

Exhibit D

Wildlife Taxonomy and Controlled, Non Controlled, Exempt and Prohibited Species Lists

Public Correspondence

**Public Correspondence received as of
January 20, 2011**

Julie A Hansen

From: Keith Kohl
Sent: Wednesday, January 05, 2011 2:57 PM
To: Julie A Hansen
Subject: FW: Proposed language change

Keith Kohl
Terrestrial Invasive Species/Wildlife Integrity Coordinator
Oregon Department of Fish and Wildlife
3406 Cherry Ave. NE
Salem, Oregon 97303
503-947-6038

From: Tim Criswell [mailto:tim.c.criswell@gmail.com]
Sent: Tuesday, December 07, 2010 1:28 PM
To: Keith Kohl
Subject: Proposed language change

Keith - After talking with you and reviewing the proposed language change to ORS 635-056 regarding the sale of nonnative wildlife, I am in agreement with the change. Anyone selling reptiles should be informed enough to know the scientific name of the animals they are selling. I assume this will apply to stores selling fish, birds and small mammals as well. If it is passed, I would like something in writing from you saying that our use of care sheets, with the scientific name, will be sufficient. That way, if anyone ever disputes it I will have it in writing from you that we are in compliance.

--

Tim Criswell
House of Reptiles
11507 SW Pacific Highway
Tigard, Oregon 97223
(503) 722-1992

Julie A Hansen

From: Keith Kohl
Sent: Wednesday, January 05, 2011 2:59 PM
To: Julie A Hansen
Subject: FW: Proposed Regs

Keith Kohl
Terrestrial Invasive Species/Wildlife Integrity Coordinator
Oregon Department of Fish and Wildlife
3406 Cherry Ave. NE
Salem, Oregon 97303
503-947-6038

From: Geoffrey Hawkins [mailto:GHawkins@ssg.PetSmart.com]
Sent: Friday, December 17, 2010 11:53 AM
To: Keith Kohl
Subject: RE: Proposed Regs

Keith:

Sorry for the delay, but just getting back into the office today. I am speaking for myself, and will go back to our merchandise and marketing folks on this, but I would think we have more flexibility in our internet advertising than our print. I wonder if there is a way to differentiate between the two. But let me get some more input from the experts here and give you a more official response.

Thanks for continuing to reach out to us.

Regards,

Geoff

From: Geoffrey Hawkins [mailto:GHawkins@ssg.PetSmart.com]
Sent: Monday, December 06, 2010 7:15 AM
To: Keith Kohl
Subject: Proposed Regs

Keith:

Most of the language in the proposed regulation we have no problem with. The one part we have questions about regards advertisements. Currently, I do not believe we include scientific names in our print circulars. If the intent is to regulate in-store advertising, I think it would be less of an issue for us than to change our print layouts.

Sincerely,

Geoff Hawkins

1/5/2011

Julie A Hansen

From: Keith Kohl
Sent: Wednesday, January 05, 2011 3:00 PM
To: Julie A Hansen
Subject: FW: Proposed Regs

Keith Kohl
Terrestrial Invasive Species/Wildlife Integrity Coordinator
Oregon Department of Fish and Wildlife
3406 Cherry Ave. NE
Salem, Oregon 97303
503-947-6038

From: Geoffrey Hawkins [mailto:GHawkins@ssg.PetSmart.com]
Sent: Monday, January 03, 2011 2:29 PM
To: Keith Kohl
Subject: RE: Proposed Regs

Keith:

With the holidays, a lot of folks have been out. I have our Marketing attorney looking into it now, and will get back to you as soon as I hear from her.

Regards,

Geoff

From: Keith Kohl [mailto:keith.l.kohl@state.or.us]
Sent: Monday, January 03, 2011 3:09 PM
To: Geoffrey Hawkins
Subject: RE: Proposed Regs

Geoff,

Have you come up with an official response from PetSmart yet? Any and all comments/suggestions would be appreciated.

Thanks,

Keith Kohl
Terrestrial Invasive Species/Wildlife Integrity Coordinator
Oregon Department of Fish and Wildlife
3406 Cherry Ave. NE
Salem, Oregon 97303
503-947-6038

Keith Kohl

From: Andy Heider [andy.heider@state.or.us]
Sent: Monday, August 09, 2010 1:16 PM
To: Keith L Kohl
Subject: Re: FW: ODFW Rules Governing Pet Stores

Keith,

I think that language would help.

Thanks,

Andy Heider, Lieutenant
Oregon State Police
Fish and Wildlife Division
255 Capitol St. NE, 4th Floor
Salem, OR 97310
(503) 934-0223
(503) 385-5882 Cell
(503) 363-5475 Fax

>>> "Keith Kohl" <keith.l.kohl@state.or.us> 8/9/2010 10:43 AM >>>

Andy,

Please see the attached string of correspondence between myself and Bill Cook regarding the sale of nonnative wildlife species. Here is some draft language that I came up with.

All nonnative wildlife species, except those species classified as exempt under 635-056-0020, offered for sale or sold shall have both a common name(s) and scientific taxonomic name (Genus, species and subspecies (if appropriate)), as listed in the reference material in 635-056-0000 (2) of these rules. The common name(s) and scientific name shall be posted at or on the cage, tank, pen or ad where the wildlife are held for sale.

Please let me know if you have any suggestions, comments or questions regarding this issue. Would this be a benefit when pet store checks or any other sale of nonnative wildlife is conducted?

Thanks,

11/10/2010

Keith Kohl

From: Paul_Heimowitz@fws.gov
Sent: Monday, September 20, 2010 10:26 AM
To: Keith Kohl
Cc: brad@bradsworldreptiles.com; Bob Sallinger; Rick Boatner; MARK SYTSMA
Subject: Re: Question for Wildlife Integrity Rules Panel

Sorry to take so long to weigh in, but I think this makes sense and agree with all the other comments. My only suggestion with verbiage is to replace the final "or" with an "and". Otherwise, seems like a pretty big loophole where they could include it on a store ad and have nothing on the actual cage/tank where it probably matters more.

In making such a rule change, is there any other opportunity to be creative regarding labeling? Could there be a requirement for inclusion of a statement that refers to the OAR that prohibits releasing organisms into the wild...or some sort of brief educational message? Or for certain species already in legal trade that are know to cause problems when released, a particular warning that is included regarding the species potential invasiveness (similar to what seems to be happening in the nursery trade for designation of plants that have weedy characteristics)?

If not this time around, perhaps we can at least ponder these for a future revision.

Thanks,

Paul Heimowitz
Aquatic Invasive Species Coordinator
U.S. Fish and Wildlife Service, Pacific Region
911 NE 11th Ave
Portland, OR 97232
503-736-4722 (office)
503-869-6005 (cell)
paul_heimowitz@fws.gov

"Keith Kohl"
<keith.l.kohl@state.or.us>

09/09/2010 10:14 AM

To
<Paul_Heimowitz@fws.gov>, "Bob Sallinger"
<bsallinger@audubonportland.org>, <brad@bradsworldreptiles.com>, "MARK SYTSMA" <sytsmam@pdx.edu>

cc

"Rick Boatner"
<rick.j.boatner@state.or.us>

Subject

Question for Wildlife Integrity Rules Panel

Paul, Bob, Brad and Mark,

I have been conducting periodic checks of pet stores to make sure that they are not selling any prohibited or non listed non native species. In this process, I have found the following:

It is fairly common for species in the pet industry to have multiple common names, which makes it difficult to determine what species of wildlife that they are actually selling. The majority of the time the chain pet stores have both a common and scientific name listed on the cage where the animal is held. In the smaller stores it is more common to just list a common name for that animal and this name can differ depending on how they want to market and sell that animal. When we are trying to conduct pet store checks to determine if they are in compliance with our Wildlife Integrity Rules, it can be confusing to try and figure out if that species is one that can be sold when only the common name is listed.

So in light of this I am proposing to add the following text to the Wildlife Integrity Rules:

All nonnative wildlife species, except those species classified as exempt under 635-056-0020, offered for sale or sold shall have both a common name(s) and scientific taxonomic name (Genus, species and subspecies (if appropriate)), as listed in the reference material in 635-056-0000 (2) of these rules. The common name(s) and scientific name shall be posted at or on the cage, tank, pen or ad where the wildlife are being held for sale.

What do you think of this? Please give me your thoughts on the concept and feel free to edit the verbiage. If all goes well I hope to take this idea to the ODFW Commission at the December meeting. This will coincide with the updates that we are making with the Wildlife Integrity Rules.

Thanks,

Keith Kohl
Terrestrial Invasive Species/Wildlife Integrity Coordinator Oregon Department of Fish and Wildlife
3406 Cherry Ave. NE
Salem, Oregon 97303
503-947-6038

Julie A Hansen

From: Keith Kohl
Sent: Wednesday, January 05, 2011 2:57 PM
To: Julie A Hansen
Subject: FW: New proposed language

Keith Kohl
Terrestrial Invasive Species/Wildlife Integrity Coordinator Oregon Department of Fish and
Wildlife
3406 Cherry Ave. NE
Salem, Oregon 97303
503-947-6038

-----Original Message-----

From: marcie rivera [mailto:marcikins@mac.com]
Sent: Friday, December 10, 2010 3:30 PM
To: keith.l.kohl@state.or.us
Subject: Re: New proposed language

Dear Keith,

We received your letter describing the proposed language. We have been in business for over 11 years and have always listed the common name and the scientific name for each fish we carry on all our tanks and on the printed receipt. We strongly believe this is the best way to sell livestock. It puts everyone who sells fish, in this case, on the same page. It saddens us that bigger stores do not sell their fish this way and, consequently, we are always trying to correct their name mistakes by providing the correct name and/or trying to figure out what a certain fish is since it was given a generic common name with no scientific name. Kudos for standardizing the names.

Sincerely,

Marcie Rivera
Manager

The Wet Spot Tropical Fish
4310 NE Hancock
Portland, OR 97213

503-287-3339
marcikins@mac.com

Julie A Hansen

From: Keith Kohl
Sent: Wednesday, January 05, 2011 2:57 PM
To: Julie A Hansen
Subject: FW: Proposed New Language for Oregon
Attachments: OR proposed verbiage change letter.docx

Keith Kohl
Terrestrial Invasive Species/Wildlife Integrity Coordinator
Oregon Department of Fish and Wildlife
3406 Cherry Ave. NE
Salem, Oregon 97303
503-947-6038

From: Renee Roberts [mailto:renee.roberts@petco.com]
Sent: Tuesday, December 14, 2010 11:57 AM
To: Keith Kohl
Subject: RE: Proposed New Language for Oregon

Keith –

Sorry for the delay in responding. I have attached a letter pertaining to the proposed verbiage. Please let me know if you have any questions.

Thank you. Happy Holidays!

Renée

Renee Roberts
Companion Animal Regulatory Specialist
PETCO Animal Supplies, Inc.
Phone: 858-527-2761
Fax: 858-638-2313

At PETCO, animals always come first, our people make it happen!

From: Keith Kohl [mailto:keith.l.kohl@state.or.us]
Sent: Monday, November 29, 2010 4:04 PM
To: Renee Roberts
Subject: Proposed New Language for Oregon

Renee,

Thank you for returning my phone calls. I've attached a letter that I'm sending to all pet stores in Oregon about the new language that I spoke to you about concerning common and scientific names. I would appreciate a letter in support of this new language to Oregon's rules governing the sale of nonnative wildlife species.

Please do not hesitate to call me if you have any questions.

Keith Kohl

1/5/2011



Pet Food and Supplies
9125 Rehco Road, San Diego, California 92121
(858) 453-7845 FAX (858) 453-6585

December 14, 2010

Keith Kohl
Oregon Department of Fish and Wildlife
3406 Cherry Avenue NE
Salem, Oregon 97303

Dear Mr. Kohl:

As a leading pet industry retailer operating more than 1,000 stores nationwide, PETCO prides itself on our standards of care for the animals we offer to our customers. We work closely with our Independent Animal Care Advisory Council (IACAC), a panel of animal care, welfare and behavior experts, and our Director of Veterinary Medicine to ensure that we offer appropriate companion animals to our customers.

In my position as PETCO's Companion Animal Regulatory Specialist, I recently reviewed the proposed language regarding the sale of nonnative wildlife. We agree with and support the requirement to post both the common and scientific names on an animal's habitat. However, the requirement to have the scientific name on our advertisements is unnecessary and unreasonable.

PETCO sends advertisements to broad segments of the population and, for most people, the scientific name of an animal, is meaningless and therefore is not helpful information as they consider a pet. Additionally, we have space limitations in our advertisements; if we are required to provide the scientific name for every species shown, we would remove a product or animal from the advertisement thereby resulting in loss of sales – and increasing the time for animals to find forever homes with our customers.

PETCO opposes the proposal to include the scientific name on advertisements. It is unreasonable, unnecessary and would result in loss of sales due to space restrictions in the ads. We respectfully request the removal of that portion of the proposed language change.

Please feel free to contact me with any questions or concerns.

Thank you.

Renée Roberts
Companion Animal Regulatory Specialist
PETCO Animal Supplies
ReneeR@petco.com
858-527-2761
Fax: 858-638-2313

At PETCO, animals always come first, our people make it happen.

Keith Kohl

From: Bob Sallinger [bsallinger@audubonportland.org]
Sent: Wednesday, September 15, 2010 10:45 PM
To: 'MARK SYTSMA'; 'Keith Kohl'
Cc: Paul_Heimowitz@fws.gov; brad@bradsworldreptiles.com; 'Rick Boatner'
Subject: RE: Question for Wildlife Integrity Rules Panel
Follow Up Flag: Follow up
Flag Status: Red

I agree that this is a good idea. What would the penalty be for not having an animal labeled or accurately labeled?

Bob Sallinger
Conservation Director
Audubon Society of Portland
5151 NW Cornell Road
Portland, OR 97210

(503) 292-9501 ext. 110

Help Save West Hayden Island Wildlife Area! Hundreds of acres of forest, meadow and wetlands at risk of being covered to parking lots! Go to <http://www.facebook.com/home.php?#!/pages/Save-West-Hayden-Island/136664296349832?ref=ts>

From: MARK SYTSMA [mailto:sytsmam@pdx.edu]
Sent: Thursday, September 09, 2010 12:33 PM
To: Keith Kohl
Cc: Paul_Heimowitz@fws.gov; Bob Sallinger; brad@bradsworldreptiles.com; Rick Boatner
Subject: Re: Question for Wildlife Integrity Rules Panel

Keith,
Sounds good to me, but there is no guarantee that they will have the correct scientific name. Still, it is a good idea.

Mark
On Sep 9, 2010, at 10:14 AM, Keith Kohl wrote:

Paul, Bob, Brad and Mark,

I have been conducting periodic checks of pet stores to make sure that they are not selling any prohibited or non listed non native species. In this process, I have found the following:

It is fairly common for species in the pet industry to have multiple common names, which makes it difficult to determine what species of wildlife that they are actually selling. The majority of the time the chain pet stores have both a common and scientific name listed on the cage where the animal is held. In the smaller stores it is more common to just list a common name for that animal and this name can differ depending on how they want to market and sell that animal. When we are trying to conduct pet store checks to determine if they are in compliance with out Wildlife Integrity Rules, it can be confusing to try and figure out if that species is one that can be sold when only the common name is listed.

9/28/2010

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Thanks,

Keith Kohl
Terrestrial Invasive Species/Wildlife Integrity Coordinator
Oregon Department of Fish and Wildlife
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Salem, Oregon 97303
503-947-6038

Keith Kohl

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Sent: Thursday, September 09, 2010 12:33 PM
To: Keith Kohl
Cc: Paul_Heimowitz@fws.gov; Bob Sallinger; brad@bradsworldreptiles.com; Rick Boatner
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Keith Kohl
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Oregon Department of Fish and Wildlife
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Salem, Oregon 97303
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