

DIVISION 435
WILDLIFE CONTROL OPERATORS

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 home, business or land of wildlife which is causing damage, is a public nuisance or is posing a health risk, as defined in ORS 498.012.~~

(2) ~~Any individual or business owner charging a fee to control wildlife which is causing damage, is a public nuisance or is posing a health risk must first obtain a Wildlife Control Operator~~

~~Permit and must comply with all state Wildlife Control Operator regulations.]~~

(a) **Clarify the requirements and restrictions for wildlife control activities, especially in incorporated city limits and associated urban development while promoting sound wildlife management; and**

(b) **Provide a means for an agent to act on the behalf of a landowner or occupant to remove wildlife causing damage, posing a public health threat or creating a public nuisance, as defined in ORS 498.012.**

Stat. Auth.: ORS Ch., 496.012, 496.138, 496.146, 496.162, **497.308**, 498.012 & **498.052**

Stats. Implemented: ORS Ch. 496.012, 496.138, 496.146, 496.162, 497.308, 498.012 & **498.052**

635-435-0005

Definitions

For the purposes of these rules the following definitions apply:

~~[(2) "Nongame wildlife nonprotected" means any species that does not meet any of the following definitions: "game mammals" as defined in OAR 635-045-0002, "game birds" as defined in OAR 635-045-0002, "furbearers" as defined in OAR 635-045-0002, "threatened and endangered species" as listed in OAR 635-100-0125, or "nongame wildlife protected" as defined in OAR 635-044-0130 or is not otherwise protected by statute or law.]~~

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

1 **(1) "Agent" means an individual or business conducting wildlife control activities for a**
2 **fee for a property owner, legal occupant, local jurisdiction or agency to take furbearers,**
3 **unprotected mammals and western gray squirrels for the purpose of reducing property**
4 **damage, removing nuisance animals, or resolving public health threat or safety concerns**
5 **caused by wildlife.**

6 **(2) "Damage" means loss of or harm inflicted on land, livestock or agricultural or forest**
7 **crops**

8 **(3) "Department" means Oregon Department of Fish and Wildlife (ODFW).**

9 **(4) (1) "Euthanasia" means to humanely [kill an animal as per the "2006 American Association**
10 **of Zoo Veterinarians Guidelines for Euthanasia of Nondomestic Animals"] end the life of an**
11 **individual animal by a person in a way that minimizes or eliminates pain and distress as**
12 **defined in the "American Veterinary Medical Association (AVMA) Guidelines for the**
13 **Euthanasia of Animals: 2013 Edition".**

14 **(5) "Furbearers" are beaver, bobcat, fisher, marten, mink, muskrat, otter, raccoon, red**
15 **fox, and gray fox. For any person owning, leasing, occupying, possessing or having charge**
16 **of or dominion over any land (or an agent of this person) who is taking or attempting to**
17 **take beaver or muskrat on that property, these two species are considered predatory**
18 **animals.**

19 **(6) "Notification" means that the Wildlife Control Operator (WCO) conducting wildlife**
20 **control activities has been contacted by the client or designee by phone, text, email, fax, or**
21 **in person that a trap has been closed, with a live animal inside.**

22 **(7) [4] ["Possession"] "Possess" means to have control [physical possession or to otherwise] or**
23 **exercise dominion over any wildlife or wildlife parts (OAR 635-045-0002(53)). [and possession**
24 **begins once the trap has been checked by the permittee or subpermittee.]**

25 **(8) [5] "Predatory animals" means coyotes, rabbits, rodents, and feral swine which are or may be**
26 **destructive to agricultural crops, products and activities (ORS 610.002 & 610.105). This**
27 **definition is applicable where wildlife is taken under the authority of one who owns leases,**
28 **occupies, possesses or has charge or dominion over the land. [On public land this typically**
29 **includes one who has a grazing lease.] Beavers, muskrats, western gray squirrels (Sciurus**
30 **griseus), gophers, mountain beaver (boomer), marmot, nutria, and porcupine causing**
31 **damage on private property are defined as predatory animals under ORS 610.002.**

1 (9) “Prohibited species” means wildlife that the commission has placed on the Prohibited list in
2 its Wildlife Integrity Rules [(OAR Chapter 635 Division 56)] (OAR 635-056-0050 & 635-056-
3 0130).

4 (10) [7]“Protected wildlife” means any species that meets any of the following definitions:
5 "game mammals" as defined in OAR 635-045-0002, "game birds" as defined in OAR 635-045-
6 0002, "furbearers" as defined in OAR 635-045-0002, "threatened and endangered species" as
7 listed in OAR 635-100-0125, or "nongame wildlife protected" as defined in OAR 635-044-0130
8 or is otherwise protected by statute or law.

9 (11) “Public Nuisance” means loss of or harm inflicted on gardens, ornamental plants,
10 ornamental trees, pets, vehicles, boats, structures, or other personal property (ORS
11 498.012).

12 (12) “Unprotected Mammals” means badger, coyote, gophers (Thomomys bottae, T.
13 bulbivorus, T. mazama, T. talpoides and T. townsendii), moles (Scapanus townsendii, S.
14 orarius and S. latimanus), mountain beaver (Apolodontia rufa), yellowbellied marmots
15 (Marmota flaviventris), nutria, opossum, porcupine, spotted skunk, striped skunk, and
16 weasel. For any person owning, leasing, occupying, possessing or having charge of or
17 dominion over any land (or an agent of this person) who is taking or attempting to take
18 coyote, gophers, mountain beaver (boomer), marmot, nutria, or porcupine on that
19 property, these six species are considered to be predatory animals.

20 (13) [8] “Wildlife Control Operator” (WCO) means an [individual or business charging a fee
21 and acting as an agent for a property owner, legal occupant, local jurisdiction or agency to take
22 wildlife for the purpose of controlling damage, alleviating nuisance problems, or resolving public
23 health risk concerns.] agent, who is the principal manager or business owner, or employee
24 of the business listed on the WCO permit and responsible for activities conducted in the
25 course of wildlife control activities.

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

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

1 635-435-0010

2 **Permit Required to Capture, ~~Hold~~ Possess, or Transport~~, or Relocate~~ Wildlife**

3 [(1) A Wildlife Control Operator Permit from the Department is required prior to capturing,
4 holding, transporting or relocating such wildlife. A permit is not required to capture, humanely
5 euthanize or release on-site nongame wildlife nonprotected or species taken under authority of the
6 predatory animal statute (ORS 610.105).

7 (2) A permit allows the permittee:

8 (a) Capture, hold, transport, or relocate furbearers (except raccoons). (b) Capture, hold,
9 transport, or relocate predatory animals, western gray squirrels, and nongame wildlife
10 nonprotected.

11 (c) Humanely euthanize or release on-site raccoons. A permit does not allow the permittee to
12 relocate raccoons to other sites unless directed by the Department.

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

15 (3) A permit does not authorize the permittee to intentionally capture, hold, transport or relocate:

16 (a) Game mammals, game birds or nongame wildlife protected. Game mammals, game birds or
17 nongame wildlife protected caught incidentally must be released on-site. EXCEPTION: western
18 gray squirrels.

19 (b) Species protected by other state or federal law. Species protected by other state or federal law
20 caught incidentally must be released on-site.]

21 **(1) A WCO permit is required for any individual, business owner, or the business owner's**
22 **designee charging a fee to control furbearers, unprotected mammals (excluding moles**
23 **(*Scapanus spp.*), and western gray squirrels causing damage, creating a public nuisance or**
24 **posing a public health or safety concern; and for the offsite transportation of any live**
25 **wildlife;**

26 **(a) A WCO permit is not required for the onsite capture and euthanasia of species defined**
27 **as "predatory animals".**

28 **(b) Federal employees of the U.S. Department of Agriculture, Animal Plant and Health**
29 **Inspection Service-Wildlife Services and, county or municipality employees, working in**
30 **their official capacity, are exempt from this requirement.**

31 **(c) WCO permittees must comply with all state wildlife laws and regulations; and, all**
32 **activities must be in compliance with conditions specified by these rules, permit and**
33 **authorization from the Department.**

1 (2) A permit allows a WCO to:

2 (a) Capture, possess, or transport furbearers, predatory animals, western gray squirrels,
3 unprotected mammals and all snakes.

4 (b) Humanely euthanize wildlife authorized under this permit using methods defined by
5 the “American Veterinary Medical Association (AVMA) Guidelines for Euthanasia of
6 Animals: 2013 Edition” except for the following species of snakes which shall be relocated

7 i. Willamette Valley Populations of Western Rattlesnake (*Crotalus oreganus*)

8 ii. Sharptail snake (*Contia tenuis*),

9 iii. Common Kingsnake (*Lampropeltis getula*)

10 iv. California Mountain Kingsnake (*Lampropeltis zonata*)

11 v. Western Ground Snake (*Sonora semiannulata*)

12 (c) Collect and dispose of animals directly related to WCO activities.

13 (3) All bat spp. are limited to exclusion and eviction from a structure during the months of
14 June through August or they may be captured and immediately released outdoors or taken
15 to a licensed wildlife rehabilitator.

16 (4) A permit does not allow a WCO to transport, for the purposes of release, any wildlife
17 captured under terms of the WCO permit except for:

18 (a) Western Gray Squirrel, Marten and Fisher

19 (b) Reptiles listed in subsection (2),

20 (c) Badger and Beaver with prior approval from the Department.

21 (5) A WCO permit does not authorize the permittee to intentionally capture, possess, or
22 transport:

23 (a) Wildlife not authorized under a WCO permit.

24 (b) Species protected by other state or federal law.

25 (c) Species protected by other state or federal law caught incidentally must be released
26 immediately onsite.

27 Stat. Auth.: ORS Ch. 496.012, 496.138, 496.146, 496.162 & 610.005

28 Stats. Implemented: ORS Ch. 496.012, 496.138, 496.146, 496.162, 610.002 & 610.105

1 635-435-0015

2 ~~[Passing a Test Required to Obtain]~~ Requirements for Wildlife Control Operator Permit

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

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

13 (3) ~~A business owner may designate subpermittees on his or her permit. Subpermittees must be~~
14 ~~employed by the permitted business owner and must sign a form provided by the Department~~
15 ~~that indicates that the subpermittee has read and understands the training manual. Subpermittees~~
16 ~~are not required to pass a test. The permittee is responsible for any violations by a subpermittee~~
17 ~~of these rules. Subpermittees are subject to all requirements of these rules applicable to~~
18 ~~permittees. Permittee may add or remove a subpermittee at any time, and at his or her discretion,~~
19 ~~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 does not~~
21 ~~meet the conditions in OAR 635-435-0015(2).~~

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

23 (1) **WCO permits may be issued to either an individual or business listed on the**
24 **application. A business or business owner is not required to take the WCO test if they do**
25 **not conduct any wildlife control activities. A biennial, \$60 non-refundable WCO permit fee**
26 **is required for each WCO business; and each permit will cover all employees eligible to**
27 **conduct WCO activities.**

28 (a) **A WCO permit for a business requires a minimum of one employee designee passing**
29 **the WCO test, administered by the Department.**

30 (2) **All individuals > 18 years of age conducting wildlife control activities must pass the**
31 **Department administered WCO test with a minimum test score of 80%. A WCO training**
32 **manual is available on the ODFW website.**

1 (a) A \$25 non-refundable test administration fee is required of test applicants for each test
2 administered.

3 (3) Submittal of a completed WCO application form shall include:

4 (a) Business information including whether the applicant is an individual, partnership,
5 corporation, Limited Liability Company or other legal entity.

6 A. If a partnership, the application must provide the full names and addresses of the
7 partners.

8 B. If a corporation, the application must provide the full name and addresses of all
9 officers, directors and stockholders.

10 C. If a Limited Liability Company, the application must provide the full names and
11 addresses of all members and managers.

12 D. If the application is structured as a tiered organization, the application must provide
13 the full names and address of all of the partners; or officers, directors and stockholders;
14 or members and managers of each substituent entity within the tiered organization;

15 (b) List of each employee who will be conducting WCO activities and has passed the WCO
16 test.

17 (4) Upon application approval, applicants must submit a \$60 non-refundable WCO Permit
18 fee.

19 (5) The Department must notify an applicant that it intends to deny the application within
20 30 days of the date a completed application is received. The proposed denial will be based
21 on a review of the applicant's information not meeting the conditions defined in these rules.

22 (6) A WCO permit is not required for any person younger than 18 years of age that is
23 directly associated with a business that has at least one employee that has passed the WCO
24 test who is mentoring the young individual.

25 (7) Permits are valid for two consecutive calendar years from the date of issue.

26 (8) WCO permit renewal by an individual or business requires:

27 (a) Submission of renewal application and remittance of a \$60 non-refundable application
28 fee.

29 (b) Individual Applicants and Employees listed on the business renewal application must:

30 A. Provide documentation with the renewal application of 12 hours of Department
31 approved continuing education within the previous two calendar years; or

32 B. Retake the WCO test administered by the Department with a minimum score of 80%.

1 **(c) Failure to renew a WCO permit, due to expirations or to permit revocation requires the**
2 **permittee to apply as a new applicant with all employees listed on the application required**
3 **to retake the WCO test with a passing score.**

4 **(9) A WCO permit revoked for violation of wildlife rules or conditions of the permit may**
5 **be denied reapplication by the Department for up to five years.**

6 **(10) Businesses must notify the Department within 14 business days of termination or**
7 **removal of an employee listed on their WCO permit.**

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

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

10
11 **635-435-0020**

12 **Wildlife Control Operator Permit Required to be in Possession**

13 (1) Individuals or employees of businesses holding a [~~Wildlife Control Operator~~] WCO Permit
14 must have the permit **or a copy**, in possession while conducting wildlife control activities and
15 make the permit available for inspection upon request by any Department employee or any
16 person authorized to enforce wildlife laws.

17 (2) Individuals or businesses holding a permit must obtain and have in possession any other
18 federal, state, or local permits that may be required.

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

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

21
22 **635-435-0025**

23 **~~{Ownership and Holding of Wildlife Held Under Wildlife Control Operator Permits}~~**

24 **Disposition of Wildlife**

25 (1) All wildlife captured, held, or transported [~~or-relocated~~] under a [~~Wildlife Control Operator~~]
26 **WCO** Permit remains the property of the State of Oregon and cannot be sold, traded, bartered, or
27 exchanged except as allowed by OAR Chapter 635 Division 200. [~~Wildlife-captured, held,~~
28 ~~transported or relocated under a permit cannot be intentionally displayed for public exhibit~~

29 (2) ~~Traps must be checked within the time periods specified in OAR Chapter 635 Division~~
30 ~~50.~~

31 (3) ~~Within 24 hours after coming into possession of wildlife as part of wildlife control activity,~~
32 ~~the permittee must release, relocate, or humanely euthanize the wildlife, or transport it to a~~
33 ~~person holding a Wildlife Rehabilitation Holding Permit who is willing to accept such wildlife.~~

1 Lactating female wildlife or dependent infant(s) may be kept in possession up to 72 hours if
2 necessary to keep the captured dependent infants or take other action to keep the family unit
3 intact. Lactating female wildlife or dependent infant(s) may only be held longer than 72 hours if
4 authorized by the Department

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

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

9 **(2) Wildlife captured, held, or transported under the terms of the WCO permit shall not be**
10 **intentionally displayed for public exhibit.**

11 **(3) Cage traps or restraining traps shall be inspected for capture success at a minimum of**
12 **once every 48 hours. The local Department district biologist will consider extenuating**
13 **circumstances to extend check time on a case by case basis upon contact from the WCO.**
14 **Killing traps or traps set for predatory animals as defined in ORS 610.002 must be checked**
15 **within the time periods specified in OAR Chapter 635, Division 50. The inspection and**
16 **removal of any captured animal shall be done by the person who set the trap or the owner**
17 **of the land where the trap is set, or designee of either.**

18 **(4) WCO's must conduct one of the following within 24 hours of notification of possession**
19 **of wildlife:**

20 **(a) Humanely euthanize the animal(s) in a manner consistent with the "AVMA Guidelines**
21 **for Euthanasia of Animals: 2013 Edition"; or**

22 **(b) Release animal on site; or**

23 **(c) Relocate the animal (with prior approval from the Department).**

24 **(5) Wildlife held, relocated, or used for attracting offspring must be supplied with fresh**
25 **drinking water within a period of 4 hours of possession and must be provided access to**
26 **clean drinking water at reasonable intervals, not to exceed 8 hours between water**
27 **replenishment.**

28 **(6) A WCO capturing a wild animal must make reasonable efforts to locate and capture**
29 **dependent neonatal offspring. Lactating female wildlife and dependent neonates(s) may be**
30 **kept in possession up to 72 hours or longer as approved by the Department.**

31 **(7) Wildlife indicating symptoms of disease must be humanely euthanized consistent with**
32 **ORS 498.016, or handled as directed by local Department district biologist or Department**
33 **veterinarian.**

1 **(8) A WCO must humanely euthanize prohibited species as identified in the Wildlife**
2 **Integrity Rules (OAR 635-056-0050).**

3 **(9) A WCO may sell, purchase or exchange the pelt, or any part thereof, of any legally**
4 **taken furbearing or unprotected mammal as allowed by OAR 635-050-0045(3);**

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

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

7
8 ~~{635-435-0030~~

9 ~~**Humane Euthanasia and Discarding of Wildlife Carcasses}**~~

10 ~~{(1) If any wildlife shows obvious symptoms of disease, the permittee must humanely euthanize~~
11 ~~or dispose of the wildlife as authorized by the Department~~

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

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

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

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

20 ~~Stats. Implemented: ORS Ch. 496.012, 496.138, 496.146, & 496.162}~~

21
22 ~~{635-435-0035~~

23 ~~**Relocation of Nuisance Wildlife}**~~

24 ~~{(1) A permittee must humanely euthanize prohibited species as identified in the Wildlife~~
25 ~~Integrity Rules (OAR 635-056-0050). Prohibited species cannot be relocated off site except to~~
26 ~~humanely euthanize them.~~

27 ~~(2) A permittee must release raccoons on site or humanely euthanize them unless otherwise~~
28 ~~authorized by the local Department district biologist.~~

29 ~~(3) Predatory animals, furbearers except raccoons and nongame wildlife nonprotected may be~~
30 ~~released on site, humanely euthanized or (as authorized by the Department) relocated into~~
31 ~~suitable habitat.}~~

32 ~~{Stat. Auth.: ORS Ch. 496.012, 496.138, 496.146, & 496.162~~

33 ~~Stats. Implemented: ORS Ch. 496.012, 496.138, 496.146, & 496.162}~~

1 635-435-0040

2 **Transportation of Wildlife**

3 (1) **Live wildlife may only be transported with a transport permit issued by the Department or**
4 **a WCO permit.**

5 (2) Permittees are authorized to transport permitted live wildlife for:

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

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

8 ~~(c) humane euthanization of the animal.]~~

9 (a) **Humane euthanasia of the captured animal; or**

10 (b) **Transport wildlife specified in 635-435-0010 (4) to a licensed Oregon Wildlife**

11 **Rehabilitator; or**

12 (c) **Relocation to suitable release habitat with prior approval of the Department.**

13 [~~(2) Permittees are authorized to transport permitted wildlife carcasses for disposal of the carcass as~~
14 ~~directed by the Department or for use of wildlife parts in compliance with OAR~~
15 ~~Chapter 635, Division 200.]~~

16 (3) **WCOs may transport wildlife carcasses in their usual course of business for disposal by**
17 **burying, placement in a landfill, rendering, incineration or as directed by the Department,**
18 **or for use of wildlife parts in compliance with OAR 635 Division 200.**

19 (4) Permittees must provide all live wildlife with humane care during transport. [~~When transporting~~
20 ~~live wildlife in a vehicle.]~~

21 (5) **When transporting live wildlife in a vehicle:**

22 (a) The vehicles **transport area** must **have access to free-flowing** be equipped to provide fresh
23 air without injurious exhaust fumes [~~]; and with adequate protection from extreme weather that~~
24 ~~could cause morbidity or mortality]~~

25 (b) Wildlife must **have adequate protection** [~~be protected]~~ from extreme **weather conditions**
26 **and** [~~in~~] temperature that **would result in hypo- or hyperthermia of the animals or conditions**
27 **that could lead to illness or death.** [~~could cause morbidity or mortality.]~~

28 (c) The cage or enclosure must be of sufficient strength to hold wildlife securely during
29 transportation and to prevent escape.

30 (d) The interior of the cage must be **in good working condition:** free of defects, [~~and including]~~
31 sharp points, objects or edges **that could injure the transported wildlife.**
32 [~~resulting from alterations, breakage or age of the trap and that could injure wildlife placed~~
33 ~~inside.]~~

1 (e) Cages must be of sufficient size to assure the safety of the transported wildlife and
2 WCO.

3 (f) Holding cage must be large enough to ensure that each individual has sufficient space to
4 turn, stand, and lay naturally. Skunks may be held in a cage that limits its ability to spray
5 the WCO.

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 space to~~
8 ~~turn, stand, and lay naturally.~~]

9 (g) No more than one animal will [~~specimen must not~~] be transported in the same cage or
10 enclosure unless they are of the same species, accepting of a cage-mate and were captured
11 together in the same trap or capture device.

12 (h) A visual barrier must be placed between aggressive individuals or animals considered
13 predators and prey to reduce stress during possession and transport.

14 (i) Caged wildlife must be separated by of sufficient distance [~~apart~~] or shall have a physical
15 divider placed between them to prevent injury or [~~any~~] physical contact between caged
16 occupants [~~specimens~~].

17 (j) Caged wildlife must not be stacked [~~placed in a cage or enclosure over other wildlife~~] unless
18 each cage is fitted with a floor or barrier preventing [~~which prevents~~] excretions or body parts
19 from entering lower cages or enclosures.

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

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

22 23 **635-435-0045**

24 **Equipment Subject to Inspection**

25 (1) Any Law Enforcement officer or Department [~~In response to a complaint or reasonable~~
26 ~~suspicion that these rules have been violated, any State Police officer or Department of Fish and~~
27 ~~Wildlife~~] representative may inspect a permittee's traps, cages, enclosures, or other equipment in
28 use for capturing, possession [~~holding~~], transporting or relocating wildlife; or any wildlife held
29 in such equipment or otherwise in possession; or wildlife control records. Nothing in these rules
30 is intended to authorize or allow the warrantless search or inspection of a permit holder's
31 residence.

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

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

1 635-435-0050

2 **Trap Tampering Molestation Prohibited**

3 (1) Any trap or capture device used by a permittee must be legibly marked or branded with either
4 the **individual or** owner's business name and phone number, or the owner's furtaker license
5 (brand) number or WCO number that has been assigned by the Department.

6 (2) It is unlawful to molest **tamper with** any trap or capture device set by a **WCO** [~~permittee for~~
7 ~~the purposes of controlling damage, alleviating nuisance problems, or resolving public health~~
8 ~~risk concerns caused by wildlife~~] or to remove wildlife from such a trap or capture device
9 without written authorization of the **WCO** [~~owner~~].

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

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

12
13 635-435-0055

14 **Record Keeping and Reporting Requirements**

15 (1) [~~A permittee and his or her subpermittees must have a]~~ Landowner or occupier **of premises**
16 **must** sign an affidavit of damage designating the **permitted WCO** permittee as his or her agent
17 to address damage caused by any **wildlife**. [~~furbearer. An affidavit of damage is not required for~~
18 ~~species taken under authority of the predatory animal statute (ORS 610.105).~~]

19 (2) [~~A permittee and his or her subpermittees must keep records on a calendar-month report form~~
20 ~~provided by the Department for all furbearers captured on permit and for all live wildlife that is~~
21 ~~transported off-site. Reporting is required for non-target wildlife captured if such wildlife is~~
22 ~~relocated, euthanized or injured. Reporting is not required for predatory animals or nongame~~
23 ~~wildlife nonprotected that are captured then either released on-site or euthanized on-site.]~~ **A**
24 **complete record of the WCO activities must be maintained by permit holder on a WCO**
25 **calendar-month report form provided by the Department for all wildlife captured on a**
26 **WCO permit.**

27 a) **A copy of each signed affidavit must be submitted with monthly report.**

28 (3) [~~A permittee must submit the]~~ **WCO** monthly report **must be received by** form to the
29 Department by the 15th day of the following month. [~~A permittee must submit a r]~~ **Reports are**
30 **required for periods when** even if no wildlife control activity occurred during the month.

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

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

1 **635-435-0060**

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

3 (1) Failure to comply with the record keeping, reporting, or other requirements of the [~~Wildlife~~
4 ~~Control Operator]~~ **WCO** Permit **may lead to** ~~are grounds for~~ cancellation or denial of renewal of
5 the permit.

6 (2) The Department **may revoke or** ~~reserves the right to~~ deny issuance of a ~~Wildlife Control~~
7 ~~Operator~~ **WCO** Permit **if listed employees were,** [~~to deny subpermittee(s), and to impose special~~
8 ~~permit conditions if the applicant or subpermittee is]~~ convicted of, or admits to, a violation of a
9 wildlife law (**under the Interstate Wildlife Violators Compact**), or rule, or permit issued under
10 the wildlife laws within the **previous** last five years.

11 (3) ~~A permittee may appeal cancellation or non-renewal of a permit through a contested case~~
12 ~~hearing.~~ **A WCO permittee that has been notified that the permit will be cancelled or denied**
13 **renewal may petition the Department for a contested case hearing.** The request for a
14 contested case hearing on a proposed cancellation must be received by the Department within 21
15 days after service of notice (90 days for emergency cancellations). The request for hearing on a
16 proposed non-renewal must be received by the Department within 60 days of notice. Final
17 Orders in contested case hearings shall be issued by the **Department** Director.

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

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

20
21 Amended August 2012