



## **STAFF SUMMARY**

### **Proposed Rules Establishing Trap Check Requirements for Bear and Cougar Taken for Damage, Nuisance, and Safety**

## **Background**

At the August 14 meeting, the Oregon Fish and Wildlife Commission (Commission) will be asked to adopt rules establishing trap-check requirements when traps are used to take bear or cougar in response to damage, nuisance issues, or safety concerns. The Commission previously directed department staff to develop draft rules for consideration following public testimony requesting trap-check requirements for these species due to concerns about the welfare of trapped animals.

Black bear and cougar are classified as game mammals. Because of this classification, traps are not a legal method of take during hunting seasons. However, they may be taken with traps under specific circumstances related to damage, public nuisance, or public safety, as authorized under ORS 498.012 and ORS 498.166. In all other situations where traps are used, trap-check requirements already exist: traps set for fur-bearing mammals must be checked every 48 hours by statute, and traps set for predatory animals must be checked every 48 hours by administrative rule. These established trap-check requirements do not currently apply to traps set for bear or cougar.

Any bear or cougar that is trapped for damage or safety purposes must be disposed of consistent with requirements in OAR 635-002-0007 through 0009. As edible wildlife, disposal options for black bear include utilization for human consumption through release of the carcass to the landowner who incurred the damage, donation to charitable organizations, or donated to eligible low income or medically qualified individuals. While other disposal options for black bear (rendering, landfill), in practice, utilization for human consumption is prioritized whenever possible.

## **Public involvement**

The Department has collected feedback from affected landowners/trappers, as well as animal welfare advocates, to help inform the proposed rules. Additional information will be collected during this public rulemaking process and considered by the Commission.

## **Overview of proposed rule changes**

The Department is proposing rules that balance two key considerations: limiting the amount of time a trapped animal may be restrained, while ensuring that trapping remains a viable tool for addressing conflicts involving bears and cougars and ensuring the beneficial use of any trapped animals. The proposed rule reads:

OAR 635-043-0058

#### **Trap Check Times for Bear and Cougar**

A person that sets a trap or snare pursuant to ORS 498.012 for the purpose of taking bear or cougar that has caused damage, is a public nuisance, or poses a public health risk, or pursuant to ORS 498.166 for the purpose of taking a bear or cougar posing a threat to human safety, shall be responsible for ensuring the trap or snare is inspected and all trapped animals removed:

- a) at least once every other calendar day, and
- b) within a period that does not exceed 56 hours.

These proposed rules would:

- Establish a maximum time period that an animal could potentially remain in a trap.
- Provide an adequate time window to accommodate salvage of edible meat.
- Clarify that the person who set the trap is responsible for ensuring it is checked within the time interval while also allowing another person to conduct the check.
- Retain current carcass disposal rules bear and cougar.
- Retain current bear and cougar hunting regulations.

Staff considered, but did not propose, a 48-hour trap check requirement due to the time needed to salvage a bear carcass for human consumption. Salvage requires, at minimum, field dressing, and in certain weather conditions may necessitate immediate transport to a meat processor to prevent spoilage. A 48-hour requirement would not allow someone checking traps every other day sufficient time to salvage a bear carcass without risk of becoming non-compliant with trap check requirements for traps not yet checked that day.

Staff also considered, but did not propose, a longer trap check interval to avoid the possibility that an animal could remain in a trap for more than two days.

The proposed rule specifies that the person who sets a trap is responsible for ensuring that the trap is checked within the required time and that any captured animal is removed. However, another person—such as a coworker, employee, or landowner—may conduct the trap check. This flexibility accommodates business operations, land management, and agency needs, including coverage during unexpected absences.

### **Why these changes are needed**

Landowners or their agents may take a bear or cougar that has caused damage, is a public nuisance, or is a public health threat without a permit, provided the conditions of ORS 498.012 are met. ORS 498.166 establishes criteria for taking a bear or cougar that is a threat to human safety. Currently, no trap check requirements exist for traps used under ORS 498.012 or ORS 498.166. The proposed rules would establish trap check intervals and require timely removal of captured animals.