

# House Bill 3464

Sponsored by Representative MARSH, Senator DEMBROW; Representatives GAMBA, HUDSON, NOSSE, Senator PATTERSON

## 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

1 Relating to protecting beavers to mitigate climate change effects; creating new provisions; and  
2 amending ORS 498.012 and 610.002.

3 Whereas a warming climate is increasing the frequency of droughts and wildfires; and

4 Whereas beavers have a significant role in increasing the quantity and quality of water on a  
5 landscape and decreasing the risks of wildfire, and therefore act as a buffer against climate ex-  
6 tremes; and

7 Whereas the beaver is a keystone species that serves as nature's engineer and beavers' habitat  
8 has the ability to provide refugia, stimulate the recovery of other species and foster resilience on  
9 landscapes impacted by climate change; now, therefore,

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

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

12 610.002. As used in this chapter[.]:

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

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

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

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

19 (A) **Game birds;**

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

22 (C) **Beavers.**

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

24 **SECTION 2.** ORS 498.012 is amended to read:

25 498.012. (1) Nothing in the wildlife laws is intended to prevent any person from taking any  
26 wildlife that is causing damage, is a public nuisance or poses a public health risk on land that the  
27 person owns or lawfully occupies. However, no person shall take, pursuant to this subsection, at a  
28 time or under circumstances when such taking is prohibited by the State Fish and Wildlife Com-  
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**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 mission, any game mammal or game bird, fur-bearing mammal or nongame wildlife species, unless  
 2 the person first obtains a permit for such taking from the commission.

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

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

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

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

19 (a) The date of issuance of the authorization;

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

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

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

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

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

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

33 **(7)(a) The commission shall adopt rules governing the take of beavers authorized by**  
 34 **subsection (1) of this section.**

35 **(b) The rules must:**

36 **(A) Require a person who takes a beaver to report the take, even if the take is authorized**  
 37 **by the commission for emergency purposes.**

38 **(B) Address the take of beavers that occurs on private land and the take of beavers that**  
 39 **occurs during a time other than an authorized trapping season.**

40 **(c) In adopting the rules, the commission shall consider:**

41 **(A) Ways to encourage coexistence with beavers.**

42 **(B) The use of tools to manage or prevent damage caused by beavers, including tools**  
 43 **such as tree protection, pond levelers and culvert protection systems.**

44 **(C) Whether to require a person who takes a beaver to report the location of the take,**  
 45 **including the watershed or subwatershed in which the take occurred.**

1       **(D) Whether, and under which conditions, to authorize a person to take a beaver without**  
2 **a permit if the beaver is causing damage to property or infrastructure.**

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

5       [(7)] **(9)** As used in this section:

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

7       (b) “Nongame wildlife” has the meaning given that term in ORS 496.375.

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

10       **SECTION 3. The State Fish and Wildlife Commission shall adopt rules required under**  
11 **ORS 498.012 (7) on or before December 31, 2024.**

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