

1 DIVISION 049

2 PRIVATE HOLDING OR PROPAGATING OF CERVID SPECIES

3  
4  
5 635-049-0001

6 Policy

7 These rules govern holding and propagation of cervids in Oregon. Oregon’s wildlife policy (ORS  
8 496.012) requires the Fish and Wildlife Commission to prevent “serious depletion of any indigenous  
9 wildlife species.” More specifically, ORS 497.228 requires the Commission to ensure that cervid  
10 propagation operations are conducted “in such manner as will not be harmful to existing wildlife  
11 populations.” Accordingly, these rules regulate the private holding and propagation of cervids to  
12 protect the public’s native wildlife. In particular, the Commission is concerned that unregulated  
13 holding of captive cervids would put the public’s native wildlife at risk in terms of genetic pollution  
14 and disease.

15  
16 635-049-0005

17 Definitions

18 The following define terms used in these Division 049 cervid-holding rules:

19 (1) “Cervids” are animals of the family *Cervidae* (deer, elk, moose, reindeer, and caribou).

20 (2) A “captive cervid” is any live cervid held in a state of more than temporary confinement.

21 (3) “Department”, unless otherwise specified in these rules, means the Oregon Department of Fish  
22 and Wildlife.

23 (4) “Division Administrator” means the Wildlife Division Administrator of the Oregon Fish and  
24 Wildlife Department.

25 (5) “Director”, unless otherwise specified in these rules, means the Director of the Oregon  
26 Department of Fish and Wildlife.

- 27 **(6) “Double-fenced” means two parallel lines of fence spaced no less than 10 feet apart.**
- 28 **(7) “Escape” is when a captive cervid leaves a holding facility and wanders freely without an**
- 29 **intentional or negligent act by the holder.**
- 30 **(8) A “hybrid” is an animal produced by crossing the sperm or egg of an individual of one species**
- 31 **or subspecies with the egg or sperm of an individual of any other species or subspecies.**
- 32 **(9) “Native cervids” are those endemic to Oregon (mule deer, black-tailed deer, white-tailed deer,**
- 33 **Roosevelt elk, Rocky Mountain elk and moose).**
- 34 **(10)“Non-native cervids” are cervids other than native cervids.**
- 35 **(11) “Person” means any individual, partnership, corporation, limited liability company, trust,**
- 36 **association or governmental entity.**
- 37 **(12) “Release” is when a holder intentionally or through negligence allows a captive cervid to leave**
- 38 **a holding facility and wander freely.**
- 39 **(13) A “wild cervid” is a native cervid born in the wild.**

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41 **635-049-0015**

42 **Basic requirements**

43 **(1) Cervids may not be held except as authorized by a cervid license issued by the Department.**

44 **(a) To hold Rocky Mountain elk (*Cervus elaphus nelsoni*), Roosevelt elk (*Cervus elaphus roosevelti*),**

45 **Sika deer (*Cervus nippon*), Muntjac deer (*Muntiacus sp.*), white-tailed deer (*Odocoileus virginianus*)**

46 **or black-tailed deer (*Odocoileus hemionus columbianus*), a Type 1 license is required.**

47 **(b) To hold fallow deer (*Dama dama*) or reindeer (*Rangifer tarandus*), a Type 2 license is required.**

48 **(c) No other species or subspecies of cervids may be held under a cervid license.**

49 **(2) The following are exceptions to the cervid license requirements of subsection (1):**

50 **(a) A scientific take permit issued pursuant to OAR Chapter 635, Division 043 may authorize the**

51 **holding of cervids for the purpose of scientific research;**

52 (b) A wildlife rehabilitation permit issued pursuant to OAR Chapter 635, Division 044 may  
53 authorize the temporary holding of wild cervids for the purpose of rehabilitation and return to the  
54 wild;

55 (c) Public agencies may hold cervids as necessary in the performance of their official duties.  
56 Temporary holding of cervids by public agencies is not subject to these Division 049 rules. The  
57 Director may exempt a public agency's permanent holding of cervids from any or all of these  
58 Division 049 rules upon a finding that the operation would not tend to be harmful to existing  
59 wildlife populations and would significantly benefit the public.

60 (3) Hybridization of native cervids held in captivity is prohibited, except that.

61 (a) Hybrids of Rocky Mountain and Roosevelt elk may be held if specifically authorized in the  
62 license.

63 (b) Hybrids of native cervids and other native or non-native cervids may be held as part of a  
64 scientific effort if determined by the Director of the Department to be of overwhelming benefit to  
65 wildlife or wildlife habitat in Oregon and if specifically authorized as a condition of a license.

66 (4) No pairings between wild and captive cervids are allowed for the purpose of producing offspring  
67 unless specifically authorized as a license condition.

68 (5) If a licensed facility contains no cervids for more than 180 consecutive days, the license is  
69 deemed forfeited. Anyone whose license the Department proposes to forfeit may request a  
70 contested case hearing within 14 days of notice of the proposed decision.

71

72 635-049-0025

73 Import or Export

74 (1) It is unlawful to import live cervids. However, live reindeer that leave Oregon temporarily for  
75 educational or display purposes may return to Oregon upon obtaining any necessary Department  
76 of Agriculture permits, provided:

77 (a) The reindeer have had no contact with other cervids while outside Oregon; and

78 (b) The Department of Fish and Wildlife is notified each time before the reindeer re-enter Oregon.

79 (2) Cervid gametes or embryos may be imported into Oregon only under the following conditions:

80 (a) The person proposing to import provides the Department with documentation of the pedigree of  
81 the parents;

82 (b) The gametes or embryos are of the species or subspecies for which the recipient is licensed to  
83 hold; and

84 (c) The Department approves the import proposal in advance as posing no threat to native wildlife.

85 (3) Live cervids, gametes and embryos may be exported from Oregon, and cervid gametes and  
86 embryos may be imported into Oregon, only by a holder of an Oregon license valid for that species  
87 or subspecies, and provided that the licensee complies with all requirements of the Oregon  
88 Department of Agriculture governing transport, import and export in addition to provisions of  
89 OAR Chapter 635 Division 049.

90 (4) To the extent import or export of cervids, gametes or embryos is allowed by the above, anyone  
91 proposing such import or export must obtain a permit from the Department in advance.

92 (5) Note the requirements of OAR 635-049-0265 governing transport of cervids.

93 (6) It is unlawful for any person to export any bull elk that the person knows or should know will be  
94 used in a shooter bull operation. A “shooter bull operation” means a privately owned entity  
95 offering the hunting of bull elk for a fee or other remuneration within a fenced enclosure designed  
96 to prevent the elk’s escape into the wild.

97

98 635-049-0035

99 Hunting of privately held cervids prohibited

100 It is unlawful to hunt, kill, or attempt to hunt or kill cervids held by a private party; however:

101 (1) Any person may slaughter such a cervid for meat or leather production;

102 (2) Any person may euthanize such a cervid for scientific, health, safety or other valid husbandry  
103 concerns; and

104 (3) The Department's Wildlife Division Administrator may authorize any person to hunt or kill a  
105 captive cervid if the Division Administrator determines it would be in the best interest of sound  
106 wildlife management. The Division Administrator may impose conditions on such authorizations.

107

108 635-049-0045

109 Release or escape of captive cervids

110 (1) It is unlawful to release, or to negligently allow to escape, any captive cervids without first  
111 obtaining a permit from the Department pursuant to ORS 498.052, or unless operating under a  
112 rehabilitation or scientific take permit.

113 (2) Any cervids that have escaped or been illegally released from captivity are deemed a public  
114 nuisance.

115 (3) Captive cervids that have escaped or been illegally released from a holding facility are  
116 unprotected wildlife, and therefore may be killed by any person authorized under provisions of  
117 635-049-0035(3).

118 (4) Any person holding cervids other than under a rehabilitation or scientific take license or permit  
119 must notify the Department immediately of any release or escape of cervids and must, at their own  
120 expense, recapture or destroy the cervids within 72 hours of discovering the release or escape. If  
121 they do not recapture or destroy the released or escaped cervids within 72 hours, the Department  
122 or its agent may capture or destroy such cervids. The Department may seek reimbursement from  
123 the holder for any expenses the State of Oregon incurs in recovering, maintaining or disposing of  
124 such cervids, plus any damage to the state's wildlife or wildlife habitat. In deciding whether to seek  
125 reimbursement, the Department will consider the nature, scope and environmental impact of the  
126 release or escape, as well as whether the holder acted promptly and in a cooperative manner to deal  
127 with the release or escape. If the Department demands reimbursement, the holder must reimburse  
128 the Department in full within 30 days of receipt of the written demand.

129 (5) Any person holding cervids must keep wild cervids out of enclosures holding at least one  
130 captive cervid. If a wild cervid enters an enclosure holding at least one captive cervid, the holder  
131 must notify the Department and remove the wild cervid as soon as practicable.

132 (6) Notwithstanding subsection (4), if the Division Administrator determines that released or  
133 escaped cervids present an imminent danger to wildlife, the Division Administrator may take  
134 whatever action it deems appropriate, including destruction of the released or escaped cervids.  
135 Similarly, if the Division Administrator determines that a holder has failed to remove a wild cervid  
136 from an enclosure holding at least one captive cervid as soon as practicable, the Department may  
137 remove the wild cervid.

138

139 635-049-0055

140 Disease Testing

141 After consultation between the Department and the Department of Agriculture, the Commission  
142 will adopt a cervid disease surveillance list by rule and update it when necessary. The list shall  
143 include diseases posing risk to cervids, cervid diseases posing risk to livestock, wildlife or humans,  
144 testing standards, test methods, prohibitions, and deadlines for required disease analysis and  
145 reporting. The list will also address disease testing requirements and prohibitions for gamete or  
146 embryo transfer and importation. Any person holding cervids must comply with the requirements  
147 of the cervid disease surveillance list.

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149 635-049-0065

150 Requirements upon death of held cervids

151 (1) Any person holding cervids must, within 24 hours after discovery of the death of any cervid in  
152 their custody:

153 (a) Report the death to the Department and Department of Agriculture; and,

154 (b) Test the cervid per the requirements of the cervid disease surveillance list.

155 (2) The holder must ensure that the laboratory reports are immediately and directly reported to the  
156 Department’s veterinarian and Department of Agriculture consistent with OAR Chapter 603  
157 Division 011.

158  
159 635-049-0075

160 Genetic Requirements

161 Any person holding cervids must comply with the following genetics management requirements:

162 (1) The holder must inform the Department in advance of any *in vitro* fertilization or artificial  
163 insemination of captive cervids;

164 (2) Upon demand by the Department, the holder must verify that a cervid born from *in vitro*  
165 fertilization or artificial insemination is of a species or subspecies authorized by the holder’s license.

166 (3) The Department may, at its discretion and expense, subject any captive cervids to genetic  
167 analysis;

168 (4) If the Department determines that an unauthorized cervid exists at a cervid holding facility, the  
169 holder must have all cervids in the facility genetically tested as directed by the Department and at  
170 the holder’s expense. An “unauthorized cervid” is one which was not listed in the holder’s annual  
171 report for the previous year or one of a species or subspecies (or a hybrid of a species) which is not  
172 authorized by the holder’s license.

173 (5) If the Department determines that a holder is holding any unauthorized cervids, the holder  
174 must kill or otherwise legally dispose of those cervids within 30 days of the Department’s  
175 determination. The Department bears no liability for such a determination. “Otherwise legally  
176 dispose” means to legally export from Oregon or transfer to a licensed Oregon facility that is  
177 authorized to hold such cervids.

178  
179 635-049-0085

180 Licenses generally

181 (1) Cervid holding licenses must be renewed annually and are valid for as long as a licensee  
182 complies with all requirements of OAR Chapter 635 Division 049.

183 (2) Cervid holding licenses are specific to the holder and to the holding facility described in the  
184 license.

185 (3) When the Department issues or renews a license to a corporation, limited partnership or limited  
186 liability company or trust, the Department will require a joint and several personal guarantee from  
187 each shareholder, stockholder, limited partner, general partner, member, trustee, current  
188 beneficiary or other principal. The personal guarantee must address liability for costs as provided  
189 in OAR 635-049-0045.

190  
191 635-049-0095

192 Decision standard for issuing a license

193 The decision standard for issuing a cervid license is whether the proposed cervid holding operation  
194 would tend to be harmful to wildlife populations then existing in the wild, especially native wildlife.  
195 Any person whose license application the Department proposes to deny may request a contested  
196 case hearing within 14 days of notice of the proposed decision.

197  
198 645-049-0105

199 Decision standard for suspending, revoking or refusing to renew a license

200 (1) The following are grounds for suspending, revoking or refusing to renew a license.

201 (a) That the licensee (or the licensee's officer, director, shareholder, partner, member, manager or  
202 employee) was convicted or admitted violation of these rules or any other provision of the wildlife  
203 laws at the licensed facility or in connection with the licensed operation; or

204 (b) A finding by the Department that continued operation would tend to be harmful to wildlife  
205 populations then existing in the wild, especially native wildlife.



206 (2) Any person whose license the Department proposes to suspend, revoke or refuse to renew may  
207 request a contested case hearing within 14 days of notice of the proposed decision.

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209 635-049-0115

210 Disposition of cervids upon license suspension, revocation, nonrenewal or denial

211 (1) Within 90 days after any of the following events, any person holding cervids must dispose of the  
212 cervids:

213 (a) Suspension, revocation or expiration of the cervid license;

214 (b) Denial of an application for license; or

215 (c) Receipt of a notice from the Department informing the holder that the cervid(s) is/are not  
216 authorized by license.

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

218 (a) Kill;

219 (b) Transfer to another licensed facility; or

220 (c) Export from Oregon.

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

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

232

233 635-049-0125

234 Control of disease outbreaks

235 (1) Diseased captive cervids posing an imminent danger to public health, wildlife or livestock  
236 constitute a public nuisance.

237 (2) Upon a finding that an outbreak of communicable disease among captive cervids poses  
238 imminent danger to public health, wildlife or livestock requiring prompt action, the Department  
239 may order the holder to destroy, confine or transfer by a specified deadline any or all cervids they  
240 hold.

241 (3) If a holder fails to take the action ordered by the Department pursuant to paragraph (2), the  
242 Department or its agents may enter the holder's facility and take the action. The holder is liable for  
243 any costs the State of Oregon so incurs. The Department bears no liability for such actions.

244

245 635-049-0135

246 General requirements for holding cervids

247 NOTE: This section establishes general requirements applicable to all cervid holders. The sections  
248 governing Type 1 and Type 2 cervid licenses impose additional, more specific requirements  
249 concerning particular aspects of cervid holding

250 (1) A holder must treat captive cervids in a humane manner, and provide food and water in  
251 sufficient quantity and quality to maintain the cervids in a healthy condition. In addition, the  
252 holder must comply with ORS 167.310 through 167.340 inclusive (concerning humane treatment of  
253 animals) and any applicable requirements concerning water quality.

254 (2) A holder must maintain cervid holding facilities in a sanitary condition and provide adequate  
255 room for exercise.

256 (3) A holder must ensure that cervid holding facilities, including vegetation management and  
257 individual pasture and paddock size, allow daily, ground level observation of all cervids. "Ground

258 level observation” does not necessarily require a single observation point. In addition to any  
259 applicable fencing standards under these rules, the following requirements apply:  
260 (a) Maximum facility size is 300 contiguous acres, unless a facility plan has been approved by the  
261 Director as an exemption.  
262 (b) A holder’s facility must prevent ingress of wild cervids into the facility and egress of captive  
263 cervids from the facility, plus maintain complete separation of captive and wild cervids at all times.  
264 (4) Holders must ensure that facility enclosures include handling facilities adequate to gather and  
265 hold cervids safely and efficiently for inspection, testing or quarantine.  
266 (5) Each license authorizes only one facility. Satellite facilities are not allowed.

267

268 635-049-0145

269 Sale or exchange

270 (1) The sale or exchange of live cervids, cervid embryos and cervid gametes is prohibited, except  
271 that live cervids, embryos and gametes may be sold or exchanged if legally held under an Oregon  
272 cervid license and only if:

273 (a) Sold to others who are authorized to hold cervids legally outside the state of Oregon; or

274 (b) Sold to or exchanged with the holder of an Oregon cervid license valid for that species or  
275 subspecies.

276 (2) Purchase, sale or exchange of cervid parts is governed by OAR Chapter 635, Division 200.

277 (3) Note the requirements of OAR 635-049-0265 governing transport of cervids.

278

279 PROVISIONS SPECIFIC TO TYPE I CERVID LICENSES

280

281 635-049-0165

282 Type 1 cervid licenses

283 (1) A Type 1 cervid license is required to hold Rocky Mountain elk, Roosevelt elk, Sika deer,  
284 Muntjac deer, white-tailed deer or black-tailed deer. No hybrid cervids are allowed except as  
285 authorized in OAR 635-049-0015(3).

286 (2) A Type 1 cervid license is valid as long as the licensee complies with all requirements of these  
287 rules, but must be renewed annually.

288 (3) Type 1 cervid licenses are allocated as follows:

289 (a) The number of Type 1 cervid licenses for commercial or exhibition holding of Rocky Mountain  
290 elk, and/or Roosevelt elk and their hybrids is limited to 16. Commercial operations are those  
291 intending to sell elk or their parts or products. Exhibition operations are operations intending to  
292 display elk. These are the Type 1 commercial and exhibition licenses as of May 9, 2008:

<u>Type 1 commercial and exhibition</u> <u>licenses as of May 9, 2008</u>
<u>License Number</u>
<u>1106</u>
<u>1107</u>
<u>1203</u>
<u>1301</u>
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294 Licenses for commercial and exhibition holding are also subject to the following additional  
295 restrictions:

296 (A) New facilities for Type 1 cervid licenses for commercial or exhibition holding of Roosevelt elk  
297 must be located west of the crest of the Cascade Mountains.

298 **(B) New facilities for Type 1 cervid licenses for commercial or exhibition holding of Rocky**  
299 **Mountain elk must be located east of the crest of the Cascade Mountains.**  
300 **(C) No new Type 1 cervid licenses will be issued for commercial or exhibition holding of hybrids of**  
301 **Roosevelt elk and Rocky Mountain elk.**  
302 **(b) Type 1 cervid licenses for commercial or exhibition holding of Sika deer, Muntjac deer, White-**  
303 **tailed deer or Black-tailed deer are limited to those issued on or before January 20, 1993.**  
304 **(c) There is no limit on the number of licenses the Department may issue for holding Type 1 species**  
305 **for scientific research, education or conservation operations. Before a license can be issued for**  
306 **these purposes, the Director must first determine that the application is submitted by an individual**  
307 **or organization involved in a bona fide scientific research, education or conservation project and**  
308 **that the operation will result in an overwhelming benefit to wildlife or wildlife habitat in Oregon.**  
309 **(4) Notwithstanding the above, if the Department chooses to place any cervid in its custody with a**  
310 **licensed facility, it may do so (with the licensee's consent) regardless of whether that facility is**  
311 **licensed for that particular species.**

312  
313 **635-049-0175**

314 **License applications**

315 **(1) An applicant seeking a license for the first time must submit to Department headquarters the**  
316 **following information on a form provided by the Department:**  
317 **(a) The species, subspecies and number of cervids to be held;**  
318 **(b) Date of application;**  
319 **(c) Location and size of facility;**  
320 **(d) Whether the applicant is an individual, partnership, corporation, limited liability company or**  
321 **other legal entity. If a partnership, the application must also provide the full names and addresses**  
322 **of the partners. If a corporation, the application must provide the full names and addresses of all**  
323 **officers, directors and stockholders. If a limited liability company, the application must provide the**

324 full names and addresses of all members and managers. If the applicant is structured as a tiered  
325 organization, the application must provide the full names and address of all of the partners; or  
326 officers, directors and stockholders; or members and managers of each constituent entity within the  
327 tiered organization;  
328 (e) A diagram of the proposed facility and its relationship to local landforms (e.g., bodies of water,  
329 hills, roadways, etc.);  
330 (f) A description of the applicant's technical ability to successfully maintain and operate a cervid  
331 holding facility;  
332 (g) Whether the applicant (or any of its partners, officers, directors, shareholders, members,  
333 managers or employees) has been convicted of a felony or misdemeanor or otherwise found or  
334 admitted to have committed any violation (criminal or civil) involving natural resources (wildlife,  
335 forestry, fisheries, environment); and  
336 (h) A statement from the appropriate local planning authorities that the proposed facility complies  
337 with the local comprehensive land use plan and land use ordinances.  
338 (2) These timelines govern the Department's processing of a license application:  
339 (a) Within 30 days of receiving an application, the Department must determine whether the  
340 application is complete or notify the applicant in writing of any deficiencies;  
341 (b) Within 60 days of receiving a complete and accurate application, the Department must  
342 determine whether the applicant qualifies for a license and notify the applicant in writing of this  
343 decision.  
344 (c) Upon qualification for a license, it is the applicant's responsibility to request a facility inspection  
345 by the Department. This inspection must occur within 30 days of the applicant's request and  
346 before cervids occupy the facility.  
347 (d) Within 14 days after the inspection, the Department must inform the applicant in writing  
348 whether the facility passes inspection. If the Department determines that the facility does not pass

349 inspection, it must inform the applicant of any deficiencies and allow the applicant 60 days to  
350 correct them.  
351 (e) Within the 60-day period noted in paragraph (d), the applicant may ask the Department to  
352 reinspect the facility. The Department must reinspect within 30 days of such request. If the facility  
353 again fails to pass inspection, the application is deemed denied.

354 (f) Upon approving the facility, the Department will issue a license. Upon receipt of the license, the  
355 applicant may place cervids in the facility.

356 (3) The Department may grant a license only if it determines that:

357 (a) The operation will not tend to be harmful to wildlife populations existing outside the facility;

358 (b) The applicant has the technical ability to successfully operate and maintain a cervid facility;

359 (c) The applicant can be expected to comply with all legal requirements; and

360 (d) The proposed holding facility is adequate and complies with all legal requirements.

361

362 635-049-0185

363 Allocation of Available Elk Licenses for Commercial or Exhibition Purposes

364 (1) If an elk holding facility license for commercial or exhibition purposes becomes available, the  
365 Department will allocate that license to the new applicant that, in the Department's discretion,  
366 scores highest on the following factors:

367 (a) Technical ability to successfully maintain and operate a cervid holding facility (such as  
368 experience and/or training in animal husbandry or livestock production);

369 (b) Safeguards to protect existing wildlife populations, particularly native wildlife; and

370 (c) Level of commitment to compliance with all legal requirements.

371 (2) The Department will score applicants through use of a written test, interview and review of  
372 application materials.

373 (3) Only those applicants who have qualified for a license as per OAR 635-049-0175(2)(b) will be  
374 scored. The scoring and selection process will precede final facility inspection.

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**635-049-0195**

**License renewal**

**To renew a type 1 license, a licensee must submit a renewal request to the Department by November 30. Such a request must be made on the licensing form identified in OAR 635-049-0175 and note any and all changes that have occurred since the last license application was approved. OAR 635-049-0105 governs the Department’s decision. A license will be deemed relinquished if a renewal application is not submitted by November 30. The license period is January 1 through December 31.**

**635-049-0205**

**Record keeping**

- Licensees must keep accurate, legible and up-to-date records of:**
- (1) all movement of cervids (including gametes and embryos) into or out of their facility. At minimum, these records must include all sales, purchases, loans (of cervids), trades, or other such transactions involving cervids, cervid parts and cervid products, as well as any cervid births or deaths at the facility. Each record must refer to individual cervids by their unique mark and ear tag and list the names, addresses, and license or permit numbers of any individuals or entities involved in the transactions;**
  - (2) Calving and fawning (as per OAR 635-049-0235);**
  - (3) Escape or release;**
  - (4) Disease testing;**
  - (5) Artificial insemination and embryo implants; and**
  - (6) Each cervid’s pedigree.**



401 635-049-0225

402 Inspection of Facilities and Records

403 (1) Each licensee must agree, as a condition of the license, to allow the Department, the Oregon  
404 Department of Agriculture, or the Oregon State Police to inspect any cervids, any records of the  
405 cervid holding operation and any facilities related to the holding operation. No advance notice is  
406 required, but in the absence of an emergency or other exigent circumstance such inspections will be  
407 limited to regular business hours (8 a.m. to 5 p.m.) seven days a week.

408 (2) Nothing in this rule authorizes the warrantless search of a residence.

409

410 635-049-0235

411 Reporting

412 (1) Each licensee must:

413 (a) Within 30 days after the birth of any calf in its facility, report that birth to the Department; and

414 (b) By January 31 each year, submit to the Department an annual report for the previous year.

415 (2) A calving/fawning report must list all cervid calves/fawns born on the facility to date and the  
416 identifying marks applied to each new calf/fawn.

417 (3) An annual report must:

418 (a) Provide details of any and all changes in cervid inventory (deaths, births, slaughter, sale,  
419 purchase, transfer, etc).

420 (b) Provide details of any escape or release.

421 (c) Summarize results of disease testing; and

422 (d) Summarize results of any artificial fertilizations or embryo implants.

423 (4) A license shall be revoked if any required report is not submitted by the required date, or does  
424 not satisfy the reporting requirements set forth in this section.

425

426 635-049-0245

427 **Fencing requirements**

428 **To prevent contact between captive and wild cervids (and therefore protect wild cervids from**  
429 **disease and genetic risks), a cervid holding facility subject to a Type 1 license must meet the**  
430 **following requirements:**

431 **(1) For new or transferred licenses: The facility must be double-fenced with wire mesh along its**  
432 **entire exterior perimeter boundary.**

433 **(2) For each of the facilities licensed as of May 9, 2008:**

434 **(a) If, at any time, the Department determines that the facility contains or contained a diseased**  
435 **cervid, the facility must be double fenced along its entire exterior perimeter boundary. A “diseased**  
436 **cervid” means a cervid infected with a disease listed on the Cervid Disease Surveillance List or a**  
437 **disease determined by the Department to pose a population health threat to Oregon's wild cervids.**

438 **The licensee must comply with these fencing requirements within 30 days after receipt of the**  
439 **Department’s determination or (if the captive cervid herd has been eliminated because of the**  
440 **disease) before placing new cervids in the facility.**

441 **(b) Until the Department determines that the facility contains or contained a diseased cervid, as**  
442 **provided in the foregoing paragraph (a), a facility must be fenced along the entire exterior**  
443 **perimeter boundary with at least a single woven wire fence plus a minimum of three-strand electric**  
444 **fencing parallel to, but no closer than four feet along, the interior of the woven fence. Wire spacing**  
445 **for the electric strands must be at nose, chest and knee heights of an adult cervid respectively, and**  
446 **the electric charge must be at least 7,000 volts. Licensees have until December 31, 2008 to comply**  
447 **with these requirements.**

448 **(3) Wire mesh fences must extend at least eight feet above ground level for their entire length. The**  
449 **bottom six feet must be woven wire mesh with 6-inch vertical spacing and graduated horizontal**  
450 **spacing from 3-inch at the bottom to 8-inch at the top; constructed with either hinge or knotted**  
451 **joints; and at least 12-1/2 gauge woven wire, 14-1/2 gauge high-tensile woven wire, or nonclimbable**  
452 **chain link. If more than one width of fencing material is used to attain the full eight feet in height,**

453 it must be overlapped one row and securely fastened at every other vertical row or woven together  
454 with cable. If supplemental wire is used to attain a height of eight feet, it may be smooth, barbed,  
455 or woven wire (at least 12-1/2 gauge) with strands spaced not more than six inches apart. Electric  
456 fencing may be used only to supplement the fencing requirements described above.

457 (4) Gates must be of a material that meets or exceeds the strength of the fence, and be equipped  
458 with two independent latching devices.

459 (5) At a minimum, fence posts must:

460 (a) Be either wood or metal. If wood, a corner post must be a minimum of 5 inches diameter at the  
461 small end and a line post must be a minimum of 4 inches at the small end. If metal, a post must be  
462 of "T" construction weighing at least 1.25 pounds per foot.

463 (b) Extend at least eight feet above ground level and at least two feet below ground surface;

464 (c) Be spaced no more than 16 feet apart. Wider spacing may be approved by the department for  
465 other posts and specific site conditions. Stays or supports must be placed between posts where  
466 necessary to maintain strength.

467 (d) Be braced at all corners with metal or wood of sufficient strength to keep captive cervids  
468 securely contained and to prevent wild cervids from entering.

469 (6) Where the facility includes a stream or other water body, the facility must provide cervid-proof  
470 swinging water gaps or stream crossings to prevent ingress and egress by cervids. Any such water  
471 gaps or crossings must be supported with steel cables and constructed to equal or exceed the  
472 standards of the fence.

473

474 635-049-0255

475 Cervid marking

476 (1) Each cervid held under a Type 1 license must be marked with:

477 (a) A permanent, uniquely numbered mark approved in advance by the Department; and

478 **(b) One ear tag visible from 50 feet. Licensee's records must match the ear tags number and color**  
479 **to the animal's unique permanent mark. Any lost ear tag must be replaced as soon as possible,**  
480 **consistent with good animal husbandry practices.**

481 **(2) Licensees must register the marks and tags called for in (1) with the Department's headquarters**  
482 **office within 30 days after application. Tags and marks must be used as follows:**

483 **(a) Placed on each cervid calf or fawn within 30 days after its birth;**

484 **(b) Present on each newly acquired cervid within 14 days after its acquisition; and**

485 **(c) Recorded by the holder and noted in any transfer or other transaction records or reports for the**  
486 **cervid.**

487 **(3) In addition to the requirements imposed here, the licensee must also comply with any applicable**  
488 **Department of Agriculture marking and registration requirements.**

489

490 **635-049-0265**

491 **Transport of cervids among licensed facilities**

492 **(1) Cervids held under license may not be transported outside their licensed facility except:**

493 **(a) From one Oregon licensed cervid facility to another under a permit issued by the Department.**

494 **The permit will specify any conditions necessary to protect native wildlife and to ensure safe and**  
495 **humane treatment of the cervids being transported.**

496 **(b) While being legally exported from Oregon under a permit issued by the Department, a**  
497 **certificate of veterinary inspection and any import permit or license required by the receiving state.**

498 **(c) Elk (legally captured from the wild in Oregon or bred from elk legally captured from the wild in**  
499 **Oregon) to and from an exhibition within Oregon under a permit issued by the Department, on the**  
500 **condition that the elk has no contact with, and will not be held in an area frequented by, any other**  
501 **cervid.**

502 **(d) As allowed by OAR 635-049-0025(1)(a) and (b) for reindeer.**

503 **(e) To a slaughtering facility.**

504 (2) To obtain a permit, the holder must apply using a form provided by the Department and  
505 provide all requested details concerning the proposed transport.

506

507 635-049-0275

508 Requesting changes to a license

509 (1) Change in the address (not location) of a licensed facility requires 21 days advance written  
510 notice to the Department, but does not require approval.

511 (2) Any proposed change in the species or subspecies held requires a new license application and  
512 Department approval.

513 (3) Any proposed change in the ownership or location of a licensee or a licensed facility requires a  
514 new license application and Department approval. Exception: Upon request, the Department may  
515 transfer a license held by an individual to a member of the individual's immediate family if there is  
516 no change in facility location. When the license holder is a business entity, "change in ownership"  
517 occurs when there is any change in stockholders, shareholders, partners or principals.

518 (4) Any transfer, or series of transfers, for any reason, that results in change of ownership of more  
519 than 25 percent of the shares of stock in a corporation, or partnership interests in a general or  
520 limited partnership, or membership interests in a limited liability company, or beneficial interest in  
521 a trust, to which a cervid holding license was issued under this Division, constitutes an attempt to  
522 transfer the license. In this event, the cervid holding license must be revoked, unless, within 60 days  
523 of such transfer, the entity holding the license reapplies under OAR 635-049-0175, and the  
524 Department grants a new license.

525 (5) If the Department proposes to reject a change to a license, the licensee may request a contested  
526 case hearing within 14 days after mailing of the decision.

527

528 635-049-0285

529 Decommissioning

530 **(1) If a license is suspended, revoked or relinquished, or if the cervid herd of an unlicensed facility**  
531 **is eliminated, the holder must maintain fences necessary to prevent ingress by wild cervids to areas**  
532 **inhabited by captive cervids within the last year of the cervid operation. The purpose of this**  
533 **requirement is to ensure that wild cervids do not access a site potentially contaminated with**  
534 **disease.**

535 **(2) A holder may ask the Department to lift the fencing requirement imposed by paragraph (1).**  
536 **Upon its determination that the site is not contaminated with a disease posing a threat to wildlife,**  
537 **the Department may rescind the fencing requirement and allow the site to be made accessible to**  
538 **wild cervids.**

539