



OREGON ADMINISTRATIVE RULES  
OREGON DEPARTMENT OF FISH AND WILDLIFE

DIVISION 056

IMPORTATION, POSSESSION, CONFINEMENT, TRANSPORTATION AND SALE OF NONNATIVE WILDLIFE

**635-056-0000**

**Purpose and General Information**

(1) The purpose of these rules is to protect Oregon's native wildlife. These rules aim for this goal by regulating human actions involving nonnative wildlife (whether those actions involve trade in nonnative wildlife or involve interaction with nonnative species in the wild). The rules allow private use or ownership of nonnative species to the extent that they do not pose a significant risk of harm to native species.

(2) Scientific taxonomic nomenclature and common names reflect the following:

(a) Mammals -- "Walker's Mammals of the World", 6th Edition, R. M. Nowak, 1999.

(b) Amphibians and Reptiles -- "A Complete Guide to Scientific and Common Names of Reptiles and Amphibians of the World", N. Frank and E. Ramus, 1996.

(c) Birds -- "Birds of the World: A Checklist", J. F. Clements, 1991.

(d) Fish (except subfamily Serrisalminae) -- "Common and Scientific Names of Fishes from the United States, Canada, and Mexico", 6th Edition, American Fisheries Society Special Publication 29, J. S. Nelson et al., 2004. Subfamily Serrisalminae: "World Fishes Important to North Americans", American Fisheries Society Special Publication 21, C. R. Robins et al., 1991.

(e) Mollusks -- "Common and Scientific Names of Aquatic Invertebrates from the United States and Canada: Mollusks", 2nd Edition, American Fisheries Society Special Publication 26, D. D. Turgeon et al., 1998.

(f) Crustaceans (except whiteleg shrimp) -- "Common and Scientific Names of Aquatic Invertebrates from the United States and Canada: Crustaceans", American Fisheries Society Special Publication 31, P. A. McLaughlin et al., 2005. Whiteleg shrimp: "Shrimps and Prawns of the World: An Annotated Catalogue of Species of Interest to Fisheries", Food and Agriculture Organization Fisheries Synopsis no. 125, vol. 1, L. B. Holthius, 1980.

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

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 59-1997, f. & cert. ef. 9-3-97; DFW 99-1998, f. & cert. ef. 12-22-98; DFW 94-1999, f. & cert ef. 12-23-99; DFW 79-2000, f. & cert. ef. 12-22-00; DFW 116-2001, f. & cert. ef. 12-18-01; DFW 114-2008, f. & cert. ef. 9-19-08

**635-056-0010**

**Definitions**

For the purposes of these rules, the definitions in ORS 496.004 and OAR 635-045-0002 apply. In addition, the following definitions apply:

(1) "Aquaria" means any tanks, pools, ponds, bowls or other containers intended for and capable of holding or maintaining live fish and from which there is no outfall to any waters of this state.

(2) "Aquaria Fish" means any fish, shellfish or marine invertebrates legally acquired and sold in the pet store trade, except game fish, state or federally protected threatened and endangered species and those species listed as Prohibited or Controlled.



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- (3) "Commercial Fur Farm" means any operation which raises captive fox (*Vulpes vulpes* or *Urocyon cinereoargenteus*) or mink (*Mustela vison*) for profit and possesses 10 or more animals.
- (4) "Controlled Species" means wildlife that the commission has placed on the Controlled list.
- (5) "Domestic" means those animals which are identified in OAR 635-056-0020 (Domestic or Otherwise Exempt Animals).
- (6) "Exotic" means a wildlife species not native to Oregon; foreign or introduced.
- (7) "Hold" means any form of possession or control of an animal, gamete, or hybrid thereof.
- (8) "Hybrid" means any animal, gamete or egg that is produced by crossing at least one wild individual of a species with any other species or subspecies.
- (9) "Import/importation" means to bring or cause live wildlife to be transported into Oregon by any means.
- (10) "Introduced" means a species, subspecies or populations which occur in Oregon because of human action or intervention, rather than natural (nonhuman) colonization or immigration.
- (11) "Live Foodfish" means any fish or marine invertebrate legally acquired and held in aquaria or packaged live and sold in the wholesale or retail trade for human consumption, except game fish, state or federally protected threatened and endangered species and those species listed as Prohibited or Controlled.
- (12) "Marine invertebrate" means any marine invertebrate species commonly sold in the wholesale or retail trade for human consumption, or commonly found in the ornamental aquarium trade.
- (13) "Native" means species, subspecies or populations which occur currently or historically in Oregon through natural (i.e. nonhuman) colonization or immigration, rather than by human action or intervention.
- (14) "Nonnative" means a wildlife species not native to Oregon; foreign or introduced.
- (15) "Noncontrolled Species" means wildlife that the commission has placed on the Noncontrolled list.
- (16) "Prohibited Species" means wildlife that the commission has placed on the Prohibited list.
- (17) "Species" means a unit of classification of animals which are capable of interbreeding and producing fertile offspring.
- (18) "Subspecies" means a unit of classification of animals within a species which show differences in size, color or form as a result of being partially or completely reproductively isolated from other populations of the species.

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

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; DFW 94-1999, f. & cert ef. 12-23-99; DFW 94-1999, f. & cert ef. 12-23-99; DFW 116-2001, f. & cert. ef. 12-18-01; DFW 122-2007, f. & cert. ef. 11-19-07

### 635-056-0020

#### Animals Exempt from These Rules

Pursuant to the definition of "wildlife," the following species are not subject to these rules because they are not "wild": SPECIES -- SCIENTIFIC NAME

- (1) Alpaca -- *Lama pacos*.
- (2) Ass, Burro, Donkey -- *Equus asinus*.
- (3) Bison -- *Bison bison*.
- (4) Camel -- *Camelus bactrianus* and *C. dromedarius*.
- (5) Cat (all domestic breeds) -- *Felis catus*.



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- (6) Cattle and Yak -- *Bos* species.
- (7) Chinchilla -- *Chinchilla laniger*.
- (8) Dog (all domestic breeds) -- *Canis familiaris*.
- (9) European Rabbit -- *Oryctolagus cuniculus*.
- (10) Ferret -- *Mustela putorius*.
- (11) Gerbil -- *Meriones unguiculatus*.
- (12) Goat -- *Capra hircus*.
- (13) Guanaco -- *Lama guanicoe*.
- (14) Guinea pig -- *Cavia porcellus*.
- (15) Hamster -- *Mesocricetus auratus*.
- (16) Horse -- *Equus caballus*.
- (17) Llama -- *Lama glama*.
- (18) Mouse (House mouse) -- *Mus musculus*.
- (19) Mule and Hinny -- *Equus asinus* x *E. caballus*.
- (20) Rat -- *Rattus norvegicus* and *R. rattus*.
- (21) Sheep -- *Ovis aries* and hybrids of *O. aries* with *O. musimon*, hybrids of *O. aries* with *Ammotragus lervia*, and hybrids of *O. aries* with *Pseudois nayaur*.
- (22) Swine -- *Sus scrofa domestica* (includes pot-bellied pigs)
- (23) Vicuña -- *Vicugna vicugna*.
- (24) Cassowary -- *Casuarius* species.
- (25) Chicken -- *Gallus gallus*.
- (26) Ducks and Geese (morphologically distinct from wild waterfowl; except Egyptian geese and Mute swans).
- (27) Emu -- *Dromaius novaehollandiae*.
- (28) Guinea fowl -- *Numida meleagris*.
- (29) Ostrich -- *Struthio camelus*.
- (30) Parrots, Parakeets, Lories, and Cockatoos -- *Psittaciforme* (All species).
- (31) Peafowl -- *Pavo cristatus*.
- (32) Pigeon or Rock dove -- *Columba livia*.
- (33) Rhea -- *Rhea americana* and *R. pennata*.
- (34) Turkey (morphologically distinct from wild turkey) -- *Meleagris gallopavo*.

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Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 59-1997, f. & cert. ef. 9-3-97; DFW 21-1998, f. & cert. ef. 3-13-98; DFW 99-1998, f. & cert. ef. 12-22-98; DFW 94-1999, f. & cert ef. 12-23-99; DFW 79-2000, f. & cert. ef. 12-22-00; DFW 122-2007, f. & cert. ef. 11-19-07

### 635-056-0030

#### Exclusions

The Oregon Department of Agriculture regulates the keeping of certain animals pursuant to ORS 609.305 to 609.335. However, the commission does regulate the release, hunting and other activities not associated with the keeping of these animals, as provided in the commission's statutes and administrative rules.



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Hist.: FWC 69-1996, f. & cert. ef. 12-20-96

### Importation

#### 635-056-0040

##### Requirements for Importation and Possession of Live Wildlife

For species, subspecies or hybrids listed as Prohibited or those species not yet classified, a permit will not be issued allowing the importation and possession of live wildlife, except to American Zoo and Aquarium Association (AZA) accredited facilities, colleges, universities and those facilities which can demonstrate compliance with standards as provided in OAR 635-056-0050(2). For species, subspecies or hybrids listed as Controlled, an importation permit may be required as set forth by the commission. For species, subspecies or hybrids listed as Noncontrolled, no ODFW importation permit is required.

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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

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 72-1997, f. & cert. ef. 12-29-97; DFW 94-1999, f. & cert ef. 12-23-99; DFW 106-2004(Temp), f. & cert. ef.10-18-04 thru 4-15-05; Administrative correction 4-20-05

#### 635-056-0050

##### Prohibited Species

(1) Except as otherwise provided in these rules or other rules of the commission, live wildlife listed below may not be imported, possessed, sold, purchased, exchanged or transported in the state:

(a) Prohibited Mammals: Common Name -- Family -- Genus/species:

(A) Order Didelphimorphia Virginia opossum -- Didelphidae -- *Didelphis virginiana*.

(B) Order Dasyuromorphia

(i) Broad-footed marsupial mice -- Dasyuridae -- *Antechinus* All species and hybrids;

(ii) Brush-tailed marsupial mice -- Dasyuridae -- *Phascogale* All species and hybrids;

(iii) Narrow-footed marsupial mice -- Dasyuridae -- *Sminthopsis* All species and hybrids.

(C) Order Diprotodontia

(i) Brush-tailed possum -- Phalangeridae -- *Trichosurus vulpecula*;

(ii) Ring-tailed possum -- Pseudocheiridae -- *Pseudocheirus peregrinus*.

(D) Order Xenarthra Nine-banded armadillo -- Dasypodidae -- *Dasypus novemcinctus*.

(E) Order Insectivora Eurasian hedgehogs -- Erinaceidae -- *Erinaceus europaeus*, *E. concolor*, *E. amurensis*.

(F) Order Chiroptera Bats -- All families except *Pteropodidae* -- All species and hybrids.

(G) Order Carnivora

(i) Wild canids -- Canidae -- All native species. However, fox (*Vulpes vulpes* and *Urocyon cinereoargenteus*) are exempt from this prohibition if when part of a commercial fur farming operation or for wildlife rehabilitation purposes by a licensed wildlife rehabilitator;

(ii) Mongooses -- *Herpestidae* -- All species and hybrids;

(iii) Civets and Genets -- *Viverridae* -- All species and hybrids (except *Arctictis binturong*).

(H) Order Artiodactyla

(i) Sheep, Goats, Chamois, Tahr -- Bovidae -- Subfamily Caprinae; All species and hybrids except:



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- (I) *Capra hircus*;
- (II) *Ovis aries*;
- (III) hybrids of *Ovis aries* with *O. musimon*; hybrids of *O. aries* with *Ammotragus lervia*; and hybrids of *O. aries* with *Pseudois nayaur*;
- (ii) Wildebeest -- Bovidae -- *Connochaetes* All species and hybrids;
- (iii) Central Asian gazelles -- Bovidae -- *Procapra* All species and hybrids;
- (iv) Wild boar -- Suidae -- *Sus scrofa* (except *Sus scrofa domesticus*).
- (I) Order Rodentia
  - (i) Plains viscacha -- Chinchillidae -- *Lagostomus maximus*;
  - (ii) Chinese jumping mouse -- Dipodidae -- *Eozapus setchuanus*;
  - (iii) Desert jerboas -- Dipodidae -- *Jaculus* All species and hybrids;
  - (iv) Kangaroo Rats -- Heteromyidae -- *Dipodomys* All nonnative species except *D. deserti* and *D. spectabilis*;
  - (v) Kangaroo Mouse -- Heteromyidae -- *Microdipodops pallidus*;
  - (vi) Silky pocket mice -- Heteromyidae -- *Perognathus* All nonnative species and hybrids;
  - (vii) Capybara -- Hydrochaeridae -- *Hydrochaeris hydrochaeris*;
  - (viii) Old world porcupines -- Hystricidae -- *Hystrix africaeaustralis*, *H. cristata*, and *H. indica*;
  - (ix) Mouselike hamster -- Muridae -- *Calomyscus* All species and hybrids;
  - (x) Ratlike hamsters -- Muridae -- *Cricetulus* All species and hybrids;
  - (xi) Black-bellied hamster -- Muridae -- *Cricetus cricetus*;
  - (xii) Bushy-tailed jird -- Muridae -- *Sekeetamys calurus*;
  - (xiii) Nutria -- Myocastoridae -- *Myocastor coypus*;
  - (xiv) Edible dormouse -- Myoxidae -- *Myoxus glis*;
  - (xv) Common dormouse -- Myoxidae -- *Muscardinus avellanarius*;
  - (xvi) Antelope ground squirrels -- Sciuridae -- *Ammospermophilus* All nonnative species and hybrids except *A. harrisii*;
  - (xvii) Tricolored squirrels -- Sciuridae -- *Callosciurus* All species and hybrids except *C. prevostii*;
  - (xviii) Prairie dogs -- Sciuridae -- *Cynomys* All species and hybrids;
  - (xix) Southern flying squirrel -- Sciuridae -- *Glaucomys volans*;
  - (xx) Marmots -- Sciuridae -- *Marmota* All nonnative species and hybrids;
  - (xxi) Giant flying squirrel -- Sciuridae -- *Petaurista* All species and hybrids;
  - (xxii) Eastern gray squirrel -- Sciuridae -- *Sciurus carolinensis*;
  - (xxiii) Fox squirrel -- Sciuridae -- *Sciurus niger*;
  - (xxiv) European red squirrel -- Sciuridae -- *Sciurus vulgaris*;
  - (xxv) Ground squirrels -- Sciuridae -- *Spermophilus* All nonnative species and hybrids except *S. adocetus*, *S. annulatus*, *S. atricapillus*, *S. madrensis*, *S. mexicanus*, *S. mohavensis*, *S. perotensis*, and *S. tereticaudus*;
  - (xxvi) Chipmunks -- Sciuridae -- *Tamias* All nonnative species and hybrids.
  - (xxvii) African ground squirrels -- Sciuridae -- *Xerus* All species and hybrids;
- (J) Order Lagomorpha
  - (i) Hares and Jackrabbits -- Leporidae -- *Lepus* All nonnative species and hybrids;
  - (ii) Cottontails -- Leporidae -- *Sylvilagus* All nonnative species and hybrids.
- (b) Prohibited Birds: Common Name -- Family -- Genus/species:
  - (A) Order Anseriformes Egyptian Goose -- Anatidae -- *Alopochen aegyptiacus*.
  - (B) Order Charadriiformes Spotted thick-knee -- Burhinidae -- *Burhinus capensis*.
  - (C) Order Coraciiformes
    - (i) Malachite kingfisher -- Alcedinidae -- *Alcedo cristata*;
    - (ii) Laughing kookaburra -- Alcedinidae -- *Dacelo novaeguineae*.



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- (D) Order Passeriformes
  - (i) Yellowhammer -- Emberizidae -- *Emberiza citrinella*;
  - (ii) European greenfinch -- Fringillidae -- *Carduelis chloris*;
  - (iii) Chaffinch -- Fringillidae -- *Fringilla coelops*.
- (c) Prohibited Fish: Common Name -- Family -- Genus/species:
  - (A) Order Amiiiformes Bowfin -- Amiidae -- *Amia calva*.
  - (B) Order Cypriniformes
    - (i) Piranha or Caribe -- Characidae subfamily Serrasalminae -- All species and hybrids except *Serrasalmus*, *Pygocentrus* and *Pristobrycon* pursuant to ORS 498.242 and OAR 635- 011– 0160(2);
    - (ii) Walking catfish (ORS 498.242) -- Clariidae -- All species and hybrids;
    - (iii) Oriental weatherfish -- Cobitidae -- *Misgurnus anguillicaudatus*;
    - (iv) Ide -- Cyprinidae -- *Leuciscus idus*;
    - (v) Rudd -- Cyprinidae -- *Scardinius erythrophthalmus*.
  - (C) Order Lepisosteiformes
    - Gar -- Lepisosteidae -- All species and hybrids.
  - (D) Order Perciformes
    - (i) Snakehead -- Channidae -- *Channa* All species and hybrids;
    - (ii) Round Goby -- Gobiidae -- *Neogobius melanostomus*;
    - (iii) Ruffe -- Percidae -- *Gymnocephalus cernuus*;
    - (iv) Zander or Pike-perch -- Percidae -- *Sander lucioperca*.
  - (E) Order Salmoniformes Pikes, Pickerel -- Esocidae -- All species and hybrids.
- (d) Prohibited Amphibians: Common Name -- Family -- Genus/species:
  - (A) Order Caudata
    - (i) Tiger salamander -- Ambystomatidae -- *Ambystoma tigrinum* All nonnative sub-species;
    - (ii) Amphiumas -- Amphiumidae -- All species and hybrids;
    - (iii) Giant salamanders and Hellbenders -- Cryptobranchidae -- All species and hybrids;
    - (iv) American giant salamanders -- Dicamptodontidae -- All nonnative species and hybrids;
    - (v) Asian salamanders -- Hynobiidae -- *Ranodon* All species and hybrids;
    - (vi) Shovel-nosed salamander -- Plethodontidae -- *Leurognathus marmoratus*;
    - (vii) Waterdogs -- Proteidae -- *Necturus* All species and hybrids;
    - (viii) Firebelly newts -- Salamandridae -- *Cynops* All species and hybrids;
    - (ix) Brook salamanders -- Salamandridae -- *Euproctus* All species and hybrids;
    - (x) Spine-tailed salamanders -- Salamandridae -- *Mertensiella* All species and hybrids;
    - (xi) Eastern newt -- Salamandridae -- *Notophthalmus viridescens*;
    - (xii) Chinese crested newts -- Salamandridae -- *Pachytriton* All species and hybrids;
    - (xiii) Warty newts -- Salamandridae -- *Paramesotriton* All species and hybrids;
    - (xiv) Ribbed newts -- Salamandridae -- *Pleurodeles* All species and hybrids;
    - (xv) Fire salamanders -- Salamandridae -- *Salamandra* All species and hybrids;
    - (xvi) Roughskin newts -- Salamandridae -- *Taricha rivularis* and *T. torosa*;
    - (xvii) Alpine newts -- Salamandridae -- *Triturus* All species and hybrids;
    - (xviii) Crocodile newts -- Salamandridae -- *Tylostrotion* All species and hybrids;
    - (xix) Sirens -- Sirenidae -- All species and hybrids.
  - (B) Order Anura
    - (i) Fire-bellied toads -- Bombinatoridae -- *Bombina* All species and hybrids;
    - (ii) True toads -- Bufonidae -- *Bufo* All nonnative species and hybrids except *Bufo marinus*;
    - (iii) Midwife toads -- Discoglossidae -- *Alytes* All species and hybrids;
    - (iv) Painted frogs -- Discoglossidae -- *Discoglossus* All species and hybrids;
    - (v) Cricket frog -- Hylidae -- *Acris* All species and hybrids;



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- (vi) European tree frog -- Hylidae -- *Hyla arborea*;
- (vii) Cope's gray tree frog -- Hylidae -- *Hyla chrysoscelis*;
- (viii) Green tree frog -- Hylidae -- *Hyla cinerea*;
- (ix) Mediterranean tree frog -- Hylidae -- *Hyla meridionalis*;
- (x) Gray tree frog -- Hylidae -- *Hyla versicolor*;
- (xi) Chorus frog -- Hylidae -- Pseudacris All nonnative species and hybrids;
- (xii) Australian froglets -- Myobatrachidae -- Crinia All species and hybrids;(xiii) Australian swamp frogs — Myobatrachidae — Limnodynastes All species and hybrids;
- (xiv) Barred frogs -- Myobatrachidae -- *Mixophyes* All species and hybrids;
- (xv) Spadefoot toads -- Pelobatidae -- All nonnative species and hybrids;
- (xvi) African clawed frog -- Pipidae -- *Xenopus* All species and hybrids;
- (xvii) African bull frog -- Ranidae -- *Pyxicephalus* All species and hybrids;
- (xviii) Siberian frog -- Ranidae -- *Rana altaica*;
- (xix) Khabarovsk frog -- Ranidae -- *Rana amurensis*;
- (xx) Crawfish frog -- Ranidae -- *Rana areolata*;
- (xxi) Swedish swamp frog -- Ranidae -- *Rana arvalis*;
- (xxii) Asian frog -- Ranidae -- *Rana asiatica*;
- (xxiii) Rio Grande leopard frog -- Ranidae -- *Rana berlandieri*;
- (xxiv) Plains leopard frog -- Ranidae -- *Rana blairi*;
- (xxv) Caucasus frog -- Ranidae -- *Rana camerani*;
- (xxvi) Inkiapo frog -- Ranidae -- *Rana chensinensis*;
- (xxvii) Toudaohe frog -- Ranidae -- *Rana chevronta*;
- (xxviii) Green frog -- Ranidae -- *Rana clamitans*;
- (xxix) Spring frog -- Ranidae -- *Rana dalmatina*;
- (xxx) Dybowski's frog -- Ranidae -- *Rana dybowskii*;
- (xxxii) Stream frog -- Ranidae -- *Rana graeca*;
- (xxxiii) Pig frog -- Ranidae -- *Rana grylio*;
- (xxxiiii) River frog -- Ranidae -- *Rana heckscheri*;
- (xxxv) Turkish frog -- Ranidae -- *Rana holtzi*;
- (xxxvi) Iberian frog -- Ranidae -- *Rana iberica*;
- (xxxvii) Agile frog -- Ranidae -- *Rana japonica*;
- (xxxviii) Italian agile frog -- Ranidae -- *Rana latastei*;
- (xxxix) Brusa frog -- Ranidae -- *Rana macrocnemis*;
- (xl) Nikko frog -- Ranidae -- *Rana ornativentris*;
- (xli) Pickeral frog -- Ranidae -- *Rana palustris*;
- (xlii) Mink frog -- Ranidae -- *Rana septentrionalis*;
- (xliii) Wood frog -- Ranidae -- *Rana sylvatica*;
- (xliv) Tago frog -- Ranidae -- *Rana tagoe*;
- (xlv) European common frog -- Ranidae -- *Rana temporaria*;
- (xlvi) Tsushima frog -- Ranidae -- *Rana tsushimensis*;
- (xlvi) Carpenter frog -- Ranidae -- *Rana virgatipes*.
- (e) Prohibited Reptiles: Common Name -- Family -- Genus/species:
  - (A) Order Testudines
    - (i) Snapping turtle -- Chelydridae -- All species and hybrids;
    - (ii) Chinese pond turtle -- Emydidae -- *Chinemys* All species and hybrids;
    - (iii) Pond turtle -- Emydidae -- *Clemmys* All nonnative species;
    - (iv) Painted turtle -- Emydidae -- *Chrysemys* All nonnative sub-species;



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- (v) European pond turtle -- Emydidae -- *Emys orbicularis*;
- (vi) Blanding's turtle -- Emydidae -- *Emydoidea blandingii*;
- (vii) Map turtle -- Emydidae -- Graptemys All species and hybrids;
- (viii) Asian pond turtle -- Emydidae -- Mauremys All species and hybrids;
- (ix) Pond slider -- Emydidae -- Pseudemys and Trachemys All species and hybrids;
- (x) Common musk turtle -- Kinosternidae -- *Kinosternon odoratum*;
- (xi) Common mud turtle -- Kinosternidae -- *Kinosternon subrubrum*;
- (xii) North American soft shell -- Trionychidae -- *Apalone* All species and hybrids;
- (xiii) African soft shell -- Trionychidae -- *Trionyx triunguis*.
- (B) Order Squamata (*Suborder Lacertilia*)
  - (i) Slow worm -- Anguidae -- *Anguis fragilis*;
  - (ii) Sand lizard -- Lacertidae -- *Lacerta agilis*;
  - (iii) Jewelled Lizard -- Lacertidae -- *Lacerta lepida*;
  - (iv) Iberian Mountain Lizard -- Lacertidae -- *Lacerta monticola*;
  - (v) Meadow Lizard -- Lacertidae -- *Lacerta praticola*;
  - (vi) Iberian Emerald Lizard -- Lacertidae -- *Lacerta schreiberi*;
  - (vii) Balkan Emerald Lizard -- Lacertidae -- *Lacerta trilineata*;
  - (viii) Emerald Lizard -- Lacertidae -- *Lacerta viridis*;
  - (ix) Viviparous Lizard -- Lacertidae -- *Lacerta vivipara*;
  - (x) Erhard's Wall Lizard -- Lacertidae -- *Podarcis erhardi*;
  - (xi) Iberian Wall Lizard -- Lacertidae -- *Podarcis hispanica*;
  - (xii) Common Wall Lizard -- Lacertidae -- *Podarcis muralis*;
  - (xiii) Crocodile lizard -- Xenosauridae -- *Shinisaurus crocodilurus*.
- (C) Order Squamata (*Suborder Serpentes*)
  - (i) Brown tree snake -- Colubridae -- *Boiga irregularis*;
  - (ii) Black-necked spitting cobra -- Elapidae -- *Naja nigricollis*;
  - (iii) Cape cobra -- Elapidae -- *Naja nivea*;
  - (iv) Copperheads and cottonmouths -- Viperidae -- Agkistrodon All species and hybrids;
  - (v) Puff adders -- Viperidae -- Bitis All species and hybrids except *Bitis gabonica* and *B. nasicornis*;
  - (vi) Lanceheads -- Viperidae -- Bothrops All species and hybrids;
  - (vii) Palm pit vipers -- Viperidae -- Bothriechis All species and hybrids;
  - (viii) Rattlesnakes -- Viperidae -- All nonnative species and hybrids except *Crotalus aquilus*, *C. basiliscus*, *C. durissus*, *C. intermedius*, *C. polystictus*, *C. pusillus*, *C. tortugensis*, *C. triseriatus*, *C. unicolor*, and *C. vegrandis*;
  - (ix) Mid-east vipers -- Viperidae -- Daboia All species and hybrids;
  - (x) Pygmy rattlesnake -- Viperidae -- *Sistrurus catenatus*;
  - (xi) Asian pit vipers -- Viperidae -- Trimeresurus All species and hybrids;
  - (xii) Wagler's palm viper -- Viperidae -- *Tropidolaemus wagleri*;
  - (xiii) Sand vipers -- Viperidae -- Vipera All species and hybrids.
- (f) Prohibited Mollusks Common Name -- Family -- Genus/species:
  - (A) Order Bivalvia
    - (i) Asian clam -- Corbiculidae -- All species;
    - (ii) Zebra mussel -- *Dreissenidae* -- All species.
  - (B) Order Neogastropoda Japanese oyster drill -- Muricidae -- *Ceratostoma inornatum*.
- (g) Prohibited Crustaceans Common Name -- Family -- Genus/species:
  - (A) Order Decapoda
    - (i) Chinese mitten crab -- Grapsidae -- *Eriocheir* All species;
    - (ii) Blue crab -- Portunidae -- *Callinectes sapidus*;



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(iii) Crayfish -- Cambaridae -- All species.

(2) The department may issue a permit for the importation, possession, sale, purchase, exchange or intrastate transportation of prohibited species and those species not yet classified if the department finds that the following standards have been met:

(a) The facility is constructed to minimize escape of prohibited species;

(b) There are adequate security and safety programs and procedures which minimize the possibility of escape;

(c) There is adequate record keeping to aid in tracking of confined animals or recovery of escaped animals;

(d) There are adequate procedures, equipment and trained staff to maximize capture of escaped animals;

(e) Adequate veterinary care is provided to identify and minimize the spread of diseases; and

(f) The applicant has a good reputation for care of animals and compliance with the wildlife laws.

(g) Using forms provided by the department, persons or entities may apply for a permit under subsection (2) as follows:

(A) Facilities accredited by the American Zoo and Aquarium Association (AZA). Because the department finds that the current AZA accreditation process holds these facilities to standards equivalent to those in subsection (2), AZA accreditation shall be evidence that the department's standards for importation, possession, sale, purchase, exchange or intrastate transportation of prohibited species are met. To obtain a permit for these activities, AZA accredited facilities shall submit a completed application form and proof of accreditation.

(B) Universities and colleges. To obtain a permit, universities and colleges shall submit:

(i) A completed application form;

(ii) A written description of escape avoidance procedures and facilities; and

(iii) Identification of the time period(s) during which prohibited species will be held.

(C) Others. To apply for a permit, persons and entities other than universities, colleges and AZA accredited facilities shall submit:

(i) A completed application form; and

(ii) A completed Prohibited Species Questionnaire.

(h) Satisfactory facilities inspections may be required prior to issuance of any permit.

(3) The prohibitions imposed above regarding possession of Virginia opossum, nutria, Eastern gray squirrel, fox squirrel, and Eastern cottontail rabbit do not apply to licensed wildlife rehabilitators conducting wildlife rehabilitation in compliance with Department rules. Release of these species by licensed wildlife rehabilitators shall occur at a location designated 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

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 16-1997(Temp), f. & cert. ef. 3-13-97; FWC 41-1997(Temp), f. & cert. ef. 7-23-97; FWC 59-1997, f. & cert. ef. 9-3-97; FWC 59-1997, f. & cert. ef. 9-3-97; FWC 72-1997, f. & cert. ef. 12-29-97; DFW 21-1998, f. & cert. ef. 3-13-98; DFW 63-1998, f. & cert. ef. 8-10-98; DFW 96-1998, f. & cert. ef. 11-25-98; DFW 99-1998, f. & cert. ef. 12-22-98; DFW 94-1999, f. & cert. ef. 12-23-99; DFW 79-2000, f. & cert. 12-22-00; DFW 116-2001, f. & cert. ef. 12-18-01; DFW 114-2008, f. & cert. ef. 9-19-08

**635-056-0060**

**Noncontrolled Species**



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(1) Except as otherwise provided in these rules or other rules of the commission, wildlife listed below may be imported, possessed, sold, purchased, exchanged or transported in the state without a permit:

(a) Noncontrolled Mammals: Common Name -- Family -- Genus/species:

(A) Order Monotremata: Echidnas -- Tachyglossidae -- All species.

(B) Order Didelphimorphia: Short-tailed opossums -- Marmosidae -- *Monodelphis* All species.

(C) Order Dasyuromorphia: Numbat -- Myrmecobiidae -- *Myrmecobius fasciatus*.

(D) Order Peramelemorphia:

(i) Dry country bandicoots -- Peramelidae -- All species except *Isoodon obesulus*, *Perameles gunnii*, and *P. nasuta*;

(ii) Rainforest bandicoots -- Peroryctidae -- All species.

(E) Order Diprotodontia:

(i) Feathertail glider -- Acrobatidae -- *Acrobates pygmaeus*;

(ii) Kangaroos and wallabies -- Macropodidae -- All species;

(iii) Striped possums -- Petauridae -- *Dactylopsila* All species;

(iv) Sugar glider -- Petauridae -- *Petaurus breviceps*;

(v) Cuscuses -- Phalangeridae -- *Phalanger* All species;

(F) Order Xenarthra:

(i) Three-toed tree sloths -- Bradypodidae -- All species;

(ii) Two-toed tree sloths -- Megalonychidae -- All species;

(iii) Anteaters -- Myrmecophagidae -- All species.

(G) Order Insectivora: African pygmy hedgehog -- Erinaceidae -- *Atelerix albiventris*.

(H) Order Dermoptera: Flying lemurs or colugos -- Cynocephalidae -- All species.

(I) Order Chiroptera: Old World fruit bats -- Pteropodidae -- All species.

(J) Order Carnivora:

(i) Aardwolf -- Hyaenidae -- *Proteles cristatus*;

(ii) Red/Lesser Panda -- Procyonidae -- *Ailurus fulgens*;

(iii) Olingos -- Procyonidae -- *Bassaricyon* All species;

(iv) Coatimundis -- Procyonidae -- *Nasua* All species;

(v) Kinkajou -- Procyonidae -- *Potos flavus*;

(vi) Binturong -- Viverridae -- *Arctictis binturong*.

(K) Order Pinnipedia: Seals and sea lions -- All families -- All nonnative species.

(L) Order Cetacea: Whales and dolphins -- All families -- All species.

(M) Order Sirenia: Manatees -- All families -- All species

(N) Order Proboscidea: Elephants -- Elephantidae -- All species.

(O) Order Perissodactyla:

(i) Zebra and Asses-- Equidae -- *Equus* All species;

(ii) Rhinoceros -- Rhinocerotidae -- All species;

(iii) Tapirs -- Tapiridae -- All species.

(P) Order Hyracoidea: Hyraxes -- Procaviidae -- All species.

(Q) Order Tubulidentata: Aardvark -- Orycteropodidae -- *Orycteropus afer*.

(R) Order Artiodactyla:

(i) Antelope and buffalo-- Bovidae -- All species except *subfamily Caprinae* and *Procapra species*;

(ii) Giraffe and okapi -- Giraffidae -- All species;

(iii) Pygmy hippopotamus -- Hippopotamidae -- *Hexaprotodon liberiensis*;

(iv) Hippopotamus -- Hippopotamidae -- *Hippopotamus amphibius*;

(v) Peccary -- Tayassuidae -- All species;

(vi) Chevrotains -- Tragulidae -- All species.

(S) Order Pholidota: Pangolins -- Manidae -- All species.



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(T) Order Rodentia:

(i) Paca -- Agoutidae -- *Agouti paca*;

(ii) Scaly-tailed squirrels -- Anomaluridae -- All species;

(iii) Hutias -- Capromyidae -- All species;

(iv) Patagonian hare -- Caviidae -- *Dolichotis* All species;

(v) Mountain viscachas -- Chinchillidae -- *Lagidium* All species;

(vi) Agoutis -- Dasyproctidae -- *Dasyprocta* All species;

(vii) Acouchis -- Dasyproctidae -- *Myoprocta* All species;

(viii) Pacarana -- Dinomyidae -- *Dinomys branickii*;

(ix) Prehensile-tailed Porcupines -- Erethizontidae -- *Coendou* All species;

(x) Kangaroo Rats -- Heteromyidae -- *Dipodomys deserti* and *D. spectabilis*;

(xi) Brush-tailed porcupines -- Hystricidae -- *Atherus* All species;

(xii) Old world porcupines -- Hystricidae -- *Hystrix* All species except *H. africae australis*, *H. cristata*, and *H. indica*;

(xiii) Spiny mice -- Muridae -- *Acomys* All species;

(xiv) Bushy-tailed cloud rats -- Muridae -- *Crateromys* All species;

(xv) African giant pouched rats -- Muridae -- *Cricetomys* All species;

(xvi) White-tailed rat -- Muridae -- *Mystromys albicaudatus*;

(xvii) Slender-tailed cloud rats -- Muridae -- *Phloeomys* All species;

(xviii) Dwarf hamsters -- Muridae -- *Phodopus* All species;

(xix) Degus -- Octodontidae -- *Octodon* All species;

(xx) Springhare -- Pedetidae -- *Pedetes capensis*;

(xxi) Prevost's squirrel -- Sciuridae -- *Callosciurus prevostii*;

(xxii) African palm squirrels -- Sciuridae -- *Epixerus* All species;

(xxiii) Pygmy flying squirrels -- Sciuridae -- *Petaurillus* All species;

(xxiv) Oil palm squirrels -- Sciuridae -- *Protoxerus* All species;

(xxv) Giant squirrels -- Sciuridae -- *Ratufa* All species.

(b) Noncontrolled Birds: Nothing in this subsection authorizes the importation, possession, sale, confinement or transportation of birds protected by the federal Migratory Bird Treaty Act: Common Name -- Family -- Genus/species:

(A) Order Tinamiformes: Tinamous -- Tinamidae -- All species.

(B) Order Sphenisciformes: Penguins -- Spheniscidae -- All species.

(C) Order Galliformes

(i) Curassows, guans, and chachalacas -- Cracidae -- All species except *Chamaepetes goudotii*, *Penelope montagnii*, and *P. supercilialis*.

(ii) Megapodes -- Megapodiidae -- All species.

(D) Order Gruiformes:

(i) Trumpeters -- Psophiidae -- All species.

(ii) Buttonquails and hemipodes -- Turnicidae -- All species.

(E) Order Charadriiformes:

(i) Senegal thick-knee -- Burhinidae -- *Burhinus senegalensis*;

(ii) Water thick-knee -- Burhinidae -- *Burhinus vermiculatus*.

(F) Order Coliiformes: Mousebirds and Collies -- Coliidae -- All species.

(G) Order Musophagiformes: Turacos, plaintain eaters and go-away birds -- Musophagidae -- All species.

(H) Order Cuculiformes

(i) Burchell's coucal -- Centropodidae -- *Centropus burchelli*;

(ii) Pheasant coucal -- Centropodidae -- *Centropus phasianinus*;



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- (iii) Senegal coucal -- Centropodidae -- *Centropus senegalensis*;
- (iv) Greater coucal -- Centropodidae -- *Centropus sinensis*.
- (I) Order Trogoniformes: Trogons -- Trogonidae -- All species;
- (J) Order Coraciiformes:
  - (i) Blue-winged kookaburra -- Alcedinidae -- *Dacelo leachii*;
  - (ii) Woodland kingfisher -- Alcedinidae -- *Halcyon senegalensis*;
  - (iii) African pygmy kingfisher -- Alcedinidae -- *Ispidina picta*;
  - (iv) Hornbills -- Bucerotidae -- All species;
  - (v) Rollers -- Coraciidae -- All species;
  - (vi) Bee-eaters -- Meropidae -- All species except *Merops apiaster*, *M. oreobates*, *M. pusillus*, and *Nyctyornis athertoni*;
  - (vii) Motmots -- Momotidae -- All species.
- (K) Order Piciformes:
  - (i) Barbets -- Capitonidae -- All species;
  - (ii) Toucans -- Ramphastidae -- All species;
- (L) Order Passeriformes:
  - (i) Cotingas -- Cotingidae -- All species;
  - (ii) Red-crested finch -- Emberizidae -- *Coryphospingus cucullatus*;
  - (iii) Pileated finch -- Emberizidae -- *Coryphospingus pileatus*;
  - (iv) Yellow-breasted bunting -- Emberizidae -- *Emberiza aureola*;
  - (v) Golden-breasted bunting -- Emberizidae -- *Emberiza flaviventris*;
  - (vi) Cinnamon-breasted bunting -- Emberizidae -- *Emberiza tahapsi*;
  - (vii) Yellow cardinal -- Emberizidae -- *Gubernatrix cristata*;
  - (viii) Black-crested finch -- Emberizidae -- *Lophospingus pusillus*
  - (ix) Crested bunting -- Emberizidae -- *Melophus lathamii*;
  - (x) Yellow-billed cardinal -- Emberizidae -- *Paroaria capitata*;
  - (xi) Red-crested cardinal -- Emberizidae -- *Paroaria coronata*;
  - (xii) Orange-crested cardinal -- Emberizidae -- *Passerina leclancherii*;
  - (xiii) Cinereous warbling finch -- Emberizidae -- *Poospiza melanoleuca*;
  - (xiv) Saffron finch -- Emberizidae -- *Sicalis flaveola*;
  - (xv) Double-collared seedeater -- Emberizidae -- *Sporophila caerulescens*;
  - (xvi) Rusty-collared seedeater -- Emberizidae -- *Sporophila collaris*;
  - (xvii) Parrot-billed seedeater -- Emberizidae -- *Sporophila peruviana*;
  - (xviii) Slate-colored seedeater -- Emberizidae -- *Sporophila schistacea*;
  - (xix) Swallow tanager -- Emberizidae -- *Tersina viridis*;
  - (xx) Melodius grassquit -- Emberizidae -- *Tiaris canora*;
  - (xxi) Blue-back grassquit -- Emberizidae -- *Volatina jacarina*;
  - (xxii) Waxbills, mannikins, munias -- Estrilididae -- All species;
  - (xxiii) Broadbills -- Eurylaimidae -- All species;
  - (xxiv) Black siskin -- Fringillidae -- *Carduelis atrata*;
  - (xxv) Linnet -- Fringillidae -- *Carduelis cannabina*;
  - (xxvi) European goldfinch -- Fringillidae -- *Carduelis carduelis*;
  - (xxvii) Red siskin -- Fringillidae -- *Carduelis cucullata*;
  - (xxviii) Hooded siskin -- Fringillidae -- *Carduelis magellanica*;
  - (xxix) Yellow--breasted greenfinch -- Fringillidae -- *Carduelis spinoides*;
  - (xxx) European siskin -- Fringillidae -- *Carduelis spinus*;
  - (xxxii) Yellow-rumped siskin -- Fringillidae -- *Carduelis uropygialis*;
  - (xxxii) Yellow-bellied siskin -- Fringillidae -- *Carduelis xanthogaster*;



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- (xxxiii) Yellow-billed grosbeak -- Fringillidae -- *Eophona migratorius*;
- (xxxiv) Japanese grosbeak -- Fringillidae -- *Eophona personata*;
- (xxxv) Oriole finch -- Fringillidae -- *Linurgus olivaceus*;
- (xxxvi) Brown bullfinch -- Fringillidae -- *Pyrrhula nipalensis*;
- (xxxvii) Bullfinch -- Fringillidae -- *Pyrrhula pyrrhula*;
- (xxxviii) Black--throated singing finch -- Fringillidae -- *Serinus atrogularis*;
- (xxxix) Canary -- Fringillidae -- *Serinus canaria*;
- (xl) Yellow canary -- Fringillidae -- *Serinus flaviventris*;
- (xli) Gray singing finch -- Fringillidae -- *Serinus leucopygius*;
- (xlii) Yellow-fronted canary -- Fringillidae -- *Serinus mozambicus*;
- (xliii) Serin -- Fringillidae -- *Serinus serinus*;
- (xliv) Long-tailed rosefinch -- Fringillidae -- *Uragus sibiricus*;
- (xlv) Icterids -- Icteridae -- All nonnative species;
- (xlvi) Leafbirds and fairy bluebirds -- Irenidae -- All species;
- (xlvii) Honeyeaters -- Meliphagidae -- All species;
- (xlviii) Shammas -- Muscicapidae -- *Copyschus* All species;
- (xlix) Sunbirds -- Nectariniidae -- All species;
- (l) Golden sparrow -- Passeridae -- *Passer luteus*;
- (li) Red-headed weaver -- Ploceidae -- *Anaplectes rubriceps*;
- (lii) Yellow Bishop -- Ploceidae -- *Euplectes afer*;
- (liii) Red-collared widow bird -- Ploceidae -- *Euplectes ardens*;
- (liv) Black-winged red bishop -- Ploceidae -- *Euplectes hordeaceus*;
- (lv) Jackson's Whydah -- Ploceidae -- *Euplectes jacksoni*;
- (lvi) Yellow-mantled widow bird -- Ploceidae -- *Euplectes macrourus*;
- (lvii) Red bishop -- Ploceidae -- *Euplectes orix*;
- (lviii) Long-tailed widow bird -- Ploceidae -- *Euplectes progne*;
- (lix) Red fody -- Ploceidae -- *Foudia madagascariensis*;
- (lx) Orange weaver -- Ploceidae -- *Ploceus aurantius*;
- (lxi) Black-headed weaver -- Ploceidae -- *Ploceus cucullatus*;
- (lxii) Masked weaver -- Ploceidae -- *Ploceus intermedius*;
- (lxiii) Little weaver -- Ploceidae -- *Ploceus luteolus*;
- (lxiv) Baya weaver -- Ploceidae -- *Ploceus philippinus*;
- (lxv) Vitelline weaver -- Ploceidae -- *Ploceus vitellinus*;
- (lxvi) Speckle-fronted weaver -- Ploceidae -- *Sporopipes frontalis*;
- (lxvii) Scaly weaver -- Ploceidae -- *Sporopipes squamifrons*;
- (lxviii) Sugarbirds -- Promeropidae -- All species;
- (lxix) Golden-crested myna -- Sturnidae -- *Ampeliceps coronatus*;
- (lxx) Violet-backed starling -- Sturnidae -- *Cinnyricinclus leucogaster*;
- (lxxi) Iris glossy-starling -- Sturnidae -- *Coccycolius iris*;
- (lxxii) Golden-breasted starling -- Sturnidae -- *Cosmopsarus regius*;
- (lxxiii) Hill myna -- Sturnidae -- *Gracula religiosa*;
- (lxxiv) Long-tailed glossy-starling -- Sturnidae -- *Lamprotornis caudatus*;
- (lxxv) Bronze-tailed glossy-starling -- Sturnidae -- *Lamprotornis chalcurus*;
- (lxxvi) Greater blue-eared glossy-starling -- Sturnidae -- *Lamprotornis chalybaeus*;
- (lxxvii) Lesser blue-eared glossy-starling -- Sturnidae -- *Lamprotornis chloropterus*;
- (lxxviii) Hildebrandt's starling -- Sturnidae -- *Lamprotornis hildebrandti*;
- (lxxix) Chestnut-bellied starling -- Sturnidae -- *Lamprotornis pulcher*;
- (lxxx) Purple-headed glossy-starling -- Sturnidae -- *Lamprotornis purpureiceps*;



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- (lxxxix) Purple glossy-starling -- Sturnidae -- *Lamprotornis purpureus*;
- (lxxxix) Rueppell's glossy-starling -- Sturnidae -- *Lamprotornis purpuropterus*;
- (lxxxix) Splendid glossy-starling -- Sturnidae -- *Lamprotornis splendidus*;
- (lxxxix) Superb starling -- Sturnidae -- *Lamprotornis superbus*;
- (lxxxix) Bali myna -- Sturnidae -- *Leucopsar rothschildi*;
- (lxxxix) Golden myna -- Sturnidae -- *Mino anais*;
- (lxxxix) Yellow-faced myna -- Sturnidae -- *Mino dumontii*;
- (lxxxix) Tanagers -- Thraupidae (Clements 1981) -- All nonnative species;
- (lxxxix) Babblers -- Timaliidae -- All species;
- (xc) White-eyes -- Zosteropidae -- All species;
- (c) Noncontrolled Fish: Common Name -- Family -- Genus/species: Aquaria fish and Live Foodfish -  
- All species.
- (d) Noncontrolled Amphibians: Common Name -- Family -- Genus/species:
  - (A) Order Caudata:
    - (i) Axolotl -- Ambystomatidae -- *Ambystoma mexicanum*;
    - (ii) Gold-striped salamander -- Salamandridae -- *Chioglossa lusitanica*;
    - (iii) Black-spotted and striped newts -- Salamandridae -- *Notophthalmus meridionalis* and *N. perstriatus*;
    - (iv) Spectacled salamander -- Salamandridae -- *Salamandrina terdigitata*;
  - (B) Order Gymnophiona: Caecilians -- All species.
  - (C) Order Anura:
    - (i) Allophrynid tree frog -- Allophrynidae -- *Allophryne* All species;
    - (ii) Hairy frogs -- Arthroleptidae -- *Trichobatrachus* All species;
    - (iii) Cane toad -- Bufonidae -- *Bufo marinus*;
    - (iv) African tree toads -- Bufonidae -- *Nectophryne* All species;
    - (v) Live-bearing toads -- Bufonidae -- *Nectophrynoides* All species;
    - (vi) Glass frogs -- Centrolenidae -- All species;
    - (vii) Poison arrow frogs -- Dendrobatidae -- All species;
    - (viii) Ghost frogs -- Heleophrynidae -- *Heleophryne* All species;
    - (ix) Shovel-nosed frogs -- Hemisotidae -- *Hemisus* All species;
    - (x) Leaf frogs -- Hylidae -- *Agalychnis* All species;
    - (xi) Casque-headed frogs -- Hylidae -- *Aparashpenodon* All species;
    - (xii) Water-holding frogs -- Hylidae -- *Cyclorana* All species;
    - (xiii) Marsupial frogs -- Hylidae -- *Gastrotheca* All species;
    - (xiv) Australian giant tree frogs -- Hylidae -- *Litoria chlorus* and *L. infrafrenata*;
    - (xv) Slender-legged tree frogs -- Hylidae -- *Osteocephalus* All species;
    - (xvi) Cuban tree frogs -- Hylidae -- *Osteopilus* All species;
    - (xvii) White's tree frog -- Hylidae -- *Pelodryas caerulea*;
    - (xviii) Golden-eyed tree frogs -- Hylidae -- *Phrynohyas* All species;
    - (xix) Monkey frogs -- Hylidae -- *Phyllomedusa* All species;
    - (xx) Burrowing frogs -- Hylidae -- *Pternohyla* All species;
    - (xxi) Casque-headed tree frogs -- Hylidae -- *Trachycephalus* All species;
    - (xxii) Shovel-headed tree frogs -- Hylidae -- *Tripriion* All species;
    - (xxiii) Banana frogs -- Hyperoliidae -- *Afrixalas* All species;
    - (xxiv) Reed frogs -- Hyperoliidae -- *Hyperolius* All species;
    - (xxv) Running frogs -- Hyperoliidae -- *Kassina* All species;
    - (xxvi) Forest tree frogs -- Hyperoliidae -- *Leptopelis* All species;
    - (xxvii) New Zealand frogs -- Leiopelmatidae -- *Leiopelma* All species;



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- (xxviii) Common horned frogs -- Leptodactylidae -- *Ceratophrys* All species;
- (xxix) Rain or robber frogs -- Leptodactylidae -- *Eleutherodactylus* All species;
- (xxx) Paraguay horned toads -- Leptodactylidae -- *Lepidobatrachus* All species;
- (xxxi) Asian horned toad -- Megophryidae -- *Megophrys montana (nasuta)*;
- (xxxii) Tomato frogs -- Microhylidae -- *Dyscophus* All species;
- (xxxiii) Narrow-mouthed frogs -- Microhylidae -- *Gastrophryne* All species;
- (xxxiv) Sheep frogs -- Microhylidae -- *Hypopachus* All species;
- (xxxv) Asian narrowmouth toad -- Microhylidae -- *Kaloula pulchra*;
- (xxxvi) Tusked frog -- Myobatrachidae -- *Adelotus brevis*;
- (xxxvii) Pouched frog -- Myobatrachidae -- *Assa darlingtoni*;
- (xxxviii) Giant burrowing frogs -- Myobatrachidae -- *Heleioporus* All species;
- (xxxix) Cannibal frogs -- Myobatrachidae -- *Lechriodus* All species;
- (xl) Turtle frog -- Myobatrachidae -- *Myobatrachus gouldii*;
- (xli) Australian spadefoot toads -- Myobatrachidae -- *Notaden* All species;
- (xlii) Crowned toadlets -- Myobatrachidae -- *Pseudophryne* All species;
- (xliii) Gastric brooding frog -- Myobatrachidae -- *Rheobatrachus* All species;
- (xliv) Torrent frogs -- Myobatrachidae -- *Taudactylus* All species;
- (xlv) Australian toadlets -- Myobatrachidae -- *Uperoleia* All species;
- (xlvi) Parsley frogs -- Pelodytidae -- *Pelodytes* All species;
- (xlvi) Dwarf clawed frogs -- Pipidae -- *Hymenochirus* All species;
- (xlviii) Surinam frogs -- Pipidae -- *Pipa* All species;
- (xlix) Mantella frogs -- Ranidae -- *Mantella* All species;
- (l) Foam nest tree frogs -- Rhacophoridae -- *Chiromantis* All species;
- (li) Gliding or flying frogs -- Rhacophoridae -- *Rhacophorus* All species;
- (lii) Mexican burrowing frog -- Rhinodermatidae -- *Rhinophrynus dorsalis*;
- (liii) Seychelles frogs -- Sooglossidae -- All species.
- (e) Noncontrolled Reptiles: Common Name -- Family -- Genus/species;
  - (A) Order Crocodylia:
    - (i) Alligators -- Alligatoridae -- All species;
    - (ii) Crocodiles -- Crocodylidae -- All species;
    - (iii) Gavials -- Gavialidae -- *Gavialis gangeticus*.
  - (B) Order Testudines:
    - (i) Pignose turtles -- Carettochelyidae -- All species;
    - (ii) Austro--American side--necked turtles -- Chelidae -- All species;
    - (iii) Marine turtles -- Cheloniidae -- All species;
    - (iv) River turtles -- Dermatemydidae -- All species;
    - (v) Leatherback turtles -- Dermochelyidae -- All species;
    - (vi) Pond and box turtles -- Emydidae -- All nonnative species except *Pseudemys* spp., *Trachemys* spp., *Chinemys* spp., *Clemmys* spp., *Chrysemys* spp., *Graptemys* spp., *Emys orbicularis*, *Emydoidea blandingii* and *Mauremys* spp.;
    - (vii) American mud and musk turtles -- Kinosternidae -- All species except *Kinosternon subrubrum* and *K. odoratum*;
    - (viii) Afro-American side-necked turtles -- Pelomedusidae -- All species;
    - (ix) Bighead turtles -- Platysternidae -- All species;
    - (x) Tortoises -- Testudinidae -- All species;
    - (xi) Softshell turtles -- Trionychidae -- All species except *Apolone* spp. and *Trionyx triunguis*;
  - (C) Order Squamata (Suborder Amphisbaenia): Worm lizards -- All species.
  - (D) Order Squamata (Suborder Lacertilia):



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- (i) Pricklenapes -- Agamidae -- *Acanthosaura* All species;
  - (ii) Common or rainbow agama -- Agamidae -- *Agama agama*;
  - (iii) Frilled dragon -- Agamidae -- *Chlamydosaurus kingii*;
  - (iv) Humphead forest dragons -- Agamidae -- *Gonocephalus* All species;
  - (v) Sailfin lizards -- Agamidae -- *Hydrosaurus* All species;
  - (vi) Anglehead forest dragons -- Agamidae -- *Hypsilurus* All species;
  - (vii) Water dragons -- Agamidae -- *Lophognathus* All species;
  - (viii) Water dragons -- Agamidae -- *Physignathus* All species;
  - (ix) Bearded dragons -- Agamidae -- *Pogona* All species;
  - (x) Mastigures -- Agamidae -- *Uromastyx* All species;
  - (xi) Chameleons -- Chamaeleonidae -- All species;
  - (xii) Plated lizards -- Cordylidae -- *Gerrhosaurus* All species;
  - (xiii) Flat lizards -- Cordylidae -- *Platysaurus* All species;
  - (xiv) Geckos -- Gekkonidae -- All species;
  - (xv) Gila monster, beaded lizard -- Helodermatidae -- All species;
  - (xvi) Iguanid lizards -- Iguanidae -- All nonnative species except: *Crotaphytus* spp., *Gambelia* spp., *Sceloporus* spp., *Uta* spp., *Phrynosoma* spp.;
  - (xvii) Skinks -- Scincidae -- All nonnative species except *Eumeces* spp.;
  - (xviii) Ameivas -- Teiidae -- *Ameiva* All species;
  - (xix) Tegus -- Teiidae -- *Tupinambis* All species;
  - (xx) Monitor lizards -- Varanidae -- All species except *Varanus griseus*;
  - (xxi) Night lizards -- Xantusiidae -- All species;
  - (xxii) American knob-scaled lizards -- Xenosauridae -- *Xenosaurus* All species.
- (E) Order Squamata (Suborder Serpentes)
- (i) File snakes -- Acrochordidae -- All species;
  - (ii) Pythons and Boas -- Boidae -- All nonnative species;
  - (iii) Milk, Pine, Corn, Rat, Garter snakes -- Colubridae -- All nonnative species except *Boiga irregularis*, *Lampropeltis getula*, *L.zonata*, and *Pituophis catenifer*;
  - (iv) Kingsnakes and gopher (bull) snakes -- Colubridae -- Individuals of *Lampropeltis getula*, *L.zonata* and *Pituophis catenifer* that are morphologically distinct from native species.
  - (v) Egyptian cobra -- Elapidae -- *Naja haje*;
  - (vi) Black & white cobra -- Elapidae -- *Naja melanoleuca*;
  - (vii) Indian cobra -- Elapidae -- *Naja naja*;
  - (viii) Red spitting cobra -- Elapidae -- *Naja pallida*;
  - (ix) King cobra -- Elapidae -- *Ophiophagus hannah*;
  - (x) Bush vipers -- Viperidae -- *Atheris* All species;
  - (xi) Gaboon viper -- Viperidae -- *Bitis gabonica*;
  - (xii) Rhinoceros viper -- Viperidae -- *Bitis nasicornis*;
  - (xiii) Horned vipers -- Viperidae -- *Cerastes* All species;
  - (xiv) Rattlesnakes -- Viperidae -- *Crotalus aquilus*, *C. basiliscus*, *C. durissus*, *C. intermedius*, *C. polystictus*, *C. pusillus*, *C. tortugensis*, *C. triseriatus*, *C. unicolor*, and *C. vegrandis*;
  - (xv) Saw-scaled vipers -- Viperidae -- *Echis* All species;
  - (xvi) Bushmaster -- Viperidae -- *Lachesis muta*;
  - (xvii) False horned vipers -- Viperidae -- *Pseudocerastes* All species;
  - (xviii) Pygmy rattlesnakes -- Viperidae -- *Sistrurus miliarius* and *S. ravus*.

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



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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

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 59-1997, f. & cert. ef. 9-3-97; Administrative correction 10-27-97; FWC 72-1997, f. & cert. ef. 12-29-97; DFW 21-1998, f. & cert. ef. 3-13-98; DFW 63-1998, f. & cert. ef. 8-10-98; DFW 99-1998, f. & cert. ef. 12-22-98; DFW 94-1999, f. & cert. ef. 12-23-99; DFW 79-2000, f. & cert. ef. 12-22-00; DFW 116-2001, f. & cert. ef. 12-18-01

### 635-056-0070

#### Controlled Species

At the time the commission categorizes a species, subspecies or hybrid as Controlled, it shall also establish the controls necessary to protect native wildlife.

(1) Controlled Mammals

(2) Controlled Birds

(a) Mute swans (*Cygnus olor*): The possession, transport, sale, purchase, exchange and offer to sell, purchase or exchange is allowed provided that all males are neutered and all individuals are surgically pinioned. Importation of any mute swan is prohibited.

(b) Hawks and falcons (families *Falconidae* and *Accipitridae*): The capture, possession, propagation, transportation, release, sale, purchase, exchange and disposition of falcons is allowed only as per the requirements of OAR 635 Division 44 (Holding, Propagating Protected Wildlife) and OAR 635 Division 55 (Falconry Licenses, Permits and Requirements).

(c) Game birds: (*Anatidae*, *Columbidae*, *Tetranidae*, *Phasianidae*, *Meleagrididae*, *Gruidae*, *Rallidae*). The possession, propagation, sale, purchase and exchange of game birds is allowed only as per the requirements of OAR 635 division 44 (Holding, Propagating Protected Wildlife).

(d) Unless authorized by the Department, European starling (*Sturnus vulgaris*) or House Sparrows (*Passer domesticus*) may not be imported into Oregon or released into the wild. However, viable eggs, nestlings, fledglings, or adults may be captured from the wild, possessed, bought or sold for any other purpose (including damage control, wildlife rehabilitation or research). Except for wildlife rehabilitation, no permit is required for such capture and possession. Release of these species by licensed wildlife rehabilitators shall occur at a location designated by the Department.

(3) Controlled Amphibians: Bullfrog (*Rana catesbeiana*) including viable eggs, hatchlings, tadpoles, juveniles and adults: No person may import, purchase, sell, barter or exchange, or offer to import, purchase, sell, barter or exchange live bull frogs. Individual bullfrogs may be collected from the wild and held indoors in an escape proof aquarium as per OAR 635-044-0035. Release is prohibited unless the person first obtains a permit from the Director.

(4) Controlled Reptiles

(5) Controlled Mollusks

(a) Suminoe oysters (*Crassostrea ariakensis*), Pacific oysters (*C.gigas*), Kumamoto oysters (*C. sikamea*), Eastern oysters (*C. virginica*), and European flat oysters (*Ostrea edulis*) may be purchased and imported from outside Oregon (or from other estuaries within Oregon) for release into estuaries in Oregon pursuant to the terms of a permit issued by the department. Complete permit applications must be submitted to the department's Marine Resources Program Headquarters (2040 SE Marine Science Drive, Newport, Oregon 97365) at least 15 days before proposed stocking. Oysters may be commercially harvested and sold pursuant to OAR 635-005-0001 through 635-005-0035.

(b) Softshell clam (*Mya arenaria*), Japanese varnish clam (*Nuttalia obscuratai*), and Japanese littleneck clam (*Venerupis philippinarum*) may be harvested, possessed and sold commercially pursuant to OAR 635-005-0001 through 635-005-0035 or harvested and possessed recreationally pursuant to OAR 635-039.

(6) Controlled Crustaceans:



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(a) Green crabs (*Carcinus maenas*) may be harvested recreationally pursuant to OAR 635-039. Once harvested, it is unlawful to return green crab to state waters. It is unlawful to take green crab for commercial purposes.

(b) Whiteleg shrimp (*Litopenaeus vannamei*): The possession, propagation, transportation, sale, purchase, exchange and disposition of whiteleg shrimp is controlled according to the following restrictions and standards:

(i) A person must apply for and receive an approved propagation license from the Oregon Department of Fish and Wildlife Fish Propagation Program prior to commencing production;

(ii) Propagation must occur in ponds covered with nets or screens adequate to prevent the capture or transport of cultured shrimp by predators or other animals;

(iii) Access to production facilities must be through secure locked gates;

(iv) Only animals certified as disease-free by the vendor may be purchased;

(v) Permittees must provide adequate veterinary care to identify and minimize the spread of diseases originating from the animals being held;

(vi) No live whiteleg shrimp or their gametes, fertilized eggs, or larvae may be released into waters of this State, as defined in ORS 506.006; and

(vii) An Oregon Department of Fish and Wildlife fish transport permit shall accompany live whiteleg shrimp imported into and transported within Oregon. If transport occurs entirely on the permittee's property, a transport permit is not needed.

(b) Giant river prawns (*Macrobrachium rosenbergii*): The possession, propagation, transportation, sale, purchase, exchange and disposition of giant river prawns is controlled according to the following restrictions and standards:

(i) A person must apply for and receive an approved propagation license from the Oregon Department of Fish and Wildlife Fish Propagation Program prior to commencing production;

(ii) Propagation must occur in ponds covered with nets or screens adequate to prevent the capture or transport of cultured prawns by predators or other animals;

(iii) Access to production facilities must be through secure locked gates;

(iv) Only animals certified as disease-free by the vendor may be purchased;

(v) Permittees must provide adequate veterinary care to identify and minimize the spread of diseases originating from the animals being held;

(vi) No giant river prawns or their gametes, fertilized eggs, or larvae may be released into waters of this State, as defined in ORS 506.006; and

(vii) An Oregon Department of Fish and Wildlife fish transport permit shall accompany live giant river prawns imported into and transported within Oregon. If transport occurs entirely on the permittee's property, a transport permit is not needed.

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

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 59-1997, f. & cert. ef. 9-3-97; DFW 63-1998, f. & cert. ef. 8-10-98; DFW 94-1999, f. & cert. ef. 12-23-99; DFW 79-2000, f. & cert. ef. 12-22-00; DFW 116-2001, f. & cert. ef. 12-18-01; DFW 53-2008(Temp), f. & cert. ef. 5-28-08 thru 9-19-08; DFW 114-2008, f. & cert. ef. 9-19-08

**635-056-0075**

**Controlled Fish Species**



OREGON ADMINISTRATIVE RULES  
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(1) Grass carp (*Ctenopharyngodon idella*): Grass carp may be released into water bodies within Oregon only pursuant to the issuance of a permit from the Department. Complete permit applications shall be submitted to Department headquarters at least 60 days before proposed stocking. A fee of \$100.00 (plus a \$2.00 license agent fee) shall be charged for each Grass carp permit issued.

(2)(a) The following restrictions and standards will govern the issuance of grass carp permits:

(A) Stocking will occur only in water bodies which are:

(i) Completely within private land; or

(ii) On land owned or controlled by irrigation districts or drainage districts.

(B) Stocking will occur only in the following types of water bodies:

(i) Lakes, ponds, or reservoirs less than 10 acres; or

(ii) Ditches and canals.

(C) Public use of the water body must be restricted to prevent removal of grass carp (by angling or otherwise) by unauthorized persons. At a minimum, the water body must be closed to angling and other use by the general public.

(D) Stocking shall not detrimentally affect any population of species listed as threatened or endangered by the federal or state government.

(E) Stocking shall occur only in water bodies with fish screens approved by the Department. Such screens shall have screen openings 1 inch or less for fish 12–19 inches total length and screen openings 2 inches or less for fish over 19 inches total length. Screens shall be inspected and approved by the Department before a permit will be issued. The applicant must comply with fish passage requirements (OAR 635, division 412); given grass carp screening requirements, this entails applying for and receiving a waiver or exemption from passage requirements if grass carp will be stocked into waters where native migratory fish are or were historically present.

(F) Stocking will not be allowed in water bodies within 100-year floodplains (as delineated by the Federal Emergency Management Agency on federal Flood Insurance Rate Maps) during times of potential flood. Times of potential flood are January 1 through July 31 in watersheds east of the Cascades and October 15 through May 31 in watersheds west of the Cascades. Grass carp will be removed from water bodies in a 100-year floodplain and held or disposed of during times of potential flood. If grass carp will be held and not disposed of, they shall be held at a permitted site outside the 100-year floodplain. Applications for sites within a 100-year floodplain shall contain a detailed removal plan which shall receive Department approval.

(G) Grass carp may only be purchased and imported from approved suppliers outside Oregon. Grass carp may not be propagated or held for further distribution within Oregon. Department pathologists shall approve suppliers. Approval will be based on ability to provide grass carp free of Asian tapeworms and meet health and disease requirements according to OAR 635-007-0555 through 635-007-0585.

(H) Grass carp imported into Oregon shall be:

(i) Sterile triploids. Documentation from the U.S. Fish and Wildlife Service that each fish is triploid must be submitted to the Department prior to release;

(ii) At least 12 inches long;

(iii) Tagged with a Passive Integrated Transponder (PIT) tag of frequency 134.2-kilohertz. Each tag shall be programmed with a unique identification number. A list of unique tag numbers shall be submitted to the Department prior to release; and

(iv) stocked at a rate not exceeding 22 per affected acre.

(b) In addition to documentation relating to the restrictions above, each permit application shall include:

(A) Applicant's name, address and daytime telephone number. All property owners of the water body to which grass carp will have unrestricted access must be party to the application and permit;



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(B) Location of the water body, including township, range, section and quarter section, with map including written directions for access;

(C) Map of the water body including, vegetation present in the water body, all inlets and outlets, and screen locations;

(D) Description of emergency procedures for responding to fish escapes from approved sites;

(E) Description of how fish will be removed and disposed of at the end of the proposed project.

(c) An application becomes the management plan upon approval. Permits and management plans shall be specific to particular sites and particular stocking projects. Permittees shall not deviate from permit conditions and management plans without prior written approval from the Department. No person may remove grass carp from one site (as identified in a management plan) and transport them to any other site without prior written approval from the Department.

(d) An Oregon Department of Fish and Wildlife fish transport permit shall accompany grass carp imported into and transported within Oregon. If transport is required within the management plan and occurs entirely on the permittee's property, a transport permit is not needed. Any other permit or documentation required for fish import, transport, or stocking shall also be obtained prior to importation and stocking.

(e) Permittees shall, as a condition of the permit, allow employees of the Department or the Oregon State Police to inspect at reasonable times the permitted water body, permit, and associated records. Inspection 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 property other than the water bodies or fish holding facilities on the permittee's property.

(f) Permits are revocable at any time for violation of any wildlife statute or rule of the Department. Upon revocation, if stocking has already occurred, the permittee shall remove all grass carp within two weeks at her/his own cost.

(g) Grass carp which escape a permitted water body are subject to seizure or destruction by the Department at the expense of the permit holder. The permit holder shall be held liable for incidental kill of any other species due to or during destruction of escaped grass carp.

(h) The Commission may grant an exception to OAR 635-056-0075(2)(a)(B) or (2)(a)(F). Exception requests must be submitted in writing in addition to the normal application and must address the requirements in this section. Unless the Commission determines that an alternative provides equivalent protection to fish and wildlife resources and their habitats, exceptions shall have the following additional requirements:

(A) If the water body into which grass carp will be stocked is greater than or equal to 10 acres a professional topographic survey by a licensed surveyor must be provided for the entire perimeter of the water body showing all points of water movement in and out of the water body. A topographic survey completed by a state or federal agency within five years from the date of application for the water body may be used. The Department shall determine screening requirements from the survey;

(B) Grass carp may remain in a water body within the 100-year floodplain year-round if a professional plan or drawing that is certified by a licensed engineer is provided which indicates that the entire perimeter of the water body is protected from 100-year floods. In order to prevent grass carp escape, screens, dikes, and devices protecting the water body must be able to remain structurally sound within 100-year floods and not be over-topped by a 100-year flood. The Department reserves the right to have a licensed engineer retained by the agency review and approve or deny the plan or drawing submitted by the applicant.

(3) Tilapia (*Mozambique tilapia Oreochromis mossambicus*, *Nile tilapia O. niloticus*, and hybrids thereof): The possession, propagation, transportation, sale, purchase, exchange and disposition of these tilapia is controlled according to the following restrictions and standards:



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- (i) A person must apply for and receive an approved propagation license from the Oregon Department of Fish and Wildlife Fish Propagation Program prior to commencing production;
- (ii) Propagation must occur in ponds covered with nets or screens adequate to prevent the capture or transport of cultured fish by predators or other animals;
- (iii) Access to production facilities must be through secure locked gates;
- (iv) Only animals certified as disease-free by the vendor may be purchased;
- (v) Permittees must provide adequate veterinary care to identify and minimize the spread of diseases originating from the animals being held;
- (vi) No live tilapia or their gametes, fertilized eggs, or larvae may be released into waters of this State, as defined in ORS 506.006; and
- (vii) An Oregon Department of Fish and Wildlife fish transport permit shall accompany live tilapia imported into and transported within Oregon. If transport occurs entirely on the permittee's property, a transport permit is not needed.

Stat. Auth.: ORS 496.012, 496.138 & 496.146

Stats. Implemented: ORS 497.308, 497.318, 498.022, 498.052 & 498.222

Hist.: DFW 63-1998, f. & cert. ef. 8-10-98; DFW 94-1999, f. & cert. ef. 12-23-99; DFW 79-2000, f. & cert. ef. 12-22-00; DFW 116-2001, f. & cert. ef. 12-18-01; DFW 64-2003, f. & cert. ef. 7-17-03; DFW 53-2008(Temp), f. & cert. ef. 5-28-08 thru 9-19-08; DFW 114-2008, f. & cert. ef. 9-19-08; DFW 142-2009, f. 11-12-09, cert. ef. 1-1-10

### **635-056-0080**

#### **Sale of Wildlife**

(1) Except as provided in these rules and other rules of the commission, no person shall sell, purchase, exchange or offer to sell, purchase or exchange any wildlife (including game fish in the aquaria trade).

(2) Except as otherwise provided in this section, kingsnakes (*Lampropeltis getula* and *L. zonata*) and gopher (bull) snakes (*Pituophis catenifer*) that are morphologically similar to native species may be possessed, transported, sold, purchased, exchanged or offered for sale, purchase or exchange if the animals were legally acquired and bred in captivity. However, nothing in these rules authorizes the:

(a) Capture, possession, transportation, sale, purchase, exchange, or offer of sale, purchase or exchange of any wild native kingsnake or its offspring; or

(b) Sale, purchase, exchange, or offer of sale, purchase or exchange of any wild gopher snake or its progeny.

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

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

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 41-1997(Temp), f. & cert. ef. 7-23-97; FWC 59-1997, f. & cert. ef. 9-3-97; DFW 96-1998, f. & cert. ef. 11-25-98; DFW 116-2001, f. & cert. ef. 12-18-01

### **635-056-0090**

#### **Transportation**

(1) Except as provided in this section or other rules of the commission, wildlife may be transported through the state without an import permit from the department, provided the animal:

(a) Remains in the state no longer than 72 hours;



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(b) Is not sold, purchased, exchanged or offered for sale, purchase or exchange or otherwise transferred while in the state; and

(c) Is accompanied by an import permit from the Oregon Department of Agriculture, if required, and proof of legal possession.

(2) If an animal being transported through the state must remain in the state longer than 72 hours due to unexpected delays, the person transporting such animal must notify the department's Salem headquarters office. Such notification shall include the type of species being transported and the location of the animals.

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

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

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; DFW 31-2004, f. 4-22-04, cert. ef. 5-1-04

### **635-056-0100**

#### **Holding of Nonnative Wildlife**

Except as otherwise provided by these rules, persons possessing any Prohibited, Controlled or Noncontrolled wildlife must meet the humane requirements of OAR 635-044-0035. Facilities housing nonnative wildlife and associated records 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 residence.

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

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

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 72-1997, f. & cert. ef. 12-29-97; DFW 79-2000, f. & cert. ef. 12-22-00

### **635-056-0110**

#### **Escaped Wildlife**

Any person (or authorized agent of that person) who possesses either a Prohibited wildlife species permitted under OAR 635-056-0050 or grandfathered by the commission, or a Controlled species under a valid permit, shall notify the department within 24 hours of discovery that the animal has escaped. If the department discovers the escape, it shall notify the permittee or the permittee's authorized agent within 24 hours. If escaped wildlife are not recovered by the permittee or the permittee's agent within forty-eight (48) hours following notification to the department or notification by the department, a department representative, or any peace officer, may at their discretion seize, capture or destroy said wildlife.

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

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

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 72-1997, f. & cert. ef. 12-29-97



OREGON ADMINISTRATIVE RULES  
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**635-056-0130**

**Classification Requests**

(1) For species listed in these rules or classified as Noncontrolled pursuant to OAR 635-056-0140, no person may possess, import, transport, purchase, sell, exchange, or offer to purchase, sell or exchange the species in Oregon, except as provided by these rules, or otherwise provided by law.

(2) For species that are not listed in these rules, or classified pursuant to OAR 635-056-0140, no person may possess, import, purchase, sell, exchange, or offer to purchase, sell or exchange the species in Oregon until the species is classified. This prohibition shall be effective January 1, 2000, except for zebra mussels (*Dreissena polymorpha*) and mitten crabs (*Eriocheir sinensis*), for which the prohibition shall be effective January 1, 1999.

(3) Species may be classified as Prohibited, Controlled or Noncontrolled. The classification may vary by activity (e.g., possession allowed, but sale prohibited). If a specific nonnative species, subspecies or hybrid is not classified as either Prohibited, Controlled or Noncontrolled, or is classified but not for a particular activity (e.g., import, sale, possession, transport), any person may either:

(a) Petition the commission to classify the species or allow the particular activity pursuant to OAR 137-001-0070; or

(b) Request the director to classify the species as Noncontrolled, pursuant to OAR 635-056-0140.

(c) Any person petitioning or requesting classification shall provide information illustrating that the requested action will not harm, nor has the potential to harm, any native species or its habitat. The information should be scientific in nature, in written form and include an appropriate literature cited section.

(4) In evaluating a request to classify a species, subspecies or hybrid, the commission may consider the following factors, when appropriate:

(a) Potential to introduce disease or parasites to native wildlife populations;

(b) Potential for interbreeding or hybridizing with native wildlife;

(c) Possible competition with native wildlife for habitat, food, water, etc.;

(d) Impacts on the habitat of native wildlife;

(e) Potential predation on native wildlife;

(f) Feasibility and cost of capturing or eradicating escaped animals; or

(g) Any other factor or consideration the commission considers necessary to protect and maintain native wildlife.

(5) The director may appoint a Wildlife Integrity Review Panel to consider the information presented by the petitioner as appropriate. The director may, in appointing the panel, consider scientific expertise, professional background, and other qualifications needed to make sound decisions. The director may seek commission recommendations in making Wildlife Integrity Review Panel appointments. If convened, the panel shall make a recommendation to the commission on the classification of the species, subspecies or hybrid and what conditions, if any, should apply to the proposed activity (e.g., import, sale, possession, transfer).

(6) The director may call for scientific based studies or other verifiable information useful in placing the requested species in the appropriate classification category.

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

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

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 59-1997, f. & cert. ef. 9-3-97; DFW 99-1998, f. & cert. ef. 12-22-98; DFW 116-2001, f. & cert. ef. 12-18-01



OREGON ADMINISTRATIVE RULES  
OREGON DEPARTMENT OF FISH AND WILDLIFE

**635-056-0140**

**Noncontrolled Classification**

(1) Upon a request pursuant to OAR 635-056-0130(3)(b), the director may classify a species as Noncontrolled if the director determines, based upon scientific information, that the species presents a low risk of harm to native wildlife. In evaluating the risk, the director shall determine the relative risk (high, medium, low, unknown) for each of the following criteria:

- (a) Whether the species' natural range and habitat is similar to Oregon's climate and habitat;
- (b) Whether the species has an invasive history;
- (c) Whether the species can survive in Oregon;
- (d) Whether the species has the potential to prey upon native wildlife;
- (e) Whether the species can potentially degrade the habitat of native wildlife;
- (f) Whether the species has the potential to pass disease or parasites to native wildlife;
- (g) Whether the species has the potential to compete for food, water, shelter, or space with native wildlife; and
- (h) Whether the species has the potential to hybridize with native wildlife;
- (i) Whether the species can be readily distinguished from a native species, or a prohibited or controlled species.

(2) If the director determines that the risk for all of the above criteria is low, or that the risk for one of the criterion is medium and the risk for the remaining criteria is low, then the director may classify the species as Noncontrolled. If the director determines that the risk for any of the criteria is high or unknown, or that the risk for two or more of the criteria is medium, the director shall refer the petition to the commission for a decision.

(3) The director shall notify the petitioner in writing of any decision and the rationale for that decision. If the petitioner or an affected person disagrees with the director's decision to list a species as Noncontrolled, the person may request the commission to review the director's decision.

(4) The director shall maintain a list of those species classified as Noncontrolled, and shall make the list available to the public.

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

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

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 59-1997, f. & cert. ef. 9-3-97; DFW 79-2000, f. & cert. ef. 12-22-00

**635-056-0150**

**Grandfathering**

(1) A person who possessed a Prohibited wildlife species prior to the time the commission places the species on the Prohibited list, or an unclassified species if legally obtained prior to January 1, 2000, may continue to hold the animal(s) for the life of such animal(s), provided:

- (a) The person has proof of legal possession prior to the listing (e.g., sales receipt, import permit from Oregon Department of Agriculture, or signed affidavit);
- (b) The animal(s) and any offspring are not released, transported, imported, sold, purchased, exchanged, offered for sale, purchase or exchange, or otherwise transferred within the state; and
- (c) The person abides by all regulations outlined in OAR 635-056-0110.

(2) A Prohibited wildlife species legally held in compliance with the requirements of subsection (1) of this rule may be sold or exchanged provided that the animal is directly and permanently transported out of Oregon.



**OREGON ADMINISTRATIVE RULES  
OREGON DEPARTMENT OF FISH AND WILDLIFE**

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

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

Hist.: FWC 69-1996, f. & cert. ef. 12-20-96; FWC 59-1997, f. & cert. ef. 9-3-97; DFW 116-2001, f. & cert. ef. 12-18-01

Amended October 2009