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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 635

DEPARTMENT OF FISH AND WILDLIFE

FILED: 06/23/2026 9:32 AM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Establishment of Trap Check Requirements for Bear and Cougar Taken for Damage, Nuisance, and Safety

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/14/2026 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT:

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4034 Fairview Industrial Drive SE
Salem, OR 97302

Filed By:

Roxann Borisch
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 08/14/2026

TIME: 8:00 AM - 5:00 PM

OFFICER: ODFW Commission

IN-PERSON HEARING DETAILS

ADDRESS: Oregon Department of Fish and Wildlife, 4034 Fairview Industrial Drive SE, Salem, OR 97302

SPECIAL INSTRUCTIONS:

LAST DAY AND TIME TO OFFER WRITTEN COMMENT TO THE AGENCY: 07/24/2026 @ 8:00 AM; LAST DAY AND TIME TO OFFER VERBAL COMMENT TO AGENCY: 08/14/2026 CLOSE OF HEARING

This hearing will be conducted as a hybrid meeting, providing an opportunity to give testimony either in person or virtually. Additional information regarding participation will be posted on our website at www.dfw.state.or.us/agency/commission/minutes/. The meeting can be viewed at www.youtube.com/user/IEODFW. Any changes to the meeting format (to virtual only if emergency arises) will be posted to our website as soon as possible.

NEED FOR THE RULE(S):

Landowners or their agent may take bear or cougar that has caused damage, is a public nuisance or is a threat to public health without a permit from the department when the requirements and conditions of ORS 498.012 have been met. Additionally, ORS 498.166 establishes criteria and conditions for a person to take a bear or cougar that is a threat to human safety. Currently, there are no established trap check requirements when traps are used to take bear and cougar pursuant to 498.012 or ORS 498.166. These rules would establish requirements that traps set to capture bear or cougar must be checked within a specific time interval and any captured animal must be removed from the trap.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

1. Staff report prepared for the Oregon Fish and Wildlife Commission hearing on 06/26.26, including the presentation and all provided materials.

A copy of the rules and the other documents relied upon for this rulemaking [the above document(s)] are available from the Oregon Department of Fish and Wildlife, Wildlife Division, 4034 Fairview Industrial Drive SE, Salem, Oregon 97302-1142. Contact Roxie Borisch at 503-947-6314 or Roxann.B.Borisch@odfw.oregon.gov to view by appointment between the hours of 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

The Department has solicited input from representatives of underrepresented communities likely to be affected on whether the proposed rule will have a fiscal impact on the community, the extent of the fiscal impact, and whether the rules will have significant impact on underrepresented communities. <https://www.dfw.state.or.us/OARs/index.asp>

FISCAL AND ECONOMIC IMPACT:

It is expected that there could be potential for new compliance cost impacts to a subset of landowners and their agents when addressing situations where the conditions of ORS 498.012 or ORS 498.166 have been met. More generally, the overall fiscal and economic effects of these proposed rules are anticipated to be minor, as many operations are currently already check on bear and cougar traps within the every other calendar day but not exceeding 56-hour proposed time interval and currently remove animals caught when a trap is checked.

Fiscal and economic impacts discussed in this document pertain only to the proposed rules at the time of writing this fiscal impact statement.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s).

A. State agencies which could be affected by rules relating to bear and cougar, which as species are classified as “game mammals”, are the Department (wildlife management costs) and the Oregon State Police (enforcement costs). No significant changes from the current levels of these agencies' operations or expenditures are expected to result from these rules. ODFW already follows trap check procedures in situations where traps are used, so the agency is already in compliance with the proposed trap check and trapped animal removal requirement.

B. It is expected that most units of local government are unlikely to be affected by these rules. There could be a potential for county governments that have contracts with the United States Department of Agriculture (USDA) Animal and Plant Health Service Wildlife Services (APHIS-WS) or private agents for services relating to bear or cougar removal due to damage and safety that the cost of these contracts could increase if operators are not currently checking traps within the proposed time interval and pass along any increased costs on to the purchaser. Due to limited data available to the Department there is uncertainty in knowing the extent this would occur and if the costs do increase what the magnitude of such an increase would be, as well as the corresponding impact of these increased costs on counties' individual budgets. The Department is aware that there is at least one county in Oregon that contracts out these types of services to private operators

C. An economic impact on the public is not anticipated as this new every other calendar day but not exceeding 56-hour trap check is not expected to result in new requirements or major downstream economic impacts. There could be potential for nonmarket benefits to people who are concerned about animal welfare that would gain value in knowing that this requirement is set into place. ODFW does not have the capacity to provide an estimate of these benefits, which would require a nonmarket stated preference valuation study, but the Department does recognize that this is a benefit to people in Oregon that support the rulemaking. This proposed rule also has potential for cost impacts to landowners that experience bear and/or cougar damages and trappers that provide their services under the conditions of ORS 498.012 or ORS 498.166, further discussion of these impacts are provided in greater detail below.

(2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); Landowner-based businesses, primarily private timberland owners and livestock producers, and businesses that provide services to address bear and/or cougar damages would be affected by the rules. These businesses are more likely to be impacted if they operate on a broad geographic scale, as in those cases trap locations may be more dispersed and remote with greater potential for travel time and adverse road and weather conditions leading to extended trap check times. While the Department has gathered feedback that these impacted businesses already follow practices of ensuring responsible trap check and animal removal, there is concern about how unforeseen circumstances, like a vehicle breakdown or personal emergency could result in an unintentional violation of the requirements.

While ODFW does not know the number of traps used to take bear and/or cougar for damage and safety reasons at any given time; the Department does have information based on legally mandated self-reporting requirements. This data can give insight on the number of cases where bear and cougar were taken under the conditions of ORS 498.012 or ORS 498.166 and how many times traps were used. This can give a ballpark estimate of the number of entities impacted; given there may be some double counting in cases where the same business had multiple reports within a year and/or annual variation in the amount of damages due to environmental/population factors where more businesses could need to address bear and/or cougar damage and safety situations. In 2025, there were 177 cases where bear were taken by trap, representing approximately 60% of total bear taken for damage and safety situations. For cougar, this figure was 62 animals trapped in 2025 and the percentage of take by trapping as a method varied from around 25% to 40% of cougars taken annually for damage or safety reasons over the past five years.

(b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s);

There are no additional expected reporting, recordkeeping, or other administrative activities required for compliance with this rule. The existing requirements for reporting of bear and cougar taken on damages or safety, along with the current requirements for disposal are unchanged at this time.

(c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply

with the rule(s).

There is a potential for an increase in these types of costs for ensuring all traps are checked within the new every-other calendar day, but not exceeding 56-hour interval. These costs include additional supplies, such as fuel and labor for more frequent check-ins on traps and removal of animals. We do not have a monetary estimate of this cost increase as it would be unique to the business owner/operation and whether they already meet these requirements. However, it is expected it would be a higher burden for those that operate across broad geographic areas and have multiple traps that are spread across remote locations.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The Department has collected feedback from affected landowners/trappers, as well as animal welfare advocates, to help inform the proposed rules. Additional information will be collected during this public rulemaking process and considered by the Commission.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

An Administrative Rule Advisory Committee was not consulted. The agency is engaging with the public through this noticed rulemaking process. Correspondence from and testimony by interested and affected persons is accepted into record and is part of the rulemaking process. Public correspondence will also be part of the Commission meeting for August 2026, when the adoption of these rules will be decided upon. The rules are believed to be fully compatible with legislative direction on the goals of wildlife management in Oregon.

ADOPT: 635-043-0058

RULE SUMMARY: These rules will establish trap check requirements when traps are used to take bear or cougar in response to damage, nuisance or safety.

CHANGES TO RULE:

635-043-0058

Trap Check Times for Bear and Cougar

A person that sets a trap or snare pursuant to ORS 498.012 for the purpose of taking bear or cougar that has caused damage, is a public nuisance, or poses a public health risk, or pursuant to ORS 498.166 for the purpose of taking a bear or cougar posing a threat to human safety, shall be responsible for ensuring the trap or snare is inspected and all trapped animals removed:¶

(1) At least once every other calendar day, and ¶

(2) Within a period that does not exceed 56 hours.

Statutory/Other Authority: ORS 498.012, 496.138

Statutes/Other Implemented: ORS 498.012, 496.138, 498.012, 498.043, 498.158, 498.166, 610.060