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2023 April 3

Representative Ken Helm, Chair
House Committee on Agriculture, Land Use, Natural Resources and Water

RE: SUPPORT FOR HB3052 -1 AMENDMENT

Dear Rep. Helm & House Committee Members:

I am writing in support of the -1 amendment to HB3052 proposed by Rep. Owens to establish a Task Force on Elk and Deer Damage Compensation Funding.

The evolution of Oregon's wildlife damage laws and implementation programs are a fascinating study in the complex intersection of species biology, state authority and private property rights. In the earliest days of Oregon's history as a territory and then state, there was little regard for restricting the inherent, natural rights of landowners to kill any animal in trespass upon private lands, for any reason. However, as settlement progressed and exploitation of wildlife, primarily for commercial purposes, resulted in severe declines in populations, Oregon increased regulation of harvest while retaining much of the prior recognition of the rights and needs of private property owners, requiring little more from landowners than to obtain a permit to kill wild animals causing damage to their property.

Even with this seemingly unregulated situation on private lands¹, by the early part of the 20th century, Oregon's wildlife managers were coming to the clear recognition that much of Oregon's most productive wildlife habitats and prolific wild animal populations resided or were otherwise associated with private land habitats. Early 1900s land and wildlife assessments concluded authoritatively that it would be impossible to restore Oregon's big game populations without the benefit of private lands and that such conservation would require the cooperation of private landowners.

What followed over the next few decades were multi-faceted cooperative programs, designed by the State Game Commission and landowners for the restoration of rangelands and management of big game populations, including mitigating damage to privately owned and managed habitats. By the 1950s, these efforts had been so overwhelmingly successful, particularly with mule deer, that dramatic reductions in herd sizes were required to bring populations back under carrying capacity. However, by that time, much of the permanent damage to the landscape had already occurred and, mule deer in particular, began a multi-decadal decline. Concurrently, many of Oregon's previously successful cooperative private lands programs disappeared only to be replaced by institutional regulatory measures.

¹ Which, in practice, was far from "unregulated" as property owners then, as now, generally limited their take of wild animals (at least more desirable species) through social, cultural and economic constraints regardless of state regulations.

Fast forward to the 1980s when the escalation of federal timber programs and concomitant growth in elk populations were followed by the 1990's decline in timber harvest, which, combined with changes in resource user behavior, led to the widespread translocation of elk to higher productivity private lands. Unfortunately, though, rather than exploration of the highly successful cooperative ventures of the mid-1900s, Oregon abandoned most all pretenses of working collaboratively with private landowners in favor of increased regulation and restriction, pseudo-incentivizations (e.g., the LOP program) and State wildlife damage programs that fundamentally addressed only the symptoms of wildlife damage rather than root causes.

In a certain sense, we have returned full circle to the decay and decline that plagued Oregon wildlife production through the late 1800s and into the early 20th century and now have in front of us many of the same choices as then.

Then, as is well documented in the literature of the time, our predecessor's first step was to gain an understanding of the scope of the issues through deliberative assessment and first-hand exposure to the problems. This resulted in a common understanding by all "sides", rancher—game manager—public hunter, from which a foundation for future recommendations could be developed.

This is also what the -1 Amendment creating the Task Force proposes to do, remedying what Oregon has failed to do since the 1960s—to use a cliched term, "get people singing from the same sheet of music". Not necessarily to agree with each other but to seek understanding of each other's perspectives.

And in the face of all the pressures that confront us—from an exponentially increasing human population to daily climate challenges—that may be the most important step we can take.

Sincerely,

Shaun W Robertson, Owner
Picnic Creek Ranch