

Exhibit A

**Supplemental
Public Correspondence received as of
June 8, 2016**

Roxann B Borisch

Subject: FW: Public Comments from the Web

From: David Walker [<mailto:dpwalker@embarqmail.com>]

Sent: Thursday, May 26, 2016 4:42 PM

To: odfw.comments@state.or.us

Subject: Public Comments from the Web

PUBLIC COMMENTS FROM THE WEB

Topic: Other

Name: David Walker

E-mail: dpwalker@embarqmail.com

Comment: I am writing this comment representing OUSDA (Oregon United Sporting Dogs Association). We would like to express our total displeasure with the Division 44 Rule review and proposals. We were very disappointed that we were not invited to be part of committee that was put together to consider these rule adjustments. We feel that there was a very biased group put together for that purpose. We would encourage the commission to direct staff to put together a new committee with better representation of the user groups and stakeholders. The draft rules are very detrimental to a lot of different users. We would encourage the commission to not adopt the draft rules and if there really is a need to address the current rules, then it should be done with a better representation of the true user groups.

David Walker
OUSDA President

Roxann B Borisch

From: dyhoundsman@centurytel.net
Sent: Thursday, May 26, 2016 1:03 PM
To: odfw.commission@state.or.us
Subject: Division 44

This draft was produced by a stacked committee consisting of too many ODFW staff and a very poor representation of affected stakeholders. If Division 44 needs to be reviewed then have the Commission direct ODFW to assemble an appropriate committee of stakeholders, biologists, law enforcement and other affected parties and have the committee be facilitated by an outside facilitator. I'm asking the Commission to NOT consider this current draft. Johnie and Diana Young Brownsville, Oregon

ODFW WildlifeInfo

From: daboss214 <daboss214@msn.com>
Sent: Wednesday, June 01, 2016 11:17 AM
To: ODFW.WildlifeInfo@state.or.us
Subject: Opposition to Division 44 rule changes

Dear Oregon Department of Fish and Wildlife,

As an Oregon citizen experienced with animals who will be affected by the proposed regulations, I oppose some of the proposed rule changes to Division 44, Chapter 635 regarding wildlife. I am a responsible animal keeper and find the proposed rule changes to be over-reaching and unjustifiable. Some of them will even defeat the purposes they intend to serve.

I am opposed to the rule change making it illegal to keep animals listed under the federal Endangered Species Act (ESA). While I can understand the good intentions for doing so, this action will do absolutely nothing to protect these species in the wild. Actually, it will harm conservation efforts. Not only does the ESA already regulate to protect these species, but many private keepers have invested years and even decades into breeding these species and ensuring their survival while wild populations are devastated from habitat loss due to human over-population.

Also, many species listed under ESA are non-native to the United States. These species are no longer imported into the U.S. and the captive populations here allows for educational opportunities, genetic diversity among breeding groups, understanding of their biology, etc.

Non-native species are continually added to the ESA list as "enviro" groups who do nothing to help these animals constantly petition USFWS and threaten lawsuits if the species are not listed. These groups profit by fundraising on the promotion of these efforts, but rarely, if ever, do any work or contribute funds to actually help the species.

Making these species illegal to keep not only unjustly punishes responsible keepers, but many animals will be negatively affected. There are already many federally-listed endangered and threatened species and their captive-produced offspring in the state. If the proposed rule is implemented it will immediately result in legally-possessed animals and their owners to be in violation of the rule. In addition, most of these species have rarely, if ever, been sterilized.

These rule changes also cast a huge blow to the education of Oregon's youth. The changes make much of a common practice, field herping, illegal. Under the proposed rules, allowing children to handle a rubber boa, for example, would be illegal. This will be a huge loss to educational efforts and the need for children to get out and experience nature. How can children learn about and truly appreciate nature if they cannot actively experience it? Even the current law should be amended to allow for responsible field herping.

I ask that you remove the proposed changes from your amendment to the rule. I implore you to at minimum hold a workshop to discuss these issues with stakeholders and experts within the state. Unfortunately, most stakeholders are unaware of what's happening and they will be blind-sided by these new regulations. It's not even listed on the ODFW "News Releases" web page. Thank you for your time and have a good day.

Sincerely, Dior Jones

Roxann B Borisch

From: Michelle Tate
Sent: Friday, June 03, 2016 2:53 PM
To: Roxann B Borisch
Subject: FW: Revising Div. 44 regulations

From: jay bowerman [mailto:jbowerman@bendbroadband.com]
Sent: Thursday, June 02, 2016 8:44 PM
To: ODFW Commission <ODFW.Commission@coho2.dfw.state.or.us>; curt.melcher@state.or.us
Subject: Revising Div. 44 regulations

Once again, I write to object to the proposed revisions to regulations for holding amphibians and reptiles and to object to the process that has been followed.

I, among others with extensive background in the study of herps, have pointed out in written testimony, that the proposed changes to the regulations lack scientific justification. What is particularly disturbing that the process that has led us to point has been obscure at best and tainted with a clear lack of concern for and opportunity for input by knowledgeable individuals during the early consideration of the regulations. I repeatedly attempted to obtain information about the formulation of the regulations and to find out when meetings might be taking place or who was representing the public. Calls to our local ODFW office in Bend only referred me to the Commission. Emails sent to the commission were never answered. Eventually, after the proposed regulations were drafted and announced that they would be available for public review only after they had been through internal legal review. This flawed process clearly shows that there would be no opportunity for meaningful public participation in the review and possible revision of the proposed regulations, since any changes or additions would then have to go back through legal review and that's clearly not going to happen.

In summary, I wish to go on record as objecting to the lack of scientific integrity in the proposed regulations and to the very process the has been used to draft and bring the regulations before the Commission for approval.

Sincerely,

Jay Bowerman

PUBLIC CORRESPONDENCE

Received as of June 8, 2016

SUBJECT:

I Oppose Division 44 Rule Changes

No to Division 44 Rule Changes

164 Individuals submitted the attached letter

Recipient list included

Letters with additional comments included

Roxann B Borisch

From: Kim McDermaid <yesiamthemom@msn.com>
Sent: Tuesday, June 07, 2016 9:08 AM
To: info@usark.org
Subject: I OPPOSE Division 44 rule changes

From: Kim McDermaid <yesiamthemom@msn.com>

Dear Oregon Department of Fish and Wildlife,

As an Oregon citizen and experienced responsible animal keeper who will be affected by the proposed regulations, I oppose some of the rule changes to Division 44, Chapter 635 regarding wildlife. I'm upset to see that ODFW did not listen to the logical comments from Oregon's herp community and will move forward with this unjust regulation. I am a responsible animal keeper and find the proposed rule changes to be over-reaching and unjustifiable. Some of them even defeat the purposes they intend to serve.

I am opposed to the rule change making it illegal to keep animals listed under the federal Endangered Species Act (ESA). In just the last two years, other states, including Virginia and Arizona, have realized the irrationality and unintended consequences of such action.

While I can understand the good intentions for doing so, this action will do absolutely nothing to protect these species in the wild. Actually, it will harm conservation efforts. Not only does the ESA already regulate to protect these species, but many private keepers have invested years and even decades into breeding these species and ensuring their survival while wild populations are devastated from habitat loss due to human over-population.

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Sincerely,

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Kim McDermaid
2111 Sunset Ave
West Linn, OR 97068
5037209177

FROM	SUBJECT	RECEIVED	SCY?
Date: Today			
Trisha Aspiranti	I OPPOSE Division 44 rule changes	Tue 6/7/2016 1:26 PM	2...
Kim McDermaid	I OPPOSE Division 44 rule changes	Tue 6/7/2016 9:08 AM	1...
Robert	I OPPOSE Division 44 rule changes	Tue 6/7/2016 8:39 AM	1...
MISTY	I OPPOSE Division 44 rule changes	Tue 6/7/2016 8:38 AM	1...
michelle verheyden	I OPPOSE Division 44 rule changes	Tue 6/7/2016 7:51 AM	1...
Date: Yesterday			
Susan Craddock	I OPPOSE Division 44 rule changes	Mon 6/6/2016 10:59 PM	1...
Andrea	I OPPOSE Division 44 rule changes	Mon 6/6/2016 9:37 PM	1...
Lynette Rose	I OPPOSE Division 44 rule changes	Mon 6/6/2016 7:56 PM	1...
Jourdan	I OPPOSE Division 44 rule changes	Mon 6/6/2016 6:53 PM	2...
Noel	I OPPOSE Division 44 rule changes	Mon 6/6/2016 6:47 PM	1...
Les	I OPPOSE Division 44 rule changes	Mon 6/6/2016 5:16 PM	1...
Ian Andrew Fahr	I OPPOSE Division 44 rule changes	Mon 6/6/2016 2:53 PM	1...
Clarissa	I OPPOSE Division 44 rule changes	Mon 6/6/2016 2:36 PM	1...
randee woods	I OPPOSE Division 44 rule changes	Mon 6/6/2016 1:59 PM	1...
Ashley Anderson	I OPPOSE Division 44 rule changes	Mon 6/6/2016 10:50 AM	1...
Adam Anderson	I OPPOSE Division 44 rule changes	Mon 6/6/2016 10:48 AM	1...
Brittany Farris	I OPPOSE Division 44 rule changes	Mon 6/6/2016 9:55 AM	1...
Angel Carro	I OPPOSE Division 44 rule changes	Mon 6/6/2016 8:20 AM	2...
Michael Schramm	I OPPOSE Division 44 rule changes	Mon 6/6/2016 8:18 AM	1...
Kelsey Carter	I OPPOSE Division 44 rule changes	Mon 6/6/2016 7:50 AM	1...
Adam Wren	I OPPOSE Division 44 rule changes	Mon 6/6/2016 6:59 AM	2...
Jessica Middleton	I OPPOSE Division 44 rule changes	Mon 6/6/2016 5:36 AM	1...
Keegan Mishler	NO to Division 44 rule changes	Mon 6/6/2016 12:45 AM	2...
Dan Romanowski	NO to Division 44 rule changes	Mon 6/6/2016 12:01 AM	2...
Date: Last Week			
Margaret Bibby	NO to Division 44 rule changes	Sun 6/5/2016 10:49 PM	1...
Sarah Smailes	NO to Division 44 rule changes	Sun 6/5/2016 9:44 PM	1...
Naryan Zerr	NO to Division 44 rule changes	Sun 6/5/2016 9:16 PM	1...
Debra Garcia	NO to Division 44 rule changes	Sun 6/5/2016 8:31 PM	1...
Christopher Ohmart	NO to Division 44 rule changes	Sun 6/5/2016 8:09 PM	2...
kristina bissonette	NO to Division 44 rule changes	Sun 6/5/2016 7:57 PM	2...
Billie Scott	NO to Division 44 rule changes	Sun 6/5/2016 7:52 PM	1...
Kourtney kuiper	NO to Division 44 rule changes	Sun 6/5/2016 7:33 PM	1...
Casey lee	NO to Division 44 rule changes	Sun 6/5/2016 7:22 PM	1...
Benjamin Littlewood	NO to Division 44 rule changes	Sun 6/5/2016 7:10 PM	1...
Sean Selliken	NO to Division 44 rule changes	Sun 6/5/2016 6:58 PM	1...
ashley smithtera	NO to Division 44 rule changes	Sun 6/5/2016 6:44 PM	1...
Stephanie Sickler	NO to Division 44 rule changes	Sun 6/5/2016 6:43 PM	1...
Amanda LeBlanc	NO to Division 44 rule changes	Sun 6/5/2016 6:41 PM	1...
Shelly Taylor-Giegler	NO to Division 44 rule changes	Sun 6/5/2016 6:39 PM	1...
Mayra Dennis	NO to Division 44 rule changes	Sun 6/5/2016 6:25 PM	1...
Sean	NO to Division 44 rule changes	Sun 6/5/2016 6:23 PM	1...
Jonnine Skaug	NO to Division 44 rule changes	Sun 6/5/2016 6:03 PM	1...
Jeremy Depew	NO to Division 44 rule changes	Sun 6/5/2016 5:52 PM	2...
Sherry Goodman	NO to Division 44 rule changes	Sun 6/5/2016 5:50 PM	1...
Amy	NO to Division 44 rule changes	Sun 6/5/2016 5:47 PM	1...
Heather Sprague	NO to Division 44 rule changes	Sun 6/5/2016 5:40 PM	2...
Alexi munoz	NO to Division 44 rule changes	Sun 6/5/2016 5:40 PM	2...
Randy Middleton	NO to Division 44 rule changes	Sun 6/5/2016 5:37 PM	1...
Dustin L. Wenke	NO to Division 44 rule changes	Sun 6/5/2016 5:32 PM	2...

FROM	SUBJECT	RECEIVED	SC?
Bill Hooker	NO to Division 44 rule changes	Sun 6/5/2016 5:26 PM	1...
Michael brown	NO to Division 44 rule changes	Sun 6/5/2016 5:18 PM	1...
Emily Jarnecke	NO to Division 44 rule changes	Sun 6/5/2016 5:15 PM	1...
Kelsey Graham	NO to Division 44 rule changes	Sun 6/5/2016 5:09 PM	1...
Chris Arnesen	NO to Division 44 rule changes	Sun 6/5/2016 5:08 PM	2...
Brandon Boeke	NO to Division 44 rule changes	Sun 6/5/2016 5:03 PM	1...
Bettie Edwards	NO to Division 44 rule changes	Sun 6/5/2016 4:46 PM	2...
Harlee Tierney	NO to Division 44 rule changes	Sun 6/5/2016 4:29 PM	1...
Samantha McKinney	NO to Division 44 rule changes	Sun 6/5/2016 4:09 PM	2...
Stefanie Davis	NO to Division 44 rule changes	Sun 6/5/2016 4:08 PM	1...
Cathy Stangland	NO to Division 44 rule changes	Sun 6/5/2016 4:05 PM	1...
Kate Peterman	NO to Division 44 rule changes	Sun 6/5/2016 4:02 PM	2...
Jeffrey Compton	NO to Division 44 rule changes	Sun 6/5/2016 4:02 PM	2...
Jeremy nutt	NO to Division 44 rule changes	Sun 6/5/2016 3:58 PM	2...
Mikaela Bray	NO to Division 44 rule changes	Sun 6/5/2016 3:55 PM	2...
Jonathan Holen	NO to Division 44 rule changes	Sun 6/5/2016 3:53 PM	1...
Kelsey Robinson	NO to Division 44 rule changes	Sun 6/5/2016 3:51 PM	2...
Tara Nordine	NO to Division 44 rule changes	Sun 6/5/2016 3:40 PM	1...
Dean Crosgrove	NO to Division 44 rule changes	Sun 6/5/2016 3:35 PM	1...
Michael Peat	NO to Division 44 rule changes	Sun 6/5/2016 3:27 PM	2...
Robin Norris	NO to Division 44 rule changes	Sun 6/5/2016 3:20 PM	2...
Steve Carnival	NO to Division 44 rule changes	Sun 6/5/2016 3:19 PM	2...
Tom Tremain	NO to Division 44 rule changes	Sun 6/5/2016 2:48 PM	2...
Jesse Hupp	NO to Division 44 rule changes	Sun 6/5/2016 2:32 PM	2...
Shannon Lucas	NO to Division 44 rule changes	Sun 6/5/2016 2:30 PM	2...
Kylie Gardner	NO to Division 44 rule changes	Sun 6/5/2016 2:27 PM	1...
Cat Winterfox	NO to Division 44 rule changes	Sun 6/5/2016 2:26 PM	1...
Jason Miller	NO to Division 44 rule changes	Sun 6/5/2016 2:24 PM	2...
Hannah Nishijima	NO to Division 44 rule changes	Sun 6/5/2016 2:24 PM	2...
Kayla Hesselgrave	NO to Division 44 rule changes	Sun 6/5/2016 2:23 PM	1...
Andrew Schrimsher	NO to Division 44 rule changes	Sun 6/5/2016 2:01 PM	2...
Casey Christensen	NO to Division 44 rule changes	Sun 6/5/2016 1:58 PM	2...
Richard	NO to Division 44 rule changes	Sun 6/5/2016 1:53 PM	1...
Will robinson	NO to Division 44 rule changes	Sun 6/5/2016 1:47 PM	1...
Erika	NO to Division 44 rule changes	Sun 6/5/2016 1:45 PM	1...
Shaun Ratliff	NO to Division 44 rule changes	Sun 6/5/2016 1:39 PM	1...
Erin Soriano	NO to Division 44 rule changes	Sun 6/5/2016 1:19 PM	1...
Eric Ewens	NO to Division 44 rule changes	Sun 6/5/2016 1:14 PM	1...
Erin Johnson	NO to Division 44 rule changes	Sun 6/5/2016 1:10 PM	1...
Trevor Staples	NO to Division 44 rule changes	Sun 6/5/2016 1:05 PM	2...
Chad Tucker	NO to Division 44 rule changes	Sun 6/5/2016 1:02 PM	1...
Connie Mantlo	NO to Division 44 rule changes	Sun 6/5/2016 12:51 PM	1...
Marissa Owen	NO to Division 44 rule changes	Sun 6/5/2016 12:46 PM	2...
Lance Kirkman	NO to Division 44 rule changes	Sun 6/5/2016 12:39 PM	2...
Craig Taylor	NO to Division 44 rule changes	Sun 6/5/2016 12:25 PM	1...
Matthew Stykel	NO to Division 44 rule changes	Sun 6/5/2016 12:23 PM	1...
Denise Whitney	NO to Division 44 rule changes	Sun 6/5/2016 12:22 PM	1...
Jeremy Mason	NO to Division 44 rule changes	Sun 6/5/2016 12:12 PM	1...
Josh Mason	NO to Division 44 rule changes	Sun 6/5/2016 12:10 PM	1...
Jeff Jensen	NO to Division 44 rule changes	Sun 6/5/2016 12:08 PM	2...
Dave Mason	NO to Division 44 rule changes	Sun 6/5/2016 12:08 PM	1...
Lance Portal	NO to Division 44 rule changes	Sun 6/5/2016 12:06 PM	2...
Caleb Michelson	NO to Division 44 rule changes	Sun 6/5/2016 12:03 PM	1...

FROM	SUBJECT	RECEIVED	SCV
Rachel	NO to Division 44 rule changes	Sun 6/5/2016 12:02 PM	2...
John R. McLaughlin	NO to Division 44 rule changes	Sun 6/5/2016 11:57 AM	1...
Frances Gustafson	NO to Division 44 rule changes	Sun 6/5/2016 11:56 AM	1...
Deen Pollin	NO to Division 44 rule changes	Sun 6/5/2016 11:55 AM	1...
Jeff Jensen	NO to Division 44 rule changes	Sun 6/5/2016 11:54 AM	1...
Betty Steele	NO to Division 44 rule changes	Sun 6/5/2016 11:51 AM	1...
Lyn. Siva-Wentzel	NO to Division 44 rule changes	Sun 6/5/2016 11:44 AM	1...
Cody Waymire	NO to Division 44 rule changes	Sun 6/5/2016 11:42 AM	2...
Jordon Teller	NO to Division 44 rule changes	Sun 6/5/2016 11:39 AM	1...
Micheal Thomas	NO to Division 44 rule changes	Sun 6/5/2016 11:37 AM	1...
Amanda Leonard	NO to Division 44 rule changes	Sun 6/5/2016 11:36 AM	1...
Jennifer Warner	NO to Division 44 rule changes	Sun 6/5/2016 11:30 AM	1...
Christina Darrow	NO to Division 44 rule changes	Sun 6/5/2016 11:26 AM	2...
Aaron Daniel	NO to Division 44 rule changes	Sun 6/5/2016 11:26 AM	1...
Anwen Dutson	NO to Division 44 rule changes	Sun 6/5/2016 11:24 AM	2...
Marshall brooks	NO to Division 44 rule changes	Sun 6/5/2016 11:24 AM	1...
Oliver Anderson	NO to Division 44 rule changes	Sun 6/5/2016 11:22 AM	1...
Melissa	NO to Division 44 rule changes	Sun 6/5/2016 11:13 AM	1...
Keven	NO to Division 44 rule changes	Sun 6/5/2016 11:08 AM	1...
Jerry Robertson	NO to Division 44 rule changes	Sun 6/5/2016 11:06 AM	2...
Harlie Kufeld	NO to Division 44 rule changes	Sun 6/5/2016 11:04 AM	2...
Jon Roberts	NO to Division 44 rule changes	Sun 6/5/2016 11:03 AM	2...
Alicia Klawitter	NO to Division 44 rule changes	Sun 6/5/2016 11:00 AM	1...
Robin Mason	NO to Division 44 rule changes	Sun 6/5/2016 10:59 AM	1...
Terese Meyer	NO to Division 44 rule changes	Sun 6/5/2016 10:57 AM	1...
Kelly Grimes	NO to Division 44 rule changes	Sun 6/5/2016 10:57 AM	1...
Shanti kriens	NO to Division 44 rule changes	Sun 6/5/2016 10:52 AM	1...
Anna Bocek	NO to Division 44 rule changes	Sun 6/5/2016 10:51 AM	2...
Lea C. Hurst	NO to Division 44 rule changes	Sun 6/5/2016 10:51 AM	2...
MARYELI G RODRIGUEZ	NO to Division 44 rule changes	Sun 6/5/2016 10:51 AM	2...
Jesse Short	NO to Division 44 rule changes	Sun 6/5/2016 10:48 AM	1...
Rachael powell	NO to Division 44 rule changes	Sun 6/5/2016 10:46 AM	1...
Bryanna Lewis	NO to Division 44 rule changes	Sun 6/5/2016 10:45 AM	1...
Holland Bills	NO to Division 44 rule changes	Sun 6/5/2016 10:43 AM	1...
Asia Hand	NO to Division 44 rule changes	Sun 6/5/2016 10:41 AM	1...
Daniel Rider	NO to Division 44 rule changes	Sun 6/5/2016 10:35 AM	2...

FROM	SUBJECT	RECEIVED	S... C..
Date: Today			
Sean	NO to Division 44 rule changes	Thu 6/9/2016 7:20 AM	1...
Hannah	NO to Division 44 rule changes	Thu 6/9/2016 2:33 AM	2...
Date: Yesterday			
Ryan henderson	NO to Division 44 rule changes	Wed 6/8/2016 10:08 P...	1...
Christine Cole	NO to Division 44 rule changes	Wed 6/8/2016 10:06 P...	1...
Will Johnson	I OPPOSE Division 44 rule changes	Wed 6/8/2016 11:01 A...	1...
Alan Cole	I OPPOSE Division 44 rule changes	Wed 6/8/2016 10:44 A...	1...
Steve Brasil	I OPPOSE Division 44 rule changes	Wed 6/8/2016 10:39 A...	1...
Baba Fett	I OPPOSE Division 44 rule changes	Wed 6/8/2016 10:28 A...	1...
Zsch Spyker	I OPPOSE Division 44 rule changes	Wed 6/8/2016 10:19 A...	2...
Shane Cantrell	I OPPOSE Division 44 rule changes	Wed 6/8/2016 10:14 A...	1...
Tim Lyford	I OPPOSE Division 44 rule changes	Wed 6/8/2016 10:13 A...	1...
Brett rosenstock	I OPPOSE Division 44 rule changes	Wed 6/8/2016 9:53 AM	1...
Amanda Shifflett	I OPPOSE Division 44 rule changes	Wed 6/8/2016 9:51 AM	1...
Joseph Saunders	I OPPOSE Division 44 rule changes	Wed 6/8/2016 9:51 AM	2...
Rich Errico	I OPPOSE Division 44 rule changes	Wed 6/8/2016 9:49 AM	1...
Aaron Baker	I OPPOSE Division 44 rule changes	Wed 6/8/2016 9:42 AM	1...
Kollin clark	I OPPOSE Division 44 rule changes	Wed 6/8/2016 9:32 AM	1...
John deaton	I OPPOSE Division 44 rule changes	Wed 6/8/2016 9:07 AM	1...
Brian Breikss	I OPPOSE Division 44 rule changes	Wed 6/8/2016 9:00 AM	2...
Jessica Chavez	I OPPOSE Division 44 rule changes	Wed 6/8/2016 8:46 AM	1...
Chelene Henson	I OPPOSE Division 44 rule changes	Wed 6/8/2016 8:36 AM	1...
Tasia Larsen	I OPPOSE Division 44 rule changes	Wed 6/8/2016 8:25 AM	1...
Steve Shallenberger	I OPPOSE Division 44 rule changes	Wed 6/8/2016 8:10 AM	2...
Emily Fauth	I OPPOSE Division 44 rule changes	Wed 6/8/2016 8:09 AM	1...
Noah Criswell	I OPPOSE Division 44 rule changes	Wed 6/8/2016 7:54 AM	1...
Date: Tuesday			
Don Murray	I OPPOSE Division 44 rule changes	Tue 6/7/2016 5:24 PM	1...

Roxann B Borisch

From: MARYELI G RODRIGUEZ <coolflm@hotmail.com>
Sent: Sunday, June 05, 2016 10:45 AM
To: info@usark.org
Subject: NO to Division 44 rule changes

From: MARYELI G RODRIGUEZ <coolflm@hotmail.com>

Dear Oregon Department of Fish and Wildlife,

As an Oregon citizen experienced with animals who will be affected by the proposed regulations, I oppose some of the rule changes to Division 44, Chapter 635 regarding wildlife. I'm upset to see that ODFW did not listen to the logical comments from Oregon's herp community and will move forward with this unjust regulation. I am a responsible animal keeper and find the proposed rule changes to be over-reaching and unjustifiable. Some of them even defeat the purposes they intend to serve.

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Sincerely,

I live in WA, I am responsible owner, spending around 600 dollars on vet checks every week.

I wish to work with ESA species in the future, your rules would make my efforts harder and would not help the wild populations I DO WANT TO HELP. EVEN NONE NATIVE SPECIES CAN BE HELP BY PRIVATE KEEPERS.

With rules like yours, I would have to spend more than 600 a week to even try getting a permit that does nothing but prevent more people getting involved with animals that few actually care for.

Make laws that actually help native wildlife, ban mining, ban oil drilling.

You were reasonable with your wolf hunting decision, why are you now trying to prevent conservation efforts? Are you just not for conservation?

Sincerely,

MARYELI G RODRIGUEZ
1417 159TH AVE SE
BELLEVUE, WA 98008
4252603569

Roxann B Borisch

From: Lea C. Hurst <leathehurst@gmail.com>
Sent: Sunday, June 05, 2016 10:48 AM
To: info@usark.org
Subject: NO to Division 44 rule changes

From: Lea C. Hurst <leathehurst@gmail.com>

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Sincerely,

As a reptile/amphibian keeper and Oregonian, it saddens me that this institution does not respect my years of service to this hobby and commitment to our native wildlife. Reach out to your native herp-keeping community with these regulatory ideas BEFORE attempting to sneak them through. We want to work with you! We know what animals are at risk for collection! Why wouldn't you want us as your collaborators, instead of your enemies? In order to build that kind of relationship, we need to know that you will protect our hobby, and respect garnered experience and knowledge. You aren't doing that at present. Please reconsider your methods and start fresh We as a community could be doing so much more good together.

Sincerely,

Lea C. Hurst
6329 SE 67th Ave,
Portland, OR 97206

Roxann B Borisch

From: Jeff Jensen <jeff@thereptilezone.com>
Sent: Sunday, June 05, 2016 12:05 PM
To: info@usark.org
Subject: NO to Division 44 rule changes

From: Jeff Jensen <jeff@thereptilezone.com>

Dear Oregon Department of Fish and Wildlife,

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Sincerely,

I own Oregon's oldest reptile pet store. My store is focused on education and conservation. This will affect my store and my customers greatly. I have hundreds of children that come into my store to experience reptiles behind glass. Many of them have native reptiles that give them the hands on that heightens their passion. Parents have come to me telling of their children's desire to be herpetologists or like me! Having shared what may happen has led to fear and distrust. I beg you to rethink what your attempting!
Thank you. The Reptile Zone

Sincerely,

Jeff Jensen
570 NE Norton Ave
Bend, OR 97701
541-633-0984

Roxann B Borisch

From: Richard <reptlmn@yahoo.com>
Sent: Sunday, June 05, 2016 1:50 PM
To: info@usark.org
Subject: NO to Division 44 rule changes

From: Richard <reptlmn@yahoo.com>

Dear Oregon Department of Fish and Wildlife,

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Sincerely,

On a side note. I know from past experience that rules and law are made for tax procurement rather than actual protection of wildlife, thus whatever is written is of little value in the outcome of new rules.

Sincerely,

Richard
PO Box 195
Colton, OR 97017

Roxann B Borisch

From: Jason Miller <Lunafaryn86@yahoo.com>
Sent: Sunday, June 05, 2016 2:21 PM
To: info@usark.org
Subject: NO to Division 44 rule changes

From: Jason Miller <Lunafaryn86@yahoo.com>

Dear Oregon Department of Fish and Wildlife,

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Sincerely,

About as probable as ferrets being a natural threat to our environment, as in non-informed "it looks like it could" Exotic snakes and lizards thriving on their own in OR Forests is less likely to exist than sasquatch. => thanks for taking the time to give us a vote.

Sincerely,

Jason Miller

6111 sw beaverton hillsdale highway apt.31 Portland, OR 97221

5032971657

Roxann B Borisch

From: Keegan Mishler <Keeganator23@gmail.com>
Sent: Monday, June 06, 2016 12:41 AM
To: info@usark.org
Subject: NO to Division 44 rule changes

From: Keegan Mishler <Keeganator23@gmail.com>

Dear Oregon Department of Fish and Wildlife,

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Sincerely,

I, personally, am not a herpetologist. I dislike snakes, hate poisonous ones. But I am close friends with one, and if I find venomous snakes on my property there's no one I trust more to safely capture and relocate them. Knowing my stance on snakes, to make the changes you are proposing hurts our native reptile populations and will have unforeseen consequences on the captive populations of non-native endangered species. Think. Ask a herpetologist what is or isn't good for reptiles. Are you a herpetologist? Then don't ask yourself.

Sincerely,

Keegan Mishler
24 NE Mt Hebron Dr
Pendleton, OR 97801
5034596762

Roxann B Borisch

From: Adam Wren <adam.c.h.h.wren@hotmail.com>
Sent: Monday, June 06, 2016 6:56 AM
To: info@usark.org
Subject: I OPPOSE Division 44 rule changes

From: Adam Wren <adam.c.h.h.wren@hotmail.com>

Dear Oregon Department of Fish and Wildlife,

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Sincerely,

While i agree that there are many issues with the reptile trade, and there are issues that need to be addressed, penalizing all reptile owners for the actions of the misguided is unnecessary, unfair and shouldn't even be legal. As someone who wouldn't be able to live without reptiles, I don't know what I would do were someone to take mine away.

My boa was a last gift from father to son. She is the last living creature that knew his love, other than some family I am not on speaking terms with. My father died when I was 11, just a year after purchasing our boa together. Ever since, the responsibility of looking after her, the feeling of being depended on, by a creature that can connect only to me, has kept me from ending my life more than once.

There is a tranquility, a peace, that can only be found in the eyes of a snake... some people have problems connecting with other people. Reptiles are the easiest of creatures to connect to, as once their basic needs are taken care of, everything can be learned through observation... whether they are angry, or frightened, or happy...

Another point I would like to make is that dogs and cats have not always been as they are now. Once, they were as wild as any reptile. And, just as supposedly 'un-tameable'. Once upon a time mankind made an effort to integrate these creatures into our society, and it worked. It is working again, now, with reptiles, amphibians and avians. All of these creatures are capable of showing that they feel love, and all of them do.

Did you know that in Thailand there is a refuge that works with crocadians that has trained them to respond to their names, as well as other verbal commands? A twelve foot monster, is what your average human sees. A beautiful, graceful, incredible being that shares our world, is what a reptile enthusiast sees.

The option to house a reptile or amphibian opens up the mind in so many wonderful ways. You are able to see past yourself, and into a world of infinite possibility.

It is my hope that you will reconsider the current legislation, which would turn me into a criminal. I love my boa. Without her I would be dead. I am not the only person with a story like this. Please. Do not persecute us because there are bad people doing bad things. There are bad dog people, and bad cat people. But you would not punish the many for the actions of a few... would you?

Sincerely,

Adam Wren
4880 Woodworth Rd
Parkdale, OR 97041

Roxann B Borisch

From: Angel Carro <wolfire0000@yahoo.com>
Sent: Monday, June 06, 2016 8:15 AM
To: info@usark.org
Subject: I OPPOSE Division 44 rule changes

From: Angel Carro <wolfire0000@yahoo.com>

Dear Oregon Department of Fish and Wildlife,

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Sincerely,

I am a Seattle resident but this affects us all. Thank you

Angel Carro

Sincerely,

Angel Carro
3022 sw Bradford St #112
Seattle, WA 98126

Roxann B Borisch

From: Andrea <andreabulous@gmail.com>
Sent: Monday, June 06, 2016 9:37 PM
To: info@usark.org
Subject: I OPPOSE Division 44 rule changes

From: Andrea <andreabulous@gmail.com>

Dear Oregon Department of Fish and Wildlife,

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Sincerely,

It really disappointing to see this being pushed through. Please try to become educated on this issue before proceeding with something that negatively affects so many people.

Sincerely,

Andrea
608 SE 2nd court
Battle ground, WA 98604

Roxann B Borisch

From: michelle verheyden <nietsnie@hotmail.com>
Sent: Tuesday, June 07, 2016 7:51 AM
To: info@usark.org
Subject: I OPPOSE Division 44 rule changes

From: michelle verheyden <nietsnie@hotmail.com>

Dear Oregon Department of Fish and Wildlife,

As an Oregon citizen and experienced responsible animal keeper who will be affected by the proposed regulations, I oppose some of the rule changes to Division 44, Chapter 635 regarding wildlife. I'm upset to see that ODFW did not listen to the logical comments from Oregon's herp community and will move forward with this unjust regulation. I am a responsible animal keeper and find the proposed rule changes to be over-reaching and unjustifiable. Some of them even defeat the purposes they intend to serve.

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Sincerely,

As a contributor to the conservation of endangered species this rule is especially harmful.

Sincerely,

michelle verheyden
825 se 166th place
portland, OR 97233
9712272002

Roxann B Borisch

From: Daniel Rider <danriderjr@rocketmail.com>
Sent: Sunday, June 05, 2016 10:31 AM
To: info@usark.org
Subject: NO to Division 44 rule changes

From: Daniel Rider <danriderjr@rocketmail.com>

Dear Oregon Department of Fish and Wildlife,

As an Oregon citizen experienced with animals who will be affected by the proposed regulations, I oppose some of the rule changes to Division 44, Chapter 635 regarding wildlife. I'm upset to see that ODFW did not listen to the logical comments from Oregon's herp community and will move forward with this unjust regulation. I am a responsible animal keeper and find the proposed rule changes to be over-reaching and unjustifiable. Some of them even defeat the purposes they intend to serve.

I am opposed to the rule change making it illegal to keep animals listed under the federal Endangered Species Act (ESA). While I can understand the good intentions for doing so, this action will do absolutely nothing to protect these species in the wild. Actually, it will harm conservation efforts. Not only does the ESA already regulate to protect these species, but many private keepers have invested years and even decades into breeding these species and ensuring their survival while wild populations are devastated from habitat loss due to human over-population.

Also, many species listed under ESA are non-native to the United States. These species are no longer imported into the U.S. and the captive populations here allows for educational opportunities, genetic diversity among breeding groups, understanding of their biology, etc.

Non-native species are continually added to the ESA list as "enviro" groups who do nothing to help these animals constantly petition USFWS and threaten lawsuits if the species are not listed. These groups profit by fundraising on the promotion of these efforts, but rarely, if ever, do any work or contribute funds to actually help the species.

Making these species illegal to keep not only unjustly punishes responsible keepers, but many animals will be negatively affected. There are already many federally-listed endangered and threatened species and their captive-produced offspring in the state. If the proposed rule is implemented it will immediately result in legally-possessed animals and their owners to be in violation of the rule. In addition, most of these species have rarely, if ever, been sterilized.

These rule changes also cast a huge blow to the education of Oregon's youth. The changes make much of a common practice, field herping, illegal. Under the proposed rules, allowing children to handle a rubber boa, for example, would be illegal. This will be a huge loss to educational efforts and the need for children to get out and experience nature. How can children learn about and truly appreciate nature if they cannot actively experience it? Even the current law should be amended to allow for responsible field herping.

I ask that you remove the proposed changes from your amendment to the rule. I implore you to at minimum hold a workshop to discuss these issues with stakeholders and experts within the state. Unfortunately, most stakeholders are unaware of what's happening and they will be blind-sided by

these new regulations. It was not even listed on the ODFW "News Releases" web page. Thank you for your time and have a good day.

Sincerely,

I am an avid Herper, and a responsible snake keeper. I do go out in the field to observe wild animals, but never collect native animals. I only buy captive bred animals. This law will prevent me from doing what I love. On a different note, the state of Oregon should be revamping and regulating the laws on domestic cats! They run loose and unsupervised killing and harming more of the stated native animals that are listed above. More than any human would.

Sincerely,

Daniel Rider
291 N.E. Ward ave
Roseburg, OR 97470
5416726450

Roxann B Borisch

From: Sean <black001bird@gmail.com>
Sent: Thursday, June 09, 2016 7:21 AM
To: info@usark.org
Subject: NO to Division 44 rule changes

From: Sean <black001bird@gmail.com>

Oregon Department of Fish and Wildlife,

I am an experienced and responsible animal keeper who will be affected by the proposed regulations, and I oppose some of the rule changes to Division 44, Chapter 635 regarding wildlife. I'm upset to see that ODFW did not listen to the logical comments from Oregon's herp community and will move forward with this unjust regulation. I am a responsible animal keeper and find the proposed rule changes to be over-reaching and unjustifiable. Some of them even defeat the purposes they intend to serve.

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Sincerely,

Sincerely,

Sean
1042 Belmont ave SW c38
Albany, OR 97321

PUBLIC CORRESPONDENCE

Received as of June 8, 2016

SUBJECT:

Please Reconsider Division 44 Rule Changes

21 Individuals submitted the attached letter

Recipient list included

Letters with additional comments included

Roxann B Borisch

From: Lori Crichton <Lori.crichton@gmail.com>
Sent: Wednesday, June 08, 2016 9:35 PM
To: info@usark.org
Subject: Please Reconsider Division 44 rule changes

From: Lori Crichton <Lori.crichton@gmail.com>

Oregon Department of Fish and Wildlife,

I am an experienced and responsible animal keeper who will be affected by the proposed regulations, and I oppose some of the rule changes to Division 44, Chapter 635 regarding wildlife. I'm upset to see that ODFW did not listen to the logical comments from Oregon's herp community and will move forward with this unjust regulation. I am a responsible animal keeper and find the proposed rule changes to be over-reaching and unjustifiable. Some of them even defeat the purposes they intend to serve.

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Sincerely,

Sincerely,

Lori Crichton
1777 nw 143rd ave #45
Portland, OR 97229
5804831588

Date: Yesterday

FROM	SUBJECT	RECEIVED	S... C.P
Lori Crichton	Please Reconsider Division 44 rule changes	Wed 6/8/2016 9:35 PM	2...
Phil Goss	Please reconsider Division 44 changes	Wed 6/8/2016 9:34 PM	1... p.
Alessa M. Abruzzo	Please Reconsider Division 44 rule changes	Wed 6/8/2016 7:14 PM	1...
Timothy Laumeyer	Please Reconsider Division 44 rule changes	Wed 6/8/2016 6:36 PM	2...
Stephanie Laumeyer	Please Reconsider Division 44 rule changes	Wed 6/8/2016 6:35 PM	2...
Josh Panos	Please Reconsider Division 44 rule changes	Wed 6/8/2016 6:24 PM	1...
kenny r maner	Please Reconsider Division 44 rule changes	Wed 6/8/2016 6:03 PM	1...
Rebecca Lindberg	Please Reconsider Division 44 rule changes	Wed 6/8/2016 5:59 PM	2...
Anette Butler	Please Reconsider Division 44 rule changes	Wed 6/8/2016 5:24 PM	1...
Josh J Baker	Please Reconsider Division 44 rule changes	Wed 6/8/2016 5:23 PM	1...
Kevin Lewis	Please Reconsider Division 44 rule changes	Wed 6/8/2016 5:23 PM	1...
Wendy Sue Henderson	Please Reconsider Division 44 rule changes	Wed 6/8/2016 3:56 PM	1...
Jim Daniel	Please Reconsider Division 44 rule changes	Wed 6/8/2016 3:36 PM	2...
Anthony Gold	Please Reconsider Division 44 rule changes	Wed 6/8/2016 3:13 PM	1...
Gregory A. Barrett	Please Reconsider Division 44 rule changes	Wed 6/8/2016 3:01 PM	2...
David J Miller Jr	Please Reconsider Division 44 rule changes	Wed 6/8/2016 2:08 PM	1...
Amanda Bright	Please Reconsider Division 44 rule changes	Wed 6/8/2016 1:19 PM	1...
Christie Stoudt	Please Reconsider Division 44 rule changes	Wed 6/8/2016 1:18 PM	1...
Aaron Baker	Please Reconsider Division 44 rule changes	Wed 6/8/2016 12:47 P...	1...
Greg Sommer	Please Reconsider Division 44 rule changes	Wed 6/8/2016 12:22 P...	1...
Andrew Hall	Please Reconsider Division 44 rule changes	Wed 6/8/2016 12:09 P...	1...

ODFW WildlifeInfo

From: Greg Sommer <gls1973@yahoo.com>
Sent: Wednesday, June 08, 2016 12:22 PM
To: info@usark.org
Subject: Please Reconsider Division 44 rule changes

From: Greg Sommer <gls1973@yahoo.com>

Oregon Department of Fish and Wildlife,

I am an experienced and responsible animal keeper who will be affected by the proposed regulations, and I oppose some of the rule changes to Division 44, Chapter 635 regarding wildlife. I'm upset to see that ODFW did not listen to the logical comments from Oregon's herp community and will move forward with this unjust regulation. I am a responsible animal keeper and find the proposed rule changes to be over-reaching and unjustifiable. Some of them even defeat the purposes they intend to serve.

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I ask that you remove the proposed changes from your amendment to the rule. I implore you to at minimum hold a workshop to discuss these issues with stakeholders and experts within the state. Unfortunately, most stakeholders are unaware of what's happening and they will be blind-sided by these new regulations. It was not even listed on the ODFW "News Releases" web page. Thank you for your time and have a good day.

Sincerely,

Although I am not a resident of Oregon, you're proposed changes could affect legislation in other states including my own.

Sincerely,

Greg Sommer
3 Orchard Drive
Pittsburgh, PA 15236

ODFW WildlifeInfo

From: michelle verheyden <nietsnie@hotmail.com>
Sent: Tuesday, June 07, 2016 7:51 AM
To: info@usark.org
Subject: I OPPOSE Division 44 rule changes

From: michelle verheyden <nietsnie@hotmail.com>

Dear Oregon Department of Fish and Wildlife,

As an Oregon citizen and experienced responsible animal keeper who will be affected by the proposed regulations, I oppose some of the rule changes to Division 44, Chapter 635 regarding wildlife. I'm upset to see that ODFW did not listen to the logical comments from Oregon's herp community and will move forward with this unjust regulation. I am a responsible animal keeper and find the proposed rule changes to be over-reaching and unjustifiable. Some of them even defeat the purposes they intend to serve.

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Sincerely,

As a contributor to the conservation of endangered species this rule is especially harmful.

Sincerely,

michelle verheyden
825 se 166th place
portland, OR 97233
9712272002

ODFW WildlifeInfo

From: Stephanie Laumeyer <thesnakepusher@hotmail.com>
Sent: Wednesday, June 08, 2016 6:36 PM
To: info@usark.org
Subject: Please Reconsider Division 44 rule changes

From: Stephanie Laumeyer <thesnakepusher@hotmail.com>

Oregon Department of Fish and Wildlife,

I am an experienced and responsible animal keeper who will be affected by the proposed regulations, and I oppose some of the rule changes to Division 44, Chapter 635 regarding wildlife. I'm upset to see that ODFW did not listen to the logical comments from Oregon's herp community and will move forward with this unjust regulation. I am a responsible animal keeper and find the proposed rule changes to be over-reaching and unjustifiable. Some of them even defeat the purposes they intend to serve.

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Sincerely,

A concerned citizen and lover of all animals who will be severely affected by these changes,
Stephanie Laumeyer

Sincerely,

Stephanie Laumeyer
2200 SW Umatilla Ave
Redmond, OR 97756

ODFW WildlifeInfo

From: Gregory A. Barrett <gregorybrtt@gmail.com>
Sent: Wednesday, June 08, 2016 3:01 PM
To: info@usark.org
Subject: Please Reconsider Division 44 rule changes

From: Gregory A. Barrett <gregorybrtt@gmail.com>

Oregon Department of Fish and Wildlife,

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Sincerely,

One of the ways I have taught my son so much respect for nature and life is by having pets while he grows up. Owning and caring for reptiles as a family has made us closer together and allowed us to learn about these wonder (often misunderstood) animals. Reptile ownership is far less likely to cause harm to ourselves or others than the most common animal, the dog, and far less invasive and destructive than the dog's counterpart, the cat. But like any animal, they take love and care to keep healthy, happy and safe. I will accept the responsibility of caring for my animals that is in their best interest and will not infringe on my neighbors wellbeing or safety. I only ask that my neighbors allow me to continue being a good steward to my reptile companions and keep on growing in my passion and exploration of these wonderful animals.

Sincerely,

Gregory A. Barrett
6816 SE 65th Avenue
Portland, OR 97206
5038919222

ODFW WildlifeInfo

From: Joseph Saunders <jds.saunders@gmail.com>
Sent: Wednesday, June 08, 2016 9:51 AM
To: info@usark.org
Subject: I OPPOSE Division 44 rule changes

From: Joseph Saunders <jds.saunders@gmail.com>

Dear Oregon Department of Fish and Wildlife,

As an Oregon citizen and experienced responsible animal keeper who will be affected by the proposed regulations, I oppose some of the rule changes to Division 44, Chapter 635 regarding wildlife. I'm upset to see that ODFW did not listen to the logical comments from Oregon's herp community and will move forward with this unjust regulation. I am a responsible animal keeper and find the proposed rule changes to be over-reaching and unjustifiable. Some of them even defeat the purposes they intend to serve.

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Sincerely,

Subject: I OPPOSE Division 44 rule changes

Dear Oregon Department of Fish and Wildlife,

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Sincerely,

Joseph Saunders

Sincerely,

Joseph Saunders
4721 Lisa Lane
Del City, OK 73115
405-317-6908

ODFW WildlifeInfo

From: Joe Engler <jdengler0259@hotmail.com>
Sent: Monday, June 06, 2016 9:34 AM
To: odfw.wildlifeinfo@state.or.us
Subject: Comments on Proposed Rules - Protected Wildlife, Holding, and Propagating Rules
Attachments: Comments on Division 44 Rules_Protected Wildlife, Holding, and Propagating Rules.pdf

I have attached comments regarding the proposed rules. Thanks for your consideration.

Joe Engler

To Whom It May Concern,

I am writing in response to proposed amendments to Division 44, Protected Wildlife, Holding, and Propagating Rules. My comments are specific to sections 635-044-0410 to 635-044-0450, 635-044-0480, and 635-044-0490. As a professional 30-year career wildlife biologist, I find some of the terms within this rule to be confusing and the direction in the long-term detrimental to the conservation of our natural resources.

In section 635-044-0420, the terms and definitions listed are not inclusive and fail to define 'capture', and 'have in possession' to name a few; literally these terms would prohibit anyone from touching and holding any protected wildlife. While the term 'hold' is defined and an exception gives some leeway to allowing touching and examination of wildlife, i.e. during nature walks; this seems to be in direct conflict with the first 2 undefined terms mentioned, as well as the definition for the term 'take'. These terms need to be clarified.

Much of what is known about the distribution of reptiles and amphibians within the state (if not the planet) comes from professional biologists, amateur herpetologists, and interested concerned citizens. These wildlife records may include photos but also include road kills, voucher specimens, and capturing of specimens until they can be identified by a professional. This goes for both protected and non-protected species. Much of this data is collected incidental to established surveys and due to the requirements of the Holding Permits, most of those in the above categories would now be found in violation of the law. While acquiring Holding Permits may technically 'allow' these activities, in reality that is not realistic, as much of this data collection is opportunistic and therefore not predictable as to what, when and where a species might be found. The permit costs are also unreasonable for this type of data acquisition, given a person, an agency, or a group would be expected to get a Permit for any species they might encounter, dead or alive, beforehand. While I can agree with the permit requirements to some extent for facilities that may have specific species needs for educational specimens, etc. ; these rules unreasonably impact many other persons as well as the resource agencies that may benefit from their activities. While I recognize that wildlife is no longer as abundant as when I was a child and I agree whole heartedly with the protection of the state's wildlife, it seems to me that this section primarily targets well-meaning conservationists but will do little to stop illegal collections for the pet trade or for other avenues of financial gain.

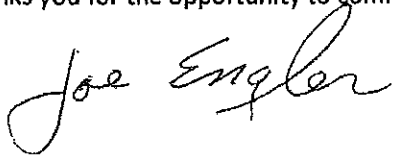
Many professional and amateur biologists/herpetologists first acquired their interest in the field of resource conservation due to the ability to experience nature first-hand as a child, be that hunting, fishing, catching and collecting wildlife, especially reptiles and amphibians, as well as insects, 'minnows', etc. I often lament the fact that my child does not have the same opportunities that I did to attain a sense of wonder for the natural world. In today's world, many children do not have options for visiting parks, refuges, forests, and other natural lands, nor attending the many educational programs that they offer – these are missed opportunities. Those children have the option of learning on their own in most cases, or not learning at all. Notwithstanding the fact that most children (and their parents) will have no idea that these rules exist, these rules if actually applied as intended would make many children (and adults), our future conservationists, in violation of the law. If they actually knew these rules and

restrictions and costs existed, these rules would simply stymie the development of a child's interest in our natural resources; and thus result in one less future advocate. None of the electronic media available today will ever replace a single good 'day-in-the-field' that a child might encounter as they explore, collect and raise a frog, turtle, or salamander. No, this is not in the best interest of the animal but then again we in the resource agencies do not manage for individuals, we manage for populations. Likewise, the schools and other natural resource facilities that might collect some wildlife for educational purposes may find these rules restrictive (as many schools, especially in Oregon, do not have funds to cover such costs) and those educational options will decrease due to the bureaucratic process and financial costs.

It is doubtful to me that incidental collection of wildlife (alive or dead) plays a major if any role in depleting our native wildlife, compared to poaching, illegal collections made for financial gain, development, and general degradation of the natural world through the use of pesticides and the many other insidious actions of humans. There is nothing in these sections that will stop the illegal or legal activities that decimate our natural resources. These rules as written seem to do nothing more than deter our wildlife and resource advocates as well as our future conservationists. These audiences are better targeted through education opportunities, specifically by enhancing efforts to educate children through school programs and other hands-on activities. Turning these people into law -breakers will do nothing but inhibit the development of conservationists and turn those who should be our agency's allies into our detractors. This will ultimately be not much different from the many hunters and fisherpersons who currently rail at the state and federal agencies for the myriad of incomprehensible restrictions placed on them.

Thirty years ago at the beginning of my career, I probably would have agreed with the restrictive measures being put forth in the sections stated up front. Now it is clear world-wide that the best way to garner advocacy for our natural resources is through education and to allow responsible use, not impose more restrictions, costs, and laws. In closing, and as stated previously, the rules I am addressing in this letter impact those who should be our best advocates and our future biologists, resource managers, and conservation advocates (though not everyone is perfect). These rules will not deter those who have other less than ideal views and uses of our natural resources.

Thanks you for the opportunity to comment on the proposed rules in Division 44.

A handwritten signature in cursive script that reads "Joe Engler". The signature is written in black ink and is positioned below the text of the letter.

Roxann B Borisch

From: Emily Jenkins <esjenkins@gmail.com>
Sent: Monday, June 06, 2016 4:46 PM
To: ODFW Commission
Cc: colin.m.gillin@state.or.us
Subject: Division 44 - regarding domestic skunks (and raccoons)

Please forward these comments to the members of the commission immediately so they may review them before Thursday's meeting.

Dear Dr. Gillin and members of the Commission,

Thank you for your support of our pet skunks. I was really pleased to read through your agenda item summary regarding our pets, it seems you have thoroughly addressed our concerns about housing, legally transferring ownership, and being able to continue to import and keep domesticated skunks as pets in the future. However, I have multiple items of concern and several items that were addressed in the summary don't seem to be in the actual draft for Div 44. Please do not adopt the newest draft of Division 44 without addressing these items first:

1. In the item summary of issue 8, you state that we will be able to continue to import domestic skunks in the future from USDA breeders, however, I do not see this, or any reference to domestic skunks and/or raccoons acquired after June 13, 2016 written into the draft. 635-044-460 (3) specifically covers prior to June 13th, 2016.
2. The summary specifies that "Skunks can only be acquired from out-of-state USDA licensed Class A breeders...", but it was brought to my attention that most, if not all, domestic skunk breeders operate under a USDA Class **B** license. I feel it's worth mentioning that this likely holds true for raccoon breeders as well, I know the breeder I got my pet skunks from (Ruby Farms in New Sharon, Iowa) holds a class B license, and I believe they also breed raccoons. Also, the skunk rescue group, Skunk Haven, operates under a class B license. I am personally a huge supporter of rescues for all species. Again, the USDA requirements don't actually seem to be written into the actual draft anywhere.
3. When we import domestic pet skunks after June 13, 2016, what is the time frame for applying for a holding permit, or adding the animal to our existing permit? If you require proof of sterilization as part of the permit application, please remember that due to their size most baby skunks cannot be safely sterilized until they are at least 4 to 6 months old. This is not written into the draft anywhere, I presume it needs to be addressed for raccoons as well.
4. Domestic skunks are still included in 635-044-0470 regarding Grandfathering of animals held prior to June 13, 2016. I was under the impression that the rules for "grandfathered" domestic skunks would be the same as those for any pet skunk legally acquired in the future. Can we just remove domestic skunks from this section as was previously discussed?
5. There is still a notarized affidavit required for permit holders of all grandfathered animals. One of my fellow domestic pet skunk owners spoke to a notary and was informed that she cannot legally notarize such a statement. We have already provided the required legal documentation, what reason would you have for requiring this? Especially if it is not even feasible. Also, we provided all these documents when we initially purchased and imported our domestic skunks, is the redundancy of re-submitting all of it for our currently held pets is really necessary?

6. Items I find unclear regarding the holding permit itself:
- a. If we change address we must submit a new application. What is the timeframe for address change notification? Could it just be done with the annual permit renewal?
 - b. If the fee is \$25/year regardless of how many domestic pet skunks we have, and we acquire a new pet mid-year, what process would we have to follow to add the animal to our permits? What is the required time frame?
 - c. If we have legally acquired our pet and provided all the necessary documentation, does a transfer still have to be approved by the director and/or biologist? We are seeking to have these rules in writing so that our pets' fates may not be held by a single individual.
7. 635-044-0460(3)(g) only allows us to transport our domestic pet skunks from our homes to a veterinarian or other "approved facility" but, I would ask you to remember that these are family pets, and we are all very particular about their proper care. Many of us travel with our pet skunks alongside (or in place of) our dogs. We enjoy their company, and they find enrichment in new environments. Besides, they're much easier to take places than my dogs, and they never bark! Please remove domestic skunks from this section.
8. Finally, although my interest is in domestic skunks, I noticed and think you should be aware that the summary/analysis claims to have changed the wording in Div 44 to allow raccoons to be acquired from USDA licensed breeders (again, this should probably include class B licenses, and actually I can find no such wording in the draft itself) and "allowing the raccoon owners place of residence for housing" however, Exhibit 1 actually states "Bobcats and raccoons acquired by transfer or new holding application after June 13, 2016, shall only be held at Oregon AZA accredited facilities or as approved by the director." This is blatantly in conflict with the claims of the summary document.

Please do not adopt the Division 44 draft rules as they are currently written, I've already caught numerous discrepancies between what the summary document claims that the draft says, and what is actually written in the proposed Division 44 document. I'm sure these are just oversights, but the adopted rules are what is legally enforceable, not the summary document.

Alternatively, if these items cannot be resolved, I request that you adopt the proposed Staff Alternative 3 from the analysis of issue 8, minus the identification requirements. Our pet skunks have not been a problem in the past, we'd be perfectly happy to just be left alone with our unique pets. (If it ain't broke, don't fix it.)

Please, if there is clarification to be had on any of these items, or something I've missed, I would love to be contacted and I can pass along any info I get to the rest of my group.

Thank you,

Emily Jenkins
Amity, OR

(503) 910-5507

6/5/16

Dear Dr. Gillin and members of the Commission,

I have reviewed the updated rule changes for the 6/9/16 rule making hearing coming up soon in Salem. Thank you for taking the time and effort to change some of the issues that are of great importance to all of the Oregon skunk owners.

Some of the rule changes were unclear in the way that they were worded, and based on interpretation, they could work for or against our skunks. We need clarity, with no room for "creative" or "changing" interpretations. We need to know that none of these rules will have a negative impact on the pet skunk or the skunk owner.

After all, we need to work together towards what works in the best interests of our skunks, in regards to their safety, health, and wellbeing. **We need to be guaranteed that having a pet skunk in Oregon will continue to be possible, and that it will not become a thing of the past.** As the Division 44 rules are currently written, this may not be possible.

I strongly urge you to not adopt the newest Division 44 draft, without further consideration of the following items:

1. 635-044-0470, item 3 states that "skunks may not be offered for sale, trade, barter, or exchange as a household pet. **Please add to this passage to "refer to 635-044-0490 for details on transferring an animal to another Wildlife Holding Permit".**
2. *The summary states that "skunks can only be acquired from out of state licensed Class A breeders. **Please allow for us to obtain our skunks from any licensed skunk breeder,** without specification as to whether it is class A or B. I have been unable to find any skunk breeders that are licensed as a class A breeder, and can only find some class B breeders. Otherwise, it will be impossible to legally obtain pet skunks.*
3. **Please allow for currently held skunks to be grandfathered in, without a need for redoing the paperwork.** My skunk was legally brought into the state, and approved by ODFW. Why should I have to do everything all over again, when you already have the needed paperwork? My letter of authorization to possess and transport my skunk into the state of Oregon, clearly states that *"this authorization is valid for the life of the skunk imported into Oregon under Oregon Dept. of Agriculture permit #11-258182-EG"*.
4. 635-044-0470, 1G **Please eliminate the notarized affidavit which states that the skunk was legally required and held in compliance with these rules.** We already know that the skunk was captive bred from the other paperwork. *The letter I received from ODFW giving me authorization to possess and transport my skunk states that "this authorization is valid for the life of my skunk"*. This implies that no other paperwork will ever be needed.

I took all of my paperwork that was used to get my skunk legally into the state of Oregon to a notary. This included the APHIS form 7020 from U.S. Department of Agriculture, bill of sale or receipt, U.S. Interstate and International Certificate of Health Examination for Small Animals and a letter from my vet along with a rabies certificate. This also included the letter from ODFW which states that "this authorization.

My notary said that she could not notarize this because she would need to receive acknowledgement that this needs to be notarized. Moreover, she stated that none of the required paperwork could prove to her that my skunk was born in a legal facility. Short of being present at the birth of my skunk (in a legal facility), she had no means of verifying that the skunk was legally acquired, and that my skunk was held in compliance with the required rules.

My notary said signing off on something that she could not verify, could result in imprisonment, fines, loss of job, etc. Moreover, "any person who knowingly solicits, coerces or in any way influences a notary public to commit a violation of any provision of this chapter, or any rule adopted by the secretary under this chapter, is guilty of a Class B misdemeanor" (page 25, Chapter 194 Uniform Law on Notarial Acts).

This misdemeanor would result in up to a year in a county jail, and a hefty fine. All in all, the request for us to have a notarized affidavit constitutes an illegal act for both the notary and me.

5. 635-044-04603G states that "skunks must be held within facilities approved by the department, except when
 - a) transported to or from licensed Oregon veterinary clinics or other ODFW approved facilities
 - b) or with a department letter of authorization for requested activity including temporary holding and transport

Please allow for us to travel with our skunks, as many of us do not want to leave them at home while on vacation. Pet skunks are allowed as "small pets" at many hotels and motels. My pet skunk is my preferred pet traveling companion, and is much easier to travel with than my cats or dogs. I like to bring her with me when I spend the night in Portland visiting friends.

6. Exhibit 1, chapter 635 – Div. 44, page 9, states that "skunk owners residence or home may serve as adequate housing for pet skunks". 635-044-0460, item 3 states that skunks legally held prior to 6/13/16 may only be held at AZA facilities or department approved facilities. **Please state that after 6/13/16, the same will apply.**
7. 635-044-0470, item B, states that skunk owners have to demonstrate the skunk holding handling facilities complies with any applicable city or county ordinances and applicable federal laws. I can understand why outside additions, such as a caged enclosures would need to be approved by the building and residential codes, but not a house that has passed inspection and meets building codes.

ODFW defines "facility" as any building structure, cage, pen, that wildlife may be kept fed, exercised, or held during any portion of its life cycle. **Please either eliminate the owner's domicile from this definition, or remove skunk from item B.**

8. 635-044-0460, item 3C, states that skunks must be marked permanently with a lip tattoo, ear tattoo, or implanted radio frequency device. **Please exempt elderly skunks or those with health issues from this clause, and grandfather them in, provided the owner can furnish a statement from a licensed veterinarian.**

9. 635-044-0500, item 5, states that "inspection of facilities by Department personnel may be conducted prior to approval of the permit". 635-044-0490, item 6 states that "the addition of animals of the species approved on the original permit requires prior approval of the local department biologist". **Please eliminate both of these prior approvals, as they are unnecessary, and warrantless.**

635-044-0510, item 1, states that facilities holding captive wildlife are subject to inspection by any State Police Officer or Department representative. Inspection may take place without warrant or notice... Nothing in these rules is intended to authorize or allow the warrantless search of a permit holder's residence". I understand that the cost of these inspections is \$150.00. This seems totally unnecessary for pet skunks within a home environment. **Please exempt the owner' domicile.**

10. 635-044-0470 states that permit renewal must be a month before expiration date. Is this rule so that ODFW can remind us that the due date is in a month? What are the consequences for failing to get the permit in less than a month before due date? From past experience, the vast majority of skunk owners were not informed about the 3/18/16 hearing, and therefore I worry that reminders will not be sent.

11. I noticed that some of the information contained in the summary, does not appear to be addressed in the Division 44 Draft. Please review carefully.

In conclusion, we could make this process a lot easier, simpler, less confusing, and more cost efficient for all involved, by eliminating a few of these proposed requirements.

1. There is no need for additional paperwork for skunks grandfathered in, as these papers already state that "the authorization is valid for the life of the skunk".
2. Let us show that our skunks come from a licensed breeder (irrespective of class A or B), as was the case in the past. *We need to be flexible in case these classes get retitled in the future!!!*
3. Eliminate the need for a notarized affidavit.
4. Eliminate involvement of city, county, and federal government. Do you really want to have to work with them?

5. Eliminate need for preapproval by state biologist and department personal.

Everything went well in the past when these were not needed. I am sure you would prefer not to have to mess with this additional paperwork, and communicate with these various entities.

Also, please address the areas I mentioned that can be a bit confusing, unless reworded, and/or reinserted where needed.

Thank you for your tireless efforts in helping to make a viable and workable solution for Oregon skunk owners and their pet skunks.

Respectfully,

Melinda Hodge

From: Chris Rombough [mailto:rambo2718@yahoo.com]
Sent: Wednesday, June 08, 2016 6:41 AM
To: Colin Gillin <colin.m.gillin@state.or.us>
Cc: Roxann.B.Borisch@state.or.us
Subject: Division 44 rule suggestion

Members of the ODFW Commission,

On March 18, 2016, I testified before you regarding the proposed Division 44 rules. At the conclusion of that meeting, you stated that the issue had not yet been decided, and encouraged participants to provide additional input. I took this message to heart, and used the time productively. I did a considerable amount of investigation on various aspects of the issue. I then consulted with ODFW (Dr. Colin Gillin), who helped me understand the subject from the Department's perspective. From this, I gave both sides of the matter some thought, and came up with a suggested alternative to the proposed regulations. These are all listed in Parts 1-4 following this letter.

Before you get to that, I would like to say a few words. During this process, I talked to a lot of people. These were a diverse group, and included pet owners, field herpers, professional herpetologists, teachers, natural resource educators, students at all levels, parents, and members of the general public. In general, there is a lot of frustration with the Department. Most stakeholders feel like the Department just does whatever it wants, and they have literally no input in any process. In truth, my experience with the Division 44 regulations tends to confirm this view. With respect to amphibians and reptiles, a number of perfectly valid points were raised during the initial round of public input, and absolutely none of these resulted in any change to the final draft – even so much as including language clarifying the legality of field herping.

An example of this are the procedures used to list species as Protected: the proposed regulations are not based on any data and lack scientific validity. I have seen no data relating to take of amphibians or reptiles in Oregon, nor the effect of such take on populations. In fact, the regulations make no use of any amphibian or reptile data at all. The ORBIC list is used as a surrogate for such data, and is the sole means of assigning status to species. The NatureServe ranking system, on which ORBIC is based, assigns a value to a given taxon as the composite score of several factors. But if you examine this process, you will see that the factors considered are not quantitative or even standardized. (See: [http://explorer.natureserve.org/eorankguide.htm#Hypothetical examples](http://explorer.natureserve.org/eorankguide.htm#Hypothetical%20examples)). It is literally based upon the value judgements of taxon experts. This is fine, as long as the experts really are experts – but, for a lot of species, the contributing 'experts' are not. The result is a system that is ultimately influenced by the detection ability of its contributors. Even this would be fine, if taxa were evenly represented by contributors, but the nature of the process makes it such that certain groups of organisms (*e.g.*, those that are hard to find and for which little funding is available) are continually under-represented.

The Department makes the argument that ORBIC is the only such ranking system available, which justifies its use. While the former may be true, I argue that it doesn't justify its use as the *only* source. There are a lot of amphibian and reptile data available that could be used to supplement the ORBIC list, and the Department already has (or has access to) the majority of them, yet they were not used. This absence of data was pointed out repeatedly by respondents (see public correspondence), but was apparently ignored.

Now, let's put this in context: For what other group of animals (which have an interested constituency) would it be acceptable to create take regulations without data? Salmon? Mule deer? What about the fact that none of the affected constituency (herpers, teachers, herpetologists, pet keepers, *etc.*) was included in the working group? (I found out that the one 'pet industry' representative resigned after several group meetings due to concerns over the process.) Do you think the NSIA would approve of fishing regulations set by non-fisheries biologists? Or would the OHA be likely to appreciate elk seasons

set by PETA? Then why should those involved with amphibians and reptiles accept rules drafted without any of their input?

Don't get me wrong: I am not against protecting Oregon's amphibians and reptiles. Quite the opposite: I have devoted my life to the study and conservation of Oregon's amphibians and reptiles. In 2007, I proposed to (former) ODFW director Roy Elicker that Oregon's amphibians and reptiles needed protection and management. But the present attempt is not a good way to do it.

Perhaps the best way to look at this is in terms of a risk analysis. The available evidence suggests that these regulations will be poorly received and are likely to increase unreported take, holding, and release of animals. They will negatively impact science education and further erode the relationship between the Department and a diverse group of constituents. Enforcement of these rules literally depends on public cooperation, which in turn requires faith in the Department and its capacity to do the right thing. Depending on how this process is carried out, the Department will make either a lot of conservation allies or a lot of enemies – and it's hard to unmake enemies.

Knowing we have this much to lose, what have we to gain? Why is it so important to pass these rules right now, as is, without putting a little more work into it? I should think that, given the potential for negative consequences, the Department would want to get it right the first time. Like the old saying goes, "an ounce of prevention is worth a pound of cure". How many times have you looked back at a situation and thought, "Man, I wish I handled *that* differently"? Well, here's your chance.

Thank you for your time and consideration of my suggestions. I really do appreciate it.

Sincerely,

Chris Rombough

07 June 2016

Letter contents:

Part 1. Background

Part 2. Summary of problem

Part 3. Proposed solution

Part 4. Recommendations for regulating take, holding, and propagation of native amphibians and reptiles

Part 5. Other proposed changes to Division 44 OARs

Part 1. Background

To evaluate the potential effects of the proposed Division 44 regulations and the viability of other options, I conducted some background research. A brief summary of this investigation and the results are as follows (contact me for more details).

Methods

1. I examined regulations pertaining to amphibians and reptiles for most states. I made an attempt to examine the history of such regulations and the reasons for their adoption. I examined available information on the effectiveness of such regulations, as well as their reception by the public. Sources of information for the latter included legal cases, take data (where available), forum discussions, and interviews with individuals affected by a given set of regulations. (These included field herpers, pet keepers, reptile breeders, and biologists.) Among other topics, I questioned individuals on the efficacy of state regulations, the rate of illicit activity, and the general relationship with the regulating department.
2. I looked for cases involving illegal take, possession, and/or holding of amphibians and reptiles in Oregon and other states. For each incident, I examined a number of variables, including the actions for which the individual(s) were cited, the animal species involved, the method of acquisition, the intent of the individual(s) involved, the disposition of the animals, the eventual outcome of the case, and whatever information I could gather on public sentiment following the incident.
3. Under condition of anonymity, I interviewed 41 individuals with the potential to be affected by the proposed Division 44 OARs (regarding amphibians and reptiles only). These included professional herpetologists, recreational "field herpers", K-12 teachers, university faculty and associates, staff of natural resource and wildlife agencies, natural resource and outdoor science educators, landowners, pet owners, and reptile breeders.

Results

1. As might be expected, state regulations vary considerably; however, most states have multiple classifications of native herpetofauna ranging from endangered (protected) to nonprotected. Efficacy of regulations also appear to vary considerably. Several states with the "strictest" rules had the lowest compliance. For example, in certain states where all native wildlife are protected from take and field herping is illegal, there are large numbers of field herpers and varying levels of collection and holding of native amphibian and reptile species. In other states, where take of some species is allowed (with and without permits), compliance is generally high. Investigation of some states allowing captive propagation of reptiles suggested high compliance with regulations. Some states have large and active groups of herpers who voluntarily contribute distribution data to the regulating department, among other things.
2. With respect to amphibian and reptile violations, cases involving take (in field) were fairly clear-cut if a license/permit was required for take. Cases involving confiscation (seizure) of animals were often contested and frequently overturned, especially if confiscation made in error. Causes of error included mistakes in identification by enforcement personnel and misinterpretation of rules. Subsequent litigation occurred in a number of cases. Public sentiment with respect to the enforcing agency and its role was varied initially but often became negative depending on disposition of seized animals.
3. The results of the interview were noteworthy: of 41 respondents, 78% (32 people) considered the requirements for a holding permit prohibitively strict, and said that they would not even

attempt to apply for one. Some of these people possessed animals which would be affected by the proposed regulations. Several of these said that they planned to keep their pets anyway, and some said they would release their pets if the rules were adopted, but most were “undecided”. The remaining 9 people said that they might consider applying for a holding permit, but they still thought that the application process and requirements were too strict, and only 4 (of the 9 people) thought they would have a chance at successfully securing a permit. The primary complaints regarding the proposed holding permit requirements were: 1) requirement of home inspection, 2) requirement of annual renewal, 3) requirement of separate permit for each species.

The primary complaints regarding the proposed Division 44 rules in general (these were unsolicited by my survey but I include them anyway) were as follows: 1) unfair burden on teachers and educators, depriving children of animals and nature in education, 2) the basis for reclassification of species as Protected, and 3) unfair limit on number of animals and prohibition on breeding captives.

Part 2. Summary of problem

The results of the above investigation largely agree with the public correspondence received to date and with the problems I outlined in my initial evaluation. In short, the evidence suggests that the proposed Division 44 rules (as they pertain to amphibians and reptiles) will be poorly received and largely ignored. Furthermore, unless one plans on conducting surprise home inspections, they will be largely unenforceable due to a number of factors, including the lack of staff expertise relating to amphibians and reptiles.

On 06 June 2016, I had a meeting with Dr. Colin Gillin, in which I presented him with these results. At that meeting, he explained the financial situation of the Department and the need for funding to support management of nongame species, among other things. A quick calculation suggests that issuing holding permits (as proposed) for reptiles and amphibians is unlikely to be very profitable:

Assuming 1,000 applicants are all approved for permits for a species apiece, and each pays a \$25 permit fee AND a \$150 inspection fee (\$175 total), the gross income to the Department would be $\$175(1,000) = \$175,000$. To the uninitiated, this seems like a lot, but not when you calculate the cost of staff time to approve permits and perform inspections. In addition, the cost of a single litigated seizure case (or permit denial) can rapidly exceed that amount.

Therefore, as I understand it, the Department has a problem: how to generate sufficient funds to administer the regulations and hope to have money left for effective amphibian and reptile conservation and management without thoroughly irritating the very people they need to be willing participants in such efforts.

Part 3. Proposed solution

Taking into account all the factors previously discussed, I propose the following potential solution:

1. Table adoption of the proposed Division 44 regulations relating to amphibians and reptiles.
2. Revise the proposed regulations to address take, rather than holding, of amphibians and reptiles. The available evidence suggests that the former is much more enforceable and will be better received; hence, it has a greater potential for success. Part 4 of this letter has some *suggestions* for such a take permit (a “Herp Stamp”). It goes without saying (but I will anyway) that the success of any program depends on how it is conducted and presented to the public. Therefore, I strongly recommend that the adoption of any regulations not be done immediately, but should be based on input from the herping, reptile keeping, and educator community, which was completely absent from the original working group.

3. Develop an amphibian and reptile conservation and management program centered around the adoption of such a take permit. This program would engage the educational and herping community and encourage them to work *with* the agency and be a part of conservation and management efforts. These people have valuable skills and knowledge and could contribute a great deal to such efforts as research, education, habitat acquisition, and conservation. I have a number of suggestions for ways this could be accomplished. For example, the Department could maintain a list of approved “master herpers”, skilled in field techniques, which would be available to contribute distribution data or assist staff members with research projects as well as basic needs (such as identification of uncommon species). There are a lot of opportunities to build a productive education, research, and conservation program.

Part 4. Recommendations for regulating take, holding, and propagation of native amphibians and reptiles

The following are recommendations for developing a take permit for native amphibians and reptiles (a “Herp Stamp”). They are based on the most successful features of other states’ management programs.

A. Take (OAR 635-044-0010 (20))

- a. Create a “Herp Stamp”. A Herp Stamp would be a stamp (like the federal “Duck Stamp”) which, when affixed to a state fishing license, would allow the holder to take a designated number of selected species per year. (Alternatively, a “herp validation” could be printed on the existing plastic license – a cheaper but much less classy alternative.)
 - i. A Herp Stamp would be required for take of allowed amphibians and reptiles pursuant to regulations. It would allow the holder to take a set number of individuals of each species per year. It would also be required for some field herping (see part v, below).
 - ii. A Herp Stamp would not be required for teachers or educators employed by accredited K-12 institutions. It would also not be required for non-formal educators (proof of employment or volunteer education activity may be required).
 - iii. A Herp Stamp would not be required for children less than 14 years of age, individuals over 65 years of age, and landowners herping on their own property. It would not be required for parents herping with young children (children less than 14 years of age) if animals were not being collected or removed from their location.
 - iv. A Herp Stamp would not be required for individuals briefly handling animals for the purposes of removing them from harm (*e.g.*, moving them off the road). It would be required for individuals engaged in road-hunting or collecting from the road, as evidenced by possession of collecting equipment while moving or otherwise observing animals on the road.
 - v. A Herp Stamp would not allow the holder to take species listed as Protected (OAR 635-044-0430).
 - vi. A Herp Stamp would not be required by individuals “field herping” if the individuals were simply observing animals *in situ*, without disturbance. It would be required by individuals removing amphibians or reptiles from the location at which they were found. In other words, it would be required for any field herping activity in which amphibians and reptiles were caught or even temporarily possessed, even if not retained or removed from the field.
 - vii. Recognizing the limitations of the ORBIC database for amphibians and reptiles, amphibian and reptile species allowed for take (635-044-0480) would not be based solely on the ORBIC system, but will be based on a more accurate, updated ranking system which uses data from a number of existing sources (some of

- which the Department already has). The ORBIC database will be included in this system but will not be the only data source.
- viii. The initial reclassification of species as Protected (635-044-0430) based solely on ORBIC listing should be postponed pending a more accurate evaluation of their status (see part xi, below).
 - ix. A voluntary reporting program should be instituted for animals taken under a Herp Stamp. This would greatly improve the Department's knowledge of amphibian and reptile distribution within the state and provide valuable information on the actual importance of individual take on these populations (currently, there is *no* information). If a reporting program is implemented, it needs to be carefully considered (*e.g.*, not mandatory) and promoted if the information thus obtained is to be of any value. People generally dislike reporting programs, and compliance is an issue. I think I can get around this if the Herp Stamp is properly designed and implemented. Contact me if you are interested.
 - x. The Herp Stamp could be purchased by any individual interested in supporting amphibian and reptile conservation within the state of Oregon.
 - xi. Funds derived from sale of the Herp Stamp could only be used for the following: Amphibian and reptile research and conservation, including habitat acquisition. They cannot be used outside of the non-game program, and cannot be used for administrative costs or salary, although they could be used as "in-kind" match to secure funds for a salaried position from other sources. The first projects that should be funded via sale of the Herp Stamp are: 1) identifying and ranking the actual threats to persistence of Oregon herpetofauna; and 2) development of a more accurate inventory and monitoring system than ORBIC for Oregon herpetofauna.

B. Holding (OAR 635-044-0440, 635-044-0450)

- a. Remove proposed Holding Permit (OAR 635-044-0440, 635-044-0450, 635-044-0480) for reptiles and amphibians. Available evidence suggests that it will be extremely unpopular and will promote illicit collection, holding, and release of animals.
- b. Remove limit on number of animals that can be held, as enforcement is dependent on compliance with holding permit requirements.
- c. Replace proposed Holding Permit with "Herp Stamp". Herp Stamp would allow the holder to take a designated number of selected species per year (*see* A. Take).
- d. A Herp Stamp is required as long as individuals of legally taken species are in possession (*i.e.*, it is unlawful to possess legally taken native species without a Herp Stamp). In other words, the Herp Stamp serves as an annually renewed Holding Permit for the life of the animal.
- e. The number of legally taken wild animals that can be held will be determined by the number of Herp Stamps that have been held by an individual (*e.g.*, if 5 are allowed per year, and a person has 15 individuals in possession, they will have to have proof of purchase of Herp Stamps for 3 consecutive years). This is relatively easy to do since license and tag sales are tracked online.
- f. A Herp Stamp would not be required to own legally acquired, captive-bred animals of species not listed as Protected (OAR 635-044-0430).
- g. There will be no limit on the number of individuals of legally acquired, captive-bred animals of species not listed as Protected (OAR 635-044-0430).
- h. Proof of legal acquisition and captive breeding is the responsibility of the owner of any animals.
- i. Remove Department regulations on "acceptable" or "minimum standards" for housing of amphibians and reptiles (OAR 635-044, Exhibit 1). The expertise in best housing and care lies outside the Department, and without developing extremely detailed care

requirements, this is only opening the Department up to litigation. Instead, label the housing requirements “suggested”, and require that animals be kept in accordance with the “best standards of the industry (or field)”. In cases of potential wrongdoing, experts outside of the Department can be consulted as to the nature of the animal’s health and the nature of the housing (as is the practice in other issues involving amphibians and reptiles).

C. Propagation (OAR 635-044-0470, 635-044-0480)

- a. Remove proposed restriction on captive propagation of amphibians and reptiles for personal use. Instead, address this issue via limit on number of animals taken (*see* A. Take) and prohibition on release of animals held in captivity. Retain proposed (48-hour) rule on release of animals held in captivity (OAR 635-044-0480, (3)).
- b. Remove limit on number of captive-bred amphibians and reptiles that can be held. Proof of origin is the responsibility of the owner and can include receipts of legal purchase, morphology (*i.e.*, morphologically aberrant individuals), and other types of documentation (contact me for details).
- c. It is currently illegal to sell native Oregon amphibians and reptiles. This statute should be retained for animals taken from the wild, regardless of legality.
- d. Recognizing the demand for amphibians and reptiles and that captive breeding is a very effective means of reducing take of wild animals (especially reptiles), ODFW may consider creating Propagation Permit for individuals interested in captive breeding of selected native amphibians and reptiles. (Note that some native species are already being captive bred – see my previous letter). An amphibian or reptile propagation permit would be similar to that existing or proposed for other species (*e.g.*, OAR 635-044-0540).
- e. Permits for the captive propagation of native amphibians and reptiles are issued by other states. They generally include the following conditions:
 - i. Inspection and licensing of facilities in which animals are housed, based on standards developed by a qualified herpetologist or similar professional.
 - ii. Inspection of animals by a qualified veterinarian.
 - iii. Permit holders would be required to submit annual inventories of animals produced and sold.
 - iv. Recipients of captive-bred animals would be required to obtain documentation or other identification (*e.g.*, microchip/PIT tag) linking animals to breeder.

Part 5. Other recommended changes to proposed Division 44 OARs

In light of the opposition to the prohibition of “federally listed” species in Oregon (see my letter from 03 March 2016 and others’ public correspondence), I recommend changing the following:

Field herping

OAR 635-044-0430: Protected Wildlife: (1): Recommend including language specifically addressing legality of field herping (looking for, observing, photographing animals in natural habitat). This should be done for purposes of clarity with respect to law enforcement. If “Herp Stamp” suggestion is implemented, this section will need to be updated to reflect permissible and nonpermissible activities.

Holding

OAR 635-044-0430: Protected Wildlife: (1)(a): Recommend change “and federally listed threatened and endangered species” to “*unlawfully acquired* federally listed threatened and endangered species” to accommodate animals permissible under Federal law (*e.g.*, captive-bred, legally acquired, and permitted animals). Also, “federally listed” needs to be defined to make it clear and unambiguous. The implication seems to be inclusive of species that are ESA-listed, but there are many lists other than the ESA.

Roxann B Borisch

From: Michelle Tate
Sent: Wednesday, June 08, 2016 2:44 PM
To: Roxann B Borisch
Subject: FW: Additional PIJAC comments on proposed changes to OAR Division 44 rule on protected wildlife
Attachments: PIJACcommentsORchap635Div44060816.pdf

From: Joshua Jones [mailto:josh@pijac.org]
Sent: Wednesday, June 08, 2016 2:38 PM
To: michelle.l.tate@state.or.us
Cc: ODFW Commission <ODFW.Commission@coho2.dfw.state.or.us>
Subject: Additional PIJAC comments on proposed changes to OAR Division 44 rule on protected wildlife

Dear Ms. Tate,

Please find PIJAC's second round of comments on potential amendments to rules for protected wildlife, holding, and propagating under Division 44, Chapter 635 of Oregon Administrative Rules attached to this email in advance of the June 6, 2016 deadline. Please confirm that you've received our comments and thank you for your time.

Respectfully,

Joshua Jones

Director of Legislative & Regulatory Engagement
Pet Industry Joint Advisory Council (PIJAC)
1615 Duke Street, Suite 100
Alexandria, VA 22314
Tel. 202-452-1525 x. 1040

*pijac.org | facebook.com/PIJAC | twitter.com/PIJAC4pets
linkedin.com/company/pet-industry-joint-advisory-council*



**PET INDUSTRY JOINT
ADVISORY COUNCIL**

1615 Duke Street, Suite 100
Alexandria, VA 22314
Tel: 202-452-1525

June 8, 2016

Michelle Tate
Oregon Department of Fish and Wildlife
4034 Fairview Industrial Dr SE
Salem, OR 97302

Re: Additional proposed changes to Oregon Department of Fish & Wildlife's Division 44 rule

Ms. Tate:

As an organization that routinely supports legislative efforts to advance the welfare of animals, the Pet Industry Joint Advisory Council (PIJAC) appreciates the opportunity to share our views and expertise on the Oregon Department of Fish and Wildlife's (ODFW) proposed changes to the Department's rules pertaining to protected wildlife in the state under Division 44, Chapter 635.

We in the responsible pet industry don't just care *about* animals, we care *for* them on a daily basis. For many years PIJAC has provided a highly respected animal care certification program intended to ensure that employees are well trained in the care of the animals they sell; a program that is widely utilized not only by persons in the commercial pet trade but also shelters and humane societies throughout the country and one that has even been adopted as a statutory standard in some states. PIJAC has worked closely with the USDA on effective implementation of the Animal Welfare Act for pets since its inception almost fifty years ago, and has joined hands with state agencies to ensure adoption and enforcement of appropriate regulatory standards. Our association has long been recognized as the voice for a responsible and humane pet trade.

PIJAC is focused on legislative and regulatory activity that impacts responsible pet businesses, responsible pet ownership, and the availability of pets. We represent the interests of all segments of the pet industry in the United States, including the responsible companion animal owners of Oregon and across the country. Our members include pet-related businesses and responsible hobbyists who represent the 63% of U.S. households that enjoy caring for a wide variety of companion animals. As such, we offer an unmatched depth and breadth of experience on legislative efforts to verify and certify the health and well-being of animals sold as pets, from the time they are born all the way until they are taken home and made part of the family.

In the proposed changes to Chapter 635, Division 44 (provided as materials¹ for the March 18 meeting of the Oregon Fish and Wildlife Commission), the definition of "Migratory bird" (635-044-0420 (10)) differs

¹ Materials for the March 18, 2016 meeting of the Oregon Fish and Wildlife Commission:
http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/Exhibit%20A_Attachment%203_Draft%20Oregon%20Administrative%20Rules.pdf

from the January 16, 2016 draft; specifically, the exclusion of birds listed in OAR 635-057-0000 has been removed from the proposed rule. It is our interpretation that this language, which would have exempted owners of popular psittacine species from the permit requirements, was unnecessary because of the reference to the list of migratory birds in the Code of Federal Regulations. We would appreciate confirmation that owners of parrots, parakeets, cockatoos and similar psittacine species are not required to obtain permits as stipulated in this rule.

We are encouraged that the proposed changes do not constitute a “no touch rule” as explained on the ODFW website². Many of our members are enthusiastic herpers who enjoy observing reptiles and amphibians in their native habitats. We concur that these activities are an opportunity to inspire environmental stewardship, which is a key part of PIJAC’s mission. If the proposed rule is enacted, we suggest that ODFW take steps to reassure amateur and professional naturalists that non-destructive field observations, for herps and other classes of wildlife, may continue.

We are concerned, however, that the inclusion of 635-044-0480 “Holding of Nongame Wildlife” in the proposed regulation creates a defacto “white list” of approved wildlife that can be possessed by the public in addition to the “black list” of protected species under 635-04-0005 “Protected Wildlife”. This is concerning because such a “white list” presupposes that those species not included on the Department’s list of approved animals pose a significant risk to the environment or public if released when in fact, the animal was not included on the “white list” simply because no one has petitioned ODFW to add the species to the regulation.

PIJAC is also concerned that the species listed under Holding of Nongame Wildlife (635-044-0480) was determined using outdated information from the Oregon Biodiversity Information Center (ORBIC). Language under 635-044-0480.1 shows the “white list” of species permitted to be held for 2016 and beyond was determined using information that was last updated in September of 2013. Additionally, 635-044-0480.2 indicates that additional species may be added or removed to the “white list” simply by petitioning the Director via written request.

As such, we recommend that ODFW instead develop and publish for review the specific criteria and science-based process it will use for reviewing whether a species is added or removed from the list under 635-044-0480 as well as the list under 635-044-0430. Doing so will help Oregon avoid inadvertently adding pet animals in the future that do not warrant the additional regulations and permits for holding. A well-structured, openly communicated science-based process will provide a balanced result that safeguards the well-being of animals, the environment, and public in Oregon.

PIJAC would also like recommend that ODFW identify and institute a long-term, efficient solution for determining appropriate and reasonable risk management protocols, and providing expertise on standards of care for animals beyond that of the ORBIC classification system currently being utilized according to Agenda Summary found on the ODFW website³. The process outlined in the white paper, *From Bottom to Top: Proposing a Framework for Developing Regulations for Captive Wildlife* is an effective alternative. This document, included with this comment letter, is more than an academic

² http://www.dfw.state.or.us/wildlife/hot_topics/holding_propagating.asp

³

http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/Exhibit%20A_Attachment%201_Agenda%20Item%20Summary.pdf

endeavor. The process described in the white paper was used by the Florida Fish and Wildlife Conservation Commission (FWC) in 2005 when FWC initiated a comprehensive review of its captive wildlife regulations and helps illustrate a process that can be used to address concerns about responsible animal ownership on all sides of the issue and better understand the animals in the trade without becoming inhibited by political solutions without objective analysis.

As stated previously, PIJAC requests these items outlined above are clarified and addressed by the Oregon Department of Fish and Wildlife before this rulemaking is finalized, and we welcome the opportunity to discuss these items with you at greater length. We have a long history of collaborating to ensure that regulations and legislation are both workable and meet the intent of the jurisdiction, and we would be happy to offer our expertise to the Department to address these concerns.

Please do not hesitate to contact us at 202-452-1525 x 1040 or via email at josh@pijac.org for further information.

Thank you,

Joshua Jones
Director of Legislative & Regulatory Engagement
Pet Industry Joint Advisory Council

Enclosures

FROM BOTTOM TO TOP
Proposing a Framework for Developing Regulations for Captive Wildlife

Scott Hardin, PIJAC Science Advisor

Eugene Bessette, Ophiological Services, Inc.

Ken Johnson

Captain John West, Florida Fish and Wildlife Conservation Commission (retired)

Exotic wildlife⁴ is the subject of intense public interest, enveloping a suite of personal pets held by millions of Americans as well as captive wild specimens held almost exclusively by public exhibitors. Nearly 18.5 million U.S. households owned over 79 million exotic pets in 2012, primarily fish but also a variety of small animals (ferrets, hamsters, guinea pigs, etc.), birds and reptiles⁵. The fascination with exotic animals is further exemplified by the popularity of public zoos and aquaria. The Association of Zoos and Aquariums (AZA) estimates 175 million people annually visit exhibits of captive wildlife. The 224 AZA-accredited facilities (213 in the U.S.) house over 750,000 animals representing roughly 6000 species, including a thousand imperiled species⁶.

Serious incidents involving certain types of captive wildlife are uncommon but invariably such occasions command a great deal of media attention, perhaps because of the mystique surrounding large or dangerous animals from far-away places. Incidents such as the tragic release of animals from a private zoo in Ohio continue to fuel public policy discussion, which has spawned legislative proposals to prohibit possession of a broad array of captive animals posing very disparate risks to human health and safety. Safe and responsible possession of non-domestic species is a legitimate subject for public debate. Unfortunately, the pursuit of “top down” political solutions, in the emotional aftermath of death or injury to humans or animals, is often a polarized and hurried process rather than a collaborative effort involving pet, wildlife and zoo professionals whose experience can lend valuable insight.

We have found that a “bottom up” approach to the development of captive wildlife regulations can be effective in protecting the public and the animals. The approach is not independent of

⁴ Exotic wildlife is used here to describe pets other than domesticated companion animals (e.g., dogs, cats) and livestock (e.g., horses, chicks, ducks); the majority of exotic wildlife are species not native to the United States.

⁵ Data compiled from a survey conducted by the American Veterinary Medical Association. see <https://www.avma.org/KB/Resources/Statistics/Pages/Market-research-statistics-US-pet-ownership.aspx>

⁶ <https://www.aza.org/zoo-aquarium-statistics/>

political concerns, but rather a practical route to a balanced solution following the general direction of policy makers. Although the framework described below will not necessarily produce unanimity among its participants, the process is likely to result in a greater acceptance of regulatory solutions and avoid the unintended consequences of eleventh hour amendments that characterize heated political battles.

Regulation as an element of risk management

Regulations to govern the acquisition, possession, and transportation of certain classes of animals are often regarded as the primary solution to concerns over public safety, animal welfare and environmental impacts. In the larger picture, government regulation is one of several risk management options to reduce danger to humans and ensure humane treatment of the animals. For some classes of wildlife (e.g., large carnivores, non-human primates, venomous reptiles), regulations dictating standards of containment and husbandry are essential. However, there are many animals that pose little danger to humans for which education, outreach, industry codes of conduct and best-management practices may be more appropriate. Where regulatory solutions are necessary, these avenues can play a complementary role in further mitigating risk.

Risk analysis, the determination of specific factors that contribute to the likelihood of adverse incidents, is a pre-requisite to the ultimate goal of risk mitigation. For example, are the current physical barriers sufficiently robust to deterioration? Are there secondary and tertiary containment barriers? Are existing deterrent strategies widely known and practiced? Do particular facility locations present concerns, i.e. is the facility near a school or densely populated neighborhood? Are specialized and unique animal husbandry practices necessary to ensure humane treatment and safeguard other animals, caretakers and the public?

Sensationalized incidents in our 24-hour news cycle often foster immediate calls for political solutions without objective analysis. Despite their public appeal, proposals to prohibit the possession of “dangerous” or “invasive” species do not eliminate the possibility of adverse incidents and, in fact, may be counterproductive. A collaborative process outside the political arena to fully characterize risks and analyze vulnerabilities can produce more desirable results.

Risk-based regulations

The risk of serious human injury varies considerably among captive wildlife species, e.g., a large mobile carnivore compared to an ambush predator such as an exotic constrictor. In lieu of a “one size fits all” approach, risk-based regulations consider the biology, anatomy and behavior of a species (or group of similar species) to develop rules and practices governing containment and humane treatment. Inclusion of industry representatives with knowledge of the husbandry

and habits of the various classes of captive wildlife is essential to craft appropriate standards commensurate with the risk to public safety while protecting the welfare of the animals.

Another important consideration in developing regulations is the practicality of their implementation. Although laws, rules and ordinances are enacted by legislative bodies, executive agencies and departments are responsible for their enforcement. In some instances, these agencies are tasked with promulgating operational rules that reflect the general direction of legislative decisions. In either case, staff charged with compliance can benefit from learning the subtleties of propagation and care of exotic wildlife, while those in the pet industry will profit from understanding the challenges faced by enforcement officers.

Ultimately, regulations must make sense to those who enforce them and those who will be governed by them, as well as to stakeholders who may not be directly affected. Excessively complicated rules are subject to misinterpretation, leading to compromised security and adversarial relationships between the regulated community and compliance agencies. A conversation between these parties throughout regulation development is a cornerstone for a successful outcome.

A bottom-up process

Our model for developing and evaluating effective, enforceable regulations calls for an extended collaboration of subject matter experts. The product of this cooperative effort will provide guidance to legislative bodies or to the agencies charged with implementing statutes or ordinances. Engaging representative experts during regulation development will improve understanding among stakeholder communities and reduce the likelihood of protracted political debate and last-minute amendments with unintended consequences.

The process has three key elements: (1) a standing team of stakeholders from all sides of the issue; (2) a timeline long enough to allow the participants to develop legitimate working relationships and foster honest dialogue; and (3) a pro-active process not driven by the influence of sensationalized incidents or media-driven controversy.

Stakeholders: Several groups with a stake in the management and regulation of captive wildlife must be represented including pet breeders, distributors and retailers; state or local enforcement agencies; wildlife rehabilitators; sanctuaries; wildlife veterinarians; exhibitors, e.g., zoo, circus, attraction, aquarium; animal control agencies; animal welfare advocates; and private wildlife preserves. Representatives could be chosen by a legislative body or by the agency responsible for the administration and enforcement of captive wildlife regulations.

Timeline: Depending on the breadth of the issue, the process may take a year and as many as six meetings. It is crucial that the meeting atmosphere is conducive to overcoming inherent stakeholder barriers and personal biases and to encourage appreciation for a variety of perspectives. Meetings should span two days and allow for networking opportunities in the evening.

Pro-active: The process of regulation development should not mainly focus on circumstances associated with an unusual or highly publicized incident where political pressure and public demand for immediate action can abbreviate the necessary deliberation. Such an event, however, may create an opportunity for a review of captive wildlife regulations to become a priority. A standing stakeholder team with background knowledge, historical perspective and working relationships will be able to provide reasoned advice to policy makers and legislators in the aftermath of such an incident.

We emphasize that this is a process, not an outcome. Lawmakers or agency management are not obligated to adopt the recommendations resulting from the stakeholder panel, in whole or in part. Furthermore, it is likely that some stakeholder representatives will not endorse every recommendation. However, subsequent public debate over proposed regulations will be more narrowly focused and amendments offered should not come as a surprise to the participants. Regardless of the ultimate outcome, the process holds value in promoting dialogue and understanding in a transparent manner, and in establishing relationships that will be of value in future discussions.

A real world example

The Florida Fish and Wildlife Conservation Commission (FWC) administers and enforces captive wildlife regulations⁷ for non-domestic animals. The State of Florida has a long history of animal exhibits associated with the tourist industry along with many breeders, importers and distributors of exotic wildlife for the pet industry. FWC first enacted captive wildlife regulations in 1970. Its current regulations are extensive and detailed, reflecting the diversity of the pet industry in Florida.

In 2005, FWC initiated a comprehensive review of its captive wildlife regulations⁸. Stakeholders were invited to attend a series of meetings to review, and revise if appropriate, the requirements for caging, identification, transportation and general husbandry of all classes of captive wildlife⁹. The stakeholder group represented several interest groups including

⁷ Unlike most state fish and wildlife agencies, FWC is a constitutional agency with the authority to create wildlife-related regulations other than for penalties and fees for violations, fees and permits.

⁸ This was the third regulation review involving stakeholders; Eugene Bessette participated in all the reviews.

⁹ FWC classifies captive wildlife in four categories, primarily based on potential danger to humans, with different permit requirements and fees. See <http://myfwc.com/license/captive-wildlife/>

government, industry, animal welfare and non-profits (see appendix for the complete list of participants). Participants from prior FWC captive wildlife regulation reviews were invited to provide a historical perspective. Two of the authors of this document, Eugene Bessette and Ken Johnson, were stakeholder representatives during this review, and author John West was one of the FWC staff who organized and held the meetings.

Meetings were held throughout the state to encourage public attendance and participation. Typically meetings lasted a full day and half the next. Stakeholders in travel status stayed at one hotel, with accommodations arranged by FWC. Participants dined together and attended evening networking functions, which encouraged camaraderie and collaboration during and outside the meetings. Stakeholders sat in a round-table format to encourage dialog and eye contact. Topics were introduced by members with relevant expertise and group discussion followed. Members of the public were often recognized for comments on and feedback to the stakeholder discussion.

After the first two meetings, participants became comfortable with one another and began to understand other perspectives and interests. Although suspicion of individual agendas lingered throughout the review, stakeholders collectively were able to reach consensus on most issues. By the nature of their organization, some participants had a narrow focus while others were generally interested in the overall project goal. However, the extended timetable and meeting atmosphere fostered a process that was educational for all and one that broadened the participants' appreciation for the spectrum of captive wildlife issues.

The review resulted in several recommended regulation changes including significant additional requirements for the possession of certain large constrictors. Many of these regulations were approved in subsequent meetings of the FWC. As expected, some stakeholders did not endorse all of the recommended rules and stakeholder groups provided substantial comments at FWC Commission meetings when regulations were considered, both in support of and dissenting from the proposals. However, the extended review smoothed over many issues that would have otherwise been contentious, ultimately leading to greater understanding and acceptance.

APPENDIX – Stakeholders participating in Florida Fish and Wildlife Conservation Commission Captive Wildlife regulation review.

Ms. Julie Alexa Strauss - Corporate Counsel for FELD Entertainment, Inc. (Ringling Bros. and Barnum & Bailey Circus)

Dr. Terri Parrot-Nenezian - Veterinarian specializing in wildlife and exotics; Wildlife Rehabilitator; Exhibition/Sale Licensee with authorizations for most Class I and II families

Mr. Dan Martinelli - Treasure Coast Wildlife Hospital, Executive Director; Wildlife Rehabilitator; Exhibition/Sale Licensee with authorizations for most Class I and II families; Venomous Reptile Licensee

Mr. Eugene Bessette - Ophiological Services, Founder and Director; Venomous Reptile Licensee; Exhibit/Sale Licensee for Class III reptiles

Mr. Joe Christman - Curator of Mammals for Disney's Animal Kingdom

Dr. Leroy Coffman - Veterinarian; Former State Veterinarian and Director of Animal Industry with the Florida Department of Agriculture and Consumer Services

Mr. Ken Johnson - Humane Society of the United States

Dr. Susan Clubb - Veterinarian; Co-owner of Hurricane Aviaries; Staff Veterinarian for Parrot Jungle Island

Mr. Bill Armstrong - Hillsborough County Animal Control, Director; Florida Animal Control Association, President; County Emergency Response Coordinator for Emergency Support Function (ESF) 17 (Animal Issues)

Mr. R. Donovan Smith - Close Up Creatures, Inc., Founder and Director; NGALA Private Reserve, Founder; Exhibit/Sale licensee with authorizations for elephants, hippos, felids, crocodilians, and ratites

Ms. Gloria Noble Johnson - Cougar Ridge Education Center, Inc., Founder; Exhibit/Sale Licensee with authorizations for Class I and Class II cats

Mrs. Kathy Stearns - Stearns Zoological Rescue and Rehab, Founder; Wildlife Rehabilitator; Exhibit/Sale Licensee with authorizations for Class I bears and cats, Class II primates and cats, and Class III

Roxann B Borisch

From: BenjiOtter1@aol.com
Sent: Wednesday, June 08, 2016 10:43 AM
To: ODFW.Commission@state.or.us
Subject: Division 44 rule changes for June 8 ODFW Commission Meeting

Dear Dr. Gillin and members of the Commission,

Just to be brief here, as I will be attending the ODFW Commission meeting tomorrow in Salem

I have reviewed the updated Division 44 rule changes for the 6/9/16 hearing coming up in Salem. Thank you for taking the time and effort to change some of the issues that are of great importance to all of the Oregon raccoon and skunk owners.

One concern I have personally is the requirement of identification and sterilization (in certain cases) for aged and geriatric animals, some are well past a breedable age and actually may pass away before the final rule takes effect next year. Can there be an exception for these animals, perhaps due to a veterinarian's written advise against the procedure for these certain animals?

I am aware of other issues that are being pointed out about details within the updated draft revision changes but I will point out just one for now, in page 6 of exhibit "A", attachment 3- the Enclosure and Caging Standards For Holding Wildlife-, where it still states that raccoons can only be acquired by AZA facilities or as approved by the director after June 13, 2016. Will that part be updated to reflect that raccoons will not be restricted as bobcats are?

It is my hope that the statement within the Agenda Item Summary about discontinuing personal possession of certain animals is not to mean including ending the keeping of skunks and raccoons.

Thank you.

Bill Ahlquist

June 8, 2016

Via mail, fax & email

Oregon Department of Fish and Wildlife
7118 NE Vandenberg Ave.
Corvallis, OR 97330

RE: Oregon Administrative Rule (OAR) Chapter 635 Division 44

ODFW Commission:

In regards to your May 31, 2016 letter, I am writing to express my opposition to the above referenced rule regulating the holdings of pet skunks.

I have owned domestic skunks for over 20 years. Myself along with many friends whom possess skunks, are responsible pet owners. These animals have all been vet checked and most have been spayed/neutered and cause absolutely no harm in private holdings.

In addition, we not only love these pets dearly, but also use them in educational programs in both schools and elderly care facilities. Most skunks have a very sweet disposition and provide calming effects with handicap children and adults with disabilities as well. It is a proven fact that the impact of animals on child development in physical and psychological therapeutic treatments show positive results. People are overjoyed when they are allowed to interact with these animals.

Again, I adamantly oppose any changes to the current laws as these changes will cause hardship both emotionally and economically to both Oregon citizens and businesses. Thank you for your attention and consideration.

I urge you to oppose any changes to the current laws. Please vote NO tomorrow.

Very truly yours,

Candy Hegele
7950 N Lone Pine Road
Terrebonne, OR 97760
(503) 519-3606
candyhegele@rocketmail.com

Roxann B Borisch

From: Phil Goss <President@USARK.org>
Sent: Wednesday, June 08, 2016 9:34 PM
To: odfw.commission@state.or.us; odfw.comments@state.or.us; curt.melcher@state.or.us;
ODFW Commission; ODFW.WildlifeInfo@state.or.us
Subject: Please reconsider Division 44 changes
Attachments: Oregon Comment June 2016.pdf

Oregon Department of Fish and Wildlife Officials,

Please see the attached comment we have submitted on behalf of our many Oregon members. Have a good day.

Phil Goss
President of USARK
United States Association of Reptile Keepers Protecting Your Freedom to Responsibly Keep Reptiles
and Amphibians as Pets www.USARK.org
www.facebook.com/UnitedStatesAssociationOfReptileKeepers
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Oregon Department of Fish and Wildlife
4034 Fairview Industrial Drive S.E.
Salem, Oregon 97302

Re: Division 44, Chapter 635 rule changes

Oregon Department of Fish and Wildlife Officials,

The United States Association of Reptile Keepers ("USARK") is a science, education and conservation-based non-profit membership organization representing responsible breeders, hobbyists, conservationists, business owners, herpetologists, and scientists who work with or in the herpetocultural industry. We have been contacted by dozens of Oregon citizens requesting we comment on your proposed, and now apparently accepted, rule changes to Division 44, Chapter 635 regarding reptiles and exotic animals.

If you are not aware of the size of the reptile and amphibian pet community, it is estimated that over 60,000 Oregon residents responsibly keep reptiles as pets (via a national study from the American Pet Products Association). Not only do thousands of Oregon residents responsibly keep herps as pets, but hundreds also breed these animals, some species of which will now be illegal to keep and breed under new rules.

The prohibition of keeping federally-listed non-native threatened/endangered species will have a negative impact on conservation and captive breeding efforts for these species. Many Oregon residents have spent thousands of dollars to ensure captive breeding populations of species struggling or nearly extinct in the wild. This action would harm decades of conservation work accomplished within the state. Many private keepers have invested years and even decades into breeding these species and ensuring their survival while wild populations are devastated from habitat loss due to human over-population.

The Endangered Species Act ("ESA") already regulates animals that are threatened/endangered. The proposed regulation changes for Oregon are far over-reaching and much more prohibitive than the federal law. While many states did take a knee-jerk approach to banning ownership of listed species following the introduction of the ESA in 1973, states are now realizing this problems with doing such. In 2014 alone, Arizona and Virginia saw the flaws with this action. Virginia removed their prohibition of keeping ESA-listed species, and Arizona retracted proposed rule changes similar to Oregon's. Officials in both states took the time to become education regarding the unintended consequences with this regulation and did was right, both for the animals and their keepers.

Additional regulation may lead to the unnecessary euthanization of thousands of animals that are insuring survival of their species in captivity. Over-regulation will make it impossible for private breeders to recoup the money they earn by selling these animals to breeders/conservationists in other states. This money is used for food, habitats and other husbandry needs making it possible to continue working with these species. By prohibiting propagation of these species, the Department is actually inhibiting the survival of endangered species, not aiding it. This will occur if the Department adds federal-listed threatened/endangered species to their list of Live Restricted Wildlife and amends the rule to also end breeding activity.

Non-native species are continually added to the ESA list as "enviro" groups who do nothing to help these animals continually petition USFWS and threaten lawsuits if the species are not listed. These groups profit by fundraising on the promotion of these efforts, but rarely, if ever, do any work or contribute funds to actually help the species. To the opposite, keepers of these animals promote

conservation efforts through education and groups such as the Turtle and Tortoise Preservation Group, which raises tens of thousands of dollars annually to help in situ and captive conservation efforts for turtles.

Not only does ESA already regulate these species, but the majority, if not all, non-native ESA-listed species are also protected under the Convention on International Trade in Endangered Species of Wild Fauna and Flora ("CITES"). CITES and ESA afford the wild populations of these animals much protection. While illegal wildlife trafficking does still occur, it is not the U.S. pet trade

Making these species illegal to keep not only unjustly punishes responsible keepers, but many animals will be negatively affected. There are already many federally-listed endangered and threatened species and their captive-produced offspring in the state. In addition, most of these species have rarely, if ever, been sterilized. What exactly is the justification for sterilizing an endangered species?

If you're unaware, wild-collected specimens of these species are no longer imported into the United States. The only offspring found in trade are bred in captivity.

We're also aware of many field herping issues raised by Oregon herpers and hopefully the Department will take a second listen to their concerns.

Please reconsider the negative impacts your proposed changes will have on animals and Oregon citizens who responsibly own these animals. USARK asks that you remove the proposed changes from your amendment to the rule. We're always here to work with government agencies and represent the voices of our members and herpetoculture. Thank you for your time and have a good day.

Sincerely,

Phil Goss

President of USARK

United States Association of Reptile Keepers

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ODFW WildlifeInfo

From: bandpjordan@epud.net
Sent: Wednesday, June 08, 2016 12:39 PM
To: odfw.wildlifeinfo@state.or.us
Subject: Chapter 635 Division 44

Hi, I received a letter from you as a Stakeholder. I reviewed the proposed rule changes but am still uncertain about the future rules for domestic skunks. The rule states " exception" for domestic skunks and raccoons. What are those exceptions? Please let me know so I will know whether to send additional comments. Thanks, Penny Jordan

Roxann B Borisch

From: Jeremiah Easter <jeremiaheaster@gmail.com>
Sent: Wednesday, June 08, 2016 6:44 PM
To: odfw.commission@state.or.us
Subject: Fwd: Urgent: Proposed changes to Division 44 OARs (regarding reptiles and amphibians)
Attachments: 20160402_134205.JPG; herping-with-indiana.JPG; IMG_0838.JPG; IMG_0920.JPG; IMG_3011.JPG; IMG_4043.JPG; IMG_4142.JPG; IMG_20160402_150621.JPG; IMG_20160402_164729.JPG; IMG_20160416_153220.JPG; DesertHornedLizard-AlvordDesert-515x515.jpeg; LeopardLizard-ORAlvordDesert-515x514.jpeg; PortlandCityPark-515x509.jpg; Letter and suggestions to Commission.docx

Hello Commissioners - I hope this letter finds you all well. I understand that the proposed changes to Division 44 OARs will be either accepted or rejected tomorrow. Before that happens I hope you will thoughtfully consider this email.

Who Am I

My name is Jeremiah Easter and I am an avocational herpetologist. I have been personally studying reptiles, especially their distribution, abundance, and natural history, for over 25 years. I have authored several articles on reptiles and amphibians, contributed new information to the known distribution and habits of reptiles, and attended many meetings, events and conferences including the World Congress of Herpetology which was recently held in Vancouver, Canada.

In addition to my background as a herpetologist I am a former herpetoculturist and an avid 'Field Herper'. I am a co-founder of the hobbyist magazine HerpNation and am well connected with the community of field herpers in the Northwest, across the US and internationally. In addition to this background I am a motivated conservationist compelled to do my part to protect and conserve wildlife and wildlife habitat for all generations to come.

Why I'm Writing

I am writing regarding proposed regulation changes as they would affect reptiles and amphibians. I feel that the proposed changes would negatively impact reptile and amphibian conservation as well as relations between the department and the constituency I am writing to represent. Rather than repeat what others have carefully said, I am attaching a letter (which I assume you have already received) from a well respected herpetologist and colleague named Chris Rombough. I have thoroughly reviewed his letter and am in complete agreement with his suggested changes. I also completely agree with his reasoning for opposing the acceptance of the proposed regulations as they are currently written. Please add my voice and consider it in solidarity with his as you make a decision on these regulations.

Final Plea for the Kids

I am a Washington State resident who spends a great deal of time on the back-roads of Oregon. I routinely take my four children and other children to Oregon locations to help them experience wildlife at its best - in the wild. As a family we are some of the biggest supporters of reptile and amphibian conservation, yet the proposed regulations as written would make our activities criminal! (*Please see attached photos of criminals*). Although

we have occasionally kept wild reptiles and amphibians to observe and study, we are not reptile keepers. My point is this: I (and people like me) are effectively raising the next generation of wildlife conservationists through a little known and much maligned hobby called field herping. Why would the State of Oregon want to criminalize this conservation minded, self regulating, wonderfully educational pastime? I have heard it said that the intent of these regulations is not to criminalize field herping, however that is exactly what they will do.

Although I would like to attend the meeting and give my testimony regarding the proposed regulations, my distance and schedule as a father of four does not allow me to attend. Please hear my voice and know that I do not just speak for myself when I say: **Please do not adopt these regulation changes tomorrow.**

With Respect,

Jeremiah Easter

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