

82nd OREGON LEGISLATIVE ASSEMBLY--2023 Regular Session

Enrolled

House Bill 3464

Sponsored by Representative MARSH, Senators DEMBROW, GOLDEN; Representatives BOWMAN, DEXTER, EVANS, GAMBA, GRAYBER, HOLVEY, HUDSON, KROPF, NERON, NOSSE, PHAM K, WALTERS, Senators FREDERICK, PATTERSON

CHAPTER

AN ACT

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

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

Whereas beavers have a significant role in increasing the quantity and quality of water on a landscape and decreasing the risks of wildfire, and therefore act as a buffer against climate extremes; and

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

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

SECTION 1. ORS 610.002 is amended to read:

610.002. As used in this chapter[,];

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

(a) Feral swine as defined by State Department of Agriculture rule[,]; **or**

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

(2) "**Predatory animal**" **does not mean:**

(a) **Game birds;**

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

(c) **Beavers.**

SECTION 2. ORS 498.012 is amended to read:

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

[(2)(a)] (2) [Nothing in] Subsection (1) of this section **does not:**

(a) [requires] **Require** a permit for the taking of cougar, bobcat, red fox or bear pursuant to that subsection. However, any person who takes a cougar, bobcat, red fox or bear must have in pos-

session written authority therefor from the landowner or lawful occupant of the land that complies with subsection (4) of this section.

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

(c) Require a permit for the taking of a beaver:

(A) If the beaver damages or imminently threatens infrastructure or agricultural crops.

(B) By an owner of small forestland, as defined in section 23, chapter 33, Oregon Laws 2022, or a designee of the owner, if the beaver is causing damage or has the potential to cause damage.

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

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

(a) The date of issuance of the authorization;

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

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

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

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

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

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

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

(b) The rules must:

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

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

(C) Be consistent with the provisions of subsection (2)(c) of this section.

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

(A) Ways to encourage coexistence with beavers.

(B) The use of tools to manage or prevent damage caused by beavers, 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 taking, including the watershed or subwatershed in which the taking occurred.

(D) Under which conditions to authorize a person to take a beaver without a permit if the beaver is causing damage to property or infrastructure.

(8) A person who takes a beaver pursuant to subsection (2)(c)(A) of this section shall report the taking as required by rules adopted by the commission under subsection (7) of this section.

(9) Rules adopted pursuant to subsection (7) of this section do not apply to the taking of a beaver on privately owned forestland if the taking is subject to the provisions of section 22, 23 or 25, chapter 33, Oregon Laws 2022.

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

[(7)] (11) As used in this section:

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

(b) "Forestland" has the meaning given that term in ORS 527.620.

[(b)] (c) "Nongame wildlife" has the meaning given that term in ORS 496.375.

[(c)] (d) "Public nuisance" means loss of or harm inflicted on gardens, ornamental plants, ornamental trees, pets, vehicles, boats, structures or other personal property.

(e) "Small forestland" has the meaning given that term in section 23, chapter 33, Oregon Laws 2022.

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

SECTION 4. (1) The amendments to ORS 610.002 by section 1 of this 2023 Act become operative on the date the State Fish and Wildlife Commission adopts the rules required under ORS 498.012 (7).

(2) The commission shall notify the Legislative Counsel upon adoption of rules required under ORS 498.012 (7).

Passed by House April 14, 2023

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Dan Rayfield, Speaker of House

Passed by Senate June 22, 2023

.....
Rob Wagner, President of Senate

Received by Governor:

.....M,....., 2023

Approved:

.....M,....., 2023

.....
Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2023

.....
Secretary of State