

DIVISION 44**PROTECTED WILDLIFE, HOLDING, AND GAMEBIRD PROPAGATING RULES****635-044-0400****Purpose**

The purpose of these rules is to identify the species of wildlife that are protected; the species of wildlife that may be held and conditions for holding; and to regulate the propagation of game birds.

Stat. Auth.: ORS 496.004, 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

635-044-0410**Taxonomy****(1) Scientific taxonomic nomenclature reflects the following:****(a) Fish:**

(A) Nelson, J. S., E. J. Crossman, H. Espinosa-Perez, L. T. Findley, C. R. Gilbert, R. N. Lea, and J. D. Williams. 2004. Common and scientific names of fishes from the United States, Canada, and Mexico. American Fisheries Society, Special Publication 29, Bethesda, Maryland.

(B) Moyle, P. B. 2002. Inland fishes of California. Revised and expanded. University of California Press. Berkeley, California.

(C) Jelks, H.L., S.J. Walsh, N.M. Burkhead, S. Contreras-Balders, E. Diaz-Pardo, D.A. Hendrickson, J. Lyons, N.E. Mandrak, F. McCormick J. S. Nelson, S. P. Platania, B. A. Porter, C.B. Renaud, J.J. Schmitter-Soto, E. B. Taylor, and M. L. Warren, Jr. 2008. Conservation status of imperiled North American freshwater and diadromous fishes. Fisheries. 33(8): 372-407.

(b) Amphibians and reptiles -- Crother, B. I., editor. 2012. Scientific and standard English names of amphibians and reptiles of North America north of Mexico, with comments regarding confidence in our understanding. 7th Edition. Society for the Study of Amphibians and Reptiles, Herpetological Circular No. 37.

(c) Birds -- Marshall, D.B., M.G. Hunter, A.L. Contreras, editors. 2003. Birds of Oregon: A General Reference. Oregon State University Press. Corvallis, Oregon.

(d) Mammals -- Wilson, D. E. and D. M. Reeder, editors. 2005. Mammal species of the world; a taxonomic and geographic reference. 3rd Edition. Johns Hopkins University Press.

1 (d) Mammals -- Wilson, D. E. and D. M. Reeder, editors. 2005. Mammal species of the world; a
2 taxonomic and geographic reference. 3rd Edition. Johns Hopkins University Press.

3 (2) If the taxonomic status of individual species is changed through subsequent publications,
4 scientific taxonomy shall remain as cited in 635-044-0410(1) and 635-044-0430.

5 Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,
6 498.052, 498.222, 498.242

7 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,
8 498.029, 498.052, 498.222 & 498.242

9
10 635-044-0420

11 Definition of Terms

12 (1) "Animal Entertainment Industry" means for-profit or nonprofit businesses or organizations
13 that hold wildlife for the purpose of providing wild animals on a movie set, film set, television
14 set, still photography set, or any other professional entertainment activity utilizing captive
15 wildlife allowable under the rules and requirements in Chapter 635 Division 44.

16 (2) "AZA" means the Association of Zoos and Aquariums.

17 (a) AZA-accredited facilities must incorporate education, conservation and wildlife research as
18 part of their mission and business model.

19 (3) "AVMA" means the American Veterinary Medical Association.

20 (4) "Department" means the Oregon Department of Fish and Wildlife.

21 (5) "Education animal" means wildlife acquired and legally held by a licensed Oregon Exhibitor
22 or Wildlife Rehabilitator as defined in 635-062-0040 and in an approved facility;

23 (a) Education animals are primarily non-releasable migratory birds but may include other
24 wildlife species approved by the Department;

25 (6) "Educational facility" is a for-profit or non-profit organizations holding non-releasable captive
26 wildlife, often received from Wildlife Rehabilitators, or other captive bred or wild caught
27 sources as approved by the Department, whose primary mission and business model is to
28 provide educational information to the public as part of a living history museum involving
29 native wildlife. Zoos and Aquariums are examples of educational facilities.

30 (7) "Exhibitor" means any person who legally acquired wildlife for exhibition or educational
31 purposes and who holds that wildlife under the requirements of OAR 635, division 044;

32 (a) Wildlife held by an Exhibitor includes, but is not limited to, animals used for commercial
33 and non-profit or education purposes, or in carnivals, circuses, and zoos;

34 (b) Wildlife held for exhibition or educational purposes does not include those held for
35 falconry, game bird propagation, or captive cervid facilities.

1 (8) "Endangered species" means those species defined in ORS 496.004(6).

2 (9) "Facility" means any building, structure, cage, or pen in which wildlife may be kept, fed,
3 exercised, or held during any portion of its life stages.

4 (10) "Grandfathering" means, for the purpose of these rules, that a person who legally held native
5 wildlife in Oregon on January 20, 2017, may continue to hold the animal(s) for the life of said
6 animal(s) within the provisions of these rules.

7 (11) "Hold" means any form of possession or control of a live animal, gamete, or hybrid thereof.
8 The term does not include the observation or casual temporary holding of wildlife for
9 observation and photographic purposes in their natural habitat where the animal is not
10 removed from its immediate location.

11 (12) "Hybrid" means any offspring, gamete or egg that is produced from wild parent animals of
12 different strains, races, varieties, species, or genera. (for example: *Canis familiaris* (domestic
13 dog) x *Canis lupus* (wolf) are considered F1 generation wolf hybrids. No state permit is
14 required to possess F1 hybrids or the progeny of F1 generation wolf hybrids, however cities
15 and counties may prohibit possession or require a permit.)

16 (13) "Import/importation" means to bring or cause live wildlife to be transported into Oregon by
17 any means.

18 (14) "Migratory bird" means any bird, whatever its origin and whether or not raised in captivity,
19 which belongs to a species listed in U.S. 50 CFR §10.13, including any part, nest, or egg of any
20 such bird.

21 (15) "Native" means indigenous to Oregon, not introduced (ORS 496.171 (2)).

22 (16) "Nongame wildlife" means all wildlife species except game mammals, fur-bearing mammals,
23 game birds, and game fish (ORS 496.375).

24 (17) "Pedigree" means the record of descent of an animal identifying its ancestry and genetic
25 lineage.

26 (18) "Permittee" means the person who holds a valid Wildlife Holding Permit, Wildlife
27 Exhibitor/Animal Entertainment Permit, Wildlife Sanctuary Permit or Gamebird Propagation
28 License issued by the Department.

29 (19) "Propagation" means the breeding, reproduction, production, incubation, or rearing of
30 wildlife for sale, release, or other uses. For purposes of these rules, propagation refers
31 specifically to gamebird species.

32 (20) "Public display" means to place or locate wildlife so that it may be viewed by the public
33 directly or electronically.

1 (21) "Release" means permitting any legally collected wildlife, domestically raised or imported
2 wildlife currently in possession to exist alive outside an approved holding or propagation
3 facility.

4 (22) "Sanctuaries" in Oregon are accredited by the Global Federation of Animal Sanctuaries and
5 provide lifetime care for previously captive wildlife. Wildlife held in sanctuaries may come
6 from private owners, research laboratories, the entertainment industry, or zoos. Sanctuaries
7 are distinguished from education and entertainment industries by limiting public display;
8 animals are not exhibited or transported from the sanctuary for non-medical reasons.

9 (23) "Sensitive species" means those wildlife species, subspecies, or populations that are facing one
10 or more threats to their populations, habitat quantity or habitat quality or that are subject to a
11 decline in number of sufficient magnitude such that they may become eligible for listing on the
12 state Threatened and Endangered Species List and that are included on the Sensitive Species
13 List pursuant to OAR 635-100-0040.

14 (24) "Species" means a unit of classification of animals which are capable of interbreeding and
15 producing fertile offspring.

16 (25) "SSP" means Species Survival Plan, which is a cooperatively managed species population
17 within AZA member institutions to ensure the sustainability of a healthy, genetically diverse,
18 and demographically varied population within AZA and its partners.

19 (26) "Take" means to kill or obtain possession or control of any wildlife (ORS 496.004 (16))

20 (27) "Threatened species" means those species defined in ORS 496.004 (17).

21 (28) "USFWS" means the U.S. Fish and Wildlife Service.

22 (29) "Wildlife" means those species defined in ORS 496.004 (19).

23 (30) "Wildlife held as pets" means wildlife species which are native to Oregon and may be legally
24 held including non-game wildlife, grandfathered species, or other wildlife under conditions of
25 Chapter 635 Div. 44 administrative rules and are not held for commercial or non-profit
26 purposes, or supported through fees, contracts or donations or as exhibit, educational, animal
27 entertainment industry or sanctuary animals or in an AZA or ZAA accredited facility.

28 (A) Wildlife held as pets cannot be bred, reproduced, or propagated and may not be offered for
29 sale, trade, barter, or exchange.

30 (31) "ZAA" means Zoological Association of America

31 (32) "Zoo or Aquarium" as defined by the Association of Zoos Aquariums (2016) means "a
32 permanent institution which owns and maintains wildlife, under the direction of a professional
33 staff, provides its animals with appropriate care and exhibits them in an aesthetic manner to the
34 public on a regular basis. The institution, division, or section shall further be defined as having as

1 their primary mission the exhibition, conservation, and preservation of the earth's fauna in an
2 educational and scientific manner."

3 Stat. Auth.: ORS 496, 496.390, 498.002, 498.029

4 Stats. Implemented: ORS 496

5
6 635-044-0430

7 Protected Wildlife

8 (1) Except as provided by Oregon statute or rule or letter of authorization, it is unlawful for any
9 person to take, capture, hold, release or have in possession, either dead or alive, whole or in
10 part, any wildlife listed in this section:

11 (a) Threatened or Endangered animals as provided for in 635-100-0125, Sensitive Species of
12 Oregon as provided by 635-100--0040, species listed by Oregon Biodiversity Information
13 Center (ORBIC) as "rare, threatened or endangered" in Oregon in the ORBIC published
14 book (2016) and federally listed threatened and endangered listed species;

15 (b) All nongame birds except European starling (*Sturnus vulgaris*), house sparrow (*Passer*
16 *domesticus*), and Eurasian collared-dove (*Streptopelia decaocto*); unless as authorized by a
17 Migratory Bird Depredation Order, or in compliance with all terms and conditions of a
18 Migratory Bird Depredation Permit issued by the US Fish and Wildlife Service under Title
19 50 Code of Federal Regulations Part 21, Subpart D. Nothing in this rule is intended to
20 affect the provisions of ORS 610.002 to 610.990, or

21 (c) Fish:

22 (A) Alvord Lake chub (*Siphateles alvordensis*);

23 (B) Oregon lakes tui chub (*Siphateles bicolor oregonensis*);

24 (C) Sheldon tui chub (*Siphateles bicolor eurysomus*);

25 (D) Oregon chub (*Oregonichthys crameri*);

26 (E) Goose Lake tui chub (*Siphateles bicolor thalassinus*);

27 (F) Northern pit roach (*Hesperoleucus symmetricus mitrulus*);

28 (G) Millicoma longnose dace (*Rhinichthys cataractae ssp.*);

29 (H) Lahonton reaside shiner (*Richardsonius egregius*);

30 (I) Goose Lake sucker (*Catostomus occidentalis lacusanserinus*);

31 (J) Klamath smallscale sucker, Jenny Creek population (*Catostomus rimiculus*);

32 (K) Tahoe sucker (*Catostomus tahoensis*);

33 (L) Malheur sculpin (*Cottus bendirei*);

34 (M) Margined sculpin (*Cottus marginatus*);

- 1 (N) Pit sculpin (*Cottus pitensis*);
2 (O) Pacific lamprey (*Entosphenus tridentatus*);
3 (P) Western river lamprey (*Lampetra ayresii*);
4 (Q) Western brook lamprey (*Lampetra richardsoni*);
5 (R) Miller Lake lamprey (*Entosphenus minimus*);
6 (S) Klamath River lamprey (*Entosphenus similis*);
7 (T) Pit-Klamath brook lamprey (*Entosphenus lethophagus*);
8 (U) Goose Lake lamprey (*Entosphenus spp.*);

9 **(d) Amphibians:**

- 10 (A) Cope's giant salamander (*Dicamptodon copei*);
11 (B) Clouded salamander (*Aneides ferreus*);
12 (C) Black salamander (*Aneides flavipunctatus*);
13 (D) California slender salamander (*Batrachoseps attenuatus*);
14 (E) Oregon slender salamander (*Batrachoseps wrightorum*);
15 (F) Del Norte salamander (*Plethodon elongatus*);
16 (G) Larch Mountain salamander (*Plethodon larselli*);
17 (H) Siskiyou Mountains salamander (*Plethodon stormi*);
18 (I) Blotched tiger salamander (*Ambystoma mavortium melanostictum*);
19 (J) Dunn's salamander (*Plethodon dunni*);
20 (K) Southern torrent salamander (*Rhyacotriton variegatus*);
21 (L) Columbia torrent salamander (*Rhyacotriton kezeri*);
22 (M) Cascade torrent salamander (*Rhyacotriton cascadae*);
23 (N) Crater lake Newt (*Taricha granulosa mazamae*);
24 (O) Rocky Mountain tailed frog (*Ascaphus montanus*);
25 (P) Coastal tailed frog (*Ascaphus truei*);
26 (Q) Northern red-legged frog (*Rana aurora*);
27 (R) Foothill yellow-legged frog (*Rana boylei*);
28 (S) Cascades frog (*Rana cascadae*);
29 (T) Northern leopard frog (*Lithobates pipiens*);
30 (U) Columbia spotted frog (*Rana luteiventris*);
31 (V) Oregon spotted frog (*Rana pretiosa*);
32 (W) Western toad (*Bufo boreas*);
33 (X) Woodhouse toad (*Anaxyrus woodhousii*);
34 (Y) Great Basin spadefoot (*Spea intermontana*);

1 **(e) Reptiles**

2 **(A) Western painted turtle (*Chrysemys picta bellii*);**

3 **(B) Western pond turtle (*Actinemys marmorata*);**

4 **(C) Great Basin collared lizard (*Crotaphytus bicinctores*)**

5 **(D) Long-nosed leopard lizard (*Gambelia wislizenii*);**

6 **(E) Pygmy short-horned lizard (*Phrynosoma douglassi*);**

7 **(F) Desert horned lizard (*Phrynosoma platyrhinos*);**

8 **(G) Sharp-tailed snake (*Contia tenuis*);**

9 **(H) Common kingsnake (*Lampropeltis getula*);**

10 **(I) California mountain kingsnake (*Lampropeltis zonata*);**

11 **(J) Western ground snake (*Sonora semiannulata*);**

12 **(K) Racer (*Coluber constrictor*)**

13 **(L) Rubber boa (*Charina bottae*)**

14 **(M) Night snake (*Hypsiglena chlorophaea*)**

15 **(N) Striped Whip snake (*Coluber taeniatus*)**

16 **(O) Ring-necked snake (*Diadophis punctatus*)**

17 **(P) Pacific coast aquatic garter snake (*Thamnophis atratus*)**

18 **(Q) Western whiptail (*Aspidoscelis tigris*)**

19 **(f) Mammals:**

20 **(A) All bats in the Order Chiroptera;**

21 **(B) American pika (cony) (*Ochotona princeps*);**

22 **(C) Pygmy rabbit (*Brachylagus idahoensis*);**

23 **(D) White-tailed jack rabbit (*Lepus townsendii*);**

24 **(E) Chipmunk (*Tamias amoenus*, *T. minimus*, *T. senex*, *T. siskiyou* and *T. townsendii*);**

25 **(F) Golden-mantled ground squirrel (*Spermophilus lateralis*);**

26 **(G) Red squirrel (*Tamiasciurus hudsonicus*);**

27 **(H) White-tailed antelope squirrel (*Ammospermophilus leucurus*);**

28 **(I) Northern flying squirrel (*Glaucomys sabrinus*);**

29 **(J) White-footed vole (*Arborimus albipes*);**

30 **(K) Red Tree Vole (*Arborimus longicaudus*);**

31 **(K) Ringtail (*Bassariscus astutus*);**

32 **(L) Fisher (*Martes pennanti*);**

33 **(M) All marine mammals.**

1 (2) Notwithstanding section (1) of this rule, it shall be lawful to purchase, sell, or exchange, or have
2 in possession any pelt of wildlife listed in this rule which was lawfully taken in another state
3 and transported into Oregon. A bill of lading or freight bill from a common carrier or other
4 documentary proof indicating the state of origin of the pelt and the name and address of the
5 person from whom the pelt was received shall be sufficient.

6 Stat. Auth.: ORS 496.138, 496.146, 496.162, 498.012 & 506.119

7 Stats. Implemented: ORS 496.162 & 506.129

8
9 635-044-0440

10 Capture and Holding of Wildlife

11 Wildlife may not be captured from the wild and/or held except as provided by OAR 635-044-0450(1), or
12 with the following permits or licenses:

- 13 (1) Wildlife Holding Permit (OAR 635-044-0460 (1) and 635-044-0480 (2));
- 14 (2) Wildlife Exhibitor/Animal Entertainment Industry Permit (OAR 635-044-0460 (1) and 635-044-
15 0470 (2))
- 16 (3) Wildlife Sanctuary Permit (OAR 635-044-0460 (1) and 635-044-0470 (2))
- 17 (4) Gamebird Propagation License (OAR 635-044-0540(1)).
- 18 (5) Falconry License (OAR 635-055-0010);
- 19 (6) Wildlife Rehabilitation Permit (OAR 635-062-0010);
- 20 (7) Scientific Taking Permit (OAR 635-043-0023 and OAR 635-007-0900);
- 21 (8) Game Bird Release Permit for Hunting Dog and Raptor Training and Competitive Hunting Dog
22 Trial Permit as defined in OAR 635 Division 046.
- 23 (9) Hunting Preserve License (pheasants, quail, and partridge) defined in OAR 635 -047-0015
- 24 (10) Captive Cervid Holding and Propagation permits as defined in OAR 635, Division 049;
- 25 (11) A federal permit or qualifying exception under the Code of Federal Regulations will serve in
26 lieu of a state Wildlife Holding Permit for birds protected by the federal Migratory Bird Treaty;
- 27 (12) Fox (*Vulpes vulpes* or *Urocyon cinereoargenteus*) or mink (*Mustela vison*) may be held by a
28 commercial fur farm under authority of the Oregon Department of Agriculture (ORS 596.010 (3);
29 609.125; 596.020 (2)).
- 30 (13) Fish Transport Permit (OAR 635-0007-0600);
- 31 (14) Fish Propagation License (OAR 635-007-0650);
- 32 (15) Sturgeon Propagation Permit (OAR 635-007-0725);

33 Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.002, 498.022,
34 498.029, 498.052, 498.222 & 498.242, 596.010, 596.020, 609.125;

1 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,

2
3 635-044-0450

4 Holding Permit Requirements

- 5 (1) No person shall capture or hold three or more animals listed in OAR 635-044-0480 or legally
6 held grandfathered animals (635-044-0470) without a valid Wildlife Holding Permit.
- 7 (2) Wildlife Holding Permits are specific to the species held, permit holder and to the holding
8 facility described on the permit.
- 9 (3) Wildlife Exhibitor/Animal Entertainment Industry or Wildlife Sanctuary Permit is required to
10 hold species listed in 635-044-0460 and 635-044-0480.
- 11 (4) All Wildlife Holding, Wildlife Exhibitor/Animal Entertainment Industry and Wildlife
12 Sanctuary permittees shall certify to the Department that the species held complies with any
13 applicable city or county ordinances and any applicable federal laws.
- 14 (5) No Wildlife Holding Permit is required to hold:
- 15 (a) game birds legally acquired and held under a Gamebird Propagation License; game
16 birds legally acquired from a licensed propagator or with a valid import permit from the
17 Oregon Department of Agriculture;
- 18 (b) captive or farmed cervids held under a Cervid Holding Permit or a Cervid Propagation
19 License (OAR chapter 635 division 49);
- 20 (c) domesticated fur-bearing fox or mink (596.020 (2));
- 21 (d) game fish legally acquired and possessed with a valid Fish Transport Permit.
- 22 (6) Wildlife held for purposes of Exhibition or Animal Entertainment or in a wildlife sanctuary as
23 defined in 635-044- 0420 (1), (5), (6), or (22) require a Wildlife Exhibitor/Animal
24 Entertainment Industry or Sanctuary permit.
- 25 (a) Wildlife Exhibitor/Animal Entertainment Industry or Sanctuary Permits must be renewed
26 annually and include updated animal inventory, employee, facility, and business
27 information, and associated fees.
- 28 (b) The annual fee for Wildlife Exhibitor/Animal Entertainment Industry or Sanctuary Permit
29 is \$100 plus the \$2 agent fee.
- 30 (c) AZA or ZAA accredited facilities can submit fees for their Wildlife Exhibitor/Animal
31 Entertainment Industry permit at the same interval as their accreditation renewal. A five
32 year AZA accreditation renewal requires payment of the cumulative annual fee for a
33 Wildlife Exhibitor/Animal Entertainment Industry permit of \$500 plus the \$2 agent fee. An

1 annual renewal report is required to document animal inventory, employee, or facility
2 changes.

3 (7) Revocation or non-renewal of licenses or permits and contested case procedure are defined in
4 635-044-0570.

5 Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,
6 498.052, 498.222 & 498.242

7 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,
8 498.029, 498.052, 498.222 & 498.242

9
10 635-044-0460

11 Holding of Live Black Bear (*Ursus americanus*), Cougar (*Puma concolor*), Bobcat (*Lynx rufus*), Wolf
12 (*Canis lupus*), Raccoon (*Procyon lotor*) and Skunk (*Mephitis spp.*)

13 (1) Black bears, cougars, bobcats, wolves, raccoons and skunks held in captivity require a Wildlife
14 Holding or Wildlife Exhibitor/Animal Entertainment Industry or Wildlife Sanctuary Permit
15 and associated fees paid for those species held.

16 (2) Black bears, cougars, bobcats, wolves, raccoons and skunks may only be held at AZA
17 accredited facilities or in Department approved facilities meeting standards defined in the
18 Oregon Enclosure and Caging Standards for Holding Wildlife (Exhibit 1) or as defined in 635-
19 044-0500 (5) (b).

20 (3) Black bears, cougars, bobcats, and wolves, acquired by transfer or new acquisition as part of
21 an existing permit or new holding application after January 20, 2017, shall only be held at AZA
22 accredited facilities or as approved by the Department in Wildlife Exhibitor/Animal
23 Entertainment or Wildlife Sanctuary facilities.

24 (a) No more than one black bear, one cougar, or one bobcat may be held on a Wildlife
25 Exhibitor/Animal Entertainment or Wildlife Sanctuary Permit unless approved by the
26 Department.

27 (4) Black bears, cougars, bobcats, wolves, raccoons, and skunks must have been acquired from an
28 out-of-state licensed USDA breeder with approved documentation that may include a valid
29 sales receipt, Certificate of Veterinary Inspection with import permit from Oregon Department
30 of Agriculture, valid agency transfer of ownership permit identifying the animal was
31 propagated and born in legal captivity, or as approved by the Department.

32 (a) Black bears, cougars, bobcats, wolves, raccoons and skunks must be marked permanently
33 and uniquely with either a lip or ear tattoo and/or implanted Radio Frequency

1 Identification Device (microchip). Holders of these defined species of animals shall meet
2 these requirements by January 21, 2018.

3 (b) Live black bears, cougars, bobcats, wolves, raccoons, and skunks shall not be removed from
4 the wild, with the exception of animals captured and placed by the Department in an AZA
5 accredited facility, or as authorized by a Scientific Taking Permit (OAR 635-043-0023),
6 Wildlife Rehabilitation Rules (OAR 635 Div. 062), as nuisance wildlife captured by permit
7 (OAR 635 Div. 435), or as approved by the Department.

8 (c) Black bears, cougars, bobcats, wolves, raccoons, and skunks held on a Wildlife Holding
9 Permit or Wildlife Exhibitor/Animal Entertainment Industry or Sanctuary Permit cannot
10 be bred, reproduced, or propagated in Oregon or offered for sale, trade, barter or
11 exchange, including grandfathered animals with one exception:

12 (A) The Department recognizes that AZA-accredited facilities participate in native species
13 conservation, in part, by the breeding of native species in captivity; therefore, AZA-
14 accredited facilities may breed native species for which there is a current AZA-
15 approved SSP Program which calls for breeding in captivity at the AZA facility with
16 prior approval by the Department. AZA accredited facilities must submit a copy of the
17 relevant AZA SSP Breeding and Transfer Plan Recommendations. If an AZA
18 accredited facility wishes to breed a native species that does not have an AZA-approved
19 SSP Program or is not part of a federal and/or state species recovery plan, the facility
20 may request authorization for breeding from the Department by including information
21 on justification for breeding, number of young desired, and proposed final disposition
22 of resulting progeny.

23 (d) Black bears, cougars, bobcats, and wolves may only be transferred between valid Wildlife
24 Exhibitor/Animal Entertainment Industry, Sanctuary or AZA or ZAA accredited facilities
25 with prior approval by the Department. Raccoons and skunks may not be offered for sale,
26 trade, barter, or exchange as a household pet in Oregon (ORS 498.029).

27 (e) Black bears, cougars, bobcats, wolves, and raccoons must be held within AZA accredited
28 facilities or facilities defined in Exhibit 1 and approved by the Department, except when:

29 (A) transported to or from licensed Oregon veterinary clinics or other ODFW-approved
30 facilities in temporary holding or transportation caging that is pre-approved by the
31 Department; or

32 (B) with a Department letter of authorization for requested activities.

1 **(f) Application renewals must include a description of permanent and unique animal**
2 **identification mark and mark location, and veterinary documentation of reproductive**
3 **sterilization (if required when both sexes are held).**

4 **(A) No access or contact shall occur between wild animals and captive wildlife including but**
5 **not limited to black bear, cougar, bobcats, wolves, raccoons and skunks or other**
6 **wildlife held on a Wildlife Holding or Exhibitor/Animal Entertainment Industry or**
7 **Sanctuary Permit.**

8 **(5) The burden of proof of the hybridity of a bobcat-cross or wolf-cross animal is the responsibility**
9 **of the animal owner. A wolf is considered “pure-bred” when the animal’s genetic and**
10 **phenotypic makeup does not include any genetic material or characteristics of a domestic dog**
11 **or other canine. A bobcat is considered “pure-bred” when the animal’s genetic and phenotypic**
12 **makeup does not include any genetic material or characteristics of a domesticated cat or exotic**
13 **felid species. Documentation in the form of breeding evidence by pedigree and record, records**
14 **of acquisition and disposition, transactions, and sworn statements, will be required of all**
15 **bobcats and wolves claimed to be hybrids, and genetic testing may be conducted by the**
16 **Department. Lack of sufficient proof of hybridity as determined by the Department will**
17 **genetically classify the animal as a bobcat or wolf requiring a Wildlife Holding Permit or**
18 **Exhibitor/Animal Entertainment Industry or Sanctuary Permit and regulation under the**
19 **conditions of these rules (635-044-0460 (3), (7)(a), and 635-044-0470(2)).**

20 **(6) Raccoons and Skunks**

21 **(a) No more than two raccoons may be held on a Wildlife Holding Permit. Additional animals**
22 **may be held or added to a permit with Department approval.**

23 **(b) Two or more held raccoons or skunks of different sexes requires sterilization of either sex.**
24 **Animals older than 6 months of age and adult animals presently held or newly acquired**
25 **must be sterilized within 30 days of rule adoption or animal acquisition. Written**
26 **documentation of the completed procedure by a licensed veterinarian is required.**

27 **(c) Held raccoons must be caged or restrained when transported beyond the permitted facility.**

28 **(7) Gray Wolves in Captivity**

29 **(a) Except as provided in 635-044-0470 (3), pure-bred wolves acquired after January 20, 2017**
30 **must be held in AZA accredited facilities unless specifically approved by the Department.**

31 **(b) Current holders of captive wolves must:**

32 **(A) Not import, export, purchase, sell or exchange any pure-bred gray wolf except with**
33 **written authorization from the Department prior to transferring a pure-bred gray wolf**
34 **to another facility;**

1 (B) Comply with the requirements of OAR 6350-44-0470, and;

2 (C) Possess a valid USDA permit, and;

3 (D) Provide the Department a copy of their current federal permit/licenses with their
4 Permit application or renewal.

5 Stat. Auth.: ORS 498.002, 497.228, 496.171 - 182

6 Stats. Implemented: ORS 498.002, 497.228, 496.171 - 182

7
8 635-044-0470

9 Grandfathering the Possession of Black Bear, Cougar, Bobcat, Wolf, Raccoon, Skunk, Squirrel,
10 Chipmunk and Other Non-game Wildlife Species Legally Held as Pets.

11 (1) Grandfathered wildlife may be held as pets, or for exhibitor, educational, or animal
12 entertainment industry or sanctuary purposes, or in AZA accredited facilities as defined in
13 these rules.

14 (2) A person who legally held native wildlife (black bear, cougar, bobcat, wolf, raccoon, skunk,
15 squirrel, chipmunk) or other nongame species in Oregon on January 20, 2017 may continue to
16 hold those animal(s) for the remainder of the animal(s) life provided:

17 (a) The holder submits an application for an annual Wildlife Holding, Exhibitor/Animal
18 Entertainment Industry or Sanctuary Permit by January 21, 2018. Included with the
19 application, the person must:

20 (A) Remit to the Department a fee of \$25 for species held for a Wildlife Holding permit or
21 \$100 for a Wildlife Exhibitor/Animal Entertainment Industry or Sanctuary Permit
22 (plus a \$2.00 license agent fee) for the permit or permit renewal; and

23 (B) Demonstrate to the Department that the person's black bear, cougar, bobcat, wolf,
24 raccoon and skunk holding facility complies with any applicable city or county
25 ordinances and any applicable federal laws.

26 (C) Permit conditions may include, but are not limited to, facility design standards and
27 actions to protect native wildlife and human safety

28 (D) Permit renewal must occur before the expiration date printed on the permit issued by the
29 Department

30 (b) Grandfathered animals are held in Department approved facilities meeting standards
31 defined in the Oregon Enclosure and Caging Standards for Holding Wildlife (Exhibit 1).
32 The facilities housing legally acquired grandfathered black bears, cougars, bobcats, wolves,

1 raccoons, skunks, squirrels, chipmunks, and other legally held non-game species, must meet
2 the minimum facility standards defined herein in Exhibit 1 by January 21, 2018

3 (c) Grandfathered bears, cougars, bobcats, wolves, raccoons, skunks, squirrels, and chipmunks
4 must have been acquired from a legally propagated out-of-state source with approved
5 documentation that may include a valid sales receipt, Certificate of Veterinary Inspection
6 with import permit from Oregon Department of Agriculture, valid agency transfer of
7 ownership permit identifying the animal was propagated and born in legal captivity, or as
8 approved by the Department. All permit holders of grandfathered animals shall provide to
9 the Department a signed and notarized affidavit stating how the grandfathered animal(s)
10 were legally acquired.

11 (d) Grandfathered wildlife held as pets may not be bred. Two or more held grandfathered
12 black bears, cougars, bobcats, wolves, raccoons, skunks, squirrels, chipmunks, or other
13 grandfathered wildlife of the same species of different sexes, requires sterilization of either
14 sex for animals older than 6 months of age, within 30 days of rule adoption. Written
15 documentation of the completed procedure by a licensed veterinarian is required.
16 Avoidance of reproduction of nongame wildlife of different sexes can be accomplished by
17 separation of the sexes, disposal of eggs, veterinary sterilization, etc., and is the
18 responsibility of the wildlife holding permittee.

19 (2) The only person(s) who may hold pure-bred wolves in captivity are those who, as of December
20 31, 2009, held a gray wolf or wolves in captivity in Oregon under previous Oregon Department
21 of Agriculture, Class I Exotic Canine, Exotic Animal Division 603 Rules or held a valid license
22 or registration from the U.S. Department of Agriculture, under the federal Animal Welfare Act
23 of 1970. These persons must also obtain authority under the requirements of 635-044-0460(6)
24 [Gray Wolves in Captivity] of this rule.

25 (a) Beyond the persons described in paragraph (2), the Department will not issue any new
26 permits to hold a pure-bred wolf in captivity except as defined in OAR 635-044-0460 (7) (a).

27 (b) Wolves legally held under the provisions of paragraph (2) may only be transferred to an
28 AZA accredited facility unless specifically approved by the Department.

29 (3) Grandfathered black bears, cougars, and bobcats may only be transferred from the original
30 Wildlife Holding Permit to an AZA accredited facility or an approved Wildlife
31 Exhibitor/Animal Entertainment Industry or Sanctuary facility, or as approved by the
32 Department. Raccoons and skunks may not be offered for sale, trade, barter, or exchange as a
33 household pet (ORS 498.029).

1 Stat. Auth.: ORS 498.002, 497.228, 496.171 - 182

2 Stats. Implemented: ORS 498.002, 497.228, 496.171 - 182

3
4 635-044-0475

5 Wildlife Held by Exhibitor/Animal Entertainment Industry and Wildlife Sanctuaries

6 (1) Wildlife held for exhibitor/education or animal entertainment industry purposes or in wildlife
7 sanctuaries are not considered wildlife held as pets.

8 (a) Animals previously held for entertainment purposes that are no longer performing due
9 to age or debilitation may be held as pets (e.g. not on exhibit or performing) by the
10 business or transferred to an exhibitor or sanctuary with prior Department approval.

11 (2) Wildlife Exhibitor/Animal Entertainment Industry and Sanctuary permittees must be Oregon
12 residents, as defined in OAR 635-010-0015 (4) (a), and maintain their approved facility and
13 held wildlife collections in Oregon.

14 (3) Exhibitor/Animal Entertainment Industry and Sanctuary permittees may only transfer legally
15 held wildlife between other Oregon Wildlife Exhibitor/Animal Entertainment Industry and
16 Sanctuaries permittees or an AZA accredited facility, or add new animals including black bear,
17 cougar, and bobcat to their inventory of legally held wildlife, with prior written approval by
18 the Department.

19 (4) Exhibitor/Animal Entertainment Industry permittees of held wildlife must provide:

20 (a) Written documentation to the department with their annual permit application
21 showing that:

22 (A) Animals held on Exhibitor/Animal Entertainment Industry permit are exhibited to
23 the public for exhibition or education purposes at least 10 months per year; or,

24 (B) Permittee of animals used in animal entertainment must document contract work
25 dates and job descriptions for at least 6 occasions per year involving wildlife held on the
26 permit;

27 (b) A copy of their business license, Non-Profit filing status (if applicable), Tax
28 Identification Number, and/or Employer Identification Number and documentation
29 showing approval of their held species of wildlife by local city, town, or county
30 ordinances;

31 (c) Written documentation of the permit holder and employee qualifications to transport
32 and possess only those species specified on the department approved permit including
33 black bears, bobcat, cougars, and wolves and including:

1 (A) Documentation that applicants or the applicant's employee(s) who will be
2 handling wildlife are at least 18 years of age and possess the equivalent of at least two
3 years, paid or volunteer, hands-on experience caring for and handling species at
4 facilities engaged in a similar or directly related activity to the permit requested.
5 Applicants or the applicant's employee shall have at least one year hands-on
6 professional experience working with black bears, bobcats, cougars, or wolves in the
7 same family or closely related taxonomic family as each species being requested.
8 Experience will be considered only for the periods the applicant or the applicant's
9 employee was directly involved in and responsible for the animals while engaged in the
10 activity requested on the permit and only when acquired within five years of the date
11 of the initial permit application.

12 (d) AZA accredited facilities are exempt from the requirements listed in this section (4).

13 (5) Wildlife Exhibitor/Animal Entertainment Industry permittees holding native wildlife for the
14 purposes of education may hold species defined under the rules of Chapter 635 Divisions 044
15 and 062. Native wildlife that are found injured and/or orphaned in the wild in Oregon and are
16 not suitable for release into the wild, but are suitable for educational purposes, may be held
17 under a Wildlife Exhibitor/Animal Entertainment Industry permit provided the animal in
18 question is placed by the Department and given to a licensed Wildlife Rehabilitator not directly
19 associated with the Exhibitor's business, unless approved by the Department.

20 (a) Placement or final disposition of wild non-releasable wildlife will be determined at the
21 discretion and pre-approval of the Department. Native species shall only be acquired
22 from the Department or, upon approval by the Department, from a
23 licensed Oregon Wildlife Rehabilitation Facility that is permitted with the
24 Department.

25 (a) The Department veterinarian shall receive written documentation for each animal
26 requested for Exhibit from a licensed Oregon Wildlife Rehabilitation Facility's
27 veterinarian stating why the animal is unsuitable for wildlife rehabilitation and release,
28 but suitable for education purposes.

29 (b) Licensed Oregon wildlife rehabilitators who legally hold only non-releasable
30 migratory bird species for educational purposes are not required to acquire a Wildlife
31 Exhibitor/Animal Entertainment Industry permit.

32 (c) Wildlife may only be transferred from a licensed wildlife rehabilitation facility to a
33 permitted Wildlife Exhibitor/Educational facility through prior approval by the
34 Department

1 **(6) New application requirements for Wildlife Exhibitor/Animal Entertainment Industry and**
2 **Sanctuary permit shall include:**

- 3 **(a) An inventory of each animal requested including the common and scientific name, sex,**
4 **and age of each animal.**
- 5 **(b) A resume which provides the dates and description of an applicant or their full-time**
6 **employee's experience. The resume is required only when applying for the initial**
7 **permit, an amendment, or when applying to add new species to the inventory upon**
8 **renewing a permit.**
- 9 **(c) A copy of current USDA license or registration document required by the USDA (for**
10 **mammals) and a copy of the most recent USDA facility inspection form completed for**
11 **the facility shall be on file with the department at all times. A copy of the issued USDA**
12 **license or registration document shall be provided to the department within 10**
13 **business days of receipt of the document.**
- 14 **(d) Three letters of recommendation are required for new applicants, written in the**
15 **previous five years, on letterhead stationary with an original signature signed in ink**
16 **from the owner or operator of a facility where the applicant or their employee gained**
17 **his/her experience and may include a recommendation from other licensed industry**
18 **associates. The letters shall provide the printed name of the owner or operator and**
19 **detailed information regarding the quality and extent of the applicant's or their**
20 **employee's, knowledge and experience related to the permit requested. AZA and ZAA**
21 **accredited facilities may submit this information with their 5-year accreditation**
22 **documents, however, animal inventory and employee and facility changes must be**
23 **submitted annually.**
- 24 **(e) A detailed statement of purpose describing the planned use for each animal.**
25 **Applicants shall include relevant materials including lists of prospective clients with**
26 **their contact information or contracts with clients or websites, scripts, brochures or**
27 **flyers promoting or describing the planned use of the animals. If the animals will be**
28 **used in an educational program, the applicant shall provide an explanation why live**
29 **native and/or restricted species are necessary and copies of the educational material**
30 **that will be distributed. The department may deny the issuance of a permit if it**
31 **determines that the statement of purpose for the animal(s) does not sufficiently**
32 **describe the planned use for each animal or is not supported by the permit application**
33 **materials. The department may require a permittee seeking to renew a permit to**
34 **provide documents, including but not limited to client lists with contact information**

1 or contracts with clients, demonstrating that the use of a permitted animal was
2 consistent with the statement of purpose.

3 (f) A copy of all current permits required by the United States Fish and Wildlife Service
4 (USFWS) shall be on file with the Department at all times. A copy of the issued
5 USFWS license or registration document shall be provided to the Department within
6 10 business days of receipt. Any person who is required to possess a USFWS permit
7 for the restricted species applied for or listed on a Department-approved permit is
8 required to comply with these requirements.

9 (g) The name, address, and telephone number of the veterinarian that provides
10 veterinary care for wildlife listed on the permit.

11 (h) Emergency Action Plan. Every Exhibitor, Animal Entertainment Industry and
12 Sanctuary Permittee shall have a written Emergency Action Plan readily available
13 and posted in a conspicuous place in the event of an escape, an attack or an
14 emergency evacuation, and shall submit a copy to the department upon initial
15 application, renewal of a permit and addition of species. The Emergency Action Plan
16 shall be titled, with a revision date, updated annually and include, but is not limited to
17 the following:

18 (A) List of the re-capture equipment available, including but not limited to darting
19 equipment, nets, traps, and chemical immobilization drugs;

20 (B) Description of humane lethal dispatch methods for various animals and a list of
21 qualified personnel who are trained to carry out the methods;

22 (i) List of medical supplies/first aid kits and where they are located;

23 (ii) Description of mobile transport cages and equipment on hand;

24 (iii) List of emergency telephone numbers that includes the local department field
25 office, department regional office, and animal control agencies; and

26 (iv) Written plan of action for emergencies.

27 (i) Permittees are responsible for the capture, and for the costs incurred by the
28 Department related to capture or elimination of the threat, of an escaped animal or
29 the use of humane lethal force required to capture an animal that escapes. If an
30 escaped animal becomes a public safety threat, state, federal, or local law
31 enforcement personnel have the authority to use appropriate lethal force required to
32 end the threat.

33 (i) Any incident involving an animal held under a Wildlife Holding or Wildlife
34 Exhibitor/Animal Entertainment Industry or Sanctuary Permit that results in serious

1 injury or death to a person shall be reported immediately to the department's
2 District office having jurisdiction over the area in which the serious injury and death
3 has occurred. If the Department determines that serious injury or death has
4 occurred as a result of contact with an animal held under the authority of a Wildlife
5 Holding, or Wildlife Exhibitor/Animal Entertainment Industry or Sanctuary Permit,
6 the authorizations and conditions of the permit may be reviewed and subject to
7 change by the Department. Additional conditions to the permit may be added at any
8 time to provide for human health and safety.

9 (k) Permittees shall report by telephone immediately and at first knowledge of the
10 intentional or unintentional escape or release of a wild animal to the Department
11 District biologist and the nearest law enforcement agency of the city or county in
12 which the wild animal was released or escaped.

13 (7) Wildlife Sanctuaries must be accredited by the Global Federation of Animal Sanctuaries
14 (GFAS) as a wildlife sanctuary and follow GFAS standards and requirements set forth within
15 these rules as a condition for permit issuance and renewal.
16 (<http://www.sanctuaryfederation.org/gfas/for-sanctuaries/standards/>).

17 (a) Wildlife Sanctuaries shall have:

18 (A) No captive breeding;

19 (B) No commercial trade in animals or animal parts;

20 (C) No public tours allowed that are not guided and conducted in a manner that
21 minimizes the impact on the animals and their environment, does not cause them
22 stress, and gives them the ability to seek visual barriers and shelter;

23 (D) Animals are not exhibited or taken from the sanctuary or enclosures/habitats for
24 non-medical reasons; and

25 (E) The public does not have direct contact with wildlife

26 (8) Wildlife Exhibitor/Animal Entertainment Industry or Sanctuary Permittees holding black
27 bears, cougars, or wolves exhibited directly to the public or involving guided tours and
28 inclusive of zoos and aquariums, must show annual proof of liability insurance policy with an
29 insurer authorized or approved to write such insurance in Oregon that covers claims or injury
30 or damage to persons or property caused by wildlife held on their permit or any resulting
31 claims against the state. The amount of the insurance coverage shall be not less than one
32 million US dollars.
33

1 (9) Wildlife used in filmed media entertainment must follow the American Humane Association's
2 (AHA) Guidelines for the Safe Use of Animals in Filmed Media monitored by AHA Certified
3 Animal Safety Representatives and use held wildlife in productions that attain the American
4 Humane Association rating of acceptable or outstanding.

5 Stat. Auth.: ORS 498.002, 496.171 - 182

6 Stats. Implemented: ORS 498.002, 496.171 - 182

7
8 635-044-0480

9 Holding of Nongame Wildlife

- 10 (1) Native nongame wildlife may not be sold or propagated except as provided in Division 200.
11 (2) A Wildlife Holding Permit is required to hold three or more animals of a limited number of
12 nongame wildlife species for each facility or household.
13 (3) Only nongame species from the following list are permitted to be held. These species are
14 determined to be demonstrably widespread, abundant, and secure through the NatureServe
15 state ranking process as currently determined by the Oregon Biodiversity Information Center
16 (ORBIC) as of the date of the revised rule adoption.

17 (<http://inr.oregonstate.edu/orbic/rare-species/ranking-definitions>)

18 (a) Amphibians

- 19 (A) Northwestern Salamander (*Ambystoma gracile*)
20 (B) Long-toed Salamander (*Ambystoma macrodactylum*)
21 (C) Pacific (Coastal) Giant Salamander (*Dicamptodon tenebrosus*)
22 (D) *Ensatina* (*Ensatina eschscholtzii*)
23 (E) Western Red-Backed Salamander (*Plethodon vehiculum*)
24 (F) Rough-Skinned Newt (*Taricha granulosa*)
25 (G) Pacific Treefrog or Pacific Chorus Frog (*Pseudacris regilla*)

26 (b) Reptiles

- 27 (A) Northern Alligator Lizard (*Elgaria coerulea*)
28 (B) Southern Alligator Lizard (*Elgaria multicarinata*)
29 (C) Western Skink (*Plestiodon skiltonianus*)
30 (D) Northern Sagebrush Lizard (*Sceloporus graciosus graciosus*)
31 (E) Western Fence Lizard (*Sceloporus occidentalis*)
32 (F) Common Side-Blotched Lizard (*Uta stansburiana*)
33 (G) Western Rattlesnake (*Crotalus oreganus*): excluding Willamette Valley populations
34 (H) Pacific Gopher Snake (*Pituophis catenifer*)

1 (I) Western Terrestrial Garter Snake (*Thamnophis elegans*)

2 (J) Northwestern Garter Snake (*Thamnophis ordinoides*)

3 (K) Common Garter Snake (*Thamnophis sirtalis*)

4 **(c) Mammals**

5 (A) North American Porcupine (*Erethizon dorsatum*)

6 (B) Long-Tailed Vole (*Microtus longicaudus*)

7 (C) Montane Vole (*Microtus montanus*)

8 (D) Creeping vole (*Microtus oregoni*)

9 (E) Ermine (*Mustela erminea*)

10 (F) Long-Tailed Weasel (*Mustela frenata*)

11 (G) Bushy-Tailed Woodrat (*Neotoma cinerea*)

12 (H) Dusky-footed woodrat (*Neotoma fuscipes*)

13 (I) Deer Mouse (*Peromyscus maniculatus*)

14 (J) Great basin pocket mouse (*Perognathus parvus*)

15 (K) Coast Mole (*Scapanus Orarius*)

16 (L) Northern pocket gopher (*Thomomys talpoides*)

17 (M) California Ground Squirrel (*Spermophilus beecheyi*)

18 (N) Belding's Ground Squirrel (*Spermophilus beldingi*)

19 (O) Brush Rabbit (*Sylvilagus bachmani*)

20 (P) Douglas's Squirrel (*Tamiasciurus douglasii*)

21 (4) Additional species may be petitioned for proposed inclusion to the list of species permitted and
22 held under a Wildlife Holding Permit with a written request and justification submitted to the
23 Department.

24 (5) Wildlife listed in this section that are captured from the wild and held for more than 48 hours
25 in captivity, or held on a Wildlife Holding Permit, must remain in captivity for the life of the
26 animal and may not be returned to the wild without prior approval by the Department. This
27 rule does not apply to wildlife held under 635-062-0000 (Wildlife Rehabilitation).

28 (6) Wildlife species whose ORBIC status changes from being demonstrably widespread, abundant,
29 and secure (S5 ORBIC status), to a less secure status (S1-4), will be grandfathered to the
30 individual permit holder at the time of the status change for the life of the animals. No further
31 collections or additions will be permitted to new or existing Wildlife Holding Permits for that
32 species without prior approval by the Department.

33 Stat. Auth.: ORS 498.002, 496.171 - 182

34 Stats. Implemented: ORS 498.002, 496.171 - 182

1
2 635-044-0490

3 Cost, Expiration Date, and Changes to a Wildlife Holding, Wildlife Exhibitor/Animal Entertainment
4 Industry or Wildlife Sanctuary Permit

5 (1) Any person desiring to obtain a Wildlife Holding Permit must be an Oregon resident with a
6 legal Oregon address and must submit a complete application and a non-refundable
7 application/species fee and license agent fee listed on the permit application.

8 (a) All applications require Department approval and payment of the Wildlife Holding Permit
9 fees of \$25 for each species held.

10 (2) Any person desiring to obtain a Wildlife Exhibitor/Animal Entertainment Industry or
11 Sanctuary permit must be an Oregon resident and identify whether the applicant is an
12 individual, partnership, corporation, Limited Liability Company or other legal entity. (if a
13 partnership, the application must provide the full names and addresses of the partners; if a
14 corporation, the application must provide the full names and addresses of all officers, directors
15 and stockholder; if a limited liability company, the application must provide the full names and
16 addresses of all members and managers; if the applicant is structured as a tiered organization,
17 the application must provide the full names and address of all of the partners; or officers,
18 directors and stockholders; or members and managers of each constituent entity within the
19 tiered organization).

20 (a) Applicant must submit a complete application and a non-refundable application fee of \$100
21 and license agent fee listed on the permit application.

22 (3) The Wildlife Holding, Wildlife Exhibitor/Animal Entertainment Industry, and Wildlife
23 Sanctuary Permits expires on December 31 of the year issued.

24 (4) All permit renewals and payment of associated fees must occur before the expiration date of the
25 current permit. Verification of annual permit requirements (if applicable to the permit) must
26 accompany the renewal application.

27 (5) A new application is required for any change of address by the permittee.

28 (6) The addition of animals of the species approved on the original permit requires prior approval
29 by the local department biologist.

30 (7) Except as directed in 635-044-0470 (3) and 635-044-0475 (1)(A) and (3), wildlife held on a
31 Wildlife Holding Permit may only be transferred to another Wildlife Holding Permittee and
32 Requires:

33 (a) the species transferred is listed on the receiving permittee's Wildlife Holding Permit, and;

1 (b) a new application and updated Wildlife Holding Permit and payment of associated fees for
2 the addition of animals of the species transferred, and;

3 (c) approval by the Department.

4 (8) Failure to renew a Wildlife Exhibitor/Animal Entertainment Industry or Wildlife Sanctuary
5 Permit, or Wildlife Holding Permit by December 31 of the year issued may result in a penalty
6 or confiscation of held species, fines, and denial of a future permit.

7 (9) The Department may revoke or decline to renew a Wildlife Exhibitor/Animal Entertainment
8 Industry or Wildlife Sanctuary Permit or Wildlife Holding Permit or Gamebird Propagation
9 License if the permittee/licensee is convicted of, or admits to a violation of, any wildlife law or
10 any rule, order or permit issued under the wildlife laws within the previous 5 years of the date
11 of application. Upon revocation or non-renewal of a permit, the Department will confiscate any
12 birds, mammals, amphibians and reptiles held.

13 (10) Cancellation or non-renewal of application, licenses, or permits and contested case procedure is
14 defined in 635-044-0570.

15 Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,
16 498.052, 498.222 & 498.242

17 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,
18 498.029, 498.052, 498.222 & 498.242

19
20 635-044-0500

21 Requirements for Care of Wildlife Held in Captivity

22 (1) All wildlife held in captivity, including, but not limited to, wildlife held under any permit,
23 license, or condition listed in 635-044-0460 and 635-044-0480 or under a Gamebird Propagation
24 license must provide minimum care sufficient to preserve the health and well-being of the held
25 wildlife (except for emergencies or circumstances beyond the reasonable control of the holder),
26 including, but is not limited to, the following requirements:

27 (a) Appropriate food for each held species of sufficient quantity and quality to allow for normal
28 growth or maintenance of body weight.

29 (b) Open or adequate access to potable water in sufficient quantity and quality to satisfy the
30 animal's needs.

31 (c) Shelter sufficient to protect from adverse elements, protect from predators, prevent escape,
32 prevent other wildlife from entry, and prevent injury. Any other requirement particular to
33 the survival of the specific animal shall also be provided.

1 (d) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from
2 injury, neglect or disease.

3 (e) Daily access to an area:

4 (A) With adequate space for exercise necessary for the health of the animal (except when
5 transporting);

6 (B) With air temperature suitable for the species of animal; and

7 (C) Shall be kept free from excess food or fecal waste or other contaminants which could
8 affect the health of the animal

9 (f) Captive wildlife may not be restrained with a chain, rope, hobbles or similar restraint
10 method. Tethering of raptors is permitted.

11 (2) It is unlawful for any person possessing wildlife in their care and possession to cause or allow
12 such wildlife to be chased, injured, harmed, harassed, or neglected.

13 (3) Wildlife held on a Wildlife Holding Permit may not be released in Oregon without prior
14 approval by the Department.

15 (4) Wildlife listed in this section and captured from the wild and held for more than 48 hours in
16 captivity or held on a Wildlife Holding Permit must remain in captivity for the life of the
17 animal and may not be returned to the wild following capture without prior approval by the
18 Department.

19 (5) Facilities housing wildlife must meet ODFW minimum standards for species defined in the
20 ODFW Enclosure and Caging Standards for Holding Wildlife for Wildlife Held in Captivity
21 (Exhibit 1); and

22 (a) Enclosed within suitable structures to prevent escape or prevent other wildlife from entry;

23 (b) Applicants of Wildlife Holding Permits and holders of wildlife in captivity must
24 demonstrate equivalency of facility construction with Department approval of all proposed
25 facility construction design, materials, and specifications equivalent or exceeding the
26 ODFW Enclosure and Caging Standards for Holding Wildlife.

27 (6) Inspection of facilities by Department personnel may be conducted prior to approval of the
28 permit.

29 Stat. Auth.: ORS 167.305, 167.310, 167.312, 167.315, 167.320, 167.322, 167.333, 167.334, 167.335,
30 167.340, 167.343, 167.345, 167.347, 167.349, 167.355, 167.390 496.012, 496.138, 496.146, 497.298,
31 497.308, 497.312, 497.318, 498.006, 498.022, 498.029, 498.052, 498.222, 498.242

32 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,
33 498.029, 498.052, 498.222 & 498.242, 167.310

1 635-044-0510

2 Inspection of Facilities

3 (1) Facilities holding captive wildlife are subject to inspection by any State Police officer or
4 Department representative. Inspection of the facilities may take place without warrant or
5 notice, but, unless prompted by emergency or other exigent circumstances, shall be limited to
6 regular and usual business hours, including weekends. Nothing in these rules is intended to
7 authorize or allow the warrantless search or inspection of a permit holder's residence.

8 (2) Any inspection(s) of Exhibitor/Animal Entertainment or Sanctuary Permit or Wildlife Holding
9 permit facilities involving approval of new or modified facilities may require a \$150 inspection
10 fee. An inspection fee may be assessed for Wildlife Holding Permit facilities depending on
11 species and number of wildlife held.

12 Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,
13 498.052, 498.222, 498.242

14 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,
15 498.029, 498.052, 498.222, 498.242

16
17 635-044-0520

18 Ownership of Captured Wildlife Held in Captivity

19 (1) Native wildlife, or the progeny thereof, captured from the wild in Oregon remains the property
20 of the State of Oregon.

21 (2) Wildlife native to Oregon that are acquired legally from an out-of-state propagator and held in
22 captivity are not considered property of the state of Oregon, but are subject to the same
23 wildlife rules as legally acquired native wildlife collected in Oregon and held in captivity.

24 (3) Wildlife cannot be sold, exchanged, bartered, transferred or released in Oregon except as
25 defined by rule or statute or as authorized by the Department.

26 Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,
27 498.052, 498.222 & 498.242

28 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,
29 498.029, 498.052, 498.222 & 498.242

1 635-044-0530

2 Possession of Coyote Prohibited Without Permit

3 (1) It is unlawful to keep coyotes (*Canis latrans*) in captivity except in compliance with the terms
4 and conditions of a permit issued pursuant ORS 497.298 and ORS 497.312.

5 Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,
6 498.052, 498. 222, 498.242

7 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,
8 498.029, 498.052, 498.222, 498.242

9
10 635-044-0540

11 License Required to Propagate Gamebirds

12 (1) Any person or business desiring to propagate for sale any gamebird, limited to the following
13 bird species in the families listed below, must submit a complete application and a non-
14 refundable application fee of \$52 and license agent fee listed on the permit application:

15 (a) Columbidae (mourning doves and band-tailed pigeons only);

16 (b) Anatidae (all species except mute swans and Egyptian geese);

17 (c) Phasianidae

18 (A) subfamily Phasianinae species only;

19 (B) subfamily Tetraoninae (grouse and ptarmigan except Genuses *Centrocercus* and
20 *Tympanuchus*);

21 (C) subfamily Meleagridinae (wild turkey); and

22 (D) subfamily Perdicinae (partridges and common quail (*Coturnix coturnix*);

23 (d) *Odontophoridae* (Genuses *Callipepla*, *Colinus*, and *Oreortyx* only); and

24 (e) *Scolopacidae* (*Gallinago delicata* only)

25 (2) Gamebird Propagation Licenses expire on December 31 of the year issued.

26 (3) Any person desiring to propagate, sell or barter any raptor as defined in OAR 635-055-0002(3)
27 protected by federal law must first adhere to all permit requirements and regulations
28 pertaining to the propagation and selling of raptors, as adopted by the U.S. Department of the
29 Interior (Federal Register, Vol. 48, No. 132, Part 21). The license holder must provide a copy of
30 their current federal permits to the department with their application or renewal.

31 Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,
32 498.052, 498.222 & 498.242

33 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,
34 498.029, 498.052, 498.222 & 498.242

1 635-044-0550

2 Shipping Requirements for Propagated Gamebirds

3 (1) Any gamebirds shipped within or outside the state by the holder of a Gamebird Propagation

4 License must have affixed to the shipping container a record showing:

5 (a) Name, address, and Gamebird Propagation License number of shipper;

6 (b) Name and address of consignee;

7 (c) Species name (common and scientific) and numbers of gamebirds contained; and,

8 (d) Import of gamebirds into the state of Oregon requires a Certificate of Veterinary

9 Inspection from a federally accredited veterinarian and must be accompanied by an

10 Oregon Department of Agriculture import permit with exceptions listed in OAR 603-011-

11 0255.

12 Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,
13 498.052, 498.222 & 498.242

14 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,
15 498.029, 498.052, 498.222 & 498.242

16
17 635-044-0560

18 Record Keeping and Reporting Requirements for Gamebird Propagation License

19 (1) A record of all business transactions involving sale or purchase of eggs or gamebirds, must be

20 current to date and available at the facility as listed on the permit. Records for the current

21 calendar year must be made available for inspection by Oregon State Police or Oregon

22 Department of Fish and Wildlife personnel.

23 (2) An annual report of operations must be received with the annual renewal application and fees

24 before the date of permit expiration. The annual report shall include the total number of

25 gamebirds by species purchased or acquired and all sales or transfers by species, including

26 eggs, births and deaths within the previous calendar year.

27 (3) Imported or exported gamebirds must have a certificate of veterinary inspection and any

28 import permit or license and documentation of ownership or other information that may be

29 required by the receiving state.

30 Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,
31 498.052, 498.222 & 498.242

32 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,
33 498.029, 498.052, 498.222 & 498.242

1 635-044-0570

2 Cancellation and Non-Renewal of Gamebird Propagation License or Wildlife Holding or Wildlife
3 Exhibitor/Animal Entertainment Industry or Wildlife Sanctuary Permit

4 (1) Failure to comply with any requirements within these rules or conditions of authorization is
5 cause to cancel or deny renewal of the Gamebird Propagation License and/or Wildlife Holding
6 Permit and/or Exhibitor/Animal Entertainment Industry or Sanctuary Permits and confiscate
7 or require disposal of the wildlife being held. A person may appeal cancellation or denial of a
8 license or permit through a contested case hearing. The request for a contested case hearing on
9 a proposed cancellation must be received by the Department within 21 days after service of
10 notice (or 90 days for emergency revocations). The request for hearing on a proposed non-
11 renewal must be received by the Department within 60 days of notice. Final Orders in
12 contested case hearings will be issued by the Director.

13 Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,
14 498.052, 498.222 & 498.242, 183.430, 183.470, 183.484, 183.700

15 Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,
16 498.029, 498.052, 498.222 & 498.242

17
18 635-044-0580

19 Disposition of wildlife upon license suspension, revocation, nonrenewal or denial

20 (1) Within 90 days after any of the following events, any person holding wildlife must dispose of the
21 animals:

22 (a) Suspension, revocation or expiration of the Wildlife Holding Permit or Exhibitor/Animal
23 Entertainment Industry or Sanctuary Permits or Propagation License;

24 (b) Denial of an application for license; or

25 (c) Receipt of a notice from the Department informing the holder that the wildlife held is/are
26 not authorized by license.

27 (2) "Dispose" means to do the following in compliance with these rules:

28 (a) Euthanize;

29 (b) Transfer to another licensed Wildlife Holding or Exhibitor/Animal Entertainment Industry
30 or Sanctuary or Propagation facility; or

31 (c) Export from Oregon.

32 (3) If the holder fails to dispose of any wildlife held by the deadline specified in paragraph (1), and
33 if the Department determines that the wildlife held pose an imminent threat to wildlife,
34 livestock, or public health requiring prompt action, the Department may humanely euthanize,

1 confine, transfer, or otherwise dispose of the animals as it determines necessary. In all other
2 circumstances, the Department may humanely euthanize, transfer, confine or otherwise dispose
3 of the wildlife held only after providing the holder with notice and an opportunity for hearing.
4 The Department may choose to keep the wildlife held on the holder's property until an
5 appropriate means of disposal is found or pending a hearing. The Department bears no
6 liability for such actions. Any wildlife held for disposal must be treated humanely in
7 compliance with these rules.

8 (4) The holders of any wildlife of which the Department disposes pursuant to paragraph (3) must
9 compensate the State of Oregon for any and all expenses incurred by the State during
10 disposition.

11 Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162, 497.228, 498.002, 498.019, 498.052 & 174.106
12 Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162, 497.228, 498.002, 498.019, 498.052 &
13 174.106

14
15 635-044-0590

16 Control of Disease Outbreaks in Captive Wildlife

17 (1) Diseased captive wildlife may be an imminent danger to public, wildlife, domestic animals, or
18 livestock health.

19 (2) Upon determination that an outbreak of communicable disease among captive wildlife is an
20 imminent danger to public, wildlife, domestic animals, or livestock health, the Department may
21 order the holder to euthanize, confine or transfer, by a specified deadline, any or all wildlife
22 they hold.

23 (3) Failure by the holder to take action ordered by the Department pursuant to paragraph (2) may
24 result in the Department or its agents entering the holder's facility to confine, euthanize, or
25 transfer diseased wildlife. The holder is liable for any costs the State of Oregon so incurs. The
26 Department bears no liability for such actions.

27 Stat. Auth.: ORS 496.012, 496.138, 496.146, 496.162, 497.228, 498.002, 498.019, 498.052 & 174.106
28 Stats. Implemented: ORS 496.012, 496.138, 496.146, 496.162, 497.228, 498.002, 498.019, 498.052,
29 174.106

1
2 **CURRENT RULE SET BEFORE REVISIONS**
3

4 **DIVISION 044**
5 **HOLDING, PROPAGATING, AND PROTECTED WILDLIFE**
6

7 ~~{635-044-0000~~

8 **Purpose**

9 The purpose of these rules is to regulate the holding and propagation of game birds and native wildlife,
10 except those cervids regulated pursuant to OAR chapter 635, division 49, to regulate the rehabilitation of
11 wildlife and to list species determined to be protected nongame wildlife.
12

13 Stat. Auth.: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,~~
14 ~~498.052, 498.222 & 498.242~~

15 Stats. Implemented: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,~~
16 ~~498.029, 498.052, 498.222 & 498.242~~

17
18 **635-044-0002**

19 **Taxonomy**

20 (1) ~~Scientific taxonomic nomenclature reflects the following:~~

21 (a) ~~Fish:~~

22 (A) ~~Nelson, J. S., E. J. Crossman, H. Espinosa-Perez, L. T. Findley, C. R. Gilbert, R. N. Lea, and J. D.~~
23 ~~Williams. 2004. Common and scientific names of fishes from the United States, Canada, and Mexico.~~
24 ~~American Fisheries Society, Special Publication 29, Bethesda, Maryland.~~

25 (B) ~~Moyle, P. B. 2002. Inland fishes of California. Revised and expanded. University of California~~
26 ~~Press. Berkeley, California.~~

27 (C) ~~Jelks, H.L., S.J. Walsh, N.M. Burkhead, S. Contreras-Balderas, E. Diaz-Pardo, D.A. Hendrickson, J.~~
28 ~~Lyons, N.E. Mandrak, F. McCormick J. S. Nelson, S. P. Platania, B. A. Porter, C.B. Renaud, J.J.~~
29 ~~Schmitter-Soto, E. B. Taylor, and M. L. Warren, Jr. 2008. Conservation status of imperiled North~~
30 ~~American freshwater and diadromous fishes. Fisheries. 33(8): 372-407.~~

31 (b) ~~Amphibians and reptiles—Crother, B. I., editor. 2008. Scientific and standard English names of~~
32 ~~amphibians and reptiles of North America north of Mexico, with comments regarding confidence in our~~
33 ~~understanding. 6th Edition. Society for the Study of Amphibians and Reptiles, Herpetological Circular~~
34 ~~No. 37.~~

35 (c) ~~Birds—Chesser, R.T., R.C. Banks, F.K. Barker, C. Cicero, J.L. Dunn, A.W. Kratter, I.J. Lovette,~~
36 ~~P.C. Rasmussen, J.V. Remsen, Jr., J.D. Rising, D.F. Stotz, and K. Winker. 2009. Fiftieth supplement to~~
37 ~~the American Ornithologists' Union Check List of North American Birds. The Auk. 126:705-714.~~

38 (d) ~~Mammals—Wilson, D. E. and D. M. Reeder, editors. 2005. Mammal species of the world, a~~
39 ~~taxonomic and geographic reference. 3rd Edition. Johns Hopkins University Press.~~

40 (2) ~~If the taxonomic status of individual species is changed through subsequent publications scientific~~
41 ~~taxonomy shall remain as cited in 635-044-0002(1) and 635-044-0130 for the purposes of implementing~~
42 ~~and enforcing 635-044-0000 through 635-044-0235.~~

43
44 Stat. Auth.: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,~~
45 ~~498.052, 498.222 & 498.242~~

46 Stats. Implemented: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,~~
47 ~~498.029, 498.052, 498.222 & 498.242~~

1 **635-044-0005**

2 **Permit Required to Hold Wildlife**

3 Any person desiring to capture and hold any northern flying squirrel (*Glaucomys sabrinus*),
4 chickaree (Douglas's squirrel and red squirrel) (*Tamiasciurus douglasii* and *T. hudsonicus*), golden-
5 mantled ground squirrel (*Spermophilus lateralis*), or chipmunk (*Tamias amoenus*, *T. minimus*, *T. senex*,
6 *T. siskiyou* and *T. townsendii*), or to hold any raccoon (*Procyon lotor*), or bobcat (*Lynx rufus*) must first
7 secure a Wildlife Holding Permit by applying on a form provided to the Oregon Department of Fish and
8 Wildlife. The application shall list the species and numbers to be captured or otherwise acquired, the
9 source or proposed area of capture, the date of application, and the name, address, and signature of
10 applicant. Any application may be denied by the director for cause.

11
12 Stat. Auth.: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,~~
13 ~~498.052, 498.222 & 498.242~~

14 Stats. Implemented: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,~~
15 ~~498.029, 498.052, 498.222 & 498.242~~

16
17 **635-044-0010**

18 **Numbers of Wildlife to Be Captured**

19 The number of any wildlife species for which a Wildlife Holding Permit is required that may be
20 captured and held shall not exceed six per calendar year except as authorized by the Director.

21
22 Stat. Auth.: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,~~
23 ~~498.052, 498.222 & 498.242~~

24 Stats. Implemented: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,~~
25 ~~498.029, 498.052, 498.222 & 498.242~~

26
27 **635-044-0015**

28 **Wildlife Which Cannot Be Captured and Held**

29 Except as provided in these rules, no game mammal, furbearer, striped skunk (*Mephitis mephitis*),
30 western spotted skunk (*Spilogale gracilis*), native bat, or coyote (*Canis latrans*) may be captured and
31 held in captivity, except as authorized by the director. Fox (*Vulpes vulpes*) or *Urocyon*
32 *cinereoargenteus*) may be held by a commercial fur farm as defined in OAR 635-056-0010. No game
33 bird may be captured and held in captivity except that members of the families Tetranidae and
34 Phasianidae may be captured and held as authorized by the director. No game fish may be captured and
35 held in captivity except as authorized by the director. No species of nongame wildlife declared protected
36 by the commission under OAR 635-044-0130 may be captured and held except northern flying squirrel
37 (*Glaucomys sabrinus*), chickaree (Douglas's squirrel and red squirrel) (*Tamiasciurus douglasii* and *T.*
38 *hudsonicus*), golden-mantled ground squirrel (*Spermophilus lateralis*), and chipmunk (*Tamias amoenus*,
39 *T. minimus*, *T. senex*, *T. siskiyou* and *T. townsendii*). No migratory bird or mammal protected by
40 federal law may be captured and held without first securing a federal permit. A federal permit will serve
41 in lieu of a state

42
43 Wildlife Holding Permit for birds protected by the federal Migratory Bird Treaty Act and mammals
44 protected by federal law.

45
46 Stat. Auth.: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,~~
47 ~~498.052, 498.222 & 498.242~~

48 Stats. Implemented: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,~~

1 ~~498.029, 498.052, 498.222 & 498.242~~

2
3 **635-044-0020**

4 **When a Permit is not Required to Hold Wildlife**

5 ~~No Wildlife Holding Permit is required to capture and hold wildlife except for those species listed in~~
6 ~~OAR 635-044-0005 and those species listed in OAR 635-044-0015 which cannot be captured and held.~~
7 ~~No Wildlife Holding Permit is required to hold game mammals and game birds, and game fish legally~~
8 ~~acquired and held under a Wildlife Propagation License, a Cervid Holding Permit or a Cervid~~
9 ~~Propagation License.~~

10
11 ~~Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,~~
12 ~~498.052, 498.222 & 498.242~~

13 ~~Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,~~
14 ~~498.029, 498.052, 498.222 & 498.242~~

15
16 **635-044-0025**

17 **Ownership of Captured Wildlife Held in Captivity**

18 ~~Any wildlife or the progeny thereof which has been captured and is being held under a Wildlife~~
19 ~~Holding Permit remains the property of the State of Oregon and cannot be sold except as authorized by~~
20 ~~the Director.~~

21
22 ~~Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,~~
23 ~~498.052, 498.222 & 498.242~~

24 ~~Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,~~
25 ~~498.029, 498.052, 498.222 & 498.242~~

26
27 **635-044-0030**

28 **Cost and Expiration Date of Wildlife Holding Permit**

29 ~~Any person desiring to obtain a Wildlife Holding Permit must submit a complete application and a~~
30 ~~non refundable application fee of \$5.00 (plus a \$2.00 license agent fee). Wildlife Holding Permit shall~~
31 ~~expire on December 31 of the year issued.~~

32
33 ~~Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,~~
34 ~~498.052, 498.222 & 498.242~~

35 ~~Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,~~
36 ~~498.029, 498.052, 498.222 & 498.242~~

37
38 **635-044-0035**

39 **Requirements for Care of Wildlife Held in Captivity**

40 (1) ~~Any wildlife held in captivity, whether a permit is required or not, must be treated in a humane~~
41 ~~manner and cannot be restrained with a chain, rope, or other holding device. Facilities for care of captive~~
42 ~~wildlife must be maintained in a sanitary condition and be large enough to provide room for exercise~~
43 ~~and sturdy enough to prevent escape and protect the public. Food, water, and cover must be provided in~~
44 ~~sufficient quantity and quality to maintain the wildlife in a healthy condition.~~

45 (2)(a) ~~Individual bear or cougar six months of age and older must be held within special facilities~~
46 ~~approved by the Department of Fish and Wildlife according to the specifications of Exhibit 1, except~~
47 ~~when:~~

48 (A) ~~transported to or from veterinarian clinics or other ODFW approved facilities; or~~

49 (B) ~~on public display by a USDA class A, B or C license holder.~~

1 (b) ~~Facilities approved by the Department by December 18, 1997, are deemed to comply with the~~
2 ~~new requirements of Exhibit 1.~~

3 (c) ~~The department may, in its discretion, approve facilities that do not meet the specifications of~~
4 ~~Exhibit 1 if the department finds that such facilities provide safeguards equivalent to those required by~~
5 ~~Exhibit 1. The burden is on the applicant to demonstrate equivalency. One seeking equivalency approval~~
6 ~~shall submit a detailed analysis of each specification required by Exhibit 1 and describe how the facility~~
7 ~~provides equivalent safeguards.~~

8 [~~ED. NOTE: Attachment referenced is not included in rule text. [Click here for PDF of attachment.](#)~~]

9
10 ~~Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,~~
11 ~~498.052, 498.222, 498.242~~

12 ~~Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,~~
13 ~~498.029, 498.052, 498.222 & 498.242~~

14 15 **635-044-0040**

16 **Inspection of Facilities**

17 ~~Facilities for care of captive wildlife are subject to inspection by any State Police officer or~~
18 ~~Department of Fish and Wildlife representative. Inspection of the facilities may take place without~~
19 ~~warrant or notice, but, unless prompted by emergency or other exigent circumstances, shall be limited to~~
20 ~~regular and usual business hours, including weekends. Nothing in these rules is intended to authorize or~~
21 ~~allow the warrantless search or inspection of a permit holder's residence.~~

22
23 ~~Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,~~
24 ~~498.052, 498.222, 498.242~~

25 ~~Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,~~
26 ~~498.029, 498.052, 498.222, 498.242~~

27 28 **635-044-0045**

29 **Cancellation of Permit**

30 ~~Failure to comply with the requirements for holding wildlife is cause to cancel the permit and~~
31 ~~confiscate the wildlife being held.~~

32
33 ~~Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,~~
34 ~~498.052, 498.222, 498.242~~

35 ~~Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,~~
36 ~~498.029, 498.052, 498.222, 498.242~~

37 38 **635-044-0050**

39 **Possession of Coyote Prohibited Without Permit**

40 ~~It is unlawful to keep coyotes (*Canis latrans*) in captivity except in public parks or zoos or in~~
41 ~~compliance with the terms and conditions of a permit issued pursuant ORS 497.298.~~

42
43 ~~Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,~~
44 ~~498.052, 498.222, 498.242~~

45 ~~Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,~~
46 ~~498.029, 498.052, 498.222, 498.242~~

1 **635-044-0051**

2 **Holding Pure-Bred Gray Wolf or Wolves in Captivity**

3 This rule governs the holding in captivity of pure-bred wolves in Oregon, with the objective of
4 protecting the public's native wildlife.

5 (1) The only persons who may hold pure-bred wolves in captivity are those who, as of December 31,
6 2009, held a gray wolf or wolves in captivity under previous Oregon Department of Agriculture, Class I
7 Exotic Canine, Exotic Animal Division 603 Rules or held a valid license or registration from the U.S.
8 Department of Agriculture, under the federal Animal Welfare Act of 1970. These persons may hold
9 only gray wolves, and only if they obtain authority under the requirements of paragraphs (4) or (5) of
10 this rule.

11 (2) Beyond the persons described in paragraph (1), the Department will not issue any new permits to
12 hold a pure-bred wolf in captivity.

13 (3) For the purpose of this rule, a wolf is considered "pure-bred" so long as it does not include any
14 hybrid cross with a domestic dog or other canine. The Department will determine pure-bred status
15 based on written documentation that may include breeding records, records of acquisition and
16 disposition transactions and sworn statements.

17 (4) To maintain the authority to hold pure-bred gray wolves in captivity, a person described in
18 paragraph (1) must:

19 (a) No later than 30 days before the expiration date printed on the permit issued by either the
20 Department or the Department of Agriculture which authorized the person to keep one or more wolves
21 in captivity:

22 (A) Apply to the Department for a captive wolf holding permit, using a form provided by the
23 Department. Such permits will have a term of two years and may include, but are not limited to,
24 conditions designed to protect native wildlife and human safety;

25 (B) Pay the Department a fee of \$100 (plus a \$2.00 license agent fee);

26 (C) Demonstrate to the Department that the person's wolf holding facility meets the minimum
27 special requirement standards for Class I Exotic Canines under the Oregon Department of Agriculture
28 rules (OAR 603-011-0725) in effect as of April 1, 2010; and

29 (D) Certify to the Department that the person's wolf handling facility complies with any applicable
30 city or county ordinances and any applicable federal laws.

31 (b) Obtain written authorization from the Department before transferring a pure-bred gray wolf to
32 another facility or releasing any pure-bred gray wolf into the wild;

33 (c) Not import, export, purchase, sell or exchange any pure-bred gray wolf; and

34 (d) Comply with the terms of any permit issued by the Department.

35 (5) Notwithstanding subparagraph (4)(a) above, a person who qualifies to hold a pure-bred gray wolf
36 under paragraph (1) through possessing an exhibitor permit from the U.S. Department of Agriculture
37 does not need to obtain a wolf holding permit from the Department so long as the person maintains the
38 person's federal permit. However, the person must still comply with the requirements of subparagraphs
39 (4)(b) and (c).

40 (6) The Department may revoke a wolf holding permit if the Department determines that the person
41 has violated these rules or the terms of the permit. If the Department proposes to revoke a person's
42 wolf holding permit, the person may request a contested case hearing within 14 days of notice of the
43 proposal.

44
45 Stat. Auth.: ORS 498.002, 496.171-182

46 Stats. Implemented: ORS 498.002, 496.171-182

Wildlife Propagation License Regulations

635-044-0060

License Required to Propagate Wildlife

—(1) Any person desiring to propagate for sale any game mammal (excluding the family *Cervidae*) or game bird, or desiring to sell any propagated game mammal (excluding the family *Cervidae*) or game bird must first secure a Wildlife Propagation License by applying on a form provided to the Oregon Department of Fish and Wildlife. The application shall list the wildlife species and numbers being held for propagation purposes, or the species being held for sale. The application shall also include the date of application, and the name, address, and signature of applicant.

—(2) Wildlife Propagation License shall cost \$52.00 (plus a \$2.00 license agent fee) and shall expire on December 31 of the year issued.

—(3) Any person desiring to propagate and sell any raptor must adhere to all permit requirements and regulations pertaining to the propagation and selling of raptors, as adopted by the U.S. Department of the Interior on July 8, 1983. (Federal Register, Vol. 48, No. 132, Part 21.)

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Other Auth.: Senate Bill 247 (2015)

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

635-044-0075

Requirements for Care of Wildlife Held for Sale

Any wildlife held for sale under a Wildlife Propagation License must be:

- (1) Treated humanely;
- (2) Maintained under sanitary and disease free conditions;
- (3) Provided ample food, water, and cover;
- (4) Provided ample room to exercise;
- (5) Enclosed within suitable facilities to prevent escape.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

635-044-0080

Shipping Requirements

Any Wildlife shipped within or outside the state by the holder of a Wildlife Propagation License must have affixed to the shipping container a record showing:

- (1) Name, address, and Wildlife Propagation License number of shipper;
- (2) Name and address of consignee;
- (3) Species and numbers of wildlife contained.

Stat. Auth.: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

Stats. Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222 & 498.242

1 **635-044-0120**

2 **Record Keeping and Reporting Requirements**

3 (1) A record of all business transactions involving sale or purchase of eggs, mammals, or game birds
4 must be maintained at facilities operated under a Wildlife Propagation License. Records must be
5 available for inspection by Oregon State Police or Oregon Department of Fish and Wildlife personnel:

6 (2) An annual report of operations must be submitted with each license renewal application or by
7 January 15 of the next year if the licensee does not submit a renewal application. The annual report shall
8 include a total of all purchases and sales by species of mammals, birds, or bird eggs.

9
10 Stat. Auth.: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,~~
11 ~~498.052, 498.222 & 498.242~~

12 Stats. Implemented: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,~~
13 ~~498.029, 498.052, 498.222 & 498.242~~

14
15 **635-044-0125**

16 **Cancellation of License**

17 Failure to comply with shipping requirements, reporting requirements, or requirements for care of
18 wildlife held for sale is cause to cancel the Wildlife Propagation License and confiscate or require
19 disposal of the wildlife being held.

20
21 Stat. Auth.: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,~~
22 ~~498.052, 498.222 & 498.242~~

23 Stats. Implemented: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,~~
24 ~~498.029, 498.052, 498.222 & 498.242~~

25
26 **635-044-0130**

27 **Nongame Wildlife Protected**

28 —(1) Except as provided by ~~635-043-0030, 635-200-0040, 635-044-0015, 635-056-0080 and 635-044-~~
29 ~~0200~~, it is unlawful for any person to hunt, trap, pursue, kill, take, catch, angle for, or have in
30 possession, either dead or alive, whole or in part, any:

31 —(a) Threatened or Endangered animals as provided for in ~~635-100-0125~~; or

32 —(b) Protected wildlife listed herein except as otherwise provided by the commission by permit, or
33 with respect to Pacific Lamprey, as authorized by a federally recognized Indian tribe to which the
34 Commission has issued a permit authorizing that tribe to allow its members to take Pacific Lamprey at
35 Willamette Falls for personal use, with a tribal enrollment card in possession, within seasons and subject
36 to conditions established by the Commission, or with respect to non-threatened or non-endangered
37 migratory nongame birds, as authorized by a Migratory Bird Depredation Order, or in compliance with
38 all terms and conditions of a Migratory Bird Depredation Permit issued by the United States Fish and
39 Wildlife Service under Title 50 Code of Federal Regulations Part 21, Subpart D. Nothing in this rule is
40 intended to affect the provisions of ORS 610.002 to 610.990.

41 —(A) Fish: (Protected fish are listed by common name and scientific name if consistently applied
42 across taxonomic references):

43 —(i) Goose Lake lamprey (*Entosphenus* sp.);

44 —(ii) Alvord chub;

45 —(iii) Oregon lakes tui chub;

46 —(iv) Sheldon tui chub;

47 —(v) Pit roach (*Lavinia symmetricus mitrulus*);

48 —(vi) Oregon chub (*Oregonichthys crameri*);

49 —(vii) Millicoma longnose dace (*Rhinichthys cataraetae* ssp.);

- 1 — (viii) Lahonton redbreast (*Richardsonius egregius*);
- 2 — (ix) Goose Lake sucker (*Catostomus occidentalis lacusanserinus*);
- 3 — (x) Tahoe sucker (*Catostomus tahoensis*);
- 4 — (xi) Malheur sculpin (*Cottus bendirei*);
- 5 — (xii) Margined sculpin (*Cottus marginatus*);
- 6 — (xiii) Pit sculpin (*Cottus pitensis*);
- 7 — (xiv) Pacific lamprey (*Entosphenus tridentatus*);
- 8 — (xv) Goose Lake tui chub;
- 9 — (xvi) Klamath smallscale sucker, Jenny Creek population (*Catostomus rimiculus*);
- 10 — (xvii) River lamprey (*Lampetra ayresii*);
- 11 — (xviii) Western brook lamprey (*Lampetra richardsoni*);
- 12 — (xix) Miller Lake lamprey (*Entosphenus minimus*);
- 13 — (xx) Klamath River lamprey (*Entosphenus similis*);
- 14 — (xxi) Pit-Klamath brook lamprey (*Entosphenus lethophagus*);
- 15 — (B) Amphibians:
- 16 — (i) Cope's giant salamander (*Dicamptodon copei*);
- 17 — (ii) Clouded salamander (*Aneides ferreus*);
- 18 — (iii) Black salamander (*Aneides flavipunctatus*);
- 19 — (iv) California slender salamander (*Batrachoseps attenuatus*);
- 20 — (v) Oregon slender salamander (*Batrachoseps wrightorum*);
- 21 — (vi) Del Norte salamander (*Plethodon elongatus*);
- 22 — (vii) Larch Mountain salamander (*Plethodon larselli*);
- 23 — (viii) Siskiyou Mountains salamander (*Plethodon stormi*);
- 24 — (ix) Rocky Mountain tailed frog (*Aescaphus montanus*);
- 25 — (x) Coastal tailed frog (*Aescaphus truei*);
- 26 — (xi) Northern red-legged frog (*Rana aurora*);
- 27 — (xii) Foothill yellow-legged frog (*Rana boylei*);
- 28 — (xiii) Cascades frog (*Rana cascadae*);
- 29 — (xiv) Northern leopard frog (*Lithobates pipiens*);
- 30 — (xv) Columbia spotted frog (*Rana luteiventris*);
- 31 — (xvi) Oregon spotted frog (*Rana pretiosa*);
- 32 — (xvii) Southern torrent salamander (*Rhyacotriton variegatus*);
- 33 — (xviii) Columbia torrent salamander (*Rhyacotriton kezeri*);
- 34 — (xix) Cascade torrent salamander (*Rhyacotriton cascadae*);
- 35 — (xx) Western toad (*Anaxyrus boreas*);
- 36 — (xxi) Woodhouse toad (*Anaxyrus woodhousei*);
- 37 — (xxii) Blotched tiger salamander (*Ambystoma mavortium melanostictum*);
- 38 — (C) Reptiles:
- 39 — (i) Western painted turtle (*Chrysemys picta bellii*);
- 40 — (ii) Western pond turtle (*Actinemys marmorata*);
- 41 — (iii) Great Basin collared lizard (*Crotaphytus bicinctores*);
- 42 — (iv) Long-nosed leopard lizard (*Gambelia wislizenii*);
- 43 — (v) Pygmy short-horned lizard (*Phrynosoma douglassi*);
- 44 — (vi) Desert horned lizard (*Phrynosoma platyrhinos*);
- 45 — (vii) Sharp-tailed snake (*Contia tenuis*);
- 46 — (viii) Common kingsnake (*Lampropeltis getula*);
- 47 — (ix) California mountain kingsnake (*Lampropeltis zonata*);
- 48 — (x) Western ground snake (*Sonora semiannulata*);
- 49 — (D) Birds: All nongame birds except European starling, house sparrow, and Eurasian collared dove.

- 1 —(E) Mammals:
- 2 —(i) Fringed myotis (*Myotis thysanodes*);
- 3 —(ii) Townsend's big-eared bat (*Corynorhinus townsendii*);
- 4 —(iii) Pallid bat (*Antrozous pallidus*);
- 5 —(iv) American pika (cony) (*Ochotona princeps*);
- 6 —(v) Pygmy rabbit (*Brachylagus idahoensis*);
- 7 —(vi) White-tailed jack rabbit (*Lepus townsendii*);
- 8 —(vii) Chipmunk (*Tamias amoenus*, *T. minimus*, *T. senex*, *T. siskiyou* and *T. townsendii*);
- 9 —(viii) Golden-mantled ground squirrel (*Spermophilus lateralis*);
- 10 —(ix) Chickaree (Douglas's squirrel and red squirrel) (*Tamiasciurus douglasii* and *T. hudsonicus*);
- 11 —(x) White-tailed antelope squirrel (*Ammospermophilus leucurus*);
- 12 —(xi) Northern flying squirrel (*Glaucomys sabrinus*);
- 13 —(xii) White-footed vole (*Arborimus albipes*);
- 14 —(xiii) Ringtail (*Bassariscus astutus*);
- 15 —(xiv) Fisher (*Martes pennanti*);
- 16 —(xv) All marine mammals.

- 17 —(xvi) Silver-haired bat (*Lasionycteris noctivagans*);
- 18 —(xvii) Western small-footed myotis (*Myotis ciliolabrum*);
- 19 —(xviii) Long-eared myotis (*Myotis evotis*);
- 20 —(xix) Long-legged myotis (*Myotis volans*); (xx) Yuma myotis (*Myotis yumanensis*);
- 21 —(xxi) Columbian white-tailed deer (*Odocoileus virginianus leucurus*) in the following Wildlife
- 22 Management Units: Saddle Mountain (10), Scappoose (11), Willamette (15), and Santiam (16).

23 —(2) Notwithstanding section (1) of this rule, it shall be lawful to purchase, sell, or exchange, or have
 24 in possession any pelt of wildlife listed therein which was lawfully taken in another state and transported
 25 into Oregon. A bill of lading or freight bill from a common carrier or other documentary proof
 26 indicating the state of origin of the pelt and the name and address of the person from whom the pelt was
 27 received shall be sufficient.

28
 29 Stat. Auth.: ORS 496.138, 496.146 & 506.119
 30 Stats. Implemented: ORS 496.162 & 506.129

31
 32 **635-044-0132**

33 **Nongame Wildlife Nonprotected**

34 (1) Any nongame wildlife species that is not provided for in 635-044-0130, or is not otherwise
 35 protected by statute or rule, is nonprotected.

36 (2) Any nonprotected wildlife taken from the wild and possessed shall be maintained in a humane
 37 manner as follows:

38 (a) Food and water of sufficient quantity and quality to allow for normal growth or maintenance of
 39 body weight, shelter sufficient to protect the animal from adverse elements, and any other requirement
 40 particular to the animal's survival shall be provided;

41 (b) Sufficient space for exercise necessary for the health of the animal shall also be provided;

42 (c) Confinement areas shall be kept reasonably clean and free from excess waste or other
 43 contaminants which could affect the animal's health;

44 (d) A level of care deemed necessary by a reasonably prudent person shall be provided to prevent
 45 distress from captivity, injury, neglect or disease;

46 (3) It is *unlawful* for any person possessing wildlife to cause or allow such wildlife to be chased,
 47 injured, harmed, harassed, molested, worried, frightened, or neglected, except wildlife taken under a
 48 Scientific Taking Permit.

49

1 Stat. Auth.: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029,~~
2 ~~498.052, 498.222, 498.242~~
3 Stats. Implemented: ~~ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022,~~
4 ~~498.029, 498.052, 498.222, 498.242~~

5
6
7 December 2015 (Wildlife Rehabilitation now under Division 062)

8
9
10 **EXHIBIT 1**
11 **(635-044-0035)**

12
13 ~~Minimum Specifications for Holding Facility for Bear *Ursus americanus* and Cougar *Felis concolor*~~

14
15 **Minimum Size:**

16 ~~— Six (6) feet in height; minimum floor area for each animal held shall be three hundred (300) square~~
17 ~~feet, excluding cubs or kittens under six (6) months of age.~~

18
19 **Construction**

20 ~~— Floor: The floor shall be constructed in one of the following ways:~~

21 ~~— For Bear: Four (4) inch reinforced concrete, sloped for free drainage.~~

22 ~~— For Cougar:~~

23 ~~— 1: Four (4) inch reinforced concrete, sloped for free drainage; or~~

24 ~~— 2: Four (4) inch reinforced continuous concrete skirt four (4) feet wide around either inside or outside~~
25 ~~of pen perimeter; or~~

26 ~~— 3: Six (6) inch concrete curb two (2) feet deep around pen perimeter. If the substrate will not permit~~
27 ~~subsurface construction, 9 gauge chain link fencing or its equivalent shall be buried and extend three (3)~~
28 ~~feet inside. This subsurface wire shall be securely anchored; or~~

29 ~~— 4: (Only for declawed cougar. Owner must provide veterinarian proof of declawing upon request.)~~
30 ~~Natural earth with a minimum of three (3) inches concrete skirt two (2) feet wide around either inside or~~
31 ~~outside of pen perimeter.~~

32 ~~— Gate: Double gate construction consisting of welded, bolted or threaded frames. The exterior gate~~
33 ~~must be secured by a lock at all times except when entry is required. One gate must open inward and have~~
34 ~~a positive stop to prevent opening when unlocked and pressured by the caged animal. The gate must be~~
35 ~~constructed in a manner to provide strength comparable to the rest of the cage, and the hinges and fasteners~~
36 ~~must be adequate to provide strength equivalent to the rest of the construction.~~

37 ~~— Cage: The cage shall be constructed in one of the following ways:~~

38 ~~— 1: Frame and mesh construction, to consist of a supportive framework, corner and gate posts to be~~
39 ~~steel pipes or beams equivalent in strength to 2 inch steel pipe, top and sides, of steel pipes or beams~~
40 ~~equivalent in strength to 1 1/2 inch steel pipe, securely welded, bolted, or threaded together, with~~
41 ~~framework members at intervals no greater than five (5) feet; gate posts, steel pipe and beam posts must~~
42 ~~be embedded in concrete to a minimum depth of two (2) feet, wire mesh covering of 9 gauge chain link~~
43 ~~fencing or its equivalent, securely bolted, welded or attached with 9 gauge fence ties to framework. Top~~
44 ~~to be constructed of 9 gauge chain link fencing or equivalent for bear, 11 1/2 gauge chain link fencing or~~
45 ~~equivalent for cougar, attached in a similar manner as sides.~~

46 ~~— 2: Barred construction, to consist of steel pipes or bars equivalent in strength to 3/4 inch steel pipe,~~
47 ~~spaced at intervals not to exceed six (6) inches, and supported at intervals not to exceed thirty-six (36)~~
48 ~~inches with 3/8 by 2 inch steel bars drilled to receive the vertical bars at the intervals given above; all~~
49 ~~joints or points of meeting to be securely bolted or welded, top and sides. Top to be bar construction as~~

1 described above or constructed of 9 gauge chain link fencing or equivalent for bear, 11-1/2 gauge chain
2 link fencing or equivalent for cougar, securely attached to sides.

3 4 **Other Specifications**

5 —A water trough of not less than four (4) U.S. gallons securely attached inside of the cage.

6 —One den box for each animal kept, to be constructed on a floor level not less than three and one half
7 (3-1/2) inches above the floor level of the main cage; providing fifteen (15) square feet of floor area per
8 animal; being not less than thirty (30) inches high inside; with floor sloped to provide free drainage.

9 —Shelter to protect animal from sun and rain must be provided.

10 —Exercise or open top enclosure may not replace the minimum cage requirements for this Exhibit 1.
11 However, if such a facility is provided, it must comply with the following minimum requirements:

12 —Perimeter fence construction must be 9 gauge chain link type fencing or equivalent a minimum of
13 eight (8) feet high with a double overhanging cantilever of electrified wire. Each cantilever to be not less
14 than 18 inches in length, totally surrounding the entire enclosure and one to slope in, the other to slope
15 out, both at a 45 degree angle, containing electrified wires not less than 16 gauge, equally spaced, not to
16 exceed six (6) inch spacing intervals. A "New Zealand" style energizer that is appropriately sized for the
17 amount of wire to be energized shall power the fence.

18 —Frame and mesh construction, to consists of a supportive framework, all posts to be steel pipes or
19 beams equivalent in strength to 1-1/2 inch steel pipe, with vertical frame members at intervals no greater
20 than ten (10) feet. Vertical frame members must be imbedded in concrete to a depth of three (3) feet.
21 Horizontal frame members are required at top and bottom of vertical portion of fence. Nine gauge chain
22 link fence or equivalent securely attached to top and bottom horizontal frame members at intervals not to
23 exceed one (1) foot.

24 —Double gate construction to be welded, bolted or threaded frames. The exterior door must be secured
25 by a lock at all times except when entry is required. One gate must open inward and have a positive stop
26 to prevent opening when unlocked and pressured by the caged animal. The gate must be constructed in a
27 manner to provide strength comparable to the rest of the cage, and the hinges and fasteners will be adequate
28 to provide strength equivalent to the rest of the construction.

29 —Animals may occupy the exercise enclosure only when keeper is present.]

30
31
32 October 2015 (Wildlife Rehabilitation now under Division 062)