



AGENDA ITEM SUMMARY

BACKGROUND

The Department is proposing revisions to the Division 56 rules. At the June Commission meeting the Department presented its draft proposal for revisions and the Commission heard public testimony. The Department will present the final proposed revisions, which addressed public comments, at the August meeting for Commission approval. Public comment for this agenda item closed June 20 and additional comments will not be considered.

Oregon Administrative Rules (OAR) Chapter 635 Division 56, “Importation, Possession, Confinement, Transportation and Sale of Nonnative Wildlife” (Wildlife Integrity Rules) protect Oregon’s native wildlife by regulating human actions involving nonnative wildlife, whether those actions involve trade in nonnative wildlife or interaction with nonnative species in the wild. The rules allow private use of nonnative species to the extent that they do not pose a significant risk of harm to native species.

The Wildlife Integrity Rules separate non-native wildlife species into four categories: animals exempt from these rules, Prohibited Species, Noncontrolled Species and Controlled Species. The classification of a wildlife species determines the conditions that must be met before a person can legally possess that species in Oregon. If a species is not classified in any of these four categories, that species is automatically treated as a “Prohibited Species” (OAR 635-056-0130 (1)). The Wildlife Integrity Rules establish a process for a person to request or petition that a species, subspecies or hybrid be classified into one of three categories: Prohibited, Noncontrolled or Controlled (OAR 635-056-0130 and 635-056-0140).

When considering the classification of non-native wildlife in the Wildlife Integrity Rules, factors to consider include ecological impacts such as potential negative impacts to native wildlife through the introduction of disease or parasites, interbreeding, competition, impacts to habitat, or predation. Other factors to consider include the feasibility and cost of capturing escaped animals and the species threatened or endangered status according to the International Union for Conservation of Nature (IUCN) Red List of Threatened Species.

PUBLIC INVOLVEMENT

In anticipation of the Commission consideration of the proposed rules, the department published the Notice of the Proposed Rulemaking and accepted written public comments through June 20, 2025. Additionally, the public had an opportunity to provide comments orally during the hearing that occurred at the June 13, 2025 Commission meeting. Comments were summarized in

Attachment 4, and staff provided a response to comments received in Attachment 4. All comments received are included in Attachment 5.

ISSUE 1

Amend the Wildlife Integrity Rules to classify additional species and families as Prohibited. Non-classified species are treated as prohibited by default (OAR 635-056-0130 (1)). The Prohibited Species list is the record of species that the department has reviewed and made the purposeful decision that the species should be prohibited according to the conditions in 635-056-0130.

ANALYSIS

Golden Mussel

Golden mussels were discovered in California during the summer of 2024. Like mussels in the Dreissenidae family (zebra and quagga mussels), golden mussels are a known aquatic invasive species and are highly prolific biofouling organisms.¹ The detection of golden mussels in California is the first time this species has been found in North America². Golden mussels pose a serious ecological and financial risk to Oregon.

Golden mussels can attach to any structure in the water including recreational and commercial watercraft. They can also be transported by trailered boats or any aquatic conveyance to other waterbodies. Depending on weather conditions, invasive freshwater mussels can survive for up to 30 days, or longer, out of the water.

Prohibiting golden mussels whether alive or dead enables watercraft inspection crews to order decontamination of vessels contaminated with golden mussels without having to first prove viability as deceased mussels can stay attached to surfaces long after they have died. It is also important to limit any presence of dead golden mussels in Oregon because one method used for early detection of invasive mussel establishment is eDNA sampling of Oregon waterbodies. Dead individuals continue to contain detectible DNA, and if introduced to a waterbody, they could trigger false positive detections.

Staff propose amending OAR 635-056-0050 to prohibit golden mussel from being imported, possessed, sold, purchased, exchanged or transported within the state, whether alive or dead.

Non-native Abalone

Non-native abalone can transmit two serious diseases, withering syndrome and Abalone herpesvirus (AbHV), which are highly contagious and would be devastating if introduced to native abalone populations in Oregon and the other west coast states.

Under current rules, non-native abalone are classified as a “Live Food fish” (OAR 635-056-0010 (11)). Classifying non-native abalone as Prohibited would remove the species from the food fish classification and would prohibit the importation of live non-native abalone into Oregon.

By banning the importation of abalone, Oregon rules would also concur with rules for the importation of non-native abalone in California and Washington. At this time, Oregon is an open state for the importation of these species and thus could become a shipping hub for live abalone destined for other states.

Failure to include non-native abalone on the Prohibited Species list increase the chances that withering syndrome or AbHV could infect our native abalone populations. In addition, importation of these species into Oregon increases the risk for infected non-native abalone being shipped into neighboring state where non-native abalone are classified as Prohibited due to disease concerns for native abalone.

Staff propose amending OAR 635-056-0050 to prohibit non-native abalone from being imported, possessed, sold, purchased, exchanged or transported within the state.

Sea Turtles

All six species of sea turtle (the green, hawksbill, Kemp’s ridley, leatherback, loggerhead, and olive ridley) found in US waters are listed under the federal Endangered Species Act (ESA). The only species of sea turtle that does not occur in US waters (flatback sea turtle) is considered “data deficient” on the International Union for Conservation of Nature (IUCN) Red List of Threatened Species.

Staff propose amending OAR 635-056-0060 to remove ‘Marine Turtles’ and ‘Leatherback Turtles’ from the list of Noncontrolled Species and amending OAR 635-056-0050 to add ‘Sea Turtles Cheloniidae and Dermochelyidae — All species’ to the Prohibited Species list for the purpose of aligning Oregon’s rules with the protection warranted for ESA listed species and align rule language with the accepted terminology conventions in referring to these species.

Mystery Snails

The aquarium trade is a high-risk pathway for mystery snails in Oregon. It is believed that the current populations of invasive mystery snails in Oregon were established after aquarium dumps. Currently, Chinese and Japanese mystery snails are listed as a Prohibited Species. Other species within the livebearing mystery snail family, Viviparidae, such as the banded mystery snail (*Callinina georgiana*)³, common river snail (*Viviparus viviparus*)⁴, and olive mystery snail (*Viviparus subpurpureus*)⁵ have been found to be invasive in the other regions of the United States including the Great Lakes, Mississippi River, East Coast, and Southern California.

Staff proposes amending the list of Prohibited Species in OAR 635-056-0050 to include the entire family Viviparidae due to the threat of species within this family becoming invasive in Oregon.

Oyster Drill

The Japanese oyster drill is currently listed as a Prohibited Species. This small, predatory marine snail is native to eastern Asia and was accidentally introduced to the West Coast as early as 1924 as hitchhikers with Pacific oysters and oyster shell imported for aquaculture. Oyster drills feed on a range of shellfish including Pacific oysters (*Magallana gigas*). Other species within the oyster drill family (Muricidae) pose a similar threat to Oregon native shellfish, a species not yet known to be in Oregon is the Atlantic (or Eastern) oyster drill (*Urosalpinx cinerea*) which are known to be invasive in marine environments in the states of Washington and California.⁶

Staff proposes amending the Prohibited Species list in OAR 635-056-0050 to include the entire family Muricidae due to the threat of species within this family becoming invasive in Oregon.

Additional amendments

Staff proposes additional amendments to OAR 635-056-0050 for various corrections and updates relating to spelling and clarity. The authoritative sources for the taxonomy utilized in Division 56 are established in OAR 635-056-0002. Staff are not proposing changes to the established taxonomy authoritative sources as a full taxonomy review for all species was not undertaken as part of this rule amendment process. However, staff proposes amendments to OAR 635-056-0050 to identify alternate taxonomy for certain species by using the phrase “also classified as” for those species which staff is aware that changes in taxonomy have caused confusion with interpretation of these rules.

ISSUE 2

Amend the Wildlife Integrity Rules to classify additional families and species of wildlife as Noncontrolled Species. Species on the Noncontrolled list are those that the department has determined pose little risk to Oregon native species and their habitats and can be possessed without prior department approval.

ANALYSIS

Introduction

When a new species or group of species is being considered for reclassification, Noncontrolled status, risk assessment criteria outlined in OAR 635-056-0140 (1) are evaluated as high, moderate, or low risk. After each risk assessment criteria is considered, an overall risk determination and recommendation for classification are reached. Species can be placed on the Prohibited, Noncontrolled, or Controlled (with appropriate additional control requirements) lists. The following assessment criteria are considered:

- (a) Whether the species' natural range and habitat are similar to Oregon's climate and habitat;
- (b) Whether the species has an invasive history;
- (c) Whether the species can survive in Oregon;
- (d) Whether the species has the potential to prey upon native wildlife;
- (e) Whether the species can potentially degrade the habitat of native wildlife;
- (f) Whether the species has the potential to pass disease or parasites to native wildlife;
- (g) What types of disease or parasites could be passed on to native wildlife;
- (h) Whether the species has the potential to compete for food, water, shelter, or space with native wildlife;
- (i) Whether the species has the potential to hybridize with native wildlife; and
- (j) Whether the species can be readily distinguished from a native species, or a prohibited or controlled species.
- (k) How is the species categorized in “The IUCN Red List of Threatened Species?”
- (l) Is the species commercially propagated? Unknown, rarely, moderate, common?

Brush-tailed Bettong

The brush-tailed bettong (*Bettongia penicillata*) was recently downlisted on the IUCN Red List to ‘near threatened,’ which is between ‘least concern’ and ‘vulnerable.’ Although relatively uncommon in the pet trade, in the past staff have received inquiries from members of the public desiring to possess brush-tailed bettong. A wildlife integrity review panel was convened per OAR 635-056-0130 (4) to review this species’ potential impact on Oregon’s native wildlife and habitat. The panel consisted of eight experts in wildlife management and invasive species. The panel evaluated the risk assessment questions found in OAR 635-056-0140 (1) (See Issue 2 Analysis Introduction). On all questions, except for (e), the panel determined the species was a low risk. For question (e) the panel’s risk assessment was moderate. Overall it was determined that the brush-tailed bettong is a low risk to native wildlife species and their habitats. Considering this and recent downlisting on the IUCN Red List, staff propose amending OAR 635-056-0060 to add this species to the Noncontrolled List.

Geckos

When the wildlife integrity rules were derived in 1996, Geckos in the family Gekkonidae were classified as Noncontrolled species due to the integrity panels review of the family. The family Eublepharidae was not considered because it didn't exist and was established a short time after 1996. The family Eublepharidae has a similar distribution and habitat to Gekkonidae and as such would not survive well in Oregon if an escape occurred. The only distinction between these two families is the presence of movable eyelids in the family Eublepharidae. Along with Gekkonidae geckos in the family Eublepharidae are popular in the pet trade and are a low risk to native wildlife species. Staff propose amending OAR 635-056-060 to add the family Eublepharidae to the Noncontrolled Species list.

Pythons and Boas

Currently, pythons and boas in the family Boidae are on the Noncontrolled Species list but family Loxocemidae is not listed. Additionally, all but four species in the family Colubridae (milk, pine, corn, rat, and garter snake family) are on the Noncontrolled Species list, and the hognose snake (*Heterodon nasicus*) and false water cobra (*Hydrodynates gigas*) are not included on the Noncontrolled Species list.

The family Loxocemidae consists of a single species that at the time of rulemaking was included in the family Boidae and was already considered to be low risk to Oregon's native species and habitats. Adding this family to the noncontrolled list provides clarity to the rules that are already in place.

The hognose snake (*Heterodon nasicus*) and false water cobra (*Hydrodynates gigas*) were evaluated based on the criteria in OAR 635-056-0140 (1) (see issue 2 introduction). Both species were determined to be a low risk to Oregon's native wildlife and habitats primarily based upon their inability to survive through Oregon's winter season and successfully establish a population.

These species have a low risk to native wildlife species. Staff propose amending OAR 635-056-0060 to add the family Loxocemidae, the family Colubridae, the hognose snake, and the false water cobra to the noncontrolled species list.

Additional amendments

Staff proposes additional amendments to OAR 635-056-0050 for various corrections and updates relating to spelling and clarity. The authoritative sources for the taxonomy utilized in Division 56 are established in OAR 635-056-0002. Staff are not proposing changes to the established taxonomy authoritative sources as a full taxonomy review for all species was not undertaken as part of this rule amendment process. However, staff proposes amendments to OAR 635-056-0060 to identify alternate taxonomy for certain species by using the phrase "also classified as" for those species which staff is aware changes in taxonomy have caused confusion with interpretation of these rules.

ISSUE 3:

Amend additional sections of the Wildlife Integrity Rules.

ANALYSIS

Mute Swans

Currently, importation of mute swans is prohibited, however possession of mute swans is not prohibited provided all males are neutered and all individuals are surgically pinioned to prevent flight. Free ranging mute swans are occasionally discovered, and it is not known if these are escapees from captive flocks or if they are dispersers from established populations in neighboring states. As the procedure to neuter males can be risky, staff propose amending the Wildlife Integrity Rules to remove the requirement to neuter males but add a requirement that possession must be approved by the department, require that any eggs be destroyed, and prohibit the sale or exchange of mute swans.

Grass Carp

The department may issue permits allowing the release of grass carp in certain circumstances. These stockings may not be permitted if they will detrimentally affect any population of species listed as threatened or endangered. Staff propose expanding this restriction to include any population of species listed as sensitive.

Displaying name when advertising non-native species

It is a requirement to display both the common name and scientific name on the cage, tank, or pen where a non-native species is being displayed for sale. Staff propose amending OAR 635-056-0080 to expand this requirement to require displaying both the common name and scientific name when advertising a nonnative wildlife species for sale.

Additional amendments

Staff propose various corrections and updates to correct referrals to other rules and regulations, spelling, and provide clarity to OAR 635-056-0070, 635-056-0075 and 635-056-0090.

RESPONSE TO COMMENTS SUMMARY

Staff response to comments received is provided in Attachment 4. Staff propose utilizing the phrase “also classified as” when noting taxonomy changes inconsistent with the authoritative taxonomy sources established in OAR 635-056-0002 to address the recommendation in Comment #1. Remaining comments regarding classification of non-native octopus as Prohibited

were reviewed by staff, and staff do not recommend adding non-native octopus to the Prohibited Species list at this time.

OPTIONS

1. Adopt staff recommendations
2. Modify staff recommendations

STAFF RECOMMENDATION

1. Adopt staff recommendations

DRAFT MOTION:

I move to amend OAR Chapter 635, Division 56 as proposed by staff and shown in attachment 3.

Effective Date: *Upon filing*

Citations

¹ Boltovskoy, Demetrio, et al. “What We Know and Don’t Know about the Invasive Golden Mussel *Limnoperna Fortunei*.” *Hydrobiologia*, vol. 852, no. 5, Mar. 2025, pp. 1275–322. *EBSCOhost*, <https://doi-org.slo.idm.oclc.org/10.1007/s10750-022-04988-5>.

² By Alastair Bland; CalMatters. “‘Immediate Threat’; Golden Mussel Invades California’s Delta Region, the First Time in North America.” *Monterey County Herald, The (CA)*, 2 Nov. 2024, p. 2. *EBSCOhost*, research.ebsco.com/linkprocessor/plink?id=6da932c1-7465-3ad9-b5d9-c0017e7a473a.

³ Nonindigenous Aquatic Species Database: Banded mysterysnail (*Callinina georgiana*) - Species Profile. <https://nas.er.usgs.gov/queries/factsheet.aspx?SpeciesID=1047>.

⁴ Nonindigenous Aquatic Species Database: Common river snail (*Viviparus viviparus*) - Species Profile <https://nas.er.usgs.gov/queries/FactSheet.aspx?SpeciesID=1049>

⁵ Nonindigenous Aquatic Species Database: Olive Mysterysnail (*Viviparus subpurpureus*) - Species Profile <https://nas.er.usgs.gov/queries/FactSheet.aspx?SpeciesID=2769>

⁶ U.S. Geological Survey, 2025, *Urosalpinx cinerea*: U.S. Geological Survey, Nonindigenous Aquatic Species Database, Gainesville, FL, <https://nas.er.usgs.gov/queries/FactSheet.aspx?SpeciesID=1020>, Revision Date: 2/4/2009, Access Date: 7/24/2025