



OREGON ADMINISTRATIVE RULES OREGON DEPARTMENT OF FISH AND WILDLIFE

Division 435 Wildlife Control Operators

635-435-0000

Purpose

(1) The purpose of these rules is to:

(a) Clarify the requirements and restrictions for wildlife control activities, especially in incorporated city limits and associated urban development while promoting sound wildlife management; and

(b) Provide a means for an agent to act on the behalf of a landowner or occupant to remove wildlife causing damage, posing a public health threat or creating a public nuisance, as defined in ORS 498.012.

Stat. Auth.: ORS Ch., 496.012, 496.138, 496.146, 496.162, 497.308, 498.012 & 498.052

Stats. Implemented: ORS Ch. 496.012, 496.138, 496.146, 496.162, 497.308, 498.012 & 498.052

635-435-0005

Definitions

For the purposes of these rules the following definitions apply:

(1) "Agent" means an individual or business conducting wildlife control activities for a fee for a property owner, legal occupant, local jurisdiction or agency to take furbearers, unprotected mammals and western gray squirrels for the purpose of reducing property damage, removing nuisance animals, or resolving public health threat or safety concerns caused by wildlife.

(2) "Damage" means loss of or harm inflicted on land, livestock or agricultural or forest crops

(3) "Department" means Oregon Department of Fish and Wildlife (ODFW).

(4) "Euthanasia" means to humanely end the life of an individual animal by a person in a way that minimizes or eliminates pain and distress as defined in the "American Veterinary Medical Association (AVMA) Guidelines for the Euthanasia of Animals: 2013 Edition".

(5) "Furbearers" are beaver, bobcat, fisher, marten, mink, muskrat, otter, raccoon, red fox, and gray fox. For any person owning, leasing, occupying, possessing or having charge of or dominion over any land (or an agent of this person) who is taking or attempting to take beaver or muskrat on that property, these two species are considered predatory animals.

(6) "Notification" means that the Wildlife Control Operator (WCO) conducting wildlife control activities has been contacted by the client or designee by phone, text, email, fax, or in person that a trap has been closed, with a live animal inside.

(7) "Possess" means to have control or exercise dominion over any wildlife or wildlife parts (OAR 635-045-0002(53)).

(8) "Predatory animals" means coyotes, rabbits, rodents, and feral swine which are or may be destructive to agricultural crops, products and activities (ORS 610.002 & 610.105). This definition is applicable where wildlife is taken under the authority of one who owns leases, occupies, possesses or has charge or dominion over the land. Beavers, muskrats, western gray squirrels (*Sciurus griseus*), gophers, mountain beaver (boomer), marmot, nutria, and porcupine causing damage on private property are defined as predatory animals under ORS 610.002.

(9) "Prohibited species" means wildlife that the commission has placed on the Prohibited list in



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its Wildlife Integrity Rules (OAR 635-056-0050 & 635-056-0130).

(10) "Protected wildlife" means any species that meets any of the following definitions: "game mammals" as defined in OAR 635-045-0002, "game birds" as defined in OAR 635-045-0002, "furbearers" as defined in OAR 635-045-0002, "threatened and endangered species" as listed in OAR 635-100-0125, or "nongame wildlife protected" as defined in OAR 635-044-0130 or is otherwise protected by statute or law.

(11) "Public Nuisance" means loss of or harm inflicted on persons, gardens, ornamental plants, ornamental trees, pets, vehicles, boats, structures, or other personal property (ORS 498.012).

(12) "Unprotected Mammals" means badger, coyote, gophers (*Thomomys bottae*, *T. bulbivorus*, *T. mazama*, *T. talpoides* and *T. townsendii*), moles (*Scapanus townsendii*, *S. orarius* and *S. latimanus*), mountain beaver (*Apolodontia rufa*), yellowbellied marmots (*Marmota flaviventris*), nutria, opossum, porcupine, spotted skunk, striped skunk, and weasel. For any person owning, leasing, occupying, possessing or having charge of or dominion over any land (or an agent of this person) who is taking or attempting to take coyote, gophers, mountain beaver (boomer), marmot, nutria, or porcupine on that property, these six species are considered to be predatory animals.

(13) "Wildlife Control Operator" (WCO) means an agent, who is the principal manager or business owner, or employee of the business listed on the WCO permit and responsible for activities conducted in the course of wildlife control activities.

Stat. Auth.: ORS Ch. 496.012, 496.138, 496.146, & 496.162

Stats. Implemented: ORS Ch. 496.012, 496.138, 496.146, & 496.162

635-435-0010(T)

Permit Required to Capture, Possess, or Transport Wildlife

(1) A WCO permit is required for any individual, business owner, or the business owner's designee charging a fee to control bats, furbearers, unprotected mammals (excluding moles (*Scapanus spp.*), and western gray squirrels causing damage, creating a public nuisance or posing a public health or safety concern; and for the offsite transportation of any live wildlife;

(a) WCO permit is not required for the onsite capture and euthanasia of species defined as "predatory animals".

(b) Federal employees of the U.S. Department of Agriculture, Animal Plant and Health Inspection Service-Wildlife Services and, county or municipality employees, working in their official capacity, are exempt from this requirement.

(c) WCO permittees must comply with all state wildlife laws and regulations, and all activities must be in compliance with conditions specified by these rules, permit or authorization from the Department.

(2) A permit allows a WCO to:

(a) Capture, possess, or transport furbearers, predatory animals, western gray squirrels, unprotected mammals and all snakes.

(b) Humanely euthanize wildlife authorized under this permit using methods defined by the "American Veterinary Medical Association (AVMA) Guidelines for Euthanasia of Animals: 2013 Edition" except for the following species of snakes which shall be relocated

- i. Willamette Valley Populations of Western Rattlesnake (*Crotalus oregonus*)
- ii. Sharptail snake (*Contia tenuis*),



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- iii. Common Kingsnake (*Lampropeltis getula*)
- iv. California Mountain Kingsnake (*Lampropeltis zonata*)
- v. Western Ground Snake (*Sonora semiannulata*)

(c) Collect and dispose of animals directly related to WCO activities.

(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 licensed wildlife rehabilitator.

(4) A permit does not allow a WCO to transport, for the purposes of release, any wildlife captured under terms of the WCO permit except for;

(a) Western Gray Squirrel, Marten and Fisher

(b) Reptiles listed in subsection (2),

(c) Badger and Beaver with prior approval from the Department.

(5) A WCO permit does not authorize the permittee to intentionally capture, possess, or transport:

(a) Wildlife not authorized under a WCO permit.

(b) Species protected by other state or federal law.

(c) Species protected by other state or federal law caught incidentally must be released immediately onsite.

Stat. Auth.: ORS Ch. 496.012, 496.138, 496.146, 496.162 & 610.005

Stats. Implemented: ORS Ch. 496.012, 496.138, 496.146, 496.162, 610.002 & 610.105

635-435-0015

Requirements for Wildlife Control Operator Permit

(1) WCO permits may be issued to either an individual or business listed on the application. A business or business owner is not required to take the WCO test if they do not conduct any wildlife control activities. A biennial, \$60 non-refundable WCO permit fee is required for each WCO business; and each permit will cover all employees eligible to conduct WCO activities.

(a) A WCO permit for a business requires a minimum of one employee designee passing the WCO test, administered by the Department.

(2) All individuals > 18 years of age conducting wildlife control activities must pass the Department administered WCO test with a minimum test score of 80%. A WCO training manual is available on the ODFW website.

(a) A \$25 non-refundable test administration fee is required of test applicants for each test administered.

(3) Submittal of a completed WCO application form shall include:

(a) Business information including whether the applicant is an individual, partnership, corporation, Limited Liability Company or other legal entity.

A. If a partnership, the application must provide the full names and addresses of the partners.



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B. If a corporation, the application must provide the full name and addresses of all officers, directors and stockholders.

C. If a Limited Liability Company, the application must provide the full names and addresses of all members and managers.

D. If the application is structured as a tiered organization, the application must provide the full names and address of all of the partners; or officers, directors and stockholders; or members and managers of each substituent entity within the tiered organization;

(b) List of each employee who will be conducting WCO activities and has passed the WCO test.

(4) Upon application approval, applicants must submit a \$60 non-refundable WCO Permit fee.

(5) The Department must notify an applicant that it intends to deny the application within 30 days of the date a completed application is received. The proposed denial will be based on a review of the applicant's information not meeting the conditions defined in these rules.

(6) A WCO permit is not required for any person younger than 18 years of age that is directly associated with a business that has at least one employee that has passed the WCO test who is mentoring the young individual.

(7) Permits are valid for two consecutive calendar years from the date of issue.

(8) WCO permit renewal by an individual or business requires:

(a) Submission of renewal application and remittance of a \$60 non-refundable application fee.

(b) Individual Applicants and Employees listed on the business renewal application must:

A. Provide documentation with the renewal application of 12 hours of Department approved continuing education within the previous two calendar years; or

B. Retake the WCO test administered by the Department with a minimum score of 80%.

(c) Failure to renew a WCO permit, due to expirations or to permit revocation requires the permittee to apply as a new applicant with all employees listed on the application required to retake the WCO test with a passing score.

(9) A WCO permit revoked for violation of wildlife rules or conditions of the permit may be denied reapplication by the Department for up to five years.

(10) Businesses must notify the Department within 14 business days of termination or removal of an employee listed on their WCO permit.

Stat. Auth.: ORS Ch. 496.012, 496.138, 496.146, & 496.162

Stats. Implemented: ORS Ch. 496.012, 496.138, 496.146, & 496.162

635-435-0020

Wildlife Control Operator Permit Required to be in Possession

(1) Individuals or employees of businesses holding a WCO Permit must have the permit or a copy, in possession while conducting wildlife control activities and make the permit available for inspection upon request by any Department employee or any person authorized to enforce wildlife laws.

(2) Individuals or businesses holding a permit must obtain and have in possession any other federal, state, or local permits that may be required.



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Stat. Auth.: ORS Ch. 496.012, 496.138, 496.146, & 496.162

Stats. Implemented: ORS Ch. 496.012, 496.138, 496.146, & 496.162

635-435-0025

Disposition of Wildlife

(1) All wildlife captured, held, or transported under a WCO Permit remains the property of the State of Oregon and cannot be sold, traded, bartered, or exchanged except as allowed by OAR Chapter 635 Division 200.

(2) Wildlife captured, held, or transported under the terms of the WCO permit shall not be intentionally displayed for public exhibit.

(3) Cage traps or restraining traps shall be inspected for capture success at a minimum of once every 48 hours. The local Department district biologist will consider extenuating circumstances to extend check time on a case by case basis upon contact from the WCO. Killing traps or traps set for predatory animals as defined in ORS 610.002 must be checked within the time periods specified in OAR Chapter 635, Division 50. The inspection and removal of any captured animal shall be done by the person who set the trap or the owner of the land where the trap is set, or designee of either.

(4) WCO's must conduct one of the following within 24 hours of notification of possession of wildlife:

(a) Humanely euthanize the animal(s) in a manner consistent with the "AVMA Guidelines for Euthanasia of Animals: 2013 Edition"; or

(b) Release animal on site; or

(c) Relocate the animal (with prior approval from the Department).

(5) Wildlife held, relocated, or used for attracting offspring must be supplied with fresh drinking water within a period of 4 hours of possession and must be provided access to clean drinking water at reasonable intervals, not to exceed 8 hours between water replenishment.

(6) A WCO capturing a wild animal must make reasonable efforts to locate and capture dependent neonatal offspring. Lactating female wildlife and dependent neonates(s) may be kept in possession up to 72 hours or longer as approved by the Department.

(7) Wildlife indicating symptoms of disease must be humanely euthanized consistent with ORS 498.016, or handled as directed by local Department district biologist or Department veterinarian.

(8) A WCO must humanely euthanize prohibited species as identified in the Wildlife Integrity Rules (OAR 635-056-0050).

(9) A WCO may sell, purchase or exchange the pelt, or any part thereof, of any legally taken furbearing or unprotected mammal as allowed by OAR 635-050-0045(3).

Stat. Auth.: ORS Ch. 496.012, 496.138, 496.146, & 496.162

Stats. Implemented: ORS Ch. 496.012, 496.138, 496.146, & 496.162

635-435-0040

Transportation of Wildlife

(1) Live wildlife may only be transported with a transport permit issued by the Department or a WCO permit.

(2) Permittees are authorized to transport permitted live wildlife for:

(a) Humane euthanasia of the captured animal; or



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- (b) Transport wildlife specified in 635-435-0010 (4) to a licensed Oregon Wildlife Rehabilitator; or
- (c) Relocation to suitable release habitat with prior approval of the Department.
- (3) WCOs may transport wildlife carcasses in their usual course of business for disposal by burying, placement in a landfill, rendering, incineration or as directed by the Department, or for use of wildlife parts in compliance with OAR 635 Division 200.
- (4) Permittees must provide all live wildlife with humane care during transport.
- (5) When transporting live wildlife in a vehicle:
 - (a) The vehicles transport area must have access to free-flowing fresh air without injurious exhaust fumes
 - (b) Wildlife must have adequate protection from extreme weather conditions and temperature that would result in hypo- or hyperthermia of the animals or conditions that could lead to illness or death.
 - (c) The cage or enclosure must be of sufficient strength to hold wildlife securely during transportation and to prevent escape.
 - (d) The interior of the cage must be in good working condition: free of defects, sharp points, objects or edges that could injure the transported wildlife.
 - (e) Cages must be of sufficient size to assure the safety of the transported wildlife and WCO.
 - (f) Holding cage must be large enough to ensure that each individual has sufficient space to turn, stand, and lay naturally. Skunks may be held in a cage that limits its ability to spray the WCO.
 - (g) No more than one animal will be transported in the same cage or enclosure unless they are of the same species, accepting of a cage-mate and were captured together in the same trap or capture device.
 - (h) A visual barrier must be placed between aggressive individuals or animals considered predators and prey to reduce stress during possession and transport.
 - (i) Caged wildlife must be separated by sufficient distance or shall have a physical divider placed between them to prevent injury or physical contact between caged occupants.
 - (j) Caged wildlife must not be stacked unless each cage is fitted with a floor or barrier preventing excretions or body parts from entering lower cages or enclosures.

Stat. Auth.: ORS Ch. 496.012, 496.138, 496.146, & 496.162

Stats. Implemented: ORS Ch. 496.012, 496.138, 496.146, & 496.162

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Equipment Subject to Inspection

Any Law Enforcement officer or Department representative may inspect a permittee's traps, cages, enclosures, or other equipment in use for capturing, possession, transporting or relocating wildlife; or any wildlife held in such equipment or otherwise in possession; or wildlife control records. Nothing in these rules is intended to authorize or allow the warrantless search or inspection of a permit holder's residence.

Stat. Auth.: ORS Ch. 496.012, 496.138, 496.146, & 496.162

Stats. Implemented: ORS Ch. 496.012, 496.138, 496.146, & 496.162



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Trap Tampering Prohibited

(1) Any trap or capture device used by a permittee must be legibly marked or branded with either the individual or owner's business name and phone number, or the owner's furtaker license (brand) number or WCO number that has been assigned by the Department.

(2) It is unlawful to tamper with any trap or capture device set by a WCO or to remove wildlife from such a trap or capture device without written authorization of the WCO.

Stat. Auth.: ORS Ch. 496.012, 496.138, 496.146, & 496.162

Stats. Implemented: ORS Ch. 496.012, 496.138, 496.146, & 496.162

635-435-0055

Record Keeping and Reporting Requirements

(1) Landowner or occupier of premises must sign an affidavit of damage designating the permitted WCO as his or her agent to address damage caused by any wildlife.

(2) A complete record of the WCO activities must be maintained by permit holder on a WCO calendar-month report form provided by the Department for all wildlife captured on a WCO permit.

(a) A copy of each signed affidavit must be submitted with monthly report.

(3) WCO monthly report must be received by the Department by the 15th day of the following month. Reports are required for periods when no wildlife control activity occurred during the month.

Stat. Auth.: ORS Ch. 496.012, 496.138, 496.146, & 496.162

Stats. Implemented: ORS Ch. 496.012, 496.138, 496.146, & 496.162

635-435-0060

Cancellation or Non-Renewal of Permit

(1) Failure to comply with the record keeping, reporting, or other requirements of the WCO Permit may lead to cancellation or denial of renewal of the permit.

(2) The Department may revoke or deny issuance of a WCO Permit if listed employees were, convicted of, or admits to, a violation of a wildlife law (under the Interstate Wildlife Violators Compact), or rule, or permit issued under the wildlife laws within the previous five years.

(3) A WCO permittee that has been notified that the permit will be cancelled or denied renewal may petition the Department for a contested case hearing. The request for a contested case hearing on a proposed cancellation must be received by the Department within 21 days after service of notice (90 days for emergency cancellations). The request for hearing on a proposed non-renewal must be received by the Department within 60 days of notice. Final Orders in contested case hearings shall be issued by the Department Director.

Stat. Auth.: ORS Ch. 496.012, 496.138, 496.146, & 496.162

Stats. Implemented: ORS Ch. 496.012, 496.138, 496.146, & 496.162

Amended June 2016