



AGENDA ITEM SUMMARY

BACKGROUND

Wildlife damage control statutes were first designed to deal with agricultural and livestock damage in rural areas. The statutory authority granted to Oregon Department of Fish and Wildlife (Department) and to landowners was designed to protect agricultural and forest landowner while also protecting wildlife populations. Urban expansion has led to dramatic increases in wildlife/ human conflicts throughout the years.

After legislative direction, a seven-member Task Force on Wildlife Control Activities was appointed by the Department Director in 2004 to develop a system of licensing and regulation for businesses conducting wildlife control operations for nuisance, damage or public health risk situations. The task force adopted 16 recommendations which were presented to an Interim Legislative Committee related to natural resources and to the Oregon Fish and Wildlife Commission.

In 2006, an 11-member Wildlife Control Operators (WCO) Advisory Group was formed to address the recommendations from the task force and develop rules and guidelines for the wildlife control industry. In October 2006, Division 435 rules were adopted by the Commission. The rules were amended in 2014 after recommendations from a WCO Advisory Group reviewed training and authorization requirements (including training manual and testing), wildlife handling processes, and permit fees.

Throughout the development and implementation of the WCO rules, game species are typically excluded from the permit, unless an exception is specified. Wild turkey populations are robust range wide and have exceeded human tolerance in some urban and suburban areas, generating approximately 100 recorded complaints statewide. Complaints range from destruction of gardens and landscaping, to fecal accumulation on personal property, and safety concerns from aggressive birds. WCOs provide a commercial alternative for landowners to deal with nuisance wildlife, particularly where the Department lacks the capacity to respond. The increase in nuisance and damage complaints specific to wild turkeys, particularly in incorporated city limits, has created a need for additional capacity to address these complaints. The proposed rule change would allow WCOs to address wild turkey complaints under certain constraints. Specifically, WCOs will be required to follow game animal carcass disposition rules, and any translocation of live wild turkeys must be coordinated with the local district biologist and adhere to the Oregon Wild Turkey Management Plan.

Administrative updates to the rules are also proposed, including reduced reporting requirements to decrease administrative burden, improved clarity regarding trap tampering and public display of wildlife.

PUBLIC INVOLVEMENT

Individual WCOs initially suggested adding turkeys to the WCO permit after noticing an increase in customer inquiries. Department Permit staff and Game Bird program met several times with field staff to outline potential WCO changes. Staff provided a presentation and discussion on initial permit changes to include wild turkeys at the WCO Conference in Salem on April 26, 2019 to determine if there was interest among permittees. The Notice of Proposed Rulemaking Hearing was posted to The Oregon Bulletin on August 17, 2020. The Department issued news release for the Commission meeting and directed public to Department website for exhibit materials and the opportunity to review and comment on the proposed changes.

ISSUE 1

Amend OAR Chapter 635 Division 435 to add wild turkeys as an allowed species on a Wildlife Control Operator permit and update general requirements related to WCO permit.

ANALYSIS

Allowing WCO permit holders to address the removal of wild turkeys causing damage, posing a public health threat or creating a public nuisance requires specific rule amendments since game species generally are not included.

In 635-435-0005, Definitions

- Wild turkeys are added to the species an “Agent” is allowed to take for the purpose of reducing property damage
- “Public display” is defined to assure best practices while conducting WCO activities
- “Wild Turkey” is specifically defined

In 635-435-0010, Permit Required to Capture, Posses, or Transport Wildlife

- Wild turkeys are added to the list of species that may be captured, possessed, or transported by a WCO permittee
- Specifies that wild turkey relocation must adhere to the Oregon Wild Turkey Management Plan (OAR 635-135-0001) to prevent unauthorized translocation of wild turkeys to undesired or unapproved locations

In 635-435-0015, Requirements for Wildlife Control Operator Permit

- Grammatical change from “ODFW” to “Department”
- Specifies WCO permits are valid for “up to” two consecutive calendar years from the date of issue.

In 635-435-0025, Disposition of Wildlife

- Updates AVMA Guidelines for Euthanasia of Animals to most current edition (2020)
- Grammatical change from “wild animal” to “wildlife”
- Specifies that WCO must salvage wild turkey carcasses according to Disposal of Edible Wildlife rules (OAR 635-002-0005). This restriction prevents waste of edible wild game and prohibits property owners or occupants from receiving any part of a wild turkey removed from their property

In 635-435-0050, Trap Tampering Prohibited

New language to specify that moving a trap set by a WCO is unlawful.

In 635-435-0055, Record Keeping and Reporting Requirements

- Changes requirement that agent affidavits with property owners must be submitted monthly to retention for one year by WCO

Changes requirement that WCO report activities monthly to requiring a biannual report, on July 31st and January 31st, whether or not wildlife control activities have taken place. These changes simplify reporting requirements for WCOs and reduce the administrative burden for Department staff.

OPTIONS

1. Approve staff proposals
2. Amend staff proposals
3. Reject staff proposals

STAFF RECOMMENDATION

1. Option 1

DRAFT MOTION:

I move to adopt staff recommendations to amend OAR Chapter 635, Division 435 as proposed by staff to amend actions and requirements of Wildlife Control Operator permittees.

Effective Date: Upon Filing