

HOUSE COMMITTEE ON AGRICULTURE & FORESTRY

March 15, 2001
3:30 PM

Hearing Room 50
Tapes 44 - 45

MEMBERS PRESENT: **Rep. Jeff Kropf, Chair**
 Rep. Al King, Vice-Chair
 Rep. Robert Ackerman
 Rep. Dan Doyle
 Rep. Elaine Hopson
 Rep. Wayne Krieger
 Rep. Mary Nolan
 Rep. Tootie Smith

MEMBER EXCUSED: **Rep. Donna Nelson, Vice-Chair**

STAFF PRESENT: **Ray Kelly, Committee Administrator**
 Michael Reiley, Committee Assistant

MEASURE/ISSUES HEARD: **HB 3363 – Public Hearing**

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.

<u>TAPE/#</u>	<u>Speaker</u>	<u>Comments</u>
TAPE 44, A		
003	Chair Kropf	Calls meeting to order at 3:35 p.m. Opens public hearing on HB 3363.
<u>HB 3363 – PUBLIC HEARING</u>		
014	Ray Kelly	Committee Administrator. Reads summary of HB 3363.
024	Rep. Greg Smith	House District 59. Testifies in support of HB 3363. Introduces HB 3363 and explains its provisions.
070	Rep. King	Explains his ideas for amendments. Speaks against shooting wolves. Supports compensation for livestock owners.
078	Katie Cate	Oregon Cattlemen's Association. Explains shortcomings in current compensation programs.
132	Rep. King	Speaks in favor of his amendment ideas.
144	Sharon Beck	Rancher, Eastern Oregon. Explains issue of wolf predation on livestock.
163	Rep. King	Asks Rep. G. Smith if he wants HB 3363 to give livestock owners the ability to shoot a wolf on site because it is a predator, or be able to shoot a wolf that is in the process of taking livestock.
169	Rep. G. Smith	Answers that he is trying to provide a mechanism for his constituents to protect their wildlife and personal safety.
174	Rep. Ackerman	Asks how programs are administered and who has authority to destroy and eradicate an animal when it is declared predatory.
188	Rep. G. Smith	Answers that the emphasis is to keep the wolves in Idaho and out

202	Rep. Ackerman	of Oregon. Argues that the details of who has authority to take animals should be left to the Department of Fish & Wildlife.
209	Cate	Asks who administers the programs and how it is implemented. Answers that the statutory definition of predatory animals gives landowners authority to destroy animals when they are on their land. Expresses doubt that a state agency would be highly involved in the process.
226	Rep. T. Smith	Asks if Rep. King's idea for compensation would work.
231	Beck	Answers that it would not work because that livestock owners could not keep track of livestock to know when and how they may have died.
239	Rep. T. Smith	Asks how many cattle wolves are taking.
240	Beck	Answers that in Oregon, there have been none.
241	Rep. T. Smith	Asks if the wolf population is on the rise in Oregon.
242	Beck	Answers that there have been a number of sightings, but it is difficult to distinguish from pure wolves and wolf hybrids.
262	Chair Kropf	Asks if wolf hybrids exhibit the same predatory characteristics as pure wolves.
268	Beck	Answers that she does not know for certain. States that it is difficult to tell the difference.
287	Rep. Krieger	Discusses similar situation of Hart Mountain antelope population and coyote control.
306	Rep. G. Smith	Answers yes.
313	Chair Kropf	Asks if there has been verifiable damage from wolves yet.
319	Beck	Answers no.
321	Megan Nelson	Rancher. Answers no, but there could have been damage if sighted wolves had been in the same area as their cattle.
345	Cate	Submits and reads prepared testimony in support of HB 3363 (EXHIBIT A) .
421	Chair Kropf	Asks how HB 3363 would relate to the federal protection of wolves as an endangered species.
430	Cate	Answers that federal law supercedes state law.
441	Chair Kropf	Asks what the sanctions are for taking the life of a protected wolf.
444	Cate	Answers that there is a large penalty and jail time, but she is unsure of the specifics.
449	Rep. Ackerman	Asks for a background of what discussions have taken place with regulatory agencies regarding the formation of a management plan and wonders if that is the best way to address the issue rather than declare the animals as predatory.
466	Beck	Answers that all stakeholders were present at meetings. Suggests that the introduction of wolves into Idaho was "by default an introduction of wolves into Oregon," because they will not stay where they were introduced. Notes that the intention is not to develop a management plan, because they don't want another predator is not wanted in Oregon.
TAPE 45, A		
047	Rodger Huffman	Administrator, Animal Health and Identification Division, Oregon Department of Agriculture (ODA). Explains statutory provisions regarding wolf populations.
108	Roy Elicker	Legislative Coordinator, Oregon Department of Fish & Wildlife (ODF&W). Submits and reads prepared testimony (EXHIBIT B) .
173	Rep. Doyle	Asks what the likelihood would be of the federal government

		moving quicker to enact laws to help with the wolf issue if Oregon took action first.
179	Elicker	Answers that he does not know.
182	Rep. Doyle	Suggests that it may be premature for Oregon to act until federal action is taken.
185	Elicker	Explains ability and resources of various agencies to handle the issue.
199	Chair Kropf	Asks if ODA has resources to handle the issue.
201	Huffman	Answers that there would be no fiscal impact on ODA.
213	Rep. Ackerman	Asks if Oregon would be in violation of federal law if HB 3363 were passed and wolves were declared predatory.
219	Elicker	Answers yes.
220	Rep. Ackerman	Asks if federal law preempts HB 3363 from being enacted.
221	Elicker	Answers yes.
225	Rep. Ackerman	Asks if the situation would be the same if the animal were taken on private property.
227	Elicker	Answers yes.
230	Rep. Krieger	Asks what would happen if animal owners were required to mark their animals as predatory.
240	Huffman	Explains difficulties in differentiating between wolves and wolf hybrids.
271	Rep. T. Smith	Asks what landowners do if a wild dog was chasing livestock.
274	Huffman	Answers that under statute dogs could be taken.
276	Rep. T. Smith	Asks how a landowner would know the difference between a wild dog and a wolf.
280	Huffman	Answers that he does not know.
282	Rep. T. Smith	Asks how Idaho is handling the issue.
288	Mark Henjum	Answers that in Idaho the wolves are a non-essential experimental population.
294	Rep. T. Smith	Asks for clarification about experimental, non-essential population.
296	Henjum	Clarifies.
303	Rep. T. Smith	Clarifies that wolves may be taken in Idaho, but not in Oregon.
305	Henjum	Concurs.
311	Rep. T. Smith	States that landowners should have the right to protect their livestock.
317	Chair Kropf	Asks if the same laws in Idaho would apply to Oregon if the federal government reclassified wolves.
322	Henjum	Answers that the laws may not be exactly the same, but it would loosen restrictions for landowners to protect their livestock.
333	Chair Kropf	Asks if there is any idea when the federal government may act.
337	Huffman	Answers that a proposal was made for a decision to be made by July.
348	Chair Kropf	Asks what would happen if a rancher killed an animal not knowing that it was a wolf. Wonders if he would be in violation of federal law.
367	Huffman	Answers that federal and state laws are unclear and different in Oregon and Idaho where wolves are classified differently.
384	Henjum	Answers that ODA advises ranchers not to take action to avoid legal issues and to contact the Fish & Wildlife service.
398	Rep. Hopson	Asks how many times that instance has occurred.
400	Henjum	Answers that he does not know. Cites example of rancher whose calf had been killed and suspected that it was the result of a wolf and explains how agencies worked to offer rancher necessary

432	Rep. King	help. Asks if there would be a possibility of an abbreviated compensation method.
455	Henjum	Answers that it is difficult to determine if animal was taken by predator or died by other means. Explains that compensation would be difficult.
TAPE 44, B		
021	Rep. King	Clarifies that his question was about an observed instance of wolf attack. Proposes that rather than killing the wolf in the act of attacking livestock, compensate the livestock owner for his loss.
035	Henjum	Answers that he is not the right person to answer the question.
038	Rep. King	Asks if some type of compensation "is workable," or if would result in too much bureaucracy.
043	Henjum	Answers that he is not sure ODA would have enough staff to implement such a program. States that it would be difficult, but not unworkable.
050	Chair Kropf	Asks what the cost would be to raise a wolf in captivity and release it.
053	Rep. King	Responds that the cost of raising a wolf would be a fraction of the cost of what the wolf would represent to an overall experiment.
062	Elicker	Answers that ODF&W does not know how much it would cost to raise a wolf in captivity.
066	Rep. T. Smith	States that wolves are "cagey." Wonders if the only way to tell if it is a wolf is to take the dead animal to a lab for testing.
073	Henjum	Answers that some wild wolves in Idaho have radio collars.
078	Rep. T. Smith	Expresses concern that "landowners are being singled out to bear the brunt of saving an endangered species."
087	Chair Kropf	Asks if there is pressure on rancher to "shoot, shovel, and shut up."
097	Elicker	Answers yes.
103	Rep. Krieger	States that he does not believe compensation would work.
130	Chair Kropf	Asks if government were to re-classify the animal in Oregon with a provision for a landowner to protect his property, would the result be the same as if the state asked for a waiver to implement a management plan that would allow a landowner to protect his property.
143	Huffman	Answers that it would be difficult to determine. Explains the different state and federal classifications and provisions for taking an animal.
161	Henjum	Points out that animals could be re-classified to threatened status rather than endangered, but management plans for the state would have to be approved by the federal government.
172	Chair Kropf	Clarifies that federal government would have to approve the plan.
173	Henjum	Answers yes.
174	Rep. T. Smith	Asks how long it would take.
175	Henjum	Explains the example of Michigan having a wolf population of 2000 and still not having a federally approved management plan.
182	Rep. T. Smith	Asks if it would be state rights issue.
187	Chair Kropf	Responds that it is a policy question that the witnesses probably could not answer. Restates issue of protecting property relating to the Endangered Species Act.

210	Elicker	States that he does not feel appropriate addressing the legal issues.
224	Jim Welsh	Oregon Family Farm Association (OFFA). Testifies in support of HB 3363. Explains importance of keeping wolves out of Oregon for the benefit of industries and the state.
288	Glen Stonebrink	Oregon Cattlemen’s Association. Discusses state and federal law. Gives history of states’ rights vs. federal jurisdiction.
361	Chair Kropf	Closes public hearing on HB 3363. Adjourns meeting at 4:51 p.m.

Submitted By,

Reviewed By,

Michael Reiley,
Committee Assistant

Ray Kelly,
Committee Administrator

EXHIBIT SUMMARY

A – HB 3363, written testimony, Katie Cate, 2 pp.

B – HB 3363, written testimony, Roy Elicker, 2 pp.