

## HOUSE AMENDMENTS TO A-ENGROSSED HOUSE BILL 3452

By COMMITTEE ON RULES

June 4

1 On page 1 of the printed A-engrossed bill, delete lines 5 through 28 and delete pages 2 and 3  
2 and insert:

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

4 **“(a) ‘Chronic depredation’:**

5 **“(A) Means at least four confirmed qualifying incidents of depredation by wolves upon**  
6 **livestock or working dogs within a consecutive six-month period during phase 1 of the**  
7 **Oregon Wolf Conservation and Management Plan adopted by the State Fish and Wildlife**  
8 **Commission; or**

9 **“(B) Has the meaning given that term by the commission for periods of time after the**  
10 **expiration of phase 1 of the Oregon Wolf Conservation and Management Plan adopted by the**  
11 **State Fish and Wildlife Commission.**

12 **“(b) ‘Livestock’ has the meaning given that term in ORS 610.150.**

13 **“(c) ‘Working dog’ has the meaning given that term in ORS 610.150.**

14 **“(2) Nothing in the wildlife laws prevents the State Fish and Wildlife Commission or the**  
15 **State Department of Fish and Wildlife from lethally taking wolves to address chronic**  
16 **depredation pursuant to rules adopted by the commission, regardless of the management**  
17 **status of wolves under the Oregon Wolf Conservation and Management Plan adopted by the**  
18 **commission.**

19 **“(3) Pursuant to rules adopted by the State Fish and Wildlife Commission, a person who**  
20 **owns or lawfully occupies land may take wolves on land that is owned or occupied by the**  
21 **person, without a permit issued by the commission, if:**

22 **“(a) The person has not used bait to attract wolves or taken any other intentional action**  
23 **to attract wolves other than engaging in regular and ordinary livestock management prac-**  
24 **tices;**

25 **“(b) The taking is allowed under the federal Endangered Species Act of 1973 (P.L. 93-205,**  
26 **16 U.S.C. 1531 et seq.); and**

27 **“(c) The wolves are:**

28 **“(A) Caught in the act of biting, wounding or killing livestock or working dogs; or**

29 **“(B) Caught in the act of chasing livestock or working dogs. If the taking in response**  
30 **to chasing occurs during phase 1 of the Oregon Wolf Conservation and Management Plan**  
31 **adopted by the commission:**

32 **“(i) A person must have first undertaken nonlethal actions as specified by the State De-**  
33 **partment of Fish and Wildlife to minimize conflict between the wolves and livestock or**  
34 **working dogs; and**

35 **“(ii) The taking must occur during a time period in which the department has determined**

1 a situation of chronic depredation exists.

2 “(4) A person who is a landowner or a lawful occupant of land may authorize another  
3 person to enter the land for the purpose of taking wolves under subsection (3) of this section  
4 on behalf of the landowner or occupant. The authorization must be in writing and must in-  
5 clude:

6 “(a) The date of issuance of the authorization;

7 “(b) The name, address, telephone number and signature of the person granting the au-  
8 thorization;

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

11 “(d) The expiration date of the authorization, which may not be later than one year from  
12 the date of issuance of the authorization.

13 “(5) The person taking wolves on behalf of a landowner or lawful occupant under sub-  
14 section (4) of this section must be carrying the written authorization when wolves are taken.

15 “(6) If a person takes wolves under the provisions of this section, the person shall report  
16 the taking to the State Department of Fish and Wildlife within 24 hours and make all rea-  
17 sonable efforts to preserve, and to keep undisturbed, the scene of the taking. The department  
18 and the Oregon State Police shall immediately investigate the report of the taking to deter-  
19 mine compliance with the provisions of this section.

20 “SECTION 3. Until June 30, 2015, any taking under section 2 (2) of this 2013 Act must be  
21 consistent with rules adopted by the State Fish and Wildlife Commission related to the lethal  
22 take of wolves as in effect on the effective date of this 2013 Act.

23 “SECTION 4. ORS 498.012 is amended to read:

24 “498.012. (1) Nothing in the wildlife laws is intended to prevent any person from taking any  
25 wildlife that is causing damage, is a public nuisance or poses a public health risk on land that the  
26 person owns or lawfully occupies. However, no person shall take, pursuant to this subsection, at a  
27 time or under circumstances when such taking is prohibited by the State Fish and Wildlife Com-  
28 mission, any game mammal or game bird, fur-bearing mammal or nongame wildlife species, unless  
29 the person first obtains a permit for such taking from the commission.

30 “(2)(a) Nothing in subsection (1) of this section requires a permit for the taking of cougar,  
31 bobcat, red fox or bear pursuant to that subsection. However, any person who takes a cougar,  
32 bobcat, red fox or bear must have in possession written authority therefor from the landowner or  
33 lawful occupant of the land that complies with subsection (4) of this section.

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

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

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

1           “(a) The date of issuance of the authorization;

2           “(b) The name, address, telephone number and signature of the person granting the authori-

3 zation;

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

5 granted;

6           “(d) The wildlife damage control activities to be conducted, whether for bear, cougar, red fox

7 or bobcat; and

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

9 date of issuance of the authorization.

10          “(5) Any regional office of the State Department of Fish and Wildlife ordering the disposal of

11 an animal under subsection (3) of this section shall file a report with the State Fish and Wildlife

12 Director within 30 days after the disposal. The report shall include but need not be limited to the

13 loss incurred, the financial impact and the disposition of the animal. The director shall compile all

14 reports received under this subsection on a bimonthly basis. The reports compiled by the director

15 shall be available to the public upon request.

16          **“(6) Section 2 of this 2013 Act governs the taking of wolves that are causing damage.**

17          “[(6)] (7) As used in this section:

18          “(a) ‘Damage’ means loss of or harm inflicted on land, livestock or agricultural or forest crops.

19          “(b) ‘Nongame wildlife’ has the meaning given that term in ORS 496.375.

20          “(c) ‘Public nuisance’ means loss of or harm inflicted on gardens, ornamental plants, ornamental

21 trees, pets, vehicles, boats, structures or other personal property.

22          **“SECTION 5. This 2013 Act being necessary for the immediate preservation of the public**

23 **peace, health and safety, an emergency is declared to exist, and this 2013 Act takes effect**

24 **on its passage.”.**

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