

**Exhibit A**  
**Addendum 1 to**  
**Protected Wildlife, Holding, and**  
**Propagating Rules**

**Additional Revisions**  
**Division 044**  
**Proposed OAR's**

Since the Wildlife propagation license is restricted to only specific game birds, a simplification for naming the license is to label it a "game bird propagation license". There are a total of nine replacements as referenced below in the Division 044 OARs.

As part of the rules for cancellation and non-renewal of permits there was standard language, as shown in 635-044-0490 (8) entire first sentence, that was inadvertently omitted from OAR 635-044-0570 (1).

Lastly, a clarifying definition was inserted for AZA accredited facility to reflect the accreditation standards in place at time of rule adoption.

The specific OAR changes for this addendum are cross-referenced to:

**Exhibit A, Attachment 3, Revisions:**

- Page 7, line 1, OAR 635-044-0440 (3);**
- Page 8, lines 1, OAR 635-044-0450 (5) (a);**
- Page 14, line 34, OAR 635-044-0500;**
- Page 17, line 26, OAR 635-044-0540 (2);**
- Page 17, line 28, OAR 635-044-0540 (3);**
- Page 18, line 8, OAR 635-044-0550 (1);**
- Page 18, line 10, OAR 635-044-0550 (1) (a);**
- Page 19, line 5, OAR 635-044-0570;**
- Page 19, line 8, OAR 635-044-0570 (1);**
- Page 19, line 9, OAR 635-044-0570 (1);**
- Page 2, line 14, OAR 635-044-0420**

**DIVISION 44****PROTECTED WILDLIFE, HOLDING, AND PROPAGATING RULES****635-044-0400****Purpose**

**The purpose of these rules is to identify the species of wildlife that are protected; the species of wildlife that may be held and conditions for holding; and to regulate the propagation of game birds .**

**Stat. Auth.: ORS 496.004, 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242**

**Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242**

**635-044-0410****Taxonomy****(1) Scientific taxonomic nomenclature reflects the following:****(a) Fish:**

**(A) Nelson, J. S., E. J. Crossman, H. Espinosa-Perez, L. T. Findley, C. R. Gilbert, R. N. Lea, and J. D. Williams. 2004. Common and scientific names of fishes from the United States, Canada, and Mexico. American Fisheries Society, Special Publication 29, Bethesda, Maryland.**

**(B) Moyle, P. B. 2002. Inland fishes of California. Revised and expanded. University of California Press. Berkeley, California.**

**(C) Jelks, H.L., S.J. Walsh, N.M. Burkhead, S. Contreras-Balders, E. Diaz-Pardo, D.A. Hendrickson, J. Lyons, N.E. Mandrak, F. McCormick J. S. Nelson, S. P. Platania, B. A. Porter, C.B. Renaud, J.J. Schmitter-Soto, E. B. Taylor, and M. L. Warren, Jr. 2008. Conservation status of imperiled North American freshwater and diadromous fishes. Fisheries. 33(8): 372-407.**

**(b) Amphibians and reptiles -- Crother, B. I., editor. 2012. Scientific and standard English names of amphibians and reptiles of North America north of Mexico, with comments regarding confidence in our understanding. 7th Edition. Society for the Study of Amphibians and Reptiles, Herpetological Circular No. 37.**

**(c) Birds -- Marshall, D.B., M.G. Hunter, A.L. Contreras, editors. 2003. Birds of Oregon: A General Reference. Oregon State University Press. Corvallis, Oregon.**

1 (d) Mammals -- Wilson, D. E. and D. M. Reeder, editors. 2005. Mammal species of the world; a  
2 taxonomic and geographic reference. 3rd Edition. Johns Hopkins University Press.

3 (2) If the taxonomic status of individual species is changed through subsequent publications,  
4 scientific taxonomy shall remain as cited in 635-044-0410(1) and 635-044-0430 for the purposes  
5 of implementing and enforcing 635-044-0400 through 635-044-0590.

6 Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,  
7 498.052, 498.222, 498.242

8 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,  
9 498.029, 498.052, 498.222 & 498.242

10  
11 635-044-0420

12 Definition of Terms

13 (1) "AZA" means the Association of Zoos and Aquariums.

14 (2) "AZA accredited facility" means a facility that received accreditation from the Association of  
15 Zoos and Aquariums under the standards in effect on June 10, 2016.

16 (3) "AVMA" means the American Veterinary Medical Association.

17 (4) "Department" means the Oregon Department of Fish and Wildlife.

18 (5) "Endangered species" means those species defined in ORS 496.004(6).

19 (6) "Facility" means any building, structure, cage, or pen in which wildlife may be kept, fed,  
20 exercised, or held during any portion of its life stages.

21 (7) "Grandfathering" means, for the purpose of these rules, that a person who possessed legally  
22 held native wildlife prior to June 13, 2016, may continue to hold the animal(s) for the life of  
23 said animal(s) within the provisions of the amended rules.

24 (8) "Hold" means any form of possession or control of a live animal, gamete, or hybrid thereof.  
25 The term does not include the observation or casual temporary holding of wildlife for  
26 observation and photographic purposes in their natural habitat where the animal is not  
27 removed from its immediate location.

28 (9) "Hybrid" means any offspring, gamete or egg that is produced from wild parent animals of  
29 different strains, races, varieties, species, or genera.

30 (10) "Import/importation" means to bring or cause live wildlife to be transported into Oregon by  
31 any means.

32 (11) "Migratory bird" means any bird, whatever its origin and whether or not raised in captivity,  
33 which belongs to a species listed in U.S. 50 CFR §10.13, including any part, nest, or egg of any  
34 such bird.

1 (12) "Native" means indigenous to Oregon, not introduced (ORS 496.171 (2)).

2 (13) "Nongame wildlife" means all wildlife species except game mammals, fur-bearing mammals,  
3 game birds, and game fish (ORS 496.375).

4 (14) "Pedigree" means the record of descent of an animal identifying its ancestry and genetic  
5 lineage.

6 (15) "Permittee" means the person who holds a valid Wildlife Holding Permit or Propagation  
7 License issued by the Department.

8 (16) "Propagation" means the breeding, reproduction, production, incubation, or rearing of  
9 wildlife for sale, release, or other uses.

10 (17) "Public display" means to place or locate wildlife so that it may be viewed by the public  
11 directly or electronically.

12 (18) "Release" means permitting any legally collected wildlife, domestically raised or imported  
13 wildlife currently in possession to exist alive outside an approved holding or propagation  
14 facility.

15 (19) "Sensitive species" means those wildlife species, subspecies, or populations that are facing one  
16 or more threats to their populations, habitat quantity or habitat quality or that are subject to a  
17 decline in number of sufficient magnitude such that they may become eligible for listing on the  
18 state Threatened and Endangered Species List and that are included on the Sensitive Species  
19 List pursuant to OAR 635-100-0040.

20 (20) "Species" means a unit of classification of animals which are capable of interbreeding and  
21 producing fertile offspring.

22 (21) "Take" means to kill or obtain possession or control of any wildlife (ORS 496.004 (16))

23 (22) "Threatened species" means those species defined in ORS 496.004 (17).

24 (23) "USFWS" means the U.S. Fish and Wildlife Service.

25 (24) "Wildlife" means those species defined in ORS 496.004 (19).

26 Stat. Auth.: ORS 496, 496.390, 498.002

27 Stats. Implemented: ORS 496

28  
29 635-044-0430

30 Protected Wildlife

31 (1) Except as provided by Oregon statute or rule, it is unlawful for any person to take, capture,  
32 hold, release or have in possession, either dead or alive, whole or in part, any wildlife listed in  
33 this section:

1 (a) Threatened or Endangered animals as provided for in 635-100-0125, species listed by  
2 Oregon Biodiversity Information Center (ORBIC) as “rare, threatened or endangered”,  
3 and federally listed threatened and endangered listed species;

4 (b) All nongame birds except European starling (*Sturnus vulgaris*), house sparrow (*Passer*  
5 *domesticus*), and Eurasian collared-dove (*Streptopelia decaocto*); unless as authorized by a  
6 Migratory Bird Depredation Order), or in compliance with all terms and conditions of a  
7 Migratory Bird Depredation Permit issued by the US Fish and Wildlife Service under Title  
8 50 Code of Federal Regulations Part 21, Subpart D. Nothing in this rule is intended to  
9 affect the provisions of ORS 610.002 to 610.990, or

10 (c) Fish: (Protected wildlife are listed by common name and scientific name if consistently  
11 applied across taxonomic references):

12 (A) Alvord Lake chub (*Siphateles alvordensis*);

13 (B) Oregon lakes tui chub (*Siphateles bicolor oregonensis*);

14 (C) Sheldon tui chub (*Siphateles bicolor eurysomus*);

15 (D) Oregon chub (*Oregonichthys crameri*);

16 (E) Goose Lake tui chub (*Siphateles bicolor thalassinus*);

17 (F) Northern pit roach (*Hesperoleucus symmetricus mitrulus*);

18 (G) Millicoma longnose dace (*Rhinichthys cataractae ssp.*);

19 (H) Lahonton redbreast shiner (*Richardsonius egregius*);

20 (I) Goose Lake sucker (*Catostomus occidentalis lacusanserinus*);

21 (J) Klamath smallscale sucker, Jenny Creek population (*Catostomus rimiculus*);

22 (K) Tahoe sucker (*Catostomus tahoensis*);

23 (L) Malheur sculpin (*Cottus bendirei*);

24 (M) Margined sculpin (*Cottus marginatus*);

25 (N) Pit sculpin (*Cottus pitensis*);

26 (O) Pacific lamprey (*Entosphenus tridentatus*);

27 (P) Western river lamprey (*Lampetra ayresii*);

28 (Q) Western brook lamprey (*Lampetra richardsoni*);

29 (R) Miller Lake lamprey (*Entosphenus minimus*);

30 (S) Klamath River lamprey (*Entosphenus similis*);

31 (T) Pit-Klamath brook lamprey (*Entosphenus lethophagus*);

32 (U) Goose Lake lamprey (*Entosphenus spp.*);

33 (d) Amphibians:

34 (A) Cope's giant salamander (*Dicamptodon copei*);

- 1 (B) Clouded salamander (*Aneides ferreus*);  
2 (C) Black salamander (*Aneides flavipunctatus*);  
3 (D) California slender salamander (*Batrachoseps attenuatus*);  
4 (E) Oregon slender salamander (*Batrachoseps wrightorum*);  
5 (F) Del Norte salamander (*Plethodon elongatus*);  
6 (G) Larch Mountain salamander (*Plethodon larselli*);  
7 (H) Siskiyou Mountains salamander (*Plethodon stormi*);  
8 (I) Blotched tiger salamander (*Ambystoma mavortium melanostictum*);  
9 (J) Dunn's salamander (*Plethodon dunni*)  
10 (K) Southern torrent salamander (*Rhyacotriton variegatus*);  
11 (L) Columbia torrent salamander (*Rhyacotriton kezeri*);  
12 (M) Cascade torrent salamander (*Rhyacotriton cascadae*);  
13 (N) Crater lake Newt (*Taricha granulosa mazamae*).  
14 (O) Rocky Mountain tailed frog (*Ascaphus montanus*)  
15 (P) Coastal tailed frog (*Ascaphus truei*);  
16 (Q) Northern red-legged frog (*Rana aurora*);  
17 (R) Foothill yellow-legged frog (*Rana boylei*);  
18 (S) Cascades frog (*Rana cascadae*);  
19 (T) Northern leopard frog (*Lithobates pipiens*);  
20 (U) Columbia spotted frog (*Rana luteiventris*)  
21 (V) Oregon spotted frog (*Rana pretiosa*);  
22 (W) Western toad (*Bufo boreas*);  
23 (X) Woodhouse toad (*Anaxyrus woodhousii*);

24 (e) Reptiles

- 25 (A) Western painted turtle (*Chrysemys picta bellii*);  
26 (B) Western pond turtle (*Actinemys marmorata*);  
27 (C) Great Basin collared lizard (*Crotaphytus bicinctores*)  
28 (D) Long-nosed leopard lizard (*Gambelia wislizenii*);  
29 (E) Pygmy short-horned lizard (*Phrynosoma douglassi*);  
30 (F) Desert horned lizard (*Phrynosoma platyrhinos*);  
31 (G) Sharp-tailed snake (*Contia tenuis*);  
32 (H) Common kingsnake (*Lampropeltis getula*);  
33 (I) California mountain kingsnake (*Lampropeltis zonata*);  
34 (J) Western ground snake (*Sonora semiannulata*);

1 (K) Racer (*Coluber constrictor*)

2 (L) Rubber boa (*Charina bottae*)

3 (M) Night snake (*Hypsiglena chlorophaea*)

4 (N) Striped Whip snake (*Coluber taeniatus*)

5 (O) Ring-necked snake (*Diadophis punctatus*)

6 (P) Pacific coast aquatic garter snake (*Thamnophis atratus*)

7 (f) Mammals:

8 (A) All bats in the Order Chiroptera;

9 (B) American pika (cony) (*Ochotona princeps*);

10 (C) Pygmy rabbit (*Brachylagus idahoensis*);

11 (D) White-tailed jack rabbit (*Lepus townsendii*);

12 (E) Chipmunk (*Tamias amoenus*, *T. minimus*, *T. senex*, *T. siskiyou* and *T. townsendii*);

13 (F) Golden-mantled ground squirrel (*Spermophilus lateralis*);

14 (G) Red squirrel (*Tamiasciurus hudsonicus*);

15 (H) White-tailed antelope squirrel (*Ammospermophilus leucurus*);

16 (I) Northern flying squirrel (*Glaucomys sabrinus*);

17 (J) White-footed vole (*Arborimus albipes*);

18 (K) Ringtail (*Bassariscus astutus*);

19 (L) Fisher (*Martes pennanti*);

20 (M) All marine mammals.

21 (2) Notwithstanding section (1) of this rule, it shall be lawful to purchase, sell, or exchange, or have  
22 in possession any pelt of wildlife listed in this rule which was lawfully taken in another state  
23 and transported into Oregon. A bill of lading or freight bill from a common carrier or other  
24 documentary proof indicating the state of origin of the pelt and the name and address of the  
25 person from whom the pelt was received shall be sufficient.

26 Stat. Auth.: ORS 496.138, 496.146, 496.162, 498.012 & 506.119

27 Stats. Implemented: ORS 496.162 & 506.129

28  
29 635-044-0440

30 Capture and Holding of Wildlife

31 Wildlife may only be captured from the wild and/or held as defined in 635-044-0450(1) or with the  
32 following permits or licenses:

33 (1) Wildlife Holding Permit (OAR 635-044-0460 (1) and 635-044-0480);

34 (2) Wolf Holding Permit (OAR 635-044-0460 (6))

- 1       (3) Game Bird Propagation License (OAR 635-044-0540(1)).
- 2       (4) Falconry License (OAR 635-055-0010);
- 3       (5) Wildlife Rehabilitation Permit (OAR 635-062-0010);
- 4       (6) Scientific Taking Permit (OAR 635-043-0023);
- 5       (7) Game Bird Release Permit for Hunting Dog and Raptor Training and Competitive Hunting Dog  
6       Trial Permit as defined in OAR 635 Division 046.
- 7       (8) Hunting Preserve License (pheasants, quail, and partridge) defined in OAR 635 -047-0015
- 8       (9) Holding and Propagation Captive Cervid permits as defined in OAR 635, Division 049;
- 9       (10) A federal permit will serve in lieu of a state Wildlife Holding Permit for birds protected by the  
10       federal Migratory Bird Treaty;
- 11       (11) Fox (*Vulpes vulpes* or *Urocyon cinereoargenteus*) or mink (*Mustela vison*) may be held by a  
12       commercial fur farm under authority of the Oregon Department of Agriculture (ORS 596.010 (3);  
13       609.125; 596.020 (2)).
- 14       (12) Fish Transport Permit (OAR 635-0007-0600);
- 15       (13) Fish Propagation License (OAR 635-007-0650);
- 16       (14) Sturgeon Propagation Permit (OAR 635-007-0725);
- 17       (15) Scientific Taking Permit (OAR 635-007-0900);

18       Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.002, 498.022,  
19       498.029, 498.052, 498.222 & 498.242, 596.010, 596.020, 609.125;

20       Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,

21

22       635-044-0450

23       Holding Permit Requirements

- 24       (1) No person shall capture or hold three or more animals listed in OAR 635-044-0480 without a  
25       valid Wildlife Holding Permit.
- 26       (2) Wildlife Holding Permits are specific to the species held, permit holder and to the holding  
27       facility described on the permit.
- 28       (3) A Wildlife Holding or Wolf Holding Permit is required to hold species listed in 635-044-0460  
29       and 635-044-0480.
- 30       (4) All Wildlife Holding and Wolf Holding permittees shall certify to the Department that the  
31       species held complies with any applicable city or county ordinances and any applicable federal  
32       laws.
- 33       (5) No Wildlife Holding Permit is required to hold:



1 (a) game birds legally acquired and held under a Game Bird Propagation License; game  
2 birds legally acquired from a licensed propagator or with a valid import permit from the  
3 Oregon Department of Agriculture;

4 (c) captive or farmed cervids held under a Cervid Holding Permit or a Cervid Propagation  
5 License (OAR chapter 635 division 49);

6 (d) domesticated fur-bearing fox or mink (596.020 (2));

7 (e) game fish legally acquired and possessed with a valid Fish Transport Permit.

8 (6) Cancellation or non-renewal of licenses or permits and contested case procedure is defined in  
9 635-044-0570.

10 Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,  
11 498.052, 498.222 & 498.242

12 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,  
13 498.029, 498.052, 498.222 & 498.242

14  
15 635-044-0460

16 Holding of Live Black Bear (*Ursus americanus*), Cougar (*Puma concolor*), Bobcat (*Lynx rufus*), Wolf  
17 (*Canis lupus*), Raccoon (*Procyon lotor*) and Skunk (*Mephitis* spp.)

18 (1) Black bears, cougars, bobcats, wolves, raccoons and skunks held in captivity require a Wildlife  
19 or Wolf Holding Permit for each species held.

20 (2) Black bears, cougars, bobcats, and wolves, acquired by transfer or new holding application  
21 after June 13, 2016 shall only be held at Oregon AZA accredited facilities or as approved by  
22 the Director.

23 (3) Black bears, cougars, bobcats, wolves, raccoons and skunks legally held prior to June 13, 2016  
24 may only be held at AZA accredited facilities or in Department approved facilities meeting  
25 standards defined in the Oregon Enclosure and Caging Standards for Holding Wildlife (Exhibit  
26 1). The holding facilities must meet the minimum facility standards defined herein and in  
27 Exhibit 1 by June 14, 2017.

28 (a) No more than one black bear, one cougar, or one bobcat may be held on a Wildlife Holding  
29 Permit unless approved by the Director and a separate application and associated fees are  
30 required for each species requested for holding.

31 (b) No more than two raccoons or two wolves may be held on a Wildlife or Wolf Holding  
32 Permit. Additional animals may be added to a permit with Director approval.

33 (c) Black bears, cougars, bobcats, wolves, raccoons and skunks must be marked permanently  
34 and uniquely with either a lip or ear tattoo and/or implanted Radio Frequency

1 Identification Device (microchip). Holders of these defined species of animals shall meet  
2 these requirements by June 14, 2017.

3 (d) Live black bears, cougars, bobcats, wolves, raccoons, and skunks shall not be removed from  
4 the wild, with the exception of animals captured and placed by the Department in an AZA  
5 accredited facility or an approved licensed Wildlife Rehabilitation facility, as authorized by  
6 a Scientific Taking Permit (OAR 635-043-0023), or as nuisance wildlife captured by permit  
7 (OAR 635 Div. 435), or as approved by the Director.

8 (e) Black bears, cougars, bobcats, wolves, raccoons, and skunks held on a Wildlife Holding  
9 Permit cannot be bred, reproduced, or propagated in Oregon, including grandfathered  
10 animals.

11 (f) Black bears, cougars, bobcats, and wolves may only be transferred between valid Wildlife  
12 Holding or Wolf Holding permittees with prior approval by the Director. Raccoons and  
13 skunks may not be offered for sale, trade, barter, or exchange as a household pet (ORS  
14 498.029).

15 (g) Black bears, cougars, bobcats, wolves, raccoons and skunks must be held within facilities  
16 approved by the Department, except when:

17 (A) transported to or from licensed Oregon veterinary clinics or other ODFW-approved  
18 facilities;

19 (B) or with a Department letter of authorization for requested activity including  
20 temporary holding and transport.

21 (h) Application renewals must include a description of permanent and unique animal  
22 identification mark and mark location, and veterinary documentation of reproductive  
23 sterilization if required.

24 (A) No access or contact shall occur between wild animals and captive black bear, cougar,  
25 bobcats, wolves, raccoons and skunks or other wildlife held on a Wildlife Holding  
26 Permit.

27 (4) The burden of proof of the hybridity of a bobcat-cross or wolf-cross animal is the responsibility  
28 of the animal owner. A wolf is considered “pure-bred” when the animal’s genetic and  
29 phenotypic makeup does not include any genetic material or characteristics of a domestic dog  
30 or other canine, resulting in a hybrid. A bobcat is considered “pure-bred” when the animal’s  
31 genetic and phenotypic makeup does not include any genetic material or characteristics of a  
32 domesticated cat or exotic felid species, resulting in a hybrid. Documentation in the form of  
33 breeding evidence by pedigree and record, records of acquisition and disposition, transactions,  
34 and sworn statements, will be required of all bobcats and wolves claimed to be hybrids, and

1 genetic testing may be conducted by the Department. Lack of sufficient proof of hybridity as  
2 determined by the Department will genetically classify the animal as a bobcat or wolf requiring  
3 a Wildlife Holding Permit or Wolf Holding Permit and regulation under the conditions of these  
4 rules.

5 (5) Raccoons and Skunks

6 (a) Two or more held raccoons or skunks of different sexes requires sterilization of either sex  
7 prior to sexual maturity, and within (30) days of permit issuance for adult animals.

8 Written documentation of the completed procedure by a licensed veterinarian is required.

9 (b) Held raccoons must be caged or restrained when transported beyond the permitted facility.

10 (6) Gray Wolves in Captivity

11 (a) The Department will only issue new permits to hold a pure-bred wolf in captivity to AZA  
12 accredited facilities. No new animals may be added to grandfathered collections without  
13 approval by the Director.

14 (b) Current holders of captive wolves must:

15 (A) Not import, export, purchase, sell or exchange any pure-bred gray wolf except with  
16 written authorization from the Department prior to transferring a pure-bred gray wolf  
17 to another facility; and with

18 (B) Comply with the terms of any permit issued by the Department.

19 (C) For grandfathered animals, comply with the requirements of OAR 6350-44-0470.

20 (c) The permit holder must provide a copy of their current federal permits to the department  
21 with their Wildlife Holding Permit application or renewal.

22 Stat. Auth.: ORS 498.002, 497.228, 496.171 - 182

23 Stats. Implemented: ORS 498.002, 497.228, 496.171 - 182

24  
25 635-044-0470

26 Grandfathering the Possession of Black Bear, Cougar, Bobcat, Wolf, Raccoon, Skunk, Squirrel,  
27 Chipmunk and Other Legally Held Non-game Wildlife Species

28 (1) A person who legally held native wildlife (black bear, cougar, bobcat, wolf, raccoon, skunk,  
29 squirrel, chipmunk) or other nongame species prior to June 13, 2016 may continue to hold  
30 those animal(s) for the remainder of the animal(s) life provided:

31 (a) The holder submits an application for an annual Holding Permit (Wildlife or Wolf), within  
32 one year of the adoption of these amended rules. Included with the application, the person  
33 must:

1 (A) Remit to the Department a fee of \$25 for a Wildlife Holding permit or \$100 for a  
2 Wolf Holding Permit (plus a \$2.00 license agent fee) for the permit or permit  
3 renewal; and

4 (B) Demonstrate to the Department that the person's black bear, cougar, bobcat, wolf,  
5 raccoon and skunk holding handling facility complies with any applicable city or  
6 county ordinances and any applicable federal laws.

7 (C) Permit conditions may include facility design and actions to protect native wildlife  
8 and human safety

9 (D) Permit renewal must occur no later than 30 days before the expiration date printed  
10 on the permit issued by the Department

11 (b) Grandfathered animals are held in Department approved facilities meeting standards  
12 defined in the Oregon Enclosure and Caging Standards for Holding Wildlife (Exhibit 1).  
13 The facilities housing legally acquired grandfathered black bears, cougars, bobcats, wolves,  
14 raccoons, skunks, squirrels, chipmunks, and other legally held non-game species, must meet  
15 the minimum facility standards defined herein in Exhibit 1 by June 14, 2017.

16 (c) Grandfathered bears, cougars, bobcats, wolves, raccoons, skunks, squirrels, and chipmunks  
17 must have been acquired from a legally propagated out-of-state source or legally acquired  
18 with approved documentation that may include a valid sales receipt, Certificate of  
19 Veterinary Inspection with import permit from Department of Agriculture, valid agency  
20 transfer of ownership permit identifying the animal was propagated and born in legal  
21 captivity, or as approved by the Director. A signed and notarized affidavit stating the  
22 grandfathered animal (s) were legally acquired and held in compliance with these rules will  
23 be required of all permit holders of grandfathered animals.

24 (d) Grandfathered animals may not be bred. Two or more held grandfathered  
25 black bears, cougars, bobcats, wolves, raccoons, skunks, squirrels, chipmunks, or other  
26 grandfathered wildlife of the same species of different sexes requires sterilization of either  
27 sex prior to sexual maturity or within (30) days of permit issuance for adult animals with  
28 documentation of the completed procedure by a licensed veterinarian. Avoidance of  
29 reproduction of nongame wildlife of different sexes can be accomplished by separation  
30 of the sexes, disposal of eggs, potential veterinary sterilization, etc., and is the  
31 responsibility of the wildlife holding permittee.

32 (2) The only person(s) who may hold pure-bred wolves in captivity are those who, as of December  
33 31, 2009, held a gray wolf or wolves in captivity under previous Oregon Department of  
34 Agriculture, Class I Exotic Canine, Exotic Animal Division 603 Rules or held a valid license or  
35 registration from the U.S. Department of Agriculture, under the federal Animal Welfare Act of

1 1970. These persons must also obtain authority under the requirements of 635-044-0460(6)  
2 [Gray Wolves in Captivity] of this rule.

3 (3) Grandfathered black bears, cougars, bobcats, and wolves may only be transferred from the  
4 original Wildlife or Wolf Holding Permit to an AZA accredited facility or as approved by the  
5 Director. Raccoons and skunks may not be offered for sale, trade, barter, or exchange as a  
6 household pet (ORS 498.029).

7 Stat. Auth.: ORS 498.002, 496.171 - 182

8 Stats. Implemented: ORS 498.002, 496.171 - 182

9  
10 635-044-0480

11 Holding of Nongame Wildlife

12 (1) Native nongame wildlife may not be sold or propagated except as provided in Division 200.  
13 Only nongame species from the following list are permitted to be held. A Wildlife Holding  
14 Permit is required to hold more than two animals per species for each facility or household.  
15 The following list of species is determined to be demonstrably widespread, abundant, and  
16 secure through the Oregon Biodiversity Information Center (ORBIC) 2013 -- Rare,  
17 Threatened and Endangered Vertebrate Species of Oregon, Updated September 2013:

18 (a) Amphibians

19 (A) Northwestern Salamander (*Ambystoma gracile*)

20 (B) Long-toed Salamander (*Ambystoma macrodactylum*)

21 (C) Coastal Giant Salamander (*Dicamptodon tenebrosus*)

22 (D) Ensatina (*Ensatina eschscholtzii*)

23 (E) Western Red-Backed Salamander (*Plethodon vehiculum*)

24 (F) Rough-Skinned Newt (*Taricha granulosa*)

25 (G) Pacific Treefrog or Pacific Chorus Frog (*Pseudacris regilla*)

26 (H) Great Basin Spadefoot (*Spea intermontana*)

27 (b) Reptiles

28 (A) Great Basin Whiptail (*Aspidoscelis tigris tigris*)

29 (B) Northern Alligator Lizard (*Elgaria coerulea*)

30 (C) Southern Alligator Lizard (*Elgaria multicarinata*)

31 (D) Western Skink (*Plestiodon skiltonianus*)

32 (E) Northern Sagebrush Lizard (*Sceloporus graciosus graciosus*)

33 (F) Western Fence Lizard (*Sceloporus occidentalis*)

34 (G) Common Side-Blotched Lizard (*Uta stansburiana*)

1 (H) Western Rattlesnake (*Crotalus oreganus*): excluding Willamette Valley populations

2 (I) Pacific Gopher Snake (*Pituophis catenifer*)

3 (J) Western Terrestrial Garter Snake (*Thamnophis elegans*)

4 (K) Northwestern Garter Snake (*Thamnophis ordinoides*)

5 (L) Common Garter Snake (*Thamnophis sirtalis*)

6 (c) Mammals

7 (A) North American Porcupine (*Erethizon dorsatum*)

8 (B) Long-Tailed Vole (*Microtus longicaudus*)

9 (C) Montane Vole (*Microtus montanus*)

10 (D) Ermine (*Mustela erminea*)

11 (E) Long-Tailed Weasel (*Mustela frenata*)

12 (F) Bushy-Tailed Woodrat (*Neotoma cinerea*)

13 (G) Deer Mouse (*Peromyscus maniculatus*)

14 (H) Coast Mole (*Scapanus Orarius*)

15 (I) California Ground Squirrel (*Spermophilus beecheyi*)

16 (J) Belding's Ground Squirrel (*Spermophilus beldingi*)

17 (K) Brush Rabbit (*Sylvilagus bachmani*)

18 (L) Douglas's Squirrel (*Tamiasciurus douglasii*)

19 (2) Additional species may be petitioned for proposed inclusion to the list of species permitted and  
20 held under a Wildlife Holding Permit with a written request and justification submitted to the  
21 Director.

22 (3) Wildlife listed in this section and captured from the wild and held for more than 48 hours in  
23 captivity or held on a Wildlife Holding Permit must remain in captivity for the life of the  
24 animal and may not be returned to the wild without prior approval by the Director. This rule  
25 does not apply to wildlife held under 635-062-0000 (Wildlife Rehabilitation).

26 Stat. Auth.: ORS 498.002, 496.171 - 182

27 Stats. Implemented: ORS 498.002, 496.171 - 182

28  
29 635-044-0490

30 Cost, Expiration Date, and Changes to a Wildlife Holding Permit

31 (1) Any person desiring to obtain a Wildlife Holding Permit must be an Oregon resident with a  
32 legal Oregon address and must submit a complete application and a non-refundable  
33 application fee of \$25 and license agent fee listed on the permit application. A separate  
34 application and associated fees are required for each species requested for holding. All

1 applications require Department approval and payment of the Wildlife or Wolf Holding  
2 Permit annual fee of \$25 or \$100 respectively, for each species held.

3 (2) The Wildlife Holding Permit expires on December 31 of the year issued.

4 (3) All permit renewals and payment of associated fees must occur before the expiration date of  
5 the current permit. Verification of annual permit requirements (if applicable to the permit)  
6 must accompany the renewal application.

7 (4) A new application is required for any change of address by the permittee.

8 (5) The addition of animals of the species approved on the original permit requires prior approval  
9 by the local department biologist.

10 (6) Except as directed in 635-044-0470 (3), wildlife held on a Wildlife Holding Permit may only be  
11 transferred to another Wildlife Holding Permittee and requires:

12 (a) That the species transferred is listed on the receiving permittee's Wildlife Holding Permit,  
13 and;

14 (b) a new application and updated Wildlife Holding Permit and payment of associated fees for  
15 the addition of animals of the species transferred, and;

16 (c) approval by the Director.

17 (7) Failure to renew a Wildlife Holding Permit by December 31 of the year issued may result in a  
18 penalty or confiscation of held species, fines, and denial of a future permit.

19 (8) The Department may revoke or decline to renew a Wildlife Holding Permit if the permittee is  
20 convicted of, or admits to a violation of, any wildlife law or any rule, order or permit issued  
21 under the wildlife laws within the previous 5 years of the date of application. Upon revocation  
22 or non-renewal of a permit, the Department will confiscate any birds, mammals, amphibians  
23 and reptiles held.

24 (9) Cancellation or non-renewal of application, licenses, or permits and contested case procedure is  
25 defined in 635-044-0570.

26 Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,  
27 498.052, 498.222 & 498.242

28 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,  
29 498.029, 498.052, 498.222 & 498.242

30  
31 635-044-0500

32 Requirements for Care of Wildlife Held in Captivity

33 All wildlife held in captivity, including, but not limited to, wildlife held under any permit, license, or  
34 condition listed in 635-044-0460 and 635-044-0480 or under a Game Bird Propagation license must be:

- 1 **(1) Provided minimum care sufficient to preserve the health and well-being of the held wildlife**  
2 **(except for emergencies or circumstances beyond the reasonable control of the holder),**  
3 **including, but is not limited to, the following requirements:**
- 4 **(a) Appropriate food for each held species of sufficient quantity and quality to allow for normal**  
5 **growth or maintenance of body weight.**
- 6 **(b) Open or adequate access to potable water in sufficient quantity and quality to satisfy the**  
7 **animal's needs.**
- 8 **(c) Shelter sufficient to protect from adverse elements, protect from predators, prevent escape,**  
9 **prevent other wildlife from entry, and prevent injury. Any other requirement particular to**  
10 **the survival of the specific animal shall also be provided.**
- 11 **(d) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from**  
12 **injury, neglect or disease.**
- 13 **(e) Daily access to an area:**
- 14 **(A) With adequate space for exercise necessary for the health of the animal (except when**  
15 **transporting);**
- 16 **(B) With air temperature suitable for the species of animal; and**
- 17 **(C) Shall be kept free from excess food or fecal waste or other contaminants which could**  
18 **affect the health of the animal**
- 19 **(f) Captive wildlife may not be restrained with a chain, rope, hobbles or similar restraint**  
20 **method.**
- 21 **(2) It is unlawful for any person possessing wildlife in their care and possession to cause or allow**  
22 **such wildlife to be chased, injured, harmed, harassed, or neglected.**
- 23 **(3) Wildlife held on a Wildlife Holding Permit may not be released.**
- 24 **(4) Facilities housing wildlife must meet ODFW minimum standards for species defined in the**  
25 **ODFW Enclosure and Caging Standards for Holding Wildlife for Wildlife Held in Captivity**  
26 **(Exhibit 1); and**
- 27 **(a) Enclosed within suitable structures to prevent escape or prevent other wildlife from entry;**  
28 **(b) Applicants of Wildlife Holding Permits and holders of wildlife in captivity must**  
29 **demonstrate equivalency of facility construction with Department approval of all proposed**  
30 **facility construction design, materials, and specifications equivalent or exceeding the**  
31 **ODFW Enclosure and Caging Standards for Holding Wildlife.**
- 32 **(5) Inspection of facilities by Department personnel may be conducted prior to approval of the**  
33 **permit.**



1 Stat. Auth.: ORS 167.305, 167.310, 167.312, 167.315, 167.320, 167.322, 167.333, 167.334, 167.335,  
2 167.340, 167.343, 167.345, 167.347, 167.349, 167.355, 167.390 496.012, 496.138, 496.146, 497.298,  
3 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.242

4 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,  
5 498.029, 498.052, 498.222 & 498.242, 167.310

6  
7 635-044-0510

8 Inspection of Facilities

9 (1) Facilities holding captive wildlife are subject to inspection by any State Police officer or  
10 Department representative. Inspection of the facilities may take place without warrant or  
11 notice, but, unless prompted by emergency or other exigent circumstances, shall be limited to  
12 regular and usual business hours, including weekends. Nothing in these rules is intended to  
13 authorize or allow the warrantless search or inspection of a permit holder's residence.

14 (2) Any inspection(s) of facilities by Department personnel for all permits issued under this  
15 Division involving approval of new or modified facilities requires a \$150 inspection fee.

16 Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,  
17 498.052, 498.222, 498.242

18 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,  
19 498.029, 498.052, 498.222, 498.242

20  
21 635-044-0520

22 Ownership of Captured Wildlife Held in Captivity

23 (1) Native wildlife, or the progeny thereof, captured from the wild in Oregon remains the property  
24 of the State of Oregon.

25 (2) Wildlife native to Oregon and acquired legally from an out-of-state propagator and held in  
26 captivity are not considered property of the state of Oregon but are subject to the same wildlife  
27 rules as legally acquired native wildlife collected in Oregon and held in captivity

28 (3) Wildlife cannot be sold, exchanged, bartered, transferred or released in Oregon except as  
29 defined by rule or statute or as authorized by the Director.

30 Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,  
31 498.052, 498.222 & 498.242

32 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,  
33 498.029, 498.052, 498.222 & 498.242

1 635-044-0530

2 Possession of Coyote Prohibited Without Permit

3 (1) It is unlawful to keep coyotes (*Canis latrans*) in captivity except in compliance with the terms  
4 and conditions of a permit issued pursuant ORS 497.298 and ORS 497.312.

5 Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,  
6 498.052, 498. 222, 498.242

7 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,  
8 498.029, 498.052, 498.222, 498.242

9  
10 Wildlife Propagation License Regulations

11 635-044-0540

12 License Required to Propagate Wildlife

13 (1) Any person or business desiring to propagate for sale any gamebird, limited to the  
14 following bird species in the families listed below, must submit a complete application and  
15 a non-refundable application fee:

16 (a) Columbidae (mourning doves and band-tailed pigeons only);

17 (b) Anatidae (all species except mute swans and Egyptian geese);

18 (c) Phasianidae

19 (A) subfamily Phasianinae species only;

20 (B) subfamily Tetraoninae (grouse and ptarmigan except Genuses *Centrocercus* and  
21 *Tympanuchus*);

22 (C) subfamily Meleagridinae (wild turkey); and

23 (D) subfamily Perdicinae (partridges and common quail (*Coturnix coturnix*);

24 (d) Odontophoridae (Genuses *Callipepla*, *Colinus*, and *Oreortyx* only); and

25 (e) Scolopacidae (*Gallinago delicate* only)

26 (2) The cost of an annual Game Bird Propagation Licenses is listed in the License Fee Schedule and  
27 includes a \$5.00 Application fee and a \$2.00 License Agent fee.

28 (3) Game Bird Propagation Licenses expire on December 31 of the year issued.

29 (4) Any person desiring to propagate, sell or barter any raptor as defined in OAR 635-055-0002 (3)  
30 protected by federal law must first adhere to all permit requirements and regulations  
31 pertaining to the propagation and selling of raptors, as adopted by the U.S. Department of the  
32 Interior (Federal Register, Vol. 48, No. 132, Part 21). The license holder must provide a copy of  
33 their current federal permits to the department with their application or renewal.

1 Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,  
2 498.052, 498.222 & 498.242

3 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,  
4 498.029, 498.052, 498.222 & 498.242

5  
6 635-044-0550

7 Shipping Requirements

8 (1) Any Wildlife shipped within or outside the state by the holder of a Game Bird Propagation

9 License must have affixed to the shipping container a record showing:

10 (a) Name, address, and Game Bird Propagation License number of shipper;

11 (b) Name and address of consignee;

12 (c) Species name (common and scientific) and numbers of wildlife contained; and,

13 (d) Import of wildlife into the state of Oregon requires a Certificate of Veterinary Inspection

14 from a federally accredited veterinarian and must be accompanied by an Oregon

15 Department of Agriculture import permit with exceptions listed in OAR 603-011-0255.

16 Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,  
17 498.052, 498.222 & 498.242

18 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,  
19 498.029, 498.052, 498.222 & 498.242

20  
21 635-044-0560

22 Record Keeping and Reporting Requirements for Wildlife Holding and Propagation

23 (1) A record of all business transactions involving sale or purchase of eggs, game birds, and all  
24 other wildlife native to Oregon must be current to date and available at the facility as listed on  
25 the permit. Records for the current calendar year must be made available for inspection by  
26 Oregon State Police or Oregon Department of Fish and Wildlife personnel.

27 (2) An annual report of operations must be received by January 15. The annual report shall  
28 include the total number of animals by species purchased or acquired and all sales or transfers  
29 by species, including eggs, births and deaths within the previous calendar year.

30 (3) Imported or exported wildlife must have a certificate of veterinary inspection and any import  
31 permit or license and documentation of ownership or other information that may be required  
32 by the receiving state.

33 Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,  
34 498.052, 498.222 & 498.242

1 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,  
2 498.029, 498.052, 498.222 & 498.242

3  
4 635-044-0570

5 Cancellation and Non-Renewal of Game Bird Propagation License or Wildlife Holding or Wolf  
6 Holding Permit

7 (1) Failure to comply with any requirements within these rules or conditions of authorization is  
8 cause to cancel or deny renewal of the Game Bird Propagation License and/or Wildlife Holding  
9 Permit and confiscate or require disposal of the wildlife being held. The Department may  
10 revoke or decline to renew a Wildlife Holding Permit if the permittee is convicted of, or admits  
11 to a violation of, any wildlife law or any rule, order or permit issued under the wildlife laws  
12 within the previous 5 years of the date of application. A person may appeal cancellation or  
13 denial of a license or permit through a contested case hearing. The request for a contested case  
14 hearing on a proposed cancellation must be received by the Department within 21 days after  
15 service of notice (or 90 days for emergency revocations). 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 will be issued by the Director.

18 Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,  
19 498.052, 498.222 & 498.242, 183.430, 183.470, 183.484, 183.700

20 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,  
21 498.029, 498.052, 498.222 & 498.242

22  
23 635-044-0580

24 Disposition of wildlife upon license suspension, revocation, nonrenewal or denial

25 (1) Within 90 days after any of the following events, any person holding wildlife must dispose of the  
26 animals:

27 (a) Suspension, revocation or expiration of the Wildlife Holding or Propagation License;

28 (b) Denial of an application for license; or

29 (c) Receipt of a notice from the Department informing the holder that the wildlife held is/are  
30 not authorized by license.

31 (2) "Dispose" means to do the following in compliance with these rules:

32 (a) Euthanize;

33 (b) Transfer to another licensed Wildlife Holding or Propagation facility; or

34 (c) Export from Oregon.

1 (3) If the holder fails to dispose of any wildlife held by the deadline specified in paragraph (1), and  
2 if the Department determines that the wildlife held pose an imminent threat to wildlife,  
3 livestock, or public health requiring prompt action, the Department may humanely euthanize,  
4 confine, transfer, or otherwise dispose of the animals as it determines necessary. In all other  
5 circumstances, the Department may humanely euthanize, transfer, confine or otherwise dispose  
6 of the wildlife held only after providing the holder with notice and an opportunity for hearing.  
7 The Department may choose to keep the wildlife held on the holder's property until an  
8 appropriate means of disposal is found or pending a hearing. The Department bears no  
9 liability for such actions. Any wildlife held for disposal must be treated humanely in  
10 compliance with these rules.

11 (4) The holders of any wildlife of which the Department disposes pursuant to paragraph (3) must  
12 compensate the State of Oregon for any and all expenses incurred by the State during  
13 disposition.

14 Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162, 497.228, 498.002, 498.019, 498.052 & 174.106  
15 Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162, 497.228, 498.002, 498.019, 498.052 &  
16 174.106

17  
18 635-044-0590

19 Control of Disease Outbreaks in Captive Wildlife

20 (1) Diseased captive wildlife may be an imminent danger to public, wildlife, domestic animals, or  
21 livestock health.

22 (2) Upon determination that an outbreak of communicable disease among captive wildlife is an  
23 imminent danger to public , wildlife, domestic animals, or livestock health, the Department  
24 may order the holder to euthanize, confine or transfer, by a specified deadline, any or all  
25 wildlife they hold.

26 (3) Failure by the holder to take action ordered by the Department pursuant to paragraph (2) may  
27 result in the Department or its agents entering the holder's facility to confine, euthanize, or  
28 transfer diseased wildlife. The holder is liable for any costs the State of Oregon so incurs. The  
29 Department bears no liability for such actions.

30 Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162, 497.228, 498.002, 498.019, 498.052 & 174.106  
31 Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162, 497.228, 498.002, 498.019, 498.052,  
32 174.106

