



Oregon Fish and Wildlife Commission Minutes

Meeting: June 7, 2012 – 8:00 a.m.
Oregon Department of Fish and Wildlife
Commission Room
3406 Cherry Avenue
Salem, Oregon 97303

Meeting: June 8, 2012 – 8:00 a.m.
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1
2 *Commission minutes are considered draft until approved by the*
3 *Commission at its next meeting.*
4

5 Notice of these meetings had been made by press release of statewide media
6 circulation. Those attending part or all of the meeting included:
7

Bobby Levy, Acting Chair
Bob Webber, Commissioner
Holly Akenson, Commissioner
Gregory J. Wolley, Commissioner
Laura Anderson, Commissioner

Roy Elicker, Director
Curt Melcher, Deputy Director
Debbie Colbert, Deputy Director
Erin Donald, Assistant Attorney General
Teri Kucera, Executive Assistant

8 9 **MEETING**

10 On Thursday, June 7, 2012 at 8:00 a.m., Acting Chair Bobby Levy called the Oregon
11 Fish and Wildlife Commission (the Commission) meeting to order. She announced that
12 former Chair Dan Edge and Commissioners Skip Klarquist and Jon Englund were no
13 longer on the Commission; their second four-year terms had expired. She introduced
14 new Commissioner Laura Anderson and said new Commissioner Greg Wolley would
15 arrive soon. Chair Levy said new Commissioner Krystyna Wolniakowski and
16 Commissioner Michael Finley were excused today on personal business.
17

18 Commissioner Anderson said she was happy to be a Commissioner with the Oregon
19 Department of Fish and Wildlife (ODFW). She lives in Newport, Oregon and most of her
20 background is in marine fisheries. She comes from a commercial fishing family and
21 hopes to bring that strength to the Commission while she learns other issues new to her.
22

23 Chair Levy said **Public Forum** was scheduled on Friday, June 8, 2012.
24

25 **DIRECTOR'S REPORT**

26 **Field Reports**

27 Northeast Region

28 Bruce Eddy, Region Manager, said the 7th Annual Bird-a-thon was held May 18-20 at the
29 Ladd Marsh Wildlife Area; more than 350 people attended. Over the last month staff
30 confirmed two wolf depredations in the Weston Mountain area of Umatilla County; nine
31 sheep were killed. Eddy discussed staff's efforts to trap and radio collar wolves in the
32 Snake River and Walla Walla pack areas. ODFW launched the Livestock Producer Wolf
33 Location Notification System on May 22; the system provides wolf location information to
34 landowners and livestock producers daily. Data from a GPS collar is transmitted through
35 satellites to an ODFW computer program, which locates the collar location into pre-
36

1 designated polygons. An email and/or text message will be sent to stock producers who
2 have stock in the area of the pack. He said the system was developed by ODFW.

3
4 High Desert Region

5 Chip Dale, Region Manager, said staff completed male sage-grouse counts at known lek
6 sites in late April; there will be subsequent information on brood counts to determine how
7 many chicks there were per hen. Dale said spring Chinook is returning as part of the
8 reintroduction program for the Round Butte Pelton complex above those dams on the
9 Deschutes River. Portland General Electric, ODFW, and the Confederated Tribes of
10 Warm Springs are planning a "First Fish Release Celebration" at the Pelton Round Butte
11 hydroelectric project on June 8 with a formal ceremony. Dale said staff recently filed an
12 emergency rule to close the Deschutes spring Chinook fishery as a cautionary measure
13 based on returns and adjustments with regard to the Columbia predictions.

14
15 Chair Levy welcomed Commissioner Gregory Wolley to the Commission. Commissioner
16 Gregory Wolley said he was very happy to be here this morning.

17
18 Deputy Director Curt Melcher said Director Roy Elicker was traveling back from the east
19 coast late last night and was delayed by bad weather; he will arrive later this morning.

20
21 Southwest Region

22 Larry Cooper, Region Manager, said on May 29, staff worked with The National
23 Geographic TV film crew who are producing a television show on green sturgeon on the
24 Rogue River to be shown on the National Geographic Wild channel in spring 2013.
25 Cooper said staff is conducting a tetracycline bear marking study. It began in 1999 when
26 staff was trying to find a reliable way of predicting black bear populations. He said
27 tetracycline is a powdered antibiotic with a bitter taste. To disguise the taste staff wraps
28 the capsules in bacon and places both in a mesh bag. After the bear eats the bacon and
29 consumes the tetracycline, the antibiotic binds with the calcium in the bones and teeth
30 making a permanent mark that's detectable in laboratory conditions. He said hunters
31 return harvested bear skulls to ODFW for examination. The ratio of marked to unmarked
32 bears is used to develop a population estimate for each region and statewide.

33
34 Northwest Region

35 Chris Wheaton, Region Manager, reported on voluntary hazing of double-crested
36 cormorant in coastal estuaries. Staff applied for two depredation permits to U.S. Fish and
37 Wildlife Service (USFWS) and is conducting a Tillamook Bay diet study. Oregon State
38 University (OSU) staff will analyze stomach samples; muscle and liver samples will be
39 used by OSU and a university in Japan for contaminant studies. He said a USFWS
40 refuge along the Columbia River is in danger of flooding. USFWS has discussed moving
41 Columbian White-tail deer to Richfield, Washington. The deer might swim across the
42 river to Sauvie Island (SI) and could cause damage or impact current hunting seasons.
43 Staff is working with U.S. Army Corps of Engineers and State of Washington to assist
44 with recovery. Wheaton discussed the Willamette Project Biological Opinion
45 implementation and ongoing changes to hatchery operations, fisheries, and habitat
46 management. Portland State University students are monitoring sea lions at Willamette
47 Falls and looking at predation on various species of fish.

1
2 Information & Education

3 Roger Fuhrman, Administrator, said as part of the Oregon Department of Park and
4 Recreation's (OPRD) "Let's Go Camping" program, Oregon State Park rangers and
5 volunteers will teach basic fishing skills, camping techniques, outdoor cooking and safety
6 skill in 20 parks. He said successful clamming workshops were held at Fort Stevens
7 State Park recently. In September, ODPR and ODFW will sponsor a crabbing workshop
8 at South Beach State Park, and 40 Free Fishing Weekend events will be held statewide.
9 Fuhrman said ODFW will send postcards to 80,000 lapsed anglers encouraging them to
10 buy a license and go fishing, a joint effort by ODFW and the Recreational Boating and
11 Partnership Foundation to increase the effectiveness of direct mail marketing campaigns.
12

13 Commissioner Wolley said he was very familiar with the "Let's Go Camping" program.
14 Part of his background is in conservation education and bringing new audiences out into
15 the outdoors. He told staff they were doing great work in this program.
16

17 Columbia Salmon River Program

18 Tony Nigro, Program Manager, gave a detailed summary of the seasons and catch on
19 the Spring Chinook fisheries recently implemented in the Columbia River.

- 20 • Mainstem. A 12-hour daytime fishery was set April 3; commercial fishers made
21 155 deliveries totaling 2,551 fish; 60% were upriver stock totaling 25% of
22 allocation. Staff set a six-hour daytime fishery on April 10. The fleet made 179
23 deliveries totaling 3,628 fish; 70% were upriver stock
- 24 • Select Commercial. Forty fishing periods in Youngs Bay, Blind Slough, and
25 Tongue Point. By end of May the fishery harvested 5,161 fish. Fishery scheduled
26 through June 15. The fishery took less than 180 upriver stocks, less than 60% of
27 the allocation.
- 28 • Recreational fisheries opened under permanent rule January 1 from mouth of the
29 river upstream to I-5 Bridge. Staff modified the rule effective March 1 to extend the
30 upstream boundary from I-5 Bridge to Beacon Rock for bank-only fishing from
31 Beacon Rock upstream to Bonneville Dam. The catch was lower than expected in
32 March and April with staff extended the season twice. After the run-size forecast
33 on May 21 a season was set for May 26 - 27. Fishers harvested 13,400 spring
34 Chinook with an upriver take of 10,200; 88% of allocation at revised run-size
35 forecast.
- 36 • Three reservoirs between Bonneville and McNary Dams. Staff opened this area
37 on March 16. The March 2 closing date was extended twice due to low catches.
38 Recreational fishers took 886 upriver spring Chinook, about 65% of its allocation.
39

40 Oregon State Police, Fish and Wildlife Division:

41 Captain Jeff Samuels talked about the Division's effort to recognize the efforts of Oregon
42 State Police (OSP) troopers. On May 1, OSP recognized a seven-member team from
43 the OSP Baker City office with the "Team of Year" award for 2011. He said the
44 Southeast team is challenged by diverse natural resource enforcement issues and
45 general law issues in an extremely remote area of the state. The team patrols an area
46 consisting of over 23,000 square miles.
47

1 **Expenditure Report**

2 Deputy Director Curt Melcher said Debbie Colbert, Deputy Director for Administration,
3 was called into a meeting with the Governor's Office. He noted her *2011-13 Financial*
4 *Report and 2013-15 Budget Development* report with a cover memo dated June 7, 2012.
5 Deputy Director Melcher said all of Department expenditures and revenues are tracking
6 within budgeted projections in the biennium. Deputy Director Colbert has bulleted the
7 facts of the 3.5% General Fund (GF) and Lottery Fund (LF) holdbacks that were part of
8 ODFW's budget, those were made permanent. He said staff was faced with additional
9 GF and LF reductions during the February 2012 Legislative Session. Deputy Director
10 Melcher noted Attachment 2 - 10-Year Plan for Oregon. He said each agency is
11 presenting grant requests for their programs to a Program Funding Team (PFT).
12 Attachment 3 contains each of ODFW's program funding requests by outcome area that
13 staff submitted to PFTs last week. He said the documents were also marketing pieces
14 that provide education to individuals about ODFW and its programs.
15

16 **Adopt Temporary Rules**

17 Deputy Director Melcher overviewed the temporary administrative rule process and
18 asked the Commission to adopt the 15 temporary rules on pages 1-4 in the tan agenda.
19

20 **1. 635-042-0170**

21 **2012 Commercial Spring Fisheries for Tongue Point and South Channel Select**
22 **Areas**

23 Adopted January 26, 2012: effective April 26, 2012 through June 30, 2012.

24 Amended rules set seasons, area boundaries and catch restrictions for Chinook salmon
25 and white sturgeon spring commercial fisheries for the Tongue Point/South Channel
26 select areas of the Columbia River. Modifications are consistent with the action taken
27 January 26, 2012 by the Columbia River Compact agencies of Oregon and Washington.
28

29 **2. 635-004-0019**

30 **Federal In-season Actions and Management Measures Implemented for Commercial**
31 **Groundfish Fisheries**

32 Adopted April 19, 2012: effective May 1, 2012 through October 27, 2012.

33 This amended rule implements in-season actions adopted by the federal government for
34 2012 Pacific Ocean commercial groundfish fisheries, including but not limited to:

35 (a) Changes in the trawl rockfish conservation area (RCA); and (b) Changes to limited
36 entry and open access sablefish DTL fishery trip limits.
37

38 **3. 635-004-0019**

39 **Federal In-season Actions and Management Measures Implemented for Commercial**
40 **Sablefish Fisheries**

41 Adopted April 25, 2012: effective May 1, 2012 through October 27, 2012.

42 This amended rule implements in-season actions adopted by the federal government for
43 2012 Pacific Ocean commercial groundfish fisheries, including but not limited to changes
44 to limited entry and open access sablefish DTL fishery trip limits.
45

1 **4. 635-023-0125**

2 **Recreational Spring Chinook Season in the Columbia River above Bonneville Dam**
3 **Extended**

4 Adopted April 30, 2012: effective May 2, 2012 through July 31, 2012.

5 These rule modifications extend, by four fishing days, the 2012 Columbia River
6 recreational spring Chinook season for harvest of adipose fin-clipped Chinook salmon and
7 adipose fin-clipped steelhead. Revisions are consistent with action taken April 30, 2012 by
8 the Columbia River Compact agencies of Oregon and Washington.

9
10 **5. 635-023-0095**

11 **Recreational Sturgeon Fisheries Upstream of Bonneville Dam Modified**

12 Adopted April 30, 2012: effective May 20, 2012 through July 31, 2012.

13 This amended rule re-opens the Bonneville Pool of the Columbia River to the
14 recreational harvest of white sturgeon for four days, June 15-16 and June 22-23, 2012.
15 Modifications also close the John Day Pool to retention of white sturgeon effective 12:01
16 a.m. Monday, May 21, 2012. Modifications are consistent with action taken April 30,
17 2012 by the Columbia River Compact agencies of Oregon and Washington.

18
19 **6. 635-041-0045 and 635-041-0065**

20 **Zone 6 Treaty Indian Spring Commercial Fisheries Commence**

21 Adopted May 14, 2012: effective May 15, 2012 through June 30, 2012.

22 Rule amendments commence the Treaty Indian spring commercial fisheries in the
23 Columbia River from 6:00 a.m. Tuesday, May 15 until further notice. Modifications are in
24 response to a Treaty Tribes request for authorized sales of fish caught in Tribal
25 commercial spring fisheries both above and below Bonneville Dam. Modifications are
26 consistent with action taken May 14, 2012 by the Columbia River Compact agencies of
27 Oregon and Washington in cooperation with the Columbia River Treaty Tribes.

28
29 **7. 635-019-0090**

30 **Spring Chinook Fisheries in the Northeast Sport Fishing Zone**

31 Adopted May 14, 2012: effective May 23, 2012 through September 1, 2012.

32 This amended rule allows recreational anglers opportunities to harvest adipose fin-
33 clipped adult and jack Chinook salmon, which are in excess of the Department's
34 hatchery production needs in: 1) Catherine and Lookingglass creeks from May 26, 2012
35 until further notice; and 2) Imnaha and Willowa rivers from Saturday, June 9, 2012 until
36 further notice; and to harvest adult and jack Chinook in the John Day River, from a
37 population of over 6,000 wild Chinook, from May 23 through June 3, 2012.

38
39 **8. 635-023-0125**

40 **Columbia River Recreational Sockeye Salmon Season Opens**

41 Adopted May 15, 2012: effective May 16, 2012 through July 31, 2012.

42 This amended rule allows retention of sockeye salmon during the period from May 16 –
43 July 31, 2012 in the Columbia River. Revisions are consistent with action taken during
44 the 2012 Pacific Fisheries Management Council (PFMC) and North of Falcon season
45 setting process and announced May 15, 2012 by the State of Oregon.

1 **9. 635-023-0125**

2 **Two-day Recreational Spring Chinook Season in the Columbia River above**
3 **Bonneville**

4 Adopted May 17, 2012: effective May 19, 2012 through July 31, 2012.

5 These rule modifications authorize a two-day Columbia River recreational spring
6 Chinook season, on Saturday May 19 and Sunday May 20, 2012 for harvest of adipose
7 fin-clipped Chinook salmon and adipose fin-clipped steelhead. Two adipose fin-clipped
8 adult Chinook or adipose fin-clipped adult Steelhead or one of each may be retained per
9 day. Revisions are consistent with action taken May 17, 2012 by the Columbia River
10 Compact agencies of Oregon and Washington.

11
12 **10. 635-019-0090**

13 **Emergency Closure of the Umatilla River Spring Chinook Salmon Fishery**

14 Adopted May 21, 2012: effective May 24, 2012 through September 1, 2012.

15 Amended rule closes the Umatilla River spring Chinook salmon fishery, set in permanent
16 rule to run through 11:59 p.m. June 12, 2012 in the area from the Highway 730 Bridge
17 upstream to Three Mile Dam, and run through 11:59 p.m. June 30, 2012 in the area from
18 Three Mile Dam upstream to reservation boundary located upstream from Highway 11
19 bridge at Pendleton. The 2012 Umatilla River spring Chinook return has not met pre-
20 season estimates and catch rates have been higher than expected. Low River flows;
21 high water temperatures and increased irrigation demands on river flows are also playing
22 a role in this management decision. The Confederated Tribes of the Umatilla Indian
23 Reservation (CTUIR) co-manage this fishery and operational plans for the species.

24
25 **11. 635-023-0125**

26 **Two-day Recreational Spring Chinook Season in the Columbia River below**
27 **Beacon Rock Authorized**

28 Adopted May 22, 2012: effective May 26, 2012 through July 31, 2012.

29 These rule modifications authorize a two-day Columbia River recreational spring
30 Chinook season, on Saturday May 26 and Sunday May 27, 2012 for harvest of adipose
31 fin-clipped Chinook salmon, sockeye salmon and adipose fin-clipped steelhead. The
32 daily bag limit includes up to two adult salmon or steelhead in combination, but only one
33 may be a Chinook. Revisions are consistent with action taken May 22, 2012 by the
34 Columbia River Compact agencies of Oregon and Washington.

35
36 **12. 635-042-0105**

37 **Experimental Gear Authorized for Use in Columbia River Shad Fisheries**

38 Adopted May 23, 2012: effective May 24, 2012 through November 19, 2012.

39 This amended rule authorizes use of experimental fishing gears in Columbia River shad
40 fisheries when the fisher has been issued an experimental gears permit by the
41 Department. All salmon, steelhead, walleye, and sturgeon taken in shad nets must be
42 immediately returned unharmed to the water. Revisions are consistent with action taken
43 on May 23, 2012 by the State of Oregon.

1 **13. 635-014-0090**

2 **Trask River and Three Rivers Angling Regulations Modified Effective June 1, 2012**

3 Adopted May 24, 2012: effective June 1, 2012 through October 31, 2012.

4 These rule modifications delay the spring Chinook fishery closure at the Trask River
5 Hatchery Hole from June 1 until July 1, 2012 in order to allow anglers greater opportunity
6 to harvest hatchery spring Chinook by extending the season 200 feet upstream and 900
7 feet downstream of the hatchery. Further modifications reduce the ability of anglers to
8 employ illegitimate snagging methods in a segment of the Trask River and Three Rivers
9 by imposing more restrictive gear regulations during the later portion of the spring
10 Chinook angling season.

11
12 **14. 635-004-0033**

13 **Increased Cumulative Trip Limits for Black and Blue Rockfish Combined in**
14 **Periods 3 and 4**

15 Adopted May 31, 2012: effective June 1, 2012 through November 27, 2012.

16 This amended rule increases the cumulative trip limits for black rockfish and blue
17 rockfish combined by 400 pounds, from 1,400 to 1,800 pounds, in each of periods 3 and
18 4.

19
20 **15. 635-018-0090**

21 **2012 Recreational Spring Chinook Season on the Lower Deschutes River Closes**

22 Adopted June 1, 2012: effective June 4, 2012 through June 30, 2012.

23 Amended rule closes the sport harvest of adipose fin-clipped spring Chinook salmon in
24 the Lower Deschutes River at 12:01 a.m. Thursday, June 7, 2012. The Deschutes River
25 fishery open area extends from Sherars Falls downstream to the mouth of the river. All
26 available data indicates the spring Chinook salmon run is not performing as expected.
27 This closure will protect wild fish escapement and ensure that broodstock goals will be
28 met at the basin's hatcheries even if the run continues its poor performance.

29
30 *Action: Commissioner Webber moved to approve the 15 administrative temporary*
31 *rules. Commissioner Akenson seconded the motion, and the motion carried*
32 *unanimously by a vote of five.*
33

34 **Exhibit A: COMMISSION MINUTES**

35 Chair Levy noted that the draft March 9 and April 20, 2012 minutes were deferred.

36
37 *Action: Commissioner Holly Akenson moved to approve the draft May 10, 2012*
38 *Commission minutes. Commissioner Laura Anderson seconded the motion and*
39 *the motion passed unanimously by a vote of five.*
40

41 **Exhibit B: OREGON BLACK BEAR MANAGEMENT PLAN**

42 Tom Thornton, Game Program Manager, presented the draft Oregon Black Bear
43 Management Plan (Plan) and talked about the public meeting process. He said the black
44 bear population was estimated at 9,000 in the 1930s. Since the 1990s to date the
45 population is estimated at 25,000 - 30,000. Hunting seasons for bears fall into two
46 categories: the controlled spring season hunt and the General Fall Season. In southwest

1 Oregon a block of tags is set aside for a limited spring season and sold on a first-come
 2 first-serve basis. The sale of black bear tags have increased over the last 15 years.
 3 During the 1990s to early 2000s part of that increase was due to the sale of Sport Pac
 4 licenses; those have stabilized to 25,000 to 30,000.

5
 6 Thornton said there was a major drop-off of annual bear mortalities between 1994 and
 7 1995. He said when it is a poor year for forage in berry, acorn and other crops; biologists
 8 see an increase in damage and harvest. In 1994, Measure 18 prohibited the use of bait
 9 and dogs to hunt or pursue bears. In 2008, staff implemented a mandatory check-in of all
 10 bears taken by hunters and by damage. With advancements in population monitoring
 11 staff is using that data in future management decisions. He said a Tetracycline Project
 12 went statewide in 2005.

13
 14 Thornton said the Plan Goal is to manage black bear populations to attain the optimum
 15 balance among species protections, recreational uses, habitat availability, primary land
 16 uses, and other wildlife species. He discussed each of the Plan's four objectives.

17
 18 **Public Testimony:**

<p>Al Elkins Wilsonville, Oregon</p>	<p>Al Elkins, Oregon Hunters Association (OHA) said OHA supports the Plan and healthy black bear populations in Oregon. However over-population of black bears is detrimental to big game and other wildlife, and has a diverse impact on Oregon's economy due to impacts on public and private timber. OHA suggests that more in-depth methods of obtaining population estimates are needed in some areas like southwest Oregon where OHA suspects that black bear populations are far greater than the current estimates. Elkins said after the public hearings statewide on big game regulations he received phone calls from hunters, farmers, ranchers and forestry folks about population estimates. OHA supports Plan Objective 3 dealing with population abundance estimations through different techniques.</p>
<p>Mike Dykzeul Salem, Oregon</p>	<p>Mike Dykzeul, Director of Forest Protection for Oregon Forest Industries Council (OFIC), distributed written testimony. OFIC members support the May 4 version of the Plan. Their members own and manage over five million acres of highly productive forestland that provides significant habitat to a variety of fish, wildlife and bird populations. He said OFIC supports all four Objectives that maintain the tools that OFIC finds very effective to use as necessary. Dykzeul thanked ODFW for its outreach; OFIC comments were given fair consideration. OFIC members respect the challenges the Commission and staff have in balancing the different needs in the Oregon Wildlife Policy (ORS 496.012(5)).</p>
<p>Mike Emmons</p>	<p>Mike Emmons, Seneca Jones Timber Company, said with</p>

Eugene, Oregon	Seneca he is very active managing land. He supports the Bear Management Plan.
Mark Vroman Salem, Oregon	Mark Vroman, an employee at Hampton Resources, said Hampton owns approximately 75,000 acres in six counties in northwest Oregon ranging from the Astoria area south to Lincoln City. He has been a forester for 18 years and has seen the benefit that this Plan has had on their resources and for the habitat that they have. He said our company does support this Plan.
Roger Beyer Molalla, Oregon	Roger Beyer represented the Oregon Small Woodlands Association (OSWA) along with OFIC members. He said OSWA members provide much of the habitat on private timberland that the black bears use. OSWA supports the Plan as submitted and appreciates ODFW staff working with OSWA as this Plan was being drafted.
William Carpenter Eugene, Oregon	<p>William Carpenter, Big Wildlife (BW), distributed two handouts and said BW agrees that is good to keep bears wild; human contact with bears just leads to problems with bears. He said staff needs numbers on the population of bears at statehood and the total population of bears today. The 25,000 number has been shown in scientific testimony to be plus or minus 15,000 bears. Without knowing that true population number, such a practice to continue on is bad policy and hardly the best science.</p> <p>He referred to an ODFW document on bear trends and said complaints before 2000 were based on “any sightings” reported to ODFW. He took data from 2000 – 2009; the average complaints were 232 per year. In 2011 it almost doubled, in 2010 it was five times the average. The same data can be used for the 22% jump in licenses for the last two years over the previous 10-year period. Issuing additional licenses leads to greater bear-human problems. He said there are weather and berry crop issues not addressed in the Plan. Ten dollars for an in-state license will not have major ramifications on the funding if the Commission decides to decrease or cap the number of licenses issues. The number of kills from the same adjusted period averaged 15% last year and 29.5% in 2010. He said use of motion detection wildlife cameras and event cameras that show real time locations in the wild is not addressed and gives the hunter a higher chance of accuracy and a kill. Carpenter said bears are a predator apex species and cannot be compared to ungulate management techniques.</p>

	<p>There are few documented bear kills of elk or deer not listed in the report as being a conflict between the two species. The Plan states that attacks by bears on human are rare but there were four cases so bears are a species of danger in Oregon for safety. He said the Oregon Department of Forestry provided data on the average tree damage over a 20-year period and the financial value, but it is unpublished data with no peer review. If ODFW uses that data it needs public review to validate the financial data.</p> <p>Carpenter noted his second handout; <i>Stop ODFW from snaring Oregon's Black Bears</i> with signatures of people against the use of indiscriminate damage control on bears on forest and other agricultural properties. He said Oregon Department of Agriculture (ODA) spends its own resources to assist as a broker to tie this together with the predator control officers of the U.S. Wildlife Services (USWS). BW asks the Commission to suspend all hunting licenses of bears until they resolve the population issue.</p>
<p>Rich Thompson Newberg, Oregon</p>	<p>Rich Thompson, President of Traditional Archers of Oregon, spoke for himself. He just returned from his Blue Mountains spring bear hunt and provided an on-the-ground observation. One morning he saw 10 bears in a two-hour period in the Mount Emily Unit. In May he saw two bears but the weather was cool and breezy with some snow. He said the bear populations in Oregon are doing just fine and asked the Commission to support the Plan per Thornton's report.</p>
<p>John Stone Lebanon, Oregon</p>	<p>John Stone said another thing that wasn't addressed that the last gentleman came out with was the loss of hounds and baits. We have a thriving bear population. Everybody he has talked to that has been out has seen plenty of them.</p>

1
2 Commissioner Webber asked about the compliance rate on the mandatory check-ins.
3 Thornton said a table in the packet compares it to the random harvest survey; it has run
4 from 95% to over 100%. Since 2008 with the mandatory check-in we have had an
5 extremely good count of the bears taken including damage and other categories, such as
6 road fatalities. Commissioner Webber asked if the percentage is high enough that staff
7 can use it in their science to determine populations. Thornton said it is high enough that
8 it reduces the intervals that Mr. Carpenter was referring to. Those are tightening up as
9 we get better information.

10
11 *Action: Commissioner Webber moved to approve the 2012 Oregon Black Bear*
12 *Management Plan and adopt the associated Oregon Administrative Rules in OAR*

1 Chapter 635, Division 170. Commissioner Wolley seconded the motion and the
2 motion passed unanimously by a vote of five.
3

4 **Exhibit C: BIG GAME REGULATIONS 2012-2013**
5

6 ***Acting Chair Levy declared a potential conflict of interest because her family***
7 ***participates in the Landowner Preference Program, which might be in the report.***
8

9 Don Whittaker, Ungulate Program Coordinator, discussed the Big Game Regulations
10 process and said staff held 21 public meetings during May. He presented staff's
11 proposed General Regulation recommendations.

- 12 • General Archery Season and individuals with Permanent Disability Permit (PDP).
13 Two-thirds of the state opens for either sex hunting for elk. Add three areas to the
14 either sex bag limit for General Archery Elk Hunting in 2013. Expand bag limits
15 for individuals with PDP in Chesnimnus and Catherine Creek Units and Ritter
16 portion of Heppner Unit.
- 17 • Wild River Wildlife Area. Prohibit ATV/off highway vehicle use except by permit.
- 18 • Provide small number of Active Duty Personnel tags at the District level for active
19 military personnel who find it difficult to plan ahead not knowing when they may
20 have time off to hunt in Oregon. Staff will bring forward a proposal at the October
21 meeting. Tags will not include premier hunts, e.g., the Wenaha or Walla Walla elk
22 hunts. Tags will be available in existing hunts adopted by the Commission but
23 staff does not plan to create new hunts or hunting areas.
24

25 Whittaker said last year staff sent a postcard to the public that increased the Mandatory
26 Harvest Reporting rates 50% to 70%. This year for financial reasons staff did not mail
27 that postcard and compliance dropped 41%. Staff is developing the penalty phase of the
28 mandatory reporting process and will present it to the Commission in October. He
29 discussed Species Specific 2012 Tag Number proposals and 2013 Season Concepts:

- 30 • General Bear, 2013 Season. No controlled tag numbers this fall. Continue
31 mandatory check-in. In 2011, staff received 888 teeth from 931 estimated bear
32 harvest; 327 teeth from non-hunt bears outside the season.
- 33 • Spring Bear, 2013 Season Concepts. 4,395 tags for 2013 in Controlled Hunts plus
34 4,000 tags in first come – first serve southwest Oregon hunt.
- 35 • 2013 Cougar season. No season or quota changes. Maintain mandatory check-in
36 and all protections on kittens and females with kittens.
37

38 Whittaker discussed cougar target area objectives. As of April 13, staff removed 162
39 cougars in Ukiah and Wenaha Units for elk and Warner and Steens Units for mule deer
40 associated with the Oregon Mule Deer Initiative (MDI). This will be third year this winter;
41 staff will evaluate those removals and report to the Commission at a later date. He
42 presented tag numbers for:

- 43 • Big Horn Sheep. 10 Rocky Mountain Bighorn tags and 87 California Bighorn tags
44 for 2012. Also harvest from Confederated Tribes of the Warm Springs
45 Reservation and Umatilla Indian Reservation. 2013 calendar shifts for Bighorn
46 Sheep hunts. Add a second hunt period in the East Whitehorse Hunt area.
47
- Rocky Mountain Goats. 11 tags for 2012.

- Pronghorn Antelope. 2,680 tags for 2012. Standard calendar shifts for most hunts. A minor boundary expansion in Hunt 447 – Northside Hunt Area.
- 2012 Controlled Deer Tags. 71,441 tags. In 2013, remove Simpson Creek Hunt in Indigo. Delete partial unit hunts in South Paulina and replace with unit wide hunts for archers and muzzleloaders.

Whittaker said staff has treated 85,000 acres of habitat for mule deer and conducted predator management by removing 53 cougars in the Steens and Warner Units and 322 coyotes in the Heppner Unit. A total of \$5.25 million has been allocated for improving mule deer populations. Staff is meeting with local working groups, and estimating Black-tail deer populations using DNA collected from fecal samples and from radio-collaring deer. He will give another update in August. He presented staff's proposals:

- 2012 Controlled Elk. 57,086 tags for 2012.
- 2013 bag limit changes for Cascade elk hunting, remove cows from harvest on U.S. Forest Land. Maintain antlerless hunting in private areas to address areas of conflict in timber. Delete 14 Controlled Hunts primarily antlerless hunts for elk. 11 new hunts. Condense smaller hunts in Alsea Unit into larger area boundaries.
- Second year survey effort in Extended Youth Elk Hunts. These hunts are very popular. The data suggests that a high number of elk are not being taken in August; 63 elk were taken by youth hunters in August, the majority is taken later.
- 2013 Western Gray Squirrel Season. Calendar shifts only.

Public Testimony:

<p>Mike Slinkard John Day, Oregon</p>	<p>Mike Slinkard, a bowhunter, distributed "<i>Lighted nocks make sense in Oregon!</i>" It is a major piece that has not been addressed as far as legality. He said 44 of the states allow lighted nocks during Archery Only seasons. The growing popularity of lighted nocks is supporting the economic growth of U.S. retailers. He addressed several questions.</p> <ul style="list-style-type: none"> • Do lighted nocks give the hunter an advantage in the game they are pursuing? He said no. A lighted arrow nock is only lit at the time of release. • Why is it important to see the arrow? You need to know where the arrow went and if and where an animal has been hit and how to follow up ethically and be able to retrieve that game. • Do lighted nocks help you to recover game? They do. By being to recover arrows, bowhunters will be more effective in knowing if an animal is hit. In Western Oregon it is dark because you hunt in timber. You are a good steward by not leaving arrows in the woods. <p>Slinkard noted in his handouts pictures of lighted nocks in various locations in brush illustrating how easier it is for a bowhunter to find the lighted nock. He asked the Commission to make a rule change to allow lighted arrow nocks.</p>
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<p>Craig Starr Lebanon, Oregon</p>	<p>Craig Starr, President of Oregon Bow Hunters (OBH), distributed written testimony and his (Oregon Bowhunter) article <i>Antlerless Elk Management Unfair to Archers</i>. OBH supports the antlerless elk hunting in Catherine Creek and Chesnimnus Units, and the Ritter portion of Heppner Unit. There are 14 of those units that in 2010 had zero antlerless elk harvest reported. A couple of years ago the Commission closed the North Sumpter and West Fork Rock subunits to antlerless elk hunting. Bowhunters had an opportunity to hunt in a portion of those units but in 2010 not one antlerless elk was harvested in either area. He said the Ritter area will be similar so that change is not positive.</p> <p>He said OBH supports ODFW's concern over the poaching of branch bulls in the premium elk units by hunters who don't hold a Controlled Hunt tag. OBH supports making the Spike Only Hunt a Controlled Hunt in the premium elk units. OBH opposes making Controlled Hunts our only bowhunting opportunity for that species. Because poaching is a serious problem OBH urges the Commission to be cautious about making that a general requirement because weather, fire danger and other factors in the late summer early fall archery season can create problems. OBH opposes limited deer hunting unless you have a Controlled Hunt tag for elk because there are other hunting seasons open during that archery season so limiting deer hunters who want to be in those units adds nothing to limiting the poaching activities.</p>
<p>Chuck Lynde LaPine, Oregon</p>	<p>Chuck Lynde, a bowhunter for 59 years distributed a letter with over 500 signatures that asked the Commission to allow Lighted Nocks on all hunting arrows for Legal Big Game and Birds in the state of Oregon in 2012. He said three years ago he submitted a proposal for the Wenaha problem with spike hunters taking bulls away from bowhunters that wait 13 years for a tag and who deserve a quality hunt. The Commission is promoting three quality units for 340-plus trophy bulls. Four of his hunting partners drew these tags. One on Mt. Emily had trouble with spike hunters and another had trouble hunting in the Wenaha Unit. Another one turned in a hunter that shot a branch bull but held a spike tag. He said most of these guys have spike hunters that interrupt them usually in the last two weeks of the season because they are videoing branch bulls and not allowing trophy hunters their chance. Lynde asked that the first two weeks be for spike hunters and the last few weeks be for trophy hunters. He support staff's proposal and said make the spike hunter draw a tag for that unit but they can't move from</p>

	<p>Wenaha to Mt. Emily to the Walla Walla Unit. He said spike hunters can hunt the Starkey, Heppner or Ukiah Units. Also, if the Commission approves lighted nocks note that only the lighted nock is legal so it leaves the electronics alone.</p>
<p>John Stone Lebanon, Oregon</p>	<p>John Stone referred to lighted nocks and said when you have regulations make sure you say no electronics devices on the bow or arrow except for the lighted nocks. There is no downside of the lighted nock; all it is going to do is either recover the animal or a \$30 arrow. He said with the economy not many of us can afford a \$30 arrow to go out in the woods. He supports the proposal that Mr. Webber had on the spike hunt. He will not get the Wenaha tag in his lifetime. He said the lighted nocks come down to ethics; we need to see where the arrow goes; they travel so fast and his eyes don't see them. He has hunted different states and other countries where they are legal.</p>
<p>John Erickson Warren, Oregon</p>	<p>John Erickson, member of Oregon Bowhunters, reads ODFW's hunter statistics. He is concerned about the cumulative and ripple effects of management decisions such as closing off cow hunting, changing opportunities to spike hunt or to deer hunt in various units when they are closed off. He said those people are moving into the areas that are still open where they can hunt. You have the same number of hunters for eastern Oregon concentrating more and more into those smaller open areas. He asked that as the Commission considers closing off hunting of antlerless or stopping the hunting of spikes in one area to recognize that those people that were there are going somewhere else. He thinks the Commission is just shifting the pressure to another area. He said poaching can have an effect and with the very few enforcement officers out there enforcing that there is a lot of good opportunity for a poacher; he doesn't have to worry too much about that.</p>
<p>Rich Thompson Newberg, Oregon</p>	<p>Rich Thompson, Traditional Archers of Oregon (TAO), distributed written testimony and said a lot of states back east allow lighted nocks but they have burgeoning deer populations. He said with the development of accessories for modern bowhunters their success rate is certain to increase. OBH is asking the Commission to relax the no electronics on board rule saying that they offer no pre-shot advantage to the archery hunter. Archer hunters using the modern tackle extend their range; lighted nocks allow them to do that. The slender carbon arrow with mini-vanes shot from today's speed bows is difficult to see in all but the best</p>

of hunting situations. TAO believes once an exception is granted for lighted nocks there will be requests for more gadgets. In April he showed the Commission the new GAME VECTOR tracking system. He said TAO believes the modern compound bow equipped with these accessories will push the primitive weapons concept over the cliff and endanger the recreational opportunity for archery hunters. He discussed other alternatives in his handout, The "Traditional Archers" Arrow Visibility Solution, e.g., fur arrow tracers, colored crown dips and Zeon fusion vanes for modern archers.

1
2 Commissioner Akenson expressed interest in the proposal for active duty military
3 personnel in time for this year. Thornton said this was initiated from folks in Wallowa
4 County. Staff is looking at doing it at least for 2013 if we can pull criteria together but
5 staff may look at a temporary rule to get it in place for seasons this fall. She also asked
6 when the Commission would receive the outcome of the target area cougar removal
7 program. Thornton said staff will wrap that up end of this year and will report to the
8 Commission next year but could provide an update in October.

9
10 *Action: Commissioner Akenson moved to approve amendments to Oregon*
11 *Administrative Rule Chapter 635, Divisions 065, 067, 068, 069, 070, 071, 073 and*
12 *075 as proposed by staff, and moved to approve in concept the staff proposals for*
13 *2013 general and controlled big game and western gray squirrel seasons.*
14 *Commissioner Webber seconded the motion, and the motion carried unanimously*
15 *by a vote of five.*

16
17 **Exhibit D: 2013 AUCTION AND RAFFLE TAG ALLOCATIONS**

18 Don Whittaker, Ungulate Program Coordinator, said auction and raffle tags provide
19 critical funding to the Bighorn Sheep, Pronghorn and Rocky Mountain Goat Programs. .
20 He provided background on the two programs and presented staff's proposals for 2013:

- 21 • Bighorn Sheep. Continue Bighorn Sheep auction tag with Wild Sheep Foundation
22 annual national meeting, and raffle program with OHA State Convention.
- 23 • Pronghorn Antelope Auction and Raffle. Continue one auction tag and one raffle
24 tag. As Auction Host, ODFW will decide who gets the 2013 tag and staff will
25 formalize that with the Commission in October. Continue raffle with OHA State
26 Convention.
- 27 • Rocky Mountain Goat Tag Raffle. Maintain as a raffle tag only; 11 tags available
28 this year. Continue raffle to be drawn at the OHA State Convention next year.

29
30 Matthew Keenan, Access and Habitat (A&H) Program Coordinator, said auction raffle
31 tags provide over 20% of total program revenue each year. The events allow the A&H
32 Board to interact with the hunters that support the program. Auction sales this year were
33 comparable to 2011, except the combination deer and elk tag was \$5,000 less. The 2013
34 auction proposals are: 1 Governor's Combination deer and elk tag, 4 statewide deer tags
35 and 4 statewide elk tags. Keenan said staff sold 47,573 raffle tickets this year for total

1 revenue of \$100,666, and proposes that 2013 raffle tag allocations remain unchanged
2 from last year: 1 Governor's Combination deer and elk tag; 1 statewide deer tag; 3
3 regional deer tags; 1 statewide elk tag; and 3 regional elk tags.

4
5 **Public Testimony:** There was no public testimony.

6
7 *Action: Commissioner Webber moved to approve the 2013 auction and raffle big
8 game tag allocations as proposed by staff. Commissioner Anderson seconded the
9 motion, and the motion carried unanimously by a vote of five.*

10
11 **Exhibit E: ACCESS AND HABITAT PROJECTS**

12 Matt Keenan, Access and Habitat (A&H) Program Coordinator, provided background on
13 the A&H Program and then presented five projects coming back for renewal by the
14 Commission: three Access-Only projects and two A&H projects. In total the projects
15 would provide hunting access to 417,367 acres; improve habitat to 3,660 acres. Keenan
16 said the total cost of these five projects is \$1,196,005 with Match Funds of \$961,846 so
17 the total A&H request is \$234,159.

18
19 **Public Testimony:** There was no public testimony.

20
21 *Action: Commissioner Wolley moved to approve the recommendations of the
22 Access and Habitat Board for project funding. Commissioner Webber seconded
23 the motion, and the motion carried unanimously by a vote of five.*

24
25 **Exhibit F: HABITAT CONSERVATION STAMP**

26 Art Martin, Interim Conservation Program Manager, provided background on the Habitat
27 Conservation Stamp program and then presented staff's proposed rule amendments for:

- 28 • Division 095. Sets 2013 contest deadline for August 31, 2012. Housekeeping
29 items clarifying art entry criteria and obligation of winning artist.
- 30 • Division 008. Adds the Habitat Conservation Stamp to the list of documents,
31 which adds inclusion of a free Annual Parking Permit with purchase of the stamp.
- 32 • Division 010. Removes specific references to Sauvie Island but retains references
33 to Daily Parking Permits and adds the stamp to the list of tags and permits
34 associated with the stamp via mail order, fax, Internet or Point of Sale system.

35
36 Martin said purchase of a 2012 Habitat Conservation Stamp includes: an annual Daily
37 Parking Permit, information that allows the applicant to order the Governor's Edition, a
38 limited signed print, or a limited Conservation print signed by the artist.

39
40 **Public Testimony:** There was no public testimony.

41
42 Commissioner Akenson said at the last meeting the Commission had changed the
43 previous rules to allow for people who had submitted artwork in Oregon elsewhere to be
44 able to resubmit. Now that is coming out again? Martin said staff is proposing that any
45 art that has been submitted in a previous contest including Oregon's contest be ineligible
46 for the next round. He said our intent is to have artists resubmit original art each time.
47 Commissioner Akenson said last time she felt that there were a lot of submissions and

1 given that this is not species specific that there were a lot of good artists that didn't get
2 selected. We should allow those to reapply the next year rather than redoing something;
3 there likely were other great ones that we would want to use in the future.

4
5 Commissioner Webber said Commissioner Akenson was talking about not excluding
6 prior applicants. Is that a typical process or something that the Commission came up
7 with? Martin said yes, that is the traditional method but staff can certainly reevaluate it.

8
9 *Action: Commissioner Laura Anderson moved to approve Oregon Administrative*
10 *Rule 635, Divisions 095, 008 and 010 as proposed by staff. Commissioner Wolley*
11 *seconded the motion, and the motion carried unanimously by a vote of five.*

12 13 **Exhibit G: 2012-2014 OREGON FURBEARER TRAPPING AND HUNTING** 14 **REGULATIONS**

15 Tom Thornton, Game Program Manager, said 21 Public Meetings occurred in May; over
16 200 individuals attended. Furtaker License Sales trends have been stable. In 2011 there
17 were over 1,200 each for Furtakers and Furbearer Hunting Licenses. He said furtakers
18 are required to report their harvest; the compliance has been over 90% for the two
19 categories. Thornton said there is no change for Unprotected Species, Protected
20 Species, Pursuit Seasons and Furbearer Seasons. He discussed Average Pelt Prices
21 for 2009-10 and 2010-11. For the 2011-12 seasons staff doesn't have the latest
22 information from the later sales online yet.

23
24 Thornton said on March 8 the Commission received the Trapping Petition for
25 Rulemaking (Petition). At their April 20 meeting the Commission denied the Petition and
26 directed staff to review the four points that were raised in the Petition. Staff incorporated
27 the following four points into their standard review that they do every other year for
28 Furtaker regulations:

- 29
30 1. *Require all trappers to check their traps and snares every 24-hours.* Thornton
31 said Oregon Revised Statute (ORS) 498.172 was adopted in 2001: for furbearers at least
32 once during each 48-hour period for predatory animals (defined in ORS 610.002) on a
33 regular basis. Predatory animals are defined as feral swine, coyotes, rabbits, rodents
34 and birds that are or may be destructive to agricultural crops. The 2001 Oregon
35 Legislature passed House Bill 3147, which formed the Trapping Best Management
36 Practices Task Force (Task Force). The Task Force made two recommendations:
37 1. Restraining Traps. Check periods for Furbearers set at 48-hours, for predatory
38 animals 76-hours.
39 2. Killing Traps. 72-hours for Furbearers. No interval specified for Predatory
40 animals.

41
42 Thornton said in 2003, the Oregon Department of Justice (DOJ) issued an Opinion that
43 "on a regular basis" would be defined by the Commission. The Predator Trap Check
44 Working Group was formed to develop options for the Commission. He said in February
45 2004 the Commission adopted what are our current Trap-Check regulations. Thornton
46 said California and Washington have short Trap-Check periods that were adopted after
47 initiative petitions were approved by the voters. Montana recommends 48-hours, Idaho is

1 72-hours and Nevada is four days. After considering this and looking at National Best
2 Management Practices from the International Association of Fish and Wildlife Agencies,
3 counties and cities, damage statutes and the impact to damage response capability
4 ODFW recommends not changing the current trap-check intervals.
5

6 2. *Require trappers to attach tags to their traps and snares with their name and*
7 *telephone numbers.* Thornton said that the Petition said this would assist ODFW in
8 forcing the regulations. ODFW and OSP did not feel the need for that information on the
9 traps. We have access to the brand numbers for enforcement purposes that trace back
10 to the trapper. If people were pulling traps to access that name and address that would
11 be an illegal activity. ODFW recommends no change to marking requirements.
12

13 3. *Prohibit traps and snares on public lands within 100-feet of trails and other*
14 *premises used by the public.* Thornton said Washington and California have no
15 setbacks; Montana is 50-feet from public roads and trails, no ground sets within 300-
16 1,000 feet from trailhead and campgrounds. Idaho is 5-feet from public trails and 300-
17 feet from campgrounds and trailheads. Nevada has five specific trails with a 1000-foot
18 setback. The Environmental Protection Agency (EPA) requires a setback for sodium
19 cyanide equipment used for coyote trapping; killing in particular of at least 50-feet from
20 public roads and pathways. ODFW agrees that setbacks in some situations may be
21 appropriate and could help reduce conflicts between the trapping community and pet
22 owners. ODFW recommends that no traps are set within:

- 23 • 50-feet of any public trail.
- 24 • 300-feet of any trailhead designated and maintained on public lands and
25 accessible to vehicular traffic.
- 26 • 300-feet of public campground or picnic area to reduce potential conflicts between
27 trapping and dog owners.
28

29 Thornton said his handout for OAR 635-050-0047 has suggested text changes in
30 Attachment 4 – Drafts OARs, page 4, lines 6-7, Section (1) “On public lands, except
31 when authorized by the Oregon Department of Fish and Wildlife, no traps may be set...:
32 insert “**or snares**” immediately after “no traps.” For subsection (c), line 12, after “Within
33 300 feet of any public campground or picnic area designated and maintained as such by
34 the public land management agency” insert “**on the most current official map of the**
35 **agency.**” He said the definition for trails and trailheads is covered but this change
36 clarifies that those are also the campgrounds designated on the current official map of
37 the land management agency and not any disperse site where anyone has ever camped.
38

39 He said staff proposes that a Public Trail be defined as: “Public trail is any trail 50 inches
40 or less in width designated and maintained by any city, county, state, or federal
41 transportation or land management agency on the most current official map of the
42 agency.” This is not a trail that existed and was maintained 10-20 years ago and is now
43 abandoned but is currently being used. Roads and waterways are not a “public trail”.
44

45 4. *Require trappers to post clearly visible warning signs with a five-foot radius of*
46 *their traps and snares on public lands, stating that their devices pose a danger to the*
47 *safety of humans and animals.* Thornton said Tim Hiller issued a request for information

1 to other states. He said 33 states had no posting requirements and Oklahoma required
2 listing under certain circumstances. In conversations with trappers, OSP, states, and
3 others the biggest concerns were: trap theft; enforcement if signs are removed by
4 weather or public; tolerance of land managers with people accessing their property and
5 littering. Considering this information staff proposes no requirements to post trap sites.

6
7 Thornton said the current rule prohibits killing traps with a jaw-spread of nine-inches or
8 more in land sets. For conibear the killing traps are restricted in Oregon to water sets
9 that are easily accessible to most species. ODFW proposes to increase the restrictions
10 on the medium large conibear and that killing traps with a jaw-spread of 7.5 inches or
11 more but less than nine-inches. Land sets on public land be prohibited farther than 50-
12 feet from a permanent water source, streams, lakes, rivers, or a temporary water source
13 such as a stock pond if water is in the pond. This provides a buffer around some of the
14 areas where problems have occurred and to reduce potential conflicts between trapping
15 and dog owners. Thornton displayed the Trapper Code of Ethics; a public education
16 piece included in trappers' packet and the trapping regulations.

17
18 **Public Testimony:**

Mike Dykzeul Salem, Oregon	Mike Dykzeul, OFIC, distributed written testimony and said OFIC supports staff's recommendations for Furbearer Trapping and Hunting Regulations but has no position on Harvest and Pursuit Seasons recommendations. OFIC believes staff recommendations provide the tools necessary to meet land management objectives and follow the intent of HB 3147. He said the Economic Impact Statement identifies livestock producers as the only stakeholder group but agricultural and timber are pretty significant partners yet were delegated as incidental other parties. It is important to clarify who key stakeholders are in this debate. They appreciate that the rules are believed to be compatible with legislative direction on the goals of fish and wildlife management in Oregon. Regarding Attachment 4, 635-050-0047, page 4, lines 9 and 12, Dykzeul suggested inserting " responsible " before "...public land management agency..." He said there could be other organizations, volunteers or other agencies that do the actual maintenance. He said clarify the 300-foot setback. With a public campground or public trail, is it only 150-feet from a private ownership boundary or does the 300-foot extend 150-feet onto private land or does it totally end on private land? Regarding other states we never seem to dig into the roots of what are all the conditions in those other states that warranted those regulations and why. He asked the Commission to be cautious about what is going on in other states. He said staff recognizes there could be some increase in property damage by changes and that there is potential for public losses. Trapping effectively done can take care of other
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	public/private environmental issues to protect public resources as well.
Gil Riddell Salem, Oregon	<p>Gil Riddell, Association of Oregon Counties (AOC) Policy Coordinator, distributed written testimony and said he spoke also for Harney County Judge Steve Grasty. AOC supports staff's recommendations to not change the current trap-check interval requirements; and to adopt the proposed setback rule from public trails, trailheads, campgrounds, and picnic areas, if the definition includes that they are "designated and maintained as such on the most current official map" of the public body. He said USWS is the principle provider of wildlife control services in Oregon that receives \$2.4 million from counties for part of its operating funds for this biennium. USWS is trying to broaden its funding base but counties remain its chief source of revenue for field operations. USWS reports that a requirement to check snares and traps at least twice as often will increase costs at current service level by \$1.275 million annually. Without added funds enforcement would reduce by 75%-80%. He said counties are in no position to backfill these new resource needs imposed by a change in trap-check rules. Field operations will dwindle.</p>
George Houston Sandy, Oregon	<p>George Houston, past president for OR Chapter Foundation for North American Wild Sheep (OR-FNAWS) and member of the Oregon Wildlife Damage Council, lives in a rural area. He said often times folks who lived in metropolitan areas that move into a rural area let their dogs run free but there is no policing. OR-FNAWS looked at the statutory requirements the Legislature passed regarding dogs and traps (HB 3147). Veterinarians are required to file a form with the Dean of the College of Veterinary Medicine (CVM) at OSU of incidences of treating animals injured by a trapping device. He said if you look at that file today and talk to the Dean that record is not complete. We were lead to believe we have a crisis situation going on with the number of dogs being impacted by steel traps but the official record hasn't borne out. He suggested with dog and trap interactions consider having OSP investigate by taking pictures of the dog and the proposed injuries to the dog. He hopes that veterinarians who treat dogs will fill out that mandated document so there is a complete record that all can rely on. He also suggested that the record in the Dean's office be audited every year and made part of the trapping regulations discussion.</p>

1 Commissioner Webber said on the setback of 50-feet from public lands would you have
 2 any objection if it was 50-feet from any designated trail? Does it cause you any problem
 3 if it is designated on a map by the land management agency? Dykzeul said as long as
 4 we are making those restrictions on public lands the private landowners would not have
 5 a problem with that. Riddell said as long as it is clearly defined so we can enforce it, and
 6 know exactly what you need to happen. Houston said they are good to go on that.
 7

<p>Al Elkins Wilsonville, Oregon</p>	<p>Al Elkins, Oregon Hunters Associations (OHA) said they support the furbearer trapping changes as proposed by staff. It is a very good compromise on the issues raised by the Petition. The fact that all parties have concerns about what is written in these proposed regulations tells him that a good middle of the road approach is obtained. He has been in the State Capitol for 40 years. In the last 12-15 years there have been bills introduced that dealt with public trails but that body has never come up with a definition of public trails. He said if the Commission adopts this definition of public trail that from this day forth it will come under a lot of scrutiny under the Legislative body when other issues come up related to trails. He has been assured that this definition has been well researched and based on input from a number of other agencies and what other states have on the books. OHA can support this definition as long as the Commission feels comfortable with it.</p>
<p>Roger Beyer Molalla, Oregon</p>	<p>Roger Beyer, for Oregon Seed Council, Oregon Dairy Farmers Association and Oregon Small Woodlands Association, said his written testimony was in the packet. In 2001, he was an Oregon State Senator and co-sponsor of HB 3147. He sat on the Senate Committee who heard the bill and he carried it on the Senate floor. He said when statutes are written clearly by the Legislature but are taken to court, the Courts interpret the law by what the words on the paper mean even if there is a mistake made in those words. If the statutes are unclear the Legislature goes back and looks at the legislative intent. Beyer said in 2000 a ballot measure to put a trap-check requirement in Oregon failed. In 2001, HB 3147 was introduced to clarify issues in that ballot measure. At that time the current trap-check requirement was a 48-hour rule. The legislative sponsors took that wording directly out of the rule and put it into Oregon statute. He said it is clear in all the legislative testimony that the Legislature intended to set for furbearers a 48-hour trap-check requirement and not less. He said even the opponents of the bill acknowledged that when they argued for a lower number. Beyer said the Commission does not have flexibility to set a lower limit for furbearers as</p>

	<p>to a trap-check requirement.</p> <p>With regard to Predatory Animals the terminology was changed from a specific time to a phrase of “on a regular basis”. In 2003, the DOJ issued an opinion that needs to be defined because in legislative intent it was clearly stated on the House and Senate floors and in committee that the Commission would define what a “regular basis” is, that the intent would not be the same as is it is for Furbearers and would not be the same for all types of animals, species and trap types because of the flexibility needed by Oregonians when they were protecting their property from different predatory animals. He referred to his handout containing statements by Commissioner Marla Rae at a 2004 Commission meeting. He said she studied the legislative intent and the Commission’s requirements in dealing with wildlife laws, damage and predatory animal statutes. He said these have to be balanced in the Commission’s decision.</p> <p>Beyer said they have a concern on the wording of setback around trails, campgrounds and trailheads. If that trailhead, campground or picnic ground is closer than the setback to private land would that setback go onto private land? It needs to be clarified that this is only on public lands and not on private lands. He said in staff’s Fiscal Impact Statement there is a great fiscal impact not only to trappers but to both large and small private landowners. There would be a huge impact to those people if this requirement was shortened when it comes to damage or predatory animals because it would cost them more to hire trappers or get around their properties and do it themselves.</p>
<p>Ralph Fisher Sublimity, Oregon</p>	<p>Ralph Fisher, a private livestock producer, encouraged the Commission to support the staff’s recommendations as it relates to trapping.</p>

1
2 Commissioner Akenson asked about CVM and the lack of documentation on the
3 frequency of animals caught in traps. Beyer said that filing of reports by veterinarians
4 was included in HB 3147 in order to get accurate data. In 2004 he found out that CVM
5 had not implemented that section of the law. He wrote them a letter asking that they
6 implement and follow the law. CVM sent a form to veterinarians and started tracking the
7 incidences of domestic animals, since then 11 cases have been reported to CVM.
8

<p>Craig Starr Lebanon, Oregon</p>	<p>Craig Starr said OBH supports outdoor sporting activities including trapping; the current trapping regulations are responsible without any changes.</p>
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	<p>Starr is not a trapper but years ago did recreational trapping. He said supporters of limits on trapping are generally urbanites who try to impose their urban lifestyle on rural folks trying to make a living in the more economically deprived areas of Oregon. As a hunter he is concerned about the impacts of predation on deer, elk and other game. He urged the Commission to be careful not to make changes to trapping rules that make it even more difficult for rural folks to make a living off the land through trapping or raising livestock or to make it more difficult for those trying to control predation on game. He said the proposal to limit trapping within 50-feet of a public trail will eventually eliminate trapping on stream banks along hundreds of miles of streams and rivers. He said the trail along the river between Camp Sherman and Bridge 99 was a fisherman's trail; he has fished there for over 50 years. He said the US Forest Service puts up a sign or designates those trails on a map and then they become public trails that limit heritage sporting uses; that is wrong. The definition of a public trail needs to be a lot tighter and should be limited to trails established, constructed, or improved and maintained by a government entity for general public use.</p>
<p>Wayne Endicott Springfield, Oregon</p>	<p>Wayne Endicott, President of Oregon Outdoor Council (OOC) and Vice-President of OBH, said the model of hunting based on conservation is successful because of the contribution by hunters. Hunting and trapping go hand in hand; they are game management tools. He said OCC asks the Commission not to make any changes to the regulations on trapping. He has owned an archery shop for 24 years and has made a living selling bows and arrows directly related to game management. OHB would not like to see any changes on the bowhunters' side. OOC has the same stance.</p>
<p>Robert Klinger Grand Ronde, Oregon</p>	<p>Robert Klinger raises sheep in Grande Ronde. He distributed a handout and said when a law exempts the many (in order to obtain passage) from doing essentially the same thing it prohibits to the few; it is by any standard unjust. Killing a critter that is causing harm, property damage, or endangering health and or safety is every man's right. For instance, to say that an ant trap (poison) is okay but a "coyote getter" isn't. King Solomon is gone, the law of this country is baring precedent, what would a reasonable and prudent man do? Klinger said if traps are out for me, all traps are out for everyone. He said let's get reasonable; I support the staff's recommendations.</p>

<p>Katie Fast Salem, Oregon</p>	<p>Katie Fast, Oregon Farm Bureau (OFB), said OFB supports staff's recommendations; it is consistent with the legislative intent from past bills. For OFB trapping is an important management tool to protect their livestock, livelihood, and other crops. From the 1997 Animal Damage Report on agriculture livestock producers lost \$1.5 million to predatory lose; coyotes caused nearly \$1 million worth of loss, and the crop loss from rodents was \$16.5 million. With regard to the potential loss of federal dollars to counties, USWS is going to be a challenge for many communities to fund and will not only impact the livestock producer, farmer and forester but game animal populations if we don't have that current management tool. Fast said managing trap-check times will add additional cost to folks on the ground making those checks. The times set by the Predator Trap Check Working Group were set with flexibility because some employees work five day weeks or more or work in adverse weather conditions. Regarding the definition of a "public trail" she asked that water trails not be included in the language. Water trails are designated and mapped by the Oregon Parks and Recreation Department (OPRD). OFB believes they are not seeing the intent of the 50-foot exemption or prohibition along public trails. OFB sees that has having a large impact on many of the navigable waterways in the state where an entire waterway is owned by the State of Oregon and potentially mapped by OPRD.</p>
<p>Jim Welsh Elmira, Oregon</p>	<p>Jim Welsh, for Oregon Cattlemen's Association and the Oregon State Grange, said they ask that the Commission go no further than staff recommendations because that would deviate from all the work done in 2003. Welsh said there are thousands of acres that cattlemen and livestock producers lease from federal agencies, USFS and BLM that have some trails that are public trails. So public trails and a maintained trailhead that are well identified on a map is extremely important. Along with setbacks from public trails they support that there can be an exception through the Department. With regard to trapping and if there is a lease for cattle or sheep in that area if those trails are designated on a map then that has to be well designated because trapping has to occur. They are concerned that there are further restrictions in those areas but the staff recommendation has made some allowances.</p>
<p>Jim Soores Wallowa, Oregon</p>	<p>Jim Soores, Oregon Trappers Association (OTA), has been an Oregon trapper for over 30 years. He said last year his</p>

	<p>coyote line was 80-miles. It would cost more to check the trap every 24-hours versus every 48-hours. A 24-hour trap-check would result in more traps closer to populated areas; every trapper he knows wants to avoid that. The last thing they want is any domestic animals caught. Soores supports the staff proposals with one exception. He asked staff to reconsider the 50-foot setback on trails; he would prefer that to a 50-foot setback on traps on land. As written a 50-foot setback could include water sets; in working with staff he didn't believe that was intended. He asked staff to review that 50-foot setback on land traps only.</p>
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- 2 Commissioner Webber asked about the mapped water trails. Fast said OPRD has
- 3 "Water Trails" that are mapped waterways of Oregon designating areas for good floating.
- 4 She is asking that the public trail definition clarify that out in the rural areas it is land trails
- 5 and not these water trails.
- 6
- 7 Commissioner Akenson asked if water trails include land pieces like if somebody was
- 8 canoeing and going from lake to lake. Fast said they are contiguous water areas.
- 9 Regarding the impact to land management areas some of those are along navigable
- 10 waterways where the State owns a narrow section below the high water mark but not the
- 11 private land above.
- 12

<p>Bob Gilman Albany, Oregon</p>	<p>Bob Gilman, Oregon Trappers Association (OTA), has been a trapper licensed for over 50 years and owner of a damage control business for 30 years. The items important to OTA:</p> <ul style="list-style-type: none"> • Leave the 48-hour trap-check as it is. It would have a tremendous impact on trappers, and it would increase his predator control business cost by three-fold. Livestock producers could not pay the cost and it would eventually put them both out of business. • OTA supports the 50-foot setback for trapping on public trails. The problem that staff faced was a large conibear set on a very active trail. He said 99% of the trappers would never have set that trap. An inexperienced young person without proper guidance from an adult set this trap. It was not an experienced trapper that did this. • Eliminate trapping within 50-feet of trails. OTA believes there could be potentially hundreds of miles of streams that would be off-limits for even muskrat trapping. He has worked for other government agencies with nutria problems around their water settlement ponds. They have trails around them so it would be illegal under this rule for him to set a cage trap within 50-feet without permission from ODFW. There are no criteria for permission and it would create a permit system that would drive up the cost.
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	<ul style="list-style-type: none"> • This past winter he did predator control to protect sheep and lambs and saw what free roaming dogs can do to sheep; it is a severe problem along with coyotes. When people who claim that dogs have been caught in traps is the owner of that dog or are they running loose on private or public property where they could cause harm to themselves or to other people's property then should not be held responsible for the dog owner not taking proper care of their pet.
<p>Scott Robbins Bend, Oregon</p>	<p>Scott Robbins, a life-long hunter and fisherman, distributed written testimony and said he was a recreational user of public lands and was concerned to learn that there are traps on public lands that might injure himself or his dog. He's concerned about the setback issue, not the size. He said thousands of people visit the area and bring their dogs. A lot of them are not on trails, are off the trails and visiting the water areas. He would keep his dogs away from the traps if he knows where they are so provide warning by signage. Robbins has been a search and rescue volunteer for 20 years looking for people on public lands. He has a search dog that he trains on a regular basis. Their discipline requires that the dog be off lead and encouraged to go away from them in order to cover the largest area possible to find a person. He said we are looking for human scent and the trappers out there are leaving human scent; the trap is going to be an attractant for us. He was not trying to take trappers out of business but asked for the opportunity to know where it is not safe for his dog.</p>
<p>Dave Williams Portland, Oregon</p>	<p>Dave Williams, State Director for U.S. Department of Agriculture – APHIS Wildlife Services, said they work closely with 26 counties, ODFW and ODA delivering service to resolve wildlife conflicts of all types. In 2003-2004, their predecessors tried to balance the humaneness issue while maintaining the effectiveness of traps and their role in managing wildlife and developing the current regulations. Regulated trapping is an important management tool; recreational or fur harvest trappers give very valuable information to the state for managing wildlife populations and damage. Current Oregon wildlife trapping regulations allows USWS to check all traps within one week, or 48-hour for furbearers. They maximize State and county resources to utilize the trapping devices.</p> <p>He said the Commission is encouraged by the state to propagate wildlife or to contribute to the populations of all</p>

the wildlife in the state for the benefit of all. More recently cow and sheep losses in Oregon are estimated at \$2.3 million to predators. An economic multiplier will drive that to \$7 million. You have \$15.5 million in timber damage caused by bears with the current regulated trapping system. With an inflexible 24-hour trap check USWS estimates it could only address 75% to 80% of current wildlife conflicts statewide. That could drive up just in livestock losses (with economic multipliers) to over \$10 million of loss to regional economies. To maintain the current service level he would need in excess of \$1 million.

Williams said exemptions for public trails as defined and provisions to be able to work in those areas are critical to be able to address conflicts occurring in those areas within 50-feet of trails. USWS must have a signed agreement to access private property. They place signs at the main entrances to those properties but sometimes it causes great difficulties. USWS has had situations where people seek their equipment and take animals out of the traps, destroy the traps or steal them.

He said over the past fiscal year USWS has been criticized as not being target specific. In the last year we had over 781,000 traps that is 82 traps per 26 cooperating counties for every single night of the year. Out of 4,483 animals 42 were nontarget. One did involve a dog and it was lethal; it happened where we had signage and permission to place the traps and had notified the owners. With traps when you have people that are skilled and experienced we are talking a nontarget take of less than 1%.

1
2 Commissioner Webber noted that Williams said the exception of 50-feet from public trails
3 might cause him problems. There is some flexibility within the proposed language that
4 with an authorization you can get into that area. Is that satisfactory to you? Williams said
5 USWS gets calls constantly to go out. We work in those checker-boarded areas all the
6 time and sometimes animals are coming off of public lands into private lands where the
7 livestock depredation is occurring. A timely response is critical in resolving wildlife
8 conflicts. If we identified that the best place to go after the animal causing the problem
9 maybe on private land it might be on that public ground. It would be problematic for them
10 to find someone in ODFW to get permission to set that equipment there.

11
12 Commissioner Wolley said Williams mentioned that there were 4,000 plus animals were
13 taken in traps, what period of time was that? Williams said during federal fiscal year
14 2011. Commissioner Wolley asked if there is any requirement for nontarget animals to
15 be reported. Williams said you can go on our website and see our no target take.

<p>Rod Harder Salem, Oregon</p>	<p>Rod Harder, National Rifle Association, said NRS supports staff's recommendations. He is trapper who set his first trap when he was eight-years old. He participated in two ballot initiatives. In the 1990s he was appointed by the Speaker of the House to serve on the Best Management Practices Task Force. He was also appointed to the Predator Trap Check Working Group that recommended that veterinarians report to CVM any animals treated for being caught in a trap. He said that has not been carried out successfully and needs to be looked into. When he found that out three years into the program he went to Senator Roger Beyer. He is glad that the Commission is not going to address the 24-hour trap-check because they don't have the authority to do that. It was put into statute by the Legislature. In order to get it changed it will have to go back to the Legislature. Harder had no comment about the conibear traps other than he doesn't see a problem with the 7.5-inch. Regarding trails, he agrees that on the waterways that is going to cause a problem. You specifically exempt the waterways but you don't exempt the banks there too. Traps for mink, raccoon and a number of different animals are set on land along the waterway. By excluding the waterway where there is a trail along that waterway there is nothing that addresses the bank. He fears that you could not set a trap on the bank if it were 50-feet from the waterway. In the Commission packet; his written testimony sets out a chronology of how these laws came about so the Commission could understand the amount of work that went into it and who was involved.</p>
<p>Rodger Huffman N/A</p>	<p>Rodger Huffman, Predator Animal Program Manager at ODA, distributed a letter and said they were involved in many of the task forces and work groups over the years. ODA is a partner with ODFW in funding predator control and supporting the ag industry and keeping those tools and keeping them available and effective. ODA is supportive of staff's recommendations and believes that the 24-hour trap-check would severely impair the ability to deal with problem animals and would affect agricultural immensely.</p>
<p>Bob Sallinger</p>	<p>Bob Sallinger, Conservation Director of Portland Audubon Society (PAS), said he represents 13,000 members. They were one of the five petitioners. The PAS Wildlife Care Center periodically takes in nontarget wildlife that has been caught in traps. They believe that Oregon has some of the weakest regulations in the United States (US). We allow 75-hours for predators and up to seven days for predators doing</p>

	<p>damage on private property; this is inhumane and unacceptable the idea of leaving animals in traps to starve to death. PAS notes that of the surveys done that 75% of the 40 states that were surveyed have 24-hour trap-check requirements; 40% of those have trap-check requirements of 24-hours without exception. California and Washington have 24-hour trap-checks requirements.</p> <p>Sallinger said PAS remained neutral on the 2001 ballot measure. We felt it was important to avail ourselves of the administrative process before we went to voters. He said too many ODFW task forces are dominated by the regulated interests. He asked the Commission to look at the composition of task forces and see how neutral they really are when they look at these issues. PAS is asking for:</p> <ul style="list-style-type: none"> • 24-hour trap-check requirement. If you catch a nontarget animal you have a better chance of getting it out of the trap in time to do something for it. • 100-foot setbacks in places where people are actively engaging in recreation. If trappers can't go further away from those areas they simply shouldn't be trapping. • Signage. This is a matter of accountability and balance. The balance is entirely on the side of the trapper. The welfare of the public is being ignored. • Marking of traps. In a few cases it would have been helpful if PAS could have contacted the trapper when animals were found in those traps that were nontarget. <p>He said PAS urges the Commission to reject staff recommendations and to adopt the suggestions in our Petition that brings Oregon closer to the values of the majority of people in this state and is consistent with states across the US.</p>
<p>Nicholas Cady Eugene, Oregon</p>	<p>Nick Cady, Legal Director for Cascadia Wildlands (CW) and a petitioner, distributed written testimony. He supports the 24-hour trap-check requirement. He submitted written testimony from Bill Ward and Ralph McDonald who support the 24-hour requirement. He spoke to the reported reasons why ODFW recommended that their changes be rejected.</p> <ul style="list-style-type: none"> • 24-hour trap-check requirement will reduce the number and distributions of traps in the state. He doesn't see where this is a bad thing especially for Oregon's outdoor economy. Based on the high number of pet deaths due to traps and the incidental taking of the emerging predator population this is exactly what Oregon needs. • The current lax regulations encourage irresponsible

	<p>trapping, which has resulted in pet death and the widespread distribution of traps on public lands used primarily for recreational purposes. The 24-hour requirement will reduce the density of traps and the number of incidental deaths.</p> <ul style="list-style-type: none"> • Burden to USWS and commercial damage control operators. He said USWS already operates by 24-hour trap-check requirements in California and Washington. Most commercial trapping operations already self-impose a 24-hour requirement because the neighboring states have those requirements for uniformity. <p>Cady said is not proposing a ban on trapping; this is just a reasonable restriction regulation of the practice. On behalf of CW and its 6,000 members he asked that the Commission enact a rule that is in the interest of the majority of Oregon's outdoor recreationalists and not the 700 trappers in the state and their lobbyists.</p>
<p>Scott Beckstead Sutherlin, Oregon</p>	<p>Scott Beckstead, Senior Oregon Director for Humane Society of United States (HSUS) distributed a letter and said he lives on 14-acres outside of Sutherlin with 14 sheep. He was born and raised on a working livestock operation in southern Idaho. He was also raised as an avid hunter. He submitted a letter dated June 6, 2012 from Oregon Senator Floyd Prozanski favoring the reforms proposed in their original petition and emailed a letter to staff from Oregon Representative Deborah Boone in support of our reforms. Lastly, Representative Brad Witt sent a letter in support of their reforms.</p> <p>Beckstead asked the Commission to consider the concept of balance. By statute the Commission's legal obligation is to manage to prevent serious depletion of any indigenous species and to provide the optimum recreational and esthetic benefits for present and future generations of the citizens of this state. In furtherance of this policy the State Fish and Wildlife Commission shall represent the public interests of the State of Oregon and implement the seven co-equal goals of wildlife management. Beckstead read the seven goals (see his letter) and said that is a mandate for balance. Too many family pets are being caught, killed and injured in traps including traps set by government persons. He encouraged the Commission to look at the series recently published by the Sacramento Bee on USWS. He said that agency has become an example of a complete lack of transparency and a culture that encourages employees</p>

	<p>not to report when nontarget animals are taken. He referred to the testimony of Denise McCurtain back in April; her dog was caught and killed in a trap set by USWS 47-feet from the same sidewalk that her children walk to the school bus every day in Gresham.</p> <p>He said HSUS could have launched a ballot measure and proposed a complete ban or broader prohibitions. We came to ask the Commission to take reasonable steps to impose some balance on the trapping regulations and bring this state into alignment with other states that are doing the same thing and doing just fine. There are many around the state that supports far broader prohibitions.</p>
<p>Stan Steele Corvallis, Oregon</p>	<p>Stan Steele distributed an article “Trapping with Dad and Poppy” and said the problem with trapping is it is more than an emotional situation. The testimony has been apparent that usage of the management tool is strongly in favor of continuing to have trapping as a management tool. After first setting his muskrat traps at nine it lead into a profession of natural resource conservation. He said the article is about young trapper in Kentucky trapping with his father and grandfather. The picture of traps and the way those pelts were handled shows a true conservationist be born. He said there are multiple uses on the landscape of Oregon. All the users have responsibilities and when we look at the way that trapping is regulated it is one of the most responsible uses of our natural resource that you will find and most intensively regulated. He said at times adjustments need to be made. But to say that all Oregonians are requiring these adjustments to go to a 24-hour trap-check he doesn’t believe it is true. He is not positive that all Oregonians have weighed in on this so it would be irresponsible to represent all Oregonians.</p>
<p>Chris Baker Bend, Oregon</p>	<p>Chris Baker, for TrapFree Oregon (TFO), distributed written testimony. He said many Oregonians are opposed to animal trapping because trapped animals suffer pain and distress for prolonged periods. Others are concerned with trapping’s impact on target and nontarget species populations. Most Oregonians are unaware that trapping occurs and that their use of public lands puts themselves and their pets in danger of injury or death. Baker said TFO feels that the proposed changes are inadequate. The only significant change is a 50-foot setback from public trails. This would limit the public’s safe hiking areas to a 100-foot corridor surrounding these trails. TFO believes that changing demographics and</p>

	<p>increased public use of land demands a stronger response. TFO is pursuing legislation that would largely ban trapping – especially for recreation and commerce in fur. TFO has no issue with the use of firearms, archery or fishing equipment to take wildlife. He said TFO is not here to prevent ranchers from protecting their livestock from predators. Public education will produce enough support for our legislation to get passed by the people and signed by the Governor.</p>
<p>Bill Hoyt Cottage Grove, Oregon</p>	<p>Bill Hoyt, immediate past president of OCA, said he has 600 ewes and 300 goats. He supports the staff recommendation. He said he uses a multiple toolbox to deal with predators on his ranch, 3,000 acres in Douglas and Lane County. We are an island in the middle of a growing urban/rural population. He doesn't allow hunting on the ranch because of the liability. He said this year during lambing they lost 25 lambs to bald eagles. They are one of the largest guard dog producers in the state. He doesn't use two tools in the pasture so if USWS comes in he will pull his guard dogs from that pasture. The reasonable use of the tools in the box keeps him in business. Without those tools they cannot survive with the emerging economy. Hoyt said he is a fifth generation rancher and his great-great-grandfather homesteaded his ranch in 1852 and didn't have to deal with the same problems that we deal with today. He asked the Commission to take a very serious look at what the tools are, how effective they are, what the impact is and that we make a good decision based on the reality and not the emotion of the situation. He echoed Roger Beyer's comments; they were very spot on.</p>
<p>Cassandra Robertson Corvallis, Oregon</p>	<p>Cassandra Robertson, a citizen, said trapping hasn't been part of her life until four months ago when she realized that this is happening on state and federal lands nationwide. She lives out in the country and saw a coyote that had been caught in a snare trap; it had woven itself through the fence trying to escape. She said it was 18 days until somebody came. She said one gentleman said they take care of their traps but that is not a true statement. She found a baby deer that had been caught in a snare trap; it traveled through a hole in the fence. It was cut and thrown away from the fence line; she assumed it had never been accounted for. The statement that targeted animals are always accounted for is not true. She asked the Commission to look into these numbers. She also found a raccoon and a fox in a trap on a sheep farm and brought it to the attention of her community. This was USWS's trapping and there were no signs posted.</p>

	<p>After public outcry the signs went up and they swore the signs had been there. Robertson said this is huge polarizing issues and involves jobs but where is that balance. She suggested installing fences to prevent wildlife from being attacked, or using guard dogs. She asked that the Commission to have USWS trappers obey their own rules.</p>
<p>Eileen Stark Portland, Oregon</p>	<p>Eileen Stark, Predator Defense (PD), spoke for Brooks Fahy their Executive Director. She highlighted points in his letter dated June 6, 2012. She said the proposed change to trap size and placement of killing traps is so poorly worded that is unintelligible thus difficult to comment on its merits or lack thereof.</p> <ul style="list-style-type: none"> • PD opposes the use of conibear traps of any jaw size for land or water use; that there are no regulatory restrictions for kill traps doesn't mean these traps in water are without danger. Our Petition requests that warning signs be set for any traps anywhere. • PD asks the Commission to accept the very moderate change to Oregon's trapping regulations proposed in our Petition. ODFW rejected each proposal with the exception of a no trap buffer zone around public areas. • Staff proposes a 100-foot setback of public trails be limited to only 50-feet. PD finds no reason that the request to be denied leaving half as much of a safety zone that pose risk to children and pets. • ODFW's own research shows that the majority of other states implement such a trap-check interval. She said 24-hours is a long time to suffer in a snare or trap, anything beyond that is not tolerated in the majority of other states and should not be tolerated here. Current trap check times vary from 48-hours to 7-days depending on species or purpose for which the trap is set. The criteria are meaningless since traps and snares are indiscriminate and capture whatever species steps inside its jaws or wire loop. PD asks the Commission to accept a 24-hour trap-check time; it reflects a balance between humane and business interests. <p>Regarding posting warning signs, public safety should always come before personal concerns for private property. If a trapper is able to put the public at risk with his traps, then he should suffer the consequences of acting irresponsibly. This goes to ODFW as well; their exemptions are inappropriate and unacceptable.</p>

1 **Chair Bobby Levy stated my family and I operate a stock operation that is affected**
2 **by predators and my husband is a licensed trapper. So these rules could**
3 **potentially affect our business, economic interests which could be a potential**
4 **conflict of interest for me. Our interests are no different than those of other**
5 **livestock producers or trappers; however, the Attorney General has explained that**
6 **this is a potential not actual conflict of interest and thus I am able to participate in**
7 **and vote on this agenda item.**

8
9 Chair Levy asked Legal Counsel to clarify the 48-hour rule and whether the Commission
10 has any statutory authority to change that rule.

11
12 Legal Counsel Erin Donald said in ORS 498.172 (1) and the requirement is that the
13 trapper checks the trap at least once during each 48-hour period. She said the DOJ's
14 legal advice on that is that requirement poses an at least once trap-check in every 48-
15 hour period but does not preclude the Commission from requiring that traps be checked
16 more frequently. So, the Commission could for example require that traps be checked
17 once every 24-hours or every 12-hours. It could not require that traps be checked less
18 frequently than every 48-hours; for example every 72-hours would violate the stature.

19
20 Commissioner Webber said he did not want to impact water ways that may be within 50-
21 feet of a trail. In the description of what a public trail is it says any "public trail 50 inches
22 or less in width." He walks trails from 10-inches to 50-inches wide to acres wide. How is
23 the width measured and is that important if this restriction would apply to those trails that
24 are designated, mapped and maintained. Where do the 50-inches come into this?
25 Thornton said from looking at other states and to clarify that this wasn't to apply to roads
26 and other things commonly wider than that.

27
28 Commissioner Webber said why did you exclude roads? Thornton said almost every
29 road is designated on a map so it applied to what is considered a trail and not a
30 numbered line on a map. Commissioner Webber referred to the Wenaha Unit; it has a
31 lot of road closures with gates across them. You go around the gate and walk down the
32 road. Why would we exclude that from this 50-foot buffer? If you go down the road and
33 come to a trail it is included. Thornton said that is within the discretion of the
34 Commission if they would like to make that change. If you look at Forest Service maps
35 they will use different symbols for roads versus trails and it was to apply it to those
36 landscape features that are considered and maintained.

37
38 Commissioner Webber said hunting in the Snake River Unit, if you go from Warnock
39 Corral out towards Summers Point the Forest Service designates it a trail; we have a
40 road closure on it. What would that be and how do we clearly notify the trappers and the
41 public of where they can expect to encounter traps and where they can expect it to be
42 trap free? Larry Cooper said staff is responding to the petition presented to the
43 Commission. The target was for trails where those access points are where people walk
44 most often. The intent was not to include active or nonactive roads but to let hunters and
45 trappers know where they can put traps specific to trails and not broaden it to include all
46 roadways currently used as such. Commission Webber so it would be the designated,
47 maintained and mapped trails that we would apply the 50-foot buffer on. Cooper said

1 correct; just those that are designated on the most current map and maintained and
2 identified by that public agency.

3
4 Commissioner Akenson referred to Webber's comments and said if we put roadbeds in
5 as part of trails it complicates it too much. We are better off to ignore that piece because
6 it is not enforceable and we are looking for a really solid and enforceable definition.

7
8 Commissioner Wolley agreed with Commission Webber about not having roadways
9 included when talking about distances and traps. He envisions all the times when
10 someone is driving down the road and it could be a remote road and they need to make
11 a stop and wander off the roadway. He said there is no restriction from a trap line
12 running 20-foot parallel to a roadway. He read staff's summary about the survey done;
13 there were 75 surveyed that had either a 24-hour trap interval or 24-hour with some
14 exceptions. He asked how other states are fairing that have the 24-hour check. Some of
15 them went from a longer interval to a shorter interval. Were any hardships reported?
16 How did the trappers adjust to the change? Are there economic impacts there that they
17 have to deal with now and that they didn't before? Cooper promised to have staff
18 research that and get that information to Commissioner Wolley.

19
20 Commissioner Anderson noted that people have said there has been years going into
21 developing the current recommendations but clearly consensus was failed to be
22 reached. The consequence of that is a ballot imitative which is expensive, can have
23 confusing messages and bring more restrictive requirements than the original request
24 was. In the proposed rule, as written, waterways are not considered a public trail. She
25 asked is there a legal difference between a waterway and a Water Trail, and does there
26 need to be more clarification on this. Thornton said staff was working within the petition
27 and focused on trails. Staff didn't want that spread over onto roads and waterways like
28 streams that we specifically ask to be excluded. Regarding water trails those did not
29 come up in staff discussions. He said staff could look at how OPRD designates those.
30 With the description that they have heard he doesn't believe that there would be a
31 conflict if those are areas that are recommended for rafting and floating. They would be
32 larger than the 50-inches and would not fall within that category. He doesn't believe
33 there is a conflict but staff can research that further for more detail.

34
35 Commissioner Anderson said if the proposed rule were that roads, waterways and water
36 trails are not considered public trails would that clarify the issue or is that a redundancy
37 in the rule? Thornton said that would certainly clarify it. Staff could add those terms.

38
39 Director Roy Elicker said staff could do that or might want specifically to define water
40 trails as trails designed for floating craft and then make sure whether they're called water
41 trails or waterways or some other designation, such as canoe trails, that we are not
42 referring to those in the statutes. Staff will look into those and define that they are not
43 part of the rule.

44
45 Chair Levy said are you suggesting that the Commission either passes this or not, that
46 we get legal writing for the draft motion so it includes it correctly?
47

1 Director Elicker said he needs to make sure that the Commission is good with the packet
2 in front of them. If the public trail definition is the only issue that is causing angst then
3 staff can work on it and then bring those changes back to the Commission either at 5:00
4 p.m. today or tomorrow at 8:00 a.m. with the proposed rule package including the
5 definition preferred by the Commission on public trail. We want to make sure we are not
6 inadvertently causing some issues with trappers who are trapping waterways or
7 muskrats, raccoons and mink.

8
9 Chair Levy said bring it back tomorrow.

10
11 Commissioner Webber said in the latest proposal to OAR 635-050-0047(1)(a), staff
12 inserted the word "snares". It indicates that the prohibition for traps or snares would be
13 within 50-feet of any public trail. He suggested that be limited to no traps or snares may
14 be set on land within 50-feet of a public trail. If the trail was going along a lake they could
15 set water traps and they would not be illegal. Cooper said staff could have that for the
16 Commission for the next iteration or insert it right now.

17
18 Commissioner Webber said in subsection (b) it states "Within 30-feet of any..." that should
19 read "**300-feet**". Cooper said correct. Commissioner Webber said on Public Trails in
20 635-050-0050(10), line 10, it has to be 50-inches or less which was to exclude roads,
21 and then we turn around and exclude roads. He said 50-inches or less is a confusing
22 statement; if it's a designated, maintained and mapped trail by the land management
23 agency involved with that property that would be enough whether it is 50-inches wide or
24 100-inches wide. He isn't concerned about roads but the 50-inches concern him to leave
25 that in. Thornton said staff could make that change with the 50-inches.

26
27 Director Elicker clarified that Commissioner Webber's personal view is not to have
28 someone go out with a tape measure and figure out how wide the public trail is.
29 Commissioner Webber said correct. Elicker said let's not have any designation in terms
30 of inches or feet if it is a maintained trail on an official map of the public agency. Would
31 you be fine with that? Commissioner Webber said if it's a designated trail that is
32 maintained and mapped then that would trigger the 50-foot buffer on either side.

33
34 Commissioner Akenson said what was the intent of 50 feet from a public trail in the
35 original description? Was that to include water as well as land? Thornton said yes, we
36 did recognize that it would affect water sets also. Commissioner Akenson said that is
37 important to maintain because if we're trying to minimize problems with pets if you have
38 a designated trail along a waterway you are likely to have dogs in the water and that is
39 where conibears are going to be used. She said we should not say just on land. With the
40 road description she likes the 50-inches because it either is or either is not a trail and not
41 up for somebody to figure it out.

42
43 Commissioner Wolley said the same trail can vary in width from one time to another due
44 to conditions. If it is mapped, designated and recognized by a public agency and it's
45 maintained then that is a good enough definition for him.

46

1 Chair Levy asked for comments about the supplement to Attachment 4 in OAR 635-050-
2 0047(1)(a) to leave it as is or add land. She said Commissioner Akenson has a point
3 about the traps in the water. When staff did this they are saying that within 50-feet of
4 any public trail. You took in the fact that they trap in the water? Thornton said staff did
5 consider that it would affect water sets. Chair Levy said she was fine with it the way it is.

6
7 Commissioner Webber said the Metolius River has a trail down both sides which means
8 there is no trapping. Does that create a problem? If you had a problem animal that was
9 in the water that you would be pretty much out of luck. Thornton said there is a provision
10 that allows ODFW to authorize trapping within these situations to remove a problem
11 animal. Commissioner Webber said that takes care of it for me.

12
13 Chair Levy asked if the Commission was okay with removing the "50-inch or less in
14 width" from Attachment 4, OAR 635-050-005 (10), page 5, line 10.

15
16 Commissioner Wolley said he was fine with removing it for the reasons he stated earlier.
17 Commissioner Anderson concurred with Commissioners Webber and Wolley.
18 Commissioner Akenson said she could either way. By taking it out means it will add
19 additional trails to the list that will be excluded from trapping. Are we including then
20 previous roads that are now designated trails, which may not be in places that would be
21 high traffic areas? Chair Bobby Levy said are you specifically referring to areas in places
22 like the mountains and not actual daily use by the public that they are designated as a
23 public trail? Commissioner Akenson said yes, she is not opposed to that but it does
24 have implications with adding more areas excluded from trapping.

25
26 Commissioner Anderson said wouldn't the intent of this rule change before public benefit
27 protection and would it matter if it were a trail of 50-inches or less or a decommissioned
28 road in that regard? Commissioner Akenson said in the sense of balancing the need for
29 protection for pets versus availability of roads or trails for trapping, because those are
30 access ways as well for trappers. Chair Levy said if we take the 50-inches out and then
31 they designate something as a trail it may not get mapped right away. Staff is saying the
32 most current official map of the agency. She would leave the 50-inches or less in the rule
33 just for that reason.

34
35 Commissioner Webber said you're going to be running around with tape measures. If it's
36 51-inches they can set their traps and somebody walking down the trail has to be
37 measuring the same thing because if we are trying to advise them there are no traps or
38 there are traps having this 50-inch in there is going to create a lot of gray areas. Saying if
39 it is designated and maintained and the most current map is pretty definitive that it is
40 someplace you can't trap.

41
42 Commissioner Akenson agreed that is a difficult designation. How wide is an off-road
43 vehicle track and is that considered a trail or not a trail because those sorts of places you
44 probably wouldn't worry whether dogs were getting alongside those trails, but that would
45 be a trail. Thornton said that is one of things behind the 50-inch is those road vehicles.
46 Staff recognized that a trail is going to vary in width.

1 Commissioner Webber said from a legal perspective how are you are going to enforce it
2 if it's 51-inches and the trap is set there. We are in the gray area.

3
4 Commissioner Wolley said he hikes on a lot of trails; so 50-inches is just two inches
5 more than four-feet and most of the trails he hikes on are less than four-feet wide. They
6 are designated trails and often have signage; they are maintained by trail crews and
7 there are a lot of trails that are narrower trails that are designed because of topography
8 and other reasons. He was okay with taking it out.

9
10 Director Elicker said what was the reason that staff decided to insert the 50-inch or less
11 as a defining parameter on this issue? Thornton said when staff looked at the regulations
12 of other states we felt it would further strengthen the separation between roadways and
13 trails. Having roadways and roads in there is somewhat of duplicity. If we took it out we
14 wouldn't be losing a lot. Director Elicker said we wanted to define the width of these
15 trails so we wouldn't have confusion with roadways being treated as trails for the
16 purpose of the rule. Thornton said that is correct.

17
18 Chair Levy said the Commission needs to decide whether to keep the 50 inches or less
19 in the OAR. Commissioner Webber asked that it states "on land". He could live with the
20 way OAR 635-050-0047 is because if there is a problem there could be exceptions.

21
22 Chair Levy asked Legal Counsel if the Commission should vote separately on the
23 changed wording for OAR 635-050-0047 because of the typo.

24
25 Thornton said earlier he had a new addition and inadvertently did not mention the
26 second change. In OAR 635-050-0047 (1)(c) at the end of that sentence staff added "...
27 **on the most current official map of the agency.**"

28
29 Legal Counselor Erin Donald said it does not matter which one the Commission votes on
30 first, but to vote separately on them so the record is clear that these new amendments
31 are what the Commission is voting on. Chair Levy said do we need a motion with that
32 voting or can the Commission do a verbal count first and then do the motion and show
33 the count? Legal Counselor Donald said we need a motion and if the Commission
34 wanted to, take a verbal count now to see where they are at and then do the motion.

35
36 Director Elicker said the Commission has to vote on the full package of rule changes
37 because there are dates and other things. Legal Counselor Donald said that is right. She
38 clarified that the Commission needs to separate out the OAR 635-050-0047(1) and (c)
39 amendments because of the last minute amendments different that what are in the full
40 package. Director Elicker said the Commission does a motion for the whole package of
41 rules excepting OAR 635-050-0047 and then does a separate discussion and votes on
42 OAR 635-050-0047? Legal Counselor Donald said that would work.

43
44 Chair Levy said the Commission would first vote on the whole package except for the
45 Supplemental handout on OAR 635-050-0047 to Attachment 4 that the Commission
46 received this morning where they talked about the land. She said the Commission is still

1 undecided about OAR 635-050-0050 (10), page 5, on line 10, regarding the 50 inches or
2 less in width issue. Instead of voting the staff should come back on that?

3
4 Legal Counselor Donald said does the Commission want to do the whole package
5 excepting that. Chair Levy said she would rather do that and have staff come back and
6 present on the 50-foot rule

7
8 Ron Anglin, Wildlife Division Administrator, asked the Commission to give staff a clear
9 intent of what they want and have staff bring the rule language changes back to the
10 Commission tomorrow morning. Chair Levy said the Commission could vote on it
11 tomorrow morning. Anglin noted that if the Commission signaled their intent today the
12 audience would know what that was.

13
14 Chair Levy said the Commission is all in agreement with the Supplement (see handout)
15 to Attachment 4 on OAR 635-050-0047 as it is worded before the Commission now.
16 Commissioner Webber said with the one exception in Section (1)(b) that the typo would
17 be "**300 feet**" versus "30 feet". The Commission agreed.

18
19 Chair Levy said the next vote is agreeing to the whole package with clarification on "50
20 inches or less in width" specifically to 635-050-0050(10), page 5, line 10. She
21 Commissioner Akenson and she would vote to leave the 50 inches in the rule.
22 Commissioners Anderson, Wolley and Webber would vote to take it out. The
23 Commission asks for clarification.

24
25 Anglin said initially staff did not intend to take in roads that were part of road closures
26 that were wide spread across the forest; some come and some go; their designated
27 roads, they have signs and they are maintained. The intent was not to capture those
28 and the 50-foot setback within those. A lot of those are in very remote areas that do not
29 have a lot of public access. But the intent was to capture the ones that were specifically
30 designated as trails trying to capture the pieces that were tied in to where they are used
31 as trails, whether horseback, foot traffic, ATV or mountain bikes, and capture those types
32 of trail systems that was pretty consistent with the things we saw in the other states.
33 Staff can easily change it and say no "50 inches" but it does not include roads that have
34 been closed off and have not been maintained as trails or designated as trails.

35
36 Commissioner Webber preferred to take out the 50-inches and exclude the roadways. If
37 it isn't designated, maintained and mapped as a trail then the buffer does not apply.
38 Chair Levy agreed because that is where the distinction comes from.

39
40 Director Elicker said the Commission still needs to do a motion to adopt the staff
41 recommended rules with the exception of OAR 635-050-0050(10) which staff will work
42 on tonight and bring back to the Commission in a separate motion tomorrow morning.

43
44 Legal Counselor Donald said yes and the Commission will want to adopt OAR 635-050-
45 0047 separately now. Chair Levy asked if the Commission could adopt OAR 635-050-
46 0047 with the adoption of everything else and the only thing they don't adopt today is
47 Section (10). Legal Counselor Donald said the Commission can as long as you specify

1 that you are changing the “30 feet” typo to “300 feet” and doing the amendments that
2 were presented today.

3
4 Commissioner Anderson said we lost one of the clarifications we needed regarding water
5 ways and water trails. We had the conversation when Commissioner Webber suggested
6 changing the language to no traps or snares on land. After we dismissed that I still feel
7 that some clarification of whether or not water trails would be included in OAR 635-050-
8 0550 (10) is warranted with regard to the statement “... roads and waterways are not
9 considered a “public trail”.”

10
11 Director Elicker said staff would work on that as well. He asked the Commission to
12 adopt all of the rules with the exception of OAR 635-050-0050. Staff will come back to
13 the Commission in the morning with some alternatives for OAR 635-050-0050 that take
14 into account the water trail issue and the removal of the “50 inch” issue with some other
15 language that helps to define what we are talking about there.

16
17 *Chair Levy moved to amend Oregon Administrative Rule Chapter 635, Divisions*
18 *050 and 200 excluding specifically Division 635-050- 0050, Section (10) only with*
19 *the supplement to Attachment 4 that the Commission received this morning*

20
21 *635-050-0047 with the correction on (1)(b) to say “**Within 300 feet...**” and as*
22 *proposed by staff to set regulations and seasons for the harvest and pursuit of*
23 *furbearing mammals. Commissioner Akenson seconded the motion, and the*
24 *motion carried unanimously by a vote of five.*

25
26 **ADJOURN**

27 Chair Levy adjourned the public meeting at 4:40 p.m.