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NOTICE OF PROPOSED RULEMAKING INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 635

DEPARTMENT OF FISH AND WILDLIFE

FILED

04/24/2025 11:28 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amend Rules Regulating the Importation, Possession, Confinement, Transportation, and Sale of Nonnative Wildlife

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/20/2025 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Salem, OR 97302

Filed By:
Roxann Borisch
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 06/13/2025

TIME: 8:00 AM - 5:00 PM

OFFICER: ODFW Commission

IN-PERSON HEARING DETAILS

ADDRESS: Pendleton Convention Center, Vert Annex, 480 SW Dorion, Pendleton, OR 97801

SPECIAL INSTRUCTIONS:

Public comment will be accepted through June 20, 2025. A public hearing will be held and verbal comment taken at the June 13, 2025 Commission meeting held in Pendleton, Oregon, beginning at 8:00 am. This hearing will be conducted as a hybrid meeting, providing an opportunity to give testimony either in person or virtually. Additional information regarding participation will be posted on our website at www.dfw.state.or.us/agency/commission/minutes/. The meeting can be viewed at www.youtube.com/user/IEODFW. Any changes to the meeting format (to virtual only if emergency arises) will be posted to our website as soon as possible.

Commission decision on the proposed rules will occur at the August 15, 2025 meeting in Salem, Oregon. The meeting can be viewed at www.youtube.com/user/IEODFW. Any changes to the meeting format (to virtual only if emergency arises) will be posted to our website as soon as possible.

NEED FOR THE RULE(S)

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 or ownership of nonnative species to the extent that they do not pose a significant risk of harm to native species.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

1. Staff report prepared for the Oregon Fish and Wildlife Commission hearing on 6/13/2025, including the presentation and all provided materials.

A copy of the rules and the other documents relied upon for this rulemaking [the above document(s)] are available from the Oregon Department of Fish and Wildlife, Wildlife Division, 4034 Fairview Industrial Drive SE, Salem, Oregon 97302-1142. Contact Roxie Borisch at 503-947-6314 or roxann.b.borisch@odfw.oregon.gov to view by appointment between the hours of 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Department has solicited input from representatives of underrepresented communities likely to be affected on whether the proposed rule will have a fiscal impact on the community, the extent of the fiscal impact, and whether the rules will have significant impact on underrepresented communities. <https://www.dfw.state.or.us/OARs/index.asp>

FISCAL AND ECONOMIC IMPACT:

The proposed amendments to Oregon's Wildlife Integrity Rules are not expected to result in any significant economic or fiscal impacts.

Further discussion of potential impacts provided below pertains to the proposed amendments at the time of drafting this Fiscal Impact Statement.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s).

A. The proposed amendments are not expected to have major economic impacts or fiscal effects on ODFW or other state agencies. There may be potential for minimal impacts to ODFW and the Oregon State Police (OSP) regarding the implementation and enforcement of the proposed changes to species listed as 'prohibited' and adjustments to the current Controlled Wildlife Species Rules on mute swans. These impacts are anticipated to be minor in nature and not result in any substantive additional cost. The species added to prohibited list include sea turtles, watersnake, non-native oysters (Muricidae), abalone, and golden mussels. Rules on control measures for Mute swans (*Cygnus olor*) limit possession to those with an approval and authorization from ODFW and any produced eggs must be destroyed. Transportation, sale, purchase, exchange and offers to sell, purchase or exchange mute swans is to be prohibited. Other amendments to these rules are primarily technical corrections to the regulations. For example, correcting the scientific name of a species or language clarifications and are unlikely to result in any impact to agency workloads and or enforcement costs.

B. No units of local government are expected to be affected by these rules. No significant changes from the current levels of any local agencies' operations or expenditures are expected because of the adoption of these rules.

C. The public will be minimally affected by the adoption of these rules. The proposed changes to species classifications does have the potential to impact what is considered lawful importation, possession, confinement, transportation and

sales of species within Oregon. Changes may have potential to impact the pet trade industry and or individuals who sell, trade, or possess the species listed in part A above. It is anticipated that the impacts due to the species added to the prohibited category are negligible or none.

(2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); Small businesses/individuals in the pet trade industry have the potential to be affected by these amendments. ODFW does not currently have data on the number of those types of businesses operating in Oregon. The types of species considered for changes in these amendments involve species that are typically not sold in the pet trade industry, so impacts are expected to be 'de minimis' at an industry level.

(b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s);

These types of costs are not expected to result from the proposed amendments.

(c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

These types of costs are not expected to result from the proposed amendments.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

There is already an established process in the Wildlife Integrity Rules that allows for a person to request or petition that a species be listed into a category. This process means that over time these categories need to be updated in response to the petitions ODFW receives, along with other updates that are needed to account for new scientific information.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

An Administrative Rules Advisory Committee was not consulted. Public comment will be accepted through June 20, 2025. A public hearing will be held and verbal testimony and public correspondence will be taken at the June 13, 2025 Commission meeting held in Pendleton, Oregon, beginning at 8:00 am. Commission decision will occur at the August 15, 2025 meeting in Salem., Oregon

RULES PROPOSED:

635-056-0010, 635-056-0050, 635-056-0060, 635-056-0070, 635-056-0075, 635-056-0080, 635-056-0090

AMEND: 635-056-0010

RULE SUMMARY: This rule amendment will modify requirements and conditions for persons to import, possess, confine, transport and sell some species of wildlife.

CHANGES TO RULE:

635-056-0010

Definitions ¶¶

For the purposes of these rules, the definitions in ORS 496.004 and OAR 635-045-0002 apply. In addition, the

following definitions apply: ¶

- (1) "Aquaria" means any tanks, pools, ponds, bowls or other containers intended for and capable of holding or maintaining live fish and from which there is no outfall to any waters of this state. ¶
 - (2) "Aquaria Fish" means any fish, shellfish or ~~marine~~aquatic invertebrates legally acquired and sold in the pet store trade, except game fish, state or federally protected threatened and endangered species and those species listed as Prohibited or Controlled. ¶
 - (3) "Commercial Fur Farm" means any operation which raises captive fox (*Vulpes vulpes* or *Urocyon cinereoargenteus*) or mink (*Mustela vison*) for profit and possesses 10 or more animals. ¶
 - (4) "Controlled Species" means wildlife that the commission has placed on the Controlled list. ¶
 - (5) "Domestic" means those animals which are identified in OAR 635-056-0020 (Domestic or Otherwise Exempt Animals). ¶
 - (6) Except where used in reference to ORS chapter 609, "Exotic" means a wildlife species not native to Oregon; foreign or introduced. ¶
 - (7) "Hold" means any form of possession or control of an animal, gamete, or hybrid thereof. ¶
 - (8) "Hybrid" means any animal, gamete or egg that is produced by crossing at least one wild individual of a species with any other species or subspecies. ¶
 - (9) "Import/importation" means to bring or cause live wildlife to be transported into Oregon by any means. ¶
 - (10) "Introduced" means a species, subspecies or populations which occur in Oregon because of human action or intervention, rather than natural (nonhuman) colonization or immigration. ¶
 - (11) "Live Foodfish" means any fish or marine invertebrate legally acquired and held in aquaria or packaged live and sold in the wholesale or retail trade for human consumption, except game fish, state or federally protected threatened and endangered species and those species listed as Prohibited or Controlled. ¶
 - (12) "Marine invertebrate" means any marine invertebrate species commonly sold in the wholesale or retail trade for human consumption, or commonly found in the ornamental aquarium trade. ¶
 - (13) "Native" means species, subspecies or populations which occur currently or historically in Oregon through natural (i.e. nonhuman) colonization or immigration, rather than by human action or intervention. ¶
 - (14) "Nonnative" means a wildlife species not native to Oregon; foreign or introduced. ¶
 - (15) "Noncontrolled Species" means wildlife that the commission has placed on the Noncontrolled list. ¶
 - (16) "Prohibited Species" means wildlife that the commission has placed on the Prohibited list. ¶
 - (17) "Species" means a unit of classification of animals which are capable of interbreeding and producing fertile offspring. ¶
 - (18) "Subspecies" means a unit of classification of animals within a species which show differences in size, color or form as a result of being partially or completely reproductively isolated from other populations of the species
- Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.2342
- Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.2342

RULE SUMMARY: This rule amendment will modify requirements and conditions for persons to import, possess, confine, transport and sell some species of wildlife.

CHANGES TO RULE:

635-056-0050

Prohibited Species ¶

(1) Except as otherwise provided in these rules or other rules of the commission, live wildlife listed below may not be imported, possessed, sold, purchased, exchanged or transported in the state:¶

(a) Prohibited Mammals: Common Name - Family - Genus/species:¶

(A) Order Artiodactyla:¶

(i) Sheep, Goats, Chamois, Tahr - Bovidae - Subfamily Caprinae; All species and hybrids except:¶

(I) *Capra hircus*;¶

(II) *Ovis aries*;¶

(III) hybrids of *Ovis aries* with *O. a. orientalis*; hybrids of *O. aries* with *Ammotragus lervia*; and hybrids of *O. aries* with *Pseudois nayaur*;¶

(ii) Wildebeest - Bovidae - *Connochaetes* All species and hybrids;¶

(iii) Central Asian gazelles - Bovidae - *Procapra* All species and hybrids;¶

(iv) Wild boar - Suidae - *Sus scrofa* (except *Sus scrofa domesticus*).¶

(B) Order Carnivora:¶

(i) Wild canids - Canidae - All native species. However, fox (*Vulpes vulpes* and *Urocyon cinereoargenteus*) are exempt from this prohibition if when part of a commercial fur farming operation or for wildlife rehabilitation purposes by a licensed wildlife rehabilitator;¶

(ii) Mongooses - Herpestidae - All species and hybrids;¶

(iii) North American Otter, Eastern subspecies - Mustelidae - *Lontra canadensis laticauda*.¶

(iv) Asian Small-clawed Otter - Mustelidae - *Lutrinae Aonyx cinerea*.¶

(v) Civets and Genets - Viverridae - All species and hybrids (except *Arctictis binturong*).¶

(C) Order Chiroptera: Bats - All families except Pteropodidae - All species and hybrids.¶

(D) Order Cingulata: Nine-banded armadillo - Dasypodidae - *Dasypus novemcinctus*.¶

(E) Order Dasyuromorphia:¶

(i) Broad-footed marsupial mice - Dasyuridae - *Antechinus* All species and hybrids;¶

(ii) Brush-tailed marsupial mice - Dasyuridae - *Phascogale* All species and hybrids;¶

(iii) Dunnant - Dasyuridae - *Sminthopsis* All species and hybrids.¶

(F) Order Didelphimorphia: Virginia opossum - Didelphidae - *Didelphis virginiana*.¶

(G) Order Diprotodontia:¶

(i) Common brushtail - Phalangeridae - *Trichosurus vulpecula*;¶

(ii) Common ringtail - Pseudocheiridae - *Pseudocheirus peregrinus*.¶

(H) Order Erinaceomorpha: Eurasian hedgehogs - Erinaceidae - *Erinaceus europaeus*, *E. concolor*, *E. amurensis*.¶

(I) Order Lagomorpha:¶

(i) Hares and Jackrabbits - Leporidae - *Lepus* All nonnative species and hybrids;¶

(ii) Cottontails - Leporidae - *Sylvilagus* All nonnative species and hybrids.¶

(J) Order Rodentia:¶

(i) Argentine Plains viscacha - Chinchillidae - *Lagostomus maximus*;¶

(ii) Chinese jumping mouse - Dipodidae - *Eozapus setchuanus*;¶

(iii) Desert jerboas - Dipodidae - *Jaculus* All species and hybrids;¶

(iv) Kangaroo rats - Heteromyidae - *Dipodomys* All nonnative species except *D. deserti* and *D. spectabilis*;¶

(v) Pale kangaroo mouse - Heteromyidae - *Microdipodops pallidus*;¶

(vi) Pocket mice - Heteromyidae - *Perognathus* All nonnative species and hybrids;¶

(vii) Capybara - Hydrochaeridae - *Hydrochaeris hydrochaeris*;¶

(viii) Old world porcupines - Hystricidae - *Hystrix africaeaustralis*, *H. cristata*, and *H. indica*;¶

(ix) Mouse-like hamster - Muridae - *Calomyscus* All species and hybrids;¶

(x) Rat-like hamsters - Muridae - *Cricetulus* All species and hybrids;¶

(xi) Bushy-tailed jird - Muridae - *Sekeetamys calurus*;¶

(xii) Nutria (Coypu) - Myocastoridae - *Myocastor coypus*;¶

(xiii) Fat dormouse - Myoxidae - *Glis glis*;¶

(xiv) Hazel dormouse - Myoxidae - *Muscardinus avellanarius*;¶

(xv) Antelope ground squirrels - Sciuridae - *Ammospermophilus* All nonnative species and hybrids except *A.*

harrisii;¶

(xvi) Tricolored squirrels - Sciuridae - Callosciurus All species and hybrids except C. prevostii;¶

(xvii) Prairie dogs - Sciuridae - Cynomys All species and hybrids;¶

(xviii) Southern flying squirrel - Sciuridae - Glaucomys volans;¶

(xix) Marmots - Sciuridae - Marmota All nonnative species and hybrids;¶

(xx) Giant flying squirrel - Sciuridae - Petaurista All species and hybrids;¶

(xxi) Eastern gray squirrel - Sciuridae - Sciurus carolinensis;¶

(xxii) Eastern fox squirrel - Sciuridae - Sciurus niger;¶

(xxiii) Eurasian red squirrel - Sciuridae - Sciurus vulgaris;¶

(xxiv) Ground squirrels - Sciuridae - Spermophilus All nonnative species and hybrids except S. adocetus, S. annulatus, S. atricapillus, S. madrensis, S. mexicanus, S. mohavensis, S. perotensis, and S. tereticaudus;¶

(xxv) Chipmunks - Sciuridae - Tamias All nonnative species and hybrids;¶

(xxvi) African ground squirrels - Sciuridae - Xerus All species and hybrids.¶

(b) Prohibited Birds: Common Name - Family - Genus/species:¶

(A) Order Anseriformes: Egyptian goose - Anatidae - Alopochen aegyptiaca.¶

(B) Order Charadriiformes: Spotted thick-knee - Burhinidae - Burhinus capensis.¶

(C) Order Coraciiformes:¶

(i) Malachite kingfisher - Alcedinidae - Alcedo cristata;¶

(ii) Laughing kookaburra - Alcedinidae - Dacelo novaeguineae.¶

(D) Order Passeriformes:¶

(i) Yellowhammer - Emberizidae - Emberiza citrinella;¶

(ii) European greenfinch - Fringillidae - Chloris Chloris (Formerly Carduelis chloris);¶

(iii) Chaffinch - Fringillidae - Fringilla coelops.¶

(c) Prohibited Amphibians: Common Name - Family - Genus/species:¶

(A) Order Caudata:¶

(i) Tiger salamander - Ambystomatidae - Ambystoma tigrinum All nonnative sub-species;¶

(ii) Amphiumas - Amphiumidae - All species and hybrids;¶

(iii) Giant salamanders and Hellbenders - Cryptobranchidae - All species and hybrids;¶

(iv) American giant salamanders - Dicamptodontidae - All nonnative species and hybrids;¶

(v) Asian salamanders - Hynobiidae - Ranodon All species and hybrids;¶

(vi) Shovel-nosed salamander - Plethodontidae - Leurognathus marmoratus;¶

(vii) Waterdogs - Proteidae - Necturus All species and hybrids;¶

(viii) Firebelly newts - Salamandridae - Cynops All species and hybrids;¶

(ix) European Mountain or Brook salamanders - Salamandridae - Euproctus All species and hybrids;¶

(x) Caucasus or Spine-tailed salamanders - Salamandridae - Mertensiella All species and hybrids;¶

(xi) Red-spotted or Eastern newt - Salamandridae - Notophthalmus viridescens;¶

(xii) Chinese newts - Salamandridae - Pachytriton All species and hybrids;¶

(xiii) Warty newts - Salamandridae - Paramesotriton All species and hybrids;¶

(xiv) Ribbed newts - Salamandridae - Pleurodeles All species and hybrids;¶

(xv) Fire salamanders - Salamandridae - Salamandra All species and hybrids;¶

(xvi) Roughskin newts - Salamandridae - Taricha rivularis and T. torosa;¶

(xvii) Alpine newts - Salamandridae - Triturus All species and hybrids;¶

(xviii) Crocodile newts - Salamandridae - Tylostrotion All species and hybrids;¶

(xix) Sirens - Sirenidae - All species and hybrids.¶

(B) Order Anura:¶

(i) Fire-bellied toads - Bombinatoridae - Bombina All species and hybrids;¶

(ii) True toads - Bufonidae - Bufo All nonnative species and hybrids except Bufo marinus;¶

(iii) Midwife toads - Discoglossidae - Alytes All species and hybrids;¶

(iv) Painted frogs - Discoglossidae - Discoglossus All species and hybrids;¶

(v) Cricket frog - Hylidae - Acris All species and hybrids;¶

(vi) European tree frog - Hylidae - Hyla arborea;¶

(vii) Cope's gray tree frog - Hylidae - Hyla chrysoscelis;¶

(viii) Green tree frog - Hylidae - Hyla cinerea;¶

(ix) Mediterranean tree frog - Hylidae - Hyla meridionalis;¶

(x) Gray tree frog - Hylidae - Hyla versicolor;¶

(xi) Chorus frog - Hylidae - Pseudacris All nonnative species and hybrids;¶

(xii) Australian froglets - Myobatrachidae - Crinia All species and hybrids;¶

(xiii) Australian swamp frogs - Myobatrachidae - Limnodynastes All species and hybrids;¶

(xiv) Barred frogs - Myobatrachidae - Mixophyes All species and hybrids;¶

- (xv) Spadefoot toads - Pelobatidae - All nonnative species and hybrids;¶
- (xvi) African clawed frog - Pipidae - *Xenopus* All species and hybrids;¶
- (xvii) African bull frog - Ranidae - *Pyxicephalus* All species and hybrids;¶
- (xviii) Siberian frog - Ranidae - *Rana altaica*;¶
- (xix) Khabarovsk frog - Ranidae - *Rana amurensis*;¶
- (xx) Crawfish frog - Ranidae - *Rana areolata*;¶
- (xxi) Swedish swamp frog - Ranidae - *Rana arvalis*;¶
- (xxii) Asian frog - Ranidae - *Rana asiatica*;¶
- (xxiii) Rio Grande leopard frog - Ranidae - *Rana berlandieri*;¶
- (xxiv) Plains leopard frog - Ranidae - *Rana blairi*;¶
- (xxv) Caucasus frog - Ranidae - *Rana camerani*;¶
- (xxvi) Inkiapo frog - Ranidae - *Rana chensinensis*;¶
- (xxvii) Toudaohe frog - Ranidae - *Rana chevronta*;¶
- (xxviii) Green frog - Ranidae - *Rana clamitans*;¶
- (xxix) Spring frog - Ranidae - *Rana dalmatina*;¶
- (xxx) Dybowski's frog - Ranidae - *Rana dybowskii*;¶
- (xxxii) Stream frog - Ranidae - *Rana graeca*;¶
- (xxxii) Pig frog - Ranidae - *Rana grylio*;¶
- (xxxiii) River frog - Ranidae - *Rana heckscheri*;¶
- (xxxiv) Turkish frog - Ranidae - *Rana holtzi*;¶
- (xxxv) Iberian frog - Ranidae - *Rana iberica*;¶
- (xxxvi) Agile frog - Ranidae - *Rana japonica*;¶
- (xxxvii) Italian agile frog - Ranidae - *Rana latastei*;¶
- (xxxviii) Kokarit or Taipa frog - Ranidae - *Rana longicrus*;¶
- (xxxix) Brusa frog - Ranidae - *Rana macrocnemis*;¶
- (xl) Nikko frog - Ranidae - *Rana ornativentris*;¶
- (xli) Pickeral frog - Ranidae - *Rana palustris*;¶
- (xlii) Mink frog - Ranidae - *Rana septentrionalis*;¶
- (xliii) Wood frog - Ranidae - *Rana sylvatica*;¶
- (xliv) Tago frog - Ranidae - *Rana tagoe*;¶
- (xlv) European common frog - Ranidae - *Rana temporaria*;¶
- (xlvi) Tsushima frog - Ranidae - *Rana tsushimensis*;¶
- (xlvii) Carpenter frog - Ranidae - *Rana virgatipes*.¶
- (d) Prohibited Reptiles: Common Name - Family - Genus/species:¶
- (A) Order Testudines:¶
- (i) Sea turtles - Cheloniidae and Dermochelidae - All species¶
- (ii) Snapping turtle - Chelydridae - All species and hybrids;¶
- (iii) Chinese pond turtle - Emydidae - *Chinemys* All species and hybrids;¶
- (iiiiv) Pond turtle - Emydidae - *Clemmys* All nonnative species;¶
- (iv) Painted turtle - Emydidae - *Chrysemys* All nonnative sub-species;¶
- (vi) European pond turtle - Emydidae - *Emys orbicularis*;¶
- (vii) Blanding's turtle - Emydidae - *Emydoidea blandingii*;¶
- (viii) Map turtle - Emydidae - *Graptemys* All species and hybrids;¶
- (viiiix) Asian pond turtle - Emydidae - *Mauremys* All species and hybrids;¶
- (ix) Pond slider - Emydidae - *Pseudemys* and *Trachemys* All species and hybrids;¶
- (xi) Common musk turtle - Kinosternidae - *Kinosternon odoratum*;¶
- (xii) Common mud turtle - Kinosternidae - *Kinosternon subrubrum*;¶
- (xiii) North American soft shell - Trionychidae - *Apalone* All species and hybrids;¶
- (xiiiiv) African soft shell - Trionychidae - *Trionyx triunguis*.¶
- (B) Order Squamata (Suborder Lacertilia):¶
- (i) Slow worm - Anguidae - *Anguis fragilis*;¶
- (ii) Armored Glass lizard - Anguidae - *Ophisaurus apodus*¶
- (iii) Sand lizard - Lacertidae - *Lacerta agilis*;¶
- (iv) Jewelled lizard - Lacertidae - *Lacerta lepida*;¶
- (v) Iberian Mountain lizard - Lacertidae - *Lacerta monticola*;¶
- (vi) Meadow lizard - Lacertidae - *Lacerta praticola*;¶
- (vii) Iberian Emerald lizard - Lacertidae - *Lacerta schreiberi*;¶
- (viii) Balkan Emerald lizard - Lacertidae - *Lacerta trilineata*;¶
- (ix) Emerald lizard - Lacertidae - *Lacerta viridis*;¶

- (x) Viviparous lizard - Lacertidae - *Lacerta vivipara*;
- (xi) Erhard's Wall lizard - Lacertidae - *Podarcis erhardi*;
- (xii) Iberian Wall lizard - Lacertidae - *Podarcis hispanica*;
- (xiii) Common Wall lizard - Lacertidae - *Podarcis muralis*;
- (xiv) Crocodile lizard - Xenosauridae - *Shinisaurus crocodilurus*.
- (C) Order Squamata (Suborder Serpentes):
 - (i) Brown tree snake - Colubridae - *Boiga irregularis*;
 - (ii) Watersnake - Colubridae - *Nerodia* - All species and hybrids;
 - (iii) Black-necked spitting cobra - Elapidae - *Naja nigricollis*;
 - (iiiiv) Cape cobra - Elapidae - *Naja nivea*;
 - (iv) Copperheads and cottonmouths - Viperidae - *Agkistrodon* All species and hybrids;
 - (vi) Puff adders - Viperidae - *Bitis* All species and hybrids except *Bitis gabonica* and *B. nasicornis*;
 - (vii) Lanceheads - Viperidae - *Bothrops* All species and hybrids;
 - (viii) Palm pit vipers - Viperidae - *Bothriechis* All species and hybrids;
 - (viiiix) Rattlesnakes - Viperidae - All nonnative species and hybrids except *Crotalus aquilus*, *C. basiliscus*, *C. durissus*, *C. intermedius*, *C. polystictus*, *C. pusillus*, *C. tortugensis*, *C. triseriatus*, *C. unicolor*, and *C. vegrandis*;
 - (ix) Mid-east vipers - Viperidae - *Daboia* All species and hybrids;
 - (xi) Pygmy rattlesnake - Viperidae - *Sistrurus catenatus*;
 - (xii) Asian pit vipers - Viperidae - *Trimeresurus* All species and hybrids;
 - (xiii) Wagler's palm viper - Viperidae - *Tropidolaemus wagleri*;
 - (xiiiiv) Sand vipers - Viperidae - *Vipera* All species and hybrids.
- (e) Prohibited Fish: Common Name - Family - Genus/species:
 - (A) Order Amiiformes: Bowfin - Amiidæ - *Amia calva*.
 - (B) Order Cypriniformes:
 - (i) Piranha or Caribe - Characidae subfamily Serrasalminae commonly known as caribe or piranha - All species and hybrids except carnivorous species of *Pygocentrus*, *Serrasalmus* or *Pristobrycon* pursuant to ORS 498.242;
 - (ii) Walking catfish (ORS 498.242) - Clariidae - All species and hybrids;
 - (iii) Oriental weatherfish - Cobitidae - *Misgurnus anguillicaudatus*;
 - (iv) Ide - Cyprinidae - *Leuciscus idus*;
 - (v) Rudd - Cyprinidae - *Scardinius erythrophthalmus*.
 - (vi) Asian carp - Cyprinidae - *Hypophthalmichthys* All species and hybrids;
 - (vii) Black carp - Cyprinidae - *Mylopharyngodon piceus*.
 - (C) Order Lepisosteiformes: Gar - Lepisosteidae - All species and hybrids.
 - (D) Order Perciformes:
 - (i) Snakehead - Channidae - *Channa* All species and hybrids;
 - (ii) Round goby - Gobiidae - *Neogobius melanostomus*;
 - (iii) Ruffe - Percidae - *Gymnocephalus cernuus*;
 - (iv) Zander or Pike-perch - Percidae - *Sander lucioperca*.
 - (E) Order Salmoniformes: Pikes, Pickerel, Muskellunge - Esocidae - All species and hybrids except tiger muskellunge (*Esox lucius* X *Esox masquinongy*) in Phillips Reservoir located in Baker County.
 - (f) Prohibited Mollusks Common Name - Family - Genus/species:
 - (A) Order Bivalvia: ~~Veneroida~~
 - (i) Asian clam - Corbiculidae - All species;
 - (ii) Zebra mussel, Quagga mussel - Dreissenidae - All species (whether live or dead).
 - (iii) Golden mussel - Mytilidae - All species (whether live or dead).
 - (B) Order Neogastropoda: ~~Japanese oyster drill~~ - Muricidae - ~~*Cerastostoma inornatum*~~ all non-native species and hybrids
 - (C) Order Architaenioglossa:
 - (i) ~~Chinese ma~~ Mystery snail - Viviparidae - *Cipangopaludina chinensis*.
 - (ii) ~~Japanese mystery snail~~ - Viviparidae - *Cipangopaludina japonica* All species and hybrids
 - (D) Order Lepetellida: Abalone - Haliotidae - *Haliotis* - All non-native species and hybrids
 - (E) Order Mytiloida: Golden mussel - Mytilidae (whether live or dead)
 - (g) Prohibited Crustaceans Common Name - Family - Genus/species: Order Decapoda:
 - (A) Chinese mitten crab - Grapsidae - *Eriocheir* All species;
 - (B) Blue crab - Portunidae - *Callinectes sapidus*;
- (2) The department may issue a permit for the importation, possession, sale, purchase, exchange or intrastate transportation of prohibited species and those species not yet classified if the department finds that the following standards have been met:
 - (a) The facility is constructed to minimize escape of prohibited species;

- (b) There are adequate security and safety programs and procedures which minimize the possibility of escape;¶
- (c) There is adequate record keeping to aid in tracking of confined animals or recovery of escaped animals;¶
- (d) There are adequate procedures, equipment and trained staff to maximize capture of escaped animals;¶
- (e) Adequate veterinary care is provided to identify and minimize the spread of diseases; and¶
- (f) The applicant has a good reputation for care of animals and compliance with the wildlife laws.¶
- (g) Using forms provided by the department, persons or entities may apply for a permit under subsection (2) as follows:¶

(A) Facilities accredited by the American Zoo and Aquarium Association (AZA). Because the department finds that the current AZA accreditation process holds these facilities to standards equivalent to those in subsection (2), AZA accreditation shall be evidence that the department's standards for importation, possession, sale, purchase, exchange or intrastate transportation of prohibited species are met. To obtain a permit for these activities, AZA accredited facilities shall submit a completed application form and proof of accreditation.¶

(B) Universities and colleges. To obtain a permit, universities and colleges shall submit:¶

- (i) A completed application form;¶
- (ii) A written description of escape avoidance procedures and facilities; and¶
- (iii) Identification of the time period(s) during which prohibited species will be held.¶

(C) Others. To apply for a permit, persons and entities other than universities, colleges and AZA accredited facilities shall submit:¶

- (i) A completed application form; and¶
- (ii) A completed Prohibited Species Questionnaire.¶

(h) Satisfactory facilities inspections may be required prior to issuance of any permit.

Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, ~~498.029~~, 498.052, 498.222, 498.2342

Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, ~~498.029~~, 498.052, 498.222, 498.2342

AMEND: 635-056-0060

RULE SUMMARY: This rule amendment will modify requirements and conditions for persons to import, possess, confine, transport and sell some species of wildlife.

CHANGES TO RULE:

635-056-0060

Noncontrolled Species ¶¶

Except as otherwise provided in these rules or other rules of the commission, wildlife listed below may be imported, possessed, sold, purchased, exchanged or transported in the state without a Department permit (some species require a permit from the Oregon Department of Agriculture): ¶¶

(1) Noncontrolled Mammals: Common Name -- Family -- Genus/species: ¶¶

(a) Order Artiodactyla: ¶¶

(A) Antelope and buffalo-- Bovidae -- All species except subfamily Caprinae and Procavia species; ¶¶

(B) Giraffe and okapi -- Giraffidae -- All species; ¶¶

(C) Pygmy hippopotamus -- Hippopotamidae -- Hexaprotodon liberiensis; ¶¶

(D) Hippopotamus -- Hippopotamidae -- Hippopotamus amphibius; ¶¶

(E) Peccary -- Tayassuidae -- All species; (F) Chevrotains -- Tragulidae -- All species. ¶¶

(b) Order Carnivora: ¶¶

(A) Aardwolf -- Hyaenidae -- Proteles cristatus; ¶¶

(B) Seals and sea lions -- Otariidae -- All nonnative species. ¶¶

(C) Red/Lesser Panda -- Procyonidae -- Ailurus fulgens; ¶¶

(D) Olingos -- Procyonidae -- Bassaricyon All species; ¶¶

(E) Coatimundis -- Procyonidae -- Nasua All species; ¶¶

(F) Kinkajou -- Procyonidae -- Potos flavus; ¶¶

(G) Binturong -- Viverridae -- Arctictis binturong. ¶¶

(c) Order Cetacea: Whales and dolphins -- All families -- All species. ¶¶

(d) Order Chiroptera: ¶¶

~~(A) Old World fruit bats -- Pteropodidae -- All species. ¶¶~~

(e) Order Dasyuromorphia: ¶¶

~~(A) Numbat -- Myrmecobiidae -- Myrmecobius fasciatus. ¶¶~~

(f) Order Dermoptera: ¶¶

~~(A) Flying lemurs or colugos -- Cynocephalidae -- All species. ¶¶~~

(g) Order Didelphimorphia: ¶¶

~~(A) Short-tailed opossums - Didelphinae -- Monodelphis All species. ¶¶~~

(h) Order Diprotodontia: ¶¶

(A) Feathertail glider -- Acrobatidae -- Acrobatus pygmaeus; ¶¶

(B) Kangaroos and wallabies -- Macropodidae -- All species; ¶¶

(C) Striped possums -- Petauridae -- Dactylopsila All species; ¶¶

(D) Sugar glider -- Petauridae -- Petaurus breviceps; ¶¶

(E) Cuscuses -- Phalangeridae -- Phalanger All species. ¶¶

(F) Brush Tailed Bettong - Protoridae -- Bettongia penicillata¶¶

(i) Order Erinaceomorpha: ¶¶

~~(A) Four-toed hedgehog -- Erinaceidae -- Atelerix albiventris. ¶¶~~

(j) Order Hyracoidea: ¶¶

~~(A) Hyraxes -- Procaviidae -- All species. ¶¶~~

(k) Order Monotremata: ¶¶

~~(A) Echidnas -- Tachyglossidae -- All species. ¶¶~~

(l) Order Peramelemorphia: ¶¶

(A) Dry country bandicoots -- Peramelidae -- All species except Isoodon obesulus, Perameles gunnii, and P. nasuta; ¶¶

(B) Rainforest bandicoots - Peramelidae -- All species. ¶¶

(m) Order Perissodactyla: ¶¶

(A) Zebra and Asses-- Equidae -- Equus All species; ¶¶

(B) Rhinoceros -- Rhinocerotidae -- All species;¶¶

(C) Tapirs -- Tapiridae -- All species. ¶¶

- (n) Order Pholidota: ¶
~~(A) Pangolins -- Manidae -- All species. ¶~~
- (o) Order Pilosa: ¶
 (A) Three-toed tree sloths -- Bradypodidae -- All species; ¶
 (B) Two-toed tree sloths -- Megalonychidae -- All species; ¶
 (C) Anteaters -- Myrmecophagidae -- All species. ¶
- (p) Order Proboscidea: ¶
~~(A) Elephants -- Elephantidae -- All species. ¶~~
- (q) Order Rodentia: ¶
 (A) Scaly-tailed squirrels -- Anomaluridae -- All species; ¶
 (B) Hutias -- Capromyidae -- All species; ¶
 (C) Mara (Patagonian hare) -- Caviidae -- Dolichotis All species; ¶
 (D) Mountain viscachas -- Chinchillidae -- Lagidium All species; ¶
 (E) Dwarf hamsters -- Cricetidae -- Phodopus All species ¶
 (F) Paca -- Cuniculidae -- Cuniculus paca; ¶
 (G) Agoutis -- Dasyproctidae -- Dasyprocta All species; ¶
 (H) Acouchis -- Dasyproctidae -- Myoprocta All species; ¶
 (I) Pacarana -- Dinomyidae -- Dinomys branickii; ¶
 (J) Prehensile-tailed Porcupines -- Erethizontidae -- Coendou All species; ¶
 (K) Kangaroo Rats -- Heteromyidae -- Dipodomys deserti and D. spectabilis; ¶
 (L) Brush-tailed porcupines -- Hystricidae -- Atherusus All species; ¶
 (M) Old world porcupines -- Hystricidae -- Hystrix All species except H. africaeaustralis, H. cristata, and H. indica; ¶
 (N) Spiny mice -- Muridae -- Acomys All species; ¶
 (O) Crateromys (Bushy tailed cloud rats) -- Muridae -- Crateromys All species; ¶
 (P) African giant pouched rats -- Muridae -- Cricetomys All species; ¶
 (Q) African White-tailed rat -- Muridae -- Mystromys albicaudatus; ¶
 (R) Phloeomys (Slender tailed rats) -- Muridae -- Phloeomys All species; ¶
 (S) Degus -- Octodontidae -- Octodon All species; ¶
 (T) South African Springhare -- Pedetidae -- Pedetes capensis; ¶
 (U) Prevost's squirrel -- Sciuridae -- Callosciurus prevostii; ¶
 (V) African palm squirrels -- Sciuridae -- Epixerus All species; ¶
 (W) Pygmy flying squirrels -- Sciuridae -- Petaurillus All species; ¶
 (X) Oil palm squirrels -- Sciuridae -- Protoxerus All species; ¶
 (Y) Giant squirrels -- Sciuridae -- Ratufa All species. ¶
- (r) Order Sirenia: ¶
~~(A) Manatees -- All families -- All species. ¶~~
- (s) Order Tubulidentata: ¶
~~(A) Aardvark -- Orycteropodidae -- Orycteropus afer. ¶~~
- (2) Noncontrolled Birds: Nothing in this subsection authorizes the importation, possession, sale, confinement or transportation of birds protected by the federal Migratory Bird Treaty Act: Common Name -- Family -- Genus/species: ¶
 (a) Order Charadriiformes: ¶
 (A) Senegal thick-knee -- Burhinidae -- Burhinus senegalensis; ¶
 (B) Water thick-knee -- Burhinidae -- Burhinus vermiculatus. ¶
 (b) Order Coliiformes: ¶
~~(A) Mousebirds and Collies -- Coliidae -- All species. ¶~~
- (c) Order Coraciiformes: ¶
 (A) Blue-winged kookaburra -- Alcedinidae -- Dacelo leachii; ¶
 (B) Woodland kingfisher -- Alcedinidae -- Halcyon senegalensis; ¶
 (C) African pygmy kingfisher -- Alcedinidae -- Ispidina picta; ¶
 (D) Hornbills -- Bucerotidae -- All species; ¶
 (E) Rollers -- Coraciidae -- All species; ¶
 (F) Bee-eaters -- Meropidae -- All species except Merops apiaster, M. oreobates, M. pusillus, and ¶
 Nyctornis athertoni; ¶
 (G) Motmots -- Momotidae -- All species. ¶
 (d) Order Cuculiformes: ¶
 (A) White browed coucal -- Centropodidae -- Centropus superciliosus burchelli; ¶
 (B) Pheasant coucal -- Centropodidae -- Centropus phasianinus; ¶

(C) Senegal coucal -- Centropodidae -- *Centropus senegalensis*; ¶
 (D) Greater coucal -- Centropodidae -- *Centropus sinensis*. ¶
 (E) Turacos, Plaintain eaters and Go-away birds -- Musophagidae -- All Species¶
 (e) Order Galliformes: ¶
 (A) Curassows, guans, and chachalacas -- Cracidae -- All species except *Chamaepetes goudotii*, *Penelope montagnii*, and *P. supercilialis*; ¶
 (B) Megapodes -- Megapodiidae - All species. ¶
 (f) Order Gruiformes: ¶
 (A) Trumpeters -- Psophiidae -- All species; ¶
 (B) Buttonquails and hemipodes -- Turnicidae -- All species. ¶
 (g) Order Passeriformes: ¶
 (A) Orange-breasted bunting -- Cardinalidae -- *Passerina leclancherii*; ¶
 (B) Cotingas -- Cotingidae -- All species; ¶
 (C) Red-crested finch -- Emberizidae - *Coryphospingus cucullatus*; ¶
 (D) Pileated finch -- Emberizidae -- *Coryphospingus pileatus*; ¶
 (E) Yellow-breasted bunting -- Emberizidae -- *Emberiza aureola*; ¶
 (F) Golden-breasted bunting -- Emberizidae -- *Emberiza flaviventris*; (G) Cinnamon-breasted bunting -- Emberizidae - *Emberiza tahapisi*; ¶
 (H) Yellow cardinal -- Emberizidae -- *Gubernatrix cristata*; ¶
 (H) Black-crested finch -- Emberizidae -- *Lophospingus pusillus*; ¶
 (J) Crested bunting -- Emberizidae -- *Melophus lathamii*; ¶
 (K) Yellow-billed cardinal -- Emberizidae -- *Paroaria capitata*; ¶
 (L) Red-crested cardinal -- Emberizidae -- *Paroaria coronata*; ¶
 (M) Black-capped warbling finch -- Emberizidae -- *Poospiza melanoleuca*; ¶
 (N) Saffron finch -- Emberizidae -- *Sicalis flaveola*; ¶
 (O) Double-collared seedeater -- Emberizidae -- *Sporophila caerulea*; ¶
 (P) Rusty-collared seedeater -- Emberizidae -- *Sporophila collaris*; ¶
 (Q) Parrot-billed seedeater -- Emberizidae -- *Sporophila peruviana*; ¶
 (R) Slate-colored seedeater -- Emberizidae -- *Sporophila schistacea*; ¶
 (S) Swallow tanager -- Emberizidae -- *Tersina viridis*; ¶
 (T) Cuban grassquit -- Emberizidae -- *Tiaris canorus*; ¶
 (U) Blue-back grassquit -- Emberizidae -- *Volatinia jacarina*; ¶
 (V) Waxbills, mannikins, munias -- Estrilididae -- All species; ¶
 (W) Broadbills -- Eurylaimidae -- All species; ¶
 (X) Black siskin -- Fringillidae -- *Carduelis atrata*; ¶
 (Y) Linnet -- Fringillidae -- *Carduelis cannabina*; ¶
 (Z) European goldfinch -- Fringillidae -- *Carduelis carduelis*; ¶
 (AA) Red siskin -- Fringillidae -- *Carduelis cucullata*; ¶
 (BB) Hooded siskin -- Fringillidae -- *Carduelis magellanica*; ¶
 (CC) Yellow-breasted greenfinch -- Fringillidae -- *Carduelis spinoides*; ¶
 (DD) European siskin -- Fringillidae -- *Spinus spinus* (formerly: *Carduelis spinus*); ¶
 (EE) Yellow-rumped siskin -- Fringillidae -- *Carduelis uropygialis*; ¶
 (FF) Yellow-bellied siskin -- Fringillidae -- *Carduelis xanthogastra*; ¶
 (GG) Yellow-billed grosbeak -- Fringillidae - *Eophona migratoria*; ¶
 (HH) Japanese grosbeak -- Fringillidae -- *Eophona personata*; ¶
 (II) Oriole finch -- Fringillidae -- *Linurgus olivaceus*; ¶
 (JJ) Brown bullfinch -- Fringillidae -- *Pyrrhula nipalensis*; ¶
 (KK) Eurasian bullfinch -- Fringillidae -- *Pyrrhula pyrrhula*; ¶
 (LL) Black-throated island canary -- Fringillidae -- *Serinus atrogularis*; ¶
 (MM) Island canary -- Fringillidae -- *Serinus canaria*; ¶
 (NN) Yellow crowned canary -- Fringillidae -- *Serinus flaviventris*; ¶
 (OO) White-rumped seedeater -- Fringillidae -- *Serinus leucopygius*; ¶
 (PP) Yellow-fronted canary -- Fringillidae -- *Serinus mozambicus*; ¶
 (QQ) European serin -- Fringillidae -- *Serinus serinus*; ¶
 (RR) Long-tailed rosefinch -- Fringillidae -- *Uragus sibiricus*; ¶
 (SS) Troupials and Allies -- Icteridae -- All nonnative species; ¶
 (TT) Leafbirds and fairy bluebirds -- Irenidae -- All species; ¶
 (UU) Honeyeaters -- Meliphagidae -- All species; ¶
 (VV) Old World Flycatchers -- Muscicapidae -- *Copyschus* All species; (WW) Sunbirds -- Nectariniidae -- All

species;¶¶

(XX) Sudan sparrow -- Passeridae -- *Passer luteus*;¶¶

(YY) Red-headed weaver -- Ploceidae -- *Anaplectes rubriceps*;¶¶

(ZZ) Yellow-crowned bishop -- Ploceidae -- *Euplectes afer*;¶¶

(AAA) Red-collared widowbird -- Ploceidae -- *Euplectes ardens*;¶¶

(BBB) Black-winged bishop -- Ploceidae -- *Euplectes hordeaceus*;¶¶

(CCC) Jackson's widowbird -- Ploceidae -- *Euplectes jacksoni*;¶¶

(DDD) Yellow-shouldered widowbird -- Ploceidae -- *Euplectes macrourus*;¶¶

(EEE) Red bishop -- Ploceidae -- *Euplectes orix*;¶¶

(FFF) Long-tailed widowbird -- Ploceidae -- *Euplectes progne*;¶¶

(GGG) Red fody -- Ploceidae -- *Foudia madagascariensis*;¶¶

(HHH) Orange weaver -- Ploceidae -- *Ploceus aurantius*;¶¶

(III) Village weaver -- Ploceidae -- *Ploceus cucullatus*;¶¶

(JJJ) Lesser masked weaver -- Ploceidae -- *Ploceus intermedius*;¶¶

(KKK) Little weaver -- Ploceidae -- *Ploceus luteolus*;¶¶

(LLL) Baya weaver -- Ploceidae -- *Ploceus philippinus*;¶¶

(MMM) Vitelline-masked weaver -- Ploceidae -- *Ploceus vitellinus*;¶¶

(NNN) Speckle-fronted weaver -- Ploceidae -- *Sporopipes frontalis*;¶¶

(OOO) Scaly weaver -- Ploceidae -- *Sporopipes squamifrons*;¶¶

(PPP) Sugarbirds -- Promeropidae -- All species;¶¶

(QQQ) Golden-crested myna -- Sturnidae -- *Ampeliceps coronatus*;¶¶

(RRR) Violet-backed starling -- Sturnidae -- *Cinnyricinclus leucogaster*;¶¶

(SSS) Emerald starling -- Sturnidae -- *Lamprotornis iris*;¶¶

(TTT) Golden-breasted starling -- Sturnidae -- *Lamprotornis regius*;¶¶

(UUU) Common hill myna -- Sturnidae -- *Gracula religiosa*;¶¶

(VVV) Long-tailed glossy-starling -- Sturnidae -- *Lamprotornis caudatus*;¶¶

(WWW) Bronze-tailed glossy-starling -- Sturnidae -- *Lamprotornis chalcurus*;¶¶

(XXX) Greater blue-eared glossy-starling -- Sturnidae -- *Lamprotornis chalybaeus*;¶¶

(YYY) Lesser blue-eared glossy-starling -- Sturnidae -- *Lamprotornis chloropterus*;¶¶

(ZZZ) Hildebrandt's starling -- Sturnidae -- *Lamprotornis hildebrandti*;¶¶

(AAAA) Chestnut-bellied starling -- Sturnidae -- *Lamprotornis pulcher*;¶¶

(BBBB) Purple-headed glossy-starling -- Sturnidae -- *Lamprotornis purpureiceps*;¶¶

(CCCC) Purple glossy-starling -- Sturnidae -- *Lamprotornis purpureus*;¶¶

(DDDD) Rueppell's glossy-starling -- Sturnidae -- *Lamprotornis purpuroptera*;¶¶

(EEEE) Splendid glossy-starling -- Sturnidae -- *Lamprotornis splendidus*;¶¶

(FFFF) Superb starling -- Sturnidae -- *Lamprotornis superbus*;¶¶

(GGGG) Bali myna -- Sturnidae -- *Leucopsar rothschildi*;¶¶

(HHHH) Golden myna -- Sturnidae -- *Mino anais*;¶¶

(IIII) Yellow-faced myna -- Sturnidae -- *Mino dumontii*;¶¶

(JJJJ) Tanagers and Allies -- Thraupidae -- All nonnative species;¶¶

(KKKK) Babblers -- Timaliidae -- All species;¶¶

(LLLL) White-eyes -- Zosteropidae -- All species.¶¶

(h) Order Piciformes: ¶¶

(A) Barbets -- Capitonidae -- All species;¶¶

(B) Toucans -- Ramphastidae -- All species. ¶¶

(i) Order Sphenisciformes: ¶¶

(A) Penguins - Spheniscidae - All species. ¶¶

(j) Order Tinamiformes: ¶¶

(A) Tinamous -- Tinamidae -- All species. ¶¶

(k) Order Trogoniformes: ¶¶

(A) Trogons -- Trogonidae -- All species. ¶¶

(3) Noncontrolled Amphibians: Common Name -- Family -- Genus/species: ¶¶

(a) Order Anura: ¶¶

(A) Allophrynid tree frog -- Allophrynidae -- *Allophryne* All species;¶¶

(B) Hairy frogs -- Arthroleptidae -- *Trichobatrachus* All species;¶¶

(C) Cane toad -- Bufonidae -- *Bufo marinus*;¶¶

(D) African tree toads -- Bufonidae -- *Nectophryne* All species;¶¶

(E) Live-bearing toads -- Bufonidae -- *Nectophrynoides* All species;¶¶

(F) Glass frogs -- Centrolenidae -- All species;¶¶

- (G) Poison arrow frogs -- Dendrobatidae -- All species;¶
- (H) Ghost frogs -- Heleophryinae -- Heleophryne All species;¶
- (I) Shovel-nosed frogs -- Hemisotidae -- Hemisus All species;¶
- (J) Leaf frogs -- Hylidae -- Agalychnis All species;¶
- (K) Casque-headed frogs -- Hylidae -- Aparashpenodon All species;¶
- (L) Water-holding frogs -- Hylidae -- Cyclorana All species;¶
- (M) Marsupial frogs -- Hylidae -- Gastrotheca All species;¶
- (N) Marbled tree frogs - Hylidae - Hyla marmorata¶
- (O) Australian giant tree frogs -- Hylidae -- Litoria chlorus and L. infrafrenata;¶
- (P) Slender-legged tree frogs -- Hylidae -- Osteocephalus All species;¶
- (Q) Cuban tree frogs -- Hylidae -- Osteopilus All species;¶
- (R) White's tree frog -- Hylidae -- Pelodryas caerulea;¶
- (S) Golden-eyed tree frogs -- Hylidae -- Phrynohyas All species;¶
- (T) Monkey frogs -- Hylidae -- Phyllomedusa All species;¶
- (U) Burrowing frogs -- Hylidae -- Pterohyla All species;¶
- (V) Casque-headed tree frogs -- Hylidae -- Trachycephalus All species;¶
- (W) Shovel-headed tree frogs -- Hylidae -- Triprion All species;¶
- (X) Banana frogs -- Hyperoliidae -- Afrixalus All species;¶
- (Y) Reed frogs -- Hyperoliidae -- Hyperolius All species;¶
- (Z) Running frogs -- Hyperoliidae -- Kassina All species;¶
- (AA) Forest tree frogs -- Hyperoliidae -- Leptopelis All species;¶
- (BB) New Zealand frogs -- Leiopelmatidae -- Leiopelma All species;¶
- (CC) Common horned frogs -- Leptodactylidae -- Ceratophrys All species;¶
- (DD) Rain or robber frogs -- Leptodactylidae -- Eleutherodactylus All species;¶
- (EE) Paraguay horned toads -- Leptodactylidae -- Lepidobatrachus All species¶
- (FF) Asian horned toad -- Megophryidae -- Megophrys montana (nasuta);¶
- (GG) Tomato frogs -- Microhylidae -- Dyscophus All species;¶
- (HH) Narrow-mouthed frogs -- Microhylidae -- Gastrophryne All species;¶
- (II) Sheep frogs -- Microhylidae -- Hypopachus All species;¶
- (JJ) Malaysian narrowmouth toad -- Microhylidae -- Kaloula pulchra;¶
- (KK) Tusked frog -- Myobatrachidae -- Adelotus brevis;¶
- (LL) Pouched frog -- Myobatrachidae -- Assa darlingtoni;¶
- (MM) Giant burrowing frogs -- Myobatrachidae -- Heleioporus All species;¶
- (NN) Cannibal frogs -- Myobatrachidae -- Lechriodus All species;¶
- (OO) Turtle frog -- Myobatrachidae -- Myobatrachus gouldii;¶
- (PP) Australian spadefoot toads -- Myobatrachidae -- Notaden All species;¶
- (QQ) Crowned toadlets -- Myobatrachidae -- Pseudophryne All species;¶
- (RR) Gastric brooding frog -- Myobatrachidae -- Rheobatrachus All species;¶
- (SS) Torrent frogs -- Myobatrachidae -- Taudactylus All species;¶
- (TT) Australian toadlets -- Myobatrachidae -- Uperoleia All species;¶
- (UU) Parsley frogs -- Pelodytidae -- Pelodytes All species;¶
- (VV) Dwarf clawed frogs -- Pipidae -- Hymenochirus All species;¶
- (WW) Surinam frogs -- Pipidae -- Pipa All species;¶
- (XX) Mantella frogs -- Ranidae -- Mantella All species;¶
- (YY) Foam nest tree frogs -- Rhacophoridae -- Chiromantis All species;¶
- (ZZ) Gliding or flying frogs -- Rhacophoridae -- Rhacophorus All species;¶
- (AAA) Tonkin Bug-eyed frog - Rhacophoridae - Theloderma corticale;¶
- (BBB) Mexican burrowing frog -- Rhinodermatidae -- Rhinophrynus dorsalis;¶
- (CCC) Seychelles frogs -- Sooglossidae -- All species.¶
- (b) Order Caudata: ¶
- (A) Axolotl -- Ambystomatidae -- Ambystoma mexicanum;¶
- (B) Gold-striped salamander -- Salamandridae -- Chioglossa lusitanica;¶
- (C) Black-spotted and striped newts -- Salamandridae -- Notophthalmus meridionalis and N. perstriatus;¶
- (D) Spectacled salamander -- Salamandridae -- Salamandrina terdigitata.¶
- (c) Order Gymnophiona: ¶
- (A) Caecilians -- All species. ¶
- (4) Noncontrolled Reptiles: Common Name -- Family -- Genus/species; ¶
- (a) Order Squamata (Suborder Amphisbaenia): Worm lizards - All species. ¶
- (b) Order Squamata (Suborder Lacertilia): ¶

- (A) Pricklenapes -- Agamidae -- Acanthosaura All species; ¶
 (B) Common or rainbow agama -- Agamidae -- Agama agama; ¶
 (C) Frilled dragon -- Agamidae -- Chlamydosaurus kingii; ¶
 (D) Humphead forest dragons -- Agamidae -- Gonocephalus All species; ¶
 (E) Sailfin lizards -- Agamidae -- Hydrosaurus All species; ¶
 (F) Anglehead forest dragons -- Agamidae -- Hypsilurus All species; ¶
 (G) Splendid Japalure - Agamidae - Japalura splendida ¶
 (H) Water dragons -- Agamidae -- Lophognathus All species; ¶
 (I) Water dragons -- Agamidae -- Physignathus All species; ¶
 (J) Bearded dragons -- Agamidae -- Pogona All species; ¶
 (K) Mastigures -- Agamidae -- Uromastix All species; ¶
 (L) Strange Agamas - Agamidae - Xenagama All species; ¶
 (M) Chameleons -- Chamaeleonidae -- All species; ¶
 (N) Plated lizards -- Cordylidae -- Gerrhosaurus All species; ¶
 (O) Flat lizards -- Cordylidae -- Platysaurus All species; ¶
 (P) Geckos -- Gekkonidae and Eublepharidae -- All species; ¶
 (Q) Gila monster, beaded lizard -- Helodermatidae -- All species; ¶
 (R) Iguanid lizards -- Iguanidae -- All nonnative species except: Crotaphytus spp., Gambelia spp., Sceloporus spp., Uta spp., Phrynosoma spp.; ¶
 (S) Asian Grass Lizard - Lacertidae - Takydromus sexlineatus ¶
 (T) Skinks -- Scincidae -- All nonnative species except Eumeces spp.; ¶
 (U) Ameivas -- Teiidae -- Ameiva All species; ¶
 (V) Tegus -- Teiidae -- Tupinambis All species; ¶
 (W) Monitor lizards -- Varanidae -- All species except Varanus griseus; ¶
 (X) Night lizards -- Xantusiidae -- All species; ¶
 (Y) American knob-scaled lizards -- Xenosauridae -- Xenosaurus All species. ¶
 (c) Order Squamata (Suborder Serpentes): ¶
 (A) File snakes -- Acrochordidae -- All species; ¶
 (B) Pythons and Boas -- Boidae and Loxocemidae -- All nonnative species; ¶
 (C) Milk, Pine, Corn, Rat, Garter snakes -- Colubridae -- All nonnative species except Boiga irregularis, Lampropeltis getula, L. zonata, and Pituophis catenifer of Milk, Pine, Corn, Rat, Garter; ¶
 (D) Hognose snake -- Colubridae -- Heterodon nasicus; ¶
 (E) False water cobra -- Colubridae -- Hydrodynates gigas; ¶
 (DE) Kingsnakes and gopher (bull) snakes -- Colubridae -- Individuals of Lampropeltis getula, L. zonata and Pituophis catenifer that are morphologically distinct from native species. ¶
 (EG) Egyptian cobra -- Elapidae -- Naja haje; ¶
 (FH) Black & white cobra -- Elapidae -- Naja melanoleuca; ¶
 (GI) Indian cobra -- Elapidae -- Naja naja; ¶
 (HJ) Red spitting cobra -- Elapidae -- Naja pallida; ¶
 (IK) King cobra -- Elapidae -- Ophiophagus hannah; ¶
 (JL) Bush vipers -- Viperidae -- Atheris All species; ¶
 (KM) Gaboon viper -- Viperidae -- Bitis gabonica; ¶
 (LN) Rhinoceros viper -- Viperidae -- Bitis nasicornis; ¶
 (MO) Horned vipers -- Viperidae -- Cerastes All species; ¶
 (NP) Rattlesnakes -- Viperidae -- Crotalus aquilus, C. basiliscus, C. durissus, C. intermedius, C. polystictus, C. pusillus, C. tortugensis, C. triseriatus, C. unicolor, and C. vegrandis; ¶
 (OQ) Saw-scaled vipers -- Viperidae -- Echis All species; ¶
 (PR) Bushmaster -- Viperidae -- Lachesis muta; ¶
 (QS) False horned vipers -- Viperidae -- Pseudocerastes All species; ¶
 (RT) Pygmy rattlesnakes -- Viperidae -- Sistrurus miliarius and S. ravus. ¶
 (d) Order Testudines: ¶
 (A) Pignose turtles -- Carettochelyidae -- All species; ¶
 (B) Austro--American side-necked turtles -- Chelidae -- All species; ¶
 (C) Marine turtles -- Cheloniidae -- All species ¶
 (D) River turtles -- Dermatemydidae -- All species; ¶
 (E) Leatherback turtles -- Dermochelyidae -- All species; ¶
 (FD) Pond and box turtles -- Emydidae -- All nonnative species except Pseudemys spp., Trachemys spp., Chinemys spp., Clemmys spp., Chrysemys spp., Graptemys spp., Emys orbicularis, Emydoidea blandingii and Mauremys spp.; ¶
 ¶

(GE) American mud and musk turtles -- Kinosternidae -- All species except Kinosternon subrubrum and K. odoratum; ¶

(HE) Afro-American side-necked turtles -- Pelomedusidae -- All species; ¶

(IG) Bighead turtles -- Platysternidae -- All species; ¶

(JH) Tortoises -- Testudinidae -- All species; ¶

(KI) Softshell turtles -- Trionychidae -- All species except Apolone spp. and Trionyx triunguis. ¶

(5) Noncontrolled Fish: Common Name -- Family -- Genus/species: Aquaria fish and Live Foodfish -- All species.

Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.2342

Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.2342

AMEND: 635-056-0070

RULE SUMMARY: This rule amendment will modify requirements and conditions for persons to import, possess, confine, transport and sell some species of wildlife.

CHANGES TO RULE:

635-056-0070

Controlled Wildlife Species ¶

At the time the commission categorizes a species, subspecies or hybrid as Controlled, it shall also establish the controls necessary to protect native wildlife. ¶

(1) Controlled Mammals: ¶

(2) Controlled Birds: ¶

(a) Mute swans (*Cygnus olor*): The possession, transport, sale, purchase, exchange and offer to sell, purchase or exchange is allowed provided that all males are neutered and all individuals are surgically pinioned. Importation is allowed with an approval and authorization from the Department provided all individuals are surgically pinioned and any eggs produced must be destroyed. Importation, transport, sale, purchase, exchange and offer to sell, purchase or exchange of any mute swan is prohibited. ¶

(b) Hawks and falcons (families Falconidae and Accipitridae): The capture, possession, propagation, transportation, release, sale, purchase, exchange and disposition of falcons is allowed only as per the requirements of OAR 635 Division 44 (~~Holding, Propagating Protected Wildlife~~ Protected Wildlife, Holding, and Game Bird Propagating Rules) and OAR 635 Division 55 (Falconry Licenses, Permits and Requirements). ¶

(c) Game birds: (Anatidae, Columbidae, Tetranidae, Phasianidae, Meleagridae, Scolopacidae, Gruidae, Rallidae). The possession, propagation, sale, purchase and exchange of game birds is allowed only as per the requirements of OAR 635 division 44 (~~Holding, Propagating Protected Wildlife~~). Protected Wildlife, Holding, and Game Bird Propagating Rules. ¶

(d) Unless authorized by the Department, European starling (*Sturnus vulgaris*), House sparrows (*Passer domesticus*), or Eurasian Collared Dove (*Streptopelia decaocto*) may not be imported into Oregon or released into the wild. However, viable eggs, nestlings, fledglings, or adults may be captured from the wild, possessed, bought or sold for any other purpose (including damage control research). No permit is required for such capture and possession. ¶

(3) Controlled Amphibians: ¶

~~(a)~~ Bullfrog (*Rana catesbeiana*) including viable eggs, hatchlings, tadpoles, juveniles and adults: No person may import, purchase, sell, barter or exchange, or offer to import, purchase, sell, barter or exchange live bullfrogs. Individual bullfrogs may be collected from the wild and held indoors in an escape proof aquarium as per OAR 635-044-00350, Exhibit 1, for amphibians. Release is prohibited unless the person first obtains a permit from the ~~D~~director. ¶

(4) Controlled Reptiles: ¶

~~(a)~~ Order Crocodylia (Crocodiles, Alligators and Gavials) are considered exotic animals pursuant to ORS 609.305. Therefore, the keeping, breeding and sale of such animals is regulated by ORS 609.205 through 609.355 and OAR 603-011-0705 and 603-011-0706. Those statutes and rules govern the authority of local governments and the Department of Agriculture over those activities concerning these animals. However, the Fish and Wildlife Commission retains authority to regulate release and transport of these animals, and their management if they are released or escape into the wild. It is unlawful to release any member of the order Crocodylia.

Statutory/Other Authority: 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.2342

Statutes/Other Implemented: ~~496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052, 498.222, 498.2428.234~~

AMEND: 635-056-0075

RULE SUMMARY: This rule amendment will modify requirements and conditions for persons to import, possess, confine, transport and sell some species of wildlife.

CHANGES TO RULE:

635-056-0075

Controlled Fish Species ¶

(1) Controlled Fish ¶

(a) Grass carp (*Ctenopharyngodon idella*): Grass carp may be released into water bodies within Oregon only pursuant to the issuance of a permit from the Department under sub-section (1)(a)(A) or if identified in sub-section (1)(a)(B). Complete permit applications shall be submitted to Department headquarters at least 60 days before proposed stocking. A fee of \$250.00 (plus a \$2.00 license agent fee) shall be charged for each Grass carp permit issued. ¶

(A) The following restrictions and standards will govern the issuance of grass carp permits: ¶

(i) Stocking will occur only in water bodies which are: ¶

(I) Completely within private land; or ¶

(II) On land owned or controlled by special districts defined in ORS 198.010. ¶

(ii) Stocking will occur only in the following types of water bodies: (I) Lakes, ponds, or reservoirs less than 10 acres; or (II) Ditches and canals. ¶

(iii) Public use of the water body must be restricted to prevent removal of grass carp (by angling or otherwise) by unauthorized persons. At a minimum, the water body must be closed to angling and other use by the general public. ¶

(iv) Stocking shall not detrimentally affect any population of species listed as sensitive, threatened or endangered by the federal or state government. ¶

(v) Stocking shall occur only in water bodies with fish screens approved by the Department. Such screens shall have screen openings 1 inch or less for fish 12-19 inches total length and screen openings 2 inches or less for fish over 19 inches total length. Screens shall be inspected and approved by the Department before a permit will be issued. The applicant must comply with fish passage requirements (OAR 635, division 412); given grass carp screening requirements, this entails applying for and receiving a waiver or exemption from passage requirements if grass carp will be stocked into waters where native migratory fish are or were historically present. ¶

(vi) Stocking will not be allowed in water bodies within 100-year floodplains (as delineated by the Federal Emergency Management Agency on federal Flood Insurance Rate Maps) during times of potential flood. Times of potential flood are January 1 through July 31 in watersheds east of the Cascades and October 15 through May 31 in watersheds west of the Cascades. Grass carp will be removed from water bodies in a 100-year floodplain and held or disposed of during times of potential flood. If grass carp will be held and not disposed of, they shall be held at a permitted site outside the 100-year floodplain. Applications for sites within a 100-year floodplain shall contain a detailed removal plan which shall receive Department approval. ¶

(vii) Grass carp may only be purchased and imported from approved suppliers outside Oregon. Grass carp may not be propagated or held for further distribution within Oregon. Department pathologists shall approve suppliers. Approval will be based on ability to provide grass carp free of Asian tapeworms and meet health and disease requirements according to OAR 635-007-0555 through 635-007-0585. ¶

(viii) Grass carp imported into Oregon shall be: ¶

(I) ~~(2)~~ Sterile triploids. Documentation from the U.S. Fish and Wildlife Service that each fish is triploid must be submitted to the Department prior to release; ¶

(II) At least 12 inches long; ¶

(III) Tagged with a Passive Integrated Transponder (PIT) tag of frequency 134.2-kilohertz. Each tag shall be programmed with a unique identification number. A list of unique tag numbers shall be submitted to the Department prior to release; and ¶

(IV) Stocked at a rate not exceeding 22 per affected acre. ¶

(ix) In addition to documentation relating to the restrictions above, each permit application shall include: ¶

(I) Applicant's name, address and daytime telephone number. All property owners of the water body to which grass carp will have unrestricted access must be party to the application and permit; ¶

(II) Location of the water body, including township, range, section and quarter section, with map including written directions for access; ¶

(III) Map of the water body including, vegetation present in the water body, all inlets and outlets, and screen

locations;¶¶

(IV) Description of emergency procedures for responding to fish escapes from approved sites;¶¶

(V) Description of how fish will be removed and disposed of at the end of the proposed project.¶¶

(x) An application becomes the management plan upon approval. Permits and management plans shall be specific to particular sites and particular stocking projects. Permittees shall not deviate from permit conditions and management plans without prior written approval from the Department. No person may remove grass carp from one site (as identified in a management plan) and transport them to any other site without prior written approval from the Department.¶¶

(xi) An Oregon Department of Fish and Wildlife fish transport permit shall accompany grass carp imported into and transported within Oregon. If transport is required within the management plan and occurs entirely on the permittee's property, a transport permit is not needed. Any other permit or documentation required for fish import, transport, or stocking shall also be obtained prior to importation and stocking.¶¶

(xii) Permittees shall, as a condition of the permit, allow employees of the Department or the Oregon State Police to inspect at reasonable times the permitted water body, permit, and associated records. Inspection may take place without warrant or notice, but, unless prompted by emergency or other exigent circumstances, shall be limited to regular and usual business hours, including weekends. Nothing in these rules is intended to authorize or allow the warrantless search or inspection of property other than the water bodies or fish holding facilities on the permittee's property.¶¶

(xiii) Permits are revocable at any time for violation of any wildlife statute or rule of the Department. Upon revocation, if stocking has already occurred, the permittee shall remove all grass carp within two weeks at her/his own cost.¶¶

(xiv) Grass carp which escape a permitted water body are subject to seizure or destruction by the Department at the expense of the permit holder. The permit holder shall be held liable for incidental kill of any other species due to or during destruction of escaped grass carp.¶¶

(xv) The Commission may grant an exception to OAR 635-056-0075(1)(a)(A)(i) or (1)(a)(A)(ii). Exception requests must be submitted in writing in addition to the normal application and must address the requirements in this section. Unless the Commission determines that an alternative provides equivalent protection to fish and wildlife resources and their habitats, exceptions shall have the following additional requirements:¶¶

(I) If the water body into which grass carp will be stocked is greater than or equal to 10 acres a professional topographic survey by a licensed surveyor must be provided for the entire perimeter of the water body showing all points of water movement in and out of the water body. A topographic survey completed by a state or federal agency within five years from the date of application for the water body may be used. The Department shall determine screening requirements from the survey;¶¶

(II) Grass carp may remain in a water body within the 100-year floodplain year-round if a professional plan or drawing that is certified by a licensed engineer is provided which indicates that the entire perimeter of the water body is protected from 100-year floods. In order to prevent grass carp escape, screens, dikes, and devices protecting the water body must be able to remain structurally sound within 100-year floods and not be overtopped by a 100-year flood. The Department reserves the right to have a licensed engineer retained by the agency review and approve or deny the plan or drawing submitted by the applicant.¶¶

(B) Grass carp were legally stocked in Devils Lake (Lincoln County) prior to 1993 and may continue to be stocked subject to terms and conditions determined by the Department.¶¶

(b) Tilapia (Mozambique tilapia *Oreochromis mossambicus*, Nile tilapia *O. niloticus*, Wami tilapia *O. urolepis*, Blackchin tilapia *Sarotherodon melanotheron*, and hybrids thereof): The possession, propagation, transportation, sale, purchase, exchange and disposition of these tilapia is controlled according to the following restrictions and standards:¶¶

(A) A person intending to sell, barter or exchange must apply for and receive an approved propagation license from the Oregon Department of Fish and Wildlife Fish Propagation Program prior to commencing production. A person may raise tilapia in-doors (a house, greenhouse, or other enclosed structure capable of excluding predators) for personal consumption without an Oregon Department of Fish and Wildlife-Fish Propagation license;¶¶

(B) Propagation outdoors must occur in ponds or tanks covered with nets or screens adequate to prevent the capture or transport of cultured fish by predators or other animals;¶¶

(C) Access to production facilities must be through secure locked gates;¶¶

(D) Only animals certified as disease-free by the vendor may be purchased;¶¶

(E) Permittees must provide adequate veterinary care to identify and minimize the spread of diseases originating from the animals being held;¶¶

(F) No live tilapia or their gametes, fertilized eggs, or larvae may be released into waters of this State, as defined in ORS 506.006; and¶¶

(G) An Oregon Department of Fish and Wildlife fish transport permit shall accompany live tilapia imported into

and transported within Oregon. If transport occurs entirely on the permittee's property, a transport permit is not needed.¶¶

(c) Tiger muskellunge (*Esox lucius* X *Esox masquinongy*): tiger muskellunge are classified as a controlled species for the specific purpose of stocking into Phillips Reservoir (Baker County) for fish management purposes according to the following restrictions and standards:¶¶

(A) Stocking will occur only in Phillips Reservoir located in Baker County. No other public or private water bodies will be stocked with tiger muskellunge unless approved by the Commission. Tiger muskellunge will be stocked into Phillips Reservoir at a rate not to exceed the adult density required to achieve the objectives of the introduction; control abundance of yellow perch to restore the rainbow trout fishery.¶¶

(B) Tiger muskellunge may only be obtained and imported from approved suppliers outside of Oregon. Tiger muskellunge may not be propagated or held for further distribution within Oregon. Department pathologists shall approve suppliers. Approval will be based on the ability to provide tiger muskellunge which meet health and disease requirements according to OAR 635-007-0960 through 635-007-0995.¶¶

(C) Allowable catch and release only based on management objectives.¶¶

(D) Department will establish a monitoring plan and program prior to release which shall include:¶¶

(i) Creel monitoring.¶¶

(ii) Population monitoring.¶¶

(iii) Plans to eradicate or suppress any illegal introductions of pike or muskellunge introductions to Phillips Reservoir.¶¶

(iv) Education and outreach.¶¶

(E) In conjunction with fish monitoring activities all live tiger muskellunge handled of suitable marking size shall be tagged with a Passive Integrated Transponder (PIT) tag. Each tag shall be programmed with identification number. A list of the PIT tag identification numbers shall be maintained by the District Fish Biologist and submitted to the Invasive Species Wildlife Integrity Coordinator.¶¶

(F) Any permit(s) or documentation(s) required for fish import, transport, or stocking shall be obtained prior to and accompany importation and stocking.¶¶

(G) Department will develop an environmental monitoring plan for Phillips Reservoir which should include basic limnological characterization of the reservoir (nutrient concentrations, light penetration, vertical profiles of physical and chemical characteristics of reservoir water, zooplankton, and phytoplankton composition and densities).¶¶

(d) Barramundi (*Lates calcarifer*) the possession, propagation, transportation, sale, purchase, exchange and disposition of Barramundi are controlled according to the following restrictions and standards:¶¶

(A) A person must apply for and receive an approved propagation license from the Oregon Department of Fish and Wildlife Fish Propagation Program prior to commencing production;¶¶

(B) An Oregon Department of Fish and Wildlife fish transport permit shall accompany live Barramundi imported into and transported within Oregon. If transport occurs entirely on the permittee's property, a transport permit is not needed;¶¶

(C) Fish health certification must be reviewed and found acceptable by ODFW Fish Health personnel or veterinary staffs before fish are purchased or transported;¶¶

(D) Possession of live Barramundi outside of an approved facility or without a transport permit is prohibited;¶¶

(E) No live Barramundi or their gametes, fertilized eggs, or larvae may be released into water of the State, as defined in ORS 506.006;¶¶

(F) Propagation must occur indoors (enclosed structure capable of excluding predators) and only in closed recirculating systems;¶¶

(G) Access to production facilities must be through secure locked gates;¶¶

(H) Permittee must provide adequate veterinary care as directed by a veterinarian and adhere to Fish Health Management Policy OAR 635-007-0960 through 635-007-0995 to identify and minimize the spread of disease originating from the animals being held;¶¶

(I) Effluent water may not be discharged directly into any waters of the state.¶¶

(2) Controlled Mollusks:¶¶

(a) Suminoe oysters (*Crassostrea ariakensis*), Pacific oysters (*C.gigas*), Kumamoto oysters (*C. sikamea*), Eastern oysters (*C. virginica*), and European flat oysters (*Ostrea edulis*) may be purchased and imported from outside Oregon (or from other estuaries within Oregon) for release into estuaries in Oregon pursuant to the terms of a permit issued by the department. Complete permit applications must be submitted to the department's Marine Resources Program Headquarters (2040 SE Marine Science Drive, Newport, Oregon 97365) at least 15 days before proposed stocking. Oysters may be commercially harvested and sold pursuant to OAR 635-005.¶¶

(b) Softshell clam (*Mya arenaria*), Japanese varnish clam (*Nuttalia obscuratai*), and Japanese littleneck clam (*Venerupis philippinarum*) may be harvested, possessed and sold commercially pursuant to OAR 635-005 or harvested and possessed recreationally pursuant to OAR 635-039.¶¶

(3) Controlled Crustaceans:¶¶

(a) Green crabs (*Carcinus maenas*) may be harvested recreationally pursuant to ~~OAR 635-039~~. ~~Once harvested, it is unlawful to return green crab to state waters. The current annual Oregon Sport Fish is unlawful to take green crab for commercial purpose~~ Regulations.¶¶

(b) Whiteleg shrimp (*Litopenaeus vannamei*): The possession, propagation, transportation, sale, purchase, exchange and disposition of whiteleg shrimp is controlled according to the following restrictions and standards:¶¶

(A) A person must apply for and receive an approved propagation license from the Oregon Department of Fish and Wildlife Fish Propagation Program prior to commencing production;¶¶

(B) Propagation must occur in ponds covered with nets or screens adequate to prevent the capture or transport of cultured shrimp by predators or other animals;¶¶

(C) Access to production facilities must be through secure locked gates;¶¶

(D) Only animals certified as disease-free by the vendor may be purchased;¶¶

(E) Permittees must provide adequate veterinary care to identify and minimize the spread of diseases originating from the animals being held;¶¶

(F) No live whiteleg shrimp or their gametes, fertilized eggs, or larvae may be released into waters of this State, as defined in ORS 506.006; and¶¶

(G) An Oregon Department of Fish and Wildlife fish transport permit shall accompany live whiteleg shrimp imported into and transported within Oregon. If transport occurs entirely on the permittee's property, a transport permit is not needed.¶¶

(c) Giant river prawns (*Macrobrachium rosenbergii*): The possession, propagation, transportation, sale, purchase, exchange and disposition of giant river prawns is controlled according to the following restrictions and standards:¶¶

(A) A person must apply for and receive an approved propagation license from the Oregon Department of Fish and Wildlife Fish Propagation Program prior to commencing production;¶¶

(B) Propagation must occur in ponds covered with nets or screens adequate to prevent the capture or transport of cultured prawns by predators or other animals;¶¶

(C) Access to production facilities must be through secure locked gates;¶¶

(D) Only animals certified as disease-free by the vendor may be purchased;¶¶

(E) Permittees must provide adequate veterinary care to identify and minimize the spread of diseases originating from the animals being held;¶¶

(F) No giant river prawns or their gametes, fertilized eggs, or larvae may be released into waters of this State, as defined in ORS 506.006; and¶¶

(G) An Oregon Department of Fish and Wildlife fish transport permit shall accompany live giant river prawns imported into and transported within Oregon. If transport occurs entirely on the permittee's property, a transport permit is not needed.¶¶

(d) Crayfish - Cambaridae and Parastacidae - All species: The importation, possession, propagation, transportation, sale, purchase, exchange and disposition of non-native crayfish is controlled according to the following restrictions and standards.¶¶

(A) Non-native crayfish may be harvested, possessed and sold commercially pursuant to OAR 635-005-0855 through 635-005-0885 or harvest recreationally pursuant to ORS 496.162 from waters of the State as defined in ORS 503.006;¶¶

(B) Live non-native crayfish may not be used as bait ~~except in the waterbody in which they were taken~~;¶¶

(C) Non-native crayfish or their gametes, fertilized eggs, or larvae may not be released into waters of the State, as defined in ORS 503.006;¶¶

(D) Propagation is not allowed;¶¶

(E) Non-native crayfish may not be imported except by recognized educational institutions or for immediate consumption (Immediate consumption means within one week from date of delivery):¶¶

(i) Prior to purchase and importation; must apply for and receive authorization from Oregon Department of Fish and Wildlife;¶¶

(ii) Crayfish must be euthanized after educational section is completed.¶¶

(iii) Non-native crayfish must remain in an indoor secure facility and can only be removed when transporting for immediate preparation for consumption;¶¶

(iv) An Oregon Department of Fish and Wildlife fish transport permit shall accompany non-native crayfish imported into Oregon.¶¶

(F) Fish health certification must be reviewed, found acceptable and be on file by ODFW Fish Health personnel or veterinary staffs before crayfish are imported into the State.

Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 496.162

Statutes/Other Implemented: ORS 496.138, ORS 498.052, ORS 498.2012, 496.138, 498.052, 498.222, 496.146, 497.308, 497.318, 498.022

AMEND: 635-056-0080

RULE SUMMARY: This rule amendment will modify requirements and conditions for persons to import, possess, confine, transport and sell some species of wildlife.

CHANGES TO RULE:

635-056-0080

Sale of Wildlife ¶

(1) Except as provided in these rules and other rules of the commission, no person shall sell, purchase, exchange or offer to sell, purchase or exchange any wildlife (including game fish in the aquaria trade).¶

(2) Except as otherwise provided in this section, kingsnakes (*Lampropeltis getula* and *L. zonata*) and gopher (bull) snakes (*Pituophis catenifer*) that are morphologically similar to native species may be possessed, transported, sold, purchased, exchanged or offered for sale, purchase or exchange if the animals were legally acquired and bred in captivity. However, nothing in these rules authorizes the:¶

(a) Capture, possession, transportation, sale, purchase, exchange, or offer of sale, purchase or exchange of any wild native kingsnake or its offspring; or¶

(b) Sale, purchase, exchange, or offer of sale, purchase or exchange of any wild gopher snake or its progeny.¶

(3) When any nonnative wildlife species is offered for sale, trade or barter, the person making the offer shall display (until the transaction is completed) both the species' common name(s) and scientific taxonomic name (genus, species and subspecies (if appropriate)), as listed in the reference material in 635-056-0000(2) of these rules. The common name(s) and scientific name shall be posted at or on the cage, tank, or pen where the wildlife are being held ~~or~~, displayed or advertised.

Statutory/Other Authority: 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

Statutes/Other 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

AMEND: 635-056-0090

RULE SUMMARY: This rule amendment will modify requirements and conditions for persons to import, possess, confine, transport and sell some species of wildlife.

CHANGES TO RULE:

635-056-0090

Transportation ¶¶

(1) Except as provided in this section or other rules of the commission, wildlife may be transported through the state without an import permit from the department (some activities may require approval from the Oregon Department of Agriculture), provided the animal:¶¶

(a) Remains in the state no longer than 72 hours;¶¶

(b) Is not sold, purchased, exchanged or offered for sale, purchase or exchange or otherwise transferred while in the state; and¶¶

(c) Is accompanied by an import permit from the Oregon Department of Agriculture, if required, and proof of legal possession.¶¶

(2) If an animal being transported through the state must remain in the state longer than 72 hours due to unexpected delays, the person transporting such animal must notify the department's Salem headquarters office. Such notification shall include the type of species being transported and the location of the animals.

Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 497.298, 497.308, 497.312, 497.318, 498.022, 498.029, 498.052

Statutes/Other 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