

D R A F T

SUMMARY

Prohibits introduction of wildlife species into area outside species' current range without authorization from State Fish and Wildlife Commission.

Requires commission to engage in certain rulemaking before introducing species into area outside species' current range. Requires commission to notify certain members of Legislative Assembly prior to rulemaking.

Requires commission to participate, to maximum extent practicable, in actions by federal agency to introduce or reintroduce populations of wildlife species into this state.

Applies to introduction, propagation or stocking of wildlife species on or after effective date of Act.

A BILL FOR AN ACT

1
2 Relating to introduction of wildlife species; creating new provisions; and
3 amending ORS 496.164.

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

5 **SECTION 1. Sections 2 and 3 of this 2017 Act are added to and made**
6 **a part of the wildlife laws.**

7 **SECTION 2. Notwithstanding any contrary provision of law, a per-**
8 **son may not introduce a wildlife species into an area in this state that**
9 **is outside the wildlife species' range at the time of the introduction**
10 **unless the introduction of that species is authorized by the State Fish**
11 **and Wildlife Commission.**

12 **SECTION 3. (1) Notwithstanding ORS 496.146 (3), the State Fish and**
13 **Wildlife Commission shall, prior to introducing or authorizing the in-**
14 **troduction of any population of wildlife species into an area in this**
15 **state that is outside the wildlife species' range at the time of the in-**

1 **roduction, adopt rules:**

2 **(a) Determining, based on the best available scientific information,**
3 **whether introducing the population is essential to the continued ex-**
4 **istence of the wildlife species;**

5 **(b) Establishing management restrictions, protective measures or**
6 **other special management concerns related to the introduced popu-**
7 **lation, including measures to isolate and contain the population; and**

8 **(c) Establishing a process for periodic review and evaluation of the**
9 **success or failure of the release and the effect of the release on the**
10 **wildlife species' overall population across this state.**

11 **(2) If the commission intends to undertake rulemaking as required**
12 **by this section, the commission shall give notice of its intended action**
13 **to the members of the Legislative Assembly who represent districts**
14 **that will be affected by the intended rulemaking. Notice required un-**
15 **der this section shall be delivered by electronic mail to the address**
16 **made available for the members pursuant to ORS 173.766 at least 49**
17 **days before the effective date of the intended rulemaking.**

18 **SECTION 4.** ORS 496.164 is amended to read:

19 496.164. **(1)(a)** The State Fish and Wildlife Commission and the State
20 Department of Fish and Wildlife may advise, consult and cooperate with
21 other agencies of this state and political subdivisions, other states or the
22 federal government and private landowners with respect to fish and wildlife
23 management.

24 **(b) Whenever any federal agency is engaging in rulemaking for the**
25 **purposes of introducing or reintroducing populations of wildlife species**
26 **into this state under 16 U.S.C. 1539(j), to the maximum extent practi-**
27 **cable, the commission and the department shall affirmatively engage**
28 **in the federal rulemaking process, including commenting on proposed**
29 **rules, attending public meetings, engaging in negotiations and other-**
30 **wise representing the interests of this state in carrying out the goals**
31 **of wildlife management in ORS 496.012.**

1 **(2)** The commission and the department shall provide [*such*] **any** infor-
2 mation, recommendations or advice **under subsection (1) of this section**
3 in writing if requested by another state or federal agency to do so. Technical
4 advice and information shall be based on the best available scientific infor-
5 mation. Policy or implementation recommendations provided in administra-
6 tive rulemaking proceedings shall be based on consideration of all the goals
7 of wildlife management in ORS 496.012, in addition to applicable scientific
8 information.

9 **(3)** State agencies, boards or commissions receiving policy or implemen-
10 tation recommendations **under subsection (1) of this section** shall consider
11 [*such*] **the** recommendations in the context of their respective statutory re-
12 sponsibilities, and shall take into account the extent to which [*such*] **the**
13 recommendations are substantiated with the best available scientific infor-
14 mation and based on consideration of all of the goals of wildlife management
15 in ORS 496.012.

16 **SECTION 5. Sections 2 and 3 of this 2017 Act and the amendments**
17 **to ORS 496.164 by section 4 of this 2017 Act apply to any introduction**
18 **of wildlife species that occurs on or after the effective date of this 2017**
19 **Act.**

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