

OFFICE OF THE SECRETARY OF STATE

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ARCHIVES DIVISION

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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 635  
DEPARTMENT OF FISH AND WILDLIFE

**FILED**  
04/23/2024 9:17 AM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Adopt Take Permit Rules and Modify Disposition and Wildlife Control Operator Rules Related to Beavers

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/14/2024 5:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

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4034 Fairview Industrial Drive SE  
Salem, OR 97302

Filed By:  
Roxann Borisch  
Rules Coordinator

HEARING(S)

*Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.*

DATE: 06/14/2024

TIME: 8:00 AM - 5:00 PM

OFFICER: ODFW Commission

IN-PERSON HEARING DETAILS

ADDRESS: goos oLgi gowa, 35601 Choke Cherry Way, Chiloquin, OR 97624

SPECIAL INSTRUCTIONS:

This hearing will be conducted as a hybrid meeting, providing an opportunity to give testimony either in person or virtually. Additional information regarding participation will be posted on our website at [www.dfw.state.or.us/agency/commission/minutes/](http://www.dfw.state.or.us/agency/commission/minutes/). The meeting can be viewed at [www.youtube.com/user/IEODFW](http://www.youtube.com/user/IEODFW). Any changes to the meeting format (to virtual only if emergency arises) will be posted to our website as soon as possible.

NEED FOR THE RULE(S)

These rules are needed as a result of the passage of HB 3464 (2023), which requires the department to establish rules regarding the take of beaver on or before December 31, 2024.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

- 1. Staff report prepared for the Oregon Fish and Wildlife Commission hearing on 6/14/2024.

A copy of the rules and the other documents relied upon for this rulemaking [the above document(s)] are available from the Oregon Department of Fish and Wildlife, Wildlife Division, 4034 Fairview Industrial Drive SE, Salem, Oregon 97302-1142. Contact Roxie Borisch at 503-947-6314 or [roxann.b.borisch@odfw.oregon.gov](mailto:roxann.b.borisch@odfw.oregon.gov) to view by appointment between the hours of 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

## STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Department has solicited input from representatives of underrepresented communities likely to be affected on whether the proposed rule will have a fiscal impact on the community, the extent of the fiscal impact, and whether the rules will have significant impact on underrepresented communities. <https://www.dfw.state.or.us/OARs/index.asp>

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### FISCAL AND ECONOMIC IMPACT:

No major fiscal and or economic impacts are expected to result from these proposed rules. Where there might be potential for an impact is detailed below.

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### COST OF COMPLIANCE:

*(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s).

A. The primary state agency affected would be the Oregon Department of Fish and Wildlife (ODFW). Some of the potential fiscal impacts are one-time costs, while other costs will be ongoing. For example, there are one-time costs that go into developing the proposed rule changes and for the Oregon Fish and Wildlife Commission to establish a ruleset specific to the take of beaver that are causing damage that includes the criteria and considerations from HB 3464 (2023). Additional costs to ODFW that will be ongoing include the staff time needed to document and handle complaints, issue permits for relocation or euthanization, coordinate with law enforcement to ensure compliance, outreach and education on permit and reporting requirements, and to annually put together a report available to the public on the take of beaver. These costs are mitigated as it is anticipated that this workload would be absorbed by existing agency resources.

Other state agencies that have the potential to be impacted include the Oregon State Police (OSP) and the Oregon Department of Agriculture (ODA). OSP may need to conduct additional enforcement efforts that relate to monitoring compliance of the take of beaver on private land. For ODA there is the removal of beaver from the predatory animal list and coordination efforts with ODFW on outreach related to changes to the beaver take process, specifically in cases where there is an imminent threat to agricultural crops.

B. The proposed rules are not expected to directly result in any major fiscal impacts to units of local government. It is anticipated that these rules would not result in any significant changes from the current levels of any local agencies' operations or expenditures.

C. The public may be affected by the adoption of these rules. The implementation of HB 3464 (2023) could potentially affect beaver take in Oregon. There will be additional data collected, reported in a way that is publicly available to Oregonians, on the take of beaver this will increase information on the topic. The public does have nonuse values (e.g. existence values) for beaver, even if an estimate of these values is not possible with current information limitations, it is likely that efforts encouraging coexistence with beaver allow for an increased capacity for promoting current and future conservation values.

(2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s);

Minimal effects are expected on small businesses as a result of the proposed rules. The types of small businesses that

have the potential to be impacted include landowners with properties where beaver reside, persons who work with landowners to trap beavers, and Wildlife Control Operators operating in Oregon. The number of small businesses with the potential to be affected cannot be estimated. The type of additional compliance activities resulting from the rules are further described below.

(b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s);

There may be additional administrative/recordkeeping compliance costs to small businesses and persons that apply for a permit and/or report on beaver take to ODFW. While the permit will be offered at no charge, it is anticipated that a person filing a permit or reporting on an emergency take of beaver would need to inform ODFW. Informing ODFW to request a permit and/or report on beaver take would be done verbally this anticipated to take ~10-15 minutes.

(c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

There is a potential that an individual could be impacted if they currently work with landowners to trap beavers for a fee, as beavers will no longer be defined as a predatory animal under ORS 610.002. The person would have to obtain a Wildlife Control Operator (WCO) permit to continue. Requirements of a WCO permit include taking the WCO test, which has a \$25 fee each time a person takes it and paying a \$64.50 permit fee with their application. Once the application is approved, it is valid for up to two calendar years.

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**DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):**

Small businesses were not directly involved with the development of these rules. However, since rules relate to HB 3464 (2023) there were opportunities for involvement during the 2023 Legislative Session. In 2022, ODFW's Beaver Management Work Group (BMWG) provided recommendations for beaver management [https://www.dfw.state.or.us/agency/commission/minutes/22/05\\_May/Beaver%20Management%20Work%20Group%20Recommendations%20Final%204-29-22.pdf](https://www.dfw.state.or.us/agency/commission/minutes/22/05_May/Beaver%20Management%20Work%20Group%20Recommendations%20Final%204-29-22.pdf), which has helped inform agency decision making. The BMWG was formed in summer of 2020 and had members who represented a diversity of perspectives across Oregon.

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**WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?**

An Administrative Rule Advisory Committee was not consulted. The agency is engaging with the public through this noticed rulemaking process. Public correspondence will also be part of the Commission meeting for June 2024, when the adoption of these rules will be decided upon.

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**RULES PROPOSED:**

635-002-0008, 635-043-0061, 635-043-0066, 635-043-0071, 635-043-0076, 635-045-0002, 635-435-0005, 635-435-0010, 635-435-0025, 635-435-0055

AMEND: 635-002-0008

**RULE SUMMARY:** The Oregon Department of Fish and Wildlife (ODFW) is proposing the adoption of new administrative rules and the modification of existing administrative rules to meet legislative requirements regarding the take of beavers. HB 3464 (2023) removed beaver from the Oregon Department of Agriculture's predatory animal list (ORS 610.002) and modified the damage statute. ODFW must adopt requirements for persons to report beaver take and address the take of beavers on private land during a time other than an authorized trapping season. Considerations made in adoption of rules shall consider: a) ways to encourage coexistence with beavers; b) use of tools to manage or prevent damage caused by beaver, including tools such as tree protection, pond levelers and culvert protection systems; c) whether to require a person who takes a beaver to report the location of the take, including the watershed or

subwatershed in which take occurred and d) conditions to authorize the take of a beaver without a permit if the beaver is imminently threatening infrastructure or agricultural crops. ODFW is required to publish an annual report related to taking of beavers and make the report available to the public.

#### CHANGES TO RULE:

635-002-0008

#### Disposition of Wildlife Taken on Damage ¶

In accordance with ORS 498.012, any wildlife taken on damage shall be disposed of in the following manner:¶

(1) Except as provided in section (2) of this rule, any deer, elk, antelope, bighorn sheep or gamebird shall be salvaged and delivered to a location determined by the Department. Carcasses shall be disposed of as directed by OAR 635-002-0005.¶

(2) Any elk taken on a kill permit outside of established shooting hours for game mammals from August 1 to March 31, and at any time from April 1 to July 31, shall be salvaged and disposed of in the following manner as directed by the Department:¶

(a) Donated to public and charitable institutions such as welfare organizations, churches, and others provided the receiving institution pays all storage and handling charges and does not sell the meat; or¶

(b) Donated to the landowner or landowner's designee(s) (including landowner agents) with the following provisions:¶

(A) If only one Kill Permit is issued, the carcass must be salvaged and disposed of as directed by (2) (a) above;¶

(B) If more than one Kill Permit is issued, the Department shall determine the distribution of the carcasses between public and charitable institutions, persons as outlined in OAR 635-002-0005 (2), and landowner or landowner's designee(s);¶

(C) The landowner or landowner's immediate family may receive only one elk of the total number of permits provided to the landowner in the 12-month period from August 1 to July 31;¶

(D) Any designee or designee's immediate family may receive only one elk in the 12-month period from August 1 to July 31; ¶

(E) Name, date and address of physical residence for each recipient shall be documented with Department;¶

(F) The heads, including antlers, of all elk must be submitted to the Department unless otherwise specified by the local District Wildlife Biologist;¶

(G) No portion of any elk received pursuant to this rule may be sold, bartered, or exchanged; and¶

(H) When an elk taken on a kill permit or part thereof is transferred to the possession of another person, a written record shall accompany such transfer and include: ¶

(i) A description of the elk part or portion transferred; ¶

(ii) The name and physical residence address of the person who was the original recipient of the elk; ¶

(iii) The kill permit number; ¶

(iv) The date and time of transfer; and¶

(v) The written record shall remain with the elk or part so long as the same is preserved.¶

(3) Black bear taken on damage shall be disposed of in the following manner:¶

(a) The carcass and hide, including gall bladder and female reproductive tract, shall be delivered to a location determined by the Department;¶

(b) The department may permit the landowner to retain the carcass including hide, skull, paws, claws, and meat (but not the gall bladder) for personal use. The hide, head, paws, claws, and meat may not be sold or bartered.¶

(A) If the landowner chooses to retain the carcass he/she must sign a written release provided by the department acknowledging the proper methods of preparation for human consumption, accepting the carcass as is, and that the meat will not be offered for sale;¶

(B) If the carcass, including hide, skull, paws and claws or meat, is transferred to another person, written documentation must be provided as outlined in OAR 635-065-0765(5).¶

(c) If the landowner chooses not to retain the carcass, including the hide, skull, paws, claws, and meat, the carcass shall be disposed of as directed in OAR 635-002-0007.¶

(d) The hide, skull, paws, claws, and gall bladder shall be salvaged and disposed of in a manner determined by the department. Options for disposition include but are not limited to scientific, enforcement, or educational purposes.¶

(4) Any cougar taken when damaging livestock shall be disposed of in the following manner:¶

(a) The carcass and hide, including viscera, shall be delivered to a location determined by the Department;¶

(b) The Department may permit the landowner to retain the legally marked hide and carcass, including the skull of such cougar for personal use. Such skull, hide, and carcass, including feet and claws, may not be sold or bartered;¶

(c) Such hide shall be marked with a possession tag which shall remain with the hide.¶

(5) Any red fox or bobcat shall be disposed of in a manner determined by the Department. Priority for disposition shall be for scientific, enforcement, or educational purposes.¶

(6) Any beaver shall be disposed of in the following manner:¶

(a) As directed by the Department. Priority for disposition shall be for scientific, enforcement, or educational purposes. The Department may permit a landowner to retain the carcass, including pelt, for personal use.¶

(b) Beaver taken on private forestland pursuant to 635-043-0070(4)(b) shall be released to the landowner or the agent of the landowner upon request of the landowner.

Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 496.162, 498.002, 498.012, 498.022, 498.032, 498.061, 498.062, 498.063, 610.002

Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 496.162, 498.002, 498.012, 498.022, 498.032, 498.061, 498.062, 610.002

ADOPT: 635-043-0061

RULE SUMMARY: The Oregon Department of Fish and Wildlife (ODFW) is proposing the adoption of new administrative rules and the modification of existing administrative rules to meet legislative requirements regarding the take of beavers. HB 3464 (2023) removed beaver from the Oregon Department of Agriculture's predatory animal list (ORS 610.002) and modified the damage statute. ODFW must adopt requirements for persons to report beaver take and address the take of beavers on private land during a time other than an authorized trapping season. Considerations made in adoption of rules shall consider: a) ways to encourage coexistence with beavers; b) use of tools to manage or prevent damage caused by beaver, including tools such as tree protection, pond levelers and culvert protection systems; c) whether to require a person who takes a beaver to report the location of the take, including the watershed or subwatershed in which take occurred and d) conditions to authorize the take of a beaver without a permit if the beaver is imminently threatening infrastructure or agricultural crops. ODFW is required to publish an annual report related to taking of beavers and make the report available to the public.

CHANGES TO RULE:

635-043-0061

Taking Beaver Causing Damage

Administrative Rules 635-043-0061 through 635-046-0076 govern take of beaver to control damage, public nuisance, and public health risks.

Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 496.162, 498.002, 498.012, 498.022, 498.032, 498.061, 498.062, 498.063, 610.002

Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 496.162, 498.002, 498.012, 498.022, 498.032, 498.061, 498.062, 498.063, 610.002

ADOPT: 635-043-0066

RULE SUMMARY: The Oregon Department of Fish and Wildlife (ODFW) is proposing the adoption of new administrative rules and the modification of existing administrative rules to meet legislative requirements regarding the take of beavers. HB 3464 (2023) removed beaver from the Oregon Department of Agriculture's predatory animal list (ORS 610.002) and modified the damage statute. ODFW must adopt requirements for persons to report beaver take and address the take of beavers on private land during a time other than an authorized trapping season. Considerations made in adoption of rules shall consider: a) ways to encourage coexistence with beavers; b) use of tools to manage or prevent damage caused by beaver, including tools such as tree protection, pond levelers and culvert protection systems; c) whether to require a person who takes a beaver to report the location of the take, including the watershed or subwatershed in which take occurred and d) conditions to authorize the take of a beaver without a permit if the beaver is imminently threatening infrastructure or agricultural crops. ODFW is required to publish an annual report related to taking of beavers and make the report available to the public.

CHANGES TO RULE:

635-043-0066

Definitions

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

(2) "Forestland" means land that is used for the growing and harvesting of forest tree species, regardless of how the land is zoned or taxed or how any state or local statutes, ordinances, rules or regulations are applied.¶

(3) "Imminently threatens" means the occurrence of recent beaver activity, including but not limited to gnawing, digging or dam building, that could result in loss or harm to infrastructure or to agricultural or forest crops if the activity were to continue. "Imminently threatens" does not mean the mere presence of a beaver without evidence of activity that could result in loss or harm.¶

(4) "Public nuisance" means loss of or harm inflicted on gardens, ornamental plants, ornamental trees, pets, vehicles, boats, structures, or other person property.¶

(5) "Small forestland" means forestland whose owner owns or holds common ownership interest in less than 5,000 acres of forestland in this state.

Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 496.162, 498.002, 498.012, 498.022, 498.032, 498.061, 498.062, 498.063, 610.002

Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 496.162, 498.002, 498.012, 498.022, 498.032, 498.061, 498.062, 498.063, 610.002

RULE SUMMARY: The Oregon Department of Fish and Wildlife (ODFW) is proposing the adoption of new administrative rules and the modification of existing administrative rules to meet legislative requirements regarding the take of beavers. HB 3464 (2023) removed beaver from the Oregon Department of Agriculture's predatory animal list (ORS 610.002) and modified the damage statute. ODFW must adopt requirements for persons to report beaver take and address the take of beavers on private land during a time other than an authorized trapping season. Considerations made in adoption of rules shall consider: a) ways to encourage coexistence with beavers; b) use of tools to manage or prevent damage caused by beaver, including tools such as tree protection, pond levelers and culvert protection systems; c) whether to require a person who takes a beaver to report the location of the take, including the watershed or subwatershed in which take occurred and d) conditions to authorize the take of a beaver without a permit if the beaver is imminently threatening infrastructure or agricultural crops. ODFW is required to publish an annual report related to taking of beavers and make the report available to the public.

CHANGES TO RULE:

635-043-0071

Permit Required to Take Beaver

(1) Season dates, bag limits, manner of harvest, and license requirements for take of beaver are found in OAR Chapter 635, Division 50, the furbearing and unprotected mammal regulations.¶

(2) Any person desiring to take beaver at a time or under circumstances not authorized by beaver harvest provisions found in OAR Chapter 635 Division 50 or not authorized by wildlife control operator rules found in OAR Chapter 635 Division 435 must first secure a permit from the Department.¶

(3) The Department may issue a permit allowing a person to take beaver that is causing damage, is a public nuisance, or poses a public health risk on land that person owns or lawfully occupies.¶

(4) Any person attempting to take a beaver pursuant to a permit issued by the Department must be in compliance with any condition of the permit including, but limited to:¶

(a) Take is only allowed by the person or persons specified on the permit.¶

(b) Live beaver may not be held, transported or released at a location other than the location of capture except as specified on the permit.¶

(5) Nothing in subsection (2) of this rule requires a permit to lethally take a beaver:¶

(a) If the beaver on privately owned forestland damages or imminently threatens infrastructure or agricultural crops.¶

(b) By an owner of small forestland, or a designee of the owner, if the beaver is causing damage or has the potential to cause damage.¶

(c) By the owner of forestland, other than small forestland, or a designee of the owner, if:¶

(A) The beaver apparently poses a threat to infrastructure;¶

(B) The owner or a designee of the owner first requests the Department address the threat to infrastructure apparently posed by the beaver; and¶

(C) The owner waits 30 days after making the request to the Department.¶

(6) Beaver taken pursuant to this rule shall be disposed of as directed by the Department.

Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 496.162, 498.002, 498.012, 498.022, 498.032, 498.061, 498.062, 498.063, 610.002

Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 498.002, 498.012, 498.022, 498.032, 498.061, 498.062, 498.063, 610.002



ADOPT: 635-043-0076

RULE SUMMARY: The Oregon Department of Fish and Wildlife (ODFW) is proposing the adoption of new administrative rules and the modification of existing administrative rules to meet legislative requirements regarding the take of beavers. HB 3464 (2023) removed beaver from the Oregon Department of Agriculture's predatory animal list (ORS 610.002) and modified the damage statute. ODFW must adopt requirements for persons to report beaver take and address the take of beavers on private land during a time other than an authorized trapping season. Considerations made in adoption of rules shall consider: a) ways to encourage coexistence with beavers; b) use of tools to manage or prevent damage caused by beaver, including tools such as tree protection, pond levelers and culvert protection systems; c) whether to require a person who takes a beaver to report the location of the take, including the watershed or subwatershed in which take occurred and d) conditions to authorize the take of a beaver without a permit if the beaver is imminently threatening infrastructure or agricultural crops. ODFW is required to publish an annual report related to taking of beavers and make the report available to the public.

CHANGES TO RULE:

635-043-0076

Reporting Requirements

(1) Any person who takes a beaver pursuant to OAR 635-043-0070, even if the take was allowed without the requirement of permit, must report the take to the Department.¶

(2) A report of take pursuant to this rule must include:¶

(a) Contact information, including name and address, of the landowner and the person who took the beaver if different than the landowner;¶

(b) The reason for take including the damage, public nuisance, or public health risk posed by the beaver;¶

(c) The number and disposition of beaver taken; and¶

(d) The location, including the subwatershed, where the beaver was taken.¶

(3) The Department will record complaints of damage and public nuisance caused by beaver including the primary cause for the complaint, location the complaint occurred, primary action taken by the Department, number and disposition of any beaver taken, and whether or not advice for nonlethal deterrents was provided to the complainant.

Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 496.162, 498.002, 498.012, 498.022, 498.032, 498.061, 498.062, 498.063, 610.002

Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 496.162, 498.002, 498.012, 498.022, 498.032, 498.061, 498.062, 498.063, 610.002

AMEND: 635-045-0002

RULE SUMMARY: The Oregon Department of Fish and Wildlife (ODFW) is proposing the adoption of new administrative rules and the modification of existing administrative rules to meet legislative requirements regarding the take of beavers. HB 3464 (2023) removed beaver from the Oregon Department of Agriculture's predatory animal list (ORS 610.002) and modified the damage statute. ODFW must adopt requirements for persons to report beaver take and address the take of beavers on private land during a time other than an authorized trapping season. Considerations made in adoption of rules shall consider: a) ways to encourage coexistence with beavers; b) use of tools to mangle or prevent damage caused by beaver, including tools such as tree protection, pond levelers and culvert protection systems; c) whether to require a person who takes a beaver to report the location of the take, including the watershed or subwatershed in which take occurred and d) conditions to authorize the take of a beaver without a permit if the beaver is imminently threatening infrastructure or agricultural crops. ODFW is required to publish an annual report related to taking of beavers and make the report available to the public.

CHANGES TO RULE:

635-045-0002

Definitions ¶¶

- (1) "Active Military Personnel" means, for the purpose of participating in the Veterans and Active Military Personnel Waterfowl Hunting Day(s), members of the Armed Forces [Army, Navy, Air Force, Marine Corps, and Coast Guard] on active duty, including members of the National Guard and Reserves on active duty (other than for training).¶¶
- (2) "Adult hunting license" is a resident or nonresident hunting license, resident combination angling and hunting license, disabled veteran's angling and hunting license, pioneer's angling and hunting license or senior citizen's angling and hunting license.¶¶
- (3) "Agricultural lands" are lands that are not less than ten acres in extent that have been cultivated and planted or irrigated to domestic crops that are currently in use. Isolated home gardens, abandoned farmsteads, logged lands, rangelands, and tree farms, are not included in this definition.¶¶
- (4) "Antler Point" is a point at least one inch in length measured from tip of point to nearest edge of beam. This definition applies only to the three-point elk and spike only elk bag limits.¶¶
- (5) "Antlerless deer" means doe or fawn deer.¶¶
- (6) "Antlerless elk" means cow or calf elk.¶¶
- (7) "Application" means the electronic form completed and purchased to apply for a hunt where the number or distribution of hunters is limited through a public drawing or other means. Mail order applications sent to the Department along with the proper remittance are used to generate the electronic form.¶¶
- (8) "Bait" for hunting game mammals means any substance placed to attract an animal by its sense of smell or taste, including but not limited to food items or minerals (such as salt). Applying a scent or attractant to one's body or clothing while worn, is not baiting.¶¶
- (9) "Baited Area" means an area where baiting has taken place.¶¶
- (10) "Baiting" means the placing, exposing, depositing, distributing, or scattering of corn, wheat, salt or other feed to constitute a lure or enticement to, on, or over an area where hunters are attempting to take game birds.¶¶
- (11) "Brace" is defined as an orthosis that is prescribed by a physician and fabricated by an orthotist certified by the American Board for Certification in Orthotics and Prosthetics, Inc.¶¶
- (12) "Buck Deer" means a male deer with at least one visible antler.¶¶
- (13) "Buck Pronghorn" means a male pronghorn antelope with visible horns and a dark cheek patch below the ear.¶¶
- (14) "Bull elk" for the purposes of a bag limit definition, means a male elk with at least one visible antler.¶¶
- (15) "Calendar year" means from January 1 through December 31.¶¶
- (16) "Carcass" is the skinned or unskinned body, with or without entrails, of a game bird or game mammal.¶¶
- (17) "Closed season" is any time and place when it is not authorized to take a specific species, sex or size of wildlife.¶¶
- (18) "Coast elk" means any live elk occurring in the Alsea, Applegate, Chetco, Melrose, Powers, Saddle Mountain, Scappoose, Siuslaw, Sixes, Stott Mountain, Tioga, Trask, Willamette, and Wilson units.¶¶
- (19) "Commercial cervid attractant" means a marketed product that contains or is derived from cervid urine and is designed for use in luring, attracting or enticing a cervid.¶¶
- (20) "Commission" means the Oregon Fish and Wildlife Commission.¶¶

- (21) "Controlled hunt" is a season where the number or distribution of hunters is limited through a public drawing or other means.¶
- (22) "Department" means the Oregon Department of Fish and Wildlife.¶
- (23) "Director" means the Oregon Fish and Wildlife Director.¶
- (24) "Doe or fawn pronghorn" means a female pronghorn antelope without a dark cheek patch below the ear or a pronghorn fawn (young of the year) of either sex.¶
- (25) "Domestic partner" means, as provided in section 3 of the Oregon Family Fairness Act of 2007 (ORS Chapter 106), "an individual who has, in person, joined into a civil contract with another individual of the same sex, provided that each individual is at least 18 years of age and is otherwise capable, and that at least one of the individuals is a resident of Oregon."¶
- (26) "Eastern Oregon" means all counties east of the summit of the Cascade Range including all of Klamath and Hood River counties.¶
- (27) "Eastern Oregon deer" means any live deer occurring east of the east boundaries of the Santiam, McKenzie, Dixon, Indigo and Rogue units.¶
- (28) "Eligible Hunter" means someone who will be 12 years of age by the time they hunt.¶
- (29) "Entry permit" means a permit issued by the Department to be in an area where entry is restricted.¶
- (30) "Feral Swine" means animals of the genus *Sus* as defined by the Oregon Department of Agriculture in OAR 603-010-0055.¶
- (31) "Fiscal year" means from July 1 through June 30.¶
- (32) "Furbearers" are beaver, bobcat, fisher, marten, mink, muskrat, otter, raccoon, red fox, and gray fox.¶
- (33) "Game Birds" are any waterfowl, snipe, band-tailed pigeon, mourning dove, pheasant, quail, partridge, grouse, or wild turkey.¶
- (34) "Game mammals" are pronghorn antelope, black bear, cougar, deer, elk, moose, Rocky Mountain goat, bighorn sheep, and western gray squirrel.¶
- (35) "General season" is any season open to the holder of a valid hunting license and appropriate game mammal tag without restriction as to the number of participants.¶
- (36) "Hunter certification" means to have met educational, safety or other requirements designated by administrative rule for participation in a hunt.¶
- (37) "Hunt" means to take or attempt to take any wildlife by means involving the use of a weapon or with the assistance of any mammal or bird.¶
- (38) "Husbandry" means the care given animals directly by their owners and managers, including but not limited to:¶
- (a) Nutrition;¶
  - (b) Breeding program;¶
  - (c) Veterinary medical care;¶
  - (d) Environmental cleanliness; and¶
  - (e) Humane handling.¶
- (39) "Immediate family" for the purpose of Landowner Preference, means a landowner's spouse, children, sons-in-law, daughters-in-law, father, mother, brother, brothers-in-law, sister, sisters-in-law, stepchildren, and grandchildren.; for all other purposes, it means spouse, domestic partner, children, father, mother, brother, sister, stepchildren, and grandchildren.¶
- (40) "Inedible" means unfit for human consumption.¶
- (41) "Juvenile hunting license" is a resident, nonresident hunting license or resident combination angling and hunting license for persons 9 to 17 years of age to hunt wildlife.¶
- (42) "Landowner", as used in OAR chapter 635, division 075, means:¶
- (a) A person who holds title in trust or in fee simple to 40 or more contiguous acres of land; provided however that a recorded deed or contract of ownership shall be on file in the county in which the land is located; and/or¶
  - (b) A corporation or Limited Liability Company (LLC) holding title in fee simple to 40 or more contiguous acres of land; provided however that the corporation or LLC shall be registered with the State of Oregon; and/or¶
  - (c) A partnership holding title in fee simple to 40 or more contiguous acres of land; and/or¶
  - (d) Persons who hold title as part of a time share are not eligible for landowner preference.¶
- (43) "Low Income" means a person who is "economically disadvantaged" as defined in Section 4(8) of the Federal Job Training Partnership Act of 1982.¶
- (44) "Motor Vehicle" or "Motor-Propelled Vehicle" is any land vehicle or device which has a motor, either permanently or temporarily affixed, is capable of either motor-assisted-propulsion or self-propulsion and is capable of transporting a person or persons or any material or cargo. ¶
- (45) "Mounted Wildlife" means any hide, head or whole body of wildlife prepared by a licensed taxidermist for display.¶
- (46) "Muzzleloader" is any single-barreled (shotguns may be double barreled) long gun meant to be fired from the

- shoulder and loaded from the muzzle with open or peep sights.¶
- (47) "On or within" means a straight line distance measured on a map.¶
- (48) "Nonresident" means any person other than a resident.¶
- (49) "One deer" means a buck, doe, or fawn deer.¶
- (50) "One elk" means a bull, cow, or calf elk.¶
- (51) "Outfitter and Guide Hunt" is an outdoor recreational activity in which the client is physically accompanied in the field by the registered Outfitter and Guide or the employee(s) of the registered Outfitter and Guide during the hunt.¶
- (52) "Partner" means a person in an association of two or more persons formed to carry on as co-owners for profit.¶
- (53) "Possession" means to have physical possession or to otherwise exercise dominion or control over any wildlife or parts thereof, and any person who counsels, aids or assists another person holding such wildlife is deemed equally in possession.¶
- (54) "Postmark" means the date of mailing as stated in a mark applied by the U.S. Postal Service to a piece of mail. Office postal machine meter marks are not valid application deadline postmarks.¶
- (55) "Predatory animals" means feral swine as defined by the State Department of Agriculture; or coyotes, rabbits, or rodents, and feral swine which (except beaver), that are or may be destructive to agricultural crops, products and/or activities.¶
- (56) "Protected wildlife" means "game mammals" as defined in OAR 635-045-0002(35) "game birds" as defined in 635-045-0002(34), "furbearers" as defined in 635-045-0002(33), "threatened and endangered species" as defined in 635-100-0125, and "nongame wildlife protected" as defined in 635-044-0130.¶
- (57) "Pursue" means the act of trailing, tracking, or chasing wildlife in an attempt to locate, capture, catch, tree, or kill any game mammal, game bird, or furbearer.¶
- (58) "Raw pelt" means any pelt that has not been processed or converted to any usable form beyond initial cleaning, stretching, and drying.¶
- (59) "Resident" is any person who:¶
- (a) Has physically resided in Oregon for not less than six consecutive months immediately prior to the date of making application for a license, tag, or permit.¶
- (b) Members of the uniformed services of the United States who:¶
- (A) Are permanently assigned to active duty in this state, and their spouse and dependent children.¶
- (B) Reside in this state while assigned to duty at any base, station, shore establishment or other facility in this state.¶
- (C) Reside in this state while serving as members of the crew of a ship that has an Oregon port or shore establishment as its home port or permanent station.¶
- (c) Aliens attending school in Oregon under a foreign student exchange program.¶
- (d) Except for persons who qualify as resident in paragraph (b) and (c) above, a "Resident" does not include a person:¶
- (A) Who merely owns real property or pays property taxes in this state; or¶
- (B) Who claims resident privileges in another state or country for any purpose.¶
- (60) "River" is that portion of a natural water body lying below the level of bankfull stage. Bankfull stage is the stage or elevation at which overflow of the natural banks of a stream or body of water begins to inundate the upland.¶
- (61) "Rocky Mountain elk" is any live elk occurring east of the following described line: Beginning at the California line on Highway 97; north on Highway 97 to State Highway 26 at Madras; northwest on Highway 26 to east boundary of Santiam Unit; north along east boundary of Santiam Unit to the Columbia River.¶
- (62) "Sabot" A carrier, bushing or device in which a projectile of a smaller caliber is centered so as to permit firing the projectile within a larger caliber weapon. Cloth, paper or felt patches used with round balls are not considered a sabot.¶
- (63) "Shotgun" is a smoothbore firearm, designed for firing birdshot, and intended to be fired from the shoulder, with a barrel length of 18 inches or more, and with an overall length of 26 inches or more. Exception: Shotguns equipped with rifled slug barrels are considered shotguns when used for hunting pronghorn antelope, black bear, cougar, deer, or elk when centerfire rifles or shotguns are legal weapons.¶
- (64) "Sight bait" is exposed flesh bait within 15 feet of any foothold trap set for carnivores.¶
- (65) "Spike deer" is a deer with spike (unbranched) antlers.¶
- (66) "Spike-only bull elk" means a bull elk with at least one visible unbranched antler (a brow tine is not considered an antler branch under spike-only regulations).¶
- (67) "Stockholder" is a person who owns stock within a corporation as defined in OAR 635-045-0002(42)(b).¶
- (68) "Tag" is a document authorizing the taking of a designated kind of mammal at a specified time and place.¶
- (69) "Take" means to kill or obtain possession or control of any wildlife.¶

- (70) "Three point plus elk" for the purposes of a bag limit definition, means a bull elk having 3 points or more on one antler including the brow tine.¶
- (71) "Traditional Bow" is a long bow or recurve bow only, no compound bows are allowed during "traditional" bow/archery hunts.¶
- (72) "Unbarbed broadhead" is a fixed position arrowhead where the rear edge of the blade(s) forms an angle with the arrow shaft to which it is attached of 90° or greater. Broadheads with moveable blades that fold/collapse when withdrawn are considered unbarbed.¶
- (73) "Uniformed Services" means Army, Navy, Air Force, Marine Corps and Coast Guard, or their reserve components; the National Guard or Oregon National Guard, commissioned corps of the National Oceanic and Atmospheric Administration, and the Public Health Service of the United States Department of Health and Human Services detailed with the Army or Navy.¶
- (74) "Unprotected Mammals and Birds" are European starling, house sparrow, Eurasian collared-dove and any mammal species for which there are no closed seasons or bag limits.¶
- (75) "Valid certification permit" is a permit for the current season that has not become invalid after taking a season limit or illegal game bird.¶
- (76) "Veteran" means, for the purpose of participating in the Veterans and Active Military Personnel Waterfowl Hunting Day(s), a person who served in the active military, naval, or air service, (Army, Navy, Air Force, Marine Corps, and Coast Guard) and who was discharged or released therefrom under conditions other than dishonorable. (Section 101 of title 38, United States Code).¶
- (77) "Visible Antler" means a velvet or hardened antler that is visible above the hairline on the skullcap and is capable of being shed.¶
- (78) "Waste" means to allow any edible portion of any game mammal (except cougar) or game bird to be rendered unfit for human consumption, or to fail to retrieve edible portions, except internal organs, of such game mammals or game birds from the field. Entrails, including the heart and liver, are not considered edible. "Edible portion" of game mammals (except cougar) means the meat of the front quarters as far down as the knees (the distal joint of the radius-ulna), meat of the hindquarters as far down as the hocks (the distal joint of the tibia-fibula), and the meat along the backbone including the loins (back-strap), and tenderloins. For elk, it also includes the meat of the neck. "edible portions" of game birds means, at a minimum, the meat of the breast associated with the sternum.¶
- (79) "Waterfowl" means ducks, geese, mergansers and coots.¶
- (80) "Weapon" is any device used to take or attempt to take wildlife.¶
- (81) "West Cascade elk" means any live elk occurring in the Santiam, McKenzie, Indigo, Dixon, Evans Creek, and Rouge units.¶
- (82) "Western Oregon" means all counties west of the summit of the Cascade Range except Klamath and Hood River counties.¶
- (83) "Western Oregon deer" is any live deer except the Columbian white-tailed deer occurring west of the east boundaries of the Santiam, McKenzie, Dixon, Indigo, and Rogue units.¶
- (84) "Wildlife" means fish, wild birds, amphibians, reptiles, wild mammals, and feral swine.¶
- (85) "Wildlife" means for the purposes of harassment to relieve damage described in OAR 635-043-0096 through 635-043-0115, game mammals, game birds except migratory birds protected by Federal law, furbearing mammals and wildlife declared protected by the commission.¶
- (86) "Wildlife" means for the purposes of scientific taking described in OAR 635-043-0023 through 635-043-0045, wild birds, wild mammals, amphibians and reptiles, including nests, eggs, or young of same.¶
- (87) "Wildlife" means, for the purposes of the Wildlife Diversity Plan described in OAR 635-100-0001 through 635-100-0194, fish, shellfish, amphibians, reptiles, feral swine, wild mammals, wild birds, and animals living intertidally on the bottom as defined by ORS 506.011.¶
- (88) "Wildlife unit" is a geographic area described in OAR 635-080-0000 through 635-080-0077.¶
- (89) "Youth" is any "Resident" of Oregon or Nonresident 12 through 17 years of age.¶
- [Publications: Publications referenced are available from the agency.]
- Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 496.162, 496.151, 497.002, 497.127
- Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 496.162, 496.151, 497.002, 497.127

AMEND: 635-435-0005

RULE SUMMARY: The Oregon Department of Fish and Wildlife (ODFW) is proposing the adoption of new administrative rules and the modification of existing administrative rules to meet legislative requirements regarding the take of beavers. HB 3464 (2023) removed beaver from the Oregon Department of Agriculture's predatory animal list (ORS 610.002) and modified the damage statute. ODFW must adopt requirements for persons to report beaver take and address the take of beavers on private land during a time other than an authorized trapping season. Considerations made in adoption of rules shall consider: a) ways to encourage coexistence with beavers; b) use of tools to manage or prevent damage caused by beaver, including tools such as tree protection, pond levelers and culvert protection systems; c) whether to require a person who takes a beaver to report the location of the take, including the watershed or subwatershed in which take occurred and d) conditions to authorize the take of a beaver without a permit if the beaver is imminently threatening infrastructure or agricultural crops. ODFW is required to publish an annual report related to taking of beavers and make the report available to the public.

CHANGES TO RULE:

635-435-0005

Definitions ¶¶

For the purposes of these rules the following definitions apply:¶¶

- (1) "Agent" means an individual or business conducting wildlife control activities for a fee for a property owner, legal occupant, local jurisdiction or agency to take furbearers, unprotected mammals, wild turkeys and western gray squirrels for the purpose of reducing property damage, removing nuisance animals, or resolving public health threat or safety concerns caused by wildlife.¶¶
- (2) "Damage" means loss of or harm inflicted on land, livestock or agricultural or forest crops.¶¶
- (3) "Department" means Oregon Department of Fish and Wildlife.¶¶
- (4) "Display for public exhibit" means to place or locate wildlife so that it may be viewed or accessed directly by the public.¶¶
- (5) "Euthanasia" means to humanely end the life of an individual animal by a person in a way that minimizes or eliminates pain and distress as defined in the "American Veterinary Medical Association (AVMA) Guidelines for the Euthanasia of Animals: 2020 Edition."¶¶
- (6) "Forestland" means land that is used for the growing and harvesting of forest tree species, regardless of how the land is zoned or taxed or how any state or local statutes, ordinances, rules or regulations are applied.¶¶
- (7) "Furbearers" are beaver, bobcat, fisher, marten, mink, muskrat, otter, raccoon, red fox, and gray fox. For any person owning, leasing, occupying, possessing or having charge of or dominion over any land (or an agent of this person) who is taking or attempting to take beaver or muskrat on that property, these two species are considered predatory animals.¶¶
- (78) "Notification" means that the Wildlife Control Operator (WCO) conducting wildlife control activities has been contacted by the client or designee by phone, text, email, fax, or in person that a trap has been closed, with a live animal inside.¶¶
- (89) "Possess" means to have control or exercise dominion over any wildlife or wildlife parts (OAR 635-045-0002(53)).¶¶
- (910) "Predatory animals" means coyotes, rabbits, rodents, except beaver, and feral swine which are or may be destructive to agricultural crops, products and activities (ORS 610.002 & 610.105). This definition is applicable where wildlife is taken under the authority of one who owns leases, occupies, possesses or has charge or dominion over the land. ~~Beavers, m~~Muskkrats, western gray squirrels (*Sciurus griseus*), gophers, mountain beaver (boomer), marmot, nutria, and porcupine causing damage on private property are defined as predatory animals under ORS 610.002.¶¶
- (101) "Prohibited species" means wildlife that the commission has placed on the Prohibited list in its Wildlife Integrity Rules (OAR 635-056-0050 & 635-056-0130).¶¶
- (112) "Protected wildlife" means any species that meets any of the following definitions: "game mammals" as defined in OAR 635-045-0002, "game birds" as defined in OAR 635-045-0002, "furbearers" as defined in OAR 635-045-0002, "threatened and endangered species" as listed in OAR 635-100-0125, or "nongame wildlife protected" as defined in OAR 635-044-0130 or is otherwise protected by statute or law.¶¶
- (123) "Public Nuisance" means loss of or harm inflicted on persons, gardens, ornamental plants, ornamental trees, pets, vehicles, boats, structures, or other personal property (ORS 498.012).¶¶
- (134) "Unprotected Mammals" means badger, coyote, gophers (*Thomomys bottae*, *T. bulbivorus*, *T. mazama*, *T.*

talpoides and *T. townsendii*), moles (*Scapanus townsendii*, *S. orarius* and *S. latimanus*), mountain beaver (*Apolodontia rufa*), yellowbellied marmots (*Marmota flaviventris*), nutria, opossum, porcupine, spotted skunk, striped skunk, and weasel. For any person owning, leasing, occupying, possessing or having charge of or dominion over any land (or an agent of this person) who is taking or attempting to take coyote, gophers, mountain beaver (boomer), marmot, nutria, or porcupine on that property, these six species are considered to be predatory animals.¶

(145) "Wildlife Control Operator" (WCO) means an agent, who is the principal manager or business owner, or employee of the business listed on the WCO permit and responsible for activities conducted in the course of wildlife control activities.¶

(156) "Wild Turkey" means turkeys (*Meleagris gallopavo*) that are free roaming on public or private lands and not being held under domestic management confinement and where there has been no report to the Department and/or local authorities from a landowner, manager, or occupant or their representative of specifically identified and described turkey(s) having escaped domestic management confinement.

Statutory/Other Authority: ORS 496.138, ORS Ch. 496.012, 496.146, 496.162

Statutes/Other Implemented: ORS 496.138, ORS Ch. 496.012, 496.146, 496.162

AMEND: 635-435-0010

RULE SUMMARY: The Oregon Department of Fish and Wildlife (ODFW) is proposing the adoption of new administrative rules and the modification of existing administrative rules to meet legislative requirements regarding the take of beavers. HB 3464 (2023) removed beaver from the Oregon Department of Agriculture's predatory animal list (ORS 610.002) and modified the damage statute. ODFW must adopt requirements for persons to report beaver take and address the take of beavers on private land during a time other than an authorized trapping season. Considerations made in adoption of rules shall consider: a) ways to encourage coexistence with beavers; b) use of tools to manage or prevent damage caused by beaver, including tools such as tree protection, pond levelers and culvert protection systems; c) whether to require a person who takes a beaver to report the location of the take, including the watershed or subwatershed in which take occurred and d) conditions to authorize the take of a beaver without a permit if the beaver is imminently threatening infrastructure or agricultural crops. ODFW is required to publish an annual report related to taking of beavers and make the report available to the public.

CHANGES TO RULE:

635-435-0010

Permit Required to Capture, Possess, or Transport Wildlife ¶

(1) A WCO permit is required for any individual, business owner, or the business owner's designee charging a fee to control bats, furbearers, unprotected mammals (excluding moles (*Scapanus* spp.), wild turkeys and western gray squirrels causing damage, creating a public nuisance or posing a public health or safety concern; and for the offsite transportation of any live wildlife;¶

(a) A WCO permit is not required for the onsite capture and euthanasia of species defined as "predatory animals".¶

(b) Federal employees of the U.S. Department of Agriculture, Animal Plant and Health Inspection Service-Wildlife Services and, county or municipality employees, working in their official capacity, are exempt from this requirement.¶

(c) WCO permittees must comply with all state wildlife laws and regulations, and all activities must be in compliance with conditions specified by these rules, permit or authorization from the Department.¶

(2) A permit allows a WCO to:¶

(a) Capture, possess, or transport furbearers, predatory animals, wild turkeys, western gray squirrels, unprotected mammals and all snakes.¶

(b) Humanely euthanize wildlife authorized under this permit using methods defined by the "American Veterinary Medical Association (AVMA) Guidelines for Euthanasia of Animals: 2020 Edition" except for the following species of snakes which shall be relocated:¶

(A) Willamette Valley Populations of Western Rattlesnake (*Crotalus oreganus*);¶

(B) Sharptail snake (*Contia tenuis*);¶

(C) Common Kingsnake (*Lampropeltis getula*);¶

(D) California Mountain Kingsnake (*Lampropeltis zonata*);¶

(E) Western Ground Snake (*Sonora semiannulata*).¶

(c) Collect and dispose of animals directly related to WCO activities.¶

(3) WCO activities for all bat species are as follows:¶

(a) Exclusion and eviction permitted except during the months of June, July and August unless the permittee receives prior authorization from the Department. For purposes of this rule, "exclusion" and "eviction" are defined as follows:¶

(A) "Exclusion" means taking actions to prevent an animal from occupying a space or structure.¶

(B) "Eviction" means creating conditions which encourages an animal to move out, and remain out of an area.¶

(b) Capture of bats from indoor areas not associated with roosting, hibernaculum and nurseries is permitted year round, provided that the bat is immediately released outdoors or taken to a licensed wildlife rehabilitator.¶

(4) WCO activities for beaver are as follows:¶

(a) WCO's must provide the property owner or legal occupant information provided by the Department regarding nonlethal deterrents.¶

(b) Take of beaver on privately owned forestlands whose owner owns or holds common ownership interest in 5,000 or more acres of forestland in this state, may only occur when:¶

(A) The beaver has damaged or imminently threatens infrastructure; or¶

(B) The beaver poses a threat to, but not imminently threatens, infrastructure and 30 days have passed since the



landowner made a request to the Department to address the threat to infrastructure apparently posed by the beaver.

(c) Take of beaver may occur in situations where the beaver is not causing damage, is not a public nuisance, or is not a public health or safety risk if the beaver:

(A) Imminently threatens infrastructure;

(B) Imminently threatens agricultural crops; or

(C) Has the potential to cause damage to forestland whose owner owns or holds common ownership interest in less than 5,000 acres of forestland in this state.

(5) A permit does not allow a WCO to transport, for the purposes of release, any wildlife captured under terms of the WCO permit except for;

(a) Western Gray Squirrel, Marten and Fisher

(b) Reptiles listed in subsection (2),

(c) Badger and Beaver with prior approval from the Department.

(d) Wild Turkey with prior approval from the local Department District Wildlife Biologist. Relocation must adhere to protocols in the Oregon Wild Turkey Management Plan (OAR 635-135-0001).

(56) A WCO permit does not authorize the permittee to intentionally capture, possess, or transport:

(a) Wildlife not authorized under a WCO permit.

(b) Species protected by other state or federal law.

(c) Species protected by other state or federal law caught incidentally must be released immediately onsite.

Statutory/Other Authority: ORS Ch. 496.012, 496.138, 496.146, 496.162

Statutes/Other Implemented: ORS Ch. 496.012, 496.138, 496.146, 496.162

AMEND: 635-435-0025

RULE SUMMARY: The Oregon Department of Fish and Wildlife (ODFW) is proposing the adoption of new administrative rules and the modification of existing administrative rules to meet legislative requirements regarding the take of beavers. HB 3464 (2023) removed beaver from the Oregon Department of Agriculture's predatory animal list (ORS 610.002) and modified the damage statute. ODFW must adopt requirements for persons to report beaver take and address the take of beavers on private land during a time other than an authorized trapping season. Considerations made in adoption of rules shall consider: a) ways to encourage coexistence with beavers; b) use of tools to manage or prevent damage caused by beaver, including tools such as tree protection, pond levelers and culvert protection systems; c) whether to require a person who takes a beaver to report the location of the take, including the watershed or subwatershed in which take occurred and d) conditions to authorize the take of a beaver without a permit if the beaver is imminently threatening infrastructure or agricultural crops. ODFW is required to publish an annual report related to taking of beavers and make the report available to the public.

CHANGES TO RULE:

635-435-0025

#### Disposition of Wildlife ¶¶

- (1) All wildlife captured, held, or transported under a WCO Permit remains the property of the State of Oregon and cannot be sold, traded, bartered, or exchanged except as allowed by OAR chapter 635 ~~dx~~Division 200.¶¶
  - (2) Wildlife captured, held, or transported under the terms of the WCO permit shall not be intentionally displayed for public exhibit.¶¶
  - (3) Cage traps or restraining traps shall be inspected for capture success at a minimum of once every 48 hours. The local Department district biologist will consider extenuating circumstances to extend check time on a case by case basis upon contact from the WCO. Killing traps or traps set for predatory animals as defined in ORS 610.002 must be checked within the time periods specified in OAR Chapter 635, Division 50. The inspection and removal of any captured animal shall be done by the person who set the trap or the owner of the land where the trap is set, or designee of either.¶¶
  - (4) WCO's must conduct one of the following within 24 hours of notification of possession of wildlife:¶¶
    - (a) Humanely euthanize the animal(s) in a manner consistent with the "AVMA Guidelines for Euthanasia of Animals: 2020 Edition;" or¶¶
    - (b) Release animal on site; or¶¶
    - (c) Relocate the animal (with prior approval from the Department).¶¶
  - (5) Wildlife held, relocated, or used for attracting offspring must be supplied with fresh drinking water within a period of 4 hours of possession and must be provided access to clean drinking water at reasonable intervals, not to exceed 8 hours between water replenishment.¶¶
  - (6) A WCO capturing wildlife must make reasonable efforts to locate and capture dependent neonatal offspring. Lactating female wildlife and dependent neonates(s) may be kept in possession up to 72 hours or longer as approved by the Department.¶¶
  - (7) Wildlife indicating symptoms of disease must be humanely euthanized consistent with ORS 498.016, or handled as directed by local Department district biologist or Department veterinarian.¶¶
  - (8) A WCO must humanely euthanize prohibited species as identified in the Wildlife Integrity Rules (OAR 635-056-0050).¶¶
  - (9) A WCO may sell, purchase or exchange the pelt, or any part thereof, of any legally taken furbearing or unprotected mammal as allowed by OAR 635-050-0045(3).¶¶
  - (10) A WCO must salvage edible wild turkey carcasses according to 635-002-0005. A property owner or legal occupant cannot directly receive any part of a wild turkey removed from their property.
- Statutory/Other Authority: ORS Ch. 496.012, 496.138, 496.146, 496.162  
Statutes/Other Implemented: ORS Ch. 496.012, 496.138, 496.146, 496.162

AMEND: 635-435-0055

RULE SUMMARY: The Oregon Department of Fish and Wildlife (ODFW) is proposing the adoption of new administrative rules and the modification of existing administrative rules to meet legislative requirements regarding the take of beavers. HB 3464 (2023) removed beaver from the Oregon Department of Agriculture's predatory animal list (ORS 610.002) and modified the damage statute. ODFW must adopt requirements for persons to report beaver take and address the take of beavers on private land during a time other than an authorized trapping season. Considerations made in adoption of rules shall consider: a) ways to encourage coexistence with beavers; b) use of tools to manage or prevent damage caused by beaver, including tools such as tree protection, pond levelers and culvert protection systems; c) whether to require a person who takes a beaver to report the location of the take, including the watershed or subwatershed in which take occurred and d) conditions to authorize the take of a beaver without a permit if the beaver is imminently threatening infrastructure or agricultural crops. ODFW is required to publish an annual report related to taking of beavers and make the report available to the public.

CHANGES TO RULE:

635-435-0055

#### Record Keeping and Reporting Requirements ¶¶

- (1) Landowner or occupier of premises must sign an affidavit of damage designating the permitted WCO as their agent to address damage caused by any wildlife. The permittee must retain affidavits for one year.¶¶
  - (2) A complete record of the WCO activities must be maintained by permit holder on a WCO bi-annual report form provided by the Department for all wildlife captured on a WCO permit. ¶¶
  - (3) Each permittee must submit a report of WCO activity in a legible document twice per year, by July 31 and January 31, to the Department. Permittees must submit reports even if no wildlife control activity has occurred.
- Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 496.162  
Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 496.162