

## A-Engrossed House Bill 3932

Ordered by the House April 14  
Including House Amendments dated April 14

Sponsored by Representative MARSH, Senators GORSEK, GOLDEN, Representatives BOWMAN, GRAYBER; Representatives ANDERSEN, EVANS, FRAGALA, GAMBA, HARTMAN, HELM, HUDSON, KROPF, LEVY E, MCLAIN, NERON, NGUYEN H, NOSSE, WALTERS, Senator PHAM K

### SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure. The statement includes a measure digest written in compliance with applicable readability standards.

**Digest:** The Act prohibits a person from taking a beaver from certain waters. The Act prohibits a person from taking a beaver on public land within certain watersheds or near certain waters. The Act does not apply to agency staff. (Flesch Readability Score: 61.3).

*[Instructs the State Fish and Wildlife Commission to adopt rules that prohibit]* **Prohibits** a person from taking a beaver on waters or watersheds that are classified in a certain manner or on public land that is within the watersheds or within 200 feet of the ordinary high water mark of the waters. *[Creates an]* **Provides exceptions, including an** exception for employees of federal and state land management agencies.

### A BILL FOR 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.**

**NOTE:** Matter in **boldfaced** type in an amended section is new; matter *[italic and bracketed]* is existing law to be omitted. New sections are in **boldfaced** type.

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

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

6 (B) Does not mean:

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

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

10 (iii) The relocation of a beaver.

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

13 (c) "Public land":

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

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

17 (2) A person may not take a beaver for recreational or commercial purposes from an area  
18 that is classified by the Department of Environmental Quality as belonging in category 4 or  
19 category 5 in a biennial report made pursuant to the federal Clean Water Act (33 U.S.C.  
20 1251-1389) and approved by the United States Environmental Protection Agency, and that is:

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

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

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

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

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

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

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

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

39 (a) To private lands;

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

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

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

44 (a) The treaty, statutory, regulatory or aboriginal rights or interests of a federally re-  
45 cognized Indian tribe; or

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

4

---