

# B-Engrossed House Bill 3452

Ordered by the House June 4  
Including House Amendments dated April 18 and June 4

Sponsored by Representative JENSON, Senator HANSELL, Representative SMITH

## 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.

Describes circumstances in which [*gray*] wolves may be taken.  
Declares emergency, effective on passage.

## A BILL FOR AN ACT

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

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

4 **SECTION 1. Section 2 of this 2013 Act is added to and made a part of ORS chapter 498.**

5 **SECTION 2. (1) As used in this section:**

6 (a) "Chronic depredation":

7 (A) Means at least four confirmed qualifying incidents of depredation by wolves upon  
8 livestock or working dogs within a consecutive six-month period during phase 1 of the  
9 Oregon Wolf Conservation and Management Plan adopted by the State Fish and Wildlife  
10 Commission; or

11 (B) Has the meaning given that term by the commission for periods of time after the  
12 expiration of phase 1 of the Oregon Wolf Conservation and Management Plan adopted by the  
13 State Fish and Wildlife Commission.

14 (b) "Livestock" has the meaning given that term in ORS 610.150.

15 (c) "Working dog" has the meaning given that term in ORS 610.150.

16 (2) Nothing in the wildlife laws prevents the State Fish and Wildlife Commission or the  
17 State Department of Fish and Wildlife from lethally taking wolves to address chronic  
18 depredation pursuant to rules adopted by the commission, regardless of the management  
19 status of wolves under the Oregon Wolf Conservation and Management Plan adopted by the  
20 commission.

21 (3) Pursuant to rules adopted by the State Fish and Wildlife Commission, a person who  
22 owns or lawfully occupies land may take wolves on land that is owned or occupied by the  
23 person, without a permit issued by the commission, if:

24 (a) The person has not used bait to attract wolves or taken any other intentional action  
25 to attract wolves other than engaging in regular and ordinary livestock management prac-  
26 tices;

27 (b) The taking is allowed under the federal Endangered Species Act of 1973 (P.L. 93-205,  
28 16 U.S.C. 1531 et seq.); and

**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 (c) The wolves are:

2 (A) Caught in the act of biting, wounding or killing livestock or working dogs; or

3 (B) Caught in the act of chasing livestock or working dogs. If the taking in response to  
4 chasing occurs during phase 1 of the Oregon Wolf Conservation and Management Plan  
5 adopted by the commission:

6 (i) A person must have first undertaken nonlethal actions as specified by the State De-  
7 partment of Fish and Wildlife to minimize conflict between the wolves and livestock or  
8 working dogs; and

9 (ii) The taking must occur during a time period in which the department has determined  
10 a situation of chronic depredation exists.

11 (4) A person who is a landowner or a lawful occupant of land may authorize another  
12 person to enter the land for the purpose of taking wolves under subsection (3) of this section  
13 on behalf of the landowner or occupant. The authorization must be in writing and must in-  
14 clude:

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

16 (b) The name, address, telephone number and signature of the person granting the au-  
17 thorization;

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

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

22 (5) The person taking wolves on behalf of a landowner or lawful occupant under sub-  
23 section (4) of this section must be carrying the written authorization when wolves are taken.

24 (6) If a person takes wolves under the provisions of this section, the person shall report  
25 the taking to the State Department of Fish and Wildlife within 24 hours and make all rea-  
26 sonable efforts to preserve, and to keep undisturbed, the scene of the taking. The department  
27 and the Oregon State Police shall immediately investigate the report of the taking to deter-  
28 mine compliance with the provisions of this section.

29 **SECTION 3.** Until June 30, 2015, any taking under section 2 (2) of this 2013 Act must be  
30 consistent with rules adopted by the State Fish and Wildlife Commission related to the lethal  
31 take of wolves as in effect on the effective date of this 2013 Act.

32 **SECTION 4.** ORS 498.012 is amended to read:

33 498.012. (1) Nothing in the wildlife laws is intended to prevent any person from taking any  
34 wildlife that is causing damage, is a public nuisance or poses a public health risk on land that the  
35 person owns or lawfully occupies. However, no person shall take, pursuant to this subsection, at a  
36 time or under circumstances when such taking is prohibited by the State Fish and Wildlife Com-  
37 mission, any game mammal or game bird, fur-bearing mammal or nongame wildlife species, unless  
38 the person first obtains a permit for such taking from the commission.

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

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

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

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

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

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

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

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

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

17 (5) Any regional office of the State Department of Fish and Wildlife ordering the disposal of an  
18 animal under subsection (3) of this section shall file a report with the State Fish and Wildlife Di-  
19 rector within 30 days after the disposal. The report shall include but need not be limited to the loss  
20 incurred, the financial impact and the disposition of the animal. The director shall compile all re-  
21 ports received under this subsection on a bimonthly basis. The reports compiled by the director shall  
22 be available to the public upon request.

23 **(6) Section 2 of this 2013 Act governs the taking of wolves that are causing damage.**

24 [(6)] (7) As used in this section:

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

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

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

29 **SECTION 5. This 2013 Act being necessary for the immediate preservation of the public**  
30 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**  
31 **on its passage.**

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