

House Bill 2162

Sponsored by Representatives SMITH DB, SCHARF (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 that certain restrictions on take of beaver apply only to take on land from which forest tree species are harvested for commercial purposes.

A BILL FOR AN ACT

1
2 Relating to beavers; creating new provisions; and amending sections 22, 23 and 25, chapter 33,
3 Oregon Laws 2022.

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

5 **SECTION 1.** Section 22, chapter 33, Oregon Laws 2022, is amended to read:

6 **Sec. 22.** (1) As used in this section:

7 (a) "Beaver" means a member of the species *Castor canadensis*.

8 (b) "Forestland" [*has the meaning given that term in ORS 527.620*] **means land that is used for**
9 **the growing and harvesting of forest tree species, regardless of how the land is zoned or**
10 **taxed or how any state or local statutes, ordinances or rules are applied, from which forest**
11 **tree species are harvested for commercial purposes.**

12 (2) A person that takes a beaver on privately owned forestland shall report the taking to the
13 State Department of Fish and Wildlife, including the reason for the taking, the location of the taking
14 and the number of beavers taken.

15 (3) The department shall:

16 (a) Annually submit a summary of the takings of beaver reported under subsection (2) of this
17 section to the State Fish and Wildlife Commission to help the commission better understand the
18 scale of trapping on privately owned forestland.

19 (b) Make the summary described in paragraph (a) of this subsection available to the public on
20 a department website.

21 (4) The commission shall adopt rules to implement this section.

22 **SECTION 2.** Section 23, chapter 33, Oregon Laws 2022, is amended to read:

23 **Sec. 23.** (1) As used in this section:

24 (a) "Beaver" means a member of the species *Castor canadensis*.

25 [(b) "*Forest practices*" has the meaning given that term in ORS 527.620.]

26 [(c)] (b) "Forestland" [*has the meaning given that term in ORS 527.620*] **means land that is used**
27 **for the growing and harvesting of forest tree species, regardless of how the land is zoned or**
28 **taxed or how any state or local statutes, ordinances or rules are applied, from which forest**
29 **tree species are harvested for commercial purposes.**

30 (c) "**Forest practices**" has the meaning given that term in ORS 527.620.

31 (d) "Small forestland" means forestland whose owner owns or holds common ownership interest

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 in less than 5,000 acres of forestland in this state.

2 (2) Notwithstanding ORS 498.012 (1), an owner of forestland, other than small forestland, or a
 3 designee of the owner, may take a beaver on the owner’s forestland only if:

4 (a) The beaver apparently poses a threat to infrastructure.

5 (b) The owner or a designee of the owner first requests that the State Department of Fish and
 6 Wildlife address the threat to infrastructure apparently posed by the beaver.

7 (c) The owner or a designee of the owner waits 30 days after making the request described in
 8 paragraph (b) of this subsection before taking the beaver.

9 (3) If the department receives a request under subsection (2)(b) of this section, the department
 10 shall make a reasonable attempt to nonlethally relocate the beaver, as department resources allow,
 11 or otherwise address the threat to infrastructure apparently posed by the beaver, in consultation
 12 with the owner or a designee of the owner.

13 (4) Notwithstanding subsection (2) of this section and ORS 498.012 (1), if a beaver on privately
 14 owned forestland damages or imminently threatens infrastructure, an owner of forestland, other than
 15 small forestland, or a designee of the owner, may take the beaver without submitting a request to
 16 the department under subsection (2) of this section.

17 (5) An owner, or a designee of an owner, that takes a beaver under subsection (2) or (4) of this
 18 section must report the taking as described in section 22, **chapter 33, Oregon Laws 2022** [of this
 19 2022 Act].

20 (6) In consultation with persons engaged in forest practices and other interested stakeholders,
 21 the department shall:

22 (a) Make reasonable attempts to nonlethally relocate beavers, as department resources allow.

23 (b) Develop a program for voluntarily relocating beavers.

24 (7) Notwithstanding ORS 496.162 (3), the State Fish and Wildlife Commission shall adopt rules
 25 to implement this section.

26 **SECTION 3.** Section 25, chapter 33, Oregon Laws 2022, is amended to read:

27 **Sec. 25.** (1) As used in this section:

28 (a) “Forestland” [has the meaning given that term in ORS 527.620] **means land that is used for**
 29 **the growing and harvesting of forest tree species, regardless of how the land is zoned or**
 30 **taxed or how any state or local statutes, ordinances or rules are applied, from which forest**
 31 **tree species are harvested for commercial purposes.**

32 (b) “Small forestland” has the meaning given that term in section 23, **chapter 33, Oregon Laws**
 33 **2022** [of this 2022 Act].

34 (2) A person may not solicit or accept a fee for trapping a beaver on privately owned forestland
 35 other than small forestland, unless the trapping occurs pursuant to section 23 (2) or (4), **chapter**
 36 **33, Oregon Laws 2022** [of this 2022 Act].

37 (3) A person that traps a beaver on privately owned forestland other than small forestland may
 38 not sell or exchange the pelt of the beaver, unless the trapping occurs pursuant to section 23 (2)
 39 or (4), **chapter 33, Oregon Laws 2022** [of this 2022 Act].

40 **SECTION 4. The State Fish and Wildlife Commission shall amend the rules described in**
 41 **sections 22 and 23, chapter 33, Oregon Laws 2022, as needed to conform with the amendments**
 42 **to sections 22 and 23, chapter 33, Oregon Laws 2022, by sections 1 and 2 of this 2023 Act.**