

DIVISION 435
WILDLIFE CONTROL OPERATORS

1 **635-435-0000**

2 **Purpose**

3 ~~[Landowners and those who legally occupy land often hire wildlife control operators to rid~~
4 ~~their homes, businesses or land of 'nuisance wildlife' such as raccoons, skunks and other~~
5 ~~species. The wildlife damage statute (ORS 498.012) authorizes landowners and occupiers to~~
6 ~~take wildlife that is causing damage, is a public nuisance, or poses a public health risk on~~
7 ~~their land. That statute does impose certain requirements.]~~

8 **(1)** The purpose of these rules is to:

9 **(a)** streamline compliance **requirements in ORS 498.012** ~~[with these requirements]~~ while
10 ~~[also] promoting sound wildlife management; [by providing]~~

11 **(b) provide** means for an agent to act on the behalf of a landowner or occupier **to rid their**
12 **home, business or land of wildlife causing a public nuisance, as defined in ORS**
13 **498.012;** ~~[and for an annual permit rather than requiring a permit for each wildlife conflict~~
14 ~~situation.]~~

15 **(2) Any individual or business owner charging a fee to control wildlife causing a public**
16 **nuisance must first obtain a Wildlife Control Operator Permit and must comply with**
17 **all state Wildlife Control Operator regulations.**

18 Stat. Auth.: ORS Ch., 496.012, 496.138, 496.146, [&] 496.162 **& 498.012**

19 Stats. Implemented: ORS Ch. 496.012, 496.138, 496.146, [&] 496.162 **& 498.012**

21 **635-435-0005**

22 **Definitions**

23 For the purposes of these rules the following definitions apply:

24 **(1) "Euthanasia" means to humanely kill an animal as per the "2006 American**
25 **Association of Zoo Veterinarians Guidelines for Euthanasia of Nondomestic Animals."**

26 ~~{(1)}~~ **(2)** "Nongame wildlife nonprotected" means any species that does not meet any of the
27 following definitions: "game mammals" as defined in OAR 635-045-0002, "game birds" as
28 defined in OAR 635-045-0002, "furbearers" as defined in OAR 635-045-0002, "threatened

1 and endangered species" as **listed** [defined] in OAR 635-100-0125, or "nongame wildlife
2 protected" as defined in OAR 635-044-0130 or is not otherwise protected by statute or law.

3 **(3) "Nuisance" means the same as "Public Nuisance" as defined in ORS 498.012.**

4 **(4) "Possession"** means to have physical possession or to otherwise exercise dominion over
5 any wildlife or wildlife parts, and possession begins once the trap has been checked by the
6 permittee or subpermittee.

7 ~~[(3)]~~ **(5)** "Predatory animals" means coyotes, rabbits, rodents, and feral swine which are or
8 may be destructive to agricultural crops, products and activities. This definition is applicable
9 where wildlife is taken under the authority of one who owns leases, occupies, possesses or
10 has charge or dominion over the land. On public land this typically includes one who has a
11 grazing lease.

12 ~~[(4)]~~ **(6)** "Prohibited Species" means wildlife that the commission has placed on the
13 Prohibited list in its Wildlife Integrity Rules (OAR Chapter 635 Division 56).

14 ~~[(5)]~~ **(7)** "Protected wildlife" means any species that meets any of the following definitions:
15 "game mammals" as defined in OAR 635-045-0002, "game birds" as defined in OAR 635-
16 045-0002, "furbearers" as defined in OAR 635-045-0002, "threatened and endangered
17 species" as **listed** [defined] in OAR 635-100-0125, or "nongame wildlife protected" as
18 defined in OAR 635-044-0130 or is otherwise protected by statute or law.

19 ~~[(6)]~~ **(8)** "Wildlife Control Operator" means an individual or business charging a fee and
20 acting as an agent for a property owner, legal occupant, local jurisdiction or agency to take
21 wildlife for the purpose of controlling damage, alleviating nuisance problems, or resolving
22 public health risk concerns.

23 Stat. Auth.: ORS Ch. 496.012, 496.138, 496.146, & 496.162

24 Stats. Implemented: ORS Ch. 496.012, 496.138, 496.146, & 496.162

25
26 **635-435-0010**

27 **Permit Required to Capture, Hold, Transport, or Relocate Wildlife**

28 (1) ~~[Any Wildlife Control Operator charging a fee to control damage, alleviate nuisance~~
29 ~~problems, or resolve public health risk concerns caused by certain wildlife must first obtain~~
30 ~~a] A Wildlife Control Operator Permit from the Department **is required** prior to capturing,~~
31 holding, transporting or relocating such wildlife. A permit is not required to capture,

1 euthanize or release on-site nongame wildlife nonprotected or species taken under authority
2 of the predatory animal statute (ORS 610.105).

3 (2) A permit allows the permittee to ~~[capture,]~~:

4 **(a) Capture, [H]hold, transport, or relocate furbearers (except raccoons),**

5 **(b) [A permit allows the permittee to] Capture, [H]hold, transport, or relocate predatory**
6 **animals, western gray squirrels, and nongame wildlife nonprotected.**

7 ~~[(c) These activities must be in compliance with conditions specified by these rules, the~~
8 ~~permit, and direction by the Department.]~~

9 ~~[(3)] (c) [A permit allows the permittee to capture,] [e]E~~uthanize or release on-site raccoons.

10 A permit does not allow the permittee to relocate raccoons to other sites unless directed by
11 the Department.

12 **(d)** These activities must be in compliance with conditions specified by these rules, the
13 permit, and authorized by the Department.

14 ~~[(4)] (3) [a]A~~ permit does not authorize the permittee to intentionally capture, hold, transport
15 or relocate:

16 **(a) [g]G**ame mammals, game birds or nongame wildlife protected. ~~[Game mammals~~
17 ~~excluding western gray squirrels, game birds or nongame wildlife protected]~~ caught
18 incidentally must be released on-site. **EXCEPTION: western gray squirrels.**

19 ~~[(5)] (b) [A permit does not authorize the permittee to intentionally capture, hold, transport or~~
20 ~~relocate] [s]S~~pecies protected by other state or federal law. Species protected by other state
21 or federal law caught incidentally must be released on site.

22 Stat. Auth.: ORS Ch. 496.012, 496.138, 496.146, & 496.162

23 Stats. Implemented: ORS Ch. 496.012, 496.138, 496.146, & 496.162

25 635-435-0015

26 Passing a Test Required to Obtain Wildlife Control Operator Permit

27 ~~[Note: from October 2006 until January 2008, those seeking to obtain a Wildlife Control~~
28 ~~Operator permit will be required to submit an application and satisfy all requirements of~~
29 ~~these rules. Beginning in 2008, all those seeking a permit (both new applicants and renewing~~
30 ~~permit holders) must in addition pass a test.]~~

1 (1) To obtain a Wildlife Control Operator permit, an individual or business owner must
2 complete and submit an application form provided by the Department
3 [~~Beginning January 1, 2008,~~] [a] An applicant must also pass a test administered by the
4 Department with a score of 80% or greater. The test shall be based on a wildlife control
5 training manual provided by the Department. [~~Once an individual or business owner passes~~
6 the test, re-taking the test will not be required for renewing the permit.] **If a permit has**
7 **lapsed for more than two years or has been revoked, the individual or business owner**
8 **must pass a test administered by the Department with a score of 80% or greater before**
9 **the permit can be reinstated.**

10 (2) **A Wildlife Control Operator applicant (or sub-permittee) must be approved by the**
11 **local Department district wildlife biologist or other local Department representative as**
12 **meeting a need for wildlife control operator services in the area.**

13 ~~{(2)}~~ (3) A business owner may designate subpermittees on his or her permit. Subpermittees
14 must be employed by the permitted business owner and must sign a form provided by the
15 Department that indicates that the subpermittee has read and understands the training manual.
16 Subpermittees are not required to pass a test. The permittee is responsible for any violations
17 by a subpermittee of these rules. Subpermittees are subject to all requirements of these rules
18 applicable to permittees. Permittee may add or remove a subpermittee at any time, and at his
19 or her discretion, but must inform the Department of such changes in writing within 21 days.

20 (4) **A subpermittee may be denied being added to a business permit if the subpermittee**
21 **does not meet the conditions in OAR 635-435-0015(2).**

22 ~~{(3)}~~ (5) Permits are free of charge and are issued for the calendar year.

23 Stat. Auth.: ORS Ch. 496.012, 496.138, 496.146, & 496.162

24 Stats. Implemented: ORS Ch. 496.012, 496.138, 496.146, & 496.162

25 26 **635-435-0025**

27 **Ownership and Holding of Wildlife Held Under Wildlife Control Operator Permits**

28 (1) All wildlife captured, held, transported or relocated under a Wildlife Control Operator
29 Permit remains the property of the State of Oregon and cannot be sold, traded, bartered, or
30 exchanged except as allowed by OAR Chapter 635 Division 200. Wildlife captured, held,
31 transported or relocated under a permit cannot be intentionally displayed for public exhibit.

1 (2) Traps must be checked within the time periods specified in OAR Chapter 635 Division
2 50.

3 (3) Within 24 hours after coming into possession of wildlife as part of wildlife control
4 activity, the permittee must release, relocate, or euthanize the wildlife, or transport it to a
5 person holding a Wildlife Rehabilitation Holding Permit who is willing to accept such
6 wildlife. Lactating female wildlife or dependent infant(s) may be kept in possession up to 72
7 hours if necessary to keep the captured dependent infants or take other action to keep the
8 family unit intact. Lactating female wildlife or dependent infant(s) may only be held longer
9 than 72 hours if [~~directed~~] **authorized** by the Department

10 (4) If the permittee captures lactating female wildlife, the permittee must make reasonable
11 efforts to verify the presence or absence of infants and to capture dependent infants.

12 (5) Once wildlife has been in possession 4 hours, the permittee must provide clean drinking
13 water and replenish it at reasonable intervals.

14 Stat. Auth.: ORS Ch. 496.012, 496.138, 496.146, & 496.162

15 Stats. Implemented: ORS Ch. 496.012, 496.138, 496.146, & 496.162

16 **635-435-0030**

17 **Humane Euthanasia and Discarding of Wildlife Carcasses**

18 (1) If any wildlife shows obvious symptoms of disease, the permittee must humanely
19 euthanize or dispose of the wildlife as [~~directed~~] **authorized** by the Department

20 (2) A permittee may euthanize wildlife without the assistance of a veterinarian. A
21 permittee's methods of euthanizing live-captured or free-ranging wildlife must be consistent
22 with the [~~"2000 Report of the AVMA Panel on Euthanasia" published in the Journal of the~~
23 ~~American Veterinary Medical Association, volume 218, number 5~~] **"2006 American**
24 **Association of Zoo Veterinarians Guidelines for Euthanasia of Nondomestic Animals."**

25 (3) No permit is needed to euthanize wildlife in accordance with ORS 498.016.

26 (4) When discarding wildlife carcasses, a permittee must follow Department directions.
27 Disposal of wildlife parts must be done in a manner consistent with OAR Chapter 635
28 Division 200.

29 Stat. Auth.: ORS Ch. 496.012, 496.138, 496.146, & 496.162

30 Stats. Implemented: ORS Ch. 496.012, 496.138, 496.146, & 496.162

1 **635-435-0035**

2 **Relocation of Nuisance Wildlife**

3 (1) A permittee must ~~[release prohibited species on site or]~~ humanely euthanize ~~[them]~~
4 **prohibited species as identified in the Wildlife Integrity Rules (OAR 635-056-0050).**

5 Prohibited species cannot be relocated off site except to humanely euthanize them.

6 ~~[Prohibited species cannot be relocated to other sites.]~~

7 (2) A permittee ~~[may either]~~ **must** release raccoons on site or humanely euthanize them
8 **unless otherwise authorized by the local Department district biologist.** ~~[Raccoons must~~
9 ~~not be relocated off site except to humanely euthanize them. Raccoons cannot be relocated to~~
10 ~~other sites except as authorized by the Department.]~~

11 (3) Predatory animals, furbearers except raccoons and nongame wildlife nonprotected may be
12 released on site, humanely euthanized or (as ~~[directed]~~ **authorized** by the Department)
13 relocated into suitable habitat.

14 Stat. Auth.: ORS Ch. 496.012, 496.138, 496.146, & 496.162

15 Stats. Implemented: ORS Ch. 496.012, 496.138, 496.146, & 496.162

16
17 **635-435-0040**

18 **Transportation of Wildlife**

19 (1) Permittees are authorized to transport permitted live wildlife for:

20 (a) relocation into suitable habitat as specified by these rules and the permit, or

21 (b) transport to a person holding a Rehabilitation Holding permit, or

22 (c) euthanization of the animal.

23 (2) Permittees are authorized to transport permitted wildlife carcasses for disposal of the
24 carcass as directed by the Department or for use of wildlife parts in compliance with OAR
25 Chapter 635, Division 200.

26 (3) Permittees must provide all live wildlife with humane care during transport. When
27 transporting live wildlife in a vehicle:

28 (a) The vehicles must be equipped to provide fresh air without injurious exhaust fumes, and
29 with adequate protection from extreme weather that could cause morbidity or mortality.

30 (b) Wildlife must be protected from extremes in temperature that could cause morbidity or
31 mortality.

- 1 (c) The cage or enclosure must be of sufficient strength to hold wildlife securely during
2 transportation and to prevent escape.
- 3 (d) The interior of the cage must be free of defects including sharp points, objects or edges
4 resulting from alterations, breakage or age of the trap and that could injure wildlife placed
5 inside.
- 6 (e) With the exception of skunks, the cage must be of a size that assures the safety of the
7 wildlife control operator and be large enough to ensure that each specimen has sufficient
8 space to turn, stand, and [~~lie~~] **lay** naturally.
- 9 (f) More than one specimen must not be transported in the same cage or enclosure unless
10 they are of the same species and were captured together in the same trap or capture device.
- 11 (g) A visual barrier must be placed between aggressive individuals.
- 12 (h) Wildlife must be of sufficient distance apart or shall have a divider placed between them
13 to prevent any physical contact between specimens.
- 14 (i) Wildlife must not be placed in a cage or enclosure over other wildlife unless each cage is
15 fitted with a floor or barrier which prevents excretions or body parts from entering lower
16 cages or enclosures.

17 Stat. Auth.: ORS Ch. 496.012, 496.138, 496.146, & 496.162

18 Stats. Implemented: ORS Ch. 496.012, 496.138, 496.146, & 496.162

19
20 **635-435-0060**

21 **Cancellation or Non-Renewal of Permit**

22 (1) Failure to comply with the record keeping, reporting, or other requirements of the
23 Wildlife Control Operator Permit are grounds for cancellation or denial of renewal of the
24 permit.

25 **(2) The Department reserves the right to deny issuance of a Wildlife Control Operator**
26 **Permit, to deny subpermittee(s), and to impose special permit conditions if the**
27 **applicant or subpermittee is convicted of, or admits to, a violation of a wildlife law, or**
28 **rule, or permit issued under the wildlife laws within the last five years.**

29 ~~{(2)}~~**(3)** A permittee may appeal cancellation or non-renewal of a permit through a contested
30 case hearing. The request for a contested case hearing on a proposed cancellation must be
31 received by the Department within 21 days after service of notice (90 days for emergency

1 cancellations). The request for hearing on a proposed non-renewal must be received by the
2 Department within 60 days of notice. Final Orders in contested case hearings shall be issued
3 by the Director.

4 Stat. Auth.: ORS Ch. 496.012, 496.138, 496.146, & 496.162

5 Stats. Implemented: ORS Ch. 496.012, 496.138, 496.146, & 496.162