

Oct 7, 2011 - Public Forum

Leslie Like  
10375 NW 195<sup>th</sup> Avenue  
Hillsboro, Oregon 97124-8108  
Cell Phone 503-789-2464  
[silverrainweim@yahoo.com](mailto:silverrainweim@yahoo.com)

Sauvie Island Wildlife Management Plan  
October 5, 2011

Dear Commissioners,

I am here today to request that you clarify your intent for the goal of the Committee reviewing the Sauvie Island Management Plan. Last year we testified before the Commission and I provided a letter, (Exhibit A) outlining the places in the Plan where Dog Training and Events needed to be addressed. I testified again in August of this year. I went away with the understanding that our new Committee was limited to addressing "dog training and events in the entire Plan.

We are only here and going through this exercise because dog trainers and field trialers were left out of the rewrite of the entire Plan in 2010. We came to the very first Plan meeting held by staff and were told nothing would be changing that impacted dog training and field trialing. That is not what happened (Exhibit B- dog trainers meet with ODF&W over proposed new Plan). A 30 page Plan ballooned to over 100 pages of rules and goals that impact us directly and replaced us with other users.

In 1948 ODF&W requested dog trainers to use the Wildlife area to assist them in qualifying for Pittman Robertson Funds. (Exhibit C- Use of Pittman Robertson funds). 75% of the Sauvie Island Wildlife areas annual budget now relies on these funds. (Exhibit D -page 71 of the SI Plan finances) We would like to ensure that the entire Plan reflects the significance of our participation and fully addresses our use of the area. The Plan now addresses myriad needs of bird watchers but almost obliterates the very users that have supported and funded the entire wildlife area for decades.

The Commissioners also directed staff to form a Committee that was "diversified" because the Statewide Dog & Raptor Training Committee had only one person from the bird community willing to serve. At this time we have 2 Upland, 2 Retriever and 1 commercial trainer volunteering to participate; the President of the Oregon Duck Hunters Association would like to serve. However, the facilitator can only locate 4 people interested in participating that have a singular interest in birds or habitat. Because there are only 4 birders, the facilitator is requiring that 2 valuable participants be declined a position on the Committee. We would like to know if the Commission intended for the Committee to be diverse or if it was your intent for it to be an exact 50-50. (Exhibit E- minutes discussing the committee membership)

The impact of the entire Plan as currently written would be devastating to our community. We are here to ask that you let us have an equal and fair amount of input into the use of the Wildlife area we have financially supported and used for 63 years and not limit our participation to two tiny parts of the Plan, Objectives 2.4 & 3.2.

Thank you,  
Leslie Like  
Secretary, Willamette Weimaraner Club  
Secretary, Northwest Pointing Dog Association  
Member Ducks Unlimited

Exhibit A

*Proposed Revisions to the Final Draft SIWA Management Plan*  
*Dated September 2010*

*August 29, 2010*

Comments from Leslie Like:  
Secretary Northwest Pointing Dog Association  
Secretary Willamette Weimaraner Club

Dear Commissioners,

June 30, 2009 a group of hunters and dog trainers representing several breeds and clubs attended the very first meeting at the Sauvie Island School to learn about the proposed changes to the PLAN and give input. Mark Nebeker told the assembled group that there would be no changes to the **Dog Training Rules** and they **were not open for discussion**. We went away disappointed but expecting things to stay exactly the same with regard to dog training.

July 26<sup>th</sup>, 2010, 13 months later Mark Nebeker e-mailed 12 people and told them there would be a restrict and eliminate dog training and events on the grounds we had been using for over 50 years.

August 11<sup>th</sup>, 2010 he agreed to meet with us as a group and go over the proposed changes he had been working on for months. Almost 50 people showed up and stood in the parking lot of the SIWA parking area until dark (See attachment A) voicing their distress over the offensive and underhanded way he attempted to move us from our traditional grounds to a 200 yard wide strip along a busy road and amongst fishermen and picnickers.

As hunters and dog trainers we are THE PEOPLE that provided funding for the formation of SIWA. We have been a hand in hand working group with the staff and SIWA from 1943 until this event. What happened? Why are we being treated like this?

Now a look at the PLAN shows that the staff has axed dog trainers, the historical users, founders and funders of the SIWA almost completely and replaced us with other users. Not only that, they did it in a sneaky and underhanded way.

Ron Anglin indicated that he would request an extension to the hearing on the 1993 PLAN so that we could have more than 21 days to properly prepare but **we were refused**. The letter sent by Mr Nebeker dated August 12<sup>th</sup> (attachment B) says there will be no changes to dog training areas or locations, **yet here is the PLAN with 25 alterations or notes on dog training.**

Having only 21 days to prepare a response to the expansion of a 30 page 1993 Plan to one that is over 100 pages is a burden that is extremely difficult. A quick read of the PLAN shows that Mr Nebeker has reduced the tradition of Dog Training on the Island to a nuisance and elevated 1000's of other users to those that will be "accommodated".

The following are changes to the Final Draft SIWA Management Plan we would like to have implemented. Documentation and rationale is brief due to the pressure of the deadlines imposed by Staff.

1.

Revise Primary Management Foci, page #4 to the following ... Providing recreation and stewardship opportunities for hunters, dog trainers, anglers, wildlife viewers and other wildlife-oriented recreational users.

Leaving dog training out of the list of users of the Island is the opening to delete our 50 year tradition of training and elevates other late coming users to a more important status above us.

2.

Revise Page 5 #4 to the following... Providing recreation and stewardship opportunities for hunters, dog trainers, wildlife viewers and other wildlife-oriented recreational users.

Same as #1, above

3.

Revise Page 7 3<sup>rd</sup> paragraph to the following.....**DELETE Another example raised by divergent groups involves the protection of ground nesting birds in parts of SIWA where dog training and organized dog trials are permitted. There is a concern that these activities may be negatively affecting ground nesting birds due to disturbance associated with allowing dogs access to areas where these nests may be present.**

This entire sentence is fictionalized. While others user groups may wish to have the traditional user groups (hunters and dog trainers) of the grounds banned or excluded so they may use them for themselves there is NO information to support the above sentence whatsoever.

4.

Revise Page 11 Objective 2.4 ..... **Delete with emphasis on ground nesting songbirds**

The staff is ignoring OCS in emphasizing 4 songbirds which do not traditionally nest on Sauvie Island and are not indicated by OCS to be protected there.

5.

Revise Page 12 Goal 3.... Public hunting is one of the primary reasons for the purchase and creation of SIWA and waterfowl hunting and dog training will remain a high priority public use on SIWA.s

Dog training and trap shooting are integral parts of hunting. Conservation of game is of primary concern and that cannot be accomplished without a plan for the appropriate training of hunting dogs.

6.

Page 12 Objective 3.2 ... Delete in its entirety and replace with: Provide 15,000 user days for individual dog training and dog-field trials annually. This provides a reasonable increase over the staffs' estimate of current users.

7.

Page 12 Objective 3.2 ... Delete ..... Compatible with Objective 3.1 and habitat management objectives.

Deleting this portion makes dog training equitable with hunting, trapping and angling in Objective 3.1 and removes the temptation for Staff to use administrative rules to attempt to outright ban dog training as they attempted in July 2010.

8.

Page 23 2<sup>nd</sup> Paragraph, 3<sup>rd</sup> sentence.... Delete ...nesting habitat for songbirds

The pasture/grassland is managed for wintering geese. The grazing practicing currently in use and the annual flooding render the grounds minimally useful for ground nesting songbirds.

9.

Page 29 first paragraph.... Revise to place a limit on the numbers that are allowed to attend any single event on SIWA.

10.

Page 40-41 .... Add.... Language to direct Staff at SIWA to use volunteers at their disposal for removing non-native or noxious weeds and installing improvements to benefit habitat and structures.

An interesting trend in the PLAN is the number of times the ODF&W refers to using volunteers for all kinds of activities yet the Hunting and Dog Training Community seem unable to engage them in using us as volunteers to remove noxious or non-native species of weeds, culvert repair, road/fence repair or monitoring public use, etc.

11.

Revise Page 43.... 3<sup>rd</sup> paragraph, last sentence ..... this sentence is inaccurate, add..... For example, off road vehicle use is prohibited on SIWA. Horseback riding is limited to roads open to public vehicle traffic and grounds for permitted Field Events. Bicycles are limited to roads open to public vehicle traffic.

Adding the Field Events makes the information accurate.

12.

Revise Page 44 ..... Graph... Dog Training and Field Trials Westside 1,000  
Dog Training and Field Trials Eastside 9,000  
Trap Shooting .....500

This graph is not an accurate depiction of use as is it wholly a guestimate per Staff. A more accurate picture of use would reflect the separate use of dog field trials on the Eastside and the Westside. The grounds impacted are subject to different concerns over habitat. Trap Shooting is highly exaggerated. The reason for our concern over any exaggeration by Staff is the distortion of the very small footprint we leave on the grounds and habitat.

13.

Revise Page 45, 6<sup>th</sup> paragraph, last sentence ..... Delete ... The department is presently working on a Statewide dog training plan which, when approved, will be incorporated into wildlife area operations.

These plans are as yet unknown and may not be compatible with SIWA.

14.

Revise Page 46. .... 2nd sentence..... SIWA is experiencing this rising interest and the department is exploring ways to increase both opportunities and facilities to accommodate these users.

While there is no objection from our community to enhancing the birding experience on SIWA, the sheer numbers the Staff proposes accommodating raises concerns over pushing other users and the Wildlife to breaking points. We hope the Commission will consider this when accepting a PLAN that adds 1000's of daily users to an already pressured resource which was purchased, maintained and enhanced for Hunters and Waterfowl.

15.

Revise Page 57 Goal 2, 1<sup>st</sup> paragraph, last sentence..... Delete ....and managing to benefit grassland nesting birds in spring and summer.

The OCS does not recognize Sauvie Island as a primary nesting site for grassland species

16.

Revise Page 58 Strategy 5 ..... Control invasive plant species on approximately 200 acres annually.

Our community finds this number to be woefully inadequate. Improving habitat is one of the main focuses of this PLAN yet only a tiny number of acres are targeted. Staff should revise this to a meaningful number which will benefit the wildlife.

17.

Page 65..... Revise Objective 3.2 Rationale: Delete .... Provided the activities are compatible with State regulations and wildlife area objectives.

While Staff acknowledges in the very first sentence that we have been an established use since 1947 they are now inserting clauses in every single objective, goal and strategy to enable them to eliminate or restrict dog training. The PLAN is relentless in this goal. We were told at the August meeting that there would be NO changes made to the Dog Training Rules but the PLAN is replete with limitations, exclusive, clauses and language to give Staff complete control over eliminating Dog Training.

18.

Page 65 .... Revise Objective 3.2 Rationale:..... Delete ...The department also recognizes that dog training/trials during the period of April through July may impact ground nesting birds. As part of the implementation of the OCS, the Department will be managing these pastures/grasslands, compatible with other management objectives and uses.

This is not compatible with the representations mad by ODF&W Staff at our meeting in August. See response above.

19.

Page 62 ..... Strategy 2..... Agree....funding and interested partners become available.

While we have been unable to engage Staff in working with us on improvements we hope the addition of this language will be an encouragement.

20. Page 62 Objectives 3.1.. Add... Provide approximately 170,000 hunting, dog training, trapping and angling use days annually.

Retain dog training as an established use.

21.

Page 63 2<sup>nd</sup> sentence .... Add ..... The department intends to manage SIWA habitats and programs to accommodate current levels of hunting, dog training, angling and trapping (170,000use days annually)

Retain dog training as an established use. Since 1947.

22.

Strategy 12 ..... Add.... Develop rebuild and continue relationships with hunting constituent's groups/organizations to assist with wildlife area management annually.

Staff is guilty of locking user groups out of any meaningful discussion and operating in the dark to the detriment of the user groups.

23.

Page 65 .... Delete..... Approximately 1,252 acres (which includes open water) located in the Westside Units is available for individual dog training. Field trials can occur on either the Westside or Eastside Units, and the department has provided approximately 1,466 acres total for this use.

**Commissioners please note!** Staff uses additional language to restrict dog training. None of these acres are identified. Currently dog training is allowed on the Westside and this is how it should remain. Staffs' proposal to crowd all users into a tiny slice of land along a busy road with fisherman and picnickers on land that is flooded and unusable during a large part of the season is the secret plan that Mark Nebeker devised and proposed in secret. We vigorously object to this change. This is the encroachment that would virtually eliminate all dog training. Acreage can and should remain as it has been since 1947.

Exhibit B

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## Bill Monroe: Sauvie Island plan won't change dog training area

Published: Saturday, August 14, 2010, 10:00 AM

By Bill Monroe, Special to The Oregonian

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SAUVIE ISLAND -- The only guy around in an **Oregon Department of Fish and Wildlife** uniform stood outside his office at dusk Wednesday and took more heat than a pointing dog's shock collar set on "Really, REALLY bad dog!"

Close to 50 of Mark Nebeker's most responsible constituents on the **Sauvie Island Wildlife Management Area** relentlessly zapped him in front of two of his bosses as swallows worked the metaphorical mosquito hatch overhead.



Nebeker, the wildlife area's laid-back, effective manager, got very pointed, barbed lessons: Never underestimate the passion of a hunting-dog owner and, more specifically, don't bite hunting-dog trainers.

After more than two years' work on a **new management plan** for the state-owned, 11,500-acre waterfowl haven, Nebeker had given them just a few weeks' notice that the state's only public training and field trial area for pointing dogs would close under the new plan. This, after telling them this year they would see no changes. And the plan is scheduled to be adopted by the **Fish and Wildlife Commission** on Sept. 2.

Pointing dogs, unlike water-oriented retrievers, are best trained and tested on open grasslands next to tree lines.

For more than 50 years, pointer owners have developed a modest but ideal area on a few hundred acres of Sauvie Island's Crane Unit. They've built fences, cleared blackberries, sprayed

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END  
PETLESSNESS

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Jim House of Hillsboro straightens the hip on his Brittany spaniel, BJ, pointing a game-farm raised chukar (foreground) during a training session on Sauvie Island Wildlife Management Area. Hunting-dog trainers reacted negatively to a proposal that would have corralled them into a less optimal portion of the area.

weeds and put in thousands of hours of volunteer labor.

Nebeker's plan, however, was to move them to the retriever-training area on the island's east side, with fewer trees and largely flooded or wet fields during the prime field trial months of spring and early summer.

His contention that the dog owners' few hundred acres were needed for ground-nesting songbirds such as meadow and horned larks and vesper and grasshopper sparrows carried little weight. Nor did Nebeker's failure to cite specific studies other than "the Internet" and "department grasslands experts."

While ground-nesting songbirds might, indeed, view pointing dogs as potential predators, the dogs themselves pay no attention to them, the dog owners said. Surely, they said, there are other, larger grasslands on the public area as or more suitable for nesting.

And why cram them into a non-pointing dog area being used at the same time as the just-as-popular retrieving breeds?

"You're taking one of the most conscientious and responsible groups of users on the area, pointing a gun at our heads and saying 'Get outta here,'" said Phil Sperr, who lives on the island. "Why isn't this something we can sit down and try to work out?"

Ron Anglin, the department's wildlife division chief, finally stepped up beside his beleaguered area manager and, ultimately, quieted the pack just before dark.

But Thursday morning, after a zapping more often associated with rattlesnake aversion training (yes, it's done with shock collars), Nebeker himself turned down the volume. He proved his sincerity the night before when he said, "I have no desire to get rid of dog training on the wildlife area."

Anglin, contacted Thursday, said Nebeker sought and received approval to: a) Proceed with adoption of the new management plan at the Fish and Wildlife Commission meeting Sept. 2; and, b) Do so without any mention in the plan of changes in use of the area for dog training and trials.

In December, the commission will rule on new statewide laws standardizing the use of domestically raised game birds for training hunting dogs. Once that's done, Anglin said, Nebeker will pull together the hunting-dog communities and seek new guidelines for Sauvie Island dog training starting in 2012.

**More parking fees?** Making the rounds in the department's headquarters building in Salem is an idea (not yet a proposal) to expand Sauvie Island's parking fee program to at least two other wildlife management areas in western Oregon.

E. E. Wilson (Corvallis) and Denman (Medford) are popular with the nonhunting and nonangling public as well and are near population centers. Fern Ridge, west of Eugene, was also mentioned, but there could be wrinkles with joint management by the U.S. Army Corps of Engineers.

No areas in eastern Oregon (Ladd Marsh and Summer Lake, etc.) were mentioned.

Parking fee expansion would require legislative action, so the idea is under consideration for the department's 2011 legislative package. It's an attempt, some insiders reason, to tap nonangling and nonhunting visitors who don't pay anything directly for use of the areas.

**Setback for Boys Lake:** Plans to create a small lake on Sauvie Island's east-side duck hunting units and name it for the late David Boys will be suspended until spring.

Nebeker said the contractor hired to build the lake (mostly a matter of moving enough earth to create a dike and dam) wasn't able to get all of the required permits in time to complete the work for this season.

The good news is the final archaeological permit has been obtained and the lake can be built for the 2011 season.



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### United States of America

#### Cooperation of Secretary of the Interior with States; conditions

[Statute Details](#)  
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**Citation: 16 USC 669-669k**

Last Checked by Web Center Staff: 09/10

**Summary:** The Pittman-Robertson Wildlife Restoration Act authorizes the Secretary of the Interior to cooperate with the States, through their respective State fish and game departments, in wildlife-restoration projects. However, per statute, no money apportioned under this chapter to any state shall be expended until the state in question assents to the provisions of this chapter and has passed laws for the conservation of wildlife, which includes a prohibition against the diversion of license fees paid by hunters for any other purpose than the administration of said state's fish and game department. The Act also provides for grants for hunter education programs and a mechanism for a multi-state conservation grant program.

#### Statute in Full:

[§ 669. Cooperation of Secretary of the Interior with States; conditions](#)

[§ 669a. Definitions](#)

[§ 669b. Authorization of appropriations](#)

[§ 669b-1. Authorization of appropriation of accumulated unappropriated receipts](#)

[§ 669c. Allocation and apportionment of available amounts](#)

[§ 669d. Apportionment; certification to States and Secretary of the Treasury; acceptance by States; disposition of funds not accepted](#)

[§ 669e. Submission and approval of plans and projects](#)

[§ 669f. Payment of funds to States; laws governing construction and labor](#)

[§ 669g. Maintenance of projects; expenditures for management of wildlife areas and resources](#)

[§ 669g-1. Payment of funds to and cooperation with Puerto Rico, Guam, American Samoa, Commonwealth of the Northern Mariana Islands, and Virgin Islands](#)

[§ 669h. Requirements and restrictions concerning use of amounts for expenses for administration](#)

[§ 669h-1. Firearm and bow hunter education and safety program grants](#)

[§ 669h-2. Multistate conservation grant program](#)

[§ 669i. Rules and regulations](#)

[§ 669j. Repealed. Aug. 7, 1946, c. 770, § 1\(14\), 60 Stat. 867](#)

[§ 669k. Reports and certifications](#)

#### § 669. Cooperation of Secretary of the Interior with States; conditions

The Secretary of the Interior is authorized to cooperate with the States, through their respective State fish and game departments, in wildlife-restoration projects as hereinafter in this chapter set forth; but no money apportioned under this chapter to any State shall be expended therein until its legislature, or other State agency authorized by the State constitution to make laws governing the conservation of wildlife, shall have assented to the provision of this chapter and shall have passed laws for the conservation of wildlife which shall include a prohibition against the diversion of license fees paid by hunters for any other purpose than the administration of said State fish and game department, except that, until the final adjournment of the first regular session of the legislature held after September 2, 1937, the assent of the Governor of the State shall be sufficient. The Secretary of the Interior and the State fish and game department of each State accepting the benefits of this chapter, shall agree upon the wildlife-restoration projects to be aided in such State under the terms of this chapter and all projects shall conform to the standards fixed by the Secretary of the Interior.

CREDIT(S)

(Sept. 2, 1937, c. 899, § 1, 50 Stat. 917; 1939 Reorg. Plan No. 11, § 4(f), eff. July 1, 1939, 4 F.R. 2731, 53 Stat. 1433.)

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## § 669a. Definitions

As used in this chapter--

(1) the term "conservation" means the use of methods and procedures necessary or desirable to sustain healthy populations of wildlife, including all activities associated with scientific resources management such as research, census, monitoring of populations, acquisition, improvement and management of habitat, live trapping and transplantation, wildlife damage management, and periodic or total protection of a species or population, as well as the taking of individuals within wildlife stock or population if permitted by applicable State and Federal law;

(2) the term "Secretary" means the Secretary of the Interior;

(3) the term "State fish and game department" or "State fish and wildlife department" means any department or division of department of another name, or commission, or official or officials, of a State empowered under its laws to exercise the functions ordinarily exercised by a State fish and game department or State fish and wildlife department.

(4) the term "wildlife" means any species of wild, free-ranging fauna including fish, and also fauna in captive breeding programs the object of which is to reintroduce individuals of a depleted indigenous species into previously occupied range;

(5) the term "wildlife-associated recreation" means projects intended to meet the demand for outdoor activities associated with wildlife including, but not limited to, hunting and fishing, wildlife observation and photography, such projects as construction or restoration of wildlife viewing areas, observation towers, blinds, platforms, land and water trails, water access, field trialing, trail heads, and access for such projects;

(6) the term "wildlife conservation and restoration program" means a program developed by a State fish and wildlife department and approved by the Secretary under section 669c(d) of this title, the projects that constitute such a program, which may be implemented in whole or part through grants and contracts by a State to other State, Federal, or local agencies (including those that gather, evaluate, and disseminate information on wildlife and their habitats), wildlife conservation organizations, and outdoor recreation and conservation education entities from funds apportioned under this title, and maintenance of such projects;

(7) the term "wildlife conservation education" means projects, including public outreach, intended to foster responsible natural resource stewardship; and

(8) the term "wildlife-restoration project" includes the wildlife conservation and restoration program and means the selection, restoration, rehabilitation, and improvement of areas of land or water adaptable as feeding, resting, or breeding places for wildlife, including acquisition of such areas or estates or interests therein as are suitable or capable of being made suitable therefor, and the construction thereon or therein of such works as may be necessary to make them available for such purposes and also including such research into problems of wildlife management as may be necessary to efficient administration affecting wildlife resources, and such preliminary or incidental costs and expenses as may be incurred in and about such projects.

### CREDIT(S)

(Sept. 2, 1937, c. 899, § 2, 50 Stat. 917; July 2, 1956, c. 489, § 1, 70 Stat. 473; July 12, 1960, Pub.L. 86-624, § 10, 74 Stat. 412; Dec. 21, 2000, Pub.L.

106-553, § 1(a)(2) [Title IX, § 902(c)], 114 Stat. 2762, 2762A-119.)

## § 669b. Authorization of appropriations

### (a)(1) In general

An amount equal to all revenues accruing each fiscal year (beginning with the fiscal year 1975) from any tax imposed on specified articles by sections 4161(b) and 4181 of Title 26, shall, subject to the exemptions in section 4182 of such Title, be covered into the Federal aid to wildlife restoration fund in the Treasury (hereinafter referred to as the "fund") and is authorized to be appropriated and made available until expended to carry out the purposes of this chapter. So much of such appropriation, apportioned to any State for any fiscal year as remains unexpended at the close thereof is authorized to be made available for expenditure in that State until the close of the succeeding fiscal year. Any amount apportioned to any State under the provisions of this chapter which is unexpended or unobligated at the end of the period during which it is available for expenditure on any project is authorized to be made available for expenditure by the Secretary of the Interior in carrying out the provisions of the Migratory Bird Conservation Act [16 U.S.C.A. § 715 et seq.].

(2) There is established in the Federal aid to wildlife restoration fund a subaccount to be known as the "Wildlife Conservation and Restoration Account". There are authorized to be appropriated for the purposes of the Wildlife Conservation and Restoration Account \$50,000,000 in fiscal year 2001 for apportionment in accordance with this chapter to carry out State wildlife conservation and restoration programs. Further, interest on amounts transferred shall be treated in a manner consistent with 16 U.S.C. 669(b)(1). [FN1]

### (b) Investment of unexpended amounts.

(1) The Secretary of the Treasury shall invest in interest-bearing obligations of the United States such portion of the fund as is not, in his judgment, required for meeting a current year's withdrawals. For purposes of such investment, the Secretary of the Treasury may--

(A) acquire obligations at the issue price and purchase outstanding obligations at the market price; and

(B) sell obligations held in the fund at the market price.

(2) The interest on obligations held in the fund--

(A) shall be credited to the fund;

(B) constitute the sums available for allocation by the Secretary under section 4407 of this title;

(C) shall become available for apportionment under this chapter at the beginning of fiscal year 2016.

### (c) Wildlife Conservation and Restoration Account

(1) Amounts transferred to the Wildlife Conservation and Restoration Account shall supplement, but not replace, existing funds available to the States from the sport fish restoration account and wildlife restoration account and shall be used for the development, revision, and implementation of wildlife conservation and restoration programs and should be used to address the unmet needs for a diverse array of wildlife and associated habitats, including species that are not hunted or fished, for wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

(2) Funds may be used by a State or an Indian tribe for the planning and implementation of its wildlife conservation and restoration program and wildlife conservation strategy, as provided in sections 669c(d) and (e) [FN2] of this title, including wildlife conservation, wildlife conservation education, and wildlife-associated recreation projects. Such funds may be used for new programs and projects as well as to enhance existing programs and projects.

(3) Priority for funding from the Wildlife Conservation and Restoration Account shall be for those species with the greatest conservation need as defined by the State wildlife conservation and restoration program.

The Sauvie Island Wildlife Area Parking Permit Program was initiated in 1990. The revenue from these permits has been used by SIWA staff to fund full time law enforcement, portable restrooms, inmate litter patrols, maintenance of parking areas and administrative costs. The annual budget from parking permits is \$150,000.

Since its inception in 1947, funding for the operation and maintenance of the SIWA has been accomplished through an annual federal grant under the Federal Assistance to Wildlife Restoration Program. This program was created with the passage of the Pittman- Robertson (PR) Act in 1937. The PR Act authorizes the U.S. Fish and Wildlife Service to cooperate with the states, through their respective state fish and wildlife departments, to fund wildlife restoration projects. Eligible types of projects include restoration, conservation, management, and enhancement of wild birds, wild mammals and their habitats, and providing for public use and benefit from these resources. Federal Aid funding is derived from a federal excise tax on the sale of firearms, ammunition, and archery equipment.

To be eligible, states must have assented to the provisions of the PR Act and passed laws for the conservation of wildlife that include a prohibition against the diversion of license fees paid by hunters for any other purpose than the administration of the State fish and wildlife department. Another major requirement is that states have to contribute up to 25% of the total grant cost using non-federal funds, since federal participation is limited to 75% of eligible costs incurred under a grant. The department provides its 25% cost share from annual license and tag revenues. An additional source of funding for SIWA habitat related projects and equipment comes from state Game Bird Stamp revenues.

### **Staffing / Organization**

The Oregon Department of Fish and Wildlife manages sixteen major wildlife areas throughout the state. The wildlife areas encompass approximately 200,000 acres and are found in all four of the department's administrative regions. The Sauvie Island Wildlife Area is located in the Northwest Region, in the North Willamette Watershed District. One full-time Manager 2, one full-time Fish and Wildlife Supervisor, two full-time Fish and Wildlife Senior Technicians, two full-time Fish and Wildlife Technicians, one full-time Office Coordinator and one seasonal (six month) Fish and Wildlife Technician currently staff the area. Volunteers provide over 5,000 hours of additional habitat restoration and monitoring work.

### **Compliance Requirements**

The 2010 Sauvie Island Wildlife Area Management Plan was developed to comply with all Federal and State laws, Oregon Revised Statutes (ORSs), Oregon Administrative Rules (OARs), and will follow department policies, priorities and recommendations from the OCS. Full implementation of all components of this plan will require compliance with laws, regulations, rules, and policies listed in Appendix F.

### **Partnerships**

A number of other state, federal, and local agencies and interest groups assist with management activities on SIWA, listed below. These partners play an important role in helping the department achieve its mission and reach SIWA goals. The department will

EXHIBIT E

- 1 • *Oregon Hunting Access Map Development Team:* David Lane; Dave Budeau;  
2 Matt Keenan; Jon Bowers; Rick Hargrave; Tom Thornton; Eric Rickerson.

3  
4 **Director's Team Award**

- 5 • *Dog Training Team:* Kevin Blakely (NE/HG); Brandon Reishus (HQ); Dave  
6 Budeau (HQ); Tod Lum (SW); Michelle Denney (HQ); Lieutenant Andy Heider  
7 (OSP).

8  
9 **Volunteer Leader Award**

- 10 • Jennell Hoehne, Volunteer Coordinator for NW Region, first recipient of this award  
11 for her outstanding work with volunteers, families and children.

12  
13 **Dave Liscia Volunteer Award**

- 14 • *Friends of Fern Ridge Wildlife Area – Volunteer Tuesday Crew:* Jim Barnes;  
15 Doug Dewald; Mike Farrell; John Harrison; Roger Hetzke; Jim Jacobson; Dusty  
16 Lewis; Tony Mulder; Marvin Powell; Sam Sears; Marvin Sherman; Max Smith;  
17 Bruce Tait; Steve Taylor; Dave Walp; Gary Wills. The group distributed a copy of  
18 *Friends of Fern Ridge Wildlife Area 2010 Volunteer Annual Summary.*

19  
20 Chair Edge congratulated all the awards recipients on behalf of the Commission.

21  
22 **Exhibit D: SAUVIE ISLAND WILDLIFE AREA MANAGEMENT PLAN AND**  
23 **HUNTING DOG TRAINING ADVISORY COMMITTEE PROCESS**

24 Nancy Breuner, Wildlife Area Operations Coordinator, gave a PowerPoint presentation  
25 and summarized the Sauvie Island Wildlife Area (SIWA) Management Plan (the Plan):

- 26 • **Management Plan Process.** The first informational briefing was held in 2009.  
27 Public review meetings were held and public comments were included in the final  
28 draft presentation in September 2010 for adoption by the Commission. Because  
29 of concerns raised by the dog training and field dog trial groups during their public  
30 testimony, the Commission did not adopt the final draft and gave ODFW direction  
31 to work with that constituent group to address their concerns.
- 32 • **Draft Goals and Objectives.** Breuner said Goal 1 is to protect, enhance and  
33 manage wetland habitats to benefit fish and wildlife species. Goal 2 is to protect  
34 and manage Upland habitats to benefit habitat for a wide variety of wildlife  
35 species. Goal 3 provides a wildlife hunting area; to maintain waterfowl hunting  
36 programs and a variety of fish and wildlife related recreational and educational  
37 opportunities. Goal 4 controls other public uses to minimize the impact to fish and  
38 wildlife and habitats, related recreation, and reduce impact to neighboring private  
39 lands.
- 40 • **Key Public Issues.** Potential seasonal closure to hunting dog group areas;  
41 proposed grassland habitat restoration activities; and goose management.

42  
43 Jeff Boechler, North Willamette Watershed District Manager, discussed the process to  
44 form the Dog Training Advisory Committee (DTAG). He said a controversy arose  
45 regarding grassland habitats and the protection of ground nesting birds. A letter was  
46 sent out in July 2010 to the organized dog training clubs that utilize SIWA. In that letter  
47 ODFW proposed to close portions of some currently used dog training areas that had

1 been identified as potential grasslands, and to implement that closure during ground bird  
2 nesting season. The hunting dog training community raised serious questions about that  
3 proposal; they would have lost a significant amount of time during their normal activities.  
4

5 Boechler said at the September 2010 Commission meeting staff received direction to  
6 work with the affected groups to seek a resolution with the hunting dog group and  
7 strategies that we had for grasslands habitat and species. Staff had already embarked  
8 on a statewide rule process dealing with hunting dogs and raptor training. The hunting  
9 dog and raptor training rules were adopted by the Commission in June 2011 when staff  
10 received direction to ensure there was equal and balanced representation of both  
11 hunting dog and training interests and wildlife and habitat conservation interests in the  
12 SIWA process. Boechler discussed the use of an Advisory Committee (the Committee):

- 13 • Use the Committee format to seek resolution.
- 14 • Goal is consensus amongst the Committee on recommendations.
- 15 • Professionally facilitated through the Oregon Consensus program out of PSU. The  
16 Department contracted The Mary Orton Company, who served on the statewide  
17 DTAG.
- 18 • Committee meetings are open to the public for public testimony.
- 19 • Eight members on Committee. Four representing hunting dog training interests;  
20 staff will strive to include people with interest and experience in retriever breeds  
21 and pointer flushing breeds; individual training activities and organized events  
22 have differing needs for how they conduct their activities. And four wildlife and  
23 habitat conservation with a focus on grassland habitats and avian species.
- 24 • Facilitator has requested flexibility in minor adjustments to total size based on her  
25 feedback from Committee members. Staff will make sure there is equal and  
26 balanced representation as directed by the Commission.
- 27 • Facilitation process is underway; interviews will be conducted with interested  
28 parties and used to select Committee members; complete by mid-August.
- 29 • Staff is asking the Committee to focus their deliberations on the goals and  
30 objectives and management strategies directly related to this issue. Objective 2.4  
31 deals specifically with grassland habitats and protection of ground nesting  
32 species. Objective 3.2 – hunting dog training and trials. Management strategies  
33 implementing those objectives embodied in the Sauvie Island Dog Trial and  
34 individual dog training plans.
- 35 • Four Committee meetings will be held: late August-early September through mid-  
36 October. Results of Committee will be inserted into final draft SIWA Management  
37 Plan and the associated dog training plans to the greatest extent possible.

38  
39 Boechler said staff's plans to present the final draft to the Commission for consideration  
40 and adoption in January 2012. He noted in the Commission's packet that staff said they  
41 would come back before the Commission in December 2011. The facilitator had  
42 previous scheduling commitments in August and asked staff to delay the December  
43 presentation to provide more time for her schedule and for the work of the Committee.  
44

45 **Public Testimony:**

Leslie Like	Ms. Leslie Like is Secretary for Willamette Weimaraner
-------------	--

Hillsboro, OR

Club and Northwest Pointing Dog Association, distributed written testimony. She said during the last attempt to rewrite the Plan, the dog training community went to the first meeting and was told by staff that there would be no changes to dog training rules. It turns out that wasn't the case; there was a controversy but it arose over the process, not the content. Dog trainers were left out of the process during the development of the plan, and the notification to dog trainers was not about some of the traditional areas seasonally closed but almost all; it completely wiped out three months of a five month season in areas that we have financially sustained and used for over 50 years.

Like said the Commission directed staff to work with representatives of the dog training community and to include a diverse group. Regarding the Committee, staff has decided to whittle the directive from former Chair Rae and the Commission down to two groups leaving out all other recreational users. As a participating member of the last Advisory Committee, Like suggested that the group:

- Be more diverse than staff's proposal; include more people with different recreational uses which use the same grounds that we do at the same time.
- Members representing the dog training community are selected by dog training community rather than staff. At their last Advisory Committee, a list of qualified members of their community was presented to staff; two people from every category. Like offered to provide this list to staff again.

There is an Addendum that is never mentioned that covers dog training rules. Like suggested:

1. Committee be expanded to 12 members of the public, plus staff and OSP.
2. The number of meetings be determined after an outline of topics is determined by the committee.
3. The training community provides its own representatives.

Commissioner Englund said that the staff recommended four and four. Are you suggesting four dog people, four conservationists and four other users? Like said she wasn't sure what the eight was supposed to cover. She proposed for the dog side: two specialists in upland birds, two specialists in retriever work and two professional trainers. Also houndsmen have been locked out of the process and should be represented. She suggested at least 12 members on the Committee.

Larry Porter Portland, OR	Larry Porter, Vice President, Field Activities for the Oregon Brittany Club, distributed a letter. He is pleased that the Commission adopted the Plan in June. He agreed with Ms. Like that four members from the dog training community is too few, and that the number of Committee members should be increased. The addition of ODFW staff is a good thing. He said, let's be sure we don't dilute the user groups with a large number of participants. He urged staff to include all the written testimony submitted to the Commission last year in the Commission's packet, including a number of letters from stakeholders like him.
Phil Sperr Portland, OR	Phil Sperr, Oregon Retriever Club, has been a Sauvie Island resident for 11 years. He distributed written testimony. He agrees with most of Leslie Like's testimony. He encouraged the Commission to include upland, retriever and sport hunting people who use the refuge; should include people recommended by the groups themselves. He suggested more than four advisory group meetings.
David Illias Portland, OR	David Illias, Oregon Retriever Club, distributed written testimony. He referred to the proposed formation of an advisory group for the dog training aspect of the Plan. He said the members of the group cited by ODFW fail to include the hunters; who have a very important long-term investment in SIWA. Their funds bought the area and continue to annually fund the area. He recommended that the Committee include representatives from organizations such as Ducks Unlimited, Pheasants Forever, and especially Oregon duck hunters.
Rob Walton Portland, OR	Rob Walton signed up for public testimony but was not present in the audience.

1  
2 Commissioner Klarquist, a resident on Sauvie Island but not a dog owner asked for  
3 clarification on the 2,230 acres that are identified as pasture grassland habitats. That's  
4 also where the dog training takes place, is that correct? He asked questions on Draft  
5 Objective 3.2: "Provide opportunities for individual dog training and dog field trials which  
6 *will not conflict with wildlife habitat* management objectives or Objective 3.1." If one takes  
7 precedence over the other, then we're taking away from the dog training.

8  
9 Boechler said the goals for the grassland habitats are goals and don't necessarily reflect  
10 everything we've got out there now that could potentially be managed into grassland  
11 habitats. There will be opportunities for the Committee to talk about these things. He  
12 noted that there will be financial restraints.

1  
2 Commissioner Webber said at the last meeting of DTAG there was a clear message that  
3 one group felt like the Committee was dominated, so they didn't participate. He  
4 expressed concern that the Committee should not alienate any group. Boechler said  
5 staff is relying on the facilitator and her neutral role to choose the Committee.

6  
7 Commissioner Finley said the facilitator should be given some kind of criteria in the  
8 process of choosing members; e.g., geographic, specialty. It ought to be more diverse  
9 than dog users and those against using dogs. Boechler said staff is helping the facilitator  
10 with that criterion, although not trying to dictate where the facilitator goes with this.

11  
12 Chair Edge said at the Commission's September 2010 meeting, staff was given clear  
13 direction to focus on these two issues; a more focused group is appropriate. He's worked  
14 with professional facilitators with positive results. He said staff should allow the facilitator  
15 to decide on the number of committee members and to determine whether the  
16 Committee needs more diversity. He asked what the plan is to make sure that the other  
17 groups who originally commented on the Plan are brought into the fold.

18  
19 Boechler said the Department will sit on the Committee but not necessarily be part of the  
20 voting for consensus. We want them to provide us the input. If staff sees the Committee  
21 going in a direction that would severely impact another user group, or goals or  
22 objectives, staff will step in.

23  
24 Chair Edge said he liked the Plan the way it rolled out a year ago. He appreciated that  
25 staff was trying to keep sideboards on most of the Plan and focus on conflicting interests  
26 that cropped up in the last draft. We have a professional facilitator to provide us  
27 guidance on how to staff the Committee and today the Commission heard interest in  
28 diversifying the Committee. He told staff perhaps they would have to increase the  
29 number on the Committee. He is mindful that these facilitated processes are very  
30 expensive. He asked staff to make sure they engage the particular public that is  
31 interested and in a means that they feel like their views have been heard and that we've  
32 listened to them. He said make sure there's enough diversity on the Committee that we  
33 properly incorporate what we need to address on those two particular objectives.

34  
35 Boechler asked if Chair Edge was talking about the diversity to address the objectives  
36 that staff highlighted - grassland strategies and dog training. Chair Edge said correct.

### 37 38 **Exhibit E: 2012 OREGON SPORTFISHING REGULATIONS**

39  
40 ***Commissioner Jon Englund declared a potential conflict of interest since his***  
41 ***family business deals with the sportfishing community. Chair Edge noted it for the***  
42 ***record.***

43  
44 Rhine Messmer, Recreational Fisheries Program Manager, said the sportfishing  
45 regulations go through a major review every four years; this is interim year three. The  
46 new rules take effect January 1, 2012. He reported on several issues:

- 47 1. Issue 1 – Technical

Oct 7, 2011 - Public Forum

**LARRY PORTER**  
5510 SW Dover Loop  
Portland, Oregon 97225  
Telephone: 503-245-6870  
E-Mail: [porterpdx@earthlink.net](mailto:porterpdx@earthlink.net)

October 6, 2011

Oregon Department of Fish and Wildlife Commission  
Comments regarding the Sauvie Island Dog Training Advisory Committee (DTAC)

Dear Commissioners:

I am here today because I have concerns about the direction ODFW staff is taking with respect to the DTAC. Specifically, staff has stated that the DTAC will only be allowed to focus on aspects of the Sauvie Island Wildlife Area (SIWA) Draft Management Plan pertinent to hunting dog training and habitat issues, and other aspects of the Draft Management Plan will not be open for discussion. The DTAC is charged with focusing only on the following objectives:

Objective 3.2: Provide opportunities for individual dog training and dog field trials which will not conflict with wildlife habitat management objectives or Objective 3.1.

Objective 2.4: Protect, enhance and manage approximately 2,230 acres of pasture/grassland habitats to benefit wildlife species, with emphasis on ground nesting songbirds.

I believe that this narrow focus of the Draft Management Plan, with review of only Objectives 3.2 and 2.4 is not equitable. At your September 2, 2010 meeting, many of us from the dog training community came before you to testify or had previously submitted written comments regarding the Draft Management Plan. Those comments related to the entire Draft Management Plan, not just two objectives. Leslie Like submitted testimony and written comments, dated August 29, 2010, with 25 areas where changes are needed to protect dog training as a use within the SIWA. Those changes permeate the Plan, beginning with the Purpose and Need of Sauvie Island Wildlife Area and carrying on through the Background; Wildlife Area Goals and Objectives; Goal 2; Goal 3, Objective 3.1 and 3.2; Current Status of Habitats, Environment, and Infrastructure on SIWA; Public Use; and Objectives and Strategies. I think it is unreasonable to now narrow the focus of our user group when our comments submitted to you over a year ago, which related to all sections of the Draft Management Plan, have not been addressed.

I ask that you direct staff to allow the DTAC to address any objective or aspect of the Draft Management Plan that is pertinent to dog training as a use, a use that has been an integral part of the SIWA since 1948.

With respect to my testimony/written comments at the August 5, 2011 Commission meeting, I asked about documents that had been submitted regarding the September 2, 2010 Commission meeting, but not included in materials or minutes on the ODFW website. I am happy to report that through the efforts of Teri Kucera, those documents are now available online.

Larry Porter