

Access & Habitat
April 12, 2016
Grants Pass, OR

Attendees

A&H Board:

Jim Morrell, Chair; Alan Christensen, Board Member; Dave Stiefvater, Board Member; Doug Baily, Board Member; Craig Ely, Board Member; Willie Bronson, Board Member

ODFW:

Isaac Sanders, A&H Program Coordinator; Tom Thornton, Game Program Manager; Christina Schmidt, Administrative Assistant; Jon Paustian, Regional Coordinator; Tom Segal, Regional Coordinator; Nancy Breuner, Regional Coordinator; Vince Oredson, Regional Coordinator; David Stoppel, Regional Coordinator

Chair Morrell called the meeting to order at 8:00 a.m.

Review of the January Meeting Minutes

Dave moved to approve the January minutes as written; Doug seconded the motion. Motion passed unanimously 5:0.

Board Member Reports

Willie Bronson:

Willie attended the RMEF, Tillamook County Chapter, and MDF, Linn-Benton Chapter, banquets. Both events went very well. Willie has been following some of the private land issues such as Plum Creek being merged with Weyerhaeuser which could change approximately 300,000 acres in Oregon top possibly going into a fee hunting or lease hunting situation. Willie offered to get a Weyerhaeuser representative to come to the next board meeting and explain how this has materialized, if the other members of the board would be interested.

Craig Ely:

Craig attended the MDF National Convention and the RMEF, Central Oregon Chapter and OHA, Union-Wallowa County Chapter banquets. All events went very well.

Doug Baily:

Doug attended the RMEF, Tillamook County Chapter and the NWTF, Central Oregon Chapter banquets.

Dave Stiefvater:

Dave got together with ODFW District Biologist Phil Milburn in March and they went to the Malheur County Commissioners and gave a presentation on finding more hunting access in Malheur County. Their focus was upland game bird hunting. Dave and Phil let them know about the Open Fields Program and asked for their help in promoting the program. The NW representative for Pheasants Forever visited the Ontario Recreational Access Area, they saw quite a few birds (pheasants and quail) that day, and he commented that it was the best property they have in four

western states. Dave attended the OHA, Union-Wallowa County Chapter, banquet and was very impressed with how the people on the phone

Alan Christensen:

Alan attended the SCI, SW Washington Chapter banquet.

Jim Morrell:

Jim attended the SCI, SW Washington Chapter banquet with Alan. Jim felt that the people Online bidding for the auction tag were not able to keep up with the people bidding by phone and in person.

A&H Program Coordinator Report

March 18th Commission Meeting

- Commission approved 4 projects
 - Willamette Open Fields
 - Columbia Open Fields
 - Pine Creek Ranch Access
 - Lawen-Brown Access Area

Vacant Board Member Position – Hunter Representative

- 11 candidates submitted interest forms
- Started process of reviewing applicants
- Will present candidates to ODFW Commission at the June 9-10 meeting

SB 966 Relating to training programs for public officials; and declaring an emergency

- Course Title *New Board, Commission, and Executive Director Required Curriculum*
- 3 classes, 2 online and 2 classroom
 - First online class *Overview of Boards, Commission and Small Entities*
 - Second online class *Oregon Government Ethics Law*
 - Last class (classroom) *New Board, Commission and Executive Director training*
- Need iLearn account to enroll and take course, working with Human Resources on creating accounts for non-employees
- New appointments and reappointments must complete course within 6 months of appointment/reappointment

Access Area Permits

- Permit Period, August 1 - May 31
- Permits and summary due to A&H Coordinator by June 30
- Drawing held during July Board Meeting
- Permit information will be summarized by area
 - Total hunter days
 - Hunter days per purpose (big game, waterfowl, etc.)
 - Harvest information
 - Overall satisfaction

Recreational Access, Landowners and Tort in Oregon

- ORS 105.682 Liabilities of owner of land used by public for recreational purposes, gardening, woodcutting or harvest of special forest products.
- (1) Except as provided by subsection (2) of this section, and subject to the provisions of ORS **105.688**, an owner of land is not liable in contract or tort for any personal injury, death or property damage that arises out of the use of the land for recreational purposes, gardening, woodcutting or the harvest of special forest products when the owner of land either directly or indirectly permits any person to use the land for recreational purposes, gardening, woodcutting or the harvest of special forest products...
- (2) This section does not limit the liability of an owner of land for intentional injury or damage to a person coming onto land for recreational purposes, gardening, woodcutting or the harvest of special forest products.

Auction/Raffle Tag Allocation

- 2015 Auction Tags
 - (1) Governor's Combination Statewide Deer/Elk
 - (4) Statewide Deer
 - (4) Statewide Elk
 - Season: September 1 – November 30
 - Bag Limit: One deer/elk
 - Weapon: Any weapon legal for that species
- 2015 Raffle Tags
 - Governor's Combination Statewide Deer/Elk
 - Statewide Deer
 - Southeast OR Deer
 - Central OR Deer
 - Northeast OR Deer
 - Statewide Elk
 - Northeast OR Elk
 - Central/SE Elk
 - Western OR Elk
 - Season: September 1 – November 30
 - Bag Limit: One deer/elk
 - Weapon: Any weapon legal for that species

Motion:

Craig moved to approve auction/raffle tags as written in the board packet; Alan seconded the motion. Motion passed unanimously 5:0.

Discussion

- Willie asked if it was possible for the successful auction bidders to remain anonymous and thought if so they might get more money for the auction tags.
- Dave asked if an auction tag was transferable.
- Tom replied that there is a provision for someone that is terminally ill for other tags but wasn't sure about auction tags. Tom also replied to Willie's question saying that it would take a statute change to make it possible for the successful auction bidders to remain anonymous.

- Alan commented that it would be helpful to list on the pictures that were shown on the trifold display which unit the deer/elk were taken.
- Jim added that it would be helpful to know if the pictures were auction or raffle tag winners.

Vice Chair Election

Dave Stiefvater was voted Vice Chair of the A&H Board.

Southwest Regional Council Appointment

The Southwest Regional Advisory Council has a Landowner Representative vacancy. The regional council voted to appoint Ted Birdseye to the Landowner Representative position.

Discussion

- Doug said that he knows Jim Fleet and knows that he only owns approx. acres and was curious if that had been discussed at the regional council meeting.
- Vince replied that it had been discussed and they decided that owning a small piece of land didn't necessarily disqualify an applicant but Ted Birdseye had more of what the council was looking for.

Motion:

Doug moved to appoint Ted Birdseye to the Landowner Representative Position as recommended by the regional council. Dave seconded the motion. Motion passed unanimously 5:0.

Deschutes/Klamath Regional Council Appointment

The Deschutes/Klamath Regional Advisory Council has a Chair vacancy. The regional council voted to appoint Doby Fugate as Chair.

Discussion

- Alan asked if either applicants, Doby Fugate or Roger Smith, had been on an A&H Regional Council before.
- Nancy replied that Doby had applied at before but another applicant was appointed.
- Alan was surprised that neither applicant had been on the council before and applied for the chair position.
- Nancy said that she opened it up to her council and there was no interest.

Motion:

Craig moved to appoint Doby Fugate to the chair position as recommended by the regional council; Doug seconded the motion. Motion passed unanimously 5:0.

Public Comment

Paul Davis, Landowner, has a project (Alvord Access Area) in the A&H program. Paul explained to the board that he implemented a locked gate system on his land. There are signs on all gates with information on how people need to check-in and register at the Alvord Hot Springs down the road to get the combination to the gates. He requires people to purchase a hunting license if they don't have one, which they can purchase at the hot springs, so that everyone accessing his property is contributing to the A&H program. He feels like this can be very expensive for non-residents and

would like to know if there is another way to get recreational users to contribute so that they're paying their dues like the hunters.

Discussion

- Paul about the liability issues of letting people access his property.
- Isaac explained the Recreation Access, Landowners and Tort in Oregon and told Paul he would email the statute to him.
- Doug commented that even though the statute give landowners some protection it could be very expensive to defend yourself even if the outcome were successful.
- Alan thought he heard that the state would come in and defend in a situation where a statute was being challenged. He added that it would be worth having legal counsel look into.
- Isaac said he would consult with legal counsel.
- Alan asked if the Wildlife Area Parking Permit would be a better option for recreational users to purchase than a hunting license.
- Doug believes they shouldn't go beyond their agreement which states for hunting access and that recreational users should have to purchase a hunting license.
- Willie believes that you can charge a reasonable fee and still be covered under the recreational liability act.
- Dave reiterated that the questions Paul would like answers to are:
 1. Can he charge a fee
 2. If so, can it be the Wildlife Area Parking Permit
- Paul would like Isaac to send him information on what he should do.
- Jim would like Isaac to send the board a copy of the Recreation Access, Landowners and Tort in Oregon.

A&H Budget Report

Isaac Sanders, A&H Program Coordinator, provided an update of the current A&H Program budget (refer to A&H packet).

Project Review

2016-05 Iron Mountain Access Area

Regional Coordinator Jon Paustian and Gary Bloomer, Landowner, presented this project (refer to A&H Board packet for the Regional Council Review and application for detailed information on the project).

This project proposes to continue to pay Gary and Kath Bloomer \$2.40/acre for "Welcome to Hunt" access on 3,342 acres of private land and \$.96/acre for 4,215 acres of previously inaccessible public land in the Lookout Mountain Wildlife Unit for a period of 5 years to hunt big game (i.e. mule deer, pronghorn antelope, Rocky Mountain elk, bear, cougar, coyote) and upland game birds (i.e. sage grouse, turkey, Hungarian partridge, chukar, California quail and grouse).

Discussion

- Alan would rather the public access end of the project not be phrased to look like they're paying for public use of public land.

- Jon explained that if he were to add it into the per acre payment it would make the payment go way up.
- Tom Thornton said it's a matter of semantics and asked if the board would be comfortable with saying \$2.40 per acre for private land and \$.96 per acre for access to public land. He believes they can work on the language to differentiate the two parts of this project.
- Alan said that he is 100% in support of this project just not the way the proposal is worded because they'll have the public wondering why they're paying for public land.

2016-06 Virtue Flat Access Area

Regional Coordinator Jon Paustian presented this project (refer to A&H Board packet for the Regional Council Review and application for detailed information on the project).

This project proposes to pay Rex Nelson \$1.80/acre for "Welcome to Hunt" access on 7.087 acres of private land in the Lookout Mountain Wildlife Management Unit for a period of 5 years to hunt upland game birds, big game and predators. This project will also improve/enhance access to adjacent Access and Habitat program lands (Troy Ranches) and 10,848 acres of BLM lands.

Discussion

- Craig brought up the ATV issue again and how they have to go to the landowners to press charges for trespassing.
- Tom Thornton said when Isaac talks to the AG regarding Paul Davis' issue he'll bring this issue up as well.

2016-07 Divide Ridge Access Area (Gover)

Regional Coordinator Jon Paustian presented this project (refer to A&H Board packet for the Regional Council Review and application for detailed information on the project).

This project proposes to pay Dan and Joyce Gover \$2.40/acre for "Welcome to Hunt" access on 910 acres of private land in the Imnaha Wildlife Management Unit for a period of 5 years to hunt upland game birds, big game and predators.

2016-08 Divide Ridge Access Area (Carlson)

Regional Coordinator Jon Paustian presented this project (refer to A&H Board packet for the Regional Council Review and application for detailed information on the project).

This project proposes to pay Jerry and Karen Carlson \$2.40/acre for "Welcome to Hunt" access on 250 acres of private land in the Imnaha Wildlife Management Unit for a period of 5 years to hunt upland game birds, big game and predators. This project will also improve access to "PROPOSED" Access and Habitat program lands (Gover 2016-07) and adjacent USFS lands. This block of public/private lands will be known collectively as Divide Ridge Access Area.

2016-09 Heppner Regulated Hunt Area

Regional Coordinator Jon Paustian and District Biologist Steve Cherry presented this project (refer to A&H Board packet for the Regional Council Review and application for detailed information on the project).

This project proposes to provide year-round public hunting recreation on 39,624 acres of private land (5 landowners) by operating a cooperative hunting program. The Heppner Regulated Hunt Area has been in effect for 49 years. The project proposed is to continue in that “Welcome to Hunt” program.

Discussion

- Alan said he’d advocate that they fund this out of Open Fields money and free up A&H funds.
- Isaac commented that it was up to the board how they’d like to fund it.
- Jon said he has some projects coming forward in July to be funded through Open Fields.
- Isaac reminded the board that Open Fields isn’t guaranteed in the future and Heppner RHA seems like a project that will continue.
- Tom Thornton said there could be an issue with this being an existing project and not “new access”.
- Craig had concerns with shifting that money because of the continuous nature of the Open Fields funding.

2016-10 Glass Hill Access Area

Regional Coordinator Jon Paustian presented this project (refer to A&H Board packet for the Regional Council Review and application for detailed information on the project).

This project proposes to continue to pay the applicant \$1.80/acre for “By-Permission Hunting” access on 1,231 acres of private land in the Starkey Wildlife Management Unit for a period of three years to hunt big game (i.e. deer, Rocky Mountain elk, bear, cougar and coyote) and upland game birds (i.e. blue and ruffed grouse, Hungarian partridge, turkey and California quail). This project will also improve access to adjacent Access and Habitat program lands and ODFW’s Ladd Marsh Wildlife Area lands. This block of public/private land is known collectively as the Glass Hill Area.

Motion:

Craig moved to approve the following projects as proposed:

- 2016-05 Iron Mountain Access Area
- 2016-06 Virtue Flat Access Area
- 2016-07 Divide Ridge Access Area (Gover)
- 2016-08 Divide Ridge Access Area (Carlson)
- 2016-09 Heppner Regulate Hunt Area
- 2016-10 Glass Hill Access Area

Doug seconded the motion. Motion passed unanimously 5:0.

2016-15 C2 Ranch

Regional Coordinator Vince Oredson and Jason Saulan, Ranch Manager, presented this project (refer to A&H Board packet for the Regional Council Review and application for detailed information on the project).

This project proposes to improve wildlife habitat and provide public hunting. Habitat improvement will consist of removing invasive Himalayan blackberry from pasture, mowing decadent brush to promote new growth, and fertilizing pasture. Hunting will consist of 6 unguided adult archery deer

hunts, each for 3 days, and guided youth hunts consisting of 16 deer hunts and 10 spring turkey hunts, each day for 1 day, for two seasons, 2016-2017 and 2017-2018.

Discussion

- Alan asked why they were only asking for funding for 2 years.
- Vince replied that 2 years is what they felt comfortable with.

Motion:

Alan moved to approve the project as proposed; Dave seconded the motion. Motion passed unanimously 5:0.

2016-11 Mackenzie Access Area – Mark Mackenzie

Regional Coordinator Tom Segal and Mark Mackenzie, Landowner, presented this project (refer to A&H Board packet for the Regional Council Review and application for detailed information on the project).

This project proposes to pay Mark Mackenzie \$2.40/acre for 3,576 acres of “Welcome to Hunt” access in the Owyhee Unit. This project also proposes to pay \$16,000 for the purchase and installation of two cattle guards to assist with problems associated with gates being left open.

2016-12 Mackenzie Access Area – Duncan Mackenzie

Regional Coordinator Tom Segal and Duncan “Wannie” Mackenzie, Landowner, presented this project (refer to A&H Board packet for the Regional Council Review and application for detailed information on the project).

This project proposes to pay Duncan “Wannie” Mackenzie \$2.40/acre for 4,813 acres of “Welcome to Hunt” access in the Owyhee Unit, plus \$8,000 for the purchase and installation of a cattle guard to help resolve issues with gates being left open.

2016-13 Mackenzie Access Area – Sam Mackenzie

Regional Coordinator Tom Segal presented this project (refer to A&H Board packet for the Regional Council Review and application for detailed information on the project).

This project proposes to pay Sam Mackenzie \$2.40/acre for 640 acres of “Welcome to Hunt” access in the Owyhee Unit for five years.

Discussion:

- Doug asked if Duncan “Wannie” Mackenzie, the landowner for this project, is the same Wannie Mackenzie on the regional council.
- Tom confirmed that Wannie is a regional council member but refrained from voting on the project.
- Doug asked if Wannie participated in discussion.
- Tom said yes that he did but as an applicant. When the regional advisory council had questions he addressed them.
- Doug felt that this puts the board in a potential situation of facing a headline that might say “ODFW” Access and Habitat Program Awards a \$67,000 Grant to One of Its Advisory Council Member”.

- Tom disagreed with Doug and said he thought it was fine if the applicant was a member of the council but they have to refrain from voting.
- Doug said he understands that and he thinks it properly addresses the minimum requirements standard, but he doesn't feel that it addresses the problem of the program being placed in apparent impropriety. He feels Wannie has placed himself where he could be viewed as perhaps having a little less motivation to seek out additional landowners for projects. Doug thinks he's in a position where he can influence the council's recommendations on who becomes members of the council and be therefore the other voters. Doug is concerned and feels like it puts the board in an uncomfortable position, one that he doesn't want to be placed in.
- Alan commented that he is on another board and they just went through a conflict of interest discussion and adopted some new information. What was recommended was if a person has a connection they don't vote but they also excuse themselves from the room while the project is discussed.
- Jim asked Tom if his council meets in person or by phone.
- Tom replied that they meet by phone.
- Willie commented that this is a renewal for a project that has been in place for 10 years and asked Tom if Wannie was part of the discussion originally.
- Mark Mackenzie answered that he believes it was after the enrolled in the A&H program that Wannie became a regional council member.
- Tom Thornton confirmed that this is a project is a renewal that predates Wannie's being on the council. It looks a bit different because it is now being split up amongst the sons of the original landowner.

Motion:

Craig moves to approve all three Mackenzie Access Area Projects as proposed; Willie seconded the motion. Motion passed 5:1.

Regional Coordinator Reports

Nancy Breuner:

Nancy has been working with Matt Keenan, Assistant District Biologist in Prineville and former A&H Coordinator, on the Open Fields Aspen Valley project. He has taken over the processing of the Open Fields hunting activities on Aspen Valley. Matt just sent Nancy the hunt permits, she hadn't yet put the results in the spreadsheet Isaac sent but just looking through them it looked like hunters were very satisfied with the access area. There wasn't as big of a success rate as last year but Nancy believes that might be weather related. She has a potential Mule Deer Initiative property that has been getting a lot of focus in the Prineville district. Nancy is also looking at a potential A&H property in the Deschutes Watershed District. The property is still in limbo. There are two owners, one wants to sell the prime part which would be a good elk hunting opportunity and the other owner want to enroll in the A&H program. She's hoping to have some projects soon and will be seeking some Open Fields funding as well. Nancy has been using the Deer Green Forage funding for on the ground habitat work.

Tom Segal:

Tom said that habitat season is ramping up. He hunted the Alvord Access Area, great year for chukar hunting.

Vince Oredson:

Vince put out some check stations on the New River Aleutian Goose project and collected the hunter survey cards. They were well filled out and he was able to get some good harvest data from them. He'll include the data he collected in the completion report. JACTMA had some change in ownership. The new owners want to honor the current agreement.

Meeting adjourned at 1:44 p.m.