Commission minutes are considered draft until approved by the Commission.

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

Mary Wahl, Commission Chair  
Curt Melcher, Director  

Greg Wolley, Commission Vice-Chair  
Erica Kleiner, Deputy Director  

Bob Spelbrink, Commissioner  
Shannon Hurn, Deputy Director  

Mark Labhart, Commissioner  
Bruce Eddy, East Region Manager  

Jill Zarnowitz, Commissioner  
Bernadette Graham Hudson, West Region Manager  

Beck Hatfield-Hyde, Commissioner  
Anika Marriott, Assistant Attorney General  

Bob Spelbrink, Commissioner  
Erin Donald, Assistant Attorney General  

Shannon Hurn, Deputy Director  
Michelle Tate, Executive Assistant  

Mark Labhart, Commissioner  
Doug Cottam, Wildlife Division Administrator  

Jill Zarnowitz, Commissioner  
Captain Casey Thomas, Oregon State Police

MEETING

On Friday, June 12, 2020 at 8:00 AM, Chair Wahl called the Oregon Fish and Wildlife Commission (the Commission) meeting to order.

DIRECTOR’S REPORT

Field Reports – in written form only; this report is available in the meeting materials and at https://www.dfw.state.or.us/agency/commission/minutes/20/06_Jun/Field%20Report%20June%202020.pdf

Expenditure Report

Staff: Erica Kleiner, Deputy Director for Administration


This report is available in the meeting materials and at https://www.dfw.state.or.us/agency/commission/minutes/20/06_Jun/Commission%20Financial%20Report%20June%202020.pdf
Big Game Hunting Review

Nick Myatt, Big Game Hunting Review Project Lead

This presentation is available in the meeting materials and at
https://www.dfw.state.or.us/agency/commission/minutes/20/06_Jun/Presentation_Directors%20Report_Big%20Game%20Hunting%20Review_6-12-20.pdf

Adopt Temporary Rules

Curt Melcher, Director, requested the Commission ratify the following temporary rules. The 26 temporary rules were previously adopted by the director under his emergency action authority.

Action:
Chair Wahl moved to ratify the 26 temporary rules set forth and listed on the document title “Temp. Oregon Administrative Rules April 7 through June 11”. Commissioner Wolley seconded the motion, and the motion carried with, five (5) infavor- Wahl, Wolley, Labhart, Zarnowitz, Hatfield-Hyde; one(1) abstained – Spelbrink.

This document is available in the meeting materials and at
https://www.dfw.state.or.us/agency/commission/minutes/20/06_Jun/Temp%20Oregon%20Administrative%20Rules%20April%202020%20through%20June%202020final_.pdf

Exhibit A: COMMISSION MINUTES

Action:
Commissioner Hatfield-Hyde moved to approve the April 17, 2020 meeting minutes with continued authority to correct grammar and punctuation. Commissioner Spelbrink seconded the motion and the motion was carried six (6) infavor.

Exhibit B: 2021-2023 Budget

The Commission was provided an informational briefing on the Draft proposed 2021-2023 Agency Budget.

Staff: Erica Kleiner, Deputy Director for Administration
Brandy Nichol, Budget and Economic Services Manager

Presentation: Erica and Brandy provided the Commission with an informational presentation on the 2021-23 Agency Requested Budget review: the Governor's vision and ODFW budget principles, public engagement; budget development; and policy option package.

This presentation is located in the commission materials and can be viewed at
https://www.dfw.state.or.us/agency/commission/minutes/20/06_Jun/Temp%20Oregon%20Administrative%20Rules%20April%202020%20through%20June%202020final_.pdf

Public Testimony

| Davis Moskowitz, the Conservation Angler |
| Bob Sallinger, Portland Audubon |
| Jennifer Fairbrother, Native Fish Society |
| Al Elkins, Oregon Hunters Association |
| Danielle Moser, Oregon Wild |

Oregon Fish and Wildlife Commission

June 12, 2020
Page 2
Exhibit C: Access and Habitat Project Funding and Board Member Appointment

The Commission approved the Access and Habitat Board recommendations for project funding and appointed two members to the hunter representative seats on the Access and Habitat Board.

Staff: Travis Schultz, Access and Habitat Program Coordinator
Presentation: Travis provided the Commission with a presentation on the Access and Habitat Board recommended projects and Hunter Representative Applicants to fill two current vacancies.

This presentation is located in the commission materials and can be viewed at https://www.dfw.state.or.us/agency/commission/minutes/20/06_Jun/EXHIBIT%20C/Exhibit%20C_Presentation_AH_6-12-2020.pdf

No Public Testimony

Approval

Action:
Commissioner Zarnowitz moved to approve the five (5) projects recommended for funding by the Access and Habitat Board. Commissioner Spelbrink seconded the motion and the motion was carried six (6) infavor.

Commissioner Labhart moved to reappoint Candice Yow to serve a second term and Morgan Olson to serve an initial four-year term as Hunter Representatives on the Access and Habitat Board. Commissioner Spelbrink seconded the motion and the motion carried six (6) infavor.

EXHIBIT D: 2020 Auction Raffle Allocations

The Commission approved the recommendations of the Access and Habitat Board and ODFW staff for the 2021 auction and raffle tag allocation.

Staff: Travis Schultz, Access and Habitat Program Coordinator
Dr. Don Whittaker, Ungulate Species Coordinator

Presentation: Travis and Don provided the Commission with a presentation on the 2021 Oregon Big Game Auction and Raffle Tag Allocation. The presentation included a program overview; and species proposals.

This presentation is located in the commission materials and can be viewed at https://www.dfw.state.or.us/agency/commission/minutes/20/06_Jun/EXHIBIT%20D/Exhibit%20D_Presentation_Auction%20Raffle%20Tag_6-12-2020.pdf

No Public Testimony

Approval
Action:
Commissioner Wolley moved to approve the 2021 Auction Raffle tag allocation as proposed by staff. Commissioner Hatfield-Hyde seconded the motion and the motion was carried six (6) in favor.

EXHIBIT E: Furbearer Regulations for 2020-2022

The Commission was asked to approve the Furbearer Regulations for 2020-2022 Season.

Staff: Derek Broman, Carnivore/Furbearer Coordination

Presentation: Derek provided the Commission with a presentation overview of the Furbearer Program.

This presentation is located in the commission materials and can be viewed at https://www.dfw.state.or.us/agency/commission/minutes/20/06_Jun/EXHIBIT%20E/Exhibit%20E_Presentation_Furbearer%20Hunting%20Regulations_6-12-20.pdf

Commissioner Labhart read the following statement into the record:

“First let me say thanks to all those who took the time to provide us input. You care or you would not have taken the time to write us. The 1,218 pages of testimony we received is likely getting close to a record for public input. Lots of passionate, thoughtful, scientific and thorough input from as far away as Louisiana but most from right here at home in Oregon.

The request before us today asks that we ban beaver recreational and commercial trapping on 30 million federally managed lands in Oregon.

I doubt that most would not question that beavers can and do improve riparian areas and their habitats. There’s research that show that beavers improve waterfowl numbers in areas where beavers are located. There’s research that show that there are positive changes to stream flows when beaver show up and the water table benefits they bring during drought conditions. There are papers that show the negative financial effects of beaver can have regarding road damage and increased culverts maintenance costs. There is a paper that shows the increased benefits beavers have on the abundance of small mammals and birds that benefit from beaver-created ecosystems. There’s a paper that outlines how beavers can reduce the incidence of unacceptable flooding downstream. A paper that outlines how beavers and their work can reduce stream temperatures to some extent. Another that talks about how beavers can positively influence the amount of groundwater retention. One paper makes a case for how beaver ponds improve Coho smolt rearing. I’m sure that’s true for steelhead too. One paper I read talks about how beaver dams or beaver dam analogues can substantially accelerate the recovery of incised streams and can help create and maintain complex fluvial ecosystems.

The petitioners are asking us to ban beaver removal on 30 million acres of federal land. Some of the correspondence we received as part of the public comment can be summarized as banning commercial and recreational fur taking practices on federal lands.
will have little effect on the hunting/trapping community. They argue that commercial
beaver trapping is already low now so what’s the problem with just banning it outright.
Others argue just the opposite using the same rationale. So, what’s the problem if the
harvest is already low and the species is increasing throughout its range, why not allow
some beavers to be taken as Oregon has historically allowed since it became a state.

If you look at the most recent data from the harvest records the five year (2014-2018)
average shows that there is an average of 147 trappers per year spread across 36
counties. They take an average of 1,529 beavers per year. The Department tells me that
if there is available beaver habitat, eventually you will find beavers and that is currently
the case in all 36 counties in the state. The Department says there is not one county in
Oregon where you will not find beavers. The key point here is available habitat.

I’m going to get into the weeds a little bit because it’s important to understand the habitat
question that is one of the focus points of the petitioners.

I was particularly interested in two papers that zeroed in on the Siuslaw National forest
where there has been considerable discussion regarding beavers. One paper by William
C. McComb and David E. Hibbs and one by Karen Leidholt-Bruner, David E. Hibbs, and
William C. McComb.

One paper compares a wilderness area unlogged stream to one that was logged. It
demonstrated what we know about the coastal beaver. What they eat and don’t eat, what
value they have in providing habitat for other fish species and how dams in the coast
range are ephemeral and in particular how they come and go seasonally because of
winter flows. There was significant discussion and a good description of what kind of
habitat in which they don’t build dams – mid-story and overstory conifer dominated
riparian areas. In other words, suitable sites for beaver depended on mixed species (their
food source) and topography. They don’t prefer conifer dominated riparian areas where
food is lacking.

The other paper focused to on water temperature and introducing large woody debris to
streams does not help create beaver ponds, but is and would be beneficial to Coho, but
not beaver. It seems to me one of main drivers behind this effort to ban trapping is to
benefit listed Coho and to help address climate change, but not benefit the habitat beaver
need which diversity of riparian habitat. Single species management i.e. conifer
dominated streams to provide shading for streams is not the proper manner to manage
our fish and wildlife as we have to focus on ecosystems and a diversity of habitat in
riparian areas. Unfortunately, because of some species being listed, federal lands are
required to manage for the majority of the habitat for these single species. As a result,
many other wildlife species do not benefit and some are negatively affected i.e. beavers
by the requirements for single species management.

I was particularly taken with previous Commission Chair Levy’s comments. She states in
the department’s own presentation, it was stated there are 16 specific areas currently
closed to beaver harvest which average 47 years in duration (Table 2). All closures were
the product of satisfying requests from outside the Department. Fourteen of the 16
closures are on or affiliated with federal lands with most associated with National Forests. These National Forest closures average 46 years. For all closures, limited information is available or being collected to determine why the closures were implemented, if they were successful, or if the closures should continue. Efforts to address these questions with data and a science-based approach are desired. She finds it very disturbing that these closures have remained in effect for an average of 46 years, and the necessary data needed to “determine why the closures were implemented in the first place or even if they should continue” is not available.

This matter is controversial to say the least. One side wants to continue with the fur bearer rules as written as they say the science is sound to allow trapping and the population is sustainable and even increasing all across Oregon. Another side wants beaver trapping should be banned on 30 million acres of federal land because the science is sound and/or they are morally opposed to trapping. Some say if the Oregon Department of Fish and Wildlife is serious about wanting to mitigate climate change, its imperative they incorporate these natural allies into the plan. They are a low-cost fix with a lot of potential to help, but only if we allow them to do so. They say it’s all or nothing for both sides. No room for compromise they say. Some on both sides see it as a social decision. Some on both sides see it as a scientific decision and argue their science should be the priority for our decision. Some on both sides see it as a legal decision and argue the law is the law and you can decide either way depending upon how interpret of Oregon’s Wildlife Policy statute. (496.012)

So, let’s see what Oregonians have to say when asked about beavers. There was a statically valid survey that Suzanne Fouty provided me of landowners in Oregon titled “Landowner Incentives and Tolerances for Managing Beaver Impacts in Oregon” completed in 2011 by the Department of Forest Ecosystems and Society at Oregon State University that was done with funding from the Oregon Watershed Enhancement Board and the Bonneville Power Administration. One question was particularly interesting to me. It was do you trust ODF&W/Commission to make the right decision? The largest proportions of landowners trusted ODFW to provide the best information (70%), truthful information (67%), and enough information to decide what actions to take regarding wildlife (66%), and use the best available science to inform management (65%).

So, the question I ask is with the information provided by Staff today, the public testimony and the science out there should we continue our current fur bearer regulations as recommended by staff. The major question for me is are we in compliance with our Wildlife Policy which is to protect and enhance Oregon’s fish and wildlife and their habitats for use and enjoyment by present and future generations and ORS statute 496.012 which the Legislature passed and the Governor signed into law that directs us to address the social, scientific and legal issues. It specifically says:

It is the policy of the State of Oregon that wildlife shall be managed to prevent serious depletion of any indigenous species and to provide the optimum recreational and aesthetic 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 interest of the State of Oregon and implement the following coequal goals of wildlife management:
(1) To maintain all species of wildlife at optimum levels.

(2) To develop and manage the lands and waters of this state in a manner that will enhance the production and public enjoyment of wildlife.

(3) To permit an orderly and equitable utilization of available wildlife.

(4) To develop and maintain public access to the lands and waters of the state and the wildlife resources thereon.

(5) To regulate wildlife populations and the public enjoyment of wildlife in a manner that is compatible with primary uses of the lands and waters of the state.

(6) To provide optimum recreational benefits.

(7) To make decisions that affect wildlife resources of the state for the benefit of the wildlife resources and to make decisions that allow for the best social, economic and recreational utilization of wildlife resources by all user groups.

[1973 c.723 §6; 1993 c.659 §2; 2001 c.762 §6]

It’s my opinion that beavers are good for Oregon. Beavers can and do play an important role not only for what they do for the habitats but for those who enjoy the **orderly and equitable utilization** of this wildlife as defined in Sec. 3 of the Wildlife Policy ORS 496.012. Even with this **orderly and equitable utilization** of this resource, the numbers of beavers are sustainable and increasing and I believe that is not disputable. It’s my opinion that beavers are being **managed to the prevent serious depletion of this indigenous species** as required by law. It is our charge to interpret what the Legislature meant when they said maintain species at **optimum levels** as defined in Sec. 1 of the statute in terms of the regulations we put in place. In my opinion Optimum does not mean no allowable harvest of some wildlife species that are sustainable and some would argue thriving.

We are charged in the Statute under Sec. 7 to **make decisions that affect wildlife resources of the state for the benefit of the wildlife resources and to make decisions that allow for the best social, economic and recreational utilization of wildlife resources by all user groups.**

I believe that we have in the past and continue to allow for the best social, economic and recreational management and utilization of this sustainable and increasing resource in Oregon. It’s a fair and balanced approach rather than a shut-down 30 million acre all at once approach and see what happens.

I think the comments from the Oregon Chapter of the Wildlife Society summarize it well for me. “Permanent trapping bans would be in opposition to the well-established practices of sustainable resource harvest and proven wildlife management strategies widely utilized in the North American Model of Wildlife Conservation. The long-term success of the North American Model comes from seven interdependent principles that must be maintained for consistent, sustainable conservation. A core principle of the North American Model is the application of wildlife science to discharge the management of wildlife resources. Given
the lack of data on the negative impacts of trapping, combined with harvest data showing recreational trapping harvest rates per unit effort have been consistent, there is little indication that trapping is having a negative population impact. Trapping has long been recognized as an appropriate tool for wildlife and habitats. Statewide or even regional bans on recognized management tools must be supported biologically, be limited in scope both spatially and temporally, and allow for the resumption of sustainable use when appropriate.”

In addition, the National Association of Fish and Wildlife Agencies have developed Best Management Practices for furbearer management that includes trapping that OD&W follows and supports and include these BMP’s in the furbearer regulations that trappers are required to follow.

So, I will summarize my comments with three points.

**Point One:** No scientific, social or economically reason to stop all beaver harvesting on federal lands.

As I stated above and supported by our Wildlife Policy, there is not substantial evidence to stop all beaver harvest on federal lands for a species that is currently sustainable, healthy and increasing throughout Oregon.

**Point Two:** Major Change without adequate public review and comment

This is a major change to our Rule making process. We have not allowed adequate public discussion of the pros and cons of this drastic proposal to ban beaver trapping on 30 million acres of federal land in Oregon.

**Point Three:** We are not in compliance with the Secretary of State’s actual rulemaking notice

I also feel strongly that banning beaver trapping on 30 million acres of federal land is **not in compliance with the Secretary of State’s actual rulemaking notice** for our meeting today. The legal notice specifically states: “Propose amendments to rules regarding seasons and bag limits for the 2020-2021 and 2021-2022 furbearer harvest and pursuit seasons. These rules are amended biennially and reviewed annually for program administration.” We should only be voting on seasons and bag limits not banning beaver harvest on 30 million acres of federal lands.

A compromise I would propose is to support the staff recommendation and request the formation of a Work Group to develop a proposal to take a serious look at the issue of banning beaver trapping. Study the results pro and con of beaver trapping from a paired watershed study perspective and/or review the effects pro and con of where for 65 years beaver trapping has not been allowed on federal land. Review the current science papers that are published to determine if we wish to take a different approach in the future. Today is not the time or place to consider banning beaver trapping on 30 million acres of federal land.”

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Public Testimony

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Rulemaking
Action:
Commissioner Labhart moved to approve the amendments to OAR 635 Division 050 as proposed by staff to set regulations and seasons for the harvest and pursuit of furbearing mammals. Commissioner Zarnowitz/Spelbrink seconded the motion. The motion was carried five (5) in favor- Wahl, Spelbrink, Labhart, Zarnowitz, Hatfield-Hyde; one (1) opposed – Wolley.

Commissioner Wolley provided the statement below for the record:
“I vote no with this statement. I know that my no vote doesn’t carry the day, but I vote no. I appreciate there is interest in creating a workgroup or resurrecting the workgroup that I would just hope that workgroup could be fair and balanced. Apparently there was an issue with the previous workgroups. So I hope that we would stock that group with umm, a fair balance of opinions.

Also, I vote no with the understanding that we are not talking about a single species management. It is very clear that we are talking about multiple species management when we are talking about protecting beaver. And so, I want that to be also on the record. Umm, also that no one has disputed that habitat is the primary cause for the depletion of beaver, it comes up over and over again; that is generally understood by everyone. I don’t think anyone is saying trapping, banning trapping is the answer.

No one has brought this up, but we have been talking about morals and philosophy and things like that. I just wanted to put out there, I am fundamentally opposed to killing animals for vanity and fashion. And umm, that hasn’t been brought up but as long as we are talking about. Regardless of all the rules, the statutes, the different sides of the argument, and ban and not to ban, trap checks I just need to put it out there that is where I am coming from as my own overarching moral value. That is the [substance] of my no vote.
The Commission direct the department to review trap check time requirements and come back to the Commission by January with proposed change if any. This direction was supported six (6) in favor.

The Commission directed the department to convene a work group to address beaver management in Oregon. At the July meeting the Commission will bring back addition direction to the department regarding the work group. Six (6) thumbs up in support.

OTHER BUSINESS

Chair Wahl adjourned the meeting at 7:50 p.m.