



Petition to initiate rulemaking for beaver harvest closure on federal lands

Derek Broman
Oregon Department of Fish and Wildlife
Carnivore-Furbearer Coordinator



Outline

- ▶ APA Petition
- ▶ Current Rules
- ▶ Recent History
- ▶ Petition Evaluation
- ▶ Summary





Administrative Procedures Act (APA) Rulemaking Petition

- ▶ APA Petition received on September 24, 2020 from Susan Fouty, Cascadia Wildlands, Center for Biological Diversity, Defenders of Wildlife, Northeast Oregon Ecosystems, The Conservation Angler, WaterWatch of Oregon, Wetlands Conservancy, Umpqua Watersheds, and Portland Audubon
- ▶ Proposed change to current rule:
 - ▶ Permanently close hunting and trapping of beaver on federally-managed lands in Oregon



APA Petition

- ▶ Petition meets requirements of OAR 137-001-0070
- ▶ OAR 137-001-0070 requires agencies within 90 days to:
 - ▶ Initiate rulemaking process or deny petition in writing
 - ▶ Invite and request public comments on whether options exist for achieving the rule's goals in a way that reduces the negative economic impact on businesses



APA Petition

OAR 137-001-0070 requires agencies within 90 days to:

► Consider:

- 1) Need for the current rule;
- 2) Public complaints or comments received;
- 3) The complexity of the rule;
- 4) The extent to which the rule overlaps other state or federal rules and local regulations;
- 5) The degree to which technology, economic conditions, or other factors have changed in the subject area affected by the rule;
- 6) The legal basis for the rule

Current Rules

- ▶ Beaver are furbearers
- ▶ Harvest season (Nov 15 - Mar 15)
- ▶ Beaver harvest closures in place
- ▶ Furbearer rules adopted every two years

Recent History

- ▶ Furbearer Rules in June Commission
- ▶ Commission decision to develop work group
- ▶ Subsequent meetings and actions
- ▶ Petition received

Petition Clarification

Petition included proposed rules to permanently close hunting and trapping of beaver on federally-managed lands in Oregon

- ▶ Explicit request and draft rule
- ▶ Applies to only federal lands

Assumptions

- ▶ **Beaver populations are suppressed or decreasing**
 - Harvest on federal land is suppressing or decreasing beaver populations
- ▶ **Direct relationship between lack of beavers and a lack of dams**
 - Harvest on federal land is directly responsible for beavers voids and no dams
- ▶ **Beaver habitat is unoccupied**
 - Harvest on federal land is responsible for unoccupied habitat

Assumptions

Beaver populations are suppressed or decreasing

- ▶ No location, data, science, or literature to support assumptions
 - Harvest on federal lands is suppressing or decreasing beaver populations
 - No evidence of federal land harvest impacting populations
 - No population assessment on current closures

Assumptions

Direct relationship between a lack of beavers and lack of dams

- ▶ No evidence to support causal relationship between beaver and dams
- Harvest on federal land is responsible for lack of beaver and dams
 - No assessment on current closures and beaver dam presence

Assumptions

Beaver habitat is unoccupied

- ▶ No evidence of unoccupied beaver habitat
- ▶ Incorrect use of dam suitability models and fish habitat surveys for identifying suitable beaver habitat
- Harvest on federal land is responsible for unoccupied beaver habitat
 - No evidence of unoccupied beaver habitat due to beaver harvest

Assumption Review

- ▶ **Beaver populations are suppressed or decreasing**
 - Harvest on federal land is suppressing or decreasing beaver populations
- ▶ **Direct relationship between lack of beavers and a lack of dams**
 - Harvest on federal land is directly responsible for beaver voids and no dams
- ▶ **Beaver habitat is unoccupied**
 - Harvest on federal land is responsible for unoccupied habitat

Summary

- ▶ Change in direction unwarranted
- ▶ Staff recommend deny petition
- ▶ Continued commitment to beaver topic through collaborative efforts

Questions?

ODFW HQ

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derek.j.broman@state.or.us