

HB 3932-A5
(LC 4742)
5/19/25 (AG/ps)

Requested by Senator NASH

**PROPOSED AMENDMENTS TO
A-ENGROSSED HOUSE BILL 3932**

On page 1 of the printed A-engrossed bill, delete lines 12 through 23 and delete pages 2 and 3 and insert:

“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) ‘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) The State Fish and Wildlife Commission shall adopt rules that provide that a person may not take a beaver for recreational or commercial purposes from:

“(a) A stream, river or watershed that is:

“(A) 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 of 1977 (33 U.S.C. 1251 to 1389) and ap-

1 proved by the United States Environmental Protection Agency; and

2 “(B) On or that adjoins public land.

3 “(b) Public land that is within 200 feet of the ordinary high water
4 mark of a river or stream described in paragraph (a) of this sub-
5 section.

6 “(3) The State Department of Fish and Wildlife shall:

7 “(a) Publish, by rule, a map of streams, rivers and watersheds that
8 meet the criteria set forth in subsection (2)(a)(A) of this section; and

9 “(b) Update the map every two years, in consultation with the De-
10 partment of Environmental Quality.

11 “(4) Rules adopted under this section may not:

12 “(a) Apply to private lands.

13 “(b) Apply below the ordinary high water line of a navigable
14 waterway when the adjoining land is private land.

15 “(c) Apply on public lands that are otherwise closed to the hunting
16 and trapping of beaver.

17 “(d) Prohibit an employee of a federal or state land management
18 agency from taking a beaver, or arranging for the taking of a beaver,
19 by lethal removal, relocation or other means, when authorized by the
20 State Department of Fish and Wildlife to address damage or an im-
21 minent threat, to:

22 “(A) Built infrastructure, including a road or a culvert or other
23 human-constructed water conveyance infrastructure, on public land.

24 “(B) Built infrastructure, or agricultural crops, on private land that
25 is adjacent to public land.

26 “(e) Supersede the treaty, statutory, regulatory or aboriginal rights
27 or interests of a federally recognized Indian tribe.

28 “(f) Supersede the ability to undertake tribal harvest activities or
29 cooperative management under a cooperative management agreement
30 between a tribe and the State Department of Fish and Wildlife.

1 **“SECTION 3.** The State Fish and Wildlife Commission shall adopt
2 the rules described in section 2 of this 2025 Act as soon as practicable
3 after the effective date of this 2025 Act.

4 **“SECTION 4.** (1) On or before January 1, 2036, the State Fish and
5 Wildlife Commission shall make publicly available on a website of the
6 State Department of Fish and Wildlife an assessment of whether:

7 **“(a) Water quality in streams, rivers and watersheds described in**
8 **section 2 (2)(a)(A) of this 2025 Act has improved since rules pertaining**
9 **to the streams, rivers and watersheds were adopted under section 2**
10 **of this 2025 Act.**

11 **“(b) The health of beaver populations that live in or near streams,**
12 **rivers and watersheds described in section 2 (2)(a)(A) of this 2025 Act**
13 **has improved since rules pertaining to the streams, rivers and**
14 **watersheds were adopted under section 2 of this 2025 Act.**

15 **“(2) Not more than 30 days after the commission makes the as-**
16 **essment described in subsection (1) of this section publicly available,**
17 **the commission shall review all rules adopted under section 2 of this**
18 **2025 Act based on the results of the assessment described in subsection**
19 **(1) of this section.**

20 **“SECTION 5.** Section 2 of this 2025 Act is amended to read:

21 **“Sec. 2.(1) As used in this section:**

22 **“(a) ‘Human-constructed water conveyance infrastructure’:**

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

25 **“(B) Does not mean a section of a river or stream that is used to convey**
26 **water between an upstream ditch or pipeline to a downstream ditch or pipe-**
27 **line inlet.**

28 **“(b) ‘Public land’:**

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

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

2 “(2) The State Fish and Wildlife Commission [*shall*] **may** adopt rules that
3 provide that a person may not take a beaver for recreational or commercial
4 purposes from:

5 “(a) A stream, river or watershed that is:

6 “(A) Classified by the Department of Environmental Quality as belonging
7 in category 4 or category 5 in a biennial report made pursuant to the federal
8 Clean Water Act of 1977 (33 U.S.C. 1251 to 1389) and approved by the United
9 States Environmental Protection Agency; and

10 “(B) On or that adjoins public land.

11 “(b) Public land that is within 200 feet of the ordinary high water mark
12 of a river or stream described in paragraph (a) of this subsection.

13 **“(3) If the commission adopts rules described in subsection (2) of**
14 **this section:**

15 “[~~(3)~~] (a) The State Department of Fish and Wildlife shall:

16 “[~~(a)~~] (A) Publish, by rule, a map of streams, rivers and watersheds that
17 meet the criteria set forth in subsection (2)(a)(A) of this section; and

18 “[~~(b)~~] (B) Update the map every two years, in consultation with the De-
19 partment of Environmental Quality.

20 **“(b) The commission shall periodically review the rules to deter-**
21 **mine whether the rules are improving water quality or the health of**
22 **beaver populations.**

23 “(4) Rules adopted under this section may not:

24 “(a) Apply to private lands.

25 “(b) Apply below the ordinary high water line of a navigable waterway
26 when the adjoining land is private land.

27 “(c) Apply on public lands that are otherwise closed to the hunting and
28 trapping of beaver.

29 “(d) Prohibit an employee of a federal or state land management agency
30 from taking a beaver, or arranging for the taking of a beaver, by lethal re-

1 moval, relocation or other means, when authorized by the State Department
2 of Fish and Wildlife to address damage or an imminent threat, to:

3 “(A) Built infrastructure, including a road or a culvert or other human-
4 constructed water conveyance infrastructure, on public land.

5 “(B) Built infrastructure, or agricultural crops, on private land that is
6 adjacent to public land.

7 “(e) Supersede the treaty, statutory, regulatory or aboriginal rights or
8 interests of a federally recognized Indian tribe.

9 “(f) Supersede the ability to undertake tribal harvest activities or coop-
10 erative management under a cooperative management agreement between a
11 tribe and the State Department of Fish and Wildlife.

12 **“SECTION 6. The amendments to section 2 of this 2025 Act by sec-**
13 **tion 5 of this 2025 Act become operative on January 2, 2036.”.**

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