

House Bill 3383

Sponsored by Representative BENTZ; Representatives BERGER, ESQUIVEL, FREEMAN, GARRARD, GILLIAM, GILMAN, HUFFMAN, JENSON, KRIEGER, ROBLAN, SPRENGER, THATCHER, THOMPSON, WEIDNER, WHISNANT, WINGARD, Senators BOQUIST, FERRIOLI, MORRISSETTE

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Describes circumstances in which gray wolf may be taken.

A BILL FOR AN ACT

1
2 Relating to wolves; creating new provisions; and amending ORS 498.012.

3 **Be It Enacted by the People of the State of Oregon:**

4 **SECTION 1. Section 2 of this 2009 Act is added to and made a part of ORS chapter 498.**

5 **SECTION 2. (1) Notwithstanding any provision of the wildlife laws, a person may take a**
6 **gray wolf at any time if the taking is necessary to avoid imminent, grave injury to any per-**
7 **son.**

8 **(2) Nothing in the wildlife laws is intended to prevent any person from taking a gray wolf**
9 **that is causing damage to livestock or working dogs on land that the person owns or lawfully**
10 **occupies if the person has a valid permit issued by the State Fish and Wildlife Commission**
11 **that authorizes the taking.**

12 **(3) A person who owns or lawfully occupies land does not need a permit issued by the**
13 **commission to take a gray wolf under subsection (2) of this section on the land that is owned**
14 **or occupied by the person if the gray wolf is caught in the act of attacking livestock or**
15 **working dogs. A gray wolf may be taken under the provisions of this subsection only if:**

16 **(a) The person has not used bait to attract gray wolves or taken any other intentional**
17 **act to attract gray wolves other than engaging in regular and ordinary livestock manage-**
18 **ment practices; and**

19 **(b) The taking is allowed under the federal Endangered Species Act of 1973 (P.L. 93-205,**
20 **16 U.S.C. 1531 et seq.).**

21 **(4) A person who is a landowner or a lawful occupant of land may authorize another**
22 **person to enter the land for the purpose of taking a gray wolf under subsection (3) of this**
23 **section on behalf of the landowner or occupant. The authorization must be in writing and**
24 **must include:**

25 **(a) The date of issuance of the authorization;**

26 **(b) The name, address, telephone number and signature of the person granting the au-**
27 **thorization;**

28 **(c) The name, address and telephone number of the person to whom the authorization is**
29 **granted; and**

30 **(d) The expiration date of the authorization, which may not be later than one year from**
31 **the date of issuance of the authorization.**

NOTE: Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

1 **(5) The person taking the gray wolf on behalf of a landowner or lawful occupant under**
 2 **subsection (4) of this section must be carrying the written authorization when the gray wolf**
 3 **is taken.**

4 **(6) If a person takes a gray wolf under the provisions of this section, the person shall**
 5 **report the taking to the State Department of Fish and Wildlife within 24 hours and make all**
 6 **reasonable efforts to preserve, and to keep undisturbed, the scene of the taking. The de-**
 7 **partment shall immediately investigate the report of the taking.**

8 **(7) As used in this section:**

9 **(a) “Livestock” means ratites, psittacines, horses, mules, jackasses, cattle, llamas,**
 10 **alpacas, sheep, goats, swine, bison, domesticated fowl and any fur-bearing animal bred and**
 11 **maintained commercially, or otherwise, within pens, cages or hutches.**

12 **(b) “Working dog” means any animal of the species *Canis familiaris* used to aid in the**
 13 **herding or protection of livestock.**

14 **SECTION 3.** ORS 498.012 is amended to read:

15 498.012. (1) Nothing in the wildlife laws is intended to prevent any person from taking any
 16 wildlife that is causing damage, is a public nuisance or poses a public health risk on land that the
 17 person owns or lawfully occupies. However, no person shall take, pursuant to this subsection, at a
 18 time or under circumstances when such taking is prohibited by the State Fish and Wildlife Com-
 19 mission, any game mammal or game bird, fur-bearing mammal or nongame wildlife species, unless
 20 the person first obtains a permit for such taking from the commission.

21 (2)(a) Nothing in subsection (1) of this section requires a permit for the taking of cougar, bobcat,
 22 red fox or bear pursuant to that subsection. However, any person who takes a cougar, bobcat, red
 23 fox or bear must have in possession written authority therefor from the landowner or lawful occu-
 24 pant of the land that complies with subsection (4) of this section.

25 (b) Nothing in subsection (1) of this section requires the commission to issue a permit for the
 26 taking of any wildlife species for which a U. S. Fish and Wildlife Service permit is required pursuant
 27 to the Migratory Bird Treaty Act (16 U.S.C. §§703 to 711), as amended.

28 (3) Any person who takes, pursuant to subsection (1) of this section, any cougar, bobcat, red fox,
 29 bear, game mammal, game bird, fur-bearing mammal or wildlife species whose survival the commis-
 30 sion determines is endangered shall immediately report the taking to a person authorized to enforce
 31 the wildlife laws, and shall dispose of the wildlife in such manner as the commission directs. In de-
 32 termining procedures for disposal of bear and cougar, the commission shall direct the State De-
 33 partment of Fish and Wildlife to first offer the animal to the landowner incurring the damage.

34 (4) The written authority from the landowner or lawful occupant of the land required by sub-
 35 section (2) of this section for the taking of cougar, bobcat, red fox or bear must set forth all of the
 36 following:

37 (a) The date of issuance of the authorization;

38 (b) The name, address, telephone number and signature of the person granting the authorization;

39 (c) The name, address and telephone number of the person to whom the authorization is granted;

40 (d) The wildlife damage control activities to be conducted, whether for bear, cougar, red fox or
 41 bobcat; and

42 (e) The expiration date of the authorization, which shall be not later than one year from the
 43 date of issuance of the authorization.

44 (5) Any regional office of the State Department of Fish and Wildlife ordering the disposal of an
 45 animal under subsection (3) of this section shall file a report with the State Fish and Wildlife Di-

1 rector within 30 days after the disposal. The report shall include but need not be limited to the loss
2 incurred, the financial impact and the disposition of the animal. The director shall compile all re-
3 ports received under this subsection on a bimonthly basis. The reports compiled by the director shall
4 be available to the public upon request.

5 **(6) Section 2 of this 2009 Act governs the taking of a gray wolf that is causing damage.**

6 [(6)] (7) As used in this section:

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

8 (b) "Nongame wildlife" has the meaning given that term in ORS 496.375.

9 (c) "Public nuisance" means loss of or harm inflicted on gardens, ornamental plants, ornamental
10 trees, pets, vehicles, boats, structures or other personal property.

11