

**Teri Kucera**

---

**From:** William Carpenter [wcarpenter@igc.org]  
**Sent:** Thursday, December 01, 2011 3:55 PM  
**To:** lisa.d.evans@state.or.us; william.cook@doj.state.or.us; ODFW Commission  
**Subject:** Big Wildlife's Comments on Delayed Black Bear Plan for Commission's Dec. 2 Meeting  
**Attachments:** 1201OFWCletterBearDelay3.pdf; ATT1277081.txt

Dear Ms. Evans,

Attached is a pdf letter regarding my client's position on the Department's delay of the Black Bear Management Plan. As mentioned, I would like it to be presented to the Commission tomorrow, as that is the date that a final Black Bear Management Plan was to be approved. Looking at the agenda, it does not look like the Plan or its delay is not an agenda item for the Commission.

Thank you in advance.

Call or respond if you have any questions

Bill Carpenter

This email message is covered by the Electronic Communications Privacy Act, 18 U.S.C. Sections 2510-2521. This email message, including any attachments hereto, contains confidential, privileged information intended solely for the addressee. Please do not read, copy, or disseminate this email, or accompanying attachments unless you are both the addressee and the intended recipient. If you are not both the addressee and the intended recipient, or have otherwise received this message in error, please call us 541.484.4436. Also, please forward the message back to us and delete the message from your inbox and deleted items folder. Thank you.

The contents of this e-mail message and any attachments are intended solely for the addressee(s) named in this message. This communication is intended to be and to remain confidential and may be subject to applicable attorney/client and/or work product privileges. If you are not the intended recipient of this message, or if this message has been addressed to you in error, please immediately alert the sender by reply e-mail and then delete this message and its attachments. Do not deliver, distribute or copy this message and/or any attachments and if you are not the intended recipient, do not disclose the contents or take any action in reliance upon the information contained in this communication or any attachments.

William C. Carpenter Jr.  
Attorney at Law  
474 Willamette St., #303  
Eugene, OR 97401 -- (541)484-4436; Fax (541) 683-1346

**William C. Carpenter Jr.**  
**Attorney at Law**

---

admitted in Oregon & Colorado

Telecopier (541)683-1346

474 Willamette Street, Suite 303  
Eugene, Oregon 97401-2661  
(541)484-4436

December 1, 2011

Oregon Fish and Wildlife Commission (OF&WC) Commissioners (via email only)  
Commission Chair, The Honorable Dan Edge  
c/o Ms. Teri Kucera and Staff  
3406 Cherry Ave NE  
Salem, OR 97303

RE: Unexplainable Delay in Bear Plan to Be Condoned At This Meeting, And  
Recourse to Ensure Timely Creation

Dear Mr. Edge and fellow Commissioners:

As many of you know, I represent Big Wildlife, a project of Earth Island Institute, in connection with its protection and preservation of large carnivores in Oregon, and throughout the West. If you recall, I presented a statement and oral testimony about why it was not a good idea for the Commission to abolish the various mandatory deadlines that accompanied the more important species Wildlife Management Plans in April of this year. The Management Plan Deadline that drove the Commission's abolishment decision was that of the Black Bear. I am writing you because of the unacceptable delay about to incur on finalizing the Bear Plan and to further request that you create requirements to ensure that the current schedule to create the Black Bear Management Plan does not slip further.

Unfortunately, because your meeting is at the far northern extreme of the state, I am not able to attend and present Big Wildlife's views in person. The delay in completing a new plan to replace an entirely outdated Black Bear Management Plan is unacceptable. Based on the little information presented, it seems that agency staff needed to devote time to the Oregon wolf issue, rather than the Bear Plan. The head of the Oregon Department of Fish and Wildlife at your April meeting presented you with his best estimate as to when various plans would be completed, with the Black Bear Plan, one of the earliest scheduled to be completed.

You and your fellow Commissioners, except for Commissioner Levy, and with some reluctance, Commissioner Englund, accepted the Director's abolishment plan whole heartedly, and failed to assign any scheduled review updates to the Director to keep you informed.<sup>1</sup> With such overconfidence and a lack of oversight by the Commission, the Black Bear Plan creation has fallen miserably behind. The Commission must remember that the previous mandatory schedules were to be done on five year intervals. Your agenda for today's meeting indicates the following new schedule for the alleged completion of the Black Bear Management Plan:

April 20, 2012- "Bear Management Plan Informational Briefing"; and  
June 7-8, 2012- "Bear Management Plan"

This is unacceptable delay-- an almost doubling of the time first promised you for the Plan. In order to prevent this kind of delay from occurring in the future, the Board should do two things:

1. Require the Director to provide you with monthly updates on the progress of the Black Bear Plan. This delay should be looked at as a last resort, and not allowed to be pushed further back. These status updates will allow the Commission and the public to monitor and direct the Director to use appropriate resources to finalize a new, and scientifically defensible plan, by June, 2012.

and,

2. Place a moratorium on all scheduled Spring Bear Hunts until the Commission is satisfied that the Director and his staff will be able to comply with the promised date now proposed by the Director to you for completion of the new Black Bear Plan.<sup>2</sup> Currently, it is proposed that almost 4,500 hunting

---

<sup>1</sup> Commissioner Klarquist noted in that April meeting that the Commission had a duty to be updated and informed as to the dates for completion of Wildlife Plans. The Director agreed that such would be done. However, this seems not to be the case. As late as June, even though the work will be great, the Director represented to the Commission that you would have a Draft Black Bear Plan in October, and a final plan for approval at this meeting. And, as late as October 7, 2011, your agenda indicated for this meeting "Bear Management Plan."

<sup>2</sup> While one could argue that this exercise will be just an "update" of the existing Black Bear Plan, because the existing plan is so old, and the science has developed so extensively since 1993, regardless of what it is called, the enacted Plan will essentially be a totally revamped plan from that now in existence.

tags will be issued for the 2012 Spring Bear hunts. Spring Bear hunts are known to be the most harmful to the survival of the Oregon Black Bear because of the high mortality of female bears during those hunts. These killed bears are just emerging from hibernation, and are less on the look out for slayers than when they are at full strength and seasoned after a full summer season of foraging. Not to mention the number of new-born cubs that will be orphaned and likely to perish. And, with no planning or science on how these hunts affect the current overall Bear population viability, they must be halted until the science is fully reviewed on their affects.

Should the Commission fail to take these preventative measures to ensure protection of the Black Bear in Oregon, as a species, and to obtain timely science on human impacts to this species, the Commission will be failing to follow its mandate which is to:

make decisions that affect wildlife resources ... for the benefit of the wildlife resources.....

ORS 496.012(7)(2010).

Big Wildlife submits that without both timely review of new wildlife science and continued reliance on an antiquated plan, the Commission does not “maintain healthy populations into the future.” Actually it puts those populations at risk. The Commission needs to step in to ensure that further delays will not occur to prevent the Black Bear Management Plan, now almost eighteen years old, from being updated with current defensible science.

Sincerely,

S\ William C. Carpenter Jr.  
William C. Carpenter Jr.

Cc: Client