

Requested by Representative MARSH

**PROPOSED AMENDMENTS TO
HOUSE BILL 3464**

1 On page 1 of the printed bill, delete lines 12 through 29 and delete pages
2 2 and 3 and insert:

3 **“SECTION 1.** ORS 610.002 is amended to read:

4 “610.002. As used in this chapter[,]:

5 **“(1) ‘Predatory animal’ [or ‘predatory animals’ includes] means:**

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

7 **or**

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

12 **“(2) ‘Predatory animal’ does not mean:**

13 **“(a) Game birds;**

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

16 **“(c) Beavers.**

17 **“SECTION 2.** ORS 498.012 is amended to read:

18 “498.012. (1) Nothing in the wildlife laws is intended to prevent any per-
19 son from taking any wildlife that is causing damage, is a public nuisance or
20 poses a public health risk on land that the person owns or lawfully occupies.
21 However, no person shall take, pursuant to this subsection, at a time or

1 under circumstances when such taking is prohibited by the State Fish and
2 Wildlife Commission, any game mammal or game bird, fur-bearing mammal
3 or nongame wildlife species, unless the person first obtains a permit for such
4 taking from the commission.

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

6 **“(a) [*requires*] Require** a permit for the taking of cougar, bobcat, red fox
7 or bear pursuant to that subsection. However, any person who takes a
8 cougar, bobcat, red fox or bear must have in possession written authority
9 therefor from the landowner or lawful occupant of the land that complies
10 with subsection (4) of this section.

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

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

16 **“(A) If the beaver damages or imminently threatens infrastructure**
17 **or agricultural crops.**

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

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

29 **“(4)** The written authority from the landowner or lawful occupant of the
30 land required by subsection (2) of this section for the taking of cougar,

1 bobcat, red fox or bear must set forth all of the following:

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

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

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

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

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

11 “(5) Any regional office of the State Department of Fish and Wildlife or-
12 dering the disposal of an animal under subsection (3) of this section shall file
13 a report with the State Fish and Wildlife Director within 30 days after the
14 disposal. The report shall include but need not be limited to the loss in-
15 curred, the financial impact and the disposition of the animal. The director
16 shall compile all reports received under this subsection on a bimonthly basis.
17 The reports compiled by the director shall be available to the public upon
18 request.

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

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

22 “(b) **The rules must:**

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

25 “(B) **Address the taking of beavers that occurs on private land and**
26 **the taking of beavers that occurs during a time other than an au-**
27 **thorized trapping season.**

28 “(C) **Be consistent with the provisions of subsection (2)(c) of this**
29 **section.**

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

1 **“(A) Ways to encourage coexistence with beavers.**

2 **“(B) The use of tools to manage or prevent damage caused by**
3 **beavers, including tools such as tree protection, pond levelers and**
4 **culvert protection systems.**

5 **“(C) Whether to require a person who takes a beaver to report the**
6 **location of the taking, including the watershed or subwatershed in**
7 **which the taking occurred.**

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

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

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

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

21 **“[(7)] (11) As used in this section:**

22 **“(a) ‘Damage’ means loss of or harm inflicted on land, livestock or agri-**
23 **cultural or forest crops.**

24 **“(b) ‘Forestland’ has the meaning given that term in ORS 527.620.**

25 **“[(b)] (c) ‘Nongame wildlife’ has the meaning given that term in ORS**
26 **496.375.**

27 **“[(c)] (d) ‘Public nuisance’ means loss of or harm inflicted on gardens,**
28 **ornamental plants, ornamental trees, pets, vehicles, boats, structures or other**
29 **personal property.**

30 **“(e) ‘Small forestland’ has the meaning given that term in section**

1 **23, chapter 33, Oregon Laws 2022.**

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

4 **“SECTION 4. (1) The amendments to ORS 610.002 by section 1 of this**
5 **2023 Act become operative on the date the State Fish and Wildlife**
6 **Commission adopts the rules required under ORS 498.012 (7).**

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

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