

# House Bill 3232

Sponsored by COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES

## 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 **as introduced**.

Prohibits introduction of wildlife species into area outside species' current range without authorization from State Fish and Wildlife Commission.

Requires commission to engage in certain rulemaking before introducing species into area outside species' current range. Requires commission to notify certain members of Legislative Assembly prior to rulemaking.

Requires commission to participate, to maximum extent practicable, in actions by federal agency to introduce or reintroduce populations of wildlife species into this state.

Applies to introduction, propagation or stocking of wildlife species on or after effective date of Act.

## A BILL FOR AN ACT

1 Relating to introduction of wildlife species; creating new provisions; and amending ORS 496.164.

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

3 **SECTION 1. Sections 2 and 3 of this 2017 Act are added to and made a part of the wildlife**  
4 **laws.**

5 **SECTION 2. Notwithstanding any contrary provision of law, a person may not introduce**  
6 **a wildlife species into an area in this state that is outside the wildlife species' range at the**  
7 **time of the introduction unless the introduction of that species is authorized by the State**  
8 **Fish and Wildlife Commission.**

9 **SECTION 3. (1) Notwithstanding ORS 496.146 (3), the State Fish and Wildlife Commission**  
10 **shall, prior to introducing or authorizing the introduction of any population of wildlife spe-**  
11 **cies into an area in this state that is outside the wildlife species' range at the time of the**  
12 **introduction, adopt rules:**

13 (a) **Determining, based on the best available scientific information, whether introducing**  
14 **the population is essential to the continued existence of the wildlife species;**

15 (b) **Establishing management restrictions, protective measures or other special manage-**  
16 **ment concerns related to the introduced population, including measures to isolate and con-**  
17 **tain the population; and**

18 (c) **Establishing a process for periodic review and evaluation of the success or failure of**  
19 **the release and the effect of the release on the wildlife species' overall population across this**  
20 **state.**

21 (2) **If the commission intends to undertake rulemaking as required by this section, the**  
22 **commission shall give notice of its intended action to the members of the Legislative As-**  
23 **sembly who represent districts that will be affected by the intended rulemaking. Notice re-**  
24 **quired under this section shall be delivered by electronic mail to the address made available**  
25 **for the members pursuant to ORS 173.766 at least 49 days before the effective date of the**  
26 **intended rulemaking.**  
27

**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        **SECTION 4.** ORS 496.164 is amended to read:

2        496.164. (1)(a) The State Fish and Wildlife Commission and the State Department of Fish and  
 3 Wildlife may advise, consult and cooperate with other agencies of this state and political subdi-  
 4 visions, other states or the federal government and private landowners with respect to fish and  
 5 wildlife management.

6        **(b) Whenever any federal agency is engaging in rulemaking for the purposes of intro-**  
 7 **ducing or reintroducing populations of wildlife species into this state under 16 U.S.C. 1539(j),**  
 8 **to the maximum extent practicable, the commission and the department shall affirmatively**  
 9 **engage in the federal rulemaking process, including commenting on proposed rules, attending**  
 10 **public meetings, engaging in negotiations and otherwise representing the interests of this**  
 11 **state in carrying out the goals of wildlife management in ORS 496.012.**

12        (2) The commission and the department shall provide [*such*] **any** information, recommendations  
 13 or advice **under subsection (1) of this section** in writing if requested by another state or federal  
 14 agency to do so. Technical advice and information shall be based on the best available scientific  
 15 information. Policy or implementation recommendations provided in administrative rulemaking pro-  
 16 ceedings shall be based on consideration of all the goals of wildlife management in ORS 496.012, in  
 17 addition to applicable scientific information.

18        (3) State agencies, boards or commissions receiving policy or implementation recommendations  
 19 **under subsection (1) of this section** shall consider [*such*] **the** recommendations in the context of  
 20 their respective statutory responsibilities, and shall take into account the extent to which [*such*] **the**  
 21 recommendations are substantiated with the best available scientific information and based on con-  
 22 sideration of all of the goals of wildlife management in ORS 496.012.

23        **SECTION 5. Sections 2 and 3 of this 2017 Act and the amendments to ORS 496.164 by**  
 24 **section 4 of this 2017 Act apply to any introduction of wildlife species that occurs on or after**  
 25 **the effective date of this 2017 Act.**

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