



Oregon

Kate Brown., Governor

Department of Fish and Wildlife

Office of the Director

4034 Fairview Industrial Drive SE

Salem, OR 97302

(503) 947-6044

FAX (503) 947-6042

odfw.com

Date: March 28, 2019

To: The Honorable Michael Dembrow, Chair
Senate Committee on Environment and Natural Resources



Senate Bill 398

Shannon Hurn, Deputy Director for Fish and Wildlife Programs

Dr. Doug Cottam, Wildlife Division Administrator

Mark Kirsch, Watershed Manager

Oregon Department of Fish and Wildlife

The Department appreciates the opportunity to discuss Senate Bill 398. Senate Bill 398 creates a new type of tag and program to address elk depredation without a requirement of actual damage evident on a person's property, but only the stipulation that fifty or more elk are on that person's property for 30 days in a calendar year. For every fifty elk, a person would receive one either sex elk tag valid for the following two years.

This bill does directly conflict with other statutes. Specifically, ORS 497.112 which authorizes the Department to issue tags and charge an applicable fee. The Legislature approves the Department fee schedule, it is not clear if the person selling tags must conform to the fees set by Legislature or can set their own fees or different fees if the hunter takes a bull or cow. Also, ORS 105.688 specifically removes protection from liability of a landowner who charges a fee for recreational purposes including hunting. A person authorized by SB 398 to sell tags would not be immune from liability for personal injury, death or property damage.

SB 398 does not limit the number of elk that may be taken by one person. Currently, Oregon Administrative Rules approved by the Fish and Wildlife Commission do not allow a person to harvest more than one elk during a hunting season, unless the person obtains an emergency hunt tag.

Thank you for the opportunity to comment.

CONTACTS:

Shannon Hurn, Deputy Director, (503) 947-6044