

HOUSE COMMITTEE ON
AGRICULTURE AND NATURAL RESOURCES

March 20, 2003 Hearing Room D
1:00 PM Tapes 43 - 46

MEMBERS PRESENT: **Rep. Jeff Kropf, Chair**
 Rep. George Gilman, Vice-Chair
 Rep. Terry Beyer
 Rep. Dave Hunt
 Rep. Donna Nelson
 Rep. Patti Smith

MEMBER EXCUSED: **Rep. Kelley Wirth, Vice-Chair**

STAFF PRESENT: **Ray Kelly, Committee Administrator**
 David Peffley, Committee Assistant

MEASURES HEARD: **HB 2436 – Public Hearing and Work Session**

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 43, A		
003	Chair Kropf	Calls the meeting to order at 1:07 and opens a public hearing on HB 2436.
<u>HB 2436 – PUBLIC HEARING</u>		
015	Ray Kelly	Committee Administrator. Summarizes HB 2436 and gives background information on the 1994 passage of Ballot Measure 18.
042	Senator Bill Fisher	District 1. Provides testimony in support of HB 2436 and states the importance of this legislation to pass the bill.
062	Jerod Broadfoot	Pac-West Communications; Safari Club International. Provides a summarized history that 'Oregonians for Responsible Wildlife Management' had undergone to get HB 2436 passed. States that Oregon Department of Fish and Wildlife (ODFW) has not been effective in managing ODFW since Ballot Measure 18 passed in 1994 and that children are at risk. Submits written testimony in support of HB 2436 (EXHIBIT A) and (EXHIBIT B) .
172	Broadfoot	Continues by giving a background of the animal rights activist's agenda and requests that the will of Oregonians be protected.
213	Chair Kropf	Asks about the 90 percent elk/calf mortality rate cited in the testimony, and asks where the number came from.
217	Broadfoot	States the data was provided by ODFW from the predation and nutrition study in Northeast Oregon.
222	Chair Kropf	Questions the 11 million dollar figure.
228	Broadfoot	Replies that he got the figures from the Oregon Farm Bureau (OFB).
233	Rep. Wayne Kreiger	District 1. Testifies in favor of HB 2436 and details the damage that black bears have done to forests and the need to regulate

them; states that black bears are responsible for 75 million dollars of damage annually. States skepticism that a ballot measure is the way to regulate wildlife.

TAPE 44, A

004	Broadfoot	Plays video detailing a cougar attack on the property of Nancy Denig.
029	Nancy Denig	Shares her story of being threatened by a cougar and testifies that cougars should be managed.
067	Chair Kropf	Asks if Denig was there when her son was threatened.
069	Denig	Details the account of the cougar threat and testifies that she personally witnessed the lunge of the cougar.
088	Chair Kropf	Asks what the happened after the neighbor shot the cougar.
094	Denig	Continues the story and states that she called ODFW, who came to inspect.
100	Rep. Smith	Asks Denig for clarification on increased sighting testimony.
105	Denig	Responds.
112	Rep. Smith	Asks if Denig reported her previous sighting.
116	Denig	Responds that she didn't.
122	Rep. Smith	Gives personal cougar sighting anecdote.
130	Chair Kropf	Asks if anyone was able to determine the age or the health of the cougar.
134	Denig	States the cougar was approximately two years old and unhealthy at only 40 pounds.
138	Rep. Greg Smith	District 57. Provides testimony in favor of HB 2436. Shares anecdote about sighting a full-grown cougar during a hike.
181	Darrel Schute	Details the cougar attack on his grandson, Jacob, and submits graphic photographs of Jacob after the attack in the hospital (EXHIBIT C) .
390	Rep. Smith	Wonders if the cougar's reason for attacking was ever determined.
401	Schute	Answers question and states that hunger is not necessarily an indicator of a cougar attack.

TAPE 43, B

002	Rep. Smith	Asks for when Washington state passed a similar legislation to this one.
006	Schute	Replies that it was in 1996. Adds the story of an additional cougar sighting in Kettle Falls.
043	Rep. Nelson	Asks about the strength of a cougar.
065	Schute	Replies that a cougar can jump 20 feet vertically and 30 feet horizontally.
070	Rep. Nelson	Asks how an individual can protect oneself against a cougar.
080	Schute	States he is uncertain. Comments on the use of decoy dogs and firearms. Continues testimony of cougars in the area and states he is not comfortable in his own yard.
106	Rep. Nelson	Asks how long it takes ODFW officers to get to his home.
110	Schute	States that they have to take care of the problem for themselves and cannot depend on ODFW officers.
125	Rep. Hunt	Asks about the preceding ban on cougar hunting in Washington and its outcome.
130	Schute	Discusses the effectiveness of the legislation in Washington.
171	Chair Kropf	Asks Jacob if he thinks we should change the law to protect other kids.
180	Jacob	Responds yes.
190	Roy Elicker	Deputy Director, ODFW. Provides testimony that cougar

		populations have increased and ODFW strives to provide hunting opportunities for bear and cougar in order to control these populations. Reads written testimony in support of HB 2436 (EXHIBIT D) .
317	Rep. Nelson	Asks Elicker to outline the nature of the escalating damage and the conflicts, which the animals are causing.
325	Steve Denny	Southwest Regional Manager, ODFW. States that with the passage of Ballot Measure 18 there was a rapid increase in cougar complaints. State that several factors contribute to black bear complaints.
372	Rep. Nelson	Asks if ODFW keeps track of the costs incurred regarding cougars and bears complaints.
390	Denny	Details the time constraints involved, as they do not have a cost figure.
400	Rep. Nelson	Asks why the costs are not documented.
410	Denny	States that the number of complaints received by ODFW make it impossible to track each individual complaint. Reiterates that the damage costs are tracked.
418	Rep. Nelson	Asks what the cost of damage runs annually.
423	Denny	States he does not have these figures.
441	Elicker	Adds that he believes that OFB has done some work on wildlife damage estimates. States there is a wildlife advisory task force that is currently working to report on wildlife damage.
TAPE 44, B		
001	Rep. Nelson	Asks if the help of dogs and volunteer hunters help ease ODFW's burden and costs.
003	Denny	States that population would be reduced although not eliminated.
015	Chair Kropf	Asks if bait and dogs are the most effective tools in controlling the populations.
020	Denny	Replies that they are an effective tool.
025	Rep. Hunt	Asks about the conflict between bears and cougars and population increases. Asks how we could do a better job of dealing with wildlife predation.
035	Elicker	Replies. And reiterates that bait and dog can help with management.
055	Rep. Hunt	Asks for clarification that cougar populations are increasing rapidly, but bears populations are more stable.
061	Denny	Confirms.
068	Rep. Gilman	Asks if ODFW feel that bear and cougar populations are effectively controlled at this time.
072	Denny	States that the cougar populations are not under control at this time, however bear populations are better managed.
086	Rep. Gilman	Asks about deer and elk numbers, and if they are effected by the increased cougar population.
090	Denny	Replies that deer and elk populations are decreasing.
100	Chair Kropf	Asks for clarification on testimony that since the law passed that the increases of populations have negatively adversely affected the increase in populations.
106	Denny	States that the study is incomplete, having only less than one year of data.
112	Rep. Nelson	Asks if ODFW requests money from the Affix Wildlife Services Division.
117	Denny	States that they have requested eighty to a hundred and twenty

		thousand general fund dollars for the wildlife services and the ODFW provides them with ninety thousand dollars per biennium of licensed dollars targeted specifically at bear and cougar damages.
121	Rep. Nelson	Asks for clarification that a portion of the funding that is designated for animal plant health inspection program is used for cougar and bear control.
125	Denny	States yes, the ninety thousand dollars is targeted specifically at bear and cougar damages.
128	Rep. Nelson	Asks if the number could be reduced if Ballot Measure 18 were repealed.
131	Denny	States that he does not believe that it could.
162	Rep. Beyer	States concern with combining these two issues (bears & cougars). States that there is a cougar problem, but is not sure about bears. Asks about the Washington solution.
178	Elicker	States he is unfamiliar with the Washington state management solution. Offers to report back after further investigation
182	Chair Kropf	Asks about the increase in public safety complaints related to bear and cougar complaints and why Oregon has so many.
190	Denny	Addresses demographic concerns; too many people and too many beasts. States that the cougars are no longer transients, but now live in the rural Oregon areas.
210	Chair Kropf	Asks if the ban on using bait and dogs has contributed to the increase in public safety complaints.
215	Denny	Confirms.
217	Rep. Smith	Asks about the lower elk numbers in Northeast Oregon.
221	Denny	Responds to number of tags.
225	Rep. Smith	Asks if the restriction of the state of Oregon to use the hunting dogs is loss of a significant management tool.
229	Denny	States that it is a significant factor but to what level is yet to be determined.
280	Kelly Peterson	Human Society of the United States. Provides testimony in opposition to HB 2436. States that bear baiting is not an effective solution to the problems. States that House Bill 2436 is not about public safety. Submits written testimony (EXHIBIT E) .
321	James Ince	Southern Douglas County Rancher. Provides testimony in opposition to HB 2436. Reads written testimony (EXHIBITS F, G, H) .
TAPE 45, A		
002	Rep. P. Smith	Asks Peterson if she supported HB 2966.
004	Peterson	States that she supported some provisions within the bill.
012	Chair Kropf	Asks Ince how to reconcile his testimony with that heard earlier today.
024	Ince	States that he really cannot reconcile it, but states that sightings cannot necessarily be equated to damage or hazard.
042	Wayne Endicott	Archery Shop owner, Springfield. States that there is much concern about this issue in rural Oregon. Comments on the livestock loss in Douglas county is approximately 10 to 30 thousand dollars a month.
095	Don Poole	Oregon Bow Hunters, Salem. Offers testimony of his fiancé's cougar sighting two years ago.
111	George Johnson	Central Oregon. States there have been two recent incidents in Bend. Testifies a cougar killed a deer two weeks ago less than

121	Chair Kropf	80 feet from the backyard of family with children.
124	Endicott	Inquires if there is a general feeling this is a public safety issue.
149	Ted Kistner	Affirms that it is. Wildlife Biologist, Retired Veterinarian. States that without thinning out, we will have many other concerns, including the transmission of diseases. Reads written testimony regarding his concerns with the cougar population (EXHIBIT I) .
205	Jim Welsh	Lobbyist, Oregon State Grange. States there is a problem and provides testimony in support of HB 2436 (EXHIBIT J) .
250	Tom Ushmey	Director, Oregon Family Farm Association. Testifies in favor of HB 2436 and comments on personal experiences with cougar sightings and stock loss.
319	Don Haney	Testifies in support of HB 2436. States his ranch hand recently had a stare down with a cougar that had just killed a deer on the property. States concern that his children catch the bus to school before sunrise in the winter.
363	Garland Teich	Oregon Hunters Association Member. Testifies in support of HB 2436.
TAPE 46, A		
005	Eldon Deardorff	Richland, OR. Testifies in support of HB 2436, sighting the decrease of the elk population as attributable to cougar. Also cites a report that states that cougar damage has increased greatly since 1991.
128	Teich	Reaffirms that hounds are necessary as bait and attests to the cost-effectiveness of cougar hunting.
131	Deardorff	Adds that if the older animals are removed, the younger animals will be less inclined to come into human areas.
151	Don Shaller	Oregon Hunters, Portland. Provides written testimony in support of HB 2436 (EXHIBIT K) .
170	Paul Coil	Executive, Shooting Sports Company. Testifies to the danger of cougars and states his concern for safety.
202	Steve Mathers	President, Oregon Guides and Packers Association. States concern for safety and for lost revenue.
219	Bob Botta	Executive Director, National Foundation for Wildlife. Provides testimony in support of HB 2436.
243	Rod Clawitter	Oregon United Sporting Dog Association. Provides testimony with a focus on black bears in Oregon. States that statistics show that black bears kill more humans than cougars, by 4 to 1. Provides written testimony (EXHIBIT L) .
326	David Walker	Tillamook Oregon Hunters Association. States support for HB 2436.
356	Rod Harder	Provides written testimony on HB 2436 (EXHIBIT M)
380	Katie Fast	Oregon Cattleman's Association. Provides testimony on HB 2436.
387	Jerald Myra	Provides written testimony on HB 2436 (EXHIBIT N) .
390	Greg Addington	Oregon Farm Bureau. Provides testimony on HB 2436 (EXHIBIT O) .
TAPE 45, B		
004	Broadfoot	Notes that he has not been contacted from the Governor's office.
010	Chair Kropf	Asks if there has been a personal request to meet with the Governor.
012	Broadfoot	States that the feedback from the Governor's office has been that there was no purpose to do so.

013	Chair Kropf	Re-states the inability of the proponents to meet with the Governor regarding this bill.
015	Rep. Nelson	Alludes to Jim Myron's testimony, states there is no information regarding pain to citizens, nor damage to crops and other natural resources. Comments on the need to put the issue before the Governor.
030	Chair Kropf	Reads Jim Myron's testimony (EXHIBIT P).
138	Chair Kropf	Closes a public hearing on HB 2436 and opens a work session on HB 2436
The following prepared testimony is submitted for the record without public testimony for HB 2436.		
	Jerry Ray	Submits written testimony (EXHIBIT Q).
	Al Elkins	Submits written testimony (EXHIBIT R).
<u>HB 2436 - WORK SESSION</u>		
045	Rep. Nelson	MOTION: Moves HB 2436 to the floor with a DO PASS recommendation.
049	Rep. Hunt	Admits the cougar problem is a safety issue, but questions the method of repealing Measure 18 as the best way to proceed. States a desire to support a minority report.
060	Rep. P. Smith	States an aversion to voting against the will of the people, however due to the testimony and evidence provided, will be voting in support of the bill.
064	Rep. Beyer	States an agreement with Rep. Hunt. Announces that she will also support a minority report.
072	Rep. Nelson	Says that safety is of absolute importance and strongly supports HB 2436.
		VOTE: 5-2
		AYE: 5 - Rep. P. Smith, Rep. Nelson, Rep. Beyer, Rep. Gilman, Rep. Kropf
		NAY: 2 - Rep. Hunt, Rep. Beyer
		EXCUSED: 1 - Rep. Wirth
		(This bill gets reconsidered on March 25.)
105	Chair Kropf	The motion Carries.
		REP. KROPF will lead discussion on the floor.
108	Rep. Hunt	Serves notice of an intent to file a minority report.
119	Rep. Beyer	Serves notice of an intent to file a minority report.
123	Chair Kropf	Closes the work session on HB 2436 and adjourns the committee at 4:09 pm.

EXHIBIT SUMMARY

- A – HB 2436, written testimony, Jerod Broadfoot, 35 pp.**
- B – HB 2436, written testimony, Jerod Broadfoot, 10 pp.**
- C – HB 2436, written testimony, Darrel Schute, 6 pp.**
- D – HB 2436, written testimony, Roy Elicker, 5 pp.**
- E – HB 2436, written testimony, Kelly Peterson, 2 pp.**
- F – HB 2436, written testimony, James Ince, 2 pp.**
- G – HB 2436, written testimony, James Ince, 1 p.**
- H – HB 2436, written testimony, James Ince, 1 p.**
- I – HB 2436, written testimony, Ted Kistner, 1 p.**

J – HB 2436, written testimony, Jim Welsh, 1 p.
K – HB 2436, written testimony, Don Schaller, 1p.
L – HB 2436, written testimony, Rod Klawitter, pp.
M – HB 2436, written testimony, Rod Harder, 1 p.
N - HB 2436, written testimony, Jerald Myra, 3 pp.
O – HB 2436, written testimony, Greg Addington 1 p.
P – HB 2436, written testimony, Jim Myron, 1 p.
Q – HB 2436, written testimony, Jerry Ray, 1 p.
R – HB 2436, written testimony, Al Elkins, 2 pp.