

Agenda Item Summary

BACKGROUND

Issue 1:

Taxonomy is the science, process, and structure of classifying species. It is a hierarchal structure that defines scientific nomenclature (naming) and how species are related to each other.

Implementation of Oregon Administrative Rules governing holding and protection of wildlife require clear taxonomic standards. However, it is very difficult to provide a clear, consistent standard for the public and law enforcement, while staying current with taxonomic updates. Currently, Division 44 (635-044-0002) refers to the Wildlife Diversity Plan for a taxonomic standard. The technical portion of the Wildlife Diversity Plan has not been updated since being adopted in 1993. Since 1993, there have been many taxonomic name changes that are now widely accepted by the scientific community.

Until recently, the department has been working under the following legal interpretation: “The species designation at the time the rule was approved applies for law enforcement purposes, even if a species taxonomic classification or name changes.” However, recent legal interpretation differs, possibly rendering some species unprotected due to the technicality of outdated names in rule.

The Oregon Conservation Strategy is currently the department’s technical document guiding conservation priorities, including nongame wildlife. Because the department does not plan on updating the technical portion of the Wildlife Diversity Plan, the Plan should not be the taxonomic standard for Division 44.

The proposed draft rules establish a new taxonomic standard which cites widely-accepted scientific references. The rules also update scientific and common names accordingly.

Issue 2:

To address the need for a positive, proactive approach to species conservation, a “sensitive” species classification was created under Oregon’s Sensitive Species Rule (OAR 635-100-0040). The Sensitive Species List helps focus fish and wildlife management and research activities to prevent species from declining to the point of qualifying as “threatened” or “endangered” under the Oregon Threatened and Endangered statutes and rules.

The department primarily uses the Sensitive Species List as a non-regulatory tool. However, the Sensitive Species List is referenced in the department’s Chemical Process Mining Consolidated Application and Permit Review Standards (OAR 635 Division 420) and In-Water Blasting Permits (OAR 635 Division 425). Also, department biologists provide scientific review of a variety of proposed land and water management actions based in part on Sensitive Species List priorities.

The Sensitive Species List was established in 1988 and was updated in 1991, 1993, 1995, 1997 and 2008. During the last update, the department identified strategic changes to the Sensitive Species List rule that would clarify the purpose and intent for the Sensitive Species List, as well as the process and criteria for updating it. In addition, the department proposes to lengthen the time between updates to the list.

PUBLIC INVOLVEMENT

The department staff consulted with scientific experts by telephone and email correspondence in the development of these amendments. Correspondence from and testimony by interested and affected persons has been considered in developing the administrative rules.

ISSUE 1

Adopt changes to administrative rules that will update the taxonomy standards and common and scientific names.

ANALYSIS

Updating the taxonomic standard and common and scientific names in rule will provide greater clarity to the public and law enforcement while reflecting current scientific knowledge. Please see staff report for additional information.

OPTIONS

- 1) Adopt staff recommendations
- 2) Amend staff recommendations

STAFF RECOMMENDATION

Option 1: Adopt staff recommendations.

ISSUE 2

Adopt changes and clarifications for administrative rules relating the Sensitive Species List.

ANALYSIS

Strategic changes to the Sensitive Species List rule will clarify the purpose, intent and process for updating the Sensitive Species List. Please see staff report for additional information.

OPTIONS

- 1) Adopt staff recommendations
- 2) Amend staff recommendations

STAFF RECOMMENDATION

Option 1: Adopt staff recommendations.

DRAFT MOTION	I move to revise Oregon Administrative Rules as proposed by staff.
	Upon Filing
EFFECTIVE DATE	