

Enrolled House Bill 3932

Sponsored by Representative MARSH, Senators GORSEK, GOLDEN, Representatives BOWMAN, GRAYBER; Representatives ANDERSEN, CHAICHI, CHOTZEN, EVANS, FRAGALA, GAMBA, GOMBERG, HARTMAN, HELM, HUDSON, KROPP, LEVY E, LIVELY, MCDONALD, MCLAIN, NERON, NGUYEN H, NOSSE, WALTERS, Senators MEEK, PATTERSON, PHAM K, REYNOLDS

CHAPTER

AN ACT

Relating to protecting beavers.

Whereas beavers play an important role in improving water quality and temporary water storage, in helping remove pollutants and sediments and in regulating water temperature to ensure continuity of municipal water supplies and stream flows during drought for agricultural use and in improving the quality, connectivity and abundance of fish and wildlife habitat; and

Whereas beavers play a significant role in decreasing the risks of wildfire; and

Whereas the beaver is a keystone species that serves as nature’s engineer and beavers’ habitat can provide refugia, stimulate the recovery of other species and foster resilience; now, therefore,

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

SECTION 1. Section 2 of this 2025 Act is added to and made a part of ORS chapter 498.

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

(a) “Human-constructed water conveyance infrastructure”:

(A) Means infrastructure built by a human to move water from a source to a place of use.

(B) Does not mean a section of a river or stream that is used to convey water between an upstream ditch or pipeline to a downstream ditch or pipeline inlet.

(b) “Nonlethal coexistence measure”:

(A) Means a nonlethal approach to effectively addressing human-beaver conflict that results in the beaver remaining onsite, such as:

(i) The use of flow control devices to control water levels in beaver ponds.

(ii) The use of fencing to protect culverts.

(iii) The installation or replacement of fencing or paint-sand mixtures to protect trees.

(iv) The removal or notching of beaver dams when there is an imminent danger of flooding or no rise in the water level is acceptable, with care taken to avoid stranding fish and other aquatic species.

(v) The use of dam anchors intended to encourage dam building upstream of an area of potential human-beaver conflict.

(B) Does not mean:

(i) The gripping, trapping, injuring or killing of a beaver.

(ii) The destruction or removal of a beaver dam, lodge or bank den, other than as described in subparagraph (A)(iv) of this paragraph.

(iii) The relocation of a beaver.

(iv) The installation of a beaver dam analog as a standalone feature and not as part of a dam anchor.

(c) "Public land":

(A) Means land that is managed by this state or the federal government and is open to the public.

(B) Does not mean land owned by a federally recognized Indian tribe.

(2) A person may not take a beaver for recreational or commercial purposes from an area that is classified by the Department of Environmental Quality as belonging in category 4 or category 5 in a biennial report made pursuant to the federal Clean Water Act (33 U.S.C. 1251-1389) and approved by the United States Environmental Protection Agency, and that is:

(a) A stream, river or watershed that flows through, is on or adjoins public land.

(b) Public land that is within 200 feet of the ordinary high water mark of a river or stream.

(3) The State Department of Fish and Wildlife shall publish a map of areas that meet the criteria set forth in subsection (2) of this section, and shall update the map every two years in consultation with the Department of Environmental Quality.

(4) Notwithstanding the provisions of this section, an employee of a federal or state land management agency may take a beaver, or arrange for the taking of a beaver, to address damage, or an imminent threat, to:

(a) Built infrastructure, including a road or a culvert or other human-constructed water conveyance infrastructure, on public land; or

(b) Built infrastructure, or agricultural crops, on private land that is adjacent to public land.

(5) The use of a nonlethal coexistence measure is preferable over the taking of beavers under subsection (4) of this section, but an allowed taking under subsection (4) of this section may include lethal removal or relocation when authorized by the State Department of Fish and Wildlife.

(6) The provisions of subsections (2) and (3) of this section do not apply:

(a) To private lands;

(b) Below the ordinary high water line of a navigable waterway when the adjoining land is private land; or

(c) On public lands that are otherwise closed to the hunting and trapping of beaver.

(7) The provisions of this section do not supersede:

(a) The treaty, statutory, regulatory or aboriginal rights or interests of a federally recognized Indian tribe; or

(b) The ability to undertake tribal harvest activities or cooperative management under a cooperative management agreement between a tribe and the State Department of Fish and Wildlife.

Passed by House April 21, 2025

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Timothy G. Sekerak, Chief Clerk of House

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Julie Fahey, Speaker of House

Passed by Senate June 16, 2025

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Rob Wagner, President of Senate

Received by Governor:

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Approved:

.....M,....., 2025

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2025

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Tobias Read, Secretary of State