

# **PROTECTED WILDLIFE, HOLDING AND PROPAGATING RULES**

**CHAPTER 635 DIVISION 44  
OREGON FISH AND WILDLIFE COMMISSION  
JUNE 9, 2016  
SALEM, OREGON**

# MARCH 18, 2016

- Revisions from informational briefing
- Continue to receive public comment
- Provide crossover table of revisions



# PRESENTATION OUTLINE

**Background**

**Review Process**

**Overview of Draft Rule Revisions**

**Public Review and Comments**



# BACKGROUND

- **Clear policy and procedures related to protected wildlife, wildlife holding permits & propagation licenses**
- **Provide clear direction for law enforcement**





# DIVISION 44 REVIEW

- **2013 - Interagency Discussions**
- **2014 /15 - Wildlife Holding Advisory Group  
Internal Review**
- **January 2016 – Stakeholder Review and Public  
Comment**
- **March 2016 – Informational Briefing**
- **June 2016 – Proposed Rule Adoption**



# **REMOVE CLASSIFICATION OF “NONGAME NON-PROTECTED”**

**All free-ranging wildlife are protected EXCEPT:**

- 1. Regulated take or permit/license or rule**
- 2. Wildlife Holding Permit**
  - Grandfathered animals**
  - Nongame species distributed widely, abundant, secure**
- 3. Propagation License**
- 4. Department approval – Letter of Authorization**

# GRANDFATHERING PROVISION

- Black bear
  - Cougar
  - Wolf
  - Bobcat
  - Raccoon
  - Skunk
  - Squirrels
  - Chipmunk
  - Nongame
- Non-protected



# GRANDFATHERED ANIMAL FACILITIES

- Facilities meeting ODFW Enclosure and Caging Standards (Exhibit 1) w/in 1 year
- New permits or new acquisitions of captive black bear, cougar, bobcat, wolves
  - Facilities accredited by Association of Zoos and Aquariums (AZA)





# DRAFT RULE REVISIONS

- **System for holding nongame wildlife based on science**
  - Rank and classify species according to their abundance and distribution
  - Oregon Biodiversity Information Center (ORBIC)
  - NatureServe



# **ORBIC STATE STATUS RANKINGS**

**1 = Critically imperiled, extreme rarity, vulnerable to extinction or extirpation, typically with 5 or fewer occurrences**

**2 = Imperiled, rare, vulnerable to extinction (extirpation), 6-20 occurrences**

**3 = Rare, uncommon or threatened, not immediately imperiled, 21-100 occurrences**

**4 = Not rare and apparently secure, cause for long-term concern, more than 100 occurrences**

**5 = Demonstrably widespread, abundant, and secure**

# WILDLIFE HOLDING PERMIT

- **32 Nongame Species**
  - Amphibians
  - Reptiles
  - Mammals







## 8 AMPHIBIANS

**Northwestern Salamander**

**Long-toed Salamander**

**Coastal Giant Salamander**

**Ensatina**

**W. Red-backed Salamander**

**Rough-skinned Newt**

**Pacific Tree / Chorus Frog**

**Great Basin Spadefoot**





# 12 REPTILES

Great Basin Whiptail

Northern and Southern  
Alligator Lizard

Western Skink

Northern Sagebrush Lizard

Western Fence Lizard

Common Side-Blotched  
Lizard

Western Rattlesnake:

excluding Willamette  
Valley populations

Pacific Gopher Snake

Western Terrestrial Garter  
Snake

Northwestern Garter Snake

Common Garter Snake



# 12 NONGAME MAMMALS



**Porcupine**

**Long-tailed Vole**

**Montane Vole**

**Ermine**

**Long-tailed Weasel**

**Bushy-tailed Woodrat**

**Deer Mouse**

**Coast Mole**

**California Ground Squirrel**

**Belding's Ground Squirrel**

**Brush Rabbit**

**Douglas's Squirrel**





# DRAFT RULE REVISIONS

- Revised Exhibit 1

## Enclosure and Caging Standards for Holding Wildlife in Captivity



# DRAFT RULE REVISIONS

- Species allowed under a propagation license limited to select game bird species





# **PUBLIC REVIEW AND ISSUES IDENTIFIED**



# ISSUE 1: PROCESS FOR DETERMINING NONGAME SPECIES PERMITTED FOR HOLDING

Concern the process to designate protected and permitted species was not science based

- ORBIC/NatureServe
- Species demonstrably widespread in distribution, considered abundant, and secure as a population



# ISSUE 2 : LIMITATION OF ALLOWABLE HELD NATIVE SPECIES OF SNAKES AND AMPHIBIANS

Concern that classification is made with limited or inaccurate information

## ORBIC State Status

- Racer (*Coluber constrictor*) S4
- Rubber Boa (*Charina bottae*) S4
- Night Snake (*Hypsiglena chlorophaea*) S3
- Striped Whip Snake (*Coluber taeniatus*) S4
- Ring-necked Snake (*Diadophis punctatus*) S4
- Common Kingsnake (*Lampropeltis getula*) S4
- California Mountain Kingsnake (*L. zonata*) S4
- Sharptail Snake (*Contia tenuis*) S4
- Ground Snake (*Sonora semiannulata*) S3
- Pacific Coast Aquatic Garter Snake (*T. atratus*) S4



# ISSUE 3: REPRODUCTIVE STERILIZATION OF REPTILES AND AMPHIBIANS HELD ON A WILDLIFE HOLDING PERMIT

- Held native wildlife cannot be bred or propagated
- Options include:
  - Sterilization
  - Separation of the sexes
  - Egg disposal





# ISSUE 4: HYBRID WOLVES AND BOBCATS

**Concern with documenting hybrid status of currently held animals**

- **Proof of genetic status based on owners records**
- **Animals not validated are considered pure-bred**

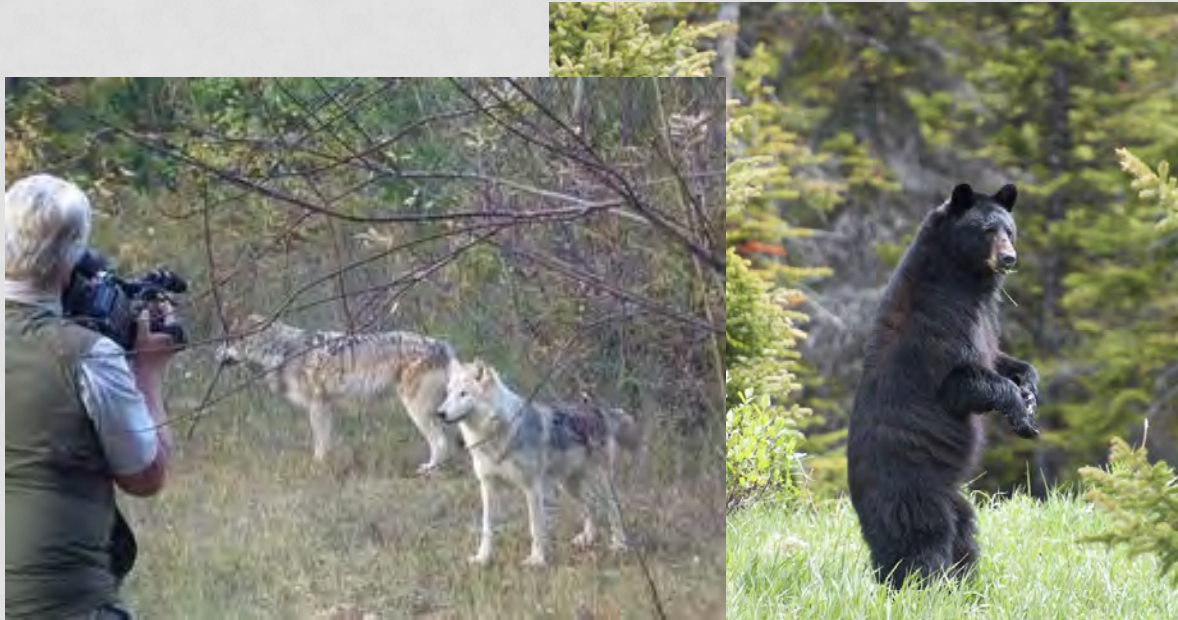


# **ISSUE 5: WILDLIFE HELD IN AN AZA ACCREDITED FACILITY VS. USDA LICENSE CLASSIFICATION**

- **AZA accredited facility standards are an established standard of care for captive animals**
- **USDA licensing: permit held by animal owners and businesses regulated under the Animal Welfare Act**
  - **Class A licensees are breeders**
  - **Class B licensees brokers, auction sales**
  - **Class C licenses include animal exhibitors**

# ISSUE 6: IMPACTS TO THE EDUCATION AND ANIMAL ENTERTAINMENT INDUSTRIES

- Breeding held wildlife
- Burden of proof for hybridness
- Restrictive transport rules
- AZA accreditation





# **ISSUE 6: IMPACTS TO THE EDUCATION AND ANIMAL ENTERTAINMENT INDUSTRIES**

- **Currently held animals are grandfathered including legally held wolves and bobcats**
- **May not be bred or reproduced**
- **Department letter of authorization for temporary holding and transport**
- **Future animal additions require AZA facility housing**



# **ISSUE 7: HOLDING OF RACCOONS**

**ORS 498.029 Purchase, sale or exchange of fox, skunk or raccoon prohibited; exceptions**

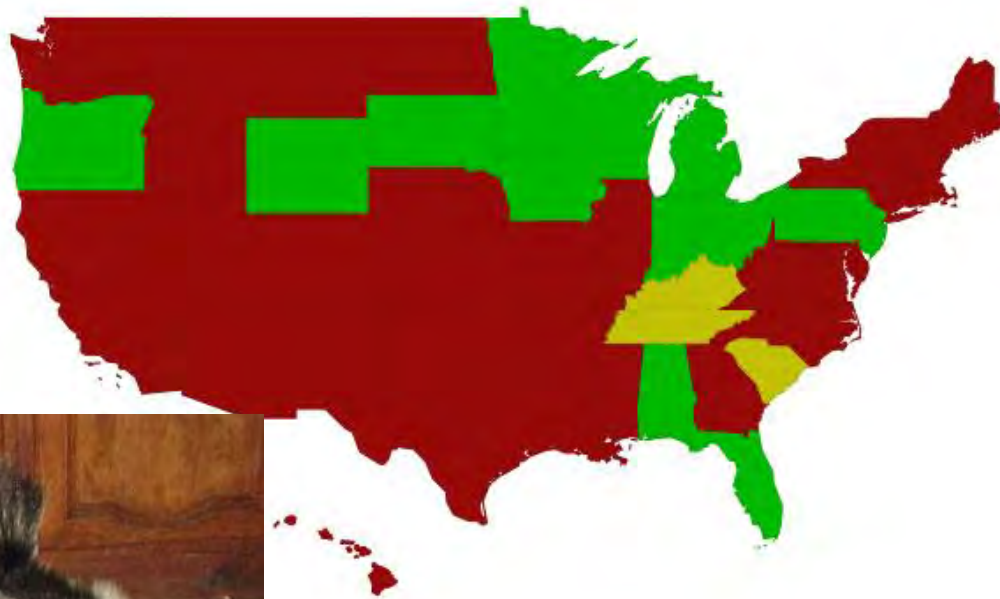
- Raccoons may not be offered for sale, trade, barter, or exchange as a household pet**
- May be offered for sale, trade, barter or exchange to a public park, zoo, museum or educational institution for educational, medical, scientific or exhibition purposes with Department approval**

# ISSUE 7: HOLDING OF RACCOONS

- **ORS only regulates activity within Oregon**
- **Does not state that raccoons cannot be held**
- **Permanent unique mark, cannot be bred, care and facility standards, annual Holding Permit Required**



# ISSUE 8: HOLDING OF PET SKUNKS





# HOLDING OF SKUNKS

## Concerns and Issues

- Caging requirements
- Permanent marking
- Number held
- Transfer of ownership
- Future acquisitions



# HOLDING OF SKUNKS STAFF PROPOSAL

- Residence or home meets the requirements for adequate caging
- Permanent marking
- Cannot be bred/reproduced or propagated
- Acquired from out-of-state, USDA licensed breeders



# **HOLDING OF SKUNKS STAFF PROPOSAL**

- **No limit on number held**
- **Skunks held on a Wildlife Holding Permit may be transferred to another or new permit holder**





# HOLDING OF SKUNKS STAFF PROPOSAL

- **Wildlife Holding Permit Alternatives**
  1. **Annual Permit (**Staff proposal**)**  
**One owner/multiple animals**
  2. **One-time Registration (each skunk)**
  3. **No Holding Permit required**

