

Petition to Add Mink to List of Prohibited Species in OAR Chapter 635, Division 056

Oregon Fish and Wildlife Commission

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Presentation Overview

- **APA Petition**
- **Evaluation**
- **Staff Recommendation**



Administrative Procedures Act (APA) Rulemaking Petition

- **APA Petition received on January 15, 2021 from Center for Biological Diversity**
- **Initiate rulemaking process to amend current rule:**

Include the American and European mink on the list of prohibited species as part of OAR Chapter 635, Division 056 (Importation, Possession, Confinement, Transportation, and Sale of Nonnative Wildlife)



APA Petition

- **Petition meets requirements of OAR 137-001-0070**
- **OAR 137-001-0070 requires agencies within 90 days to:**
 - **Invite and request public comments on whether options exist for achieving the rule's goals in a way that reduces the negative economic impact on businesses**
 - **Initiate rulemaking process or deny petition in writing**



APA Petition

OAR 137-001-0070 requires agencies to consider:

- 1. Continued need for the existing rule;**
- 2. Nature of complaints or comments concerning the rule from the public;**
- 3. Complexity of the rule;**
- 4. Extent to which the rule overlaps other state or federal rules and local regulations;**
- 5. Degree to which technology, economic conditions, or other factors have changed in the subject area affected by the rule; and**
- 6. Statutory citation or legal basis for the rule.**



Evaluation

- **American mink are a native mustelid species**
- **Mink are classified as a furbearing animal**
- **European mink are a nonnative mustelid**
- **Classified as Critically Endangered on the International Union for Conservation of Nature (IUCN) Red List of Threatened Species**



Evaluation

- **Nonnative European mink as a nonclassified species are considered a prohibited species (OAR 635-056-0040)**
- **Important statutes outside the wildlife laws**
 - **Oregon Department of Agriculture (ODA) definition of livestock includes domesticated fur-bearing animals (ORS 596.010(3))**
 - **Domesticated fur-bearing animals are not within the purview of the state game laws (ORS 596.020(2))**

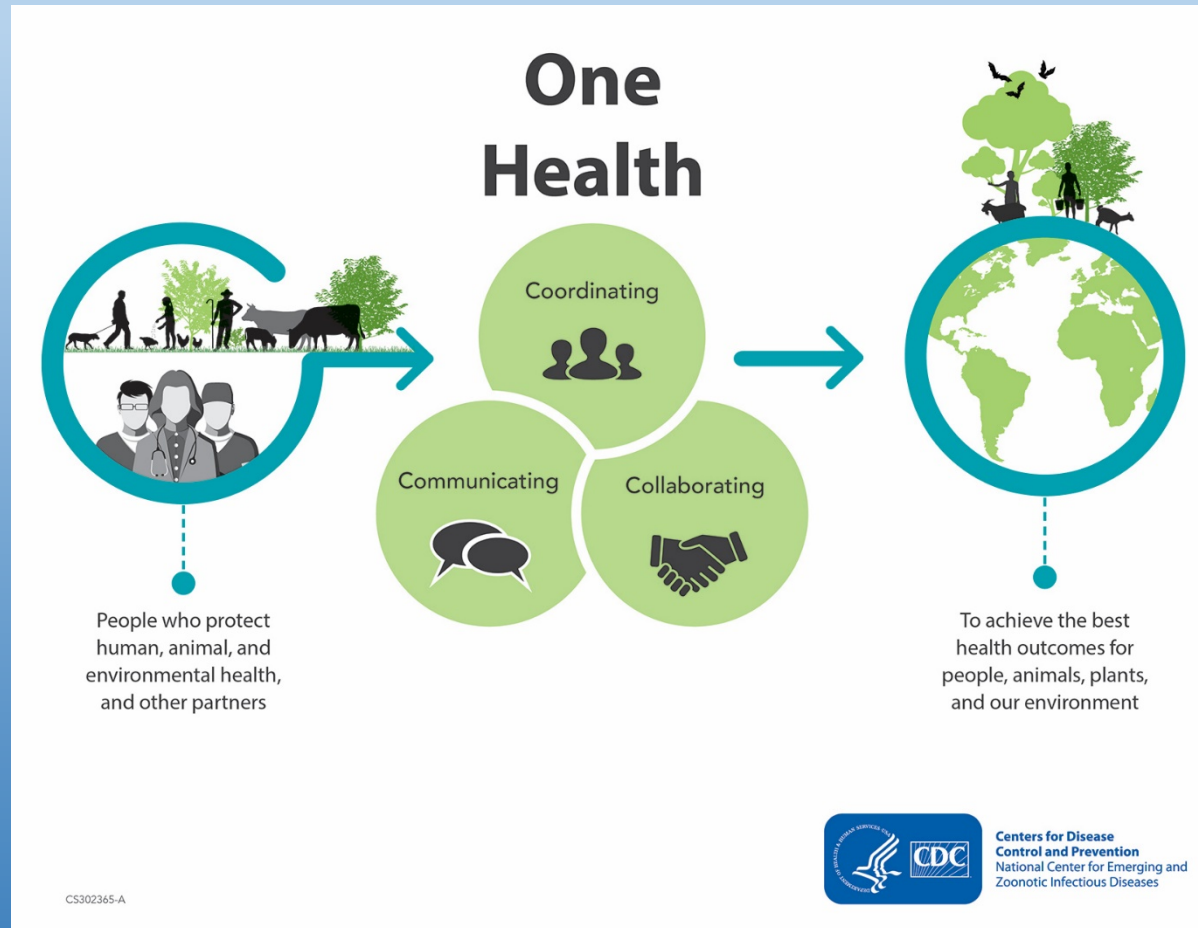


Evaluation

- **Issue of concern – disease transmission risks with mink being bred and maintained commercially or otherwise**
- **Department engagement on wildlife-human health issues**
 - **State agency coordination (ODA, Oregon Health Authority, DEQ, OSP)**
 - **Federal agency coordination (USDA –vet services and wildlife services, USGS, USFWS, National Wildlife Health Center, CDC, Health and Human Services – disaster response)**
 - **Association of Fish and Wildlife Agencies**
 - **Implementation of administrative rules**



Evaluation



Evaluation

- **Continued commitment to be diligent in protecting the health of Oregon's wildlife, addressing zoonotic disease issues and building collaborative solutions with state and federal agencies**



Staff Recommendation

- **Deny petition and direct staff to notify the petitioner in writing**

QUESTIONS?

