



Oregon

Kate Brown, Governor

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Dear Stakeholder

You have been identified as a potential interested party in the review and revision of the Oregon Administrative Rule (OAR) Chapter 635 Division 44 regulating the holding and propagation of Oregon Wildlife. This process was initiated in 2013 when a Wildlife Holding Advisory Group was formed at the direction of the Wildlife Division Administrator to determine if the rules maintain relevance to the mission of the department and current issues addressed by the department and Oregon State Police. After several internal department meetings, the advisory group met on six occasions in 2014. The members of the advisory group included representation from the Audubon Society of Portland, exotic pet industry, Oregon Hunters Association, Oregon Humane Society, Department of Agriculture, Oregon State Police, and district and wildlife diversity staff from the department.

During the December 4, 2015 commission meeting and following a proposal from the advisory group, the Wildlife Rehabilitation sections (635-044-0200 through 635-044-0310) were removed from Division 44 to create a stand-alone new Division 62 titled WILDLIFE REHABILITATION. The draft of revised rules for Division 44 is presently titled PROTECTED WILDLIFE, HOLDING, AND PROPAGATING RULES. The draft revisions and critical review of Division 44 rules by the advisory group led to several key proposals including:

1. Providing a Definition of Terms used within the proposed rules. Specifically defining "Hold" as the possession or control of a live animal, gamete, or hybrid. This term is the focus of the Division 44 rule, clearly separating the concept of holding and propagating live animals from hunt, trap, pursue, kill, take, catch, angle for, or have in possession, animals that have been lethally removed, as is used in other rules to define the use of wildlife;
2. Removing the classification of Non-protected Nongame Wildlife and reclassifying species that may be collected with defined conditions. Under the proposed rules, all free-ranging or held native wildlife is regulated;
3. Specifically defining the conditions through OAR and applicable permits/licenses when wildlife can be captured and held;
4. Increasing the scope of the Wildlife Holding Permit to include the legal holding of any currently held captive black bear, cougar, and skunk.
5. Providing regulatory direction concerning future restrictions for the holding of captive black bear, cougar, bobcat, raccoon, and skunk
6. Requiring holding facilities for currently held captive black bear, cougar, bobcat, wolves, raccoon, and skunk to be accredited by Association of Zoos and Aquariums or meet requirements of the ODFW Enclosure and Caging Standards for Holding Wildlife within one year.

7. Providing a "Grandfathering" provision for captive wildlife legally possessed prior to adoption of these revised rules.
8. Using a system based on science and designed to rank and classify species based on their abundance and distribution, the rules will list non-game wildlife species classified as demonstrably widespread, abundant, and secure that may be held with defined conditions including when a wildlife holding permit is required;
9. Adapting rule language from the Oregon Humane laws, providing expanded requirements for the captive care of wildlife;
10. Expanding Exhibit 1 (Minimum Enclosure and Caging Standards for Holding Bear *Ursus americanus* and Cougar *Felis concolor*) to include additional held species;
11. Providing additional regulatory direction concerning the cost and changes to permit and fees associated with facility inspection;
12. Redefining the scope of species propagated by permit to only include select bird species of the families Columbidae, Anatidae, Tetraonidae, Phasianidae and Odontophoridae;
13. Adding language on disposition of wildlife upon license suspension, revocation, nonrenewal or denial; and
14. Direction concerning disease outbreaks in captive wildlife.

The draft proposals are currently in various stages of review by the ODFW Wildlife Division, Secretary of State's office, Department of Justice, ODFW Director's office and ultimately the ODFW Commission, who will meet on March 18, 2016 to review, discuss and determine the final adoption of some or all of the proposed changes.

A DRAFT of the proposed rule changes is available on the Department website under Wildlife Division HOT TOPICS (<http://www.dfw.state.or.us/wildlife/>) for an early review to allow additional time to provide written comments to the department or commission for their consideration. If a paper copy of the draft rules is preferred, please contact ODFW Wildlife Division (503-947-6302) to request mailing of the information. The final rule proposals for the March commission meeting will be available by March 4th (<http://www.dfw.state.or.us/agency/commission/minutes/>). For comparison, the current version of the Division 44 rules may also be accessed on the Department website at <http://www.dfw.state.or.us/OARs/44.pdf>.

Please direct all comments to: odfw.wildlifeinfo@state.or.us

Sincerely,

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State Wildlife Veterinarian

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