635-044-0000

Purpose
The purpose of these rules is to regulate the holding and propagation of game birds and native wildlife, except those cervids regulated pursuant to OAR chapter 635, division 49, to regulate the rehabilitation of wildlife and to list species determined to be protected nongame wildlife.

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

635-044-0002

Taxonomy
(1) Scientific taxonomic nomenclature reflects the following:
(a) Fish:
   (2) If the taxonomic status of individual species is changed through subsequent publications scientific taxonomy shall remain as cited in 635-044-0002(1) and 635-044-0130 for the purposes of implementing and enforcing 635-044-0000 through 635-044-0235.

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
635-044-0005
Permit Required to Hold Wildlife

Any person desiring to capture and hold any northern flying squirrel (Glaucomys sabrinus), chickaree (Douglas’s squirrel and red squirrel) (Tamiasciurus douglasii and T. hudsonicus), golden-mantled ground squirrel (Spermophilus lateralis), or chipmunk (Tamias amoenus, T. minimus, T. senex, T. siskiyou and T. townsendii), or to hold any raccoon (Procyon lotor), or bobcat (Lynx rufus) must first secure a Wildlife Holding Permit by applying on a form provided to the Oregon Department of Fish and Wildlife. The application shall list the species and numbers to be captured or otherwise acquired, the source or proposed area of capture, the date of application, and the name, address, and signature of applicant. Any application may be denied by the director for cause.

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

635-044-0010
Numbers of Wildlife to Be Captured

The number of any wildlife species for which a Wildlife Holding Permit is required that may be captured and held shall not exceed six per calendar year except as authorized by the Director.

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

635-044-0015
Wildlife Which Cannot Be Captured and Held

Except as provided in these rules, no game mammal, furbearer, striped skunk (Mephitis mephitis), western spotted skunk (Spilogale gracilis), native bat, or coyote (Canis latrans) may be captured and held in captivity, except as authorized by the director. Fox (Vulpes vulpes) or Urocyon cinereoargenteus) may be held by a commercial fur farm as defined in OAR 635-056-0010. No game bird may be captured and held in captivity except that members of the families Tetranidae and Phasianidae may be captured and held as authorized by the director. No game fish may be captured and held in captivity except as authorized by the director. No species of nongame wildlife declared protected by the commission under OAR 635-044-0130 may be captured and held except northern flying squirrel (Glaucomys sabrinus), chickaree (Douglas’s squirrel and red squirrel) (Tamiasciurus douglasii and T. hudsonicus), golden-mantled ground squirrel (Spermophilus lateralis), and chipmunk (Tamias amoenus, T. minimus, T. senex, T. siskiyou and T. townsendii). No migratory bird or mammal protected by federal law may be captured and held without first securing a federal permit. A federal permit will serve in lieu of a state Wildlife Holding Permit for birds protected by the federal Migratory Bird Treaty Act and mammals protected by federal law.

635-044-0020
When a Permit is not Required to Hold Wildlife

No Wildlife Holding Permit is required to capture and hold wildlife except for those species listed in OAR 635-044-0005 and those species listed in OAR 635-044-0015 which cannot be captured and held. No Wildlife Holding Permit is required to hold game mammals and game birds, and game fish legally acquired and held under a Wildlife Propagation License, a Cervid Holding Permit or a Cervid Propagation License.

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

635-044-0025
Ownership of Captured Wildlife Held in Captivity

Any wildlife or the progeny thereof which has been captured and is being held under a Wildlife Holding Permit remains the property of the State of Oregon and cannot be sold except as authorized by the Director.

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

635-044-0030
Cost and Expiration Date of Wildlife Holding Permit

Any person desiring to obtain a Wildlife Holding Permit must submit a complete application and a non refundable application fee of $5.00 (plus a $2.00 license agent fee). Wildlife Holding Permit shall expire on December 31 of the year issued.

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

635-044-0035
Requirements for Care of Wildlife Held in Captivity

(1) Any wildlife held in captivity, whether a permit is required or not, must be treated in a humane manner and cannot be restrained with a chain, rope, or other holding device. Facilities for care of captive wildlife must be maintained in a sanitary condition and be large enough to provide room for exercise and sturdy enough to prevent escape and protect the public. Food, water, and cover must be provided in sufficient quantity and quality to maintain the wildlife in a healthy condition.
(2)(a) Individual bear or cougar six months of age and older must be held within special facilities approved by the Department of Fish and Wildlife according to the specifications of Exhibit 1, except when:

(A) transported to or from veterinarian clinics or other ODFW-approved facilities; or
(B) on public display by a USDA class A, B or C license holder.

(b) Facilities approved by the Department by December 18, 1997, are deemed to comply with the new requirements of Exhibit 1.

(c) The department may, in its discretion, approve facilities that do not meet the specifications of Exhibit 1 if the department finds that such facilities provide safeguards equivalent to those required by Exhibit 1. The burden is on the applicant to demonstrate equivalency. One seeking equivalency approval shall submit a detailed analysis of each specification required by Exhibit 1 and describe how the facility provides equivalent safeguards.

[ED. NOTE: Attachment referenced is not included in rule text. Click here for PDF of attachment.]

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

635-044-0040
Inspection of Facilities
Facilities for care of captive wildlife are subject to inspection by any State Police officer or Department of Fish and Wildlife 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.

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

635-044-0045
Cancellation of Permit
Failure to comply with the requirements for holding wildlife is cause to cancel the permit and confiscate the wildlife being held.

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
Possession of Coyote Prohibited Without Permit

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

Holding Pure-Bred Gray Wolf or Wolves in Captivity

This rule governs the holding in captivity of pure-bred wolves in Oregon, with the objective of protecting the public’s native wildlife.

(1) The only persons who may hold pure-bred wolves in captivity are those who, as of December 31, 2009, held a gray wolf or wolves in captivity 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 may hold only gray wolves, and only if they obtain authority under the requirements of paragraphs (4) or (5) of this rule.

(2) Beyond the persons described in paragraph (1), the Department will not issue any new permits to hold a pure-bred wolf in captivity.

(3) For the purpose of this rule, a wolf is considered “pure-bred” so long as it does not include any hybrid cross with a domestic dog or other canine. The Department will determine pure-bred status based on written documentation that may include breeding records, records of acquisition and disposition transactions and sworn statements.

(4) To maintain the authority to hold pure-bred gray wolves in captivity, a person described in paragraph (1) must:

(a) No later than 30 days before the expiration date printed on the permit issued by either the Department or the Department of Agriculture which authorized the person to keep one or more wolves in captivity:

(A) Apply to the Department for a captive wolf holding permit, using a form provided by the Department. Such permits will have a term of two years and may include, but are not limited to, conditions designed to protect native wildlife and human safety;

(B) Pay the Department a fee of $100 (plus a $2.00 license agent fee);

(C) Demonstrate to the Department that the person’s wolf holding facility meets the minimum special requirement standards for Class I Exotic Canines under the Oregon Department of Agriculture rules (OAR 603-011-0725) in effect as of April 1, 2010; and

(D) Certify to the Department that the person’s wolf handling facility complies with any applicable city or county ordinances and any applicable federal laws.

(b) Obtain written authorization from the Department before transferring a pure-bred gray wolf to another facility or releasing any pure-bred gray wolf into the wild;

(c) Not import, export, purchase, sell or exchange any pure-bred gray wolf; and

(d) Comply with the terms of any permit issued by the Department.

(5) Notwithstanding subparagraph (4)(a) above, a person who qualifies to hold a pure-bred gray wolf under paragraph (1) through possessing an exhibitor permit from the U.S. Department of Agriculture does not need to obtain a wolf holding permit from the Department so long as the person maintains the
person’s federal permit. However, the person must still comply with the requirements of subparagraphs (4)(b) and (c).

(6) The Department may revoke a wolf holding permit if the Department determines that the person has violated these rules or the terms of the permit. If the Department proposes to revoke a person’s wolf holding permit, the person may request a contested case hearing within 14 days of notice of the proposal.

Stats. Implemented: ORS 498.002, 496.171 - 182

Wildlife Propagation License Regulations

635-044-0060
License Required to Propagate Wildlife

(1) Any person desiring to propagate for sale any game mammal (excluding the family Cerividae) or game bird, or desiring to sell any propagated game mammal (excluding the family Cerividae) or game bird must first secure a Wildlife Propagation License by applying on a form provided to the Oregon Department of Fish and Wildlife. The application shall list the wildlife species and numbers being held for propagation purposes, or the species being held for sale. The application shall also include the date of application, and the name, address, and signature of applicant.

(2) Wildlife Propagation License shall cost $25.00 (plus a $2.00 license agent fee) and shall expire on December 31 of the year issued.

(3) Any person desiring to propagate and sell any raptor must 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 on July 8, 1983. (Federal Register, Vol. 48, No. 132, Part 21)

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

635-044-0075
Requirements for Care of Wildlife Held for Sale

Any wildlife held for sale under a Wildlife Propagation License must be:
(1) Treated humanely;
(2) Maintained under sanitary and disease free conditions;
(3) Provided ample food, water, and cover;
(4) Provided ample room to exercise;
(5) Enclosed within suitable facilities to prevent escape.

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
635-044-0080
Shipping Requirements
   Any Wildlife shipped within or outside the state by the holder of a Wildlife Propagation License must have affixed to the shipping container a record showing:
   (1) Name, address, and Wildlife Propagation License number of shipper;
   (2) Name and address of consignee;
   (3) Species and numbers of wildlife contained.

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

635-044-0120
Record Keeping and Reporting Requirements
   (1) A record of all business transactions involving sale or purchase of eggs, mammals, or game birds must be maintained at facilities operated under a Wildlife Propagation License. Records must be available for inspection by Oregon State Police or Oregon Department of Fish and Wildlife personnel:
   (2) An annual report of operations must be submitted with each license renewal application or by January 15 of the next year if the licensee does not submit a renewal application. The annual report shall include a total of all purchases and sales by species of mammals, birds, or bird eggs.

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

635-044-0125
Cancellation of License
   Failure to comply with shipping requirements, reporting requirements, or requirements for care of wildlife held for sale is cause to cancel the Wildlife Propagation License and confiscate or require disposal of the wildlife being held.

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
Wildlife Propagation License Regulations

635-044-0130
Nongame Wildlife Protected

(1) Except as provided by 635-043-0030, 635-200-0040, 635-044-0015, 635-056-0080 and 635-044-0200, it is unlawful for any person to hunt, trap, pursue, kill, take, catch, angle for, or have in possession, either dead or alive, whole or in part, any:

(a) Threatened or Endangered animals as provided for in 635-100-0125; or
(b) Protected wildlife listed herein except as otherwise provided by the commission by permit, or with respect to Pacific Lamprey, as authorized by a federally-recognized Indian tribe to which the Commission has issued a permit authorizing that tribe to allow its members to take Pacific Lamprey at Willamette Falls for personal use, with a tribal enrollment card in possession, within seasons and subject to conditions established by the Commission, or with respect to non-threatened or non-endangered migratory nongame birds, 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 United States 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.

(A) Fish: (Protected fish are listed by common name and scientific name if consistently applied across taxonomic references):

(i) Goose Lake lamprey (Entosphenus sp.);
(ii) Alvord chub;
(iii) Oregon lakes tui chub;
(iv) Sheldon tui chub;
(v) Pit roach (Lavinia symmetricus mitrulus);
(vi) Oregon chub (Oregonichthys crameri);
(vii) Millicoma longnose dace (Rhinichthys cataractae ssp.);
(viii) Lahonton redside (Richardsonius egregius);
(ix) Goose Lake sucker (Catostomus occidentalis lacusanserinus);
(x) Tahoe sucker (Catostomus tahoensis);
(xi) Malheur sculpin (Cottus bendirei);
(xii) Margined sculpin (Cottus marginatus);
(xiii) Pit sculpin (Cottus pitensis);
(xiv) Pacific lamprey (Entosphenus tridentatus);
(xv) Goose Lake tui chub;
(xvi) Klamath smallscale sucker, Jenny Creek population (Catostomus rimiculus);
(xvii) River lamprey (Lampetra ayresii);
(xviii) Western brook lamprey (Lampetra richardsoni);
(xix) Miller Lake lamprey (Entosphenus minimus);
(xx) Klamath River lamprey (Entosphenus similis);
(xxi) Pit-Klamath brook lamprey (Entosphenus lethaphagus);
(B) Amphibians:

(i) Cope's giant salamander (Dicamptodon copei);
(ii) Clouded salamander (Aneides ferreus);
(iii) Black salamander (Aneides flavipunctatus);
(iv) California slender salamander (Batrachoseps attenuatus);
(v) Oregon slender salamander (Batrachoseps Wrightorum);
(vi) Del Norte salamander (Plethodon elongatus);
(vii) Larch Mountain salamander (Plethodon larselli);
(viii) Siskiyou Mountains salamander (Plethodon stormi);
(ix) Rocky Mountain tailed frog (Ascaphus montanus)
(x) Coastal tailed frog (Ascaphus truei);
(xi) Northern red-legged frog (Rana aurora);
(xii) Foothill yellow-legged frog (Rana boylii);
(xiii) Cascades frog (Rana cascadae);
(xiv) Northern leopard frog (Lithobates pipiens);
(xv) Columbia spotted frog (Rana luteiventris)
(xvi) Oregon spotted frog (Rana pretiosa);
(xvii) Southern torrent salamander (Rhyacotriton variegatus);
(xviii) Columbia torrent salamander (Rhyacotriton kezeri);
(xix) Cascade torrent salamander (Rhyacotriton cascadae);
(xx) Western toad (Anaxyrus boreas);
(xxi) Woodhouse toad (Anaxyrus woodhousei);
(xxii) Blotched tiger salamander (Ambystoma mavortium melanostictum).
(C) Reptiles:
(i) Western painted turtle (Chrysemys picta bellii);
(ii) Western pond turtle (Actinemys marmorata);
(iii) Great Basin collared lizard (Crotaphytus bicinctores)
(iv) Long-nosed leopard lizard (Gambelia wislizenii);
(v) Pygmy short-horned lizard (Phyrnosoma douglassi);
(vi) Desert horned lizard (Phyrnosoma platyrhinos);
(vii) Sharp-tailed snake (Contia tenuis);
(viii) Common kingsnake (Lampropeltis getula);
(ix) California mountain kingsnake (Lampropeltis zonata);
(x) Western ground snake (Sonora semiannulata);
(D) Birds: All nongame birds except European starling, house sparrow, and Eurasian collared-dove.
(E) Mammals:
(i) Fringed myotis (Myotis thysanodes);
(ii) Townsend's big-eared bat (Corynorhinus townsendii);
(iii) Pallid bat (Antrozous pallidus);
(iv) American pika (cony) (Ochotona princeps);
(v) Pygmy rabbit (Brachylagus idahoensis);
(vi) White-tailed jack rabbit (Lepus townsendii);
(vii) Chipmunk (Tamias amoenus, T. minimus, T. senex, T. siskiyou and T. townsendii);
(viii) Golden-mantled ground squirrel (Spermophilus lateralis);
(ix) Chickaree (Douglas’s squirrel and red squirrel) (Tamiasciurus douglasii and T. hudsonicus);
(x) White-tailed antelope squirrel (Ammospermophilus leucurus);
(xi) Northern flying squirrel (Glaucomys sabrinus);
(xii) White-footed vole (Arborimus albipes);
(xiii) Ringtail (Bassariscus astutus);
(xiv) Fisher (Martes pennanti).
(xv) All marine mammals.
(xvi) Silver-haired bat (Lasionycteris noctivagans);
(xvii) Western small-footed myotis (Myotis ciliolabrum);
(xviii) Long-eared myotis (Myotis evotis);
(xix) Long-legged myotis (Myotis volans); (xx) Yuma myotis (Myotis yumanensis);
(xxi) Columbian white-tailed deer (Odocoileus virginianus leucurus) in the following Wildlife Management Units: Saddle Mountain (10), Scappoose (11), Willamette (15), and Santiam (16).

(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 therein 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 & 506.119
Stats. Implemented: ORS 496.162 & 506.129

635-044-0132
Nongame Wildlife Nonprotected

(1) Any nongame wildlife species that is not provided for in 635-044-0130, or is not otherwise protected by statute or rule, is nonprotected.

(2) Any nonprotected wildlife taken from the wild and possessed shall be maintained in a humane manner as follows:

(a) Food and water of sufficient quantity and quality to allow for normal growth or maintenance of body weight, shelter sufficient to protect the animal from adverse elements, and any other requirement particular to the animal's survival shall be provided;

(b) Sufficient space for exercise necessary for the health of the animal shall also be provided;

(c) Confinement areas shall be kept reasonably clean and free from excess waste or other contaminants which could affect the animal's health;

(d) A level of care deemed necessary by a reasonably prudent person shall be provided to prevent distress from captivity, injury, neglect or disease;

(3) It is unlawful for any person possessing wildlife to cause or allow such wildlife to be chased, injured, harmed, harassed, molested, worried, frightened, or neglected, except wildlife taken under a Scientific Taking Permit.

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
Wildlife Rehabilitation Permit

635-044-0200
Purpose of the Wildlife Rehabilitation Permit

Any person desiring to hold any bird, mammal, amphibian or reptile for the purpose of wildlife rehabilitation shall first obtain a Wildlife Rehabilitation Permit from the Department of Fish and Wildlife. The permittee may capture, transport, temporarily possess, rehabilitate, and (with permission from the local Department district wildlife biologist) release such wildlife. The permittee may euthanize wildlife that are injured, ill, orphaned, restricted, or otherwise not authorized, if that wildlife is specified on the permit. The Wildlife Rehabilitation Permit does not allow the possession of wildlife for public display.

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

635-044-0205
Definition of Terms

(1) “Assistant” means someone who conducts wildlife rehabilitation activities in a wildlife rehabilitation facility under the direct supervision of the permittee.
(2) "AZA" means the American Zoo and Aquarium Association.
(3) "Candidate" means an animal species for which the USFWS has on file sufficient information on biological vulnerability and threats to support a proposal to list as endangered or threatened.
(4) "Department" means Oregon Department of Fish and Wildlife.
(5) "DVM" means Oregon licensed Doctor of Veterinary Medicine.
(6) "Endangered species" means those species defined in ORS 496.004(6).
(7) "Euthanasia" means to humanely kill an animal as per the 2006 American Association of Zoo Veterinarians Guidelines for Euthanasia of Nondomestic Animals.
(8) “Home Care” means the facility used by the subpermittee for the care and feeding of neonate avian species (or other species as approved in writing by the local department district wildlife biologist) under the guidance and at the request of the permittee.
(9) "Marine mammals" means seals, sea lions, sea otters, and cetaceans (e.g., whales and porpoises).
(10) "Migratory bird" means any bird, whatever its origin and whether or not raised in captivity, which belongs to a species listed in U.S. 50CFR§10.13, including any part, nest, or egg of any such bird. Birds listed under OAR 635-057-0000 are not included.
(11) "NMFS" means National Marine Fisheries Service.
(12) "Non-releasable" means:
   (a) Individual wildlife that cannot be rehabilitated and returned to the wild with a reasonable potential for survival;
   (b) Those species classified as prohibited by OAR 635 Division 056; or
   (c) Those species classified as controlled by OAR 635 Division 56 under rules that do not allow release into the wild (OAR 635-056-0070).
(13) “Permittee” means the person who holds a valid Wildlife Rehabilitation Permit issued by the Department.
(14) "Public display" means to place or locate wildlife so that it may be viewed by the public.
(15) "Rehabilitation" means the attempted or successful restoration of an injured, sick or immature bird, mammal, amphibian or reptile to a condition whereby it can be returned to the wild.

(16) "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.

(17) "Subpermittee" means those persons listed on a wildlife rehabilitation permit as authorized to perform wildlife rehabilitation activities under the supervision (direct or indirect) of a licensed wildlife rehabilitator. Subpermittees may include, but are not limited to, veterinarians, falconers, or others assisting the permittee with the rehabilitation of wildlife specifically allowed on the permit.

(18) "Threatened species" means those species defined in ORS 496.004(15).

(19) "USFWS" means U.S. Fish and Wildlife Service.

(20) For the purpose of these rules, "wildlife" means wild mammals and wild birds, as defined by OAR 635-057-0000, amphibians, reptiles and fish.

(21) "Wildlife rehabilitation facility" means the primary location where a licensed wildlife rehabilitator conducts rehabilitation.

Stat. Auth.: ORS 496
Stats. Implemented: ORS 496

635-044-0210
Wildlife Rehabilitation Permit Requirements and Conditions

(1) A Wildlife Rehabilitation Permit may only be issued to a person who:

(a) Resides in Oregon or whose rehabilitation activities occur or facility (or facilities) exist within the state;
(b) Is at least 18 years of age at the time of the examination;
(c) Has submitted a completed written application form provided by the Department;
(d) Possesses either a valid Oregon DVM license or a letter from an Oregon licensed DVM agreeing to act as a medical supervisor and consultant to the person;
(e) Has passed the wildlife rehabilitation examination administered by the Department with a score of 80 percent or higher on the general section of the test and each relevant section of interest. Any applicant who fails to pass an examination may retake the examination no earlier than 14 days from the date of the prior examination;
(f) Has been approved by the local Department district wildlife biologist or other local Department representative as meeting a need for rehabilitation services in the area and having a good reputation for care of wildlife;
(g) Has a rehabilitation facility, or plan for such facility, approved by the local Department district wildlife biologist or other local Department representative as meeting all requirements of these rules;
(h) (Upon permit renewal) documents compliance with the Department’s Rehabilitation Continuing Education Standards.

(2) Subpermittees may perform wildlife rehabilitation activities under the supervision (direct or indirect) of a licensed wildlife rehabilitator subject to the following conditions:

(a) The permittee must inspect the facilities of the subpermittee prior to the sub-permittee receiving wildlife;
(b) The permittee must provide the subpermittee any written information, caging, food, veterinary treatment and any other assistance the permittee deems necessary for the care of wildlife in the
subpermittee’s possession. The permittee must provide information concerning such assistance to the local Department district biologist upon request;

(c) The subpermittee must follow the written protocol, described in paragraph b, provided by the permittee and approved by the Department;

(d) The subpermittee must be approved by the local Department district wildlife biologist before receiving wildlife. The name, address, and phone number of the subpermittee must be provided to the Department;

(e) All wildlife must be admitted through the permittee’s licensed facility, the subpermittee must not accept any wildlife from any other source;

(f) The permittee must accept responsibility for the activities of the subpermittee;

(g) The subpermittee must reside and conduct rehabilitation activities within Oregon;

(h) The subpermittee shall not perform any rehabilitation activities at their Home Care facility except for the care and feeding of neonate avian species or other wildlife species as approved in writing by the local Department district wildlife biologist.

(3) Veterinarians administering immediate medical care for injured wildlife are not required to have a Wildlife Rehabilitation Permit or submit a semi-annual report. Veterinarians that provide care or hold wildlife longer than 48-hours are required to pass the wildlife rehabilitation examination and possess a Wildlife Rehabilitation Permit.

(4) The Department reserves the right to deny issuance of a Wildlife Rehabilitation Permit, disapprove a subpermittee(s) and to impose special permit conditions (e.g., number of species, types of species, subpermittees, etc.) if the applicant or subpermittee is convicted of, or admits to, a violation of a wildlife law or rule or an order or permit issued under the wildlife laws.

(5) At least one member of a wildlife rehabilitation facility’s staff must possess a Wildlife Rehabilitation Permit to provide direct on-site supervision to non-permitted staff and volunteers.

(6) Wildlife Rehabilitation Permits are issued free of charge and expire no more than two years from date of issue.

(7) A Wildlife Rehabilitation Permit does not exempt the wildlife rehabilitator from complying with other state, federal, county, and city laws and regulations.

(8) A Wildlife Rehabilitation Permit does not authorize the practice of veterinary medicine or the treatment of domestic animals.

(9) Permits must be carried on the person or displayed in the facility while performing rehabilitation activities.

(10) The Department is not liable for any injuries or damage caused by wildlife held under the authority of a Wildlife Rehabilitation Permit.

(11) The Department is not liable for any injuries or damage caused by wildlife to the subpermittees or general public capturing and/or transporting wildlife for rehabilitation purposes.

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
635-044-0215
Federal Rehabilitation Permit

In addition to an Oregon Wildlife Rehabilitation Permit, persons possessing this permit must also obtain a federal permit for species protected by federal law and provide a copy of the current valid federal permit to the Department.

Stat. Auth.: ORS 496
Stats. Implemented: ORS 496

635-044-0240
Restricted Species

The following categories of wildlife may not be rehabilitated and released under these rules:

1. Nonnative wildlife classified as prohibited or noncontrolled per the wildlife integrity rules (OAR 635-056-0050 & 0060) or classified as controlled and specifically not allowed to be released in the wild (OAR 635-056-0070) shall not be rehabilitated or released into the wild. If these species come into the possession of a permitted rehabilitator, the rehabilitator must humanely euthanize the wildlife. Nonnative wildlife listed as game animals in OAR 635 Division 045 are not affected by these rules.

2. Marine mammals (unless specifically authorized by the Department and NMFS).

3. Coyote (Canis latrans).

4. Cougar (Felis concolor). If a permitted rehabilitator is provided with a cougar, the rehabilitator must notify the Department immediately and follow the Department’s directions concerning disposal.

5. Black bear (Ursus americanus). If a permitted rehabilitator is provided with a black bear, the rehabilitator must notify the Department immediately and follow the Department’s directions concerning disposal.

6. If a permitted rehabilitator is provided with a deer (Odocoileus hemionus and O. virginianus), elk (Cervus elaphus), pronghorn (Antilocapra americana), bighorn sheep (Ovis canadensis), or mountain goat (Oreamnos americanus) and the animal is older than young-of-the-year, the rehabilitator must humanely euthanize the animal unless otherwise authorized in writing by local Department district wildlife biologist. The rehabilitator may rehabilitate young-of-the-year deer, elk, pronghorn, bighorn sheep, and mountain goats but only in Department pre-approved facilities and in accordance with Department guidelines. The rehabilitator must notify the local Department district wildlife biologist as soon as possible (no later than 24 hours of admittance of any of these species). These species may be housed for up to 48 hours while in the process of locating and sending the animal to a pre-approved facility.

7. Raccoon (Procyon lotor) must be released back to the original location of capture or humanely euthanized, unless otherwise authorized in writing by the local Department district wildlife biologist.

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
635-044-0245
Department Notification
   (1) State and federal Endangered, Threatened, Candidate or Sensitive species:
       (a) The holder of a Wildlife Rehabilitation Permit (permittee) must notify a local Department district
           wildlife biologist within 24 hours of receiving an individual of a state or federally Endangered,
           Threatened, Candidate or Sensitive species;
       (b) The permittee must notify a local Department wildlife biologist within 24 hours of the death of an
           individual of a state or federally Endangered, Threatened, Candidate or Sensitive species in the
           permittee’s custody or as soon as the permittee determines that an individual of an Endangered,
           Threatened, Candidate or Sensitive species is not fit to be released into the wild;
       (c) A permittee may (at the permittee’s discretion) euthanize an individual of an Endangered,
           Threatened, Candidate or Sensitive species if the permittee determines that the individual is not fit to be
           released into the wild, but must then report the euthanasia to a local Department wildlife biologist within
           24 hours.
   (2) Wildlife Crimes. A permittee must notify the Oregon State Police immediately of any wildlife
       admitted with gunshot wounds or other injuries of a suspicious nature.
   (3) Diseased Wildlife. A permittee must notify the Department veterinarian within 24 hours of
       admitting any wildlife with clinical signs for known or suspected
       poisoning or infectious disease. Clinical signs involving poisoning or infectious disease may include,
       but are not limited to, lethargy, incoordination, ataxia, depression, regurgitation, vomiting, or diarrhea.

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

635-044-0250
Wildlife Importation for Rehabilitation Purposes
   (1) No person may transport any mammal, upland game bird, amphibian, reptile, fish, invertebrate, or
       prohibited or controlled species into Oregon for the purpose of rehabilitation. This is to prevent the
       import of sub-clinical stages of infectious disease carried by these taxa of wildlife and the importation of
       non-native invasive species.
   (2) Importation of injured wildlife into Oregon for rehabilitation purposes is limited to migratory bird
       species. Importation of migratory birds into Oregon for rehabilitation requires compliance with the
       Oregon Department of Agriculture’s importation rules.

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
Disposition of Wildlife

(1) Any wildlife, carcasses, or parts of wildlife from Oregon held under a Wildlife Rehabilitation Permit remain the property of the State of Oregon (through the Department) and nothing in these rules may be construed as granting any ownership interest to a wildlife rehabilitator or any other person. Wildlife held under a Wildlife Rehabilitation Permit cannot be sold, traded, bartered, transferred, loaned or exchanged unless otherwise authorized in writing by the local Department district wildlife biologist.

(2) To avoid habituation of rehabilitated animals, a holder of a Wildlife Rehabilitation Permit must minimize contact between humans and wildlife undergoing rehabilitation, including at least the following requirements:

(a) Human contact must be limited to the rehabilitation facility staff to the extent necessary for adequate rehabilitation care;
(b) Wildlife must not be habituated to humans or treated as pets;
(c) Wildlife must not be placed in view of the public. However, it is acceptable to make use of a remote video camera;
(d) Rehabilitation facilities must be located in areas separate from day to day human and domestic animal activity. Outdoor facilities must have visual barriers separating wildlife, humans and domestic animals;
(e) No permittee may possess an imprinted or habituated animal. If the permittee comes into possession of an imprinted or habituated animal, the permittee must either surrender the animal to the Department for placement in an approved facility or euthanize it, as directed by the Department.

(3) A permittee must release rehabilitated wildlife:

(a) When the wildlife reaches physical maturity and is capable of self maintenance or has attained adequate recovery from injury or illness;
(b) At a time of year appropriate for optimum species survivability;
(c) Within suitable habitat close to the point of origin, with prior approval from the local Department district wildlife biologist.

(4) Unless otherwise authorized by the local Department district wildlife biologist, a permittee may not hold wildlife for rehabilitation longer than 180 days. If a permittee or the Department determines that an individual is incapable of survival in the wild, the permittee must either euthanize the individual or (if directed by the Department) provide the individual to an AZA-accredited institution, educational organization or institution.

(5) If a permittee has possession of wildlife that, after medical attention, is unable to feed, move, or stand to conduct normal life support functions to survive in the wild, the permit must (unless otherwise directed by the Department) euthanize the wildlife.

(6) A permittee must bury or incinerate any wildlife in its possession that has died due to poisoning or infectious disease. As to any other wildlife in its possession that dies, the permittee must dispose of the wildlife by burying, incineration, use as food for other rehabilitated wildlife, or (if appropriate permits have been obtained) retained for educational purposes. Any wildlife chemically euthanized must be buried or incinerated to avoid secondary toxicity by scavenging animals. Notwithstanding these restrictions, the local Department district wildlife biologist may approve in writing the disposal of
wildlife carcasses to institutions, museums, licensed rendering facilities, or other persons possessing the appropriate permits. A permittee may retain feathers of migratory birds for use in repair of broken wing and tail feathers (imping) or for educational purposes if authorized by the appropriate permit from the U.S. Fish and Wildlife Service.

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

635-044-0280

Facility Requirements

(1) A holder of a Wildlife Rehabilitation Permit (and any subpermittee) must maintain wildlife held for rehabilitation in a humane manner by:

(a) Providing a level of care meeting the Minimum Standards set by The International Wildlife Rehabilitation Council/National Wildlife Rehabilitators Association (IWRC/NWRA) in 2000. This is to prevent distress from captivity, injury, sickness, neglect or disease and be used as guidelines for the care and housing of rehabilitated wildlife which, at the minimum, include but is not limited to the following;

(A) Appropriate food for each species and water of sufficient quantity and quality to allow for normal growth, healing, or maintenance of body weight shall be provided;

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

(C) Sufficient space for exercise necessary for the health, rehabilitation and eventual release of the animal shall be provided;

(D) Confinement areas shall be cleaned and kept free from excess food or fecal waste or other contaminants which could affect the health of the animal;

(E) Wildlife under rehabilitation will be maintained in a separate enclosure from regular human or domestic animal activity. Outdoor facilities must have visual barriers or adequate distance between wildlife and humans and domestic animals to prevent psychological and physical stress or habituation to caregivers;

(F) Wildlife may not be restrained with a chain, rope, tape, hobbles or similar holding devices except for jesses used for holding raptors and during procedures required for safe handling.

(2) The Wildlife Rehabilitation Permit holder may receive from the Department and possess at the wildlife rehabilitation facility dead wildlife for the purpose of feeding wildlife being rehabilitated.

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
635-044-0300
Facilities Subject to Inspection
Facilities for care of birds, mammals, amphibians, or reptiles by the holder of a Wildlife Rehabilitation Permit or by any subpermittee are subject to inspection by any Department of Fish and Wildlife employee or State Police officer. Inspection may take place without warrant or notice, but, unless prompted by emergency or other exigent circumstances, will 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 wildlife rehabilitation or home care facility.

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

635-044-0305
Record Keeping and Reporting Requirements
(1) The holder of a Wildlife Rehabilitation Permit and any subpermittee must maintain records for at least three years of rehabilitation activities concerning any bird, mammal, amphibian, or reptile. Such records must include:
   (a) Name, address and affiliation of person picking up and delivering wildlife for rehabilitation;
   (b) Wildlife type
      (A) Species (common name, genus and species)
      (B) Age (if known)
      (C) Gender (if known)
   (c) Type and extent of injury, sickness or other reason why the species needs rehabilitation;
   (d) Wildlife Collection or Origin Location;
   (e) Date of receipt of animal;
   (f) If transferred to subpermittee, name of subpermittee; and
   (g) Final disposition (release into wild, given to zoo, museum, euthanized, died, etc.), date and location.

(2) Each permittee must submit these rehabilitation records semi-annually, by July 31 and January 31, to the Department on a form provided by the Department.

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

635-044-0310
Cancellation or Non Renewal of Permit
(1) If a holder of Wildlife Rehabilitation Permit (or subpermittee) violates any requirement of these Wildlife Rehabilitation Permit rules, the Department will revoke (or decline to renew) the permit and confiscate any birds, mammals, amphibians and reptiles being held.

(2) If a permittee fails to receive and rehabilitate wildlife for greater than 180 consecutive days, the Department will revoke (or decline to renew) the permit. The Department will not revoke the permit if the permittee can provide proof of continuing education or continued work under a licensed wildlife
rehabilitator during the time period. In addition, the Department will consider extenuating circumstances on a case by case basis if presented to the Department in writing within 10 days following notification of permit revocation. If the Department revokes or declines to renew a permit under this subsection, a permittee who seeks renewal of the permit must comply with all requirements and conditions in 635-044-0210 including, but not limited to, retaking the test and passing facility inspection.

(3) The Department will revoke or decline to renew a Wildlife Rehabilitation Permit if the permittee or subpermittee is convicted of, or admits to a violation of, any wildlife law, or any rule, order or permit issued under the wildlife laws. Upon revocation or non-renewal, the Department will confiscate any birds, mammals, amphibians and reptiles being held.

(4) A permittee may appeal revocation or non-renewal of a permit through a contested case hearing. The request for a contested case hearing on a proposed revocation must be received by the Department within 21 days after service of notice (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.

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

EXHIBIT 1
(635-044-0035)

Minimum Specifications for Holding Facility for Bear *Ursus americanus* and Cougar *Felis concolor*

Minimum Size:
Six (6) feet in height; minimum floor area for each animal held shall be three hundred (300) square feet, excluding cubs or kittens under six (6) months of age.

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:
1: Four (4) inch reinforced concrete, sloped for free drainage; or
2: Four (4) inch reinforced continuous concrete skirt four (4) feet wide around either inside or outside of pen perimeter; or
3: Six (6) inch concrete curb two (2) feet deep around pen perimeter. If the substrate will not permit subsurface construction, 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
4: (Only for declawed cougar. 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:
1: Frame and mesh construction, to consist of a supportive framework, corner and gate posts to be steel pipes or beams equivalent in strength to 2-inch steel pipe, top and sides, of steel pipes or beams equivalent in strength to 1-1/2 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 9 gauge chain link fencing or its equivalent, securely bolted, welded or attached with 9 gauge fence ties to framework. Top to be constructed of 9 gauge chain link fencing or equivalent for bear, 11-1/2 gauge chain link fencing or equivalent for cougar, attached in a similar manner as sides.

2: Barred construction, to consist of steel pipes or bars equivalent in strength to 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 3/8 by 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 9 gauge chain link fencing or equivalent for bear, 11-1/2 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 (3-1/2) 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.

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

Exercise or open top enclosure may not replace the minimum cage requirements for this Exhibit 1. However, if such a facility is provided, it must comply with the following minimum requirements:

Perimeter fence construction must be 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 consists of a supportive framework, all posts to be steel pipes or beams equivalent in strength to 1-1/2 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.

Amended August 2012