

Enrolled House Bill 3452

Sponsored by Representative JENSON, Senator HANSELL, Representative SMITH; Representative RICHARDSON

CHAPTER

AN ACT

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

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

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

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

(a) “Chronic depredation”:

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

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

(b) “Livestock” has the meaning given that term in ORS 610.150.

(c) “Working dog” has the meaning given that term in ORS 610.150.

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

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

(a) The person has not used bait to attract wolves or taken any other intentional action to attract wolves other than engaging in regular and ordinary livestock management practices;

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

(c) The wolves are:

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

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

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

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

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

(a) The date of issuance of the authorization;

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

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

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

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

(6) If a person takes wolves under the provisions of this section, the person shall report the taking to the State Department of Fish and Wildlife within 24 hours and make all reasonable efforts to preserve, and to keep undisturbed, the scene of the taking. The department and the Oregon State Police shall immediately investigate the report of the taking to determine compliance with the provisions of this section.

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

SECTION 4. ORS 498.012 is amended to read:

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

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

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

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

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

(a) The date of issuance of the authorization;

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

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

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

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

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

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

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

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

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

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

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

Passed by House June 6, 2013

.....
Ramona J. Line, Chief Clerk of House

.....
Tina Kotek, Speaker of House

Passed by Senate June 27, 2013

.....
Peter Courtney, President of Senate

Received by Governor:

.....M,....., 2013

Approved:

.....M,....., 2013

.....
John Kitzhaber, Governor

Filed in Office of Secretary of State:

.....M,....., 2013

.....
Kate Brown, Secretary of State