

## HB 4061 A STAFF MEASURE SUMMARY

### House Committee On Agriculture, Land Use, Natural Resources, and Water

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**Action Date:** 02/13/24

**Action:** Do pass with amendments and be referred to Ways and Means by prior reference.  
(Printed A-Eng.)

**Vote:** 8-0-1-0

**Yeas:** 8 - Boice, Gamba, Hartman, Helm, Levy B, Marsh, McLain, Scharf

**Exc:** 1 - Owens

**Fiscal:** Fiscal impact issued

**Revenue:** No revenue impact

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**Meeting Dates:** 2/8, 2/13

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#### WHAT THE MEASURE DOES:

The measure appropriates \$600,000 from the General Fund to the Oregon Department of Agriculture (ODA) and directs ODA to establish and implement an elk damage prevention and compensation pilot program under which ODA may award financial assistance for preventive measures or compensation for certain damages caused by elk to eligible persons.

#### Detailed Summary

- Directs **ODA to establish and implement an elk damage prevention and compensation pilot** program (pilot program) under which ODA may award financial assistance for preventive measures or compensation for certain damages caused by elk to eligible persons.
- Requires ODA, in consultation with the Oregon Department of Fish and Wildlife (ODFW), to select **two pilot program areas**, one on each side of the Cascade Mountains, and specifies the selection criteria.
- **Specifies the eligibility criteria** for damages, land, persons, and preventive measures included in the pilot program.
- Directs **ODA to establish via rulemaking** the pilot program's enrollment, claim submission and assessment process, terms for awarding compensation for large area barriers, methods for determining compensation amounts, and award prioritization, as well as a list of best preventive measures.
- Establishes the **Elk Damage Prevention and Compensation Fund** (fund) and appropriates \$600,000 from the General Fund to ODA for deposit in the fund.
- Requires **ODA and ODFW to provide reports** on the outcomes of the pilot program to a natural resources related interim legislative committee as soon as there is sufficient data, and no later than September 15, 2028, and specifies report requirements.
- **Sunset January 2, 2030**, and specifies that any money remaining in the fund after the measure's sunset is reverted to the General Fund.
- Takes effect on the 91st day following adjournment sine die.

#### ISSUES DISCUSSED:

- Effect of elk damage on hay growers
- Reasons why elk can favor agricultural land over public land
- Impact of elk on gardeners
- Geographic distribution of the pilot program

#### EFFECT OF AMENDMENT:

The amendment changes certain eligibility criteria related to hunting access and applicant residency and specifies language related to best preventive measures regarding elk damage as well as related to fencing design

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standards. The amendment adds an appropriation of \$600,000 from the General Fund and provides that all interest earned by the Elk Damage Prevention and Compensation Fund is credited to the fund.

### Detailed Summary

- **Changes the eligibility criterion** that no access fee is charged for hunting on the land to an eligibility criterion **that no compensation is received** in exchange for, or relates to, providing permission for a person to hunt on the land.
- Requires that, to be eligible for the program, **a person lives on, or leases eligible land for at least six consecutive months in the prior calendar year.**
- Changes the eligibility requirement for a person to **own** the damaged crops or infrastructure, to a requirement for a person to **control** said crops or infrastructure.
- Excludes persons who **merely own real property or pay property taxes in Oregon**, or persons who **claim resident privileges in another state or country** from the program.
- Removes specification between large areas and small areas in regard to eligible preventive measures.
- Specifies that, to be eligible for the program a person must previously have used **one or more** best preventive measures to prevent elk damage **in the last five years.**
- Clarifies language related to the program's verification and award prioritization process.
- **Adds 'nonlethal deterrence activities'** to the measures that need to be included in ODA's list of best preventive measures and specifies that the provision of hunting access as a preventive measure must occur without receiving compensation.
- Requires **ODA to design standards for large area barriers in consultation with ODFW**, and to include those standards in terms for awarding compensation for large area barriers.
- Adds an **appropriation of \$600,000** from the General Fund.
- Specifies that all interest earned by the Elk Damage Prevention and Compensation Fund is credited to the fund.
- Makes minor language adjustments for readability.

### **BACKGROUND:**

Wildlife in Oregon is a public resource that is managed by the state for the benefit of its populace. State laws recognize the significant value of wildlife, while also requiring management and regulation that balances diverse values, interests, and impacts. While damage compensation programs exist for certain other species in Oregon, currently, no such program exists for damage caused by elk. During the fall of 2023, the House Interim Committee on Agriculture, Land Use, Natural Resources, and Water convened a workgroup on this issue co-chaired by Representative Ken Helm and Representative Bobby Levy.