

HOUSE COMMITTEE ON NATURAL RESOURCES SUBCOMMITTEE ON AGRICULTURE AND FORESTRY

April 30, 1993 Hearing Room D 1:00 p.m. Tapes 74 - 78

MEMBERS PRESENT: Rep. Liz VanLeeuwen, Chair Rep. Ray Baum Rep. Marilyn Dell Rep. Sam Dominy Rep. Dennis Luke Rep. Chuck Norris

MEMBER EXCUSED: Rep. Bill Fisher Rep. Tim Josi Rep. Bill Markham

STAFF PRESENT: Catherine Fitch, Committee Administrator Sue Nichol, Committee Clerk

MEASURES CONSIDERED:

HB 2538, as proposed for amendment - Public Hearing

WITNESSES: Rep. Veral Tarno, District 48 Charles Woosley, Izaak Walton League Jean Shaffer, Sierra Club Steven Kafoury, Oregon Chapter of the Wildlife Society American Fisheries Society Larry Hill, Northwest Sportfishing Industry Association Liz Hamilton, Northwest Sportfishing Industry Association Dave Moscovitz, Oregon Trout Paul Morehead Paul Schanno, Oregon Wheat Sharon Beck, Oregon Cattlemen's Association Mack Birkmaier, Oregon Cattlemen's Association Paul Ellis, Oregon Wheat Gus Markgraf, Baker County Livestock Association Bill Markgraf, Baker county Livestock Association Wayne Scherer, Cranberry Industry Gary Gant, Cranberry Industry Steve Gant Jim Jacksom Tom Rugg, Oregon Cattlemen's Association Van Decker, Harney County Stockgrowers

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These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes. [--- Unable To Translate Graphic ---]

Jeff Shaw, Oregon Wheat Norma Jean Wright, Douglas County Farm Bureau Stan Hendy Rod Childers, Oregon Cattlemen's Association, Wildlife Committee Mack Birkmaier E. Van Blaricom, Oregon Cattlemen's Association Ken Evans Guy Orcutt, Association of Northern Steelheaders Frank Cochrane Fred Cholick Steven Fair Ernie Niemi Michael Williams Mike Miller, Associated Oregon Loggers, Inc. Greg Miller, Oregon Forest Industries Council Ray Wilkeson, Oregon Forest Industries Council

TAPE 74, SIDE A

005 CHAIR VanLEEUVEN: Calls the meeting to order at 1:10.

PUBLIC HEARING ON HB 2538A

050 REP. VERAL TARNO, District 48: Cranberry Farmers are being hurt by water rights filed by the Department of Fish and Wildlife. Concerned

with fish stocks in the coastal areas. Also concerned with the possible listing of the coho salmon as a threatened and endangered species.

Speaks in favor of HB 2538, as amended, which would modify the policies under which the Oregon Department of Fish and Wildlife (ODFW) operates and is organized.

100 CHARLES WOOSLEY, Izaak Walton League: Reads testimony in opposition to HB 2538 (Exhibit A) as it would be detrimental to Oregon's fish and

wildlife resources.

299 REP. BAUM: Everything that is not legislative in government is either judicial or executive. This department is clearly under the governor of this state. The amendments actually strengthen the Commission's role so the Commission actually runs the Department, rather than being a

mishmash of no one in charge, except the governor.

318 JEAN SHAFFER, Sierra Club: Reads testimony in opposition to HB 2538 (Exhibit B). The Sierra Club opposes the proposed amendments because

the mission of ODFW would be completely and inappropriately changed and the amendments could bring about severe economic impacts to the state

related to the management of wildlife.

TAPE 75, SIDE A

107 STEVEN KAFOURY, Oregon Chapter of the Wildlife Society, American Fisheries Society: There is a need for a lot of science in these areas. The problem must be analyzed before a solution is implemented.

143 LARRY HILL, Northwest Sportfishing Industry Association: Introduces Liz Hamilton, executive director.

148 LIZ HAMILTON, Northwest Sportfishing Industry Association: Testifies in opposition to HB 2538. Reads testimony in Exhibit C. Critical habitat

for the state's sportfisheries must be maintained by the ODFW.

195 HILL: Summarizes articles concerning coho salmon season limitations. (Exhibit C).

218 DAVE MOSCOWITZ, Oregon Trout: Submits written testimony in opposition to the bill (Exhibit D). Requests opportunity to testify at the next

hearing when more time would be available.

281 PAUL MOREHEAD: Testifies in favor of HB 2538. Reads testimony in (Exhibit E). ODFW has mismanaged deer and elk herds and has little

regard for landowner rights.

375 REP. DOMINY: Are you personally affected by Fish and Wildlife on your property?

388 MOREHEAD: I am ultimately affected by the effects those around me feel.

402 PAUL SCHANNO, Oregon Wheat: Testifies in favor of HB 2538. Explains problems he faced in his request for information from ODFW.

TAPE 74, SIDE B

058 SHARON BECK, Oregon Cattlemen's Association: Testifies in favor of HB 2538 because ODFW have mismanaged big game. Reads testimony in Exhibit

F.

103 MACK BIRKMAIER, Oregon Cattlemen's Association: Testifies in favor of HB 2538. Landowners need compensation for their losses due to wildlife

damage.

179 REP. NORRIS: Can you think of a practical way to compensate for damage?

183 BIRKMAIER: I don't think it's reasonable. I don't think Oregon can pay for it.

194 BECK: We could raise the elk with a market value attached to them.

208 PAUL ELLIS, Oregon Wheat: Testifies in favor of HB 2538 because of his problems with deer and elk damage. Reads testimony in Exhibit G.

253 GUS MARKGRAF, Baker County Livestock Association: Testifies in favor of HB 2538. These issues have been worked on for 30 years with no success. Oregon statute does not direct a cooperative working relationship

between the people who manage the animals and the people who provide the habitat. This is the cause of the continuing problem.

314 BILL MARKGRAF, Baker County Livestock Association: Testifies in favor of HB 2538. Explains problems with deer, elk and pheasants.

349 REP. NORRIS: Is it difficult to scare the elk out of the area?

357 MARKGRAF: They would leave, but would come right back again.

382 WAYNE SCHERER, Cranberry Industry: Concerned with water disputes with ODFW. Testifies in favor of HB 2538.

TAPE 75, SIDE B

072 GARY GANT, Cranberry Industry: Testifies in favor of HB 2538 because of frustration with ambiguity of policies.

102 STEVE GANT: Testifies in favor of HB 2538. Explains problems with ODFW protecting streams for salmon that can't support salmon.

158 JIM JACKSON: Testifies in favor of HB 2538. Gives example of water right application problem because of ODFW.

235 TOM RUGG, Oregon Cattlemen's Association: Reads testimony in favor of HB 2535 (Exhibit H). Explains elk and deer problem on his ranch.

293 REP. NORRIS: They're not following their natural tendencies to go up in the mountains during the summer and down in the winter?

295 RUGG: No.

313 VAN DECKER, Harney County Stockgrowers: Testifies in favor of HB 2538. Concerned with increasing number of elk and decreasing number of deer in the area. Wants compensation for wildlife damage. Wants input in

helping ODFW in determining the management objective numbers in wildlife planning. Is concerned that ODFW files instream water rights for more water than is in the stream.

348 JEFF SHAW, Oregon Wheat: Reads testimony in favor of HB 2538 (Exhibit I). Concerned with elk and deer damage on his ranch. Shows video of

elk on his ranch.

TAPE 76, SIDE A

[369 The tape up to this point had information from another hearing on it.]

369 NORMA JEAN WRIGHT, Douglas County Farm Bureau: Testifies in favor of HB 2538. Whitetail deer are mismanaged in their area. Distributes

information in Exhibit J.

TAPE 77, SIDE A

069 STAN HENDY: Testifies in favor of HB 2538 because of the problems with wildlife in his area.

107 REP. LUKE: Do you allow private hunters on your property?

111 HENDY: No.

131 REP. DOMINY: They told you they couldn't help you because of Measure 5?

135 HENDY: Yes. They did give me some blanks to scare them off.

161 ROD CHILDERS, Oregon Cattlemen's Association, Wildlife Committee: Testifies in favor of HB 2538 because it will go a long way in resolving many landowner issues with the ODFW.

217 REP. DELL: Has there been a study done on a dollar impact of the damage done by wildlife?

230 CHILDERS: I can try to get that.

236 MACK BIRKMAIER: There was a study done by Willowa County in 1977 that came up with affidavits of loss of over \$500,000.

270 E. VAN BLARICOM, Oregon Cattlemen's Association: Supports HB 2538 as ODFW is unresponsive. Certain species have been allowed to exceed the

carrying capacities of the public domain.

398 REP. NORRIS: Is your testimony to make the deer herd more healthy inconsistent with the other testimony to get rid of the deer?

TAPE 76, SIDE B

004 BLARICOM: If the survival rates were 60%, then we wouldn't need a large breeding herd and we could get rid of half of the breeding cows.

010 REP. NORRIS: How would you get rid of the excess cows?

012 BLARICOM: Shoot them.

017 KEN EVANS: Submits testimony from Michael Smith (Exhibit K), Grant County Wildlife Advisory Board (Exhibit L), and John Coombs (Exhibit M) in favor of HB 2538.

038 REP. DOMINY: Are all three people in support of the bill?

040 EVANS: Yes.

050 GUY ORCUTT, Association of Northern Steelheaders: Testifies against HB 2538 because of his concerns for water rights for fish.

119 Suggests redefining primary use. 129 REP. DOMINY: Where do you live? Would you want 100 head of deer in your backyard?

131 ORCUTT: In Portland. I'm not concerned with elk management. If this is an elk management bill, this should be written as such.

168 FRANK COCHRANE: Reads testimony in opposition of HB 2538 (Exhibit N). Also submits endorsement sheets with 52 signatures of people who agree

with his testimony (Exhibit N). Lists 13 undesirable features of the bill.

228 REP. NORRIS: Do you discount everything those who previously testified said?

230 COCHRANE: No, I think other solutions need to be worked out.

240 FRED CHOLICK: Reads testimony in favor of HB 2538 because ODFW has lost its direction in how to manage wildlife (Exhibit O).

287 STEVEN FAIR: Testifies in opposition of HB 2538 because our habitat needs to be preserved before it is an emergency.

381 ERNIE NIEMI: Testifies against HB 2538. Summarizes testimony in Exhibit P. HB 2538 would jeopardize Oregon's economy and its quality of life.

TAPE 77, SIDE B

068 REP. DOMINY: Do you support or oppose the bill?

074 NIEMI: I'm just speaking of the provisions that would link the Department's activities more closely to historical land uses and lower

the Department's emphasis on maintaining fish and wildlife populations.

082 MICHAEL WILLIAMS: Testifies in opposition to the bill so nature will not be exploited.

140 REP. LUKE: It doesn't do any good to save the farmland if you don't save the farmer.

174 MIKE MILLER, Associated Oregon Loggers, Inc.: Testifies in favor of the bill so that primary use of the land would be considered in the

regulation of wildlife populations. Summarizes testimony in Exhibit Q.

323 GREG MILLER, Oregon Forest Industries Council: Summarizes testimony in favor of HB 2538 (Exhibit R). Primary uses of state forest lands are in conflict with ODFW recommendations.

TAPE 78, SIDE A

091 RAY WILKESON, Oregon Forest Industries Council: Testifies in favor of the bill. Summarizes testimony in Exhibit S. ODFW has not acted in

recent years in a manner that is consistent with the overall best interests of the people of the state. 228 REP. NORRIS: Would the passage of this bill improve the situation?

230 WILKESON: We believe it would by taking into account private land uses.

245 KEN EVANS: Reads testimony in favor of HB 2538 (Exhibit T). Is concerned about the time and effort that ODFW is spending on habitat and recreation management on National Forest land.

317 CHAIR VanLEEUEWEN: Closes public hearing on HB 2538.

Meeting adjourned at 4:50.

Also submitted for the record: - Testimony in favor of HB 2538 by Phil Hassinger (Exhibit U). _ Testimony in opposition to HB 2538 by the following: Homer J. Campbell (Exhibit V) Don Bowen (Exhibit W) Sharon Harmon, Oregon Humane Society (Exhibit X) Jeff Waarvick, Waarvick & Waarvick, Attorneys at Law (Exhibit Y) Glen H. Spain, Pacific Coast

Federation of Fishermen's Associations, Inc. (Exhibit Z) Edward Danehy (Exhibit AA) Paul Ketcham, Audubon Society of Portland (Exhibit BB) - Testimony in opposition to HB 3505 by Don Foster (Exhibit CC) - Fax concerning HB 2538A from Frank Cochrane (Exhibit DD) - Testimony from Steve Berline (Exhibit EE) - Article from Jack Ward Thomas (Exhibit FF)

Submitted by:

Reviewed by:

Sue Nichol
Administrator

Catherine Fitch Clerk

EXHIBIT LOG:

A - HB 2538 - Testimony - Chuck Woosley - 7 pages B - HB 2538 - Testimony - Jean Shaffer - 5 pages C - HB 2538 - Testimony - Liz Hamilton - 4 pages D - HB 2538 - Testimony - Dave Muscovitz - 3 pages E - HB 2538 - Testimony - Paul Morehead - 2 pages F - HB 2538 - Testimony - Sharon Beck - 2 pages G - HB 2538 - Testimony - Paul Ellis - 2 pages H - HB 2538 - Testimony - Tom Rugg - 1 page I - HB 2538 - Testimony - Jeff Shaw - 1 page J - HB 2538 - Information - Norma Jean Wright - 3 pages K - HB 2538 - Testimony - Michael Smith - 1 page L - HB 2538 - Testimony - Grant County Wildlife Advisory Board - 6 pages M - HB 2538 - Testimony - John Coombs - 1 page N - HB 2538 - Testimony - Frank Cochrane - 15 pages O - HB 2538 - Testimony - Fred Cholick - 1 page P - HB 2538 - Testimony - Ernest Niemi - 2 pages Q - HB 2538 - Testimony - Mike Miller - 27 pages R - HB 2538 - Testimony - Greg Miller - 61 pages S - HB 2538 - Testimony - Ray Wilkeson - 4 pages T - HB 2538 - Testimony - Ken Evans - 2 pages U - HB 2538 - Testimony - Phil Hassinger - 1 page V - HB 2538 - Testimony - Homer J. Campbell - 2 pages W - HB 2538 - Testimony - Don Bowen - 3 pages X - HB 2538 - Testimony - Sharon Harmon - 1 page Y - HB 2538 - Testimony - Jeff Waarvick - 2 pages Z - HB 2538 - Testimony - Glen H. Spain - 4 pages AA - HB 2538 - Testimony - Edward Danehy - 1 page BB - HB 2538 - Testimony - Paul Ketcham - 4 pages CC - HB 3505 - Testimony - Don Foster - 1 page DD - HB 2538 - Testimony - Frank Cochran - 1 page EE - HB 2538 - Testimony - Steve Berline - 2 pages FF - HB 2538 - Information - Jack Ward Thomas - 6 pages