

Revisions to the following rules are indicated by deleted words and sections in brackets with strike through [~~word~~]; new words, sentences or significantly revised sections in **bold and underlined**; and original wording was left unchanged in the text. The Wildlife Rehabilitation section was removed and placed in a new Division 62 of Chapter 635 of the Oregon Administrative Rules.

DIVISION 44

NEW DIVISION TITLE:

PROTECTED WILDLIFE, HOLDING, AND PROPAGATING RULES

~~[HOLDING, PROPAGATING, REHABILITATING,
AND PROTECTED WILDLIFE]~~

DIVISION 44

PROTECTED WILDLIFE, HOLDING, AND PROPAGATING RULES

635-044-0000

Purpose

The purpose of these rules is to~~[regulate the]~~ **identify the species of wildlife that are protected , wildlife that may be held, conditions for** holding, **and regulate the** propagation of game birds and **other** native wildlife except those cervids regulated ~~[pursuant to]~~ by OAR chapter 635, division 49. ~~[to regulate the rehabilitation of wildlife and to list species determined to be protected nongame wildlife]~~

Stat. Auth.: ORS 496.004, 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498. 222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498. 222 & 498.242

635-044-0002

Taxonomy

(1) Scientific taxonomic nomenclature reflects the following:

(a) Fish:

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

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

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

(b) Amphibians and reptiles -- Crother, B. I., editor.~~[2008]~~ **2012**. Scientific and standard English names of amphibians and reptiles of North America north of Mexico, with comments regarding confidence in our understanding. 7th Edition. Society for the Study of Amphibians and Reptiles, Herpetological Circular No. 37.

(c) Birds -- Marshall, D.B., M.G. Hunter, A.L. Contreras, editors. 2003. Birds of Oregon: A General Reference. Oregon State University Press. Corvallis, Oregon ~~[Chesser, R.T., R.C. Banks, F.K. Barker, C. Cicero, J.L. Dunn, A.W. Kratter, I.J. Lovette, P.C. Rasmussen, J.V. Remsen, Jr., J.D. Rising, D.F. Stotz, and~~

~~K. Winker. 2009. Fiftieth supplement to the American Ornithologists' Union Check List of North American Birds. The Auk. 126:705-714]~~

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

(2) If the taxonomic status of individual species is changed through subsequent publications, scientific taxonomy shall remain as cited in 635-044-0002(1) and 635-044-0005 for the purposes of implementing and enforcing 635-044-0000 through 635-044-0085.

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

635-044-0003

Definition of Terms

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

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

(3) "Department" means Oregon Department of Fish and Wildlife.

(4) "Endangered species" means those species defined in ORS 496.004(6).

(5) "Facility" means any building, structure, cage, pen that wildlife may be kept, fed, exercised, held during any portion of its life stages.

(6) "Grandfathering" means, for the purpose of these rules, that a person who possessed legally held native wildlife prior to the date the Commission adopts these amended rules (April 24, 2015), may continue to hold the animal(s) for the life of said animal(s) within the provisions of the amended rules.

(7) "Hold" means any form of possession or control of a live 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) "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) "Native" means indigenous to Oregon, not introduced ORS 496.171 (2).

(12) "Nongame wildlife" as defined in ORS 496.375.

(13) "Pedigree" means the record of descent of an animal identifying its ancestry and genetic lineage.

(14) "Permittee" means the person who holds a valid Wildlife Holding Permit or Propagation License issued by the Department.

(15) "Propagation" is the breeding, reproduction, production, incubation, or rearing of wildlife by a human for sale, release, or other uses.

-(16) "Public display" means to place or locate wildlife so that it may be viewed by the public directly or electronically.

(17) "Release" is permitting any legally collected wildlife, domestically raised or imported wildlife currently or previously in possession to exist alive outside an approved holding or propagation facility.

(18) "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 .

(19) "Species" means a unit of classification of animals which are capable of interbreeding and producing fertile offspring.

(20) "Take" means to kill or obtain possession or control of any wildlife (ORS 496.004 (16))

(21) "Threatened species" means those species defined in ORS 496.004 (17).

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

(23) "Wildlife" means those species defined in ORS 496.004 (19).

Stat. Auth.: ORS 496, 496.390, 498.002

Stats. Implemented: ORS 496

635-044-0005 [0130]

Protected Wildlife [Nongame Wildlife Protected]

(1) Except as provided by ORS and OAR 635-044-0010, 635-044-0020, 635-044-0030, 635-062, 635 -050, 635-056, 635-200-0040; it is unlawful for any person to [~~hunt, trap, pursue, kill~~] take, [~~catch, angle for~~] capture, hold, or have in possession, either dead or alive, whole or in part, any wildlife listed in this section:

(a) Threatened or Endangered animals as provided for in 635-100-0125 and species listed by ORBIC as "rare, threatened or endangered" or federal threatened and endangered listed species; or

(b) Non-threatened or non-endangered migratory nongame birds (unless as authorized by a Migratory Bird Depredation Order), or in compliance with all terms and conditions of a Migratory Bird Depredation Permit issued by the 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, or

~~(c) [Protected wildlife listed herein except as otherwise provided by the commission by permit, or with respect to]~~ Pacific Lamprey (*Entosphenus tridentatus*) only 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;

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

- (A) Alvord Lake chub (**Siphateles alvordensis**);
- (B) Oregon lakes tui chub (**Siphateles bicolor oregonensis**);
- (C) Sheldon tui chub (**Siphateles bicolor eurysomus**);
- (D) Oregon chub (*Oregonichthys crameri*);
- (E) Goose Lake tui chub (**Siphateles bicolor thalassinus**);
- (F) Northern** pit roach (**Hesperoleucus symmetricus mitrulus**);
- (G) Millicoma longnose dace (*Rhinichthys cataractae ssp.*);
- (H) Lahonton redbreast **shiner** (*Richardsonius egregius*);
- (I) Goose Lake sucker (*Catostomus occidentalis lacusanserinus*);
- (J) Klamath smallscale sucker, Jenny Creek population (*Catostomus rimiculus*);
- (K) Tahoe sucker (*Catostomus tahoensis*);
- (L) Malheur sculpin (*Cottus bendirei*);
- (M) Margined sculpin (*Cottus marginatus*);
- (N) Pit sculpin (*Cottus pitensis*);
- (O) Pacific lamprey (*Entosphenus tridentatus*);
- (P) Western** river lamprey (*Lampetra ayresii*);
- (Q) Western brook lamprey (*Lampetra richardsoni*);
- (R) Miller Lake lamprey (*Entosphenus minimus*);
- (S) Klamath River lamprey (*Entosphenus similis*);
- (T) Pit-Klamath brook lamprey (*Entosphenus lethophagus*);
- (U) Goose Lake lamprey (*Entosphenus spp.*);

(e) Amphibians:

- (A) Cope's giant salamander (*Dicamptodon copei*);
- (B) Clouded salamander (*Aneides ferreus*);
- (C) Black salamander (*Aneides flavipunctatus*);
- (D) California slender salamander (*Batrachoseps attenuatus*);
- (E) Oregon slender salamander (*Batrachoseps wrightorum*);

- (F) Del Norte salamander (*Plethodon elongatus*);
- (G) Larch Mountain salamander (*Plethodon larselli*);
- (H) Siskiyou Mountains salamander (*Plethodon stormi*);
- (I) Blotched tiger salamander (*Ambystoma mavortium melanostictum*);

(J) Dunn's salamander (*Plethodon dunnii*)

(K) Southern torrent salamander (*Rhyacotriton variegatus*);

(L) Columbia torrent salamander (*Rhyacotriton kezeri*);

(M) Cascade torrent salamander (*Rhyacotriton cascadae*);

(N) Crater lake Newt (*Taricha granulosa mazamae*)

- (O) Rocky Mountain tailed frog (*Ascaphus montanus*)

- (P) Coastal tailed frog (*Ascaphus truei*);

- (Q) Northern red-legged frog (*Rana aurora*);

- (R) Foothill yellow-legged frog (*Rana boylei*);

- (S) Cascades frog (*Rana cascadae*);

- (T) Northern leopard frog (*Lithobates pipiens*);

- (U) Columbia spotted frog (*Rana luteiventris*)

- (V) Oregon spotted frog (*Rana pretiosa*);

- (W) Western toad (*Bufo boreas*);

- (X) Woodhouse toad (*Anaxyrus woodhousii*);

(f) Reptiles

- (A) Western painted turtle (*Chrysemys picta bellii*);

- (B) Western pond turtle (*Actinemys marmorata*);

- (C) Great Basin collared lizard (*Crotaphytus bicinctores*)

- (D) Long-nosed leopard lizard (*Gambelia wislizenii*);

- (E) Pygmy short-horned lizard (*Phrynosoma douglassi*);

- (F) Desert horned lizard (*Phrynosoma platyrhinos*);

- (G) Sharp-tailed snake (*Contia tenuis*);

- (H) Common kingsnake (*Lampropeltis getula*);

- (I) California mountain kingsnake (*Lampropeltis zonata*);

- (J) Western ground snake (*Sonora semiannulata*);

(K) Racer (*Coluber constrictor*)

(L) Rubber boa (*Charina bottae*)

(M) Night snake (*Hypsiglena chlorophaea*)

(N) Striped Whip snake (*Coluber taeniatus*)

(O) Ring-necked snake (*Diadophis punctatus*)

(g) Birds: All nongame birds except European starling (*Sturnus vulgaris*), house sparrow (*Passer domesticus*), and Eurasian collared-dove (*Streptopelia decaocto*).

(h) Mammals:

(A) All bats in the Order Chiroptera;

(B) American pika (cony) (*Ochotona princeps*);

(C) Pygmy rabbit (*Brachylagus idahoensis*);

(D) White-tailed jack rabbit (*Lepus townsendii*);

(E) Chipmunk (*Tamias amoenus*, *T. minimus*., *T. senex*, *T. siskiyou* and *T. townsendii*);

(F) Golden-mantled ground squirrel (*Spermophilus lateralis*);

(G) Chickaree or red squirrel (*Tamiasciurus. hudsonicus*);

(H) White-tailed antelope squirrel (*Ammospermophilus leucurus*);

(I) Northern flying squirrel (*Glaucomys sabrinus*);

(J) White-footed vole (*Arborimus albipes*);

(K) Ringtail (*Bassariscus astutus*);

(L) Fisher (*Martes pennanti*);

(M) All marine mammals.

[~~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, 496.162, 498.012 & 506.119

Stats. Implemented: ORS 496.162 & 506.129

635-044-0010

Protected Wildlife Capture and Holding of Wildlife

Wildlife may not be captured from the wild and/or held unless authorized by the Director or after acquiring:

(1) Wildlife Holding Permit (635-044-0020 (1) and 635-044-0030);

(2) Wolf Holding Permit (635-044-0020 (6))

- (3) Wildlife Propagation License (635-044-0060(1)) including select native and game bird species as defined in 635-045-0002 (34) of the families Columbidae, Anatidae, Tetraonidae, Phasianidae and Odontophoridae or other wildlife species approved by the Director.
- (4) Falconry License (OAR 635-055-0010);
- (5) Wildlife Rehabilitation Permit (OAR 635-062-0010);
- (6) Scientific Taking Permit (OAR 635-043-0023);
- (7) Game Bird Release Permit for Hunting Dog and Raptor Training and Competitive Hunting Dog Trial Permit (applicable to common pheasant (all races of *Phasianus colchicus*); California (valley), bobwhite and Coturnix quail; Hungarian (gray), chukar, and red-legged partridge; or mallards as defined in OAR 635 Division 046.
- (8) Hunting Preserve License (pheasants, quail, and partridge) defined in 635 -047-0015
- (9) Holding and Propagation Captive Cervid permits as defined in OAR 635, Division 049;
- (10) Federal Wildlife Permit (Form 3-200). A federal permit will serve in lieu of a state Wildlife Holding Permit for birds protected by the federal Migratory Bird Treaty;
- (11) Fox (*Vulpes vulpes* or *Urocyon cinereoargenteus*) or mink (*Mustela vison*) may be held by a commercial fur farm under authority of the Oregon Department of Agriculture (ORS 596.010 (3); 609.125; 596.020 (2)).
- (12) Fish Transport Permit (OAR 635-0007-0600);
- (13) Fish Propagation License (OAR 635-007-0650);
- (14) Sturgeon Propagation Permit (OAR 635-007-0725);
- (15) Scientific Taking Permit (OAR 635-007-0900);

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

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 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.

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]

[635-044-0015

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.]~~

~~[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]~~

~~[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.~~

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]

635-044-0015 [635-044-0005]

Permit Required to Hold Wildlife

(1) Captured and held nongame wildlife species listed in 635-044-0030 require a Wildlife Holding Permit when more than two (2) animals per species are held [except] or unless authorized under a permit listed in 635-044-0010.

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

(3) Wildlife legally held and defined under 635-044-0020 and 635-044-0025 requires a Wildlife Holding or Wolf Holding Permit.

(4) Certify to the Department that the Wildlife Holding permittee's species held complies with any applicable city or county ordinances and any applicable federal laws.

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

(a) game bird species legally acquired and held under a Wildlife Propagation License;

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

(c) game birds legally acquired from a licensed propagator or with a valid import permit from the Oregon Department of Agriculture;

(d) fox or mink propagated on a commercial fur farm;

(e) game fish legally acquired and possessed with a valid Fish Transport Permit.

(6) Cancellation or non-renewal of licenses or permits and contested case procedure is defined in 635-044-0075.

[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.]

[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. 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]~~

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

635-044-0020

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

- (1) Black bear, cougar, bobcat, wolves, raccoon and skunk held in captivity require a Wildlife or Wolf Holding Permit for each species held.**
- (2) Black bears, cougars, bobcats, wolves, raccoons and skunks acquired by transfer or new holding application, and following adoption of these revised rules (March 18, 2016), shall only be held at Oregon AZA accredited facilities or as approved by the Director.**
- (3) Black bears, cougars, bobcats, wolves, raccoons and skunks held legally prior to the adoption of these rules may only be held at AZA accredited facilities or in Department approved facilities meeting standards defined in the Oregon Enclosure and Caging Standards for Holding Wildlife (Exhibit 1). The facilities housing legally acquired black bear, cougar, bobcats, wolves, raccoons and skunks must meet the minimum facility standards defined herein within one year following the adoption of these rules.**
 - (a) No more than one black bear, one cougar, and one bobcat may be held on a Wildlife Holding Permit unless approved by the Director.**
 - (b) No more than two raccoons, two skunks, or two wolves may be held on a Wildlife Holding Permit without approval by the Director.**
 - (c) Black bears, cougars, bobcats, wolves, raccoons and skunks must be marked permanently with either a lip tattoo and/or implanted Radio Frequency Identification Device (RFID). Holders of grandfathered animals, as defined in 635-044-0025, shall meet the**

documentation requirements within one year from the adoption of these revised rules (March 18, 2016).

- (d) Live black bears, cougars, bobcats, wolves, raccoons, and skunks shall not be removed from the wild with the exception of animals captured and placed by the Department in an AZA accredited facility, or in an approved licensed Wildlife Rehabilitation facility, or under a Scientific Taking Permit (OAR 635-043-0023) or as nuisance wildlife captured by permit (OAR 635 Div. 435) or as approved by the Director.
 - (e) Black bears, cougars, bobcats, wolves, raccoons, and skunks held on a Wildlife Holding Permit cannot be bred, reproduced, or propagated in Oregon, including grandfathered animals.
 - (f) Black bears, cougars, bobcats, wolves, raccoons and skunks may only be transferred between valid Wildlife Holding or Wolf Holding permittees with prior approval by the Director.
 - (g) Black bears, cougars, bobcats, wolves, raccoons and skunks must be held within facilities approved by the Department, except when:
 - (A) transported to or from licensed Oregon veterinary clinics or other ODFW-approved facilities;
 - (B) or on public display by a USDA class A, B or C license holder.
 - (h) Application renewals must include a description of permanent animal identification mark and mark location, and veterinary documentation of reproductive sterilization if required.
 - (A) No access or contact shall occur between wild animals and captive black bear, cougar, bobcats, wolves, raccoons and skunks or other wildlife held on a Wildlife Holding Permit.
- (4) The burden of proof of the hybridity of a bobcat-cross or wolf-cross animal is the responsibility of the animal owner. A wolf is considered “pure-bred” when the animal’s genetic and phenotypic makeup does not include any genetic material or characteristics of a domestic dog or other canine, resulting in a hybrid. Documentation in the form of breeding evidence by pedigree and record, records of acquisition and disposition, transactions, and sworn statements, will be required of all bobcats and wolves claimed to be hybrids and genetic testing may be conducted by the Department. Lack of sufficient proof of hybridity as determined by the Department will genetically classify the animal as a bobcat or wolf requiring a Wildlife Holding Permit or Wolf Holding Permit and regulation under the conditions of these rules. ~~[(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.]~~

(5) Raccoons and Skunks

- (a) Two or more held raccoons or skunks of different sexes requires sterilization of either sex to prevent propagation prior to sexual maturity and within (30) days of permit issuance for adult animals with documented certification by a licensed veterinarian.
- (b) Held raccoons and skunks must be caged or restrained when transported beyond the permitted facility.

(6) [~~Holding Pure Bred~~]Gray Wolf or Wolves in Captivity [~~635-044-0051~~]

[~~This rule governs the holding in captivity of pure bred wolves in Oregon, with the objective of protecting the public's native wildlife.~~]

(a) The Department will only issue new permits to hold a pure-bred wolf in captivity to AZA accredited facilities and no new animals may be added to grandfathered collections without approval by the Director.

(b) To maintain the authority to hold one or more pure-bred gray wolves in captivity, a person described in 635-044-0025 (2) must:

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

(I) Apply to the Department for an annual [~~captive~~] Wolf Holding Permit [~~using a form provided by the Department. Such permits will have a term of two years and may~~] that may include [, ~~but are not limited to,~~] conditions designed to protect native wildlife and human safety;

(II) Remit to[~~Pay~~] the Department a fee of \$100 (plus a \$2.00 license agent fee) for the permit or permit renewal; and

(III) Demonstrate [~~certify~~] to the Department that the person's wolf handling facility complies with any applicable city or county ordinances and any applicable federal laws.

(c) Current holders of captive wolves must:

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

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

(d) The permit holder must provide a copy of their current federal permits to the department with their Wildlife Holding Permit application or renewal.

[~~(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.]

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

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

635-044-0025

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

(1) A person who legally possessed native wildlife (black bear, cougar, bobcat, wolf, raccoon, skunk, squirrel, chipmunk) or other legally held species prior to the time the Commission adopts the amended rules may continue to hold said animal(s) for the remainder of the animal(s) life provided:

(a) The holder submits an application for an annual Holding Permit (Wildlife or Wolf), pays the associated fees, and secures a Holding Permit within a one year of the adoption of these amended rules.

(b) Grandfathered animals are held in Department approved facilities meeting standards defined in the Oregon Enclosure and Caging Standards for Holding Wildlife(Exhibit 1). The facilities housing legally acquired Grandfathered Black Bear, Cougar, Bobcat, Wolves, Raccoon, Skunk, Squirrel, Chipmunk and Other Legally Held Non-game Species, must meet the minimum facility standards defined herein within one year following the adoption of these rules.

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

(d) Grandfathered animals may not be bred. Two or more held grandfathered animals of the same species of different sexes requires sterilization of either sex to prevent propagation prior to sexual maturity and within (30) days of permit issuance with documented certification by a licensed veterinarian.

(2) The only person(s) who may hold pure-bred wolves in captivity are those who, as of December 31, 2009, held a gray wolf or wolves in captivity 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 635-044-0020(6) [~~paragraphs (4) or (5)~~] of this rule.

(3) Grandfathered black bears, cougars, bobcats, wolves, raccoons, and skunks may only be transferred from the original Wildlife or Wolf Holding Permit to an AZA accredited facility or as approved by the Director.

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

Stat. Auth.: ORS 498.002, 496.171 - 182

Stats. Implemented: ORS 498.002, 496.171 - 182

635-044-0030

Holding of Nongame Wildlife

1) **Native nongame wildlife or their parts or products may not be sold or live animals propagated.**

Only nongame species from the following list are permitted to be held. A Wildlife Holding Permit is required to hold more than two animals per species for each facility or household. The following list of species is determined to be demonstrably widespread, abundant, and secure through the Oregon Biodiversity Information Center (ORBIC) 2013 -- Rare, Threatened and Endangered Vertebrate Species of Oregon, Updated September 2013:

(a) **Amphibians**

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

(b) **Reptiles**

- (A) **Great Basin Whiptail (*Aspidoscelis tigris tigris*)**
- (B) **Northern Alligator Lizard (*Elgaria coerulea*)**
- (C) **Southern Alligator Lizard (*Elgaria multicarinata*)**
- (D) **Western Skink (*Plestiodon skiltonianus*)**

- (E) Northern Sagebrush Lizard (*Sceloporus graciosus graciosus*)
- (F) Western Fence Lizard (*Sceloporus occidentalis*)
- (G) Common Side-Blotched Lizard (*Uta stansburiana*)
- (H) Western Rattlesnake (*Crotalus oreganus*): excluding Willamette Valley populations
- (I) Pacific Gopher Snake (*Pituophis catenifer*)
- (J) Western Terrestrial Garter Snake (*Thamnophis elegans*)
- (K) Northwestern Garter Snake (*Thamnophis sirtalis*)

(c) Mammals

- (A) North American Porcupine (*Erethizon dorsatum*)
- (B) Long-Tailed Vole (*Microtus longicaudus*)
- (C) Montane Vole (*Microtus montanus*)
- (D) Ermine (*Mustela erminea*)
- (E) Long-Tailed Weasel (*Mustela frenata*)
- (F) Bushy-Tailed Woodrat (*Neotoma cinerea*)
- (G) Deer Mouse (*Peromyscus maniculatus*)
- (H) Coast Mole (*Scapanus Orarius*)
- (I) California Ground Squirrel (*Spermophilus beecheyi*)
- (J) Belding's Ground Squirrel (*Spermophilus beldingi*)
- (K) Brush Rabbit (*Sylvilagus bachmani*)
- (L) Douglas's Squirrel (*Tamiasciurus douglasii*)

2) Additional species may be petitioned for proposed inclusion to or removal from the list of species permitted and held under a Wildlife Holding Permit with a written request and justification submitted to the Director.

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

Stat. Auth.: ORS 498.002, 496.171 - 182

Stats. Implemented: ORS 498.002, 496.171 - 182

635-044-0035 [635-044-0030]

Cost and Expiration Date, and Changes to a Wildlife Holding Permit

- (1) Any person desiring to obtain a Wildlife Holding Permit must be an Oregon resident with a legal Oregon address and submit a complete application and a non-refundable application fee of \$25 and license agent fee listed on the permit application [plus a \$2.00 license agent fee]. A separate application and

associated fees are required for each species requested for holding. Upon approval of application, a permit will be issued for approved species.

- (2) **The Wildlife Holding Permit expires on December 31 of the year issued.**
- (3) **All permit renewals and payment of associated fees must occur before the expiration date of the current permit. Verification of annual permit requirements (if applicable to the permit) must accompany the renewal application.**
- (4) **A new application is required for any change of address by the permittee.**
- (5) **The addition of animals of the species approved on the original permit requires prior approval by the local department biologist.**
- (6) **Except as directed in 635-044-0025 (3), wildlife held on a Wildlife Holding Permit may only be transferred to another Wildlife Holding Permittee and requires:**
 - (a) **the species transferred is listed on the receiving permittee's Wildlife Holding Permit, and;**
 - (b) **a new application and updated Wildlife Holding Permit and payment of associated fees for the addition of animals of the species transferred, and;**
 - (c) **approval by the Director.**
- (7) **Failure to renew a Wildlife Holding Permit by December 31 of the year issued may result in a penalty or confiscation of held species, fines, and denial of a future permit.**
- (8) **The Department may revoke or decline to renew a Wildlife Holding Permit if the permittee is convicted of, or admits to a violation of any wildlife law or any rule, order or permit issued under the wildlife laws within the previous 5 years of the date of application. Upon revocation or non-renewal of a permit, the Department will confiscate any birds, mammals, amphibians and reptiles held.**
- (9) **Cancellation or non-renewal of application, licenses, or permits and contested case procedure is defined in 635-044-0075.**

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

635-044-0040 [635-044-035]

Requirements for Care of Wildlife Held in Captivity

Wildlife held in captivity under any permit, license, or condition listed in 635-044-0020 and 635-044-0030 or under a Wildlife Propagation license must be:

(1) Provided minimum care sufficient to preserve the health and well-being of the held animal (except for emergencies or circumstances beyond the reasonable control of the holder), includes, but is not limited to, the following requirements:

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

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

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

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

(e) Continuous access to an area:

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

(B) With air temperature suitable for the species of animal; and

(C) Shall be cleaned and kept free from excess food or fecal waste or other contaminants which could affect the health of the animal

(f) Captive wildlife may not be restrained with a chain or rope or hobbles or similar restraint method.

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

(a) Wildlife held on a Wildlife Holding Permit may not be harvested as a game species, used in hunting, fur trapping, or pursuit seasons, or for competitive hunting dog trials or training of hunting dogs and raptors.

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

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

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

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

~~[(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.]~~

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

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

635-044-0045 [635-044-0040]

Inspection of Facilities

(1) Facilities ~~[for care of]~~ **holding** 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.

(2) Any inspection(s) of facilities by Department personnel for all permits issued under this Division involving approval of new or modified facilities may require a \$150 inspection fee as determined by the Department.

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

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

635-044-0050 [635-044-0025]

Ownership of Captured Wildlife Held in Captivity

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

(2) Wildlife native to Oregon and acquired legally from an out-of-state propagator and held in captivity requires a Wildlife Holding Permit. They are not considered property of the state of Oregon but are subject to the same wildlife rules as legally acquired native wildlife collected in Oregon and held in captivity and cannot be sold, exchanged, bartered, transferred or released in Oregon except as authorized by the Director.

[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.]

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

635-044-0055 [635-04-0050]

Possession of Coyote Prohibited Without Permit

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

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

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

[635-044-0045

Cancellation of Permit

~~Failure to comply with the requirements for holding wildlife is cause to cancel the permit and confiscate the wildlife being held.~~

~~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]~~

Wildlife Propagation License Regulations

635-044-0060

License Required to Propagate Wildlife

(1) Any person, institution or business desiring to propagate select bird species of the families Columbidae, Anatidae, Tetraonidae, Phasianidae and Odontophoridae (OAR 635-046 –0050 (f), and 635-046-0055 (6)) must obtain a Wildlife Propagation License. The applicant must submit a complete application and a non-refundable application fee.

~~[Any person desiring to propagate for sale any game mammal (excluding the family Cervidae) or game bird, or desiring to sell any propagated game mammal (excluding the family Cervidae) 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) The cost of an annual Wildlife Propagation Licenses will be listed in the License Fee Schedule and include a \$5.00 Application fee and a \$2.00 License Agent fee. ~~[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) Wildlife Propagation Licenses expire on December 31 of the year issued.

(4) Any person desiring to propagate and sell or barter any raptor as defined in OAR 635-055-0002 (3) protected by federal law must first adhere to all permit requirements and regulations pertaining to the propagation and selling of raptors, as adopted by the U.S. Department of the Interior on July 8, 1983. (Federal Register, Vol. 48, No. 132, Part 21). The license holder must provide a copy of their current federal permits to the department with their application or renewal.

(5) Licensed propagators with a 2015 license may petition to retain the species not listed in 635-044-0060 (1) for inclusion on their propagation license with a written request and justification submitted for approval by the Director.

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

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.~~

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]

635-044-0065 [635-044-0080]

Shipping Requirements

(1) 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:

- (a) Name, address, and Wildlife Propagation License number of shipper;
- (b) Name and address of consignee;
- (c) Species name (common and scientific) and numbers of wildlife contained; **and,**
- (d) Import of wildlife to Oregon or export from the state requires a Certificate of Veterinary Inspection from a federally accredited veterinarian. Imported wildlife must be accompanied by an Oregon Department of Agriculture import permit with exceptions listed in OAR 603-011-0255.**

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

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

635-044-0070 [635-044-0075]

Record Keeping and Reporting Requirements **for Wildlife Holding and Propagation**

(1) A record of all business transactions involving sale or purchase of eggs, ~~or~~ game birds, **and all other wildlife native to Oregon** must be **current to date and available at the facility as listed on the permit.**

Records **for the current calendar year** must be **made** available for inspection by Oregon State Police or Oregon Department of Fish and Wildlife personnel.

(2) An annual report of operations must be [submitted with each license renewal application or by] received by January 15 ~~[of the next year if the licensee does not submit a renewal application].~~ The annual report shall include the total **number of animals by species purchased or acquired and all sales or transfers by species, including eggs, births and deaths within the previous calendar year** ~~[of all purchases and sales by species of mammals, birds, or bird eggs].~~

(3) Wildlife held under a Wildlife Holding or Propagation Permit must have prior Department authorization before transfer, transport or export from Oregon under a permit issued by the

Department and must have a certificate of veterinary inspection and any import permit or license required by the receiving state.

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

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

635-044-0075 [~~635-044-0125~~]

Cancellation and Non-Renewal of **Wildlife Propagation License** or **Wildlife Holding or Wolf Holding Permit**

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

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

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

635-044-0080

Disposition of wildlife upon license suspension, revocation, nonrenewal or denial

(1) Within 90 days after any of the following events, any person holding wildlife with a Wildlife Holding Permit, Wolf Holding Permit, or Wildlife Propagation License must dispose of the animals:

(a) Suspension, revocation or expiration of the Wildlife Holding Permit, Wolf Holding Permit, or Wildlife Propagation License;

(b) Denial of an application for license; or

(c) Receipt of a notice from the Department informing the holder that the wildlife held is/are not authorized by license.

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

(a) Humanely euthanize;

(b) Transfer to another licensed Wildlife Holding or Propagation facility; or

(c) Export from Oregon.

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

(4) The holders of any wildlife of which the Department disposes pursuant to paragraph (3) must compensate the State of Oregon for any and all expenses incurred by the State during disposition. Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162, 497.228, 498.002, 498.019, 498.052 & 174.106 Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162, 497.228, 498.002, 498.019, 498.052 & 174.106

635-044-0085

Control of Disease Outbreaks in Captive Wildlife

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

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

(3) Failure by the holder to take action ordered by the Department pursuant to paragraph (2), may result in the Department or its agents entering the holder's facility to confine, euthanize, or transfer diseased wildlife. Nothing in these rules is intended to authorize or allow the warrantless search or inspection of a permit holder's residence. The holder is liable for any costs the State of Oregon so incurs. The Department bears no liability for such actions.

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