



AGENDA ITEM SUMMARY

BACKGROUND

The Fish and Wildlife Commission (Commission) is being asked to establish trap check requirements when traps are used to take black bear and cougar under specific circumstances related to damage, public nuisance, or public safety, as authorized under ORS 498.012 and ORS 498.166.

Black bear and cougar are classified as game mammals. Because of this classification, traps are not a legal method of take during hunting seasons. However, bear and cougar may be taken with traps under specific circumstances related to damage, public nuisance, or public safety, as authorized under ORS 498.012 and ORS 498.166. In all other situations where traps are used to take wildlife, trap-check requirements already exist: traps set for fur-bearing mammals must be checked every 48 hours by statute, and traps set for predatory animals must be checked every 48 hours by administrative rule. Other established trap-check requirements in rule do not currently apply to traps set for bear or cougar.

Regardless of the proposed standard for trap check timing, OAR 635-002-007 through -0009 establish carcass disposal requirements for any bear or cougar that is taken for damage or safety purposes that differ from disposal requirements for furbearers and unprotected mammals. As edible wildlife, disposal options for black bear include utilization for human consumption through release of the carcass to the landowner who incurred the damage, donation to charitable organizations, or donated to eligible low income or medically qualified individuals. Actions associated with salvage for human consumption may require multiple hours to complete. Following dispatch, the carcass is field dressed (entrails removed), loaded into a vehicle whole or in pieces, and transported to the carcass recipient or a game meat processing facility. While other disposal options exist for black bear (rendering, landfill), in practice, utilization for human consumption is prioritized whenever possible.

PUBLIC INVOLVEMENT

The department used several approaches to gather input on this proposal for the establishment of bear and cougar trap check requirements:

- Staff met with a small group of representatives from organizations that expressed interest in this topic or whose members may be affected by these rules. Additionally, staff met with individuals that expressed interest in this topic.
- In anticipation of the Commission consideration of the proposed rules, the department published notice of the proposed rulemaking (Attachment 2) and invited written public comment during July 2026.
- Additionally, the public has an opportunity to provide verbal comment during the hearing that occurs at the Commission meeting.

ISSUE 1

Establishment of trap check requirements when traps are used to take bear or cougar.

ANALYSIS

Landowners or their agents may take a bear or cougar from their land when that animal is causing damage, is a public nuisance, or poses a public health risk and the conditions and requirements of ORS 498.012 are met. A permit is not required from the Department; however, any take must be reported. Similarly, ORS 498.166 allows a person to take a bear or cougar posing a threat to human safety when certain circumstances are met. Under the provisions of ORS 498.012 and 498.166, the mean number of bears taken annually over the last five years (2021-2025) was 323 with an average of 218 taken via the use of traps. Additionally, the mean number of cougars taken annually under the provisions of ORS 498.012 and 498.166 was 170 (2021-2025) with an average of 57 taken via the use of traps. There are currently no requirements for checking traps set in these circumstances.

The department developed the proposed requirements to balance two key considerations: limiting the amount of time a trapped animal may be restrained, while ensuring that trapping remains a viable tool for addressing conflicts involving bears and cougars and ensuring the beneficial use of any trapped animals. In summary, the proposed rule (Attachment 3) would require that traps set for bear or cougar be checked and all animals removed at least once every other calendar day and within an interval that does not exceed 56 hours. This interval is intended to approximate a 48-hour check cycle while providing sufficient time, when an animal is captured, to process it in accordance with statutory salvage requirements without risking non-compliance for traps remaining to be checked that day. If adopted, these proposed rules would:

- Establish a maximum time period that an animal could potentially remain in a trap.
- Provide an adequate time window to accommodate salvage of edible meat.
- Clarify that the person who set the trap is responsible for ensuring it is checked within the time interval while also allowing another person to conduct the check.
- Retain current carcass disposal rules bear and cougar.
- Retain current bear and cougar hunting regulations.

Staff considered, but did not propose, a 48-hour trap check requirement because the time necessary to salvage a bear carcass for human consumption would make compliance impractical. Salvage requires, at minimum, field dressing, loading into a vehicle and transport to a meat processor to prevent spoilage. A 48-hour requirement would not allow someone checking traps every other day sufficient time to salvage a bear carcass without risk of becoming non-compliant with trap check requirements for traps not yet checked that day. In contrast, other species of wildlife subject to existing 48 hour trap check requirements are not salvaged for human consumption and as a result it is much quicker for a trapper to remove those species from a trap and resume checking any additional traps. This distinction necessitates some additional

flexibility in the trap check interval for bear and cougar, whilst maintaining an every other day obligation, to ensure both compliance and the beneficial use of salvaged meat.

Staff also considered, but did not propose, a longer trap check interval. While this may have increased flexibility for landowners or their agents to resolve conflict with bear or cougar, a longer trap check interval has the potential to extend the length of time an animal could remain in a trap.

The proposed rule also specifies that the person who sets a trap is responsible for ensuring that the trap is checked within the required time and that any captured animal is removed. However, another person—such as a coworker, employee, or landowner—may conduct the trap check. This flexibility accommodates business operations, land management, and agency needs, including coverage during unexpected absences.

OPTIONS

1. Adopt staff proposal establishing bear and cougar trap check requirements.
2. Modify staff proposal.
3. Reject staff proposal.

STAFF RECOMMENDATION: ISSUE 1

1. Adopt staff proposal.

DRAFT MOTION:

I move to adopt the administrative rule establishing trap check requirements for bear and cougar trapping as proposed by staff and shown in Attachment 3.

Effective Date: *September 1, 2026*