



# Oregon

John A. Kitzhaber MD., Governor

## Attachment 4

Department of Fish and Wildlife  
Wildlife Division  
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Dear Wildlife Control Operators,

It has been a little over five years ago since the Oregon Administrative Rules (OAR), Division 435 "Wildlife Control Operators" were developed by the Wildlife Control Operator Task Force, Oregon Department of Fish and Wildlife (Department) staff and approved by the Commission. Since then, some of the rules have become outdated; others need to be updated to be consistent with subsequent OARs or because of new standards that are more relevant to how Wildlife Control Operators (WCO) conducts business and to correct language used in the rules.

Department staff are recommending the following changes to Division 435, Wildlife Control Operators rules. Included in this packet is a copy of the complete OAR 435 rules with the new proposed rules underlined and bolded and any wording removed shown as "strike through". These proposals will be presented at the Oregon Department of Fish and Wildlife Commission meeting on March 9, 2012 in Corvallis. If you have any comments about these proposed changes as detailed below or other questions about the WCO program please contact me by **February 24, 2012**. All comments or written testimony will be included in the March Commission Packet or you are welcome to present public testimony during the meeting.

### 635-435-0000

#### Purpose

- (1) The purpose of these rules is to:
  - (a) Streamline compliance requirements in ORS 498.012 while promoting sound wildlife management;
  - (b) Provide means for an agent to act on the behalf of a landowner or occupier to rid their homes, businesses or land of wildlife causing a public nuisance, as defined in ORS 498.012(6) (c).
- (2) Any individual or business owner charging a fee to control wildlife causing a public nuisance must first obtain a Wildlife Control Operators Permit and must comply with all state Wildlife Control Operator regulations

### 635-435-0005

#### Definitions

For the purposes of these rules the following definitions apply:

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

*Reason: Amended to be constant with OAR 635-044-0205(7) and make it more relevant to wildlife that WCO's would encounter.*

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

### **635-435-0010**

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

- (1) A Wildlife Control Operator permit from the Department is required prior to capturing, holding, transporting or relocating such wildlife. A permit is not required to capture, euthanize or release on-site nongame wildlife or species taken under authority of the predatory animal statute (ORS 610.105)
- (2) A permit allows the permittee to capture:
  - (a) Hold, transport, or relocate furbearers (except raccoons)
  - (b) Hold, transport, or relocate predatory animals, western gray squirrels, and nongame wildlife nonprotected. These activities must be in compliance with conditions specified by the rules, the permit and direction by the Department
  - (c) Euthanize or release on-site raccoons. A permit does not allow the permittee to relocate raccoons to other sites unless directed by the Department.
- (3) A permit does not authorize the permittee to intentionally capture, hold, transport or relocate:
  - (a) game mammals, game birds or nongame wildlife protected. Game mammals caught incidentally must be released on-site. Exception: western gray squirrels, game birds or nongame wildlife protected and defined in 635-435-0010(2)(b)
  - (b) species protected by other state or federal law. Species protected by other state or federal law caught incidentally must be released on site.

*Reason: Amended in order to clarify who needs the permit and what is allowed under a permit.*

### **635-435-0015**

#### **Passing a Test Required to Obtain Wildlife Control Operator Permit**

- (1) To obtain a Wildlife Control Operator permit, an individual or business owner must complete and submit an application form provided by the Department and, an applicant must also pass a test administered by the Department with a score of 80% or greater. The test shall be based on a wildlife control training manual provided by the Department. If a permit has lapsed for more than two years or has been revoked; the individual or business owner must pass a test administered by the Department with a score of 80% or before the permit can be reinstated

*Reason: Removes the note portion in the original 435 because it doesn't apply for permits past the year 200 8 and to be consistent with OAR Division 44.*

- (2) Has been approved by the local Department district wildlife biologist or other local Department representative as meeting a need for wildlife control operator services in the area and having a good reputation for care of wildlife.

*Reason: Amended to be consistent 635-056-0050(f) and 635-044-0210(f).*

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

*Reason: Amended to be consistent with s 635-044-0210 (d)*

**635-435-0030**

**Humane Euthanasia and Discarding of Wildlife Carcasses**

- (2) A permittee may euthanize wildlife without the assistance of a veterinarian. A permittee's methods of euthanizing live-captured or free-ranging wildlife must be consistent with the "2006 American Association of Zoo Veterinarians Guidelines for Euthanasia of Nondomestic Animals. "

*Reason: Amended to be constant with OAR 635-044-0205(7) and is more relevant to wildlife that WCO's would encounter.*

**635-435-0035**

**Relocation of Nuisance Wildlife**

- (1) A permittee must humanely euthanize prohibited species as indentified in the wildlife integrity rules (OAR 635-056-0050). Prohibited species cannot be relocated off site except to humanely euthanize them.
- (2) A permittee must release raccoons on site or humanely euthanize them unless otherwise authorized by the local Department district biologist.

*Reason: Amended to be constant with OAR 635-044-0205 (1) (7).*

**635-435-0060**

**Cancellation or Non-Renewal of Permit**

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

*Reason: Add to clarify reason for cancellation or non-renewal of a permit and to be constant with 635-044-0210 (4).*

If you have any comments about this changes or other question about the WCO program please contact me at (503) 947-6308 or email: [rick.j.boatner@state.or.us](mailto:rick.j.boatner@state.or.us). You can review the current rules at <http://www.dfw.state.or.us/OARs/435.pdf>.

Sincerely,

Rick Boatner  
Wildlife Division  
Invasive Species, Wildlife Integrity Coordinator