

**PROPOSED AMENDMENTS TO  
A-ENGROSSED HOUSE BILL 3452**

1 On page 1 of the printed A-engrossed bill, delete lines 5 through 28 and  
2 pages 2 and 3 and insert:

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

4 **“(a) ‘Chronic depredation’:**

5 **“(A) Means at least four confirmed qualifying incidents of**  
6 **depredation by wolves upon livestock or working dogs within a con-**  
7 **secutive six-month period during phase 1 of the Oregon Wolf Conser-**  
8 **vation and Management Plan adopted by the State Fish and Wildlife**  
9 **Commission; or**

10 **“(B) Has the meaning given that term by the commission for peri-**  
11 **ods of time after the expiration of phase 1 of the Oregon Wolf Con-**  
12 **servation and Management Plan adopted by the State Fish and**  
13 **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**  
17 **Wildlife Commission or the State Department of Fish and Wildlife**  
18 **from lethally taking wolves to address chronic depredation pursuant**  
19 **to rules adopted by the commission, regardless of the management**  
20 **status of wolves under the Oregon Wolf Conservation and Manage-**  
21 **ment Plan adopted by the commission.**

22 **“(3) Pursuant to rules adopted by the State Fish and Wildlife Com-**

1 mission, a person who owns or lawfully occupies land may take wolves  
2 on land that is owned or occupied by the person, without a permit is-  
3 sued by the commission, if:

4 “(a) The person has not used bait to attract wolves or taken any  
5 other intentional action to attract wolves other than engaging in reg-  
6 ular and ordinary livestock management practices;

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

9 “(c) The wolves are:

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

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

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

18 “(ii) The taking must occur during a time period in which the de-  
19 partment has determined a situation of chronic depredation exists.

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

24 “(a) The date of issuance of the authorization;

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

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

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

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

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

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

14       **“SECTION 4. ORS 498.012 is amended to read:**

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

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

28       **“(b) Nothing in subsection (1) of this section requires the commission to**  
29 **issue a permit for the taking of any wildlife species for which a U. S. Fish**  
30 **and Wildlife Service permit is required pursuant to the Migratory Bird**

1 Treaty Act (16 U.S.C. [§§]703 to 711), as amended.

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

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

13 “(a) The date of issuance of the authorization;

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

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

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

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

22 “(5) Any regional office of the State Department of Fish and Wildlife or-  
23 dering the disposal of an animal under subsection (3) of this section shall file  
24 a report with the State Fish and Wildlife Director within 30 days after the  
25 disposal. The report shall include but need not be limited to the loss in-  
26 curred, the financial impact and the disposition of the animal. The director  
27 shall compile all reports received under this subsection on a bimonthly basis.  
28 The reports compiled by the director shall be available to the public upon  
29 request.

30 “(6) **Section 2 of this 2013 Act governs the taking of wolves that are**

1 **causing damage.**

2 “[~~(6)~~] (7) As used in this section:

3 “(a) ‘Damage’ means loss of or harm inflicted on land, livestock or agri-  
4 cultural or forest crops.

5 “(b) ‘Nongame wildlife’ has the meaning given that term in ORS 496.375.

6 “(c) ‘Public nuisance’ means loss of or harm inflicted on gardens,  
7 ornamental plants, ornamental trees, pets, vehicles, boats, structures or other  
8 personal property.

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

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