

Agenda Item Summary

BACKGROUND

The Commission approved amendments to Division 435, Wildlife Control Operators, on December 4, 2015. After reviewing the approved rules, the department discovered that OAR 635-435-0010(3), regarding the time frame for bat control activities, was opposite the intended time frame. The rule was developed to protect bat nursery locations from disturbance and eviction during June, July and August, which is the time period that bats raise their young.

On December 9, 2015, ODFW issued a temporary rule to correct OAR 635-435-0010(3) so that bat nursery areas would be protected during the appropriate timeframe.

PUBLIC INVOLVEMENT

Not applicable.

ISSUE 1

AMEND OAR 635-435-0010(3) TO MAKE THE TEMPORARY RULE PERMANENT

ANALYSIS

After reviewing the approved Division 435 rules, the department discovered that OAR 635-435-0010(3) was written opposite of the intent of the rules purpose, which was to protect bat nurseries from disturbance during the rearing timeframe of young bats.

The initially approved rules read “all bat spp. are limited to exclusion and eviction from a structure during the months of June through August or they may be captured and immediately released outdoors or taken to a licensed wildlife rehabilitator.”

To correct the error, a temporary rule went into effect on December 9, 2015. The temporary rule was then edited for clarification to read:

- (3) WCO activities for all bat species are as follows:
- (a) Exclusion and eviction permitted except during the months of June, July and August unless the permittee receives prior authorization from the Department. For purposes of this rule, “exclusion” and “eviction” are defined as follows:
 - (1) “Exclusion” means taking actions to prevent an animal from occupying a space or structure;
 - (2) “Eviction” means creating conditions which encourages an animal to move out, and remain out of an area.
 - (b) Capture of bats from indoor areas not associated with roosting, hibernaculum and nurseries is permitted year round, provided that the bat is immediately released outdoors or taken to a license wildlife rehabilitator.

The proposed rule amendments will protect areas that are critical habitat to bats, and also set standards for Wildlife Control Operators on the timeframe and type of wildlife control activities they can conduct on bats.

OPTIONS

1. Adopt staff proposal, which makes the temporary rule permanent.
2. Amend the proposed rule.

**STAFF
RECOMMENDATION**

1. Adopt staff proposal to make the temporary rule permanent.

DRAFT MOTION	I move to amend OAR Chapter 635-435-0010 as proposed by staff.
EFFECTIVE DATE	Upon Fling