

# House Bill 2844

Sponsored by Representative MARSH, Senator GORSEK (Presession filed.)

## 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**.

Provides, for purposes of certain statutes relating to taking of predatory animals, that terms "predatory animal" and "rodent" do not include beavers.

Instructs State Fish and Wildlife Commission to adopt rules related to taking of beavers.

Instructs State Department of Fish and Wildlife to publish annual report related to taking of beavers and to make report available to public.

## A BILL FOR AN ACT

Relating to the taking of beavers; creating new provisions; and amending ORS 498.012 and 610.002.

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

**SECTION 1.** ORS 610.002 is amended to read:

610.002. As used in this chapter[,]:

(1)(a) "Predatory animal" [*or "predatory animals" includes*] **means:**

(A) Feral swine, as defined by State Department of Agriculture rule[,]; **or**

(B) Coyotes, rabbits, rodents [*and*] **or** birds that are or may be destructive to agricultural crops, products [*and*] **or** activities[, *but excluding game birds and other birds determined by the State Fish and Wildlife Commission to be in need of protection*].

(b) "Predatory animal" **does not mean:**

(A) **Game birds;**

(B) **Nongame birds determined by the State Fish and Wildlife Commission to be in need of protection; or**

(C) **Beavers.**

(2) "Rodent" **does not include beavers.**

**SECTION 2.** 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.

**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 (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) ORS 498.014 governs the taking of wolves that are causing damage.

24 **(7) The commission shall adopt rules governing the taking of beavers authorized by sub-**  
 25 **section (1) of this section. At minimum, the rules must:**

26 **(a) Require that an individual obtain a permit before taking a beaver;**

27 **(b) Require, as a condition of a permit, that an individual:**

28 **(A) Make reasonable attempts to relocate a beaver, in consultation with the department,**  
 29 **before lethally taking the beaver; and**

30 **(B) Report any taking of a beaver to the department within 24 hours after the taking;**  
 31 **and**

32 **(c) Provide that an individual who has failed to report the individual's taking of a beaver**  
 33 **is ineligible for a permit under this subsection.**

34 **(8) The department shall publish data related to takings of beavers in an annual report**  
 35 **and shall make the report available to the public.**

36 [(7)] (9) As used in this section:

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

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

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

41 **SECTION 3. The State Fish and Wildlife Commission shall adopt rules required under**  
 42 **ORS 498.012 (7) on or before December 31, 2022.**