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WESTERN ENVIRONMENTAL LAW CENTER

March 18, 2021

Chair Witt, Vice Chairs Hudson and Breece-Iverson, and Members of the House Committee on Agriculture and Natural Resources:

On behalf of the Western Environmental Law Center (WELC), I submit this testimony in support of HB 2844-2.

HB 2844-2 is common-sense wildlife management legislation that would remove the predatory animal designation from beaver in Oregon. The impact of this reclassification of beaver would be to allow Oregon's wildlife experts—the Oregon Department of Fish and Wildlife—to manage beaver throughout Oregon, and not just those occurring on public lands. We trust ODFW to manage nearly all wildlife in Oregon, including deer, elk, wolves, cougar, black bear, bobcats, raccoons, wolverine, fish, and others, but beavers occurring on private land are not subject to science-based management.

Specifically, HB 2844-2 would remove the predatory animal designation from beaver in Oregon by clarifying that for the limited purpose of Oregon's predatory animal statutes, the term "rodent" does not include beaver. This change removes the constraints currently preventing the Oregon Fish and Wildlife Commission from managing beaver on private land. The Fish and Wildlife Commission would be required to adopt any rules related to this reclassification by December 31, 2022; mandates that the Commission require all beaver take to be reported to the Department of Fish and Wildlife; and that the department publish an annual report on such beaver take in Oregon. Further, the bill includes four items that the Commission must consider during that rulemaking process, including (1) ways to encourage coexistence with beavers; (2) the use of non-lethal co-existence tools to prevent damage from beaver before it occurs; (3) whether to require greater specificity in terms of the location of beaver take (at watershed or sub-watershed level); and (4) whether, and under what conditions, to authorize a person to take a beaver without a permit from ODFW if the beaver is causing damage to property or infrastructure.

As a result of this reclassification, all beaver in Oregon would be considered "furbearers" under Oregon law, and managed under existing furbearer regulations. This would require a permit for any beaver take. However, under current ODFW regulations, a landowner could acquire a free license to take furbearers on land they own and on which they reside.

Why is this bill needed? Beavers are a vital component of Oregon's ecological health, and can provide Oregonians with vast positive benefits—at little to no cost—including:

- Increased wildfire resilience through natural and effective firebreaks and post-fire habitat;

- Increased water security through wetlands and ponds storing surface and groundwater;
- Improved drinking water quality and stream temperatures;
- Rearing habitat for multiple imperiled salmonid species; and
- Carbon capture and storage that helps remove carbon from the atmosphere.

Indeed, removal of beaver and beaver habitat was cited as one of the human-caused factors contributing to the federal ESA-listing of Oregon Coast coho salmon.¹ Additionally, recent scientific studies have shown that “beaver damming plays a significant role in protecting riparian vegetation during wildfires, and that this is a consistently observable phenomenon across landscapes.”²

Because of these vast benefits from having beaver on the landscape, it is in Oregon’s best interest to encourage beaver presence on the landscape in the locations they choose to live. HB2844-2 is a step in that direction.

There is no doubt that beaver can cause damage to property and infrastructure, however cost-effective solutions exist to address those issues before they become problems. Indeed, by proactively addressing these problems, landowners can actually save money in the long run. In one study looking at beaver management undertaken by a state Department of Transportation, it was shown that the agency was spending \$300,869 per year on both beaver management and beaver damage repair, but with the installation of non-lethal co-existence measures, only needed to spend \$44,526 on beaver management, and \$0 on beaver damage repair.³ Another study found that installing pond levelers at 12 sites over 3 years resulted in a net benefit of \$81,519, and \$179,440 over 7 years.⁴

In addition to these large cost savings over the long-term, beaver on the landscape contribute significant ecosystem services to landowners and the broader community. A recent study looked at the value provided by beaver on the landscape, and concluded beavers contributed approximately \$179,000 worth of ecosystem services per year—including \$33,000 in extreme event mitigation—for every square mile of beaver-dammed riparian zone.⁵

¹ See NMFS (National Marine Fisheries Service). 2016. Recovery Plan for Oregon Coast Coho Salmon Evolutionarily Significant Unit. National Marine Fisheries Service, West Coast Region, Portland, Oregon at 3-3.

² See Fairfax, E., and A. Whittle. 2020. Smokey the Beaver: beaver-dammed riparian corridors stay green during wildfire throughout the western USA. *Ecological Applications* 30(8) at 5:e02225. 10.1002/eap.2225.

³ See Stephanie L. Boyles and Barbara A. Savitzky, An Analysis of the Efficacy and Comparative Costs of Using Flow Devices to Resolve Conflicts with North American Beavers Along Roadways in the Coastal Plain of Virginia, Proc. 23rd Vertebr. Pest Conf. (R. M. Timm and M. B. Madon, Eds.) Published at Univ. of Calif., Davis. 2008. Pp. 47-52.

⁴ See Glynnis A. Hood, Varghese Manaloor & Brendan Dzioba (2017): Mitigating infrastructure loss from beaver flooding: A cost–benefit analysis, *Human Dimensions of Wildlife*.

⁵ See Stella Thompson, et al. Ecosystem services provided by beavers *Castor spp.*, *Mammal Review* 51 (2021) 25–39.

While different landowners obviously have different needs, HB 2844-2 still leaves discretion to the Fish and Wildlife Commission to determine the best ways to encourage the use of non-lethal co-existence devices to prevent beaver damage, without mandating any particular course of action.

Importantly, HB 2844-2 should not increase management costs for landowners, as they would qualify for a free, year-round permit to trap beaver on their land if that is the route they choose to go. Additionally, ODFW already issues free, limited duration permits to landowners experiencing wildlife damage, and those permits can be issued quickly via email.

Returning beaver management to Oregon's wildlife experts makes sense. Given the dramatic changes we are seeing to the landscape in Oregon in the face of a changing climate—including increased drought, increased and more intense wildfire, and decreasing ecological health—using beaver to mitigate against the damage from these events makes fiscal and logical sense. Although beaver cannot solve all of our woes, actions to encourage beaver presence on the landscape, including on private lands, will only help Oregon become more resilient to the myriad threats facing all Oregonians that use and enjoy the natural beauty of the Beaver State.

For these reasons, we strongly support HB 2844-2, and hope the Committee moves the bill to a vote in the House of Representatives.

Please do not hesitate to reach out to me if I can answer any questions related to the bill, its effects, or if I can connect you with the experts who can better explain the benefits of having beaver in Oregon.

Sincerely,

A handwritten signature in black ink that reads "John Mellgren". The signature is fluid and cursive, with a long horizontal flourish at the bottom.

John Mellgren, General Counsel
Western Environmental Law Center
Eugene, Oregon

FAQ ABOUT HB 2844-2

Will HB 2844-2 increase the cost of beaver management in Oregon?

No. All HB 2844-2 does is reclassify beaver in Oregon such that it is no longer considered a predatory animal. If the reclassification takes place, landowners will be able to obtain a free permit, valid for a year, allowing them to trap beavers on their own land. Landowners will retain the ability to contract with a licensed Wildlife Control Operator, as they do now. Landowners can also get a free permit, issued electronically by ODFW, to respond to damage situations occurring on their land if they do not already have another permit.

Does HB 2844-2 require a permit for each individual beaver take in Oregon?

While a permit would be required to generally take a beaver under existing ODFW regulations, furbearer permits allow beaver take over a period of time, and an individual permit is not required prior to each take. Under existing ODFW regulations, landowners already qualify for a free, year-long permit to take beaver on their land. ODFW can also issue short-term, as needed, permits to respond to active damage caused by beaver.

Does HB 2844-2 require landowners to install non-lethal co-existence devices on their land?

No. HB 2844-2 directs the Oregon Fish and Wildlife Commission to consider means to encourage co-existence with beaver, but does not require that a landowner adopt any specific tool, nor does it require the Commission to enact any particular policy related to non-lethal co-existence devices.

Does HB 2844-2 prevent a landowner from dealing with damage actively being caused by beaver?

No. HB 2844-2 directs the Oregon Fish and Wildlife Commission to consider whether, and under what circumstances, to allow emergency beaver take in response to a beaver causing damage to property or infrastructure.

Does HB 2844-2 impact recreational or commercial trapping activities?

No. HB 2844-2 only impacts the classification of beaver occurring on private land, and does not impact individuals who engage in recreational or commercial trapping activities under ODFW's existing furbearer regulations.

Does HB 2844-2 ignore mammal classification systems?

By carving beaver out from predatory animal status in Oregon, the bill does what we do for most species—differentiate management needs based on the species' unique needs, not those of the order to which they belong. For example, we differentiate between humans and chimpanzees, both members of the primate order. Similarly, we differentiate management between wolves and racoons, both members of the carnivora order. Similarly, it makes sense to differentiate management of beaver from the common house mouse, both members of the rodentia order.