



Oregon Fish and Wildlife Commission Minutes

Meeting: Thursday, June 6, 2013 – 8:00 a.m.
Embassy Suites Washington Square
Regency One Room
9000 SW Washington Square Road
Tigard, Oregon 97223

Meeting: Friday, June 7, 2013 - 8:00 am
Embassy Suites Washington Square
Regency One Room
9000 SW Washington Square Road
Tigard, Oregon 97223

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, Chair
Michael Finley, Vice-Chair
Bob Webber, Commissioner
Holly Akenson, Commissioner
Gregory J. Wolley, Commissioner
Laura Anderson, Commissioner

Roy Elicker, Director
Erin Donald, Assistant Attorney General
Teri Kucera, Executive Assistant

8 **MEETING**

9 On Friday, June 7, 2013 at 8:00 a.m., Chair Bobby Levy called the Oregon Fish and
10 Wildlife Commission (the Commission) meeting to order. She announced that Exhibit K
11 was moved up on the agenda immediately following Exhibit D, and that the annual
12 Shikar Safari International Club award would be presented at 11:30 a.m.
13

14 **DIRECTOR'S REPORT**

15 Field Reports

16 Northeast Region

17 Bruce Eddy, Region Manager, said the Starkey Experimental Forest Range project
18 located southwest of LaGrande provides an environment where staff can evaluate the
19 effects of forest management on elk and use that information in modeling forest
20 management. Eddy reported on the history and fishery management of Wallowa Lake
21 kokanee and said the population fluctuated from 70,000 in 2008 to over 900,000 in 2012.
22 He said there is a connection between the density of kokanee in the lake and the size of
23 the kokanee. A temporary administrative rule before the Commission today increases the
24 bag limit to provide anglers an opportunity to take advantage of this resource.
25
26

27 High Desert Region

28 Chip Dale, Region Manager, said staff completed sage grouse lek counts by late April.
29 Although final counts are not available yet, a preliminary analysis of population trends
30 shows a decrease across the region. In 2012 when staff looked at brood counts there
31 was a decrease in the number of chicks per half, about half of the 20 year average. An
32 Oregon State University graduate student is studying the effects of wildfires on sage-
33 grouse. Dale gave an update of California bighorn sheep in the John Day and
34 Deschutes River canyons. He said both herds have been very productive, are doing very
35 well and continue to expand.

1
2 Southwest Region

3 Larry Cooper, Region Manager, said Congress authorized fishery enhancement to be a
4 primary purpose of the William Jess Dam at Lost Creek Reservoir and the Applegate
5 Dam at Applegate Reservoir. The stored water behind the dams is allocated downstream
6 for fish needs in the summer in order to maintain their health. Staff was concerned about
7 warm water temperatures in the first part of spring and that they would have to release
8 some of that water but late rain in May lowered the water temperature and increased the
9 volume of water. Cooper also discussed impacts of the spring dry weather conditions in
10 the steam flow and on acclimation sites of the Coos/Coquille/Tenmile Fish District
11 system. He said two inches of rain in one day in May helped to resolve that situation.
12

13 Northwest Region

14 Chris Wheaton, Region Manager, reported on long-standing issues with poaching of
15 adult salmon at the Cedar Creek (Nestucca Watershed) Hatchery weir. Staff is working
16 with local anglers and Oregon State Police (OSP) and wired the area with motion-
17 activated floodlights and posting of new signage. He discussed several successful angler
18 outreach events held this spring that help encourage public outdoor recreation. Lastly,
19 staff is working with the Confederated Tribe of the Grand Ronde to collect adult hatchery
20 spring Chinook from the trap at Willamette Falls for their ceremonial first fish event.
21

22 Marine Resources Program

23 Steve Williams, Fish Division Deputy Administrator, said some rockfish released at
24 depths greater than 66 feet exhibit depth-related trauma (barotrauma) at the surface.
25 Staff purchased 4,900 rockfish "Shelton Fish Descenders" (see *Rockfish Recompression*
26 handout) and mailed 3,500 of them to vessel owners and anglers to encourage safe
27 release techniques. A project logo stick-on (see *No Floaters – Release at Depth*) will be
28 given to fishermen to stick on their boats. The Pacific Fishery Management Council
29 (PFMC) adopted methodology for reduced bycatch mortality rates for rockfish released
30 with these devices. If more people use these devices staff can hopefully extend fishing
31 seasons and it will benefit the fish in reduced mortality. Staff hopes to incorporate the
32 new rates in bycatch mortality estimates in 2013. Lastly, Williams reported that staff
33 expects an overall razor clam harvest this year under 1.4 million clams.
34

35 Commissioner Anderson suggested using Fish Descenders to do tagging. Perhaps have
36 a graduate student look at the recapture rate or a metric on survivability. Has this been
37 discussed? Williams said yes. We have a Blackrock fish tagging program and contract
38 with charter boats and have in the past used volunteers. Staff is on board to assist with
39 the tagging and to gather information. He said we have discussed expanding that overall
40 to involve a broader cross section of the public.
41

42 Information & Education

43 David Lane, Acting Deputy Administrator, said to help new hunters with the controlled
44 hunt process staff developed: 1) *Controlled Hunts 101* flyer for beginners; 2) teamed with
45 a software engineer who runs the Oregon Tag Draw Percentages website to help
46 hunters navigate the process; and 3) explain how youth can take advantage of the "First
47 Time Hunt" program. Staff is surveying participants about post-event behavior to better

1 understand the connection between ODFW's education programs and recruitment. Lane
2 reported on ODFW's growing social media presence. Over 10,000 individuals have
3 signed up for ODFW's Facebook page. Combined with Oregon Wildlife Viewing and
4 ODFW Outdoors, we are communicating with over 15,000 interested people.

6 Oregon State Police, Fish and Wildlife Division

7 Captain Jeff Samuels said Senate Bill (SB) 198 does two things: 1) provides court
8 authority to suspend a commercial fishing license for no more than two years; and 2)
9 gives Troopers the ability to cite commercial fishing offenses as violations if there was no
10 culpable mental state and occurs in the officer's presence. SB 186 relates to affidavits to
11 a judge that request a warrant to authorize the use of mobile tracking devices; now
12 includes violations of wildlife, commercial fishing, and outfitter and guide laws. Captain
13 Samuels discussed the results of the South Coast Team and patrol vessel Guardian
14 during the All-depth Halibut season opener.

15
16 **PUBLIC FORUM.** No one signed up for Public Forum.

18 **Exhibit D: COMMISSION MINUTES**

19 Chair Levy asked the Commission for edits to the draft May 10, 2013 minutes.

20 Commissioner Anderson made two corrections:

- 21 • Page 9, line 37, the word "Troll" should be spelled "Trawl".
- 22 • Page 11, line 42, delete the phrase "..and pop fishermen..."

23
24 *Action: Commissioner Webber moved to approve the draft minutes as corrected*
25 *by Commissioner Anderson for the meeting of May 10, 2013. Commissioner*
26 *Akenson seconded the motion and the motion carried unanimously by a vote of*
27 *six.*

29 **Exhibit K: Recruitment, Retention, and Re-activation Action Plan**

30 Director Elicker said the Department is spending a lot of time on this issue trying to grow
31 the hunting and fishing public. Chris Willard, Recruitment and Retention Coordinator, is
32 the project leader for our Recruitment, Retention, and Re-activation Plan (RRR Plan).

33
34 Chris Willard during a slide presentation discussed ongoing work on the RRR Plan. He
35 gave background on the North American Model, the Federal Aid and Wildlife Restoration
36 Act 1937 (Pittman-Robertson Act) and the Sport Fish Restoration Act 1950 (Dingell-
37 Johnson Act). He said one-half of revenue comes from angler and hunter generated
38 dollars; 39% comes from hunter/angler license sales, and 11% is from excise taxes on
39 hunting and fishing related supplies and equipment. Oregon Resident hunter
40 participation dropped 37% from 1980 to 2012; today there are about 250,000 licensed
41 hunters. Oregon Resident licensed anglers decreased 18% in the last 30 years. He
42 presented the three goals of the RRR Plan:

- 44 1. Develop active agency support for RRR efforts by involving the entire department.
 - 45 ➤ Reduce internal barriers and develop a customer centric focus, includes North
 - 46 American Model training. Provide customers with feedback mechanisms to
 - 47 understand how to best meet their needs; monitor and evaluate those efforts.

- 1
2 2. Increase participation in hunting, fishing, and wildlife viewing.
3 ➤ Review license structure, prices and processes. House Bill 2252 gives
4 authority to offer multi-year licenses at a discounted rate.
5 ➤ Work with Recreational Boating and Fishing Foundation (RBFF) and Council
6 to Advance Hunting and Shooting Sports to improve online license system.
7 ➤ Enhance customer awareness of opportunities, e.g., how to guides, web tools.
8 ➤ Invest in marketing. Working with National Shooting Sports Foundation
9 (NSSF) and Archery Trade Association (ATA) to conduct surveys of hunters
10 and anglers to understand participation rates in Oregon.
11 ➤ Increase workshops, classes and event, expand to new audiences, and help
12 participants take the next step.
13 ➤ Time workshops to take place directly in front of hunting and angler seasons.
14 ➤ Increase and expand workshop opportunities and access.
15
16 3. Develop and maintain long-term strategic partnerships with industry,
17 sporting/conservation groups, and youth development organizations.
18 ➤ BowTech Archery, Dick's Sporting Goods, Boy Scouts of America, Oregon
19 Hunters Association (OHA), Mule Deer Foundation, Rocky Mountain Elk
20 Foundation, Delta Waterfowl, and Northwest Steelheaders.
21

22 **Public Testimony:** There was no public testimony.
23

24 Commissioner Webber said someone has to take the youth fishing and hunting. We
25 need to get our partners to look at that and we need to expand it outside of their families.
26 Perhaps a kid down the block that does not have any access doesn't get to go. Willard
27 said we partner with Big Brother and Big Sister Programs who reach out to those kids.
28 We are increasing our efforts to make it easier for those people to take kids out.
29

30 Chair Levy said in her area are two groups called Campus Life and Athletic Christian
31 Foundation. There are Wednesday night group meetings and weekend boating events
32 that always draw at least 100 students. She suggested that staff contact those groups to
33 get those kids interested in other activities, or to give a presentation to those groups.
34

35 Director Elicker discussed the importance of the RRR Action Plan. He said in Oregon for
36 fish and wildlife management the majority of the funding relies on hunters, shooters, and
37 fishermen for funding the agency work. For the 2015-2017 biennium staff will discuss a
38 combination of fee adjustments with the Commission; it is the end of our six-year
39 commitment from the last fee increase. Staff is looking at this in a different way. House
40 Bill 2252 authorizes us to look at multi-year licenses and family licenses which is why we
41 are trying to grow our product here in Oregon to help fund the agency's activities.
42

43 Director Elicker chairs the Western Association of Fish and Wildlife Agencies Hunter,
44 Angler, Shooting Sports & Wildlife Recreation Participation Committee and the
45 Association of Fish and Wildlife Agencies Technology and Data Committee. He said last
46 week he attended the 2013 Industry-Agency Summit, a national summit of the firearms,
47 shooting, and ammunition industries. He spoke with ATA about the new level of

1 marketing sophistication and their work with movie and cell phone industries to develop a
2 new marketing tool. Archery experienced a big growth spurt in youth activity after the
3 movie *Hunger Games* came out. This fall another movie will be released that the industry
4 feels will again drive the public's interest in archery. ATA officials said at the end of the
5 movie anyone in the audience with a Smartphone will get a marketing hit to go to their
6 local archery retailer for a discount coupon for archery equipment or archery lessons.

7
8 Director Elicker said ODFW is one of the top five agencies in the country spending time
9 on this issue and with only one marketing position. He acknowledged Chris Willard's
10 work as top notch and really important for the agency.

11 **Exhibit E: 2013-2014 BIG GAME REGULATIONS**

12 Tom Thornton, Game Program Manager, during a slide presentation discussed the
13 Regulation Development Progress leading up to staff proposals before the Commission
14 today to adopt tag numbers and regulations for 2013 fall hunts and to approve the 2014
15 season concepts. In October staff will be back before the Commission with proposed
16 2014 regulations for adoption. He said for mandatory harvest reporting this was the first
17 year that hunters were required to report for their deer and elk tags or be assessed a \$25
18 fee. ODFW mailed out 105,000 reminders to hunters who had not complied. He said the
19 compliance rate this year increased to 82% (85,553 tags were not reported). A
20 reinstatement fee to purchase 2014 licenses could be assessed on 50,000 hunters who
21 failed to report. A major change last October shifted the interactive voice response to a
22 call center with live operators. Thornton said hunter feedback was very positive.

23
24
25 Thornton discussed concepts under review for 2014.

- 26 • Allow crossbows in certain situations for Big Game with limitations.
 - 27 ○ Pilot Program would require an Archery Special Use Permit in addition to
 - 28 an Oregon Disabilities Hunting and Fishing Permit.
 - 29 ○ Physician statement that disability is permanent and substantially impairs
 - 30 the ability to shoot a bow.
 - 31 ○ Statement as to why hunter is unable to use "adaptive archery equipment"
 - 32 such as draw locks and devices that support the bow.
- 33 • Crossbows during rifle seasons. Asking for hunter comments regarding allowing
- 34 crossbows during rifle seasons as a lesser weapon.

35
36 Ron Anglin, Wildlife Division Administrator, said a few years ago the Commission
37 declined to take action on a crossbow proposal by staff. Last winter ODFW was
38 approached by a legislator preparing legislation to allow the use of crossbows for people
39 with disabilities. Deputy Director Curt Melcher asked the legislator to allow staff to ask
40 the Commission to do something through administrative rule. Staff consulted with the
41 U.S. Fish and Wildlife Services (USFWS) ADA Coordinator who advised that if you have
42 an ADA claim, you are at risk and would lose. Staff is looking at a way to meet the need
43 and provide accessibility for the use of crossbow as appropriate and to avoid the risk of a
44 federal finding. Staff is consulting with the bowhunting community and researching what
45 other states are doing. Staff will present a proposal to the Commission in October.

1 Commissioner Webber clarified that the Commission could do something or does
2 nothing and the Legislature would then potentially take it up; if they passed a bill it would
3 be beyond our control. He said currently we may be in violation of the ADA in relation to
4 this? A third option would be the court could tell us what to do?
5

6 Anglin said ADA challenges can be through a court case or they can challenge our
7 regulations through USFWS because of our funding under the Pittman Robertson Act.
8 Our most recent challenges were through USFWS regarding road closures. If they rule
9 against ODFW, we either change or they could withhold our federal funding, but it also
10 opens up additional opportunities for legal action against the state.
11

12 Vice-Chair Finley recalled that he used to meet with those federal employees; the
13 standard was "reasonable accommodation". Often those people in the ADA program
14 were not the most objective or neutral person involved. He said this should be judged on
15 reasonable accommodation, what make sense – a legitimate need, and not be herded by
16 someone's threats of legislation or an ADA person making a ruling that can be
17 challenged.
18

19 Anglin said the federal person responsible for our region said Oregon's current statutes
20 relative to disabled hunting far exceed what is required under the federal ADA and
21 accessibility and that we could change that if we wanted to legislatively.
22

23 Commissioner Akenson asked Anglin to discuss ODFW's current program for disabled
24 archery hunters and why that may not meet the ADA requirements. Anglin said there are
25 opportunities for disabled hunters to utilize draw locks and other devices not normally
26 available to archers and not approved for general bowhunting seasons. They allow the
27 bow to be held in a full lock. There are individuals that cannot operate those that would
28 be able to operate something like a crossbow. That is where the difference comes in for
29 that narrowly defined set of people. Do they have the same opportunity to bow hunt and
30 what are the tools available to them to do that?
31

32 Don Whittaker, Ungulate Coordinator, added that the current Permanent Disabilities
33 Permit application for those individuals still requires verification by a medical practitioner.
34 If they qualify they are issued a letter that is valid for only one year. If they want to
35 continue they have to reapply and go through the process again the following year.
36

37 Commissioner Akenson said crossbows are not currently legal in Oregon and not legal in
38 the archery seasons so the ADA could require us to have a hunting weapon that is not
39 part of what Oregon allows? Anglin said yes.
40

41 Commissioner Akenson said could they require us to let disabled hunters use a rifle in
42 bow season if they could not shoot a crossbow? Anglin said no, they would not apply
43 that standard under the ADA because we have specific rifle seasons. It would be specific
44 to the archery season and the things that would "qualify as a bow".
45

46 Commissioner Webber said under the current status how many people have one of
47 these letters? Whittaker said 12 to 16 per year. Commissioner Webber said would it be

1 anticipated in terms of qualifying for the crossbow a higher standard than to get the draw
2 locks so we could anticipate a fewer in number? Anglin said potentially yes.

3
4 Commissioner Wolley said in some of the letters he got were concerns that if the
5 crossbow becomes equipped with so much technology it is more like a firearm and the
6 status of that weapon moves to a different level. Anglin said that is “technology creep”,
7 the constant improvement in technology which increases success. There is information
8 that indicates you can be more successful with a crossbow than a bow. We are not
9 proposing a broad application during bow season but a very limited set of circumstances
10 on when people would qualify for that.

11
12 Commissioner Wolley said some have even proposed that when that much technology is
13 applied then it should be taken out of the bow season and into the hunting season. Is
14 staff grappling with that or is just a few individuals that feel that way? Anglin said staff is
15 looking at different possibilities. Do we offer crossbow opportunity during rifle season?
16 We’ve allowed the use of bows and other things during rifle seasons so is that something
17 we want to consider. We’re looking specifically for crossbows for that very limited set of
18 folks that would qualify during bow season.

19
20 Director Elicker said the argument used to be that crossbows were not powerful enough
21 to deliver a projectile fast enough to kill large mammals. The technology race of
22 compound bows and crossbows are about even now. He said most of the compound
23 bow manufacturers now all manufacture crossbows. When you talk to the archery
24 industry crossbows are a legitimate archery weapon. For many states crossbows are
25 now legal for the general archery season because folks want to provide more opportunity
26 for all kinds of people who hunt.

27
28 Anglin said there are 24 states that allow the use of crossbows during archery season.
29 Most states allow crossbows in some manner whether in rifle season or for people with
30 disabilities. Another four or five are considering the use of it during archery season.

31
32 Director Elicker said he talked with ATA last month. The two fastest growing markets are
33 youth archery and crossbows. He also spoke with BowTech Archery about why Oregon
34 would not allow crossbows during the archery season. Director Elicker said from the
35 Department’s perspective crossbows are a legitimate weapon. Our proposal today is
36 based on a discussion with one legislator who felt that we were not servicing the needs
37 of some severely disabled hunters. Staff is asking for some sense of what we might
38 allow some severely disabled hunters some additional hunting opportunity by use of
39 crossbow. Director Elicker said it mirrors the same program used in Washington.

40
41 Anglin said the State of Washington might have recently changed their regulations which
42 staff will look into, but today we are looking at what Washington adopted four years.

43
44 Director Elicker said when Deputy Director Curt Melcher and he meet with legislators it is
45 not uncommon for them to propose bringing forward an issue to the Commission for
46 action. This legislator could possibly propose legislation again in 2014 but he feels it is
47 proper to have this discussion before the Commission so they have a sense of things.

1
2 Commissioner Akenson asked staff if they had any statistics about whom these people
3 are that are pressuring the Department to allow crossbows for disabled hunters. Anglin
4 said over the years requests have been from people with disabilities. This came up about
5 a year ago with a gentleman from the Oregon Trail Paralyzed Veterans Association
6 (OTPVA) who was looking for a way to reintegrate paralyzed veterans back into hunting.
7 We told them we had taken a crossbow proposal before the Commission who did not
8 approve it. OTPVA went to their legislator and requested the legislation. The legislator
9 estimated he had about 30 people who would want to partake in this. Anglin said over
10 the last four to five years Washington has only issued about 12 annual permits.

11
12 Tom Thornton continued **Concepts under Review for 2012:**

13
14 *NE Oregon archery deer hunting regulations.*

- 15 • Issue elevated after restrictions were made in Mt. Emily, Walla Walla and Wenaha
16 Units last year.
- 17 • Changes were made to reduce the illegal take of large bulls by hunters with
18 general season “Spike Only” tags. In the Commission packet is a brief summary
19 that revolves around a 30-day late season deer hunt in these three units plus the
20 Chesnimnus and Sled Springs Units.
- 21 • Concepts include:
 - 22 ○ Remove need to possess controlled elk tag to hunt deer.
 - 23 ○ Proposal for 30-day late controlled hunts in five units.
 - 24 ○ Controlled “only opportunity” deer hunts concurrent with the general
25 archery season.

26 Thornton said in October staff will provide the Commission with proposals for 2014.

27
28 *Bear and Cougar hunting during deer and elk firearms seasons.* Thornton said current
29 regulations allow bear and cougar hunting in the Applegate Unit during elk season
30 without an elk tag, and allow bear and cougar hunting after filling a deer or elk tag within
31 the area the deer or elk tag was valid. Relaxing the restriction further is under
32 consideration. Staff will provide any proposal to the Commission in October.

33
34 *Travel Management Areas (TMA).*

- 35 1. Jackson Cooperative TMA. Add 8,000 acres of Long Rock Timber property to
36 maintain public access in the area, increase enforcement due to heavy damage
37 from ATVs, reduce road damage and erosion, and improve water quality.
- 38 2. New Meacham Cooperative TMA in Umatilla/Union Counties on Hancock Forest
39 Management lands near Meacham; 45 square miles.

40
41 Thornton presented two Regulation Recommendations for adoption:

- 42 1. *Authority to take or harass wildlife.* Clarifies authority of law enforcement officers
43 to take or harass wildlife as part of law enforcement duties. Adds law enforcement
44 as an activity along with scientific taking and addressing damage issues.
- 45 2. *Allow an Authorized Designee to complete Land Owner Preference (LOP)*

1 *Distribution forms.* Current OAR allows landowner to authorize a designee to
2 complete and sign their LOP Tag Distribution; form expires in September. Staff
3 proposes that become permanent rule.
4

5 Thornton discussed two Archery Regulation Corrections for fall 2013.

- 6 1. Season dates and area of the “Traditional Archery Equipment Only” restriction
7 removed from Columbia Basin, Biggs, Hood, and Maupin Wildlife Management
8 Units and placed on the Canyon Creek area.
- 9 2. Bag limit change for Chesnimnus Unit Bow (258R) Controlled Elk Hunt is
10 liberalized from [~~One Bull Elk~~] to “One elk”.

11
12 Thornton said to formalize these rules staff provided the Commission with **Supplemental**
13 **OAR Attachment 4.**

14
15 Thornton said staff is looking at ways to simplify the 55-60 page Big Game packet
16 released in June.

- 17 • Limit information and provide basics: tag numbers, OARs for June adoption, and
18 the concepts for next year’s regulations.
- 19 • Additional information provided in a separate update to the Commission.

20
21 Vice Chair Finley referred to the proposed regulation Authority to Take or Harass Wildlife
22 (see slide 12, page 6) and said the slide highlights sections (a) and (f) which speak to
23 scientific purposes and rehabilitation of sick, injured or orphaned wildlife. Are the
24 authorities clear for law enforcement officers to destroy wildlife like road injured animals?
25 Thornton said there is a statute that allows most anyone to dispatch an injured animal
26 provided if is in an area that is legal for them to do that. Vice Chair Finley said in terms of
27 OSP or a Sheriff they are adequately provided the authority to take the action? Thornton
28 said in the example of road struck animal yes. This proposed regulation clarifies the
29 authority for other activities they conduct.
30

31
32 Commissioner Anderson asked for an example of a most common activity where this
33 would be applied. Lieutenant David Anderson, OSP Fish and Wildlife Division, said OSP
34 asked for this regulation because of a Special Investigations Unit whose officers go on
35 undercover hunts and fishing trips and can be put into a situation where they are going to
36 kill wildlife as part of the investigation. The purpose here is to cover that activity.
37

38 Don Whittaker, Ungulate Management Coordinator, presented 2013 Species Specific tag
39 number proposals and 2014 Season Concepts.

- 40 • Spring Bear. Minor increase in tags for White River and Hood Units. Protect sows
41 and cubs. Continue mandatory tooth check-in. Staff proposing 4,453 Controlled
42 Tags. Southwest Oregon Limited hunt is first come, first serve. Total of 4,400
43 tags. Tags sales December 1 – March 31.
- 44 • General Bear. No change to General Season dates. Maintain sow and cub
45 protection and continue mandatory check-ins. Tag Sale Deadline is October 3.
- 46 • Cougar. No season/quota changes; year round season. Two cougar tag
47 opportunity. Mandatory check-in. Protect kittens and female with kittens.

1
2 Cougar Target Area. Whittaker reported that staff is in the last year for elk in Ukiah and
3 Wenaha Units and for deer in Warner and Steens Units. Total take of cougars is 216
4 since initiation of those four targeted areas. Staff will use the data to evaluate the
5 effectiveness of how those actions are working in those four areas and then discuss
6 where targeted areas will be implemented in the future. Statewide cougar population
7 trends by zone are seeing a flat trend; about 1% annually now.
8

9 Whittaker discussed proposed tags for 2013:

- 10 • Nine (9) Rocky Mountain Bighorn tags and 87 California Bighorn tags. Hunting
11 participation by Warm Springs Tribe and Umatilla Tribes. Six day calendar shift
12 for most 2014 hunts. Delete Chesnimnus and Snake River #2 hunts for
13 population recovery. Replace Murderers Creek with Aldrich #2.
- 14 • Fourteen (14) Rocky Mountain Goat tags. Six day calendar shift for 2014. Three
15 new hunts in Strawberry Mountains, North Wenaha, and Elkhorn #3. Staff
16 proposing a nonresident tag in Elkhorn #2 for 2014.
- 17 • 2,577 Pronghorn Antelope tags. Six day calendar shift for 2014. Three minor
18 boundary changes because population has flat lined.
- 19 • 2013 Controlled Deer tags: Buck – 57,602; Bow/Muzzleloader – 3,558; Antlerless
20 (600 Series) – 8,870; and Youth – 1,274. Six day date shift. Proposed three new
21 hunts for 2014. Delete Union Count Ag Hunt. Five minor boundary changes.
- 22 • Controlled Elk. 8,104 Bow /Muzzleloader tags as a result of new archery hunts.
23 Controlled Spike Only opportunity hunts. General elk tags are a 1% increase.
24 Staff proposes to delete 12 hunts and add 24 new hunts.
- 25 • Western Gray Squirrel. No changes other than six day calendar shift.

26
27 Whittaker discussed implementation of the Black-Tail Deer Plan patterned after the Mule
28 Deer Plan Initiative to address concerns for black-tail deer in western Oregon. He said
29 Local Actions Plans are in final review. Staff is implementing a fecal DNA effort to identify
30 individuals and to use in population estimates. Staff is putting radio collars on black-tail
31 deer to figure out what the factors are that are really affecting them.
32

33 **Public Testimony:**

<p>Al Elkins Wilsonville, OR</p>	<p>Al Elkins, Oregon Hunters Association (OHA), spoke to several issues.</p> <ul style="list-style-type: none"> • The OHA Board makes all of its decisions about expanding seasons based on the science and biology. OHA does not support Oregon Bow Hunters Association (OBHA) proposal for expanded deer season hunts; 30 days mid-November through mid-December with a minimum of 250 tags. • All five units proposed for expanded seasons have a mule deer population estimate below management objectives. The mule deer spring survival varies from 27 fawns per 100 adults to 36 fawns per 100 adults. Northeast Oregon white-tail deer do not have management objectives but
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	<p>Wallowa district populations are tracked through annual surveys and herd composition counts. Spring survival rates are poor with fawn survival varying from a low of 26 per 100 adults in the Sled Springs Unit to a high of 33 per 100 adults in Wenaha Unit.</p> <ul style="list-style-type: none"> • Predator populations are high in all of the units proposed. OHA does not believe that deer and elk populations in these units can handle additional hunting pressure on top of high predation rates. • OHA feels that none of these units have deer populations that need additional hunting pressure especially during breeding seasons. <p>Elkins said OHA is concerned about the continued loss of hunting targeting one group. OHA asks ODFW to address this issue as a whole rather than let it continue in such a fashion. OHA thinks that hunting opportunity should be equal for all types of hunting.</p>
<p>Joe Ricker Wilsonville, OR</p>	<p>Joe Ricker, Chairman of OHA Board, said four years ago OHA asked ODFW to look at expanding the opportunity for bear and cougar. ODFW acted on that and allowed us to continue to hunt with a valid tag in our pocket or one we had just filled in a unit. He said that has gone on for two years. In the regulations they are looking at expanding this even further. The Commission and Department have supported our request and we appreciate that.</p>
<p>Dave Wiley Sublimity, OR</p>	<p>Dave Wiley, a native Oregonian and hunter, distributed written testimony. He opposes OBHA's proposal to establish a 30-day archery trophy hunt mid-November through mid-December for one buck mule deer or one white-tailed deer, with a minimum of 250 tags, for these biological reasons:</p> <ul style="list-style-type: none"> • Proposed hunt period is during latter half of deer breeding season and bucks are less wary. • After the rut the big bucks are work down physically and the proposed hunt period includes immediate post run period too; may lead to increased winter mortality. • In proposed area, mule deer populations are below management objectives in every unit. • Deer and elk are pursued and stressed by hunters for three months. Proposal adds another month. Stress placed on the populations would predispose them to more winter kill. • An either sex bag limit for the proposed hunt appears to treat white-tailed deer as less desirable species; this

	<p>native species needs to be addressed equally.</p> <p>Wiley spoke to social issues:</p> <ul style="list-style-type: none"> • OBHA argues they have lost general archery deer hunting opportunity because of rules changes in NE Oregon Wildlife management units. The Commission approved those regulations at issue. • With some exceptions archery hunters may pursue both deer and elk concurrently, a situation not enjoyed by rifle hunters. • Rifle hunters do not enjoy pursuing elk during the breeding season when they are less wary. • Rifle hunters are already jealous of the archery hunters' opportunity to hunt elk in the rut. This proposal to add a 30 day trophy mule deer hunt for archery would be viewed with a jaundiced eye by rifle hunters. • How many deer tags will archery hunters give up in their general season to provide the "at least 250 tags" they propose for their new Trophy mule deer hunt?
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2 Commissioner Webber said to Mr. Wiley that there is a late season rifle and tags in Mt.
3 Emily, the 9th to the 20th. Would you be opposed to some very limited number of tags for
4 a period like that for archery? Wiley said that is entirely up to the Department and the
5 Commission. Commissioner Webber said you're not saying you are vehemently opposed
6 to that? Willey said he is opposed to this particular hunt (proposed by OBHA).
7

<p>Rick Gabbard Bend, OR</p>	<p>Rick Gabbard represented himself and said the issue he keeps hearing is that they are going to put crossbows in for the handicapped. He said that is an excuse. He lost an arm, got his knees tore out and his back shattered. He could have used an excuse but did not because hard work replaces excuses every time. If someone really wanted to archery hunt they would put out the effort. Gabbard said if they put crossbows in it would increase the success ratio which would reduce my season. By restricting him to 30 yards and under shots and hunting with my handicaps he needs every minute he can get. He recharges his batteries by being out in the woods and does not want to give up one minute just for somebody to have an excuse.</p>
<p>Chuck "Windy" Lynde LaPine, OR</p>	<p>Chuck Lynde distributed a picture of the 2013 New Gear Guide Crossbows and said manufacturers are going to push it because they make revenue. Back east they hunt out of tree stands and shoot max at 35 yards; it's different here. He does not want a guy out there with a crossbow or rifle when he is camouflaged and moving in on an animal, it's</p>

	<p>dangerous. Lynde referred to the types of crossbows in his handout and asked how a handicapped person could pull one of those crossbows back. He described how to use a draw lock. He said crossbows are really accurate at 100 yards. No biologist would support a crossbow in archery season because they know the hunting success will go up. Lynde said that Chris Willard is doing a great job. In LaPine folks think the Commission is run on revenue instead of wildlife. He suggested the Commission do like the Rocky Mountain Elk Foundation and show where the money is going and how it is being used.</p>
<p>Wayne Endicott Springfield, OR</p>	<p>Wayne Endicott, Vice President of Oregon Bow Hunters (OBH), distributed written testimony and said the season was voted on in October 2012. We had lost the General Season archery opportunity for deer unless you were a tag holder of the big bull tag or Spike Only tags in Mt. Emily, Walla Walla, and Wenaha. There were 741 bow hunters that hunted deer in those units that did not pursue elk in 2011. There are presently 1,300 late season firearm tags of which 576 are a second deer opportunity for those units in northeast Oregon. He said our request is to replace a small amount of the 250 tags for a late season opportunity. He said as Thornton already stated the decision was more of a law enforcement based decision. Endicott said last year Commissioner Akenson had suggested that there might be some late season opportunity to replace this lost opportunity that OBH has suffered here. On the firearm side there was no reduction. He asked the Commission to direct staff to work with OBH on this issue.</p>
<p>Rich Thompson Newport, OR</p>	<p>Rich Thompson, President of Traditional Archers of Oregon (TAO), distributed written testimony and said TAO is opposed to crossbows in archery only seasons. On July 24, 2010 at the Archery Technology Review meeting, all participants are on record as not favoring the use of crossbows in archery-only seasons for the following concerns:</p> <ul style="list-style-type: none"> • Crossbows are not similar to vertical bows and have more in common with rifles than bows and arrows. • OSP has concerns with sorting who was legal to use them in the field and its potential as a poaching tool. • For states across the U.S., opening archery seasons to the use of crossbows by disabled hunters have been the “toe in the door” that crossbow manufacturers use to expand crossbow use. • Unlike eastern and mid-western states with an

	<p>overpopulation of white-tail deer where use of crossbows is common, Oregon's deer herds are struggling to maintain management objectives and buck/doe ratios.</p> <p>TAO urges the Commission to reject staff's proposal to use crossbows in Oregon's archery only big game seasons.</p>
<p>Jim Akenson Enterprise, OR</p>	<p>Jim Akenson, President of Professional Bowhunters Society (PBS), member of Pope & Young Club and an avid bow hunter for 44 years, distributed written testimony and said both organizations strongly oppose the use of crossbows in any archery-only season. These two organizations have formed a coalition because each feels strongly that crossbow use is a very serious threat to the future of bowhunting as we know it. Both clubs recommend that crossbow ONLY be considered for firearm seasons, and our national coalition recommends that the Commission adopt rules just like the state of Montana. Akenson asked the Commission to look beyond the state of Washington.</p> <p>Akenson's handout included a letter from Dr. Tom Vanasche, M.D. Akenson said Dr. Vanasche who serves as the Northwest Regional Representative of the Professional Bowhunter Society was going to make a presentation about the medical perspective of this issue but was unable to be here today. Akenson paraphrased key points from the letter that Dr. Vanasche submitted to the Commission.</p> <ul style="list-style-type: none"> • Vanasche is a 60 year resident of Oregon who has hunted about 30 bow seasons, and is a life member of Traditional Archers of Oregon (TAO). • Vanasche has been an Oregon Emergency Department Physician in Albany for 33 years and would be very skeptical about finding an informed physician that knows anything about bowhunting and disability issues combined; it would take a great deal of expertise. • The crossbow is not a bow or archery weapon. Thirteen states allow its use in firearm seasons. It is a cocked weapon that can fire long distances, be handled easily from person to person while cocked and discharged from the shoulder like a rifle. A telescopic sight is frequently added to this device. • Montana has adopted a "Modified Archer's Permit" for the disabled that is somewhat similar to what is already allowed in Oregon. Essentially you can modify "otherwise legal bowhunting equipment" to accommodate the particular handicap, but it has to be legally accepted archery equipment. This does not include the crossbow

	<p>as it is not bowhunting equipment.</p> <ul style="list-style-type: none"> • Currently ODFW issues about 20 permits for “draw lock” bows a year.
<p>Craig Starr Lebanon, OR</p>	<p>Craig Starr, OBH, distributed written testimony and said OBH opposes opening archery seasons to any use of crossbows. Crossbows aren't bows, they are stringed guns. Starr testified that:</p> <ul style="list-style-type: none"> • Manufacturers claim opening archery seasons to use of crossbows will help wildlife agencies recruit, retain, and reactivate hunter numbers; but don't believe it. Studies show that the action only redistributes more existing hunters to archery season. Manufacturers only want to enhance sales of their product. • If disabled hunters want to hunt in Oregon's archery only seasons, they should do it using a vertical bow fitted with “Adaptive Archery Equipment”, not with a rifle or crossbow. • OBH supports having ODFW establish a specific medical standard for disabilities similar to Washington's which must be certified by a physician before an individual is entitled to an accommodation to standard archery equipment regulations. • OBH supports having ODFW identify equipment modifications for vertical bows. • Crossbows could be considered as a lesser weapon during rifle season and/or as an equal or lesser weapon during muzzleloader hunts. • OBH supports ODFW efforts to provide hunting opportunity for disabled hunters however it is not necessary or appropriate to allow the use of crossbows in archery seasons. <p>OBH urges the Commission to reject the proposal to open archery season to use of the crossbow by disabled hunters.</p>

1
2 Commissioner Webber said Craig Starr talks about adaptive equipment for vertical bows.
3 What we are looking at here is you would only go to a crossbow if you could establish
4 that none of the adaptive equipment for a vertical bow would work for you because of
5 your disability. He said personally he is against crossbows but has real concern that if we
6 don't create this very small niche that someone else will create a much larger opportunity
7 to use crossbows during archery season.
8
9 Starr said to Commissioner Webber, you are creating a very small niche to begin with but
10 you will be hammered year after year to expand that use to other hunters. It would be
11 more difficult for proponents of crossbows to expand the use through the Legislature or
12 the courts than it would be through this Commission. He said in state after state across

1 the nation the disabled have been used as the toe in the door that eventually gets
2 expanded to where everybody can use crossbows in archery season.

3
4 Commissioner Webber said we had the same discussion when OBH was advocating for
5 lighted nocks. He had suggested then he did not want to get into electronics for bows at
6 all. OBH responded that the Commission can keep control of this, but now I hear you say
7 that we are not able to control it. He said I'm getting some inconsistency here. Starr
8 said you are.

9
10 Vice Chair Finley said during Starr's testimony he indicated that the crossbow under that
11 very narrow aperture that Commissioner Webber is talking about would be best found in
12 black powder or rifle season. What do Rich Thompson and Jim Akenson think about
13 that? Rich Thompson and Jim Akenson agreed.

14
15 Akenson referred to Commissioner Webber's question and said that little wormhole gets
16 big awfully quick. For example, four years ago the State of Illinois allowed the crossbow
17 in their general archery season. At the onset they made up about 20% of the participants
18 who where bow hunters. He said currently it is 70% crossbow users. They actually
19 started out with an age requirement which was 55 or older. Then it became 50 the next
20 year and then they did away with that. The compound archers only represent 13% or
21 17% of the participants in Illinois. Akenson said it's a progression; it's a slippery slope.
22 We know where you're coming from on this but we have also seen what has happened
23 in other states and that's our fear.

24

Jim Bergeron Astoria, OR	Jim Bergeron, Northwest Committee member for OBH, said he fully supports the former speakers on the crossbow issue. He has been to a number of meetings of archers where this is almost universal. He spoke to the proposal for Controlled Either Sex Archery Hunts and said OBH supports the ODFW proposal; however ODFW has proposed a question regarding whether a controlled tag for one of these hunts should be a bow hunters only archery elk opportunity. OBH opposes that because there is no beneficial purpose served. This can't be an enforcement issue as we have not been allowed any antlerless elk harvest in those units for years. He said the legitimate reason for restricting a controlled hunt tag to the unit for which the tag is drawn should be to prevent too many antlerless elk being taken.
Carl Swartz Salem, OR	Carl Swartz, Vice President of OBH and OHA member, said he supports the Controlled Either Sex Archery Hunt in the units proposed. He said this would help equate bow hunters' opportunity with rifle hunters. We have about 2,000 opportunities to hunt antlerless elk if we are rifle hunters and in places where there has not been any opportunity for bow hunters. Swartz said he would appreciate this proposal being passed. The question is if this should be the only

	<p>opportunity for Oregon bow hunters. This season comes after the regular season so if someone filled a tag during the regular archery season they would not be able to hunt in that unit because they had filled that tag. He said the number of elk harvested in these units would be decreased rather than increased. He sees no problem in allowing bow hunters to hunt statewide prior to those units being open.</p>
<p>Kevin Thompson Salem, OR</p>	<p>Kevin Thompson, Vice President of TAO, said regarding the northeast Oregon archery hunt for deer TAO supports the OBH proposal where biologically feasible. TAO does not support the only opportunity. He pointed to the symmetric for the elk hunt tags issued in those units and said that is not a bowhunters only opportunity for elk so it is not symmetric with the deer tag proposal. TAO thanks the Commission for the cow hunt in the Chesnimnus Unit</p>

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Chair Levy asked Commissioner Webber to reiterate his comments about the limitations of the crossbow.

Commissioner Webber said his understanding of the use of crossbows is it would be after you had already demonstrated that a bow lock and any other adaptive equipment for a vertical bow would be inapplicable to that person; then you would be able to look at a crossbow. Anglin said staff wanted to have this discussion with the Commission first but staff envisions that you would have to demonstrate through the doctor that you were not physically able to use the draw lock or other equipment for people with disabilities before you would qualify to use the crossbow.

Commissioner Akenson said she is strongly opposed to having the crossbow being considered for archery disability hunts. She would like to see staff look at other options that don't include equipment that are not currently part of the legal weapons within the archery season, whether looking at Montana or other states or looking at Oregon's current disabled hunter program for archers to see is that acceptable. If not acceptable for ADA purposes can that be changed? We are going the wrong direction by saying disabled people can hunt in a season with a weapon that is not legal in that season. She said she would like to see some other options before October. If staff could look to see what it out there to see what could potentially meet our needs while providing for disabled hunters in a real way that is meaningful. Anglin said okay.

Vice-Chair Finley said he feels much the same way. He asked how a doctor knows these other alternatives to adapt to a bow. It would be a procedural thing to work out without very much difficulty. He suggested a form that shows these other things and the person could do a range of motion with their doctor. He said assuming all the details are worked out and the aperture is very small how the Commission feels about lodging it in a rifle season a black powder or a special notch within that.

1 Commissioner Akenson said she thought it would be a better option because it certainly
2 would be a weapon more similar to those types of seasons. Would Oregon then have to
3 allow them in those seasons? A crossbow is not a bow and it does not belong in archery
4 season.

5
6 Commissioner Webber heard comments about vertical bows and adaptive equipment.
7 He would be interested in who he could envision that could not benefit from the
8 adaptations on the vertical bow that could actually use a crossbow. He said maybe the
9 disabled veterans need to be involved in a dialogue about what is available; they may
10 not know what is available for vertical bows that would their members to participate in
11 bowhunting. He personally does not like the idea of crossbows during bow season.

12
13 Anglin said they will continue the dialogue with all the folks and review what other states
14 are doing. If something new comes on the market and a disabled person notifies staff
15 and asks whether it would qualify we have the ability administratively to determine
16 whether that qualifies and whether to issue a permit.

17
18 Commissioner Akenson said if we are looking for the best ways to serve disabled
19 hunters perhaps we need to look not just at the equipment but working with partners that
20 may include some of the hunting organizations to actually volunteer to train and
21 demonstrate our current equipment to disabled hunters so they can see how it is used
22 and they understand what it is. Maybe it is more about a lack of knowledge about our
23 current program and if there actually is a need for this. She said that might help to be
24 able to not necessarily go to a different tool but to teach people how to use it might be as
25 important as changing the tool.

26
27 Anglin said that is a very good idea.

28
29 Chair Levy asked the Commission for comments on the archery versus the different
30 hunting season to use the handicap resources.

31
32 Commissioner Anderson said she is not an archer or hunter but is tending toward status
33 quo and working through the experts on the Commission and in the Department to find
34 alternatives.

35
36 Commissioner Wolley is not a bow hunter but he did shoot a vertical bow at a target
37 range and did stand next to a crossbow user. He said the crossbow has a mechanized
38 process with a scope and the person shot bull's eye after bull's eye. He said if crossbows
39 shift over to the general population there would be a definite disadvantage to the
40 traditional bow hunter. He supports ADA and accessibility but we should look into and
41 promote alternatives and increase the education of the disabled community about what
42 is available in the Department.

43
44 Chair Levy said that is how she feels. She is not a crossbow or bow hunter. We should
45 be diligent in our work and research before we jump into the availability of crossbows
46 and see what is out there for ADA compliance. Chair Levy said she would like a
47 demonstration of a crossbow versus a bow. Her preference because the Commission is

1 voting in concept on some things that she would leave this one out and not vote on it,
2 and bring just the crossbow part to a vote. She said we vote on this in October and we
3 have two meetings before that. She asked staff to bring the Commission what are ADA
4 compliant things outside the crossbow and to let the Commission see what the
5 differences are. Then let the Commission see what the next step would be for crossbow
6 use if they could not use all the other available ADA compliant bow and arrows.
7

8 Director Elicker clarified that the Commission's direction is asking for conceptual
9 approval for staff to look further into this. The Commission can always decide not to go
10 ahead and vote for it in October. Staff will put together a demonstration and go to
11 BowTech in Eugene who manufactures both compound bows and crossbows. We will
12 talk to disabled hunters who say they would like to use these and make sure they testify
13 before the Commission in October.
14

15 Director Elicker said if the Commission says not to conceptually go ahead in this
16 direction, he will report back to that particular legislator that this Commission has no
17 interest in this issue.
18

19 Commissioner Webber said he would support Option 1.
20

21 Commissioner Akenson said what we are looking at is not a yes or no on crossbows but
22 what are our options. She doesn't think we need to go back to a legislator or that the
23 Commission has to say yes on crossbows. We look at what the best options are and
24 make a decision. Rather than say yes or no on one option she would like to see several
25 options and make that decision once they have better knowledge. Commissioner
26 Akenson said she would like to see a draw lock during the demonstration and have a
27 diversity of bows; not just BowTech bows.
28

29 Director Elicker said that was his intention to have staff come back with more options
30 than just for a crossbow for the severely disabled. He said Deputy Director Melcher and
31 he have an agreement with the legislator to return and talk about the Commission's
32 interest in this issue. He will tell the legislator that staff is moving ahead and will
33 continue with a demonstration in August and return with a wide range of options for the
34 Commission to look at in October. Regarding the discussion to make crossbows more of
35 a general weapon in muzzleloader season or big game season he doesn't believe the
36 Department would recommend that. When people start to use crossbows they tend to
37 like them and then you get pushback to use them during general firearm seasons.
38

39 Anglin said staff does have a potential concept of the use of crossbows during the rifle
40 season. He suggested using the August meeting in Eugene to provide the Commission
41 with additional information and to demonstrate the crossbow. The Commission agreed.
42

43 Vice Chair Finley said his earlier remarks and questions were to only have the disabled
44 use of crossbows housed in one of the other seasons.
45

46 Commissioner Webber said there was discussion from OBA on the deer hunting
47 opportunities in the Wenaha, Walla Walla, and Mt. Emily Units because of the restricted

1 elk tags. Personally he does not agree with a late season opportunity but could see
2 giving a significant number of deer tags that would be specific to those units that would
3 be available outside of having drawn an elk tag.

4
5 Thornton said staff has seen that concept before and is one of the ideas they will follow
6 up on. Anglin said Bruce Eddy will lead a discussion with his staff and OSP for those
7 specific three hunt units to see if we want to leave the regulation as it is right now for the
8 2103 season or drop the deer restriction.

9
10 Commissioner Akenson said the original problem was an enforcement problem with
11 spike hunters and not deer hunters? Thornton said correct, it was tied to the archery
12 spike tag and not to deer hunting specifically. Commissioner Akenson said that is one
13 possibility that you are looking at, maybe restoring the normal deer season for people
14 without an elk tag for that unit? Thornton said correct, we are looking at modifications to
15 the deer hunting portion of the regulation.

16
17 Commissioner Akenson said with the mule deer population being under the Management
18 Objectives the fall season maybe was not ideal that OBH proposed. She expressed
19 interest in seeing if there was another kind of option in Northeast Oregon but also to look
20 at whether restoring that deer hunt is really the easiest option there for archery. Thornton
21 said those are the types of issues that we are talking about with the Northeast Region
22 biologists and looking at the comments we have gotten from hunters to provide the
23 Commission with additional information in October to make decisions about the 2014
24 seasons.

25
26 Chair Levy said in the Ukiah area the annual objective to remove cougar is 35; to date
27 we have removed 86 cougars. They ran sheep there last year and lost 22 sheep in one
28 evening from one cougar. Last week we lost one ewe to a cougar that was chased off by
29 guard dogs. She said without those dogs we would have lost more sheep. What are we
30 doing in the Ukiah and other units to manage the cougar population? It is going up.

31
32 Whittaker said there could be some increasing areas in the population. It's difficult to
33 estimate cougar populations at the Unit level; our models are set at the Zone scale. This
34 is our last year for the Ukiah, Wenaha, Steens, and Warner Units. Staff will evaluate the
35 data similar to four years ago for the first round and then decide what to do on the target
36 areas. Staff has expanded hunting opportunities dramatically over the last 10-12 years;
37 year round season and a second tag opportunity. Hunter harvest is increasing slightly.
38 Staff shares information with hunters on how to more effectively hunt. The regulations
39 are very supportive of folks like Chair Levy to quickly take care of the situation.

40
41 Chair Levy said the annual objective versus the number removed to date are almost
42 double in every situation. There was legislation that did not pass that gave control
43 between the Department and counties to open up more hunting. Has staff thought
44 about doing more legislative work? Anglin said staff has not introduced a legislative
45 concept relative to cougar management. We have worked closely with the Governor's
46 Office on what they would or would not support. Regarding cougar management we
47 have liberalized seasons but we do not manage cougar populations at any kind of a

1 level. At this time he does not know if we have any capability to be successful with any
2 kind of a legislative concept ourselves.

3
4 Chair Levy is concerned that the more the population grows the more expensive it is
5 going to be become for the Department to participate in bringing the numbers back
6 down. She suggested have more alternatives with the counties having some control
7 might help with the costs eventually.

8
9 *Action: Commissioner Levy moved to amend OAR Chapter 635, Divisions*
10 *043,065, 067, 068, 069, 070, 071, 073 and 075 as proposed by staff; to amend*
11 *OAR 635-073-0000 as proposed by staff in the Supplemental Attachment 4.*
12 *Commissioner Wolley seconded the motion and the motion passed unanimously*
13 *by a vote of six.*

14 15 **DIRECTOR'S REPORT**

16 **Shikar-Safari International Club Award**

17 Captain Jeff Samuels introduced Shikar-Safari Club International representative Lynn
18 Loacker. Lynn Loacker said the Shikar-Safari Club International is a worldwide
19 organization with about 200 members passionate about big game hunting. Loacker said
20 Senior Trooper Marvin Ritter works out of John Day and has received outstanding
21 ratings for his yearly evaluations. He is an instructor in patrol tactics and a Marine Board
22 drift instructor training officers from multiple agencies. Trooper Ritter maintains a high
23 level of initiative and puts together excellent cases. Loacker presented Senior Trooper
24 Marvin Ritter with the 2012 "Fish & Wildlife Division Trooper of the Year" Award.

25 26 **Administrative Temporary Rules**

27 Steve Williams, Fish Division Deputy Administrator, asked the Commission to adopt two
28 temporary rules that involve recreational and Treaty platform hook and line fisheries on
29 the Columbia River. The Technical Advisory Committee of *U.S. versus Oregon* met
30 yesterday and upgraded the run size for Columbia River upriver spring Chinook from
31 107,500 to 115,000 that provides 1,500 fish overall opportunity for some harvest
32 associated with recreational fishermen. It also provides the same number under catch
33 balancing on the Tribal side, which is why there is a corresponding Tribal rule as well.

34
35 Williams said the Compact met this morning at 11:00 a.m. and adopted two rules.

36 37 **1. 635-023-0125 Columbia River Recreational Spring Chinook Season Modified**

38 Recreational fishery for area from downstream of Bonneville Dam. That fishery is
39 currently open but we had a deadline at Beacon Rock. Extends deadline above Beacon
40 Rock up to the boat deadline. Fishery opens Saturday, June 8, 2013 through Saturday,
41 June 15, 2013. The daily bag limit is two (2) adult salmonids per day but only one (1)
42 may be a Chinook. Area of Bonneville Dam up to the Oregon Washington border – the
43 Zone 6 area. Season structure is Saturday, June 8, 2013 through Saturday, June 15,
44 2013, an eight day fishery. The daily bag limit is two (2) adult salmonid per day but only
45 one (1) may be a Chinook. Only adipose fin-clipped Chinook may be kept.

1 **2. 635-041-0065 Sales of Fish Caught in Zone 6 Platform and Hook-and-Line**
2 **Fisheries Allowed.**

3 Allows sales in Oregon of fish caught in Zone 6 Platform and Hook-and-Line Treaty
4 Indian spring commercial fisheries beginning 6:00 a.m., Saturday, June 8, 2013 through
5 11:59 p.m., Wednesday, July 31, 2013. Combines both spring Chinook fishery and
6 summer Chinook fishery which starts on June 16, 2013. Hoop nets, dip nets and hook-
7 and-line are allowed gear. Allows sales in Oregon of Chinook, sockeye, steelhead, shad,
8 walleye, carp, catfish, bass, and yellow perch.
9

10 Williams said normally these temporary administrative rules are signed by Director
11 Elicker but when the Commission is in session the requirement is that they be signed by
12 Chair Bobby Levy and be addressed by the Commission.
13

14 Commissioner Webber said you are moving the deadline from Beacon Rock which we
15 adopted in a temporary rule up to the boat deadline. We allowed bank angling up to the
16 Bonneville Dam deadline. We're not going that far up with this rule? Williams said the
17 current regulation only allowed boat angling up to Beacon Rock. Bank angling was
18 allowed above there up to the fishing deadline below Bonneville Dam. This brings the
19 boat fishery up to the boat deadline. Commissioner Webber asked if the boat deadline
20 and the Bonneville Dam deadline are the same deadline. Williams said yes. There is a
21 boat deadline that is associated with motorboat use right below Bonneville Dam for
22 safety and fishing purposes.
23

24 *Action: Chair Levy asked the Commission if they approved. The Commission*
25 *unanimously approved the two temporary rules.*
26

27 **Exhibit F: 2014 AUCTION AND RAFFLE TAG ALLOCATIONS**

28 Don Whittaker, Ungulate Coordinator, said the special Auction and Raffle Tags for 2014
29 will be decided on where their actually going to get sold and drawn at the July Access
30 and Habitat (A&H) Board meeting. Whittaker reported on auctions and raffles for:
31

32 **Bighorn Sheep:**

- 33 • 2013 Auction tag sold at Wild Sheep Show for \$135,000 bid price.
- 34 • 2013 Raffle was drawn at OHA State Convention with \$30,133 in sales.
- 35 • 2014 Proposals: continue Auction (WSF) and Raffle with OHA State Convention.
36

37 **Pronghorn Antelope Auction and Raffle:**

- 38 • 2013 Auction sold at OHA Bend Chapter for \$11,500 bid price.
- 39 • 2013 Raffle drawn at OHA State Convention with \$11,725 in sales.
- 40 • 2014 Proposals: 1 auction tag and 1 raffle tag. Auction host and location chosen
41 by October. Continue Raffle with OHA State Convention.
42

43 **Rocky Mountain Goat Raffle Tag:**

- 44 • Raised \$162,004 in 10 years; the average is \$16,200 per year.
- 45 • Funds dedicated to the Goat Program.

- 1 • 2014 Proposals: Continue raffle with OHA State Convention. Consistent deadlines
2 across all raffle tags.
3

4 **Deer & Elk Access and Habitat Tags:**

- 5 • A&H tags provide 25% of total program revenue. Auction and raffle programs
6 foster relationships with sports groups and hunters.
7 • Whittaker discussed A&H Auction sales from 2010, 2011, and 2013.
8 • 2014 Auction Proposals: maintain 1 Governor's combination of a deer tag and (1)
9 combination of an elk tag, 4 statewide deer, and 4 elk. Season runs September 1
10 to November 30.
11

12 **Access and Habitat Raffle Sales**

- 13 • All raffles were drawn at OHA State Convention. For 2014 Raffle staff proposes
14 same number of tags: 1 combination deer and elk tag; 1 statewide deer and 3
15 regional tags for deer, a statewide elk tag and 3 regional tags. Season is
16 September 1 through November 30.
17

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

20 *Action: Commissioner Webber moved to approve the 2014 auction and raffle big
21 game tag allocations as proposed by staff. Vice Chair Finley seconded the
22 motion, and the motion carried unanimously by a vote of six.*
23

24 **Exhibit G: ACCESS AND HABITAT PROJECTS AND BOARD APPOINTMENT**

25 Tom Thornton, Game Program Manager, presented the Wendling Travel Management
26 Area (TMA). He said the original area of the Wendling TMA was 130 square miles. Last
27 October the Commission approved an increase to that of 185 square miles, a 42%
28 increase. The area is patrolled by dedicated OSP officers on private timberlands. The
29 open road network provides vehicle access to within one mile of all locations. Thornton
30 said the request is for \$23,000 in A&H Funds. The matching funds are provided by the
31 Department, OHA, and the landowner for other activities
32

33 **Public Testimony:** There was no public testimony.
34

35 *Action: Commissioner Anderson moved to approve the recommendations of the
36 Access and Habitat Board for project funding. Commissioner Akenson seconded
37 the motion, and the motion carried unanimously by a vote of six.*
38

39 Tom Thornton presented five candidates for appointment of the A&H Board Landowner
40 Representative. He said the Commission had requested a geographical dispersal of
41 representatives around the state.
42

- 43 1. Douglas Baily from Oakland, Oregon.
44 2. William Bronson from Eugene, Oregon.
45 3. Craig Ely from LaGrande, Oregon.
46 4. David Peterson, Roseburg, Oregon.
47 5. Michael Tucker from Eugene, Oregon.

1
2 **Public Testimony:** There was no public testimony.
3

4 Commissioner Webber asked if Larry Cooper, SW Region Manager, knew Douglas
5 Bailey and David Peterson. Cooper said Peterson is a retiree who used to work as a
6 biologist for USFWS. He is a local resident in Roseburg for 30-40 plus years. Cooper
7 said Peterson has a very strong fish and wildlife background and is a falconer. Cooper
8 did not know Mr. Bailey as well. He is a local rancher that is very knowledgeable and
9 very interested in fishing and primarily hunting.

10
11 Vice-Chair Finley said Douglas Bailey and he have Alaska in common. Bailey served as
12 Chair of the Alaska Parole Board, has worked with the state legislature, and has a strong
13 natural resources background. Chair Finley said Mr. Bailey attended the Commission's
14 May meeting. He is on the Douglas County Salmon Habitat and Improvement Program
15 Committee and in the Umpqua Flyfishers Club.

16
17 Commissioner Anderson said Douglas Bailey met with her in Newport. She was
18 impressed with him and said it showed a great degree of earnestness just to seek out a
19 commissioner to ask for their support. She had limited contact but it was very positive.
20

21 Commissioner Akenson agreed about the need to look at the diversity of areas. She was
22 interested in Michael Tucker because his background met the criteria listed, but said she
23 comfortable looking at one of the two candidates in the southwest region instead.
24

25 Commissioner Webber said he respected and liked Mr. Ely but he does not fit my
26 geographical requirements. Chair Levy agreed. Commissioner Akenson said Ely may
27 be up for the next time around with the Condon person moving off the Board.
28

29 *Action: Vice Chair Finley moved to appoint Douglas Bailey to serve a four-year*
30 *term as Landowner Representative on the Access and Habitat Board.*

31 *Commissioner Webber seconded the motion, and the motion carried unanimously*
32 *by a vote of six.*
33

34 **Exhibit H: 2012-2014 FURBEARER TRAPPING AND HUNTING REGULATIONS**

35 Don Whittaker, Ungulate Coordinator, said last year the Commission adopted new rules
36 in the Furbearer Regulations. Over the year a few definitions need to be added and
37 clarified within Division 50, Furbearing and Unprotected Mammal Regulations.
38

- 39 1. Predatory animals are defined in ORS 620.002 and OAR 635-50-0050. Predators
40 of concern are coyotes, rabbits and rodents which are or may be destructive to
41 agricultural crops, products, and activities. For purposes of trapping it is
42 specifically adding in on private lands and for landowners and or agents these
43 species are considered predators on private lands when they are being trapped.
44 That would be added to Furbearers or Furbearing Mammals, OAR 635-50-0050
45 consistent with ORS 496.004(8), and Unprotected Mammals defined in OAR 635-
46 50-0050.
47

- 1 2. Trailhead. For the purposes of trapping, is the area at the beginning at the sign
 2 marking the origin of a public trail or segment of trail which is designated,
 3 maintained, mapped, and marked by at least one visible sign and includes any
 4 adjacent improved graveled or paved vehicle parking lot. Standard road shoulders
 5 are not included. Trailheads are marked by at least one visible sign posted by the
 6 responsible state or federal land management agency and identified on the most
 7 current official map of the agency. Trailhead does not include junctions between
 8 trails with there is no motorized access allowed, or intersections where a trail
 9 crossed the road, or locations where users have developed an access point, but
 10 no improvements have been provided beyond minimal signage for public safety.
 11
- 12 3. Water and Land Sets. Water set is any trap or snare set within a permanent
 13 water sources or a seasonal water source when water is present, such that at
 14 least a portion of the trap jaws or snare loop is submerged. Whittaker said the
 15 Commission received **Supplemental OARs – Attachment 4** today. The language
 16 was adjusted because water levels change. *“If water levels fluctuate, any killing*
 17 *trap with a jaw spread of 9-inches or more originally set in a water set must be*
 18 *removed or adjusted such that at least a portion of the trap jaws or snare loop are*
 19 *submerged at the next required trap-check interval.”* A land set is anything other
 20 than the water set just described.
 21
 22
 23
 24

Public Testimony:

<p>Mike Dykzeul Salem, Oregon</p>	<p>Mike Dykzeul, Director for Forest Protection of Oregon Forest Industries Council, distributed written testimony and said these recommendations are specific to clarifying the differences between these particular Furbearer rules whether being controlled on private or public lands. The separation has been in existence but it was confusing because nothing in the administrative rule provided that separation. OFIC supports clear and concise separation in rule to eliminate any confusion. Dykzeul said the second page of his handout is the Department of Justice’s interpretation that confirms the need and intent for the rule. Dykzeul supports providing landowners with effective tools for the control of damage issues as a way to address that tolerance for damage.</p>
<p>Scott Beckstead Sutherlin, OR</p>	<p>Scott Beckstead, Senior Oregon Director of Humane Society of United States (HSUS), spoke on behalf of HSUS and the animals subject to these regulations and have no voice. He said the vast majority of Oregonians are demanding comprehensive trapping reform. Allowing rules that would allow an animal to languish in a trap for seven days or up to 30 days is inexcusable. Oregon has some of the worst trapping regulations in the Western United States from the</p>

	<p>standpoint of animal welfare. He said other states have adopted a single 24-hour trap check requirement. HSUS petitioned this body to adopt a 24-hour trap check requirement and were not even afforded a discussion. He said it is time for Oregon to move into the 21st Century. It is time for this body to consider the views of the majority of Oregonians who are appalled at the suffering that is happening out there every day throughout our state.</p>
<p>Tally Patton Springfield, OR</p>	<p>Tally Patton, a forester for 33 years and past A&H Board member, has worked for private industry, a state agency, and she also administrated the Oregon Forest Practices Act. She said definitions are very important; the clearer the definitions are the easier it is to administer those rules. These changes did make it clearer and that makes a better rule. Patton thanked the Commission for letting the Wendling TMA be passed. She said a great deal of our land is in there. She invited the Commission to come look at the Wendling TMA when they were in Eugene for their August meeting.</p>

1
2 Commissioner Akenson asked Beckstead if he had comments regarding the definitions
3 that the Commission is dealing with today. Beckstead said the proposed rule provided
4 me with an opportunity to address the subject of trap check times in general because
5 they are looking at proposed changes to definitions of predatory animals. The trap check
6 times for predatory animals are different than those for furbearing animals. It is the
7 HSUS's position that this body should dispense with changing definitions and instead
8 adopt a single 24-hour trap check requirement for every species and for every type of
9 trap regardless of who is setting it.

10
11 Commissioner Akenson asked about the water set traps with jaw size over 9-inches.
12 Thornton said those are the large 330 conibear. Commissioner Akenson said those are
13 measured by the square across them? Thornton said yes, they form a square and once
14 opened they are measured across the square.

15
16 Commissioner Webber said we are only talking about killing traps in terms of the water
17 sets? Thornton said we are talking about the traps that would become illegal once they
18 are out of the water. The 9-inch traps are not allowed for land sets so when the water
19 recedes they would become illegal. The proposed rule explains that people need to
20 readjust those to keep them legal.

21
22 Commissioner Webber said what is the greatest period it could be exposed prior to the
23 person doing a trap check? Larry Cooper said when trappers set traps in water they are
24 targeting a depth of 9-inches to 14-inches of water. As streams flow in that time of year a
25 storm event might push them over 8-feet of water or it recedes and it drops out. When
26 the water goes below the surface of the trap they are no longer functioning and would be

1 illegal. He said the 9-inch trap is an instant kill trap. These regulations help trappers
2 understand that if that water recedes you have to check your trap. The time interval
3 between when that could occur and when you check it is 48-hours on furbearers.
4

5 Commissioner Webber said it would originally be set in 9-to-14 inches of water and you
6 would have to check it every 48 hours. Depending on the water source it would not be
7 out there a long time? Cooper said correct, based on how fast that water fell.
8

9 *Action: Vice Chair Finley moved to amend the Oregon Administrative Rule*
10 *Chapter 635, Division 050, as proposed by staff in the Supplemental Attachment*
11 *4. Commissioner Anderson seconded the motion, and the motion carried*
12 *unanimously by a vote of six.*
13

14 **Exhibit I: HABITAT CONSERVATION STAMP RETENTION**

15 Eric Rickerson, Deputy Wildlife Division Administrator, said in December 2012 the
16 Commission approved a temporary rule that gave the Department the authority to keep a
17 limited number of habitat conservation stamps that were associated with the Governor's
18 print. We are seeking permanent approval of that rule. In the first year we had 50 of the
19 Governor's prints signed and we sold about a dozen. Staff would like to keep that ability
20 to have that stamp match up with that print.
21

22 **Public Testimony:** There was no public testimony.
23

24 *Action: Commissioner Wolley moved to adopt Oregon Administrative Rule 635,*
25 *Division 095 as proposed by staff. Vice Chair Finley seconded the motion, and*
26 *the motion carried unanimously by a vote of six.*
27

28 **Exhibit J: COMMISSION BEST PRACTICES**

29 Aaron Jenkins, Staff Economist, said the 2005 Oregon Legislature added a Key
30 Performance Metric regarding best practices (BP) for state government boards and
31 commissions with governance oversight. Department of Administrative Services created
32 a survey based on 15 best practices criteria (see *Attachment 2 - Commission survey on*
33 *15 best practices*). The results are compiled into ODFW's Annual Performance Progress
34 Report that is submitted to DAS and the Legislature (see *Attachment 3 -2012 Annual*
35 *Performance Progress Report – Key Performance Measure 8*). Jenkins reported on
36 2012 survey results. Seven Commissioners indicated that 10 of the 15 BP were being
37 met. For the other five BP four Commissioners thought they were being met. The other
38 three Commissioners expressed that they were not being met. He discussed six of the
39 BP that received scores of less than 100% by the Commission:
40

- 41 • BP #4. Commission reviews the Annual Performance Progress Report.
42

43 Chair Levy said in 2012 we had a full Commission of seven at that time. Currently there
44 are only six. Jenkins said the 2012 Survey covered July 2011 through July 2012.
45

- 46 • BP #5. The Commission is appropriately involved in review of the agency's key
47 communications.

- 1 • BP #12. Commission members act in accordance with their roles as public
2 representatives.
- 3 • BP #13. The Commission coordinates with others where responsibilities and
4 interest overlap.
- 5 • BP #14. The Commission members identify and attend appropriate training
6 sessions.
- 7 • BP #15. The Commission reviews its management practices to ensure BPs are
8 utilized.

9 .
10 **Public Testimony:** There was no public testimony.

11
12 Chair Levy said she asked Jenkins to only discuss those BP where the Commission did
13 not score seven out of seven in order to focus on the areas that we as a Commission felt
14 that we were lacking in and what we thought was appropriate for the Commission to
15 learn and know and understand.

16
17 Commissioner Akenson discussed two areas to be done differently for BP #13 -
18 interacting with other governmental bodies. Some of the Commission was involved with
19 the Lower Columbia River Work Group and she would like to see more of that. The
20 Commission is going to meet with the California Fish and Game Commission. She said it
21 would be beneficial to meet with the Oregon Board of Forestry (OBF) or the State Board
22 of Agriculture or other groups to expand our background, knowledge and connections.

23
24 Chair Levy said she agreed. There should be interactions with other Commissions so we
25 would have a better understanding of what they do and how we can have inter-agency
26 help between the Commissions.

27
28 Director Elicker said he received a request from the OBF asking to be more interactive
29 with this Commission. He said Commissioner Webber sits on the Oregon Watershed and
30 Enhancement Board (OWEB). Having heard Commissioner Akenson's interest Director
31 Elicker asked her if she was interested in being a liaison for them with OBF. Director
32 Doug Decker from the Department of Forestry has discussed having the OBF meet with
33 this Commission and how we relate to forestry issues. Commissioner Akenson agreed.

34
35 Commissioner Wolley said BP #12 and BP #15 both refer to "Commission members."
36 Does it have to be all of us participating with a specific stakeholder group or just our
37 individual activities that do the outreach with different groups? Which are our individual
38 responsibilities and which are all of our responsibility collectively in the same activity?

39
40 Commissioner Webber said he is on OWEB and they meet with a member from all the
41 other natural resources agencies. Chair Levy said she sits on the Oregon Department of
42 Environmental Quality's Statewide TMDL (Total Maximum Daily Load) Policy Committee.

43
44 Commissioner Akenson was interested in educational updates the day before the
45 Commission's meeting whether about sage grouse, wind power, or conservation strategy
46 issues. She said it would be very beneficial to give the Commission more educational
47 information about things we might have to deal with that are policy type issues.

1
2 Chair Levy said past workshops and training sessions were well received by the
3 Commission and were very beneficial. They stopped because of time constraints and
4 budget constraints made it hard for us but she would like to see staff bring those back.
5

6 Director Elicker asked to add Other Business to the agenda to cover Commission events
7 and tours July through December 2013
8

9 **Other Business**

10 Director Elicker discussed upcoming Commission dates in 2013:

- 11 • July 12. Commission teleconference for adoption of wolf rules in conjunction with
12 pending legislation. 10:00 a.m. – 12:00 noon.
- 13 • August 1-2: Commission meeting in Eugene.
 - 14 ○ August 1 - Tour of issues in South Willamette Basin and archery demo.
 - 15 ○ August 2 – Commission’s public meeting.
- 16 • September 4-5-6: Commission meeting in Medford.
 - 17 ○ September 4 - Klamath Basin tour.
 - 18 ○ September 5 - Joint meeting with California Fish and Game Commission.
 - 19 ○ September 6 - Commission’s regular public meeting.
- 20 • October 3-4: Commission meeting in Newport.
 - 21 ○ October 3 – Marine tour by Marine Resources Program staff.
 - 22 ○ October 4 – Commission’s public meeting.
- 23 • No meeting in November.
- 24 • December 6: Commission meeting in Portland.
 - 25 ○ December 5 – may be a workshop on current events.

26
27 Other key dates:

- 28 • August 16: Salem Headquarters is moving to its new headquarters office.
- 29 • September 9-11: Oregon is hosting the national Association of Fish and Wildlife
30 Agencies (AFWA) Annual Conference at the Portland Marriott Hotel in Portland.
31

32 Director Elicker said he heard the Commission’s interest to get out and spend more time
33 with staff on resource issues and will plan for that in their 2014 calendar.
34

35 **ADJOURN**

36 Chair Levy adjourned the public meeting at 2:16 p.m.
37