

Agenda Item Summary

BACKGROUND

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, Division 056; governing importation, possession, confinement, transportation and sale of non-native 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. There have been many taxonomic name changes that are now widely accepted by the scientific community, but are not reflected in the current “Wildlife Integrity Rules”. Therefore, the current reference material for the wildlife species listed need to be updated to be consistent with the current nomenclature changes or reclassifications that have been accepted by the scientific community.

With the updated changes in reference materials, some species common and scientific names have been changed. Also, a few species will be reorganized within their classifications to reflect the updated changes in scientific nomenclature. The reorganization of class and updated nomenclature of Division 056 should make species easier to locate within the rule.

Enacted by the 2009 Legislative Assembly; SB 391 reclassified Crocodylia as an “Exotic animal” under the Oregon Department of Agriculture statutes. This bill reclassified the family Crocodylia from a “non-controlled” species classification under Wildlife Integrity Rules (Division 056) to a “Controlled” species classification and as they are under the authority of the Oregon Department of Agriculture as an “Exotic species”.

Chinese and Japanese Mystery Snails are a common snail sold in the Aquaria trade that have recently been discovered as a highly invasive species in some Oregon water bodies. Densities of these snails have been reported as high as 166 snails per square meter in a pond in Central Point. Mystery Snails compete directly with native micro-invertebrates for food, shelter and territory. Currently, Mystery Snails are classified as an “Aquaria Fish” and are legal to sell if acquired legally in the pet store trade. By classifying the Mystery Snail as a “Prohibited Species” in the Wildlife Integrity rules it removes the pet store trade as a vector for further introduction of these species into Oregon water bodies.

Non-native wildlife that is commonly sold in the pet trade may have multiple common names depending on the vendor selling them. As such, it can be very difficult for members of the public, law enforcement or department staff to determine the actual species and the legal requirements associated with that species. Therefore, use of the standardized scientific name that is associated with each non-native species sold, bartered or traded in the pet industry will help in quickly identifying those species that may be prohibited in Oregon.

Letters, requesting comment on proposed changes to the listing of common and scientific names on nonnative wildlife species, were sent to 61 individual pet stores and three companies (PetSmart, Petco and Mini Pet Mart which represent 47 additional stores in Oregon). Four comments were returned.

ISSUE 1	Adopt changes to administrative rules that will update the reference material and common and scientific names.
ANALYSIS	Updating the reference material and common and scientific names in rule will provide greater clarity to the public and law enforcement while reflecting current scientific knowledge.
ISSUE 2	Adopt changes to comply with SB 391 regarding the classification of Crocodylia.
ANALYSIS	These rule amendments are needed to implement portions of SB 391, enacted by the 2009 Legislative Assembly. This bill, codified at ORS 609.305, classifies Crocodylia as “exotic animals,” and thus permits local government regulation of these animals, notwithstanding the Department’s statutory authority over wild animals. As a result, to reflect the legislature’s new designation, staff proposes to amend the rules to move all members of the Order Crocodylia from a “non-controlled” to “exempt” species in OAR Divisions 056 and 057.
ISSUE 3	Classify Chinese Mystery Snail (<i>Cipangopaludina chinensis</i>) and Japanese Mystery Snail (<i>Cipangopaludina japonica</i>) as a “Prohibited Species “in Division 56.
ANALYSIS	By classifying this species as prohibited, it makes it illegal for this species to be sold in the aquaria trade and reduces a transportation vector for further introduction of these (species) into Oregon water bodies.
ISSUE 4	Make the listing of scientific names mandatory for any non-native wildlife that is listed for sale, trade, barter or display.
ANALYSIS	Posting of the scientific names of non-native wildlife at the point of sale, barter or trade will decrease the likelihood that prohibited species will be available within the pet trade industry and will make the Wildlife Integrity Rules easier to enforce.
OPTIONS	<ol style="list-style-type: none"> 1) Adopt staff recommendation 2) Amend staff recommendation 3) Reject staff recommendation
STAFF RECOMMENDATION	Option 1: Adopt staff recommendation

DRAFT MOTION	I move to amend OAR Chapter 635, Divisions 044, 056 and 057 as proposed by staff in Attachment 3.
EFFECTIVE DATE	Upon Filing