

Agenda Item Summary

BACKGROUND

The State Fish and Wildlife Commission (Commission) has specific authority by the Oregon Legislature to manage wildlife populations. The Wildlife Policy of the State of Oregon (ORS 498.012) includes a number of coequal goals. The Commission is directed to manage populations at optimum levels for recreational and aesthetic benefits, and to manage populations in a manner consistent with the primary uses of the lands and waters of the state. An additional statute presents Legislative Findings on wildlife damage and directs the Commission and the Oregon Department of Fish and Wildlife (Department) to cooperate in efforts towards appropriate measures to assist farmers, ranchers and others in resolving damage problems (ORS 610.055).

Wildlife utilizes all lands, public and private. Private lands are extremely important in supporting and maintaining healthy populations of wildlife. Unfortunately, at times, wildlife can cause damage on private lands by inflicting economic loss to crops, forest products, structures, landscaping and livestock. Wildlife can become accustomed or even dependent on human activities or practices and can generate nuisance type complaints such as raccoons eating dog food or skunks living under a deck. Consequently, the Department recognizes that control of damage and nuisance conflicts is an essential part of the Department's mission.

Managing damage on private lands is dependent on cooperation between the Department and private landowners. Both must be willing to recognize the constraints placed upon either the Department or on the landowner. Agency budgets or personnel restrictions may impact the Department's ability to deal either effectively or in a timely manner with the damage situation, while the landowner may be operating under economic constraints that prevent tolerance and demand immediate attention.

The Department has a Wildlife Damage Policy that directs field staff and outlines the tools and programs available. The Damage Policy covers a multitude of species and includes providing advice, discussing hazing, options for barriers such as fencing, addressing habitat improvements, and removal of wildlife. Actions to address wildlife damage can be classified as either corrective or preventative. Corrective actions are used to address existing damage while preventative actions are taken to resolve damage before it occurs. As a long-term goal, the field staff work toward implementing the most appropriate and effective preventive damage control programs. It is difficult to anticipate all damage situations, and the Department utilizes the total array of existing or other innovative appropriate corrective methods to alleviate unanticipated damage. While preventative actions are preferred, they may not always be feasible and appropriate corrective measures are considered. Corrective actions may take time to implement and may need to be combined with preventative actions to resolve the problem.

PUBLIC INVOLVEMENT

The House Natural Resources Committee, Chaired by Representative Witt and including Representative Barreto as a member, had a number of bills introduced during the 2019 session to amend the Landowner Preference Program and direct the Department to more effectively address elk damage issues. After hearing testimony from the landowners, producer organizations and sportsmen, Chair Witt immediately asked for involved parties to form a workgroup.

Chair Witt and Representative Barreto asked the Department to bring back solutions agreeable to everyone – key components sought by the workgroup included:

- More effective opportunities to remove elk causing damage
- Identify opportunities to shift elk distribution from private to public lands
- Reduce impact on landowners responsible for processing harvested elk under the damage policy

That first afternoon, the Department discussed an initial draft to revise how the implementation of Kill Permits issued to landowners could be modified to work parallel with current statute, address the needs of landowners and be agreeable to sportsmen.

The Legislature recognizes the ability for the Department to quickly and collaboratively adapt to these wildlife management challenges and looks to the Commission to complete the next steps. Copies of the draft rules filed with Secretary of State's office were provided to members of the legislature, agricultural landowner/producer representatives and the participating sports group representatives.

ISSUE 1

Whether to allow for an elk taken at night or during summer months to be salvaged and retained by the landowner or an agent.

ANALYSIS

The Department believes the tools needed to address excessive numbers of elk on private property exist and can resolve many of the problems landowners experience. The difficulty in addressing some situations has to do with the mosaic of ownerships and tolerance of landowners on the landscape. Some landowners may not allow hunting on their property, and some charge access fees which reduces the number of willing hunters able to aid in controlling elk numbers. Additionally some landowners are simply not willing to use the tools the Department has to offer. In the end, some landowners with damage struggle to find a solution. The Department believes the best way to resolve these multiple landownership problems is through collaboration among the affected landowners, the public and the Department.

As part of the Department's wildlife policy, if other less lethal actions are deemed infeasible, one of the available tools to remove elk causing damage are kill permits. District staff issue kill permits to landowners for lethal removal of elk causing damage under the condition that the elk are

salvaged and delivered by the landowner to a processor designated by the Department for use by charitable organizations. Kill Permits are normally used only for a small number of animals and when hunters are not an option.

Landowners are sometimes faced with utilizing kill permits at night (outside of established shooting hours for game mammals) and during summer months when no hunting seasons occur to directly address damage that is presently occurring. In accordance with statute, any wildlife taken on damage is disposed of as directed by the Commission. The proposed rules balance the required burden on the landowner to process the elk with the ability for the landowner or agents to retain an elk carcass while still prioritizing delivery to charitable organizations.

Statewide there are generally less than fifty kill permits issued each year. There may be some increased use which will be controlled by local District staff in situations where take of one or a few animals will solve a localized, severe damage problem, and generally not associated with long term actions or management objectives.

OPTIONS

1. Adopt staff recommendations
2. Amend staff recommendations

STAFF RECOMMENDATION

Option 1.

DRAFT MOTION	I move to adopt OAR Chapter 635, Division 002 as proposed by staff.
EFFECTIVE DATE	Upon filing.