



Access and Habitat Board Meeting Minutes

January 16, 2024
Oregon Dept. of Fish & Wildlife
4034 Fairview Industrial DR.SE.
Salem, OR. 97302

These Access and Habitat Board meeting minutes is considered as a draft until approved by the Board.

Notice of these meetings had been published through Oregon Transparency Website and ODFW Website. <http://www.dfw.state.or.us/lands/AH/minutes/index.asp>, <http://www.oregon.gov/transparency/Pages/PublicMeetingNotices.aspx>

Those attending part or all of the meeting included:

<u>Board Members:</u> Ron Borisch John Breese Nic Callero Amy Patrick Candy Yow	<u>Absent:</u> Jeff McNerney Morgan Olson	<u>Regional Staff Coordinators:</u> Richard Chamberlain Jessica Clark Dylan Edwards Landon Hardt Jon Paustian Tom Segal David Stoppel
<u>Staff:</u> Travis Schultz Brian Wolfer Derek Broman Curt Melcher Roxie Borisch		<u>OSP:</u> Craig Heuberger

Meeting

On Monday, January 16, 2024, at 8:02 a.m. Chair Amy Patrick called the Access and Habitat Board meeting to order.

Meeting Minutes Review

The minutes from the July 17, 2023, meeting was reviewed. John Breese moved to approve the minutes as presented. Nic Callero seconded the motion. The motion carried unanimously 5-0

The meeting minutes are in the Board packet materials and can be viewed at the following link:

<https://www.dfw.state.or.us/lands/AH/minutes/2022/October/DRAFT%20OCT%20MINUTES%20for%20the%20web%20.pdf>.

Board Member Reports

John Breese, Landowner Representative

Not much to report. Very cold and lots of snow.

1 Nic Callero, Hunter Representative

2 Fall ended up being not prepping deer meat as it was prepping chanterelle mushrooms. Good year on
3 coast range for mushrooms. Took daughter out a few times and came back with lots to share with
4 neighbors. Have also been taking my pup out to chase grouse around which has been a lot of fun.
5 No school the last few days which always throws us for a curve ball – been going sledding.
6

7 Ron Borisch, Landowner Representative

8 Blacktail hunting season was an overall success. Very nice mature bucks were harvested adjacent to
9 the 2020 wildfire area. The vegetation has begun to regrow and is supplying good available feed.
10 However, the grouse and quail populations are way down. The longer season into November allowed
11 rifle hunters to hunt during the rut. High elevation snowpack came in December with over six feet at
12 4000 elevation.
13

14 Candy Yow, Hunter Representative

15 Was headed to Utah right after our last meeting and was blessed with a very nice buck there, meat in
16 the freezer. Our hunting camps have become a 501-C3 to ensure a future for our youth and ladies to
17 learn to be safe and successful in the outdoors. Our first two camps are set: for Youth Camp it is July
18 19-21, and our adult Oregon Ladies Camp is July 25-28 in Fort Rock. We are adding a few camps
19 this year including an Elk Hunting Masterclass in June which will include, classroom, calling, and
20 archery range and actual scenarios for the students to take. We think this will be a big hit. We are
21 doing a Long Range Rifle Camp and advanced pistol/self-defense with pistol camp as well. Dates are
22 yet to be determined.

23 Have taken on the first Ladies Day Out at Portland Sportsman's Show on February 16 from 2-4 pm. It
24 is gaining a lot of attention. Amy is going to have a table there for OHA Women's Outreach. I am
25 also serving on that board to help women get more involved.

26 I just got home from Dallas SCI and the Prestigious Weatherby Awards where we were invited to sit
27 at the Weatherby table. It was super fun and met some amazing people. We are headed out day after
28 tomorrow for the Sheep Show in Reno.

29 Amy Patrick, Public Representative

30 OHA's new women's network is off and running as of January 1 with a great response and our first
31 digital newsletter. With the newsletter and one Facebook post, it tripled our distribution list within a
32 week. Spent last night forecasting out the next few months as far as newsletters and topics and
33 soliciting articles from women that are in the program.
34

35 We will be working with ODFW and several other partners to put on turkey clinics, pheasant clinics,
36 and conservation projects throughout the year. Other things that we hear resoundingly from ladies are
37 requests for more firearms training courses—from firearm maintenance to choosing the appropriate
38 weapon.
39

40 Other than that, my time has been taken up with two new golden retriever puppies that are very busy.
41

42 **ODFW Directors' Report, Curt Melcher**

43 Curt thanked the A&H board members for leading the program and expressed his appreciation of
44 such a great team. He expressed his gratitude for the 39 years he has worked at ODFW and said his
45 retirement is April 1.

1 The Department is in a strong financial position. Solid finances allow ODFW to talk about the issues
2 that are of real importance with legislators at the state capital. It is a testament to all the work that
3 staff has done over the past decade to achieve such a high degree of fiscal integrity. The director
4 answered questions on Colorado wolf capture, tribal memorandum of agreements, staffing levels,
5 CWD, and Commission vacancies.

6
7 The Board thanked Curt for his service to ODFW and expressed their appreciation for all his
8 accomplishments.

9
10 **July Field Tours, Brian Wolfer**

11 The July A&H meeting with the auction tag allocation is the highest public attended meeting. Staff
12 would like to continue having the July meeting in Salem to accommodate the public input and groups
13 that attend for tag allocation. The last two year's July meeting included a field tour to help the Board
14 get familiarized with northwest projects after no tours during the pandemic. Going forward, Brian
15 directed staff to conduct field tours as needed for project renewals or reviews but not a field tour with
16 every July A&H meeting. The tours are important to have and staff want them to be informative and
17 of value to the board. As new board members and projects come that will open some diversity for
18 new tours.

19
20 **A&H Coordinator, Travis Schultz**

21 Open Fields

22 The Commission approved all the Open Fields Extension projects. The continuing resolution passed
23 by Congress did include \$10,000,000 funding for VPA-HIP. Currently the NRCS does not have
24 information yet on how the funds will be allocated.

25
26 Fields vs City of Newport Case:

27 The case is centered on the injuries Fields suffered while falling on an improved trail owned by the
28 city while walking her dog back to her car from the beach. The trial court dismissed the case based
29 on the recreational immunity statute. Fields appealed and the Oregon Court of Appeals issued an
30 opinion stating that a trial court would need to determine whether Fields was using the pathway for
31 recreational purposes and if the court said she wasn't, Newport would be exposed to legal risk. The
32 ruling was appealed to the Oregon Supreme Court, which denied a request of review. The opinion is
33 limited to ORS 105.688 with the specific purpose of providing improved recreational access and it
34 must be adjacent to the place of intended recreation. The place of intended recreation is still 100%
35 covered.

36
37 There will likely be a legislative fix in the near term as CIS, the primary city and county insurance
38 company is recommending to its clients to close all city and county owned trails due to the opinion.

39
40 Amy added additional information on the timing of this due to the legislative short session. She was
41 told this topic will be covered in the Senate Civil Law Technical Fix Bill. She commented that this
42 will be very important for A&H to follow closely.

43
44 Board discussed some examples of this, and Travis recommended that, if in doubt, private
45 landowners contact their attorney for advice.

1 Ethics:

2 Reviewed with Board, stating most of the information came from the State Ethics Manual. Travis
3 will send an email to the board with links for state ethics laws and the manual.
4

5 • Conflict of Interest

6 The difference between an actual conflict of interest and a potential conflict of interest is
7 determined by the words “would” and “could.” An actual conflict of interest occurs when an
8 official action, decision, or recommendation that would affect the financial interest of the
9 public official, their relative, or a business with which they are associated. A potential conflict
10 of interest when the public official participates in an official action, decision, or
11 recommendation that could affect the financial interest of the official, their relative, or a
12 business with which they are associated.
13

14 • Actual vs Potential

15 If you have an actual or potential conflict of interest Board members must publicly announce
16 the nature of the conflict of interest during the meeting prior to participating in any allowable
17 official action on the issue giving rise to the conflict of interest.
18

19 • How to Handle a Conflict of Interest

20 Following the public announcement of a potential conflict of interest Board members may
21 participate in official action on the issue that gave rise to the conflict of interest. The word
22 “may” infers the Board will have the final say on whether the member will be allowed to
23 participate.
24

25 Following the public announcement an actual conflict of interest, the public official must
26 ordinarily refrain from further participation in official action on the issue. The one exception
27 to this is to maintain a quorum for the board.
28

29 • Perception is Reality

30 Lastly, the ethics question received the most is can a board member buy big game raffle
31 entries? There is not a law or rule that prevents a board member from buying raffle entries.
32 However, if a board member was selected in the raffle, the drawing could be perceived as
33 fixed, which could potentially lead to reduced revenue in the following years raffle and a
34 black eye for the program, so board members should not buy big game raffle entries. When
35 you are at auction events you may enter the host’s raffles if you wish.
36

37 Board discussion followed regarding examples of conflict of interest.
38

39 **Public Comment**

40 No public comment.
41

42 **A&H Budget Report, Travis Schultz**

43 Travis presented the A&H budget to the Board. The budget files are located in the Board packet
44 materials and can be viewed at the following link:

45 [https://www.dfw.state.or.us/lands/AH/minutes/2024/January/January%20Budget%20for%20the%20](https://www.dfw.state.or.us/lands/AH/minutes/2024/January/January%20Budget%20for%20the%20web.pdf)
46 [web.pdf](https://www.dfw.state.or.us/lands/AH/minutes/2024/January/January%20Budget%20for%20the%20web.pdf).
47
48

1 **Auction Protocol and Sign-up Review, Travis Schultz**

2 Auction Sign-Ups

3 Travis asked that Board member let him know if they have any changes to the Auction Sign-Up
4 events. He has not yet heard back on the date of the auction for our deer tag from MDF for Salt
5 Lake. Additionally, the Big Game Raffle will be held on May 28, 2024, at 2:00 pm at Salem
6 headquarters. Travis asked board members to let him know if they want to assist with this raffle. Nic
7 Callero and Ron Borisch volunteered to attend.
8

9 Travis will be at most of the events except for the Oregon FNAWS on May 4th as there are two
10 scheduled. Don Whittaker will be there to represent ODFW.

11
12 **OSP Enforcement Update, Lt. Craig Heuberger**

13
14 Lt. Heuberger shared OSP Travel Management Area 2023-24 statistics table (below) and reviewed
15 statistics with the Board. December hours were not yet available, but he will send an updated table
16 when this is completed (end of January). He also provided some narratives outlining some of the
17 reports that come in from the field.
18

19 **Oregon State Police Travel Management Area Statistics:**
20 November, 2023

TMA	ESTIMATED HOURS	HOURS WORKED	CONTACTS	CITATIONS	WARNINGS	UNLAWFUL TAKES	Total Contract Hours in IAA 447-23 (per fiscal year)
GDCR	49	74.5	78	0	9	0	503
NCTMA	590	1247.25	1343	65	63	5	1797
WPL	185	229.75	222	12	18	2	709
COOS MTN	54	57	30	2	4	1	216
EAST LANE	31	64.5	24	1	8	0	175
	909	1673	1697	80	102	8	3400

21 Enforcement actions included operations for early entry into the TMA by vehicle or by foot.
22 Troopers caught quite a few people entering early into TMAs, especially in the North Coast. Decoy
23 operations are ongoing, 37 decoy operations ran primarily in the fall to address issues in the North
24 Coast area alone. Troopers met with timber companies this year which helped with font end
25 communication for TMA enforcement.
26

27 **Oregon State Police Travel Management Area 2023-2024 Statistics:**

TMA	TOTAL HOURS WORKED	CONTACTS	CITATIONS	WARNINGS	UNLAWFUL TAKES	Total Contract Hours in IAA 447-23 (per fiscal year)
GDCR	516.5	409	2	30	0	503
NCTMA	2497.25	2266	114	124	9	1797
WPL	786.75	567	22	40	2	709
COOS MTN	219	158	12	31	4	216
EAST LANE	236	159	6	13	0	175
	4255.5	3559	156	238	15	3400

1 Nic asked how troopers handle hunters exiting the TMA late if they have an animal down (harvested
2 near the end of the day). Lt. Heuberger said troopers use their discretion when these circumstances
3 arise. Hunter is interviewed and it is at the Trooper's discretion after discussion with the hunter. He
4 noted that he has not heard of a hunter being cited who was late coming out with a harvested animal.
5

6 Amy asked about thermal capability and if Troopers have this. Lt. Heuberger said that OHA funded a
7 couple of these hand-held devices, but they do not have them in every office. Hoping to obtain more
8 in the future as the price for these come down. Amy said she will speak with OHA to see if they can
9 provide some funding assistance.
10

11 **Coordinator Reports:**

12 **Northwest Region**

13 Charlie Chamberlin:

14 The North Coast TMA is mainly funding OSP enforcement. Charlie presented the 2023 North Coast
15 TMA hunter use and enforcement statistics for September, October, and November. North Coast
16 TMA Oregon State Police cases include utilizing cameras on cooperative ODFW gates to catch
17 people vandalizing, conducting nighttime WED operations in coordination with TMA landowners,
18 and hunters entering into a TMA before legal entry.
19
20

21 **Deschutes/Klamath Region**

22 Jessica Clark

23 Project Updates: Sherman County property didn't work out. Landowner received offer they couldn't
24 refuse from solar company for development. Working on Metolius winter range land acquisition; plan
25 to submit a project application for the next meeting. The regional council has one vacant position, the
26 Chair. Spoke to existing Council members, but no one expressed interest. Plan to do some additional
27 outreach with some local sporting groups and landowners we frequently work with.
28

29 District activities:

30 Fall herd comp is similar to recent years for the wildlife district. Fawn survival is slightly higher than
31 the five-year average. Deer sample sizes, which are still adequate, took a bit of a dip due to the
32 balmy non-winter conditions in the district and spread-out distribution.
33

34 Prineville Back Country Hunters and Anglers and Bureau of Land Management organized a volunteer
35 work party held on November 5, 2023. The work party retrofitted .8 miles of barbed wire fence to
36 wildlife friendly fence and planted 500 sagebrush pots and 1,000 sage brush plugs in the 20217 Pine
37 Mountain fire.

38 Continuing work on wildlife crossings. Feasibility study has officially started in the conceptual
39 design phase for the Bend to Suttle Lake wildlife passage. Educating the local community about
40 wildlife crossings and habitat connectivity. This is a long-term project, and we are just in the
41 beginning stages now and it's important to have public support, so we are trying to get off on the
42 right foot. Educating the public about the importance of respecting road and trail closures, and
43 reducing wildlife disturbance
44

45 **Malheur Region**

46 Landon Hardt

1 Working with BLM on a GNA project to collect Wyoming Sagebrush seed, have it grown out at a
2 nursery into bare root sage seedlings, and then be planted later in an area of the Trout Creeks where
3 the Holloway Fire took place in 2012. Evaluating/writing a renewal application for the Alvord A&H
4 area on the East side of the Steens Mtn.
5

6 Potential new access area in the Malheur River unit. Not sure of a name yet, but most likely it will be
7 called Cow Creek. The area will open some adjacent BLM land and provide upland, deer, elk, small
8 game, and predator hunting opportunities once established.
9

10 11 **Northeast Region**

12 Jon Paustian

13 In Jon's absence, Travis gave an update on the Widman project. The project will not be up for
14 renewal later this year as Mr. Widman wants to take a break from the program.
15

16 With the completion of the Coordinator Reports, Amy asked if there was any other business.
17

18 Nic received feedback from hunters regarding TMAs and what roads are open or closed. Will be
19 having some additional conversations with ODFW and Travis as a hunter representative on how to
20 disseminate information and better the hunter experience especially during black tail season on the
21 north, mid and south coast areas with regards to those timing limitations.
22

23 Amy commented on some highlights from legislative session. One is a wildlife omnibus bill which
24 will give ODFW a second chance for CWD funding. There are also sections for wildlife
25 connectivity, crossings and wildlife coexistence work with urban conflict areas and proposed
26 positions that could address these. There is also some funding for the Invasive Species Council and a
27 bill moving forward for landowner compensation due to elk damage. There is a broad group of
28 stakeholders supporting these. Legislative session starts February 5 and will end March 10.
29

30 Travis updated the Board that the A&H Assistant will be starting soon.
31

32 **Next Meeting: April 9, 2024 in Bend**
33

34 Adjourned: 10:10 am
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