

House Bill 3932

Sponsored by Representative MARSH, Senators GORSEK, GOLDEN; Senator PHAM K

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**. The statement includes a measure digest written in compliance with applicable readability standards.

Digest: The Act prohibits a person from taking a beaver from certain waters. The Act prohibits a person from taking a beaver on public land within certain watersheds or near certain waters. The Act does not apply to agency staff. (Flesch Readability Score: 61.3).

Instructs the State Fish and Wildlife Commission to adopt rules that prohibit a person from taking a beaver on waters or watersheds that are classified in a certain manner or on public land that is within the watersheds or within 200 feet of the ordinary high water mark of the waters. Creates an exception for employees of federal and state land management agencies.

A BILL FOR AN ACT

1
2 Relating to protecting beavers.

3 Whereas beavers play an important role in improving water quality and temporary water stor-
4 age, in helping remove pollutants and sediments and in regulating water temperature to ensure
5 continuity of municipal water supplies and stream flows during drought for agricultural use and in
6 improving the quality, connectivity and abundance of fish and wildlife habitat; and

7 Whereas beavers play a significant role in decreasing the risks of wildfire; and

8 Whereas the beaver is a keystone species that serves as nature's engineer and beavers' habitat
9 can provide refugia, stimulate the recovery of other species and foster resilience; now, therefore,

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

11 **SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS chapter 498.**

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

13 **(a) "Human-constructed water conveyance infrastructure":**

14 **(A) Means infrastructure built by a human to move water from a source to a place of**
15 **use.**

16 **(B) Does not mean a section of a river or stream that is used to convey water between**
17 **an upstream ditch or pipeline to a downstream ditch or pipeline inlet.**

18 **(b) "Nonlethal coexistence measure":**

19 **(A) Means a nonlethal approach to effectively addressing human-beaver conflict that re-**
20 **sults in the beaver remaining onsite, such as:**

21 **(i) The use of flow control devices to control water levels in beaver ponds.**

22 **(ii) The use of fencing to protect culverts.**

23 **(iii) The installation or replacement of fencing or paint-sand mixtures to protect trees.**

24 **(iv) The removal or notching of beaver dams when there is an imminent danger of**
25 **flooding or no rise in the water level is acceptable, with care taken to avoid stranding fish**
26 **and other aquatic species.**

27 **(v) The use of dam anchors intended to encourage dam building upstream of an area of**
28 **potential human-beaver conflict.**

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 (B) Does not mean:

2 (i) The gripping, trapping, injuring or killing of a beaver.

3 (ii) The destruction or removal of a beaver dam, lodge or bank den, other than as de-
4 scribed in subparagraph (A)(iv) of this paragraph.

5 (iii) The relocation of a beaver.

6 (iv) The installation of a beaver dam analog as a standalone feature and not as part of
7 a dam anchor.

8 (c) "Public land":

9 (A) Means land that is managed by this state or the federal government and is open to
10 the public.

11 (B) Does not mean land owned by a federally recognized Indian tribe.

12 (2) The State Fish and Wildlife Commission shall adopt rules that:

13 (a) Establish a list of navigable or nonnavigable rivers, streams and watersheds that:

14 (A) Flow through or are adjacent to public land;

15 (B) Are classified by the Department of Environmental Quality as belonging in category
16 4 or category 5 in a biennial report pursuant to the federal Clean Water Act (33 U.S.C.
17 1251-1389) that is approved by the United States Environmental Protection Agency; and

18 (C) Are not subject to treaty interests of a federally recognized Indian tribe.

19 (b) Prohibit a person from taking a beaver, for a recreational or commercial purpose:

20 (A) From a river, stream or watershed that is on the list described in paragraph (a) of
21 this subsection; or

22 (B) On public land that is:

23 (i) Within a watershed that is on the list described in paragraph (a) of this subsection;
24 or

25 (ii) Within 200 feet of the ordinary high water mark of a river or stream that is on the
26 list described in paragraph (a) of this subsection.

27 (3) The commission shall update the list described in subsection (2)(a) of this section:

28 (a) Every 10 years to remove any rivers, streams or watersheds that have not been
29 classified as described in subsection (2)(a)(B) of this section for the six consecutive years
30 preceding the update.

31 (b) Every two years, in conjunction with preparing the biennial report described in sub-
32 section (2)(a)(B) of this section, to add any rivers, streams or watersheds that the depart-
33 ment classifies in the biennial report as described in subsection (2)(a)(B) of this section.

34 (4) Notwithstanding the rules adopted under this section, an employee of a federal or
35 state land management agency may take a beaver, or arrange for the taking of a beaver, to
36 address damages, or an imminent threat, to:

37 (a) Built infrastructure, including a road or a culvert or other human-constructed water
38 conveyance infrastructure, on public land; or

39 (b) Built infrastructure, or agricultural crops, on private land that is adjacent to public
40 land.

41 (5) The use of a nonlethal coexistence measure is recommended over the taking of
42 beavers under subsection (4) of this section, but a taking under subsection (4) of this section
43 may include relocation or lethal removal.

44 (6) The provisions of this section, and rules adopted pursuant to this section, do not apply
45 on public lands that are otherwise closed to the hunting and trapping of beaver.

1 **SECTION 3.** The State Fish and Wildlife Commission shall adopt the rules described in
2 section 2 (2) of this 2025 Act as soon as practicable after the effective date of this 2025 Act.
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