

Exhibit B

2011 Oregon Big Game Regulations

Supplemental Public Correspondence

**Public correspondence received
as of September 27, 2010**

Michelle Tate

From: ODFW Commission
Sent: Monday, September 27, 2010 8:30 AM
To: Michelle Tate
Subject: FW: Crossbows in Archery Season
Importance: High

Michelle:

For Commission this week.

Teri Kucera

From: craig starr [mailto:starrcs@peak.org]
Sent: Saturday, September 25, 2010 2:04 PM
To: odfw.commission@state.or.us
Cc: 'Roy Elicker'; 'Ronald Anglin'; 'Thomas Thornton'
Subject: Crossbows in Archery Season

September 24, 2010

Dear Fish and Wildlife Commission members and Director Elicker,

I recently received a notice from Tom Thornton that ODF&W will propose to allow disabled persons to use crossbows during archery seasons for consideration at your meeting on September 30th and October 1st in Bend. I appreciate the "heads up" from Tom so that I can provide some comments on the proposal.

On behalf of Oregon Bow Hunters (OBH), I would like to make the following points:

- **Position** -- OBH opposes allowing use of crossbows during archery seasons established for use of a hand-held bow and arrow.
- **Reasoning** -- The attributes of a crossbow (e.g., the shoulder stock, the full-cock capability, the integral trigger/safety mechanism, the ability to shoot while using a rest, the ready compatibility with a scope sight, the potential for use by poachers, etc.) have more in common with rifles than they do hand-held bows and arrows. Experience has shown in other states where crossbows are allowed to be used during archery seasons that the crossbow is considerably more effective than the hand-held bow and arrow. OBH is concerned that ODF&W would not be able to effectively hold the line on use of crossbows during archery season once that door is cracked open for disabled hunters. OBH believes that opening the door to use of crossbows during archery seasons even a little will eventually result in lost hunting opportunities for users of a hand-held bow and arrow, and we strongly oppose that prospect.
- **Possible alternatives** -- Rather than the total ban on use of crossbows that we now have in Oregon, allowing them to be used during rifle seasons or in their own special season might be alternatives to allowing their use during archery seasons. In the first case, there would be little, if any, potential for users of a hand-held bow and arrow to lose hunting opportunity because allowing use of crossbows during a rifle season is not likely to increase the current overall rifle harvest. If crossbow users at least had a separate season rather than being allowed for use them during archery seasons, the increased effectiveness of the crossbow could be managed separately so it wouldn't have to impact the seasons established for use of a hand-held bow and arrow.

If crossbows are permitted for use in archery seasons as the first crack out of the box, we know from other experiences with ODF&W pilot programs that the chance of ever getting that changed if the practice proves detrimental to the interests of archers using hand-held bows and arrows

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ranges from slim to none! If use of crossbows is going to be allowed by ODF&W at all, we want it done from the get-go in such a way that all current hunter groups (rifle/muzzleloader/archery) share the adverse impacts and not just have all of the impacts fall on archery hunters who use hand-held bows and arrows.

An alternate approach could effectively serve as an ADA defense against any need to allow crossbows to be used during archery season. The ADA requires reasonable accommodation for a disability -- it doesn't necessarily allow disabled individuals to dictate the circumstances of the accommodation provided for their disability. Individuals who want to be able to have both the increased effectiveness of a crossbow and the advantage of relatively lengthy, nearly state-wide archery seasons are asking for the best of both the rifle and archery worlds -- something that no other Oregon hunters have!! Bowhunters using a hand-held bow and arrow willingly give up the advantage of harvest effectiveness in return for additional hunting opportunity -- we don't want that opportunity threatened or reduced because some people want the best of both worlds!!

- **Last resort** -- If ODF&W is forced to allow use of crossbows during archery seasons in order to comply with the ADA, the regulations for their use should be the strongest and most stringent requirements legally possible, including requirements for submittal of detailed medical documentation, such as X-rays, MRI scans, etc., provided by the applicant or his/her physician(s) with the final certification decision to be made by a physician engaged (paid for) by ODF&W. ODF&W should not simply accept a certification from an applicant's physician that the applicant has a qualifying disability -- there are simply too many doctors out there who are willing to certify anything their patients pay them to.

OBH is ready and willing to help ODF&W address the issue of use of crossbows in Oregon. Opening the door to the use of crossbows is an action of major significance and not something that should be rushed through without a lot of careful consideration, including involvement by the current hunting user groups. If this is something that you feel is necessary, I would suggest forming an advisory committee to address the issue and make recommendations for how best to deal with it. Such a committee should include representatives of all of the current hunter groups (rifle/muzzleloader/archery) as well as proponents for the use of crossbows by disabled hunters.

Sincerely,

Craig Starr, President
Oregon Bow Hunters

Michelle Tate

From: David Spaugh [dspaugh@earthlink.net]
Sent: Saturday, September 25, 2010 12:58 AM
To: Thomas Thornton
Cc: Don Whittaker; Michelle Tate; Nick Myatt; Teri Kucera; odfw.commission@state.or.us
Subject: Re: ineffective governance

Thank you for the comprehensive reply, and for your professional tone. I should have used a bit more of that myself in my original correspondence.

I don't envy elements of your jobs, which can't be made easier by extenuating factors such as exploding cougar populations, or islands of private land that effectively shield wildlife from management efforts.

I apologize for the unnecessary part of my comments pertaining to herd counts. For the last two years (while snowmobiling), I have observed 10-15 elk staying in the Dean Creek drainage as late as March. I wonder how many small groups like that are wintering in various other locations? Are cougars or some other factor discouraging some animals from congregating at the feed facilities? The bottom line is that herd counts are not an exact science, and I hope that consideration factors into quota decisions.

Large fee increases will always result in grumbling, and your commission implemented some large fee increases. A suggestion: 3% per year will get the job done with much less fallout. Even better if you can skip every other year. I don't meet many people who tell me they wish ODFW gained a bigger role in their lives each year. I'm not trying to be offensive, that's actually true. No, it doesn't make your job any easier, but you should still consider it.

Also, if you are able to sell a juvenile Sports Pac for \$55, then you are able to sell a juvenile license + elk tag for less than \$57.

Mr. Thornton: I'm grateful for the time spent in writing your reply. I don't automatically doubt the validity of ODFW assessments and the actions taken to address them. I'm simply one of those guys who sees my government growing ever larger and frequently less intelligent (in my opinion). And so occasionally I'm guilty of getting frustrated and complaining or firing off an email to some anonymous email address. My fees went up and my privileges went down, and I complained.

Permit me some additional rationalization:

I'm amazed that agencies of my federal and state government have spent perhaps \$1 million per animal to implement and subsequently manage a wolf reintroduction program (this estimate excludes private \$ accumulated to compensate livestock owners for depredation). I'm amazed that my state government was short-sighted enough to alter cougar hunting regulations in a manner with such predictable detrimental outcomes. Etc.

If you're reading this, I'm sure you didn't have anything to do with banning hounds or choosing to spend resources to manage reintroduced wolves. Even so, in this environment you shouldn't be overly surprised to hear an occasional "Damn! More ineffective governance!" in response to elevated fees and reduced privileges.

If you are the experts, then deploy your expertise in full force whenever state or federal government fouls your mission, and persist until you succeed.

If you can't do that, then your expertise is for naught, and at least some hunters will increasingly wonder what they are paying for.

Best regards,

David Spaugh

----- Original Message -----

From: Thomas Thornton

To: dspaugh@earthlink.net

Cc: Don Whittaker ; Michelle Tate ; Nick Myatt ; Teri Kucera

Sent: Tuesday, September 21, 2010 4:45 PM

Subject: RE: ineffective governance

David:

The Oregon Fish and Wildlife Commission (Commission) asked me to respond to your email. Thank you for taking the time to express your concerns. I have inserted information into the body of your email below.

From: David Spaugh [mailto:dspaugh@earthlink.net]

Sent: Tuesday, August 24, 2010 6:13 PM

To: ODFW Commission

Cc: odfw.info@state.or.us

Subject: ineffective governance

Greetings,

I'm a 45 year old lifetime hunter and fisherman. I have children who are coming of hunting age, and somewhat involved already.

I suspect that we will all hunt and fish less in the future because it's so expensive and over-managed now. A family's worth of licenses is in the hundreds of dollars!

- The Oregon Department of Fish and Wildlife does recognize the significant impact hunting fees have on individuals and families. Although fees were increased by the legislature last year, changes were made to reduce the cost for young hunters which helps many hunting families. The biggest change was the introduction of the Juvenile Sports Pac; other changes include allowing youth to 17 years of age to hunt big game with a juvenile license (and appropriate tag(s)) and creating a Juvenile Turkey Tag.

Add my name to the list of folks who are completely dissatisfied with ODFW.

I know it's good for you folks to justify your positions with ever-expanding regulations paid for with ever-increasing fees. But you should give some thought to the fact that your actual job is to stay on the sidelines, to not expand every year, to not raise prices to such high levels that normal people began to quit hunting & fishing. You don't need an elk "unit" for every elk herd in order to accomplish management objectives.

- The license and tag fee increase in 2010 was the first adopted by the Oregon Legislature for the Oregon Department of Fish and Wildlife in six years. The increase was necessary to sustain core programs in the face of escalating costs. Without the fee increase the agency would have had to cut programs and services to the public. No fee increase would also have reduced the Department's ability to conduct critical work such as annual surveys of deer, elk, and other game species. The Department does

understand the impact higher fees have on hunters but to have waited would have resulted in further program reductions or an even larger increase in the future.

If you are inclined to change the archery season in a unit like 251 from any-elk to bulls-only, you should refrain from doing so until you learn something about bowhunting, and only then if you can demonstrate good reason for doing so.

I live in area 251. There are many elk here, too much feed (just ask the fire boys), and a healthy calf crop. If you have a biologist telling you otherwise, that person is either blind or an anti-hunter working at your agency incognito.

I have eaten a 350-class bull harvested during the peak of the rut. It was a poor eating experience.

I've eaten a lot of cow elk, and they are yummy.

I paid \$29 for a license and \$42 for a tag, and in exchange for these very high fees, I get to hunt under excessively restrictive regulations.

As an Oregon resident, I don't respect what you've done to my hunting experience. I don't recognize apparent wisdom in your actions.

- Factors considered to determine units recommended to have an expanded (one elk) bag limit include for archers and hunters with disabilities permits include:
 - The deer or elk population characteristics in the Unit, particularly:
 - Population level relative to the population Management Objective
 - Recruitment as measured by fawn or calf ratios
 - The number of antlerless firearms tags authorized in the unit
 - The distribution of firearms tags in the unit
- Information considered in making the decision to remove the North Sumpter from the areas allowing the archery/disability harvest of cows included:
 - Sumpter Unit wintering population continues to drop below management objective (MO) of 2,000, in 2009 it was 1,449 (72% of MO), versus 2,340 (117%) in 1998
 - Efforts to stop the decline through reduction of rifle elk harvest have been unsuccessful – there were around 900 cow tags in 1998 and 50 in 2009
 - Most cow tags were unit wide a few years ago – now nearly all cow tags in the North Sumpter are focused on private land damage problems
 - Cow harvest in the Sumpter Unit was around 400 cows in 1998, down to 95 cows last year – with many of those being harvested on damage tags
 - Sumpter Unit is managed in 2 subunits – North and South
 - South Sumpter is mostly private land and considered an “elk de-emphasis” area due to damage problems
 - North Sumpter has ample public land, provides most of the unit’s hunting opportunity and has some damage problems
- In summary, the North Sumpter area was removed from the area with an antlerless animal in the elk bag limit for archers and hunters with disabilities permits because it continues to be below population management objective. Currently, there are only 50 rifle cow tags to address damage in the North Sumpter, 40 focused in two Eikhorn Mt damage hunts and the other 10 provide a mechanism for landowners to address other scattered damage.
 - The South Sumpter remained open to archery cow harvest because of the larger number of tags (more than 450) for antlerless or either sex elk and widespread damage.

And I'm right. You have become overbearing. You are attempting micro-manage nature to such an extent that you are having a negative impact on my life.

I understand your view on micro-management. While people may disagree on exactly where micro-management begins the Department often has to make a decision between increased management or further reducing opportunity. In the Sumpter Unit the Department is attempting to increase the elk population to the MO but has a statutory obligation to address damage caused by wildlife. The intent of the bag limit change is to allow the elk population to increase on public lands in the North Sumpter (which would improve elk hunting for the average person who does not have access to private lands) while addressing damage to property which is more severe in the South Sumpter.

I hope the information provided helps explain why the decision was made and that the change was not made arbitrarily. If you would like to discuss management of the Sumpter Unit in more detail you should contact Nick Myatt, the District Wildlife Biologist for the area. Nick is also a bowhunter; his office is in Baker City, the phone number is 541-523-5832.

Please contact me if you have any additional comments or questions.

I hope your season is going well.

Tom Thornton
Game Program Manager

Michelle Tate

From: ODFW Info
Sent: Thursday, September 23, 2010 1:46 PM
To: Michelle Tate; Timothy L Hiller
Cc: 'Richard Hargrave'; Roger Fuhrman; Teri Kucera
Subject: FW: Cougar caught in Oregon killed
FYI

From: C Thames [mailto:cfthames@hotmail.com]
Sent: Thursday, September 23, 2010 1:38 PM
To: odfw.info@state.or.us
Subject: Cougar caught in Oregon killed

I just wanted to take a moment to say I think it's a sad policy and poor planning if your best solution is to kill an animal based on suspecting it killed a cat and a dog. Do you not have the resources for relocation? Since taxpayer money has made you God and you get to decide when and how an animal dies, I can only hope that you can sleep at night. It's just an animal though, right?

Michelle Tate

From: ODFW Commission
Sent: Thursday, September 23, 2010 1:18 PM
To: Michelle Tate
Cc: Thomas Thornton
Subject: FW: 2011 season
Importance: High

For Exhibit B at Commission next week. – Teri Kucera

From: Charlie Rutkowski [mailto:kcrutk@comcast.net]
Sent: Thursday, September 23, 2010 5:40 AM
To: odfw.commission@state.or.us
Subject: 2011 season

Dear Sirs:

I would like to see those units that had youth hunts for elk and do not allow the taking of a cow elk for archers to change so that during the bow season a hunter can harvest a cow. The Starkey unit comes to mind. With the elimination of the ability to harvest cows many bow hunters have concentrated in those units where this is allowed. This has created overcrowding and tension sometimes making for ugly situations as hunters vie for certain areas where the elk are known to congregate.

Thank you.

Charlie Rutkowski
4550 NW 186 Ave.
Portland, Oregon 97229
(503) 747-5681

Michelle Tate

From: ODFW Info
Sent: Wednesday, September 22, 2010 12:54 PM
To: Michelle Tate
Subject: FW: High Cascade Hunt.....USELESS!!

From: Theodore Adkins [mailto:adkins.ted@gmail.com]
Sent: Wednesday, September 22, 2010 12:19 PM
To: odfw.info@state.or.us
Subject: High Cascade Hunt.....USELESS!!

Hey there ODFW,

I wanted to drop you a line and ask a quick question. Why does the hunting department always schedule the High Cascade deer hunt right in the middle of Archery season? Two weekends in a row I have had my hunt ruined by some lame ass road hunters shooting from the truck. I know this is illegal unless they have a disability permit, but REALLY! Why the hell is it necessary to do that rifle hunt right when the Elk rut gets hot and heavy? It is really irritating when you have a plan set out and some asshole decides to fire off rounds right by your treestand. Every year I hunt up near the Lemolo Lake area off of the 60 road/windigo pass road and hardly EVER do I even see deer, let alone see a buck. In the last 5 years I have seen 3 deer. One buck and the same doe twice – she actually had a fawn this year, but it probably won't make it through the fall because of predation. I know the deer are around, but is the population even high enough to have a hunt in that area? Do you have any statistics or surveys that you have done showing the population is strong enough for this hunt? Everyone I talk to in the area is LIVIDLY PISSED about the rifle season during archery season. These rifle hunters just ride around and fire shots at nothing, disrupting everyone's hunt seemingly on purpose. Anyways, just wanted you to know that I am not the only hunter upset about this silly useless hunt for deer that are seeing a pretty high mortality rate from predation by bears, cougars, and coyotes. Every archery hunter has to plan around this hunt because of what happens when the rifle hunters start to show up. Also, the coyote population in that area has really EXPLODED as of the last 2 years. Never used to see them and now I hear them just about every night up in that area. Please stop giving these rifle hunters the ability to ruin a perfectly good hunt! They mostly are more concerned about driving and drinkin beer than actually hunting. Yeah that is a stereotype, but when you have been up there as much as I have and seen what I have seen, you would say the same thing! Come on guys, give the bowhunters an uninterrupted hunt for once. And your report shows that the harvesting of Elk in that area has gone down significantly, hmmm I wonder why!?!

Sincerely,

Ted Adkins

9/23/2010

Michelle Tate

From: ODFW Info
Sent: Wednesday, September 22, 2010 8:47 AM
To: Michelle Tate
Subject: FW: 136 r maury unit

From: Rainer Doerge [mailto:rado_crr@hotmail.com]
Sent: Tuesday, September 21, 2010 8:17 PM
To: odfw.info@state.or.us
Subject: 136 r maury unit

Dear ladies and gentlemen

I am asking to stop the youth hunt in all units during archery season there have been 2 incidents that concern me extremely. In both cases the parent or hunt leader assisted in road hunting and shots were fired from the vehicle. I cannot believe that odfw supports this there has to be some control of the parent or guardian to make sure that this does not happen.

Second can a youth hunter tell a cow that is still nursing there young one which is still needing the nutrition from the mom. Why don't you start the hunt after archery season and let it run into January that way the cow gives the calf enough nutrition to get through the winter and the survival rate should be higher.

Just some thoughts from my side, Please also consider that a lot of people gave up preference points like me 5 to hunt these units. Then i have to deal with shooting youth thank you for your time.

Rainer Doerge

Michelle Tate

From: ODFW Info
Sent: Wednesday, September 22, 2010 8:22 AM
To: Michelle Tate
Subject: FW: Baiting of big game animals

From: Owens,Rodney [mailto:Rodney.Owens@pnl.gov]
Sent: Tuesday, September 21, 2010 8:47 AM
To: odfw.info@state.or.us
Subject: Baiting of big game animals

To whom it may concern,
I looked in the 2010 big game regulations and was unable to find the Definition of 'baiting' as it pertains to big Game animals. It says 'using bait to attract black bear and using dogs to locate and tree black bear is prohibited. Applying scent of attractant to one's body or clothing while worn is not baiting.' I could not find the definition of what does constitute baiting anywhere in the regulations. With the number of attractants and sent producing methods on the market today and clear definition of what constitutes "baiting" would be greatly appreciated. It could save a lot of tension and aggravation due to misinterpretations by both hunters and game wardens. Any less tension and frustration between armed parties would be greatly appreciated on both sides.

Thank You,

Rodney Owens
rodney.owens@pnl.gov

Michelle Tate

From: Jason Bader on behalf of Hunter Reports
Sent: Monday, September 20, 2010 11:01 AM
To: Michelle Tate; Thomas Thornton
Subject: FW: Hunt

From: tpjs@comcast.net [mailto:tpjs@comcast.net]
Sent: Sunday, September 19, 2010 10:31 AM
To: Hunter.reports@state.or.us
Subject: Hunt

I would like to express my feelings about the current hunt reporting. The word on the mountain is don't tell the truth... If you do next year the mountain you hunt will be covered by out of state hunters due to the info you give out... I told the truth this year but over the last 4-6 years the area I hunt has become covered by hunters and they are all out of state, the only way they would know to hunt here is you. The 1st 4 days we did not see and elk this year But there were 3 camps on our road after 4 days the camps were gone we were the only ones left and we were in elk???

Also why is it tha Rifle hunters can apply for all there tags and when they are unlucky they just jump in the back of a truck and start flingin arrows, you should come out and see the people in the back of trucks drivin all day, this has to stop...

Todd Shelton