicant is structured as a tiered organization, the application must provide the full names and address of all of the partners; or officers,

directors and stockholders; or members and managers of each constituent entity within the tiered organization).

(a) Applicant must submit a complete application and a non-refundable application fee of \$100 and license agent fee listed on the permit application.

(3) The Wildlife Holding, Wildlife Exhibitor/Animal Entertainment Industry, and Wildlife Sanctuary Permits expires on December 31 of the year issued.

(4) All permit renewals and payment of associated fees must occur before the expiration date of the current permit. Verification of annual permit requirements (if applicable to the permit) must accompany the renewal application.

(5) A new application is required for any change of address by the permittee.

(6) The addition of animals of the species approved on the original permit requires prior approval by the local department biologist.

(7) Except as directed in 635-044-0470 (4) and 635-044-0475 (1)(A) and (3), wildlife held on a Wildlife Holding Permit may only be transferred to another Wildlife Holding Permittee and requires:

(a) The species transferred is listed on the receiving permittee's Wildlife Holding Permit, and;

(b) A new application and updated Wildlife Holding Permit and payment of associated fees for the addition of animals of the species transferred, and;

(c) Approval by the Department.

(8) Failure to renew a Wildlife Exhibitor/Animal Entertainment Industry or Wildlife Sanctuary Permit, or Wildlife Holding Permit by December 31 of the year issued may result in a penalty or confiscation of held species, fines, and denial of a future permit.

(9) The Department may revoke or decline to renew a Wildlife Exhibitor/Animal Entertainment Industry or Wildlife Sanctuary Permit or Wildlife Holding Permit or Game Bird Propagation License if the permittee/licensee is convicted of, or admits to a violation of, any wildlife law or any rule, order or permit issued under the wildlife laws within the previous five years of the date of application. Upon revocation or non-renewal of a permit, the Department will confiscate any birds, mammals, amphibians and reptiles held.

(10) Cancellation or non-renewal of application, licenses, or permits and contested case procedure is defined in 635-044-0570.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

### **635-044-0500**

#### **Requirements for Care of Wildlife Held in Captivity**

(1) All wildlife held in captivity, including, but not limited to, wildlife held under any permit, license, or condition listed in 635-044-0460 and 635-044-0480 or under a Game Bird Propagation license must provide minimum care sufficient to preserve the health and well-being of the held wildlife (except for emergencies or circumstances beyond the reasonable control of the holder), including, but is not limited to, the following requirements:

(a) Appropriate food for each held species of sufficient quantity and quality to allow for normal growth or maintenance of body weight.

(b) Open or adequate access to potable water in sufficient quantity and quality to satisfy the animal's needs.

(c) Shelter sufficient to protect from adverse elements, protect from predators, prevent escape, prevent other wildlife from entry, and prevent injury. Any other requirement particular to the survival of the specific animal shall also be provided.

(d) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.

(e) Daily access to an area:

(A) With adequate space for exercise necessary for the health of the animal (except when transporting);

(B) With air temperature suitable for the species of animal; and  
(C) Shall be kept free from excess food or fecal waste or other contaminants which could affect the health of the animal

(f) Captive wildlife may not be restrained with a chain, rope, hobbles or similar restraint method. Tethering of raptors is permitted.

(2) It is unlawful for any person possessing wildlife in their care and possession to cause or allow such wildlife to be chased, injured, harmed, harassed, or neglected.

(3) Wildlife held on a Wildlife Holding Permit may not be released in Oregon without prior approval by the Department.

(4) Wildlife listed in this section and captured from the wild and held for more than 48 hours in captivity or held on a Wildlife Holding Permit must remain in captivity for the life of the animal and may not be returned to the wild following capture without prior approval by the Department.

(5) Facilities housing wildlife must meet ODFW minimum standards for species defined in the ODFW Enclosure and Caging Standards for Holding Wildlife for Wildlife Held in Captivity (Exhibit 1); and

(a) Enclosed within suitable structures to prevent escape or prevent other wildlife from entry;

(b) Applicants of Wildlife Holding Permits and holders of wildlife in captivity must demonstrate equivalency of facility construction with Department approval of all proposed facility construction design, materials, and specifications equivalent or exceeding the ODFW Enclosure and Caging Standards for Holding Wildlife.

(c) Inspection of facilities by Department personnel may be conducted prior to approval of the permit.

Stat. Auth.: ORS 167.305, 167.310, 167.312, 167.315, 167.320, 167.322, 167.333, 167.334, 167.335, 167.340, 167.343, 167.345, 167.347, 167.349, 167.355, 167.390 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.006, 498.022, 498.029, 498.052, 498.222, 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242, 167.310

### **635-044-0510**

#### **Inspection of Facilities**

(1) Facilities holding captive wildlife are subject to inspection by any State Police officer or Department representative. Inspection of the facilities may take place without warrant or notice, but, unless prompted by emergency or other exigent circumstances, shall be limited to regular and usual business hours, including weekends. Nothing in these rules is intended to authorize or allow the warrantless search or inspection of a permit holder's residence.

(2) Any inspection(s) of Exhibitor/Animal Entertainment or Sanctuary Permit or Wildlife Holding permit facilities involving approval of new or modified facilities may require a \$150 inspection fee. An inspection fee may be assessed for Wildlife Holding Permit facilities depending on species and number of wildlife held.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

### **635-044-0520**

#### **Ownership of Captured Wildlife Held in Captivity**

(1) Native wildlife, or the progeny thereof, captured from the wild in Oregon remains the property of the State of Oregon.

(2) Wildlife native to Oregon that are acquired legally from an out-of-state propagator and held in captivity are not considered property of the state of Oregon, but are subject to the same wildlife rules as legally acquired native wildlife collected in Oregon and held in captivity.

(3) Wildlife cannot be sold, exchanged, bartered, transferred or released in Oregon except as defined by rule or statute or as authorized by the Department.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

### **635-044-0530**

#### **Possession of Coyote Prohibited Without Permit**

(1) It is *unlawful* to keep coyotes (*Canis latrans*) in captivity except in compliance with the terms and conditions of a permit issued pursuant ORS 497.298 and ORS 497.312.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

### **635-044-0540**

#### **License Required to Propagate Game Birds**

(1) Any person or business desiring to propagate for sale any game bird, limited to the following bird species in the families listed below, must submit a complete application and a non-refundable application fee of \$52 and license agent fee listed on the permit application:

- (a) Columbidae (mourning doves and band-tailed pigeons only);
- (b) Anatidae (all species except mute swans and Egyptian geese);
- (c) Phasianidae
  - (A) Subfamily Phasianinae species only;
  - (B) Subfamily Tetraoninae (grouse and ptarmigan except Genuses *Centrocercus* and *Tympanuchus*);
  - (C) Subfamily Meleagridinae (wild turkey); and
  - (D) Subfamily Perdicinae (partridges and common quail (*Coturnix coturnix*));
- (d) Odontophoridae (Genuses *Callipepla*, *Colinus*, and *Oreortyx* only); and
- (e) Scolopacidae (*Gallinago delicate* only).

(2) Game Bird Propagation Licenses expire on December 31 of the year issued.

(3) Any person desiring to propagate, sell or barter any raptor as defined in OAR 635-055-0002(3) protected by federal law must first adhere to all permit requirements and regulations pertaining to the propagation and selling of raptors, as adopted by the U.S. Department of the Interior (Federal Register, Vol. 48, No. 132, Part 21). The license holder must provide a copy of their current federal permits to the department with their application or renewal.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

### **635-044-0550**

#### **Shipping Requirements for Propagated Game Birds**

(1) Any game birds shipped within or outside the state by the holder of a Game Bird Propagation License must have affixed to the shipping container a record showing:

- (a) Name, address, and Game Bird Propagation License number of shipper;
- (b) Name and address of consignee;
- (c) Species name (common and scientific) and numbers of game birds contained; and,

(d) Import of game birds into the state of Oregon requires a Certificate of Veterinary Inspection from a federally accredited veterinarian and must be accompanied by an Oregon Department of Agriculture import permit with exceptions listed in OAR 603-011-0255.



Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

### **635-044-0560**

#### **Record Keeping and Reporting Requirements for Game Bird Propagation License**

(1) A record of all business transactions involving sale or purchase of eggs or game birds, must be current to date and available at the facility as listed on the permit. Records for the current calendar year must be made available for inspection by Oregon State Police or Oregon Department of Fish and Wildlife personnel.

(2) An annual report of operations must be received with the annual renewal application and fees before the date of permit expiration. The annual report shall include the total number of game birds by species purchased or acquired and all sales or transfers by species, including eggs, births and deaths within the previous calendar year.

(3) Imported or exported game birds must have a certificate of veterinary inspection and any import permit or license and documentation of ownership or other information that may be required by the receiving state.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

### **635-044-0570**

#### **Cancellation and Non-Renewal of Game Bird Propagation License or Wildlife Holding or Wildlife Exhibitor/Animal Entertainment Industry or Wildlife Sanctuary Permit**

(1) Failure to comply with any requirements within these rules or conditions of authorization is cause to cancel or deny renewal of the Game Bird Propagation License and/or Wildlife Holding Permit and/or Exhibitor/Animal Entertainment Industry or Sanctuary Permits and confiscate or require disposal of the wildlife being held. A person may appeal cancellation or denial of a license or permit through a contested case hearing. The request for a contested case hearing on a proposed cancellation must be received by the Department within 21 days after service of notice (or 90 days for emergency revocations). The request for hearing on a proposed non-renewal must be received by the Department within 60 days of notice. Final Orders in contested case hearings will be issued by the Director.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242, 183.430, 183.470, 183.484, 183.700

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

### **635-044-0580**

#### **Disposition of Wildlife Upon License Suspension, Revocation, Nonrenewal or Denial**

(1) Within 90 days after any of the following events, any person holding wildlife must dispose of the animals:

- (a) Suspension, revocation or expiration of the Wildlife Holding Permit or Exhibitor/Animal Entertainment Industry or Sanctuary Permits or Propagation License;
- (b) Denial of an application for license; or
- (c) Receipt of a notice from the Department informing the holder that the wildlife held is/are not authorized by license.

(2) "Dispose" means to do the following in compliance with these rules:

- (a) Euthanize;
- (b) Transfer to another licensed Wildlife Holding or Exhibitor/Animal Entertainment Industry or Sanctuary or Propagation facility; or
- (c) Export from Oregon.

(3) If the holder fails to dispose of any wildlife held by the deadline specified in paragraph (1), and if the Department determines that the wildlife held pose an imminent threat to wildlife, livestock, or public health requiring prompt action, the Department may humanely euthanize, confine, transfer, or otherwise dispose of the animals as it determines necessary. In all other circumstances, the Department may humanely euthanize, transfer, confine or otherwise dispose of the wildlife held only after providing the holder with notice and an opportunity for hearing. The Department may choose to keep the wildlife held on the holder's property until an appropriate means of disposal is found or pending a hearing. The Department bears no liability for such actions. Any wildlife held for disposal must be treated humanely in compliance with these rules.

(4) The holders of any wildlife of which the Department disposes pursuant to paragraph (3) must compensate the State of Oregon for any and all expenses incurred by the State during disposition.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162, 497.228, 498.002, 498.019, 498.052 & 174.106  
Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162, 497.228, 498.002, 498.019, 498.052 & 174.106

### **635-044-0590**

#### **Control of Disease Outbreaks in Captive Wildlife**

(1) Diseased captive wildlife may be an imminent danger to public, wildlife, domestic animals, or livestock health.

(2) Upon determination that an outbreak of communicable disease among captive wildlife is an imminent danger to public, wildlife, domestic animals, or livestock health, the Department may order the holder to euthanize, confine or transfer, by a specified deadline, any or all wildlife they hold.

(3) Failure by the holder to take action ordered by the Department pursuant to paragraph (2) may result in the Department or its agents entering the holder's facility to confine, euthanize, or transfer diseased wildlife. The holder is liable for any costs the State of Oregon so incurs. The Department bears no liability for such actions.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162, 497.228, 498.002, 498.019, 498.052 & 174.106 Stats.  
Implemented: ORS 496.012, 496.138, 496.146, 496.162, 497.228, 498.002, 498.019, 498.052, 174.106

January 2017

**EXHIBIT 1**  
**Enclosure and Caging Standards for Holding Wildlife**  
**Division 044**

All facilities for held wildlife must be designed, constructed and maintained to provide:

1. Protection for free-ranging wildlife.
2. Holding facilities and outdoor cages and enclosures must be locked or secured to prevent escape.
3. Outdoor cages and enclosures must ensure containment for wildlife being held and exclusion of other wild and domestic animals.

**MAMMALS**

Bear (*Ursus americanus*) and Cougar (*Puma concolor*)

Minimum Specifications for Existing Holding Facility for Bear (*Ursus americanus*) and Cougar (*Puma concolor*)

Minimum enclosure size:

Enclosure must be at least six (6) feet in height with a minimum floor area of three hundred (300) square feet for each adult animal older than six (6) months of age. Cubs or kittens under six (6) months of age may be held with their mother with no additional space requirements.

Construction:

Floor: The floor shall be constructed in one of the following ways:

For Bear:

- Four (4) inch reinforced concrete, sloped for free drainage.

For Cougar:

- Four (4) inch reinforced concrete, sloped for free drainage; or
- Four (4) inch reinforced continuous concrete skirt four (4) feet wide around either inside or outside of pen perimeter; or
- Six (6) inch concrete curb two (2) feet deep around pen perimeter. If the substrate will not permit subsurface construction, nine (9) gauge chain link fencing or its equivalent shall be buried and extend three (3) feet inside. This subsurface wire shall be securely anchored; or
- Declawed cougars: Owner must provide veterinarian proof of declawing upon request. Natural earth with a minimum of three (3) inches concrete skirt two (2) feet wide around either inside or outside of pen perimeter.

Gate: Double gate construction consisting of welded, bolted or threaded frames. The exterior gate must be secured by a lock at all times except when entry is required. One gate must open inward and have a positive stop to prevent opening when unlocked and pressured by the caged animal. The gate must be constructed in a manner to provide strength comparable to the rest of the cage, and the hinges and fasteners must be adequate to provide strength equivalent to the rest of the construction.

Cage: The cage shall be constructed in one of the following ways:

- Frame and mesh construction, to consist of a supportive framework, corner and gate posts to be steel pipes or beams equivalent in strength to two (2) inch steel pipe, top and sides, of steel pipes or beams equivalent in strength to one and one-half (1.5) inch steel pipe, securely welded, bolted, or threaded together, with framework members at intervals no greater than five (5) feet; gate posts, steel pipe and beam posts must be embedded in concrete to a minimum depth of two (2) feet, wire mesh covering of nine (9) gauge chain link fencing or its equivalent, securely bolted, welded or attached with nine (9) gauge fence ties to framework. Top to be constructed of nine (9) gauge chain link fencing or equivalent for bear, 11 and one-half inch (11.5) gauge chain link fencing or equivalent for cougar, attached in a similar manner as sides.
- Barred construction, to consist of steel pipes or bars equivalent in strength to three-quarters (3/4) inch steel pipe, spaced at intervals not to exceed six (6) inches, and supported at intervals not to exceed thirty-six (36) inches with three-eighths (3/8) by two (2) inch steel bars drilled to receive the vertical bars at the intervals given above; all joints or points of meeting to be securely bolted or welded, top and sides. Top to be bar construction as described above or constructed of nine (9) gauge chain link fencing or equivalent for bear, 11 and one-half inch (11.5) gauge chain link fencing or equivalent for cougar, securely attached to sides.

### Other Specifications

A water trough of not less than four (4) U.S. gallons securely attached inside of the cage.

One den box for each animal kept, to be constructed on a floor level not less than three and one half (3.5) inches above the floor level of the main cage; providing fifteen (15) square feet of floor area per animal; being not less than thirty (30) inches high inside; with floor sloped to provide free drainage.

Dens should be a comfortable holding area for the animal(s), allowing them to stand, sit, lie down, or move around, and in which they can be fed if needed.

Shelter to protect animal from sun and rain must be provided.

An exercise or separation area or open top enclosure addition may not replace the minimum cage requirements defined as the minimum enclosure size for holding bears and cougars in this Exhibit. An exercise or separation area or open top enclosure addition must comply with the following minimum requirements:

The exercise or separation area or open top enclosure addition or separation area must be connected to the main enclosure with a sliding or guillotine door. Access to the den or separation area from the main gate must be controlled by use of slide doors or guillotine doors that animal caretakers can operate without entering the cage or exhibit. Gates must be securable and lockable in the closed position. Swing gates do not provide the same level of safety and management provided by slide or guillotine doors unless operated remotely. The use of swing gates in place of slide or guillotine doors must be pre-approved by the Department.

Perimeter fence construction must be nine (9) gauge chain link type fencing or equivalent a minimum of eight (8) feet high with a double overhanging cantilever of electrified wire. Each cantilever to be not less than 18 inches in length, totally surrounding the entire enclosure and one to slope in, the other to slope out, both at a 45-degree angle, containing electrified wires not less than 16 gauge, equally spaced, not to exceed six (6) inch spacing intervals. A "New Zealand" style energizer that is appropriately sized for the amount of wire to be energized shall power the fence.

Frame and mesh construction, to consist of a supportive framework, all posts to be steel pipes or beams equivalent in strength to one and one-half (1.5) inch steel pipe, with vertical frame members at intervals no greater than ten (10) feet. Vertical frame members must be imbedded in concrete to a depth of three (3) feet. Horizontal frame members are required at top and bottom of vertical portion of fence. Nine gauge chain link fence or equivalent securely attached to top and bottom horizontal frame members at intervals not to exceed one (1) foot.

Double gate construction to be welded, bolted or threaded frames. The exterior door must be secured by a lock at all times except when entry is required. One gate must open inward and have a positive stop to prevent opening when unlocked and pressured by the caged animal. The gate must be constructed in a manner to provide strength comparable to the rest of the cage, and the hinges and fasteners will be adequate to provide strength equivalent to the rest of the construction.

Animals may occupy the exercise enclosure only when keeper is present.

A person holding wildlife and seeking equivalency approval shall submit to the department a detailed analysis of each specification required and certification by an individual possessing a valid Professional Engineering License indicating the facility provides equivalent structural integrity and design.

Bears and cougars acquired by transfer or new holding application after June 13, 2016, shall only be held at Oregon AZA accredited facilities or as approved by the Director.

## Wolf (*Canis lupus*)

Consideration should be built into the enclosure design to address wolf physical, social, behavioral and psychological requirements. Wolves should be provided with large, complex outdoor spaces with enclosure shape, topography, substrate, and vegetation placement considered in the enclosure design. A large and diverse enclosure will provide the opportunity for more natural, species-appropriate behaviors.

Enclosures should be built on a relatively flat area to facilitate walking and running and contain diverse features including topographical enhancements and natural features that may include deadfall, logs, or boulders, and planted with trees and shrubs to provide shelter, shade, and escape from conspecifics. Natural or artificial shelters should be provided to allow animals privacy and escape from inclement weather or insects. Wolves should be housed on natural substrates such as grass, dirt, sand, or forest litter. Enclosures should contain sufficient visual barriers to provide opportunity to avoid staff and conspecifics when desired.

Enclosures should be constructed in an area that drains well to prevent the collection of water, especially in the vicinity of resting and den areas.

- The primary enclosure for the holding of wolves must be at least 465 m<sup>2</sup> (5,000 ft<sup>2</sup>) for a same sex group of two (2) animals or non-reproductive pair.
- Add 93 m<sup>2</sup> (1,000 ft<sup>2</sup>) for each addition member of a compatible same sex or non-reproductive grouping.
- Holding and handling areas must include two (2) holding/shift pens a minimum of 19 m<sup>2</sup> (200 ft<sup>2</sup>) in area each

The shape of enclosures should be considered to maximize area of spatial movement of individual animals. For example a 465 m<sup>2</sup> (5,000 ft<sup>2</sup>) enclosure with a square or round dimension of 20 m x 23 m (70 ft x 72 ft) is better than a narrow rectangular area approximating 3 m x 155 m (10 ft x 500 ft) enclosure. Enclosure fence design should avoid tight corners (<90°) which provide an opportunity for wolves to climb or trap subordinates in these areas. A circular perimeter pen design may reduce stereotypic pacing.

All areas within the enclosure must be secure including shift doors, gates and access doors, locking mechanisms. The wolf enclosure must have a dig barrier, a perimeter wall or a moat, and a climbing barrier if walls can be climbed. A double-door access system leading to all areas containing wolves and a secondary perimeter fence is strongly recommended to surround all holdings of wolves.

The enclosure perimeter must have an underground dig barrier to prevent wolf escape. To prevent digging at the perimeter barrier, a 90 cm (3 ft) wide section of chain-link fencing is recommended to extend inside the barrier from the bottom edge of the vertical fence. This digging barrier must come to the fence at approximately 90° to the vertical fence, and must be buried 15-30 cm (6-12 in) below ground level. A concrete footing 15-20 cm (6-8 in) wide and 90-120 cm (3-4 in) deep must be poured at all gates to prevent digging at these areas, and any other areas where a digging barrier cannot be installed.

The vertical height of a mesh fence wall must be at least 2.5 m (8.2 ft). An additional 1 m (39 in) overhanging climb barrier is recommended. The climb barrier must extend into the enclosure at a 35-45° upward angle. Mesh fencing must be made of metal wire that is 9 gauge or larger in wire size. Maintenance checks and fence and perimeter inspections should be conducted daily.

Mesh fencing used as a common containment barrier between conspecifics must have an opening size of  $\leq 2.5$  cm x 2.5 cm or 1 in x 1 in to prevent from having body parts (e.g., paw, tail, etc.) enter through the containment barrier into the adjacent enclosure.

Solid walls 3.5 m (11.5 ft) tall are sufficient to contain gray wolves. Solid walls that are less than this height must have a climbing barrier installed.

Transparent barriers, such as glass, Plexiglas, and Lexan can also be used holding areas of the enclosure.

Small holding or shift pens must have a dirt floor and be  $<46.5$  m<sup>2</sup> (500 ft<sup>2</sup>) in size with galvanized chain-link mesh buried under the entire pen as an anti-dig barrier.

Doors used in wolf enclosures can be solid or wire mesh. Slide doors or guillotine gates that animal caretakers can operate without entering the exhibit are recommended for safety and wolf movement management. Gates must have an opening of at least 91 cm (36 in) high and 61 cm (24 in) wide, and be securable and lockable in the closed position. Swing gates can also be used for animal movement between areas. For the safety of the animals and staff, gaps between doors and the containment walls must be less than 5 cm (2 in). Animal caretakers entering a wolf enclosure must pass through two levels of containment (e.g. primary and secondary).

Gray wolf holding facilities must be contained within a secondary perimeter fence. This fence must be 2.5 m (8 ft) high with gates that can be closed if an animal escapes its enclosure.

*(Adapted from the AZA Large Canid (Canidae) Care Manual; AZA Canid Taxon Advisory Group and AZA Animal Welfare Committee. 2012.)*

Wolves acquired by transfer or new holding application after June 13, 2016, shall only be held at Oregon AZA accredited facilities or as approved by the Director.

Bobcat (*Lynx rufus*) or Raccoon (*Procyon lotor*)

- Single animal – Eight (8) feet by six (6) feet (48 square feet) of floor area and six (6) feet in height.
- Increase the minimum floor space by 24 square feet for each additional animal.
- All caging and substrates must be escape-proof (i.e. flooring must be made of a hard surface or have a subsoil barrier). Enclosures with scalable walls must be completely contained and enclosed to prevent escape.
- Clawing logs and a two (2) square foot den box required for each animal.
- A climbing tree with three (3) or more four (4) inch diameter branches shall be available for each raccoon or bobcat.
- A 500 square inch protected shelf area shall be provided for each animal. Platforms shall be at least three (3) feet above the floor.

**SMALL MAMMALS, AMPHIBIANS AND REPTILES**

Squirrels

Northern flying squirrel (*Glaucomys sabrinus*)  
Chipmunk (*Tamias amoenus*, *T. minimus*, *T. senex*, *T. siskiyou* and *T. townsendii*)  
Douglas's squirrel (*Tamiasciurus douglasii*)  
Red squirrel (*Tamiasciurus hudsonicus*)  
Golden-mantled ground squirrel (*Spermophilus lateralis*)  
California Ground Squirrel (*Spermophilus beecheyi*)  
Belding's Ground Squirrel (*Spermophilus beldingi*)

- Single animal enclosure requires at least 16 square feet in floor area and eight (8) feet in height for arboreal species and four (4) feet in height for ground squirrels. All caging will require a mesh or solid roof to prevent escape.
- Outdoor caging must be made of metal mesh material such as hardware cloth to prevent escape. The mesh size of hardware cloth material must not exceed one-half (.50) inch by one-half (.50) inch.
- Increase the floor area by at least 25 percent of the total floor square footage for each additional animal.
- Tree squirrel nest box dimensions must be one (1) square foot and two (2) feet high and chipmunk nest box must be eight (8) inches square and at least six (6) inches high, elevated five (5) feet off the ground. A nest box shall be provided for each animal.
- A central climbing tree with at least three, three-inch diameter branches shall be available for arboreal species.
- Ground Squirrel species require appropriate soil substrate for digging, tunneling and nest building. A permanent wire mesh barrier is required across the cage floor, connected to the walls and buried beneath at least 18 inches of substrate such as soil or sand.



- Habitat complexity should be incorporated into enclosure design including hiding and climbing structures.

#### Brush Rabbit (*Sylvilagus bachmani*)

- Cage size for a single animal will be a minimum of 18 square feet and three (3) feet in height using 14 gauge, one (1) inch square wire mesh. Increase the floor area by at least 25 percent of the total floor square footage for each additional animal. Flooring must be constructed of solid surfacing or one-half (½) square inch wire mesh size.
- Within the enclosure, a den or hutch area is required and must be a minimum of one and one-half (1.5) square feet (11 inches x 20 inches) and one (1) foot in height.
- A natural substrate (hay) or other appropriate material (pelleted paper) should cover the enclosure floors including suitable nesting material for the nest boxes.
- Gnawing logs are required.

#### North American Porcupine (*Erethizon dorsatum*):

- One animal requires an enclosure floor area measuring at least 25 square feet and eight (8) feet in height. Increase the floor area by at least 25 percent of the total floor square footage for each additional animal.
- Enclosures must be completely enclosed by a solid (i.e. glass) or two (2) inches square wire mesh barrier of 14 gauge or greater wire. An open topped exhibit may be used, provided the surrounding walls are at least four (4) feet high and are composed of a smooth surface to prevent climbing. Solid or wire barrier flooring beneath the exhibit is required to prevent escape. A three (3) foot return buried 12 – 24 inches down under an outdoor enclosure will prevent animals from digging under the barrier.
- A natural substrate (hay, straw) or other appropriate material (pelleted paper) should cover indoor enclosure floors including suitable nesting material for the nest boxes. Substrate in an outdoor exhibit may be a natural material such as soil, wood chips or pine needles.
- Habitat components including rock piles and concrete culverts and logs, branches for gnawing, perching, climbing and hiding should be included.
- Shelters must be made available for all animals held in outdoor enclosures.

For more information on porcupine husbandry standards refer to:

<http://www.glenoakzoo.org/RodentTAG/rodentPDFs/Porcupine%20standards.pdf>

## Voles and Moles

Long-Tailed Vole (*Microtus longicaudus*)

Montane Vole (*Microtus montanus*)

Coast Mole (*Scapanus Orarius*)

[Moles do not thrive in captive situations due to their complex habitat needs. It is not recommended to remove moles from the wild.]

Minimum enclosure size:

- One adult or one (1) litter per 10 gallon container or made of one-half (.50) inch wire mesh at least 18 inches by six (6) inches (108 square inches) and at least six (6) inches in height. Increase the floor area by at least 25 percent of the total floor square footage for each additional adult animal.
- Outdoor caging must be made of metal mesh material such as hardware cloth to prevent escape. The mesh size of hardware cloth material must be one-quarter (.25) inch to one-half (.50) inch square. Dirt or sand floors must have hardware cloth or plywood buried along the interior sides of the cage, approximately 12 inches below the surface to prevent escape. A permanent wire mesh barrier is required across the cage floor, connected to the walls and buried beneath an appropriate substrate such as soil or sand. A natural substrate or other appropriate material should cover indoor enclosure floors including suitable nesting material for the nest boxes.
- All caging will require a mesh or solid roof to prevent escape.
- Voles (omnivores but consume primarily plant material including roots) and moles (grubs and earthworms) require very specific diets and must be fed appropriately. Voles can consume their own weight in plants per day.
- Provide appropriate nesting material and hiding habitat such as rocks and hollow logs.

## Mustelids

Ermine (*Mustela erminea*)

Long-Tailed Weasel (*Mustela frenata*)

Skunk (*Mephitis* spp.)

- Enclosures for skunk require a minimum of 32 square feet of floor area per animal with an enclosure at least four (4) feet in height with a minimum two (2) square foot denning box one (1) foot high for each animal. The mesh size of hardware cloth material must be one-half (.50) inch square for animals kept in caging. The skunk owners residence or home may serve as adequate housing for pet skunks.
- Enclosures for weasels require a minimum of 32 square feet of floor area per animal with the enclosure at least two (2) feet in height with a minimum one (1) square foot denning box six (6)

inches high for each animal. The mesh size of hardwire cloth material must be one-quarter (.25) to one-half (.50) inch square.

- Increase cage floor area by at least 25 percent of the total floor square footage for each additional animal.
- All caging will require a mesh or solid roof to prevent escape.
- Skunks require appropriate soil substrate for digging. A permanent one-half (.50) inch wire mesh barrier is required across the cage floor, connected to the walls and buried beneath at least 18 inches of substrate such as soil or sand. Weasels make nests of grass, cornhusks, etc. which may be lined with fur and benefit from soft substrates that allow for burrowing.
- Habitat features should be incorporated into enclosure design including hiding and climbing structures.

### Rodents

Bushy-Tailed Woodrat (*Neotoma cinerea*)

Deer Mouse (*Peromyscus maniculatus*)

- Woodrats require one-quarter ( $\frac{1}{4}$ ) inch wire mesh enclosures with a dimension of at least 25 square feet and two (2) feet high with a nest box (nine (9) inches square) for one (1) to two (2) animals. Increase cage floor area by at least 25 percent of the total floor square footage for each additional animal.
- Mice require one-quarter (.25) inch wire mesh enclosures of two (2) square feet (288 square inches) a foot high for up to three (3) mice. Mesh must be a quarter inch or less between the wires to prevent escape. Increase enclosure area 50 percent with the addition of every three (3) mice.
- A natural substrate or other appropriate material must cover indoor enclosure floors including suitable nesting material for the nest boxes.
- Enclosure should be made of a material that is easy to clean and deodorize and is indestructible to rodent chewing or digging in the corners. Aquariums are not suitable cages for rats and mice because of inadequate air circulation and subsequent ammonia buildup.
- Temperature range for mice is approximately 65-75 degrees Fahrenheit. Wild mice are nocturnal – avoid direct or bright light.
- Provide hiding and climbing structures with ramps and solid platforms.

## Amphibians

Northwestern Salamander (*Ambystoma gracile*)  
Long-toed Salamander (*Ambystoma macrodactylum*)  
Rough-Skinned Newt (*Taricha granulosa*)  
Coastal Giant Salamander (*Dicamptodon tenebrosus*)  
Ensatina (*Ensatina eschscholtzii*)  
Western Red-Backed Salamander (*Plethodon vehiculum*)  
Pacific Treefrog or Pacific Chorus Frog (*Pseudacris regilla*)  
Great Basin Spadefoot (*Spea intermontana*)

The following are considered the minimum requirements necessary to maintain the listed amphibians in humane conditions. ODFW strongly encourages individuals to become familiar with the life history needs of animals in their care and provide caging and holding conditions that exceed the minimum requirements.

- Eggs must be held in a container at least one (1) gallon in volume with an open top to provide aeration. Maximum number of eggs per container:

One (1) egg mass for Northwestern Salamander (*Ambystoma gracile*), Long-toed Salamander (*Ambystoma macrodactylum*), Pacific Treefrog or Pacific Chorus Frog (*Pseudacris regilla*) and;

Two (2) egg masses for Great Basin Spadefoot (*Spea intermontana*)

Up to 20 eggs for Rough-Skinned Newt (*Taricha granulosa*) and Coastal Giant Salamander (*Dicamptodon tenebrosus*)

- Provide unchlorinated or de-chlorinated water and change 50 percent daily to maintain sanitary conditions and PH.
- Provide ambient light and partial shade.
- Larvae or tadpoles from each egg container should be transferred to a five (5) gallon container with a lid that provides ventilation and prevents escape. Coastal Giant Salamander (*Dicamptodon tenebrosus*) larvae require a ten (10) gallon container/20 larvae
- Provide unchlorinated or de-chlorinated water and change 50 percent daily to maintain sanitary conditions and PH.
- Provide ambient light and partial shade.
- Provide suitable live food daily.
- Remove dead tadpoles or larvae immediately following discovery.
- Provide suitable substrate above the water surface for newly metamorphosed individuals to climb onto.

### Metamorphosed juveniles and adults

- Minimum caging requirements for a single salamander, or frog include a glass or plastic aquarium with a floor area equal to two (2) square feet (288 square inches), and a lid that

provides ventilation and prevents escape. Increase the floor area by at least 25 percent of the total floor square footage for each additional animal.

- For semi-aquatic salamanders and frogs, (Northwestern Salamander (*Ambystoma gracile*), Long-toed Salamander (*Ambystoma macrodactylum*), Rough-Skinned Newt (*Taricha granulosa*), Coastal Giant Salamander (*Dicamptodon tenebrosus*), Pacific Treefrog or Pacific Chorus Frog (*Pseudacris regilla*), provide suitable clean non-toxic substrate over half the aquarium floor and unchlorinated or de-chlorinated water a minimum of three and one-half (3.5) inches deep in the other half.
- For terrestrial salamanders and frogs (*Ensatina* (*Ensatina eschscholtzii*), Western Red-Backed Salamander (*Plethodon vehiculum*), and Great Basin Spadefoot (*Spea intermontana*), provide suitable clean non-toxic substrate over the aquarium floor and access to a shallow dish containing unchlorinated or de-chlorinated water must be provided at all times.
- Great Basin Spadefoot require clean suitable non-toxic substrate over the aquarium floor, deep enough to allow the animal to burrow and completely cover itself.
- Aquaria surfaces, water and substrates should be cleaned or changed as needed to maintain sanitary conditions.
- Appropriate food sources should be offered every two (2) to three (3) days.
- Temperatures should not be allowed to drop below 35 or above 78 degrees Fahrenheit for more than a few days.
- All interior surfaces should be lightly misted a minimum of once a day to provide humidity.
- Provide ambient light and partial shade.
- Provide hiding habitat to minimize stress.

## Reptiles

The following are considered the minimum requirements necessary to maintain the listed reptiles in humane conditions. ODFW strongly encourages individuals to become familiar with the life history needs of animals in their care and provide caging and holding conditions that exceed the minimum requirements.

Great Basin Whiptail (*Aspidoscelis tigris tigris*)  
Northern Alligator Lizard (*Elgaria coerulea*)  
Southern Alligator Lizard (*Elgaria multicarinata*)  
Western Skink (*Plestiodon skiltonianus*)  
Northern Sagebrush Lizard (*Sceloporus graciosus graciosus*)  
Western Fence Lizard (*Sceloporus occidentalis*)  
Common Side-Blotched Lizard (*Uta stansburiana*)

- Minimum caging requirements for a single lizards include a glass or plastic aquarium with a floor area equal to two and one-half (2.5) square feet (360 square inches), and a lid that provides ventilation and prevents escape. Increase the floor area by 25 percent for each additional animal.
- Provide suitable clean substrate over the aquarium floor.
- Provide continuous access to a shallow dish containing unchlorinated or de-chlorinated water.
- Aquaria surfaces, water and substrates should be cleaned or changed as needed to maintain sanitary conditions.
- Appropriate food sources should be offered every two (2) to three (3) days.
- Suitable diurnal and nocturnal temperature gradients should be maintained within the cage.
- Provide full spectrum light and a heat lamp during daylight hours.
- Provide climbing opportunities.
- Provide hiding habitat to minimize stress.

Western Rattlesnake (*Crotalus oreganus*) (excluding Willamette Valley populations)  
Pacific Gopher Snake (*Pituophis catenifer*)  
Western Terrestrial Garter Snake (*Thamnophis elegans*)  
Northwestern Garter Snake (*Thamnophis ordinoides*)  
Common Garter Snake (*Thamnophis sirtalis*)

- Minimum caging requirement for up to two individuals includes an enclosure with a perimeter at least one and one half (1.5) times the length of the longest specimen. The width of the enclosure shall not be less than 20 percent of the length of the longest animal. For each additional animal, increase the perimeter by 10 percent.
- The enclosure must have a lid that provides ventilation and prevents escape. Rattlesnake enclosures require a lockable lid that controls access.

- Provide suitable clean non-toxic substrate over the aquarium floor.
- Provide continuous access to an unchlorinated or de-chlorinated water source large enough for full emersion.
- Aquaria surfaces, water and substrates should be cleaned or changed as needed to maintain sanitary conditions.
- Appropriate food sources should be offered once a week for juvenile snakes and up to once a month for adults.
- Suitable diurnal and nocturnal temperature gradients should be maintained within the cage.
- Provide full spectrum light and a heat lamp during daylight hours.
- Provide climbing opportunities.
- Provide rough surfaces to facilitate the shedding process.
- Provide hiding habitat to minimize stress.

For additional captive care requirements for individual animals or animal group type, holders of amphibians and reptiles should consult:

American Society of Ichthyologists and Herpetologists (ASIH) 2004 -- Guidelines for Use of Live Amphibians and Reptiles in Field and Laboratory Research, Second Edition, Revised by the Herpetological Animal Care and Use Committee (HACC), 2004. (Committee Chair: Steven J. Beaupre, Members: Elliott R. Jacobson, Harvey B. Lillywhite, and Kelly Zamudio).

<http://www.asih.org/sites/default/files/documents/resources/guidelinesherpsresearch2004.pdf>