

Agenda Item Summary

BACKGROUND

The “Wildlife Trafficking Prevention Act” (WTPA) was passed by the voters of Oregon in November 2016 (Ballot Measure 100) and amended by the 2017 Legislative Assembly in HB 2576. The WTPA took effect on July 1, 2017 and temporary Oregon Administrative Rules were initially enacted and ratified.

The WTPA makes it illegal to purchase, sell or exchange or offer to purchase, sell or exchange any part or product from any “covered animal species”. Ballot Measure 100 and HB 2576 define “covered animal species” as elephant, rhinoceros, whale, tiger, lion, leopard, cheetah, jaguar, pangolin, marine and leatherback turtles, sharks, and rays. Ballot Measure 100 and HB 2576 allow exceptions when “covered animal species” parts or products are obtained by an activity expressly authorized by federal law or are from a species that is subject to federal management plan under Title III of P.L. 94-265 as amended (Magnuson-Steven Act). The WTPA assigned the State Fish and Wildlife Commission to develop the rules and the authority to enforce these rules.

PUBLIC INVOLVEMENT

Communication with the sponsors of Ballot Measure 100 was completed as part of the Temporary Rule process. Those communications continued through the current proposal for permanent rule making. Staff answered numerous phone calls to clarify the list of “Covered Animal Species” and exceptions.

ISSUE 1

IMPLEMENT WILDLIFE TRAFFICKING PREVENTION ACT TO PROHIBIT THE SALE, PURCHASE OR EXCHANGE AND OFFERS TO SELL, PURCHASE OR EXCHANGE COVERED ANIMAL SPECIES PARTS OR PRODUCTS THROUGH DIVISION 200 RULES.

ANALYSIS

The “Wildlife Trafficking Prevention Act” (WTPA) took effect on July 1, 2017. Temporary rules were put in place in Oregon Administrative Rules Division 200 to give structure and clarification to meet the intent and purpose of Ballot Measure 100 and amendments passed by the 2017 Legislative Assembly in HB 2576. The WTPA generally makes it illegal to purchase, sell or exchange or offer to purchase, sell or exchange any part or product from any “covered animal species”. Ballot Measure 100 and HB 2576 provide a definition for “Covered Animal Species” as elephant, rhinoceros, whale, tiger, lion, leopard, cheetah, jaguar, pangolin, marine and leatherback turtles, sharks and rays. The new law also allows exceptions such as when a species is obtained by an activity expressly authorized by federal law or for species that are subject to federal management plans under Title III of P.L. 94-265 as amended (Magnuson-Steven Act). The Department is directed by the law to develop rules for implementing the WTPA.

The proposed amendments to Chapter 635, Division 200 include:

- Definitions for:
 - Bona fide scientific or educational institution;
 - “Covered Animal Species”;
 - “Covered Animal Species part or product”; and
 - “Sale or sell of Covered Animals Species”.
- List of exceptions and what part or product are allowed to be possessed or sold.
- Process for confiscation, disposal, or cancellation or non-renewal of authorizations for violations of the WTPA.

OPTIONS

Option 1. Approve staff proposals to amend Division 200.

Option 2. Adopt modified changes to Division 200.

Option 3. No action. Do not modify Division 200 as proposed.

STAFF RECOMMENDATION

Option 1.

ISSUE 2

“COVERED ANIMAL SPECIES PART OR PRODUCT” DOES NOT INCLUDE LIVE WILDLIFE

ANALYSIS

The initial temporary rules included changes to Division 56 rules regarding live individuals of the “covered animal species”. Staff clarified that the purpose and intent of Measure 100 was for parts and products from “covered animal species”; not for living members of a “covered animal species”. The ballot measure language and legislation also clearly outlines “part or product” as the prohibited items. There were a few minor errors found in Division 56 during the discussions that have been corrected. In 635-056-0060, the word “Department” and “some species require a permit from the Oregon Department of Agriculture” were added; in 635-056-0070(d) “Eurasian Collared Dove” was added to list of species that may not be imported or released into the wild; and in 635-056-0140 (e) incorrect word usage of “degredate” was corrected to “degrade”.

OPTIONS

Option 1. Approve staff proposals to amend Division 56.

Option 2. Adopt modified changes to Division 56.

Option 3. No action. Do not modify Division 56 as proposed.

STAFF RECOMMENDATION

Option 1.

DRAFT MOTION

I move to amend Chapter 635, Divisions 56 and 200 to implement the Wildlife Trafficking Prevention Act as proposed by staff.

EFFECTIVE DATE

Upon filing

