

February 7, 2024

House Committee on Agriculture, Land Use, Natural Resources, and Water
Committee Chair Ken Helm
Vice Chair Annessa Hartman
Vice Chair Mark Owens
Members of the Committee

Re: Statement to Oppose HB 4061

Dear Chair Helm and Vice-Chairs Hartman and Owens, Members of the Committee;

As a landowner of Grazing/Forest land adjacent to Umatilla National Forest I am aware of the issues elk can cause to private landowners, as well as the benefit of their presence. However, there are several problems with this bill outlined below. The bill also begs the question - is this the best use of taxpayer money and how is the public served by this bill?

The bill does not identify clear objectives or how they will be achieved via stated interventions, nor does it offer alternatives. Any further use of lethal takes for elk management must cease.

Sec. 1(1) It needs a list of best preventive measures now, not after a 5-year pilot period.

Sec. 1(2) Needs to weigh elk damage related to other contributing factors such as weather, irrigation, other pests, extenuating circumstances, owner negligence, changes, or other.

Sec. 1(2)(b) Eligibility requirements exclude most Coastal landowners and all but large landowners on the eastside.

Sec. 2(3) Does not designate a specific geographic region where patterns of behavior based on localized conditions and events can be evaluated.

Sec. 3 No basis in science or in existing or past practices

The Legislative Policy and Research Office, Workgroup Final Report Elk & Deer Damage Compensation, December 29, 2023¹ is the groundwork and framework for the bill. I suggest you refer instead to the following research and resources to address this complex issue:

Wildlife damage:

Testimony heard in the House Committee on Climate, Energy and Environment on February 5, 2024, by Stan Steele (sp?) a trapper from Alsea, raised a good question – how many of the

¹ [https://www.oregonlegislature.gov/committees/2023I1-HALNRW/WorkgroupDocuments/Final%20Report%20-%20\(12.29.2023\).pdf](https://www.oregonlegislature.gov/committees/2023I1-HALNRW/WorkgroupDocuments/Final%20Report%20-%20(12.29.2023).pdf)

State's wildlife will the People have to provide damage compensation for? There is already a Wolf Compensation Fund, soon to be a Beaver Program, and now a proposed Elk & Deer Damage Fund.

Blue Mountains Forest Plan Revision

The BMFPR is not mentioned in the bill or in the Workgroup document and is an essential partner to address this issue. The BMFPR covers over 5.5 million acres of connected national forests: Wallowa-Whitman, Umatilla, and Malheur located in the NE corner of Oregon and SE Washington.² There are thousands of acres of adjacent private lands and regardless of ownership all lands are inter-related.

Elk are an integral part of the greater ecosystem, its connectivity, and the private/public interface. We have a great opportunity to get policy right for the first time in our collective history. I invite and encourage the Oregon Legislature, along with all interested individuals and groups, to work with the BMFPR process to address overlapping needs of public/private resources, as well as our co-existence with our biosphere – interconnected and shared by all.

Indicator species

An indicator species is an organism whose presence, absence or abundance reflects a specific environmental condition. Indicator species can signal a change in the biological condition of a particular ecosystem, and thus may be used as a proxy to diagnose the health of an ecosystem.³

Elk are an indicator species. Located within the Wallowa-Whitman National Forest is the research facility, Starkey Experimental Forest, and Range, where the best research on elk behavior has been conducted in association with the Pacific Northwest Research Station. This research speaks to the relationship of elk and forest practices, trail-based recreation (ATV riding, mountain bike riding, hiking, and horseback riding), motorized traffic on forest roads, forage utilization and much, much more. This research should be utilized in all policy and fiscal decisions going forward.⁴ The State needs to partner with private and federal stakeholders in each geographic area to resolve emerging biosphere issues.

Wildlife Corridors – East and West of Cascades

We need wildlife corridors between private/public lands to make it easier for wildlife to travel across the landscape. Wildlife do not recognize tax lots or geo-political boundaries. Private landowners could provide essential lands for this purpose, including planting forage strips for late season to enhance graze lost to cattle and climate conditions. We need some degree of forest rehabilitation to improve grass lands on public lands while retaining cover. We need to reduce roads and motorized use and close roads seasonally in areas long established as elk habitat. This and so much more is possible with our USFS partners.

² <https://www.fs.usda.gov/detail/umatilla/home/?cid=fseprd1066821>

³ <https://www.eopugetsound.org/articles/indicator-species>

⁴ <https://www.fs.usda.gov/research/treesearch/56220>

Habitat destruction or interruption causes wildlife displacement. Clear-cutting blocks of timber on private lands, owned by investment companies and others, under the jurisdiction of the Oregon Department of Forestry needs a hard look from you and the agencies, to revise policy that allows this activity to strip watersheds, which destroys local communities' drinking water sources, produces hazardous non-point runoff into our oceans and marine reserves, destroys habitat and displaces wildlife. The Oregon Legislature should prioritize the elimination of antiquated and harmful logging practices throughout our great state. Logging and thinning displace elk secondary only to motorized travel.

Wildlife Friendly Fence

Pass statewide legislation to mandate Wildlife Friendly Fence. There are numerous guides and recommendations, some mentioned in the Workgroup Final Report. Oregon's Masterplan should be amended to require County Committees to fund conversion/replacement programs through their NRCS, SWCD, and other existing state and federal programs. Consider constructing knock-down fencing built using figure 4s, which are highly effective to withstand elk, cattle, deer, and other wildlife crossings. Another option is buck-rail fence, which could utilize the poles being thinned in forestry projects across the state and currently wasted by chipping or burning.

Wildlife Feeding and Viewing Areas

Requiring Oregon's taxpayers to subsidize landowners for wildlife activity, as outlined in HB 4061, is not a good investment. A better investment to help alleviate elk pressure on private land, backed by science, are areas set aside to winter wildlife, as in ODFW's Elkhorn Wildlife Area in Union County⁵. Another, is the National Elk Refuge located in Jackson's Hole, Wyoming⁶. Again, lots of science, and a long history of the program's efficacy. A great opportunity for private/public partnership without mass killings, more fences, and uncertain outcomes. Wildlife Areas are a great investment of public funds to serve the public.

In conclusion, the elk and deer damage and damage by all other wildlife species, is not something I believe justifies taxpayer money to provide relief to private landowners. I would also like to see the Legislature re-visit existing compensation programs for their purpose, efficacy, and justification. We are all in a paradigm shift. Life as we know it will not be the same going forward. This is the ongoing path of evolution. Change is the only constant and adaptability is essential for survival. Economies based on forest products are disappearing. Resource extraction industry on public land will become a distant mistake. How we farm and ranch to maintain sustainable profitability will remain challenging. We must all, do no harm.

Again, I oppose HB 4061 – we can do better to find solutions across the broader landscape that serve the best interests of all.

Respectfully submitted,
Susan Byrd, Umatilla County

⁵ https://www.dfw.state.or.us/wildlife/management_plans/wildlife_areas/docs/elkhorn.pdf

⁶ <https://www.fws.gov/refuge/national-elk>