

Submitter: Kristen Shelman

On Behalf Of:

Committee: House Committee On Climate, Energy, and Environment

Measure: HB3464

Chair Marsh, Vice Chair Levy, Vice Chair Emerson Levy, Members of the Committee

Harney County writes to express opposition to the proposed House Bill 3464. As written, the Bill will deprive landowners of their ability to mitigate and/or prevent property damage caused by beavers in the state of Oregon. The Bill vests in the Oregon Fish and Wildlife Commission the unrestricted authority to prohibit the “take” of beavers, even those causing significant damage to private property, with no guidelines delineating if, or when, the commission would allow a “take” of beavers. It is readily apparent that the intent of HB 3464 is to prohibit altogether the take of beavers on private lands in Oregon. The Bill accomplishes this purpose in two ways: first, it removes beavers from the definition of “predatory animal” in ORS 610.002, and second, it gives the Commission the unrestricted authority to regulate any and all manners of “take” of beavers, regardless of the damage said animals may be causing. The Bill makes no efforts to address, or even consider, the practical challenges posed by beavers, or the need to regulate all take of beavers in Oregon. Although the American Beaver was once driven from much of its range in the 1700s and 1800s, today the species exists across its historical range, numbering in the millions. Oregon populations are healthy, and at no risk of extirpation. See *The American Beaver*, Oregon Forest Resources Institute at 4 (2016) [chrome-extension://efaidnbnmnibpcjpcglclefindmkaj/https://oregonforests.org/sites/default/files/2017-05/Wildlife-Book-American-Beaver-Proof.pdf](https://oregonforests.org/sites/default/files/2017-05/Wildlife-Book-American-Beaver-Proof.pdf). These animals, though bringing many ecological benefits, also can cause significant property damage by plugging culverts and bridges, flooding roads, altering stream channels, flooding lands, draining dykes, degrading or destabilizing stream banks, and more. *Id.* at 9. These damages can occur quickly, as beavers may be able to build, or rebuild, dams within a matter of hours. *Id.* at 22.

Landowners need the ability to quickly and effectively address beaver damage on their private lands. While in many regards private landowners can, and do, coexist with beavers, when conflicts arise there must be a workable solution available. It is simply bad policy to restrict landowners’ ability to effectively manage beavers when the species faces no risk of extirpation and exists at healthy populations across the state.

The ODFW Commission has shown a tendency to disregard the scientific findings of the Department of Fish and Wildlife in favor of achieving unknown policy and/or political objectives. See, e.g., ODFW Commission Meeting, April 22, 2022, <https://www.youtube.com/watch?v=9DihXupIBXA> (terminating the North Umpqua summer steelhead hatchery program against the recommendation and scientific findings of ODFW). Therefore, Harney County opposes the unbounded discretion given to the Commission in HB 3464. Beyond that, however, such unbounded

discretion is unlawful. See *Demers v. Peterson*, 197 Or. 466, 469–70, 254 P.2d 213, 215 (1953) (“It is well established that the legislature cannot grant an administrative agency the power to regulate unless some standard or yardstick is provided in the act as a guide to the administrative agency”).

Harney County respectfully requests that this Committee recognize what has been known here for years: that the State’s current management regime for beavers has facilitated beaver population recovery and reduced landowner conflict for decades. Why would the Committee wish to change a management regime which has, for all intents and purposes, been a resounding success?

In summary, the State’s current beaver management policies strike a balance between healthy beaver populations and limited private property damage. Giving the ODFW Commission the unconstrained authority to prohibit all take of beavers on private lands would upset this balance , with no ecological upside. Please oppose HB 3464.

Kristen Shelman, Commissioner