

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) "AVMA" means the American Veterinary Medical Association.

15 (3) "Department" means the Oregon Department of Fish and Wildlife.

16 (4) "Endangered species" means those species defined in ORS 496.004(6).

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

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

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

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

28 (9) "Import/importation" means to bring or cause live wildlife to be transported into Oregon by
29 any means.

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

33 (11) "Native" means indigenous to Oregon, not introduced (ORS 496.171 (2)).

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

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

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

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

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

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

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

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

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

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

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

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

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

26 Stats. Implemented: ORS 496

27
28 635-044-0430

29 Protected Wildlife

30 (1) Except as provided by Oregon statute or rule, it is unlawful for any person to take, capture,
31 hold, release or have in possession, either dead or alive, whole or in part, any wildlife listed in
32 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 euryssomus*);
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 redbside 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) Wildlife 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 Wildlife 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 Wildlife 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 delicata* only)

26 (2) The cost of an annual Wildlife 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) Wildlife 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 Wildlife Propagation License
9 must have affixed to the shipping container a record showing:

10 (a) Name, address, and Wildlife 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 Wildlife Propagation License or Wildlife Holding or Wolf Holding
6 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 Wildlife Propagation License and/or Wildlife Holding
9 Permit and confiscate or require disposal of the wildlife being held. A person may appeal
10 cancellation or denial of a license or permit through a contested case hearing. The request for a
11 contested case hearing on a proposed cancellation must be received by the Department within
12 21 days after service of notice (or 90 days for emergency revocations). The request for hearing
13 on a proposed non-renewal must be received by the Department within 60 days of notice. Final
14 Orders in contested case hearings will be issued by the Director.

15 Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,
16 498.052, 498.222 & 498.242, 183.430, 183.470, 183.484, 183.700

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

19
20 635-044-0580

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

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

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

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

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

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

29 (a) Euthanize;

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

31 (c) Export from Oregon.

32 (3) If the holder fails to dispose of any wildlife held by the deadline specified in paragraph (1), and
33 if the Department determines that the wildlife held pose an imminent threat to wildlife,
34 livestock, or public health requiring prompt action, the Department may humanely euthanize,

1 confine, transfer, or otherwise dispose of the animals as it determines necessary. In all other
2 circumstances, the Department may humanely euthanize, transfer, confine or otherwise dispose
3 of the wildlife held only after providing the holder with notice and an opportunity for hearing.
4 The Department may choose to keep the wildlife held on the holder's property until an
5 appropriate means of disposal is found or pending a hearing. The Department bears no
6 liability for such actions. Any wildlife held for disposal must be treated humanely in
7 compliance with these rules.

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

11 Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162, 497.228, 498.002, 498.019, 498.052 & 174.106

12 Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162, 497.228, 498.002, 498.019, 498.052 &
13 174.106

14
15 635-044-0590

16 Control of Disease Outbreaks in Captive Wildlife

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

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

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

27 Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162, 497.228, 498.002, 498.019, 498.052 & 174.106

28 Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162, 497.228, 498.002, 498.019, 498.052,
29 174.106

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CURRENT RULE SET BEFORE REVISIONS

DIVISION 044
HOLDING, PROPAGATING, AND PROTECTED WILDLIFE

~~635-044-0000~~

Purpose

The purpose of these rules is to regulate the holding and propagation of game birds and native wildlife, except those cervids regulated pursuant to OAR chapter 635, division 49, to regulate the rehabilitation of wildlife and to list species determined to be protected nongame wildlife.

Stat. Auth.: ~~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~~

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~~

635-044-0002

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-Balderas, 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. 2008. Scientific and standard English names of amphibians and reptiles of North America north of Mexico, with comments regarding confidence in our understanding. 6th Edition. Society for the Study of Amphibians and Reptiles, Herpetological Circular No. 37.

(c) Birds — Chesser, R.T., R.C. Banks, F.K. Barker, C. Cicero, J.L. Dunn, A.W. Kratter, I.J. Lovette, P.C. Rasmussen, J.V. Remsen, Jr., J.D. Rising, D.F. Stotz, and K. Winker. 2009. Fiftieth supplement to the American Ornithologists' Union Check-List of North American Birds. *The Auk*. 126:705-714.

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

(2) If the taxonomic status of individual species is changed through subsequent publications scientific taxonomy shall remain as cited in 635-044-0002(1) and 635-044-0130 for the purposes of implementing and enforcing 635-044-0000 through 635-044-0235.

Stat. Auth.: ~~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~~

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~~

1 **635-044-0005**

2 **Permit Required to Hold Wildlife**

3 Any person desiring to capture and hold any northern flying squirrel (*Glaucomys sabrinus*),
4 chickaree (Douglas's squirrel and red squirrel) (*Tamiasciurus douglasii* and *T. hudsonicus*), golden-
5 mantled ground squirrel (*Spermophilus lateralis*), or chipmunk (*Tamias amoenus*, *T. minimus*, *T. senex*,
6 *T. siskiyou* and *T. townsendii*), or to hold any raccoon (*Procyon lotor*), or bobcat (*Lynx rufus*) must first
7 secure a Wildlife Holding Permit by applying on a form provided to the Oregon Department of Fish and
8 Wildlife. The application shall list the species and numbers to be captured or otherwise acquired, the
9 source or proposed area of capture, the date of application, and the name, address, and signature of
10 applicant. Any application may be denied by the director for cause.

11
12 Stat. Auth.: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,~~
13 ~~498.052, 498.222 & 498.242~~

14 Stats. Implemented: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,~~
15 ~~498.029, 498.052, 498.222 & 498.242~~

16
17 **635-044-0010**

18 **Numbers of Wildlife to Be Captured**

19 The number of any wildlife species for which a Wildlife Holding Permit is required that may be
20 captured and held shall not exceed six per calendar year except as authorized by the Director.

21
22 Stat. Auth.: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,~~
23 ~~498.052, 498.222 & 498.242~~

24 Stats. Implemented: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,~~
25 ~~498.029, 498.052, 498.222 & 498.242~~

26
27 **635-044-0015**

28 **Wildlife Which Cannot Be Captured and Held**

29 Except as provided in these rules, no game mammal, furbearer, striped skunk (*Mephitis mephitis*),
30 western spotted skunk (*Spilogale gracilis*), native bat, or coyote (*Canis latrans*) may be captured and
31 held in captivity, except as authorized by the director. Fox (*Vulpes vulpes*) or *Urocyon*
32 *einereogargenteus*) may be held by a commercial fur farm as defined in OAR 635-056-0010. No game
33 bird may be captured and held in captivity except that members of the families Tetranidae and
34 Phasianidae may be captured and held as authorized by the director. No game fish may be captured and
35 held in captivity except as authorized by the director. No species of nongame wildlife declared protected
36 by the commission under OAR 635-044-0130 may be captured and held except northern flying squirrel
37 (*Glaucomys sabrinus*), chickaree (Douglas's squirrel and red squirrel) (*Tamiasciurus douglasii* and *T.*
38 *hudsonicus*), golden-mantled ground squirrel (*Spermophilus lateralis*), and chipmunk (*Tamias amoenus*,
39 *T. minimus*, *T. senex*, *T. siskiyou* and *T. townsendii*). No migratory bird or mammal protected by
40 federal law may be captured and held without first securing a federal permit. A federal permit will serve
41 in lieu of a state

42
43 ~~Wildlife Holding Permit for birds protected by the federal Migratory Bird Treaty Act and mammals~~
44 ~~protected by federal law.~~

45
46 Stat. Auth.: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,~~
47 ~~498.052, 498.222 & 498.242~~

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

1 498.029, 498.052, 498.222 & 498.242

2
3 **635-044-0020**

4 **When a Permit is not Required to Hold Wildlife**

5 No Wildlife Holding Permit is required to capture and hold wildlife except for those species listed in
6 OAR 635-044-0005 and those species listed in OAR 635-044-0015 which cannot be captured and held.
7 No Wildlife Holding Permit is required to hold game mammals and game birds, and game fish legally
8 acquired and held under a Wildlife Propagation License, a Cervid Holding Permit or a Cervid
9 Propagation License.

10
11 Stat. Auth.: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,~~
12 ~~498.052, 498.222 & 498.242~~

13 Stats. Implemented: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,~~
14 ~~498.029, 498.052, 498.222 & 498.242~~

15
16 **635-044-0025**

17 **Ownership of Captured Wildlife Held in Captivity**

18 Any wildlife or the progeny thereof which has been captured and is being held under a Wildlife
19 Holding Permit remains the property of the State of Oregon and cannot be sold except as authorized by
20 the Director.

21
22 Stat. Auth.: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,~~
23 ~~498.052, 498.222 & 498.242~~

24 Stats. Implemented: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,~~
25 ~~498.029, 498.052, 498.222 & 498.242~~

26
27 **635-044-0030**

28 **Cost and Expiration Date of Wildlife Holding Permit**

29 Any person desiring to obtain a Wildlife Holding Permit must submit a complete application and a
30 non-refundable application fee of \$5.00 (plus a \$2.00 license agent fee). Wildlife Holding Permit shall
31 expire on December 31 of the year issued.

32
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~~

35 Stats. Implemented: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,~~
36 ~~498.029, 498.052, 498.222 & 498.242~~

37
38 **635-044-0035**

39 **Requirements for Care of Wildlife Held in Captivity**

40 (1) Any wildlife held in captivity, whether a permit is required or not, must be treated in a humane
41 manner and cannot be restrained with a chain, rope, or other holding device. Facilities for care of captive
42 wildlife must be maintained in a sanitary condition and be large enough to provide room for exercise
43 and sturdy enough to prevent escape and protect the public. Food, water, and cover must be provided in
44 sufficient quantity and quality to maintain the wildlife in a healthy condition.

45 (2)(a) Individual bear or cougar six months of age and older must be held within special facilities
46 approved by the Department of Fish and Wildlife according to the specifications of Exhibit 1, except
47 when:

48 (A) transported to or from veterinarian clinics or other ODFW-approved facilities; or

49 (B) on public display by a USDA class A, B or C license holder.

1 (b) Facilities approved by the Department by December 18, 1997, are deemed to comply with the
2 new requirements of Exhibit 1.

3 (c) The department may, in its discretion, approve facilities that do not meet the specifications of
4 Exhibit 1 if the department finds that such facilities provide safeguards equivalent to those required by
5 Exhibit 1. The burden is on the applicant to demonstrate equivalency. One seeking equivalency approval
6 shall submit a detailed analysis of each specification required by **Exhibit 1** and describe how the facility
7 provides equivalent safeguards.

8 [ED. NOTE: Attachment referenced is not included in rule text. [Click here for PDF of attachment.](#)]

9
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 **635-044-0040**

16 **Inspection of Facilities**

17 Facilities for care of captive wildlife are subject to inspection by any State Police officer or
18 Department of Fish and Wildlife representative. Inspection of the facilities may take place without
19 warrant or notice, but, unless prompted by emergency or other exigent circumstances, shall be limited to
20 regular and usual business hours, including weekends. Nothing in these rules is intended to authorize or
21 allow the warrantless search or inspection of a permit holder's residence.

22
23 Stat. Auth.: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,~~
24 ~~498.052, 498.222, 498.242~~

25 Stats. Implemented: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,~~
26 ~~498.029, 498.052, 498.222, 498.242~~

27 28 **635-044-0045**

29 **Cancellation of Permit**

30 Failure to comply with the requirements for holding wildlife is cause to cancel the permit and
31 confiscate the wildlife being held.

32
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~~

35 Stats. Implemented: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,~~
36 ~~498.029, 498.052, 498.222, 498.242~~

37 38 **635-044-0050**

39 **Possession of Coyote Prohibited Without Permit**

40 It is *unlawful* to keep coyotes (*Canis latrans*) in captivity except in public parks or zoos or in
41 compliance with the terms and conditions of a permit issued pursuant ORS 497.298.

42
43 Stat. Auth.: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,~~
44 ~~498.052, 498.222, 498.242~~

45 Stats. Implemented: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,~~
46 ~~498.029, 498.052, 498.222, 498.242~~

1 **635-044-0051**

2 **Holding Pure-Bred Gray Wolf or Wolves in Captivity**

3 This rule governs the holding in captivity of pure-bred wolves in Oregon, with the objective of
4 protecting the public's native wildlife.

5 (1) The only persons who may hold pure-bred wolves in captivity are those who, as of December 31,
6 2009, held a gray wolf or wolves in captivity under previous Oregon Department of Agriculture, Class I
7 Exotic Canine, Exotic Animal Division 603 Rules or held a valid license or registration from the U.S.
8 Department of Agriculture, under the federal Animal Welfare Act of 1970. These persons may hold
9 only gray wolves, and only if they obtain authority under the requirements of paragraphs (4) or (5) of
10 this rule.

11 (2) Beyond the persons described in paragraph (1), the Department will not issue any new permits to
12 hold a pure-bred wolf in captivity.

13 (3) For the purpose of this rule, a wolf is considered "pure-bred" so long as it does not include any
14 hybrid cross with a domestic dog or other canine. The Department will determine pure-bred status
15 based on written documentation that may include breeding records, records of acquisition and
16 disposition transactions and sworn statements.

17 (4) To maintain the authority to hold pure-bred gray wolves in captivity, a person described in
18 paragraph (1) must:

19 (a) No later than 30 days before the expiration date printed on the permit issued by either the
20 Department or the Department of Agriculture which authorized the person to keep one or more wolves
21 in captivity:

22 (A) Apply to the Department for a captive wolf holding permit, using a form provided by the
23 Department. Such permits will have a term of two years and may include, but are not limited to,
24 conditions designed to protect native wildlife and human safety;

25 (B) Pay the Department a fee of \$100 (plus a \$2.00 license agent fee);

26 (C) Demonstrate to the Department that the person's wolf holding facility meets the minimum
27 special requirement standards for Class I Exotic Canines under the Oregon Department of Agriculture
28 rules (OAR 603-011-0725) in effect as of April 1, 2010; and

29 (D) Certify to the Department that the person's wolf handling facility complies with any applicable
30 city or county ordinances and any applicable federal laws.

31 (b) Obtain written authorization from the Department before transferring a pure-bred gray wolf to
32 another facility or releasing any pure-bred gray wolf into the wild;

33 (c) Not import, export, purchase, sell or exchange any pure-bred gray wolf; and

34 (d) Comply with the terms of any permit issued by the Department.

35 (5) Notwithstanding subparagraph (4)(a) above, a person who qualifies to hold a pure-bred gray wolf
36 under paragraph (1) through possessing an exhibitor permit from the U.S. Department of Agriculture
37 does not need to obtain a wolf holding permit from the Department so long as the person maintains the
38 person's federal permit. However, the person must still comply with the requirements of subparagraphs
39 (4)(b) and (e).

40 (6) The Department may revoke a wolf holding permit if the Department determines that the person
41 has violated these rules or the terms of the permit. If the Department proposes to revoke a person's
42 wolf holding permit, the person may request a contested case hearing within 14 days of notice of the
43 proposal.

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

45 Stats. Implemented: ORS 498.002, 496.171-182

Wildlife Propagation License Regulations

635-044-0060

License Required to Propagate Wildlife

—(1) Any person desiring to propagate for sale any game mammal (excluding the family *Cervidae*) or game bird, or desiring to sell any propagated game mammal (excluding the family *Cervidae*) or game bird must first secure a Wildlife Propagation License by applying on a form provided to the Oregon Department of Fish and Wildlife. The application shall list the wildlife species and numbers being held for propagation purposes, or the species being held for sale. The application shall also include the date of application, and the name, address, and signature of applicant.

—(2) Wildlife Propagation License shall cost \$52.00 (plus a \$2.00 license agent fee) and shall expire on December 31 of the year issued.

—(3) Any person desiring to propagate and sell any raptor must adhere to all permit requirements and regulations pertaining to the propagation and selling of raptors, as adopted by the U.S. Department of the Interior on July 8, 1983. (Federal Register, Vol. 48, No. 132, Part 21.)

Stat. Auth.: ~~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~~

Other Auth.: ~~Senate Bill 247 (2015)~~

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~~

635-044-0075

Requirements for Care of Wildlife Held for Sale

Any wildlife held for sale under a Wildlife Propagation License must be:

- (1) Treated humanely;
- (2) Maintained under sanitary and disease free conditions;
- (3) Provided ample food, water, and cover;
- (4) Provided ample room to exercise;
- (5) Enclosed within suitable facilities to prevent escape.

Stat. Auth.: ~~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~~

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~~

635-044-0080

Shipping Requirements

Any Wildlife shipped within or outside the state by the holder of a Wildlife Propagation License must have affixed to the shipping container a record showing:

- (1) Name, address, and Wildlife Propagation License number of shipper;
- (2) Name and address of consignee;
- (3) Species and numbers of wildlife contained.

Stat. Auth.: ~~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~~

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~~

1 **635-044-0120**

2 **Record Keeping and Reporting Requirements**

3 (1) A record of all business transactions involving sale or purchase of eggs, mammals, or game birds
4 must be maintained at facilities operated under a Wildlife Propagation License. Records must be
5 available for inspection by Oregon State Police or Oregon Department of Fish and Wildlife personnel:

6 (2) An annual report of operations must be submitted with each license renewal application or by
7 January 15 of the next year if the licensee does not submit a renewal application. The annual report shall
8 include a total of all purchases and sales by species of mammals, birds, or bird eggs.

9
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 **635-044-0125**

16 **Cancellation of License**

17 Failure to comply with shipping requirements, reporting requirements, or requirements for care of
18 wildlife held for sale is cause to cancel the Wildlife Propagation License and confiscate or require
19 disposal of the wildlife being held.

20
21 Stat. Auth.: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,~~
22 ~~498.052, 498.222 & 498.242~~

23 Stats. Implemented: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,~~
24 ~~498.029, 498.052, 498.222 & 498.242~~

25
26 **635-044-0130**

27 **Nongame Wildlife Protected**

28 —(1) Except as provided by ~~635-043-0030, 635-200-0040, 635-044-0015, 635-056-0080 and 635-044-~~
29 ~~0200~~, it is unlawful for any person to hunt, trap, pursue, kill, take, catch, angle for, or have in
30 possession, either dead or alive, whole or in part, any:

31 —(a) Threatened or Endangered animals as provided for in ~~635-100-0125~~; or

32 —(b) Protected wildlife listed herein except as otherwise provided by the commission by permit, or
33 with respect to Pacific Lamprey, as authorized by a federally recognized Indian tribe to which the
34 Commission has issued a permit authorizing that tribe to allow its members to take Pacific Lamprey at
35 Willamette Falls for personal use, with a tribal enrollment card in possession, within seasons and subject
36 to conditions established by the Commission, or with respect to non-threatened or non-endangered
37 migratory nongame birds, as authorized by a Migratory Bird Depredation Order, or in compliance with
38 all terms and conditions of a Migratory Bird Depredation Permit issued by the United States Fish and
39 Wildlife Service under Title 50 Code of Federal Regulations Part 21, Subpart D. Nothing in this rule is
40 intended to affect the provisions of ORS 610.002 to 610.990.

41 —(A) Fish: (Protected fish are listed by common name and scientific name if consistently applied
42 across taxonomic references):

43 —(i) Goose Lake lamprey (*Entosphenus* sp.);

44 —(ii) Alvord chub;

45 —(iii) Oregon lakes tui chub;

46 —(iv) Sheldon tui chub;

47 —(v) Pit roach (*Lavinia symmetricus mitrulus*);

48 —(vi) Oregon chub (*Oregonichthys crameri*);

49 —(vii) Millicoma longnose dace (*Rhinichthys cataractae* ssp.);

- 1 — (viii) Lahontan redbreast (*Richardsonius egregius*);
- 2 — (ix) Goose Lake sucker (*Catostomus occidentalis lacusanserinus*);
- 3 — (x) Tahoe sucker (*Catostomus tahoensis*);
- 4 — (xi) Malheur sculpin (*Cottus bendirei*);
- 5 — (xii) Margined sculpin (*Cottus marginatus*);
- 6 — (xiii) Pit sculpin (*Cottus pitensis*);
- 7 — (xiv) Pacific lamprey (*Entosphenus tridentatus*);
- 8 — (xv) Goose Lake tui chub;
- 9 — (xvi) Klamath smallscale sucker, Jenny Creek population (*Catostomus rimieulus*);
- 10 — (xvii) River lamprey (*Lampetra ayresii*);
- 11 — (xviii) Western brook lamprey (*Lampetra richardsoni*);
- 12 — (xix) Miller Lake lamprey (*Entosphenus minimus*);
- 13 — (xx) Klamath River lamprey (*Entosphenus similis*);
- 14 — (xxi) Pit Klamath brook lamprey (*Entosphenus lethophagus*);
- 15 — (B) Amphibians:
- 16 — (i) Cope's giant salamander (*Dicamptodon copei*);
- 17 — (ii) Clouded salamander (*Aneides ferreus*);
- 18 — (iii) Black salamander (*Aneides flavipunctatus*);
- 19 — (iv) California slender salamander (*Batrachoseps attenuatus*);
- 20 — (v) Oregon slender salamander (*Batrachoseps wrightorum*);
- 21 — (vi) Del Norte salamander (*Plethodon elongatus*);
- 22 — (vii) Larch Mountain salamander (*Plethodon larselli*);
- 23 — (viii) Siskiyou Mountains salamander (*Plethodon stormi*);
- 24 — (ix) Rocky Mountain tailed frog (*Ascaphus montanus*);
- 25 — (x) Coastal tailed frog (*Ascaphus truei*);
- 26 — (xi) Northern red-legged frog (*Rana aurora*);
- 27 — (xii) Foothill yellow-legged frog (*Rana boylei*);
- 28 — (xiii) Cascade frog (*Rana cascadae*);
- 29 — (xiv) Northern leopard frog (*Lithobates pipiens*);
- 30 — (xv) Columbia spotted frog (*Rana luteiventris*);
- 31 — (xvi) Oregon spotted frog (*Rana pretiosa*);
- 32 — (xvii) Southern torrent salamander (*Rhyacotriton variegatus*);
- 33 — (xviii) Columbia torrent salamander (*Rhyacotriton kezeri*);
- 34 — (xix) Cascade torrent salamander (*Rhyacotriton cascadae*);
- 35 — (xx) Western toad (*Anaxyrus boreas*);
- 36 — (xxi) Woodhouse toad (*Anaxyrus woodhousei*);
- 37 — (xxii) Blotched tiger salamander (*Ambystoma mavortium melanostictum*);
- 38 — (C) Reptiles:
- 39 — (i) Western painted turtle (*Chrysemys picta bellii*);
- 40 — (ii) Western pond turtle (*Actinemys marmorata*);
- 41 — (iii) Great Basin collared lizard (*Crotaphytus bicinctores*);
- 42 — (iv) Long-nosed leopard lizard (*Gambelia wislizenii*);
- 43 — (v) Pygmy short-horned lizard (*Phrynosoma douglassi*);
- 44 — (vi) Desert horned lizard (*Phrynosoma platyrhinos*);
- 45 — (vii) Sharp-tailed snake (*Contia tenuis*);
- 46 — (viii) Common kingsnake (*Lampropeltis getula*);
- 47 — (ix) California mountain kingsnake (*Lampropeltis zonata*);
- 48 — (x) Western ground snake (*Sonora semiannulata*);
- 49 — (D) Birds: All nongame birds except European starling, house sparrow, and Eurasian collared dove.

- 1 — (E) Mammals:
2 — (i) Fringed myotis (*Myotis thysanodes*);
3 — (ii) Townsend's big-eared bat (*Corynorhinus townsendii*);
4 — (iii) Pallid bat (*Antrozous pallidus*);
5 — (iv) American pika (cony) (*Ochotona princeps*);
6 — (v) Pygmy rabbit (*Brachylagus idahoensis*);
7 — (vi) White-tailed jack-rabbit (*Lepus townsendii*);
8 — (vii) Chipmunk (*Tamias amoenus*, *T. minimus*, *T. senex*, *T. siskiyou* and *T. townsendii*);
9 — (viii) Golden-mantled ground squirrel (*Spermophilus lateralis*);
10 — (ix) Chickaree (Douglas's squirrel and red squirrel) (*Tamiasciurus douglasii* and *T. hudsonicus*);
11 — (x) White-tailed antelope-squirrel (*Ammospermophilus leucurus*);
12 — (xi) Northern flying squirrel (*Glaucomys sabrinus*);
13 — (xii) White-footed vole (*Arborimus albipes*);
14 — (xiii) Ringtail (*Bassariscus astutus*);
15 — (xiv) Fisher (*Martes pennanti*);
16 — (xv) All marine mammals.
17 — (xvi) Silver-haired bat (*Lasionycteris noctivagans*);
18 — (xvii) Western small-footed myotis (*Myotis ciliolabrum*);
19 — (xviii) Long-eared myotis (*Myotis evotis*);
20 — (xix) Long-legged myotis (*Myotis volans*); (xx) Yuma myotis (*Myotis yumanensis*);
21 — (xxi) Columbian white-tailed deer (*Odocoileus virginianus leucurus*) in the following Wildlife
22 Management Units: Saddle Mountain (10), Scappoose (11), Willamette (15), and Santiam (16).
23 — (2) Notwithstanding section (1) of this rule, it shall be lawful to purchase, sell, or exchange, or have
24 in possession any pelt of wildlife listed therein which was lawfully taken in another state and transported
25 into Oregon. A bill of lading or freight bill from a common carrier or other documentary proof
26 indicating the state of origin of the pelt and the name and address of the person from whom the pelt was
27 received shall be sufficient.

28
29 Stat. Auth.: ORS 496.138, 496.146 & 506.119

30 Stats. Implemented: ORS 496.162 & 506.129

31
32 **635-044-0132**

33 **Nongame Wildlife Nonprotected**

34 (1) Any nongame wildlife species that is not provided for in 635-044-0130, or is not otherwise
35 protected by statute or rule, is nonprotected.

36 (2) Any nonprotected wildlife taken from the wild and possessed shall be maintained in a humane
37 manner as follows:

38 (a) Food and water of sufficient quantity and quality to allow for normal growth or maintenance of
39 body weight, shelter sufficient to protect the animal from adverse elements, and any other requirement
40 particular to the animal's survival shall be provided;

41 (b) Sufficient space for exercise necessary for the health of the animal shall also be provided;

42 (c) Confinement areas shall be kept reasonably clean and free from excess waste or other
43 contaminants which could affect the animal's health;

44 (d) A level of care deemed necessary by a reasonably prudent person shall be provided to prevent
45 distress from captivity, injury, neglect or disease;

46 (3) It is *unlawful* for any person possessing wildlife to cause or allow such wildlife to be chased,
47 injured, harmed, harassed, molested, worried, frightened, or neglected, except wildlife taken under a
48 Scientific Taking Permit.

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
7 December 2015 (Wildlife Rehabilitation now under Division 062)

8
9
10 **EXHIBIT 1**
11 **(635-044-0035)**

12
13 **Minimum Specifications for Holding Facility for Bear *Ursus americanus* and Cougar *Felis concolor***

14
15 **Minimum Size:**

16 ~~— Six (6) feet in height; minimum floor area for each animal held shall be three hundred (300) square~~
17 ~~feet, excluding cubs or kittens under six (6) months of age.~~

18
19 **Construction**

20 ~~— Floor: The floor shall be constructed in one of the following ways:~~

21 ~~— For Bear: Four (4) inch reinforced concrete, sloped for free drainage.~~

22 ~~— For Cougar:~~

23 ~~— 1: Four (4) inch reinforced concrete, sloped for free drainage; or~~

24 ~~— 2: Four (4) inch reinforced continuous concrete skirt four (4) feet wide around either inside or outside~~
25 ~~of pen perimeter; or~~

26 ~~— 3: Six (6) inch concrete curb two (2) feet deep around pen perimeter. If the substrate will not permit~~
27 ~~subsurface construction, 9 gauge chain link fencing or its equivalent shall be buried and extend three (3)~~
28 ~~feet inside. This subsurface wire shall be securely anchored; or~~

29 ~~— 4: (Only for declawed cougar. Owner must provide veterinarian proof of declawing upon request.)~~
30 ~~Natural earth with a minimum of three (3) inches concrete skirt two (2) feet wide around either inside or~~
31 ~~outside of pen perimeter.~~

32 ~~— Gate: Double gate construction consisting of welded, bolted or threaded frames. The exterior gate~~
33 ~~must be secured by a lock at all times except when entry is required. One gate must open inward and have~~
34 ~~a positive stop to prevent opening when unlocked and pressured by the caged animal. The gate must be~~
35 ~~constructed in a manner to provide strength comparable to the rest of the cage, and the hinges and fasteners~~
36 ~~must be adequate to provide strength equivalent to the rest of the construction.~~

37 ~~— Cage: The cage shall be constructed in one of the following ways:~~

38 ~~— 1: Frame and mesh construction, to consist of a supportive framework, corner and gate posts to be~~
39 ~~steel pipes or beams equivalent in strength to 2 inch steel pipe, top and sides, of steel pipes or beams~~
40 ~~equivalent in strength to 1 1/2 inch steel pipe, securely welded, bolted, or threaded together, with~~
41 ~~framework members at intervals no greater than five (5) feet; gate posts, steel pipe and beam posts must~~
42 ~~be embedded in concrete to a minimum depth of two (2) feet, wire mesh covering of 9 gauge chain link~~
43 ~~fencing or its equivalent, securely bolted, welded or attached with 9 gauge fence ties to framework. Top~~
44 ~~to be constructed of 9 gauge chain link fencing or equivalent for bear, 11 1/2 gauge chain link fencing or~~
45 ~~equivalent for cougar, attached in a similar manner as sides.~~

46 ~~— 2: Barred construction, to consist of steel pipes or bars equivalent in strength to 3/4 inch steel pipe,~~
47 ~~spaced at intervals not to exceed six (6) inches, and supported at intervals not to exceed thirty six (36)~~
48 ~~inches with 3/8 by 2 inch steel bars drilled to receive the vertical bars at the intervals given above; all~~
49 ~~joints or points of meeting to be securely bolted or welded, top and sides. Top to be bar construction as~~

1 described above or constructed of 9 gauge chain link fencing or equivalent for bear, 11-1/2 gauge chain
2 link fencing or equivalent for cougar, securely attached to sides.

3 4 **Other Specifications**

5 —A water trough of not less than four (4) U.S. gallons securely attached inside of the cage.

6 —One den box for each animal kept, to be constructed on a floor level not less than three and one half
7 (3-1/2) inches above the floor level of the main cage; providing fifteen (15) square feet of floor area per
8 animal; being not less than thirty (30) inches high inside; with floor sloped to provide free drainage.

9 —Shelter to protect animal from sun and rain must be provided.

10 —Exercise or open top enclosure may not replace the minimum cage requirements for this Exhibit 1.
11 However, if such a facility is provided, it must comply with the following minimum requirements:

12 —Perimeter fence construction must be 9 gauge chain link type fencing or equivalent a minimum of
13 eight (8) feet high with a double overhanging cantilever of electrified wire. Each cantilever to be not less
14 than 18 inches in length, totally surrounding the entire enclosure and one to slope in, the other to slope
15 out, both at a 45-degree angle, containing electrified wires not less than 16 gauge, equally spaced, not to
16 exceed six (6) inch spacing intervals. A "New Zealand" style energizer that is appropriately sized for the
17 amount of wire to be energized shall power the fence.

18 —Frame and mesh construction, to consists of a supportive framework, all posts to be steel pipes or
19 beams equivalent in strength to 1-1/2 inch steel pipe, with vertical frame members at intervals no greater
20 than ten (10) feet. Vertical frame members must be imbedded in concrete to a depth of three (3) feet.
21 Horizontal frame members are required at top and bottom of vertical portion of fence. Nine gauge chain
22 link fence or equivalent securely attached to top and bottom horizontal frame members at intervals not to
23 exceed one (1) foot.

24 —Double gate construction to be welded, bolted or threaded frames. The exterior door must be secured
25 by a lock at all times except when entry is required. One gate must open inward and have a positive stop
26 to prevent opening when unlocked and pressured by the caged animal. The gate must be constructed in a
27 manner to provide strength comparable to the rest of the cage, and the hinges and fasteners will be adequate
28 to provide strength equivalent to the rest of the construction.

29 —Animals may occupy the exercise enclosure only when keeper is present.]

30
31
32 October 2015 (Wildlife Rehabilitation now under Division 062)