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**GAME BIRD PROGRAM
RECOMMENDATIONS
FOR 2012 – 2013
UPLAND and MIGRATORY
GAME BIRD SEASONS**



**FOR CONSIDERATION BY THE OREGON FISH AND WILDLIFE COMMISSION
AUGUST 3, 2012**

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The recommendations in this packet are based on public correspondence (including telephone and e-mail communications), Pacific Flyway Study Committee and Council discussions, discussions with field personnel, federal regulatory requirements and past Oregon Fish and Wildlife Commission direction concerning hunting seasons.

UPLAND GAME BIRDS

POPULATION STATUS AND HARVEST

The following information about the status and past harvest of upland game birds is presented to provide the background and context for the regulation 2012-13 regulation proposals.

Production: Upland game bird season recommendations are not based on annual production surveys. It is natural for upland game bird populations to fluctuate from year to year. Much of this short-term fluctuation in populations can be attributed to weather. Upland bird populations in 2012 are expected to continue their recovery from the low numbers experienced in 2007. The low production in 2007 was likely the result of drought conditions, with SE Oregon precipitation at less than 20% of normal during spring of 2007. Since 2008, upland bird production increased for many of the commonly hunted species. Near average precipitation was received during the 2011-12 winter but few areas experienced conditions (extreme cold and deep snow for extended periods of time) that would have resulted in high mortality. Like the previous two years, a cool wet 2012 spring extended well into June, which may have caused some chick mortality and hampered reproduction, however as a compensating factor the increased precipitation resulted in improved cover and food availability. At the time of this writing 2012 brood surveys have not been initiated. A more complete briefing will be provided to the Commission on August 3.

Stamp Sales: In 2011, activated upland game bird validations (stamps) totaled 55,568, which was ~ 2.8% fewer than were active in 2010. As in most years, thousands of upland game bird validations are sold with the Sports Pac licenses but are not activated by the purchasers, but it is not known how many of these license holders are hunting upland game birds. Total nonresident game bird stamp (valid for both waterfowl and upland game bird hunting) sales in 2011 were 5,474, an 8% increase over the previous year.

2011-12 Harvest Surveys: Results from the 2011-12 harvest survey for pheasants, quail, partridge, and grouse are found in Table 1 (pg 4). Harvest surveys for sage-grouse and turkeys are conducted separately and were as follows:

Sage-grouse – Following below average production in 2010, Spring 2011 lek counts were still up 6.4% over the previous year. Summer 2011 production was also below average and Spring 2012 lek counts indicate a decrease in male attendance.

Statewide, 1,130 permits were authorized during 2011, 867 were drawn, and 654 permits were purchased. Hunters harvested an estimated 633 sage-grouse and returned at least one wing from 422 birds (and about 350 blood samples for WNV testing). These wings were examined at the annual sage-grouse wing bee. Examination of wings indicated that production in 2011 was 1.3 chicks/hen, just below the 19-year average of 1.5 chicks/hen. Blood samples were sent to the National Wildlife Health Center testing but the results have not been received at time of writing.

Fall turkey – There are no reliable indicators for turkey population trends, but anecdotal observations indicated turkey production was below average in 2011 for most of the state, though many late broods were observed. For 17 wildlife management units in Western Oregon, 4,000 permits were authorized (first-come, first-served) during the 2011 season. A total of 1,822

permits were issued, and 1,681 hunters spent 5,127 days afield harvesting 436 turkeys. Hunter success was 40% for the general fall season. A total of 1,025 tags were available for the five eastern Oregon controlled fall turkey hunts. There were 849 successful applicants and 654 tags issued; of which 392 tag holders went hunting and bagged an estimated 220 turkeys for a success rate of 43.3%. Of note, there was fair compliance with mandatory reporting for controlled fall turkey tag holders with 68% of tag holders using the mandatory reporting system to report on their tag by the January 31st deadline.

Spring Turkey – Surveys for the 2012 spring season indicate 12,806 hunters harvested 3,860 turkeys, a decrease of 6.6% from the previous year’s harvest of 4,132. Below average production in 2010 and 2011 likely contributed to the decline in harvest. The youth spring turkey hunt continues to be very popular and well received.

Table 1. 2011-12 upland game bird season estimates of hunters, hunter days, and harvest by species and harvest unit.

2011-12 Season Oregon Upland Game Bird Expanded Harvest by Harvest Unit ¹										
Species	Indices	Area 1	Area 2	Area 3	Area 4	Area 5	Area 6	Area 7	Total	% Change from 2010-11
Blue Grouse	Hunters	3,056	1,945	1,204	1,852	1,389	370	278	9,447	-44.0%
	Days	35,565	27,922	9,521	10,283	14,266	3,313	1,788	102,958	35.8%
	Harvest	2,920	3,500	1,958	1,454	3,054	280	430	13,596	0.3%
Ruffed Grouse	Hunters	4,723	2,593	1,019	2,130	1,482	648	278	12,225	-29.5%
	Days	45,987	34,120	11,350	10,599	12,724	3,126	4,138	122,044	23.6%
	Harvest	8,590	7,492	2,145	2,635	2,796	627	598	24,883	-15.6%
Mountain Quail	Hunters	1,667	1,111	1,204	834	185	278	0	5,001	-2.9%
	Days	16,379	14,041	3,828	750	160	543	0	35,701	-34.1%
	Harvest	1,135	2,505	2,845	0	120	340	0	6,945	-60.8%
California Quail	Hunters	1,852	1,111	1,389	926	185	185	1,852	7,039	4.0%
	Days	12,996	13,461	7,215	3,546	1,753	2,732	16,519	58,222	2.9%
	Harvest	0	2,083	7,935	7,508	2,817	3,568	28,292	52,203	31.0%
Chukar	Hunters			1,297	834	370	185	3,149	5,557	-33.8%
	Days			5,141	4,445	6,028	1,700	27,818	45,132	-26.6%
	Harvest			6,002	3,433	12,941	2,940	50,227	75,543	24.1%
Gray Partridge	Hunters			741	463	278	0	1,297	2,686	40.8%
	Days			5,080	1,618	3,396	0	13,103	23,197	2.7%
	Harvest			1,728	356	2,351	0	9,836	14,271	74.6%
Pheasant	Hunters	1,574	370	2,871	370	463	278	2,408	7,779	-5.1%
	Days	2,574	3,084	16,843	3,069	2,820	1,284	16,378	46,052	-17.0%
	Harvest	963	1,155	11,351	2,247	1,269	971	12,395	30,351	-10.9%

Note: These data are derived from a random phone survey of 4,200 upland game bird validation holders.

- ¹ Harvest Units
- Area 1 - Northwest (Includes Lane County and all counties north of Lane and west of crest of Cascades)
 - Area 2 - Southwest (Douglas, Jackson, Josephine, Coos and Curry counties)
 - Area 3 - Columbia Basin (Hood, Wasco, Sherman, Gilliam, Morrow, and Umatilla counties)
 - Area 4 - Central (Deschutes, Crook, Jefferson, Wheeler and Grant counties)
 - Area 5 - Northeast (Wallowa, Union, and Baker counties)
 - Area 6 - Klamath and Lake counties
 - Area 7 - Harney and Malheur counties

UPLAND GAME BIRDS

➤ SEASON FRAMEWORKS

In 2009 the Commission adopted the 2010-2015 Upland Game Bird Hunting Season Frameworks which provide standardized upland game bird seasons for September 1, 2010 through August 31, 2015. The framework includes seasons for ring-necked and Sichuan pheasants, chukar and Hungarian (Gray) partridge, California quail; mountain quail, "blue" and ruffed grouse, sage grouse, and fall and spring turkey. The seasons listed in the draft 2012-13 Game Bird Regulations reflect season criteria adopted by the Commission.

➤ PROPOSAL TO STANDARDIZE UPLAND GAME BIRD POSSESSION LIMITS

Possession limits for upland game birds vary by species from the same as the daily bag limit (mountain quail in Eastern Oregon Counties) to 4-times the daily bag limit (rooster pheasants). Staff is recommending a change in the possession limit for those species currently at 2-times the daily limit to 3-times the daily limit.

	Daily Bag Limit	Current Possession Limit	Proposed Possession Limit
Forest Grouse	3 each species	6 each species	9 each species
California Quail	10	20	30
Mountain Quail in Western Oregon, Hood River and Wasco Counties	10 singly or in aggregate with California Quail	20 singly or in aggregate with California Quail	30 singly or in aggregate with California Quail

This change would have the affect of standardizing most possession limits for upland game birds to 3-times the daily bag limit. This change is not expected to measurably increase harvest of upland game birds but it will afford hunters on multiple day trips to take advantage of good hunting and transport home more birds than they have been allowed in the past.

➤ 2012 CONTROLLED SAGE-GROUSE HUNT

On March 5, 2010, the U.S. Fish and Wildlife Service (USFWS) announced its determination that listing the greater sage-grouse range-wide was warranted, but precluded by higher-priority listing actions. Therefore, sage-grouse are a "candidate" species under the Endangered Species Act, but remain a state-managed species. In light of this decision, concerns have been expressed about the potential impacts of hunting greater sage-grouse. In their listing decision, the USFWS concluded that the key threats to the continued survival of sage-grouse are 1) habitat loss, fragmentation, and modification and 2) inadequacy of existing regulatory mechanisms, particularly in relation to energy and other development. The USFWS also evaluated the "utilization" (e.g., hunting) of sage-grouse and concluded that "the greater sage-grouse is not threatened by over-utilization for commercial, recreational, scientific, or educational purposes now or in the foreseeable future".

A recent (2010) paper in the Journal of Wildlife Management examined several years of band recovery data from Nevada and Colorado and concluded that harvest rates of 11% or less of the fall population are unlikely to have an important influence on local population dynamics of sage-grouse. This conclusion is similar to the range-wide sage-grouse management guidelines that recommend a harvest rate of 10% or less. Oregon's policy has been for harvest not to exceed 5% of the fall population and in practice harvest has been estimated at 3% of the fall population in the hunted areas. Sage-grouse are not hunted range-wide in Oregon; regulated hunting is permitted in 12 of 21 wildlife management units where sage-grouse occur.

Eliminating responsible and regulated hunting would likely mislead the public; implying hunting is responsible for the current status of sage-grouse, and thus distracts attention from the real threats to sage-grouse which are habitat loss and fragmentation. The Department will continue to evaluate on an annual basis the limited harvest of sage-grouse in the state; making any necessary adjustments and/or closures as warranted.

At the time of this writing, the 2012 lek survey data has not been completely analyzed and production surveys have not been initiated, however preliminary data suggest a decrease in 2012 male attendance at leks as compared to 2011, but the breeding population should still be above levels observed as recently as 2008 and 2009. This apparent decline follows three successive years of increased lek attendance by males, specifically a 9.1% increase in lek attendance in 2009 over 2008, a 37% increase in 2010 over 2009, a 6.4% increase in 2011 over 2010.

Given the conservation concern for sage-grouse, in recent years the department did not increase permit numbers despite population increases. More information will be presented on August 3rd. When production surveys are completed, permit number recommendations will be evaluated for any changes. **Proposed sage-grouse season dates for 2012 are September 8-16.** Permit numbers are determined annually based on a mathematical formula combining spring lek count information, brood survey information, hunter participation rates, and results from the analysis of wings taken during the previous hunting season. Spring lek surveys are used to estimate the adult male breeding population. Based on a sage grouse sex ratio of females per male, the adult breeding population is then estimated. A chick/hen ratio is estimated from summer brood surveys and then applied to the adult breeding population to estimate the total sage grouse fall population. The formula is designed to authorize the take of 5% or less of the estimated fall population. The 5% is the maximum allowed harvest and not a harvest goal.

Wings returned by hunters last year indicated 43% young in the harvest which is less than the 19-year average of 48%. The chick/hen ratio was 1.3 which was slightly below the 19-year average of 1.5.

For all management units combined, preliminary analysis of lek counts for Spring 2012 indicated a decrease in male lek attendance, indicating a spring population decline from 2011. Brood surveys will be completed by the end of July and will be used as index to 2012 reproduction. At the time of this writing, it is not known how the extended cool and wet Spring affected production. The increased moisture may have impacted chick survival but at the same time it improved habitat conditions for surviving chicks.

Lightning caused wildfire has impacted sage-grouse habitat in three wildlife management units (Beulah, Juniper, Whitehorse). The largest fire, known as the Long Draw fire, occurred in the Whitehorse WMU, with over 557,000 acres within the fire perimeter. As of July 19, all three

major fires have been contained, but a full assessment of wildlife impacts has not occurred. The fire perimeters include some areas burned repeatedly in recent years and offer little benefit to sage-grouse, while in other areas the fire perimeters include important sage-grouse habitat identified as “Core” in the sage-grouse plan. It is not known if important sage-grouse habitat is completely burned or burned in a mosaic, the latter of which would have less of detrimental impact. Staff expects to provide the Commission with a preliminary assessment of the impacts to sage-grouse habitat from the fires at the August Commission meeting.

Mortality of sage-grouse due to West Nile virus was detected for the first time in Oregon during 2006. The extent of mortality is unknown, but in at least one location near Burns Junction in southern Malheur County more the 60 mortalities were likely due to the disease. This area was searched and sampled in 2007 and 2008. During 2006, sage-grouse hunters were given instructions and sample materials for collecting blood from one bird. The response rate was very good with more than 310 samples received – all useable. The National Wildlife Health Center (NWHC) analyzed the samples and found them all to be negative for WNV. The effort was expanded in 2007 - 2011 by sending all successful permit applicants materials to collect two blood samples. Over the last six years, more than 2,000 blood samples have been submitted by hunters. One sample, (from the Beulah WMU in 2008) has tested positive for WNV. The NWHC indicated that 2011 was the last year they needed samples so staff will not be proposing to obtain hunter-collected blood samples in 2012. The NWHC has also been testing live sage-grouse and other birds in Oregon since 2003 as part of a WNV surveillance effort.

SAGE GROUSE PERMIT RECOMMENDATIONS

<u>Management Unit</u>	<u>2012 Recommendations</u>	<u>2011 Permits</u>	<u>2010 Permits</u>
Sumpter	Available at Commission	10	10
Lookout Mountain	Meeting	10	10
Beulah	“	150	150
Malheur River	“	100	100
Owyhee	“	75	75
Whitehorse	“	225	225
Steens	“	80	100
Beatys Butte	“	175	175
Juniper	“	100	100
Silvies	“	20	20
N. Wagonfire	“	35	40
S. Wagonfire	“	20	20
Warner	“	130	150
TOTAL		1,130	1,150

An important benefit to hunting sage grouse is collection of essential biological information (See above about hunter-collected blood samples). Each hunter is provided two wing envelopes and asked to send in one wing from each bird harvested. Analysis of these wings provides an estimate of overall production, hatching chronology, and pre-winter sex and age composition of the population. The sex and age composition allows the prediction of breeding population trends for the following year. Without this information it would be very difficult to determine how sage grouse populations are performing through time. It will become even more critical to have this

information as land managers implement habitat improvement treatments designed to benefit sage grouse.

Of the western states where sage grouse are hunted, Oregon is among the most conservative. Under current harvest strategies, population data indicate a relatively stable population trend since 1980. The controlled hunt process allows the Department to manage harvest and hunters and collect important information. Collecting this information by other means would be difficult and costly.

➤ **2012 CONTROLLED FALL TURKEY SEASONS**

Background

Specific hunts and tag numbers for the controlled fall turkey season are not covered under 2010-15 Upland Game Bird Framework. Responding to the general trend of increasing turkey populations and associated damage complaints the Department has expanded fall turkey hunting opportunities in recent years; however no further expansion is being proposed for the 2012 season. With only calendar adjustments, staff is proposing the same number of controlled turkey hunts and the same number of tags as authorized last year (tag numbers were last increased in 2011). Staff is also proposing no changes to the general fall turkey season offered in western Oregon.

Controlled and General Fall Turkey Seasons

It is unlawful to obtain and possess more than two fall turkey tags of which only one can be a controlled fall turkey tag. Thus, hunters can purchase two general fall turkey tags, or obtain one controlled fall turkey tag and one general season fall turkey tag per season. At time of harvest, a hunter must validate their tag immediately by removing the triangle in its entirety for the appropriate month and day of harvest and attach the tag securely to the carcass. The 2012-13 Game Bird Regulations describe the legal hunting methods for fall turkey (dogs may be used during the fall turkey season) and shooting hours.

➤ **2012 WESTERN OREGON FEE PHEASANT HUNTS**

Background

For over 20 years the Department has offered special western Oregon fee pheasant hunts on public hunting areas. Initially the Oregon Legislature directed the Department to offer these hunts, which have been very popular with a segment of hunters living in western Oregon metropolitan areas. The hunts are currently offered on the following four wildlife areas in western Oregon: E. E. Wilson, Sauvie Island, Fern Ridge and Denman. The department annually allocates 3,300 rooster pheasants among the four areas and recent years annual harvest has been 2,700 pheasants. Collectively, the wildlife areas record about 6,000 hunter-days (~17,000 hunter-hours) during the fee pheasant hunts.

In these hunts rooster pheasants are purchased from private breeders and released (typically daily) on hunt areas throughout the season. Each participant in the hunt must possess a \$17.00 pheasant tag, good for two birds, in addition to a hunting license and upland game bird validation. Tags are purchased from license outlets, and the revenues applied toward the cost of the program. Additional tags can be purchased throughout the season. In 2011, there were 3,045 fee pheasant tags sold.

While the intent of the program is to cover costs with tag revenue, the balance between annual program costs and hunter participation is difficult to predict with precision. Therefore, pheasant tags pay the bulk of the program costs, and any short fall is paid with upland game bird stamp revenue. Due to increased fuel and feed prices the price of the birds increased by about 35% over the past 3 years. After remaining unchanged since 1991 at \$11.50, Fee Pheasant Hunt tag prices were increased to \$17.00 in 2010.

Hunters are generally very supportive of this program with the main complaint being they would like to see more birds stocked. However, due to the increasing cost of birds, increasing the total number of birds released would increase program costs.

Recommendation: Based on performance of past seasons, staff is proposing a 2012 season similar to that held in 2011. A \$17.00 pheasant tag, obtainable through license agents, allowing hunters two birds would again be required. Proposed season dates are in the table below.

PROPOSED WESTERN OREGON FEE PHEASANT HUNTS

<u>Hunt Area</u>	<u>Dates</u>
Fern Ridge Wildlife Area	September 10 – October 7, 2012
Sauvie Island Wildlife Area	September 17 – September 30, 2012
Denman Wildlife Area	September 17 – October 5, 2012
E.E. Wilson Wildlife Area	October 1 – October 31, 2012

➤ **2012 SEPTEMBER YOUTH PHEASANT HUNTS**

Special youth hunts for pheasants began at E.E. Wilson Wildlife Area in the early 1950s, and have since been expanded to 12 other areas throughout the state.

The hunts provide a controlled opportunity for young hunters to experience bird hunting without competition from adult hunters. Youths ages 17 and younger are eligible to participate. The program has been popular and well received. In recent years, approximately 1,000 youth hunters participate annually in the program. In addition, sporting clay trailers are used to conduct youth shotgun skill clinics in association with many of the hunts. These provide instruction and a challenging opportunity to learn how to hit flying targets and to use a shotgun more effectively. All participants, including adults are required to wear a blaze orange hat and vest, in addition to shooting glasses (eye protection).

These hunts draw considerable community interest and generally good publicity from the news media. Volunteers from sportsmen's clubs, the Hunter Education Program and interested individuals assist with the hunts, some providing and handling dogs for youths and their parents.

Proposed hunt dates and maximum allowable hunters at any one time are listed in the table below.

PROPOSED YOUTH PHEASANT HUNTS

<u>Hunt Area</u>	<u>Dates</u>	<u>Hunter Limitation</u>
Baker City Area (private land)	Sept. 8 & 9	50
Denman Wildlife Area	Sept. 15 & 16	85
E.E. Wilson Wildlife Area	Sept. 15, 16, 22, & 23	70
Fern Ridge Wildlife Area	Sept. 8 & 9	75
Irrigon Wildlife Area	Sept. 22 & 23	60
John Day Area (private land)	Sept. 15 & 16	30
Klamath Wildlife Area	Sept. 8 & 9	80
Ladd Marsh Wildlife Area	Sept. 15 & 16	35
Mid-Columbia (The Dalles area)	Sept. 8 & 9	20
Ontario (Paul Parker Memorial Hunt)	Sept. 8 & 9	75
Sauvie Island Wildlife Area	Sept. 15 & 16	50
Willow Creek (Prineville Area)	Sept. 15 & 16	80

➤ **HUNTERS WITH DISABILITIES RABBIT HUNT**

A rabbit hunt for people with disabilities is proposed for **February 2, 2013 on the E. E. Wilson Wildlife Area** and is sponsored by the Mary's Peak Hound Club. Pre-registration is requested and the maximum number of hunters is limited to 50.

➤ **YOUTH RABBIT HUNT**

A rabbit hunt for youths aged 17 and younger is proposed for **January 26 on the E.E. Wilson Wildlife Area** and is sponsored by the Mary's Peak Hound Club. Participating youths must be accompanied by a non-hunting adult 21 years or older. The hunt will be limited to 20 youths. Pre-registration is required and the wildlife area will begin taking reservations **January 1, 2013**.

➤ **2012 PHEASANT HUNTING WORKSHOPS**

Proposed are two adult pheasant hunting workshops. The first workshop is **September 8 and 9, 2012 at the Denman Wildlife Area** and the second is a one day workshop at **E. E. Wilson Wildlife Area on September 21, 2012**. These are introductory pheasant hunting workshops designed for adults who would like to learn about pheasant hunting. Topics will include safe gun handling, shooting skills, and an afternoon pheasant hunt. The number of participants in each workshop will be limited. General season regulations will apply.

➤ 2012 LOWER KLAMATH HILLS YOUTH CHUKAR HUNT

The Klamath Chapter of the Oregon Hunters Association, in cooperation with the Department, will offer a new youth hunting opportunity for chukars in the Lower Klamath Hills regulated hunt area. The primary intent of this hunt will be to provide youth 17 years of age and younger an upland hunting opportunity, immediately following the release of chukars into the hunt area. Each youth shall be accompanied by one adult chaperone. The adult chaperone will be asked to refrain from hunting. The youth mentor program will apply to this hunt since it is within the general season dates for chukar. Youth hunters will be required to wear hunter orange and safety glasses. Adult chaperones will be required to wear hunter orange. Hunting is available by reservation. Please reserve a hunt day by calling, Rick Viera, Klamath Chapter OHA at (541) 591-2452 prior to the hunt. The number of participants for this youth hunt will be limited.

For the 2012 hunt season, the proposed hunt dates and special regulations are as follows:

Hunt Dates: October 6 & 7, 2012

Bag Limit: 2 chukars (per the existing special regulations for the Lower Klamath Hills hunt area)

➤ 2012-13 UPLAND GAME BIRD FALCONRY SEASONS

Background

The use of falcons for the take of upland game birds is very limited in Oregon. All falconers are licensed and staff coordinates with the U.S. Fish and Wildlife Service on the monitoring of falconry activities in the state.

Recommendation

No changes in seasons from last year are proposed.

PROPOSED UPLAND GAME BIRD FALCONRY SEASON

Open Season: September 1, 2012 – March 31, 2013

Daily Bag Limit: One pheasant (either sex), two California quail, two Hungarian (Gray) partridge, two chukar partridge, two ruffed grouse, and two blue grouse.

Possession Limit: Double the daily bag limit.

Sage Grouse Season: September 1, 2012 – January 31, 2013

Daily Bag Limit: One sage grouse

Season Limit: Two sage grouse

Open Areas for Sage Grouse: Sumpter, Lookout Mt., Beulah, Malheur River, Owyhee, Whitehorse, Steens Mt., Beatys Butte, Juniper, Silvies, Wagonfire, and Warner Management Units

There are 108 licensed falconers within the state. While the seasons are long, harvest of upland game bird species is believed to be minimal. A conservative sage-grouse season and limit is proposed. The falconry season for sage-grouse closes at the end of January, just prior to the time birds begin gathering on leks where they are more vulnerable.

➤ **2014 – 2018 UPLAND GAME BIRD ART CONTEST**

Background

The Department has held an open competition for artists to submit artwork to be chosen for the upland game bird stamp since the stamps inception in 1990. Traditionally, art submission and contest rules have been revised every five years. Revisions are required to place in rule the upland game bird species which artists must paint for each contest and to specify the deadline dates by which the Department must receive art for it to be considered for the competition. Recently, the Department began holding an art competition for the Habitat Conservation Stamp. While, the contest rules for this completion are similar to the upland game bird stamp there are some differences, most notably specifications that some types of art are not acceptable and the selection process for the winning entry. Program staff feels the entry rules for the two contests should be similar and the selection rules should be the same. This will facilitate future joint judging sessions, hopefully raising the notoriety of both contests.

Recommendations

- Change the entry deadlines for the 2014 – 2018 upland game bird art contest from the last business day of the year preceding the year of the competition to the last Friday in the month of August in the year preceding the year of the competition.
- Specify which species of upland game birds will be accepted as subjects for the 2014 – 2018 upland game bird art contests.
- Specify that photographs, sculptures, fabric art, carvings, computer-generated or computer-enhanced art will not be accepted.
- Change the selection process so that a member of the commission and 4 members of the public will choose the winning entry each year. In the past, a 4-member citizen panel selected the top five entries and the winning entry was subsequently selected by the entire Commission from those top five entries.

➤ **PUBLIC COMMENTS RELATED TO UPLAND GAME BIRD REGULATIONS**

Pheasant Daily Bag Limit

One member of the public has requested the daily bag limit for pheasants be increased from 2 male pheasants per day to 3 male pheasants per day.

- Because upland game bird seasons and bag limits are established by 5-year frameworks this regulation change request will not be up for consideration until the 2016 – 2020 framework package is developed during the summer of 2015.

Recommendation

No change for the pheasant bag limit is recommended at this time. The proposal will be evaluated when bag limits are considered for the 2016 – 2020 upland game bird frameworks.

Legal Firearms for Taking Forest Grouse

One member of the public has requested hand guns designed for firing shot shell cartridges be legal for the taking of forest grouse.

- Currently shotguns are defined as designed for firing bird shot and intended to be fired from the shoulder, with a barrel length of 18 inches or more and overall length of 26 inches or more. Shotguns, as defined and archery are the only legal weapons with which game birds can be taken, except that forest grouse may be taken with rim fire firearms. Therefore handguns designed for firing shot shell cartridges, most commonly the .410 cartridge, are not a legal firearm for taking game birds.

Recommendation

Wildlife division staff conferred with its Game Bird Committee (composed of one employee from each of watershed districts in the state) regarding this proposal. The Committee had concerns about the ballistic performance of the .410 cartridge when fired from a short, potentially rifled handgun barrel and its subsequent effectiveness for cleanly killing forest grouse at anything beyond extremely close range. Staff is recommending no change to legal firearms for taking game birds.

MIGRATORY GAME BIRDS

PACIFIC FLYWAY POPULATION STATUS

Ducks: Population estimates have not yet been finalized. Population status will be provided in a supplement to the Commission prior to August 3rd.

Geese and Swans: Population estimates have not yet been finalized. Population status will be provided in a supplement to the Commission prior to August 3rd.

Mourning Doves: A population status report has not yet been produced by the USFWS. Population status will be provided in a supplement to the Commission prior to August 3rd. Efforts are currently underway between the flyways and USFWS to reassess and develop new harvest strategies for mourning doves. The primary goal of a harvest strategy would be to develop a predictable regulatory harvest system based on the current biological understanding of mourning doves in the Western Management Unit and improve the biological understanding of factors regulating populations in the unit. Currently the mourning dove harvest is regulated by an interim harvest strategy.

Of note, Eurasian collared-doves have become established throughout Oregon over the past decade. These non-native doves first became established in North America after escaping captivity in the Caribbean and after reaching Florida in the 1980s quickly spread across the continent. Based on reports from the public and field observations from Department staff, these birds are present throughout Oregon.

Band-tailed Pigeons: The breeding range of the Pacific Coast band-tailed pigeon encompasses forested habitat from British Columbia, Canada, south to northern Baja California. Winter range is primarily in California, although some birds are known to enter northern Mexico. The eastern limit of distribution is, with a few local exceptions, the western slope of the Cascade-Sierra Nevada mountain ranges. This population declined significantly in the 1960s and 1970s with exact causes unknown but disease may have played a factor. Currently, band-tailed pigeon abundance is thought to be limited primarily by food availability resulting from habitat alteration associated with land management practices. Beginning in 2004, new survey methodologies were implemented in British Columbia, Washington, Oregon and California. These surveys were implemented as a standardized method to survey the Pacific Coast band-tailed pigeon population and make trend estimates comparable between states and provinces. Hunting seasons have been very restrictive for several years and hunting is not believed to have a significant impact on the population. All pigeon hunters in Oregon are sampled annually by the federal harvest survey programs and are also asked to provide wings from harvested birds to assess population status.

MIGRATORY GAME BIRDS 2011-12 HARVEST SURVEYS

Introduction

The Harvest Information Program (HIP), a cooperative harvest survey between the USFWS and states, was implemented in Oregon during 1995. Harvest is calculated by the USFWS from sampling hunters from databases provided by the Oregon licensing system. This cooperative survey will continue to be refined yearly.

Stamp Sales: State of Oregon waterfowl validation (stamp) sales to resident hunters for the 2011-12 season totaled 55,202, an increase of nearly 6% from 2010-11. The increase is likely due to the continued popularity of juvenile SportsPacs, which were first offered for sale in 2010. However, 54% adults and juveniles who purchased SportsPacs did not return to a license agent to obtain their waterfowl validation after July 1st, leaving the total number of active resident waterfowl validations held by hunters at 34,972. Total 2011-12 nonresident game bird stamps (valid for both waterfowl and upland game bird hunting) sales were 5,474, up 8% from 2010-11. All totaled, including free youth and landowner game bird licenses, there were 43,341 individuals licensed to hunt waterfowl last season which was up 1% from 2010-11.

Ducks and Geese: Harvest estimates have not yet been finalized. A harvest summary will be provided in a supplement to the Commission prior to August 3rd.

American Coots: Harvest estimates have not yet been finalized. A harvest summary will be provided in a supplement to the Commission prior to August 3rd.

Mourning Doves: Harvest estimates have not yet been finalized. A harvest summary will be provided in a supplement to the Commission prior to August 3rd.

Band-tailed Pigeons: Preliminary results from the HIP suggest during the 2011 hunting season, 300 Oregon hunters spent 800 days hunting band-tailed pigeons and they harvested 900 pigeons.

Wilson's Snipe: Harvest estimates have not yet been finalized. A harvest summary will be provided in a supplement to the Commission prior to August 3rd.

MIGRATORY GAME BIRDS 2012-13 SEASON PROPOSALS

*Please note: All seasons for migratory game birds are established under U.S. Fish and Wildlife Service (USFWS) frameworks. The Oregon Department of Fish and Wildlife works through the Pacific Flyway Council process and the USFWS regulatory process to make recommendations on these federal frameworks. All recommendations must meet established framework guidelines and all season selections by the Fish and Wildlife Commission are subject to approval by the USFWS. **The Commission should note that duck and goose season recommendations are not presented at this time. Final determinations for those seasons won't occur until July 27th; after final federal regulatory meetings.***

➤ MOURNING DOVES

Framework

For mourning doves Oregon is allowed a 30-consecutive-day season between September 1, 2012 and January 15, 2013, with a daily bag and possession limits of 10 and 20, respectively.

Recommendation

In most years the effective length of Oregon's mourning dove season is governed by the first cool temperatures or early storms that precipitate southern migration, which usually occurs in early September. The following season provisions are recommended in accordance with the proposed federal framework which calls for a moderate season framework as outlined by the interim harvest strategy for the Western Management Unit for mourning doves and represents no change from previous seasons.

PROPOSED MOURNING DOVE SEASON

Open Season:	September 1 - 30, 2012
Open Area:	Entire State
Daily Bag Limit:	10 mourning doves
Possession Limit:	20 mourning doves

Public Comment

One comment has been received requesting a late dove season. Under federal frameworks Oregon could set the dove season later in the fall; however, they do not allow Oregon to split the dove season into multiple segments. Therefore, any late dove season would require opening the season later, foregoing hunting during the first few weeks of September; a time when dove populations are generally highest throughout the state. Oregon can begin discussions with the USFWS regarding potential frameworks allowing some late hunting in future seasons.

➤ EURASIAN COLLARED-DOVES

Background

Eurasian collared-doves have become established throughout Oregon over the past decade. These non-native doves first became established in North America after escaping captivity in the Caribbean. They reached Florida in the 1980s and then quickly spread across the continent. Beginning in the early 2000s small numbers of these doves began to be reported from areas in southeast Oregon and based on reports from the public and field observations from Department staff over the last few years they are present now throughout suitable habitat across the state.

Similar to rock pigeons most of them appear to choose habitats associated with human habitation so they are most commonly found around cities, towns and rural residences. There has been concern this non-native species has or will have detrimental effects on native mourning doves. Although the research is somewhat limited, we are not aware of any published study which shows negative consequences for native mourning dove populations, coexisting with Eurasian collared-doves.

Eurasian collared-doves are exempt from protection under the federal Migratory Bird Treaty Act so the State of Oregon retains full regulatory authority for their management. For hunting regulations purposes Eurasian collared-doves were included within the bag limit for mourning doves beginning in 2007. Their inclusion in the season framework for mourning doves was not intended to provide protection for the non-native dove but to protect native mourning doves from incidental harvest if Eurasian collared-doves had more liberal take regulations (differential hunting seasons or unprotected status). Since that time the population of Eurasian collared-doves has expanded in Oregon and so has the public's familiarity with them.

Recommendation

Since many Oregonians are now familiar with the differences between Eurasian collared-doves and mourning doves the concern mourning doves would be misidentified as Eurasian collared-doves and incidentally taken if Eurasian collared-doves were classified as unprotected has been somewhat alleviated. Additionally, the feeling among many Oregonians is the non-native Eurasian collared-dove is an undesirable species and they should not be afforded protection by the Department. **Therefore, the Department recommends exempting Eurasian collared-doves from the list of protected nongame wildlife.** With this classification they would be classified as unprotected wildlife, like house sparrows and European starlings. This would allow persons to use legal methods to take Eurasian collared-doves whenever they choose to do so. To accomplish this Eurasian collared-doves will need to be added to the list of birds exempted from protection in the list of protected nongame wildlife found in OAR 635-044-0130 and added to the definition of unprotected mammals and birds found in OAR 635-045-0002. Additionally, the term "mourning" will need to be inserted prior to "dove" in the definition of game birds in this rule.

Since many Eurasian collared-doves are found in areas where firearms discharge and/or hunting is prohibited it is unlikely this change will result in landscape level population control of this species. However, persons wishing to control Eurasian collared-doves on a local scale, with legal methods, will have that option.

Public Comment

Many comments have been received in favor of this recommendation.

➤ BAND-TAILED PIGEONS

Framework

Oregon is allowed a season up to 9 days in length, which may not begin earlier than September 15, with a two bird daily bag and four bird possession limits.

Recommendation

Although there has been concern over the status of the pigeon population in past years, hunting restrictions have reduced hunter numbers and harvest to minimal levels, which are believed to have no significant impact on the population. Both British Columbia and Washington re-opened band-tailed pigeon seasons during the past decade in response to increased population trends. In July of 2010 the Pacific Flyway Council adopted an updated management plan for Pacific Coast band-tailed pigeons which contains a new harvest strategy for pigeons based on population status. Population status in 2011 warrants a restrictive season framework for 2012. The restrictive framework package is the same regulation package offered to Oregon for the past two decades. Similar to black brant, a special permit is required to hunt band-tailed pigeons which allows the USFWS to more accurately estimate the number of pigeon hunters and pigeon harvest. This permit also improves the ability to obtain pigeon wings from successful hunters so that the age composition of the harvest may be monitored.

PROPOSED BAND-TAILED PIGEON SEASON

Season Dates:	September 15 - 23, 2012
Open Area:	Entire State
Daily Bag Limit:	2 pigeons
Possession Limit:	4 pigeons

Public Comment

No comments received to date.

➤ DUCK AND MERGANSER

Framework

Based on habitat conditions and the population status of mallards, it is anticipated that duck seasons will again fall within the liberal framework which allows a 107-day season in the Pacific Flyway. However, the USFWS's Service Regulations Committee has not yet approved duck

season frameworks so no recommendation is presented at this time but one will be provided shortly before the August Commission meeting. The final recommendation will be based on the USFWS's Western Mallard model which uses the population status of mallards in California, Oregon and Alaska to inform harvest management of ducks in the Pacific Flyway.

➤ **SEPTEMBER CANADA GEESE**

Framework

The federal framework for Oregon allows outside dates of September 1 – 20 in northwest Oregon and September 1 – 15 in the remainder of the state. Daily bag and possession limits can be 5 and 10 Canada geese, respectively, but exclude cackling and/or Aleutian Canada geese.

Recommendation

Although the USFWS's Service Regulations Committee has approved season frameworks for September Canada geese they have not yet approved season frameworks for regular Fall/Winter geese. Since the length of September Canada goose seasons affects the length of regular fall/winter goose seasons, no recommendation is presented at this time. A recommendation will be provided shortly before the August Commission meeting.

➤ **GENERAL FALL/WINTER GEESE**

Because the USFWS's Service Regulations Committee has not yet approved fall/winter goose season frameworks, no recommendation is presented at this time but will be provided shortly before the August Commission meeting.

➤ **BLACK BRANT**

Because the USFWS's Service Regulations Committee has not yet approved fall goose season frameworks, no recommendation is presented at this time but will be provided shortly before the August Commission meeting.

➤ **WILSON'S SNIPE**

Normally snipe season in Duck Zone 2 is concurrent with duck season. Since the USFWS's Service Regulations Committee has not yet approved duck season frameworks, no recommendation for snipe seasons is presented at this time but will be provided shortly before the August Commission meeting. Last year's recommendation to separate snipe season in Duck Zone 1 from the duck season will be maintained for this season.

➤ AMERICAN COOT

Normally coot seasons are concurrent with duck seasons. Because the USFWS's Service Regulations Committee has not yet approved duck season frameworks, no recommendation is presented at this time but will be provided shortly before the August Commission meeting.

➤ CROW

Framework

Liberal seasons are offered outside of months when nesting may occur. A 124 day season is allowed during a calendar year. Depredation and nuisance crows can still be taken outside of established hunting seasons under a Federal depredation order; however, Federal action in 2010 has made the take of depredation and nuisance birds more restrictive. Now crows taken under the depredation order must be taken with non-toxic ammunition and all take must be reported to the USFWS.

Recommendation

Adoption of maximum days allowed.

PROPOSED CROW SEASON

Statewide: October 1, 2012 – January 31, 2013

General crow seasons are required because of a treaty negotiation with Mexico. Crow hunting in Oregon is likely minimal with more crows being taken via the Federal depredation order.

Public Comment

No public comment has been received.

➤ FALCONRY

No recommendations are presented at this time. Proposed falconry dates are dependent on approved gun seasons.

GAME BIRD REGULATION CHANGE PROPOSALS

Disguising the Sex or Kind of Game Birds

Currently the game birds regulations read no person shall disguise the sex or kind of any game bird. The feathered head must be left attached to all upland game birds in the field or while in transit. The head or one fully feathered wing must be left attached to all waterfowl, snipe, doves and pigeons in the field or while in transit.

Taken literally the use of the term “transit” in this regulation is complicating. It could mean a person must maintain proof of species or sex, even when transporting a game bird which has been in a freezer for several months.

Recommendation

Staff recommends adding the words “to the personal abode of the possessor” after the use of the word transit in this regulation.

- No person shall disguise the sex or kind of any game bird. The feathered head must be left attached to all upland game birds in the field or while in transit **to the place of permanent residence of the possessor**. The head or one fully feathered wing must be left attached to all waterfowl, snipe, doves and pigeons in the field or while in transit **to the place of permanent residence of the possessor**.

Approved Shot Types for Hunting Snipe

Currently, federal regulations prohibit all waterfowl hunters from using or being in possession of shot other than approved nontoxic shot when hunting waterfowl. State regulations mirror this regulation on all lands except select wildlife areas where all game bird hunters must use or possess only nontoxic shot. Outside of these select wildlife areas, snipe may be hunted with any shot type, including lead. Snipe are commonly found and hunted in wetlands where waterfowl are present, and if lead shot is used in these areas there is the potential waterfowl may pick up the lead shot while feeding.

Recommendation

Since waterfowl can be exposed to lead poisoning when feeding in areas where shot is deposited by snipe hunters, staff recommends adding snipe to the game birds that are unlawful to hunt while using or being in possession of lead shot. The game bird regulations would contain the following rule.

- The possession and use of shot other than federally-approved nontoxic shot is always prohibited while hunting waterfowl **and snipe**.

This rule change is expected to have minimal affect on Oregon hunters. Federal estimates show fewer than one thousand people (500 in 2010) currently hunt snipe in Oregon. Additionally, many of these hunters pursue snipe in conjunction with waterfowl so those hunters are already prohibited from possession of lead shot.

OTHER RULE CHANGE PROPOSALS

➤ CLEAN-UP OF OAR DIVISIONS 44, 45, AND 51

Background

When staff were outlining proposed changes to OAR Division 44 to make Eurasian collared-doves an unprotected species we discovered an inconsistency between the Game Bird Regulations and OAR 635-044-0130 relating to the take of depredating nongame migratory birds. The Game Bird Regulations address the USFWS's depredation order which allows the take, without federal permit, of crows, blackbirds, cowbirds and magpies when those birds are committing or about to commit depredations on ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner that they are a health hazard or other nuisance (50 CFR 21.43). Additionally, another Federal depredation order allows landowners, sharecroppers, tenants, or their employees or agents engaged in the production of nut crops to take Stellar's and scrub jays in northwestern Oregon counties between August 1 and December 1 when they are found committing or about to commit serious depredations to nut crops on the premises owned or occupied by such persons (50 CFR 21.46). Currently, it is standard operating procedure, through the Department's Wildlife Damage Policy document, for staff to advise people the birds named in the depredation orders may be killed without permit when meeting the conditions outlined.

However, OAR 635-044-0130 states that, without a permit, it is unlawful for any person to hunt, trap, pursue, kill, take, catch, angle for, or have in possession, either dead or alive, whole or in part, any nongame birds (except European starlings, house sparrows and, as proposed, Eurasian collared-doves).

Staff also identified several other housekeeping changes within Division 44, namely:

- The title was recently revised when the Wildlife Rehabilitation Rules were last amended. However, the title was incorrectly changed from "Holding, Propagating, Protected Wildlife" to "Holding, Propagating, Rehabilitating Protected Wildlife," incorrectly inferring the rules within only apply to protected wildlife.
- The purpose of the rules (635-044-0000) has not been updated to reflect that this division includes rules which identify protected wildlife or regulate wildlife rehabilitation.
- An omission of the word "birds" was identified in the Taxonomy section of OAR 635-044-0002

- An exception to the permit requirements for taking protected wildlife is omitted for the take of migratory nongame birds or their nests or eggs when a person holds a valid depredation permit from the USFWS allowing the lawful take of such birds.
- Rock pigeons were listed as exempt from the list of protected nongame birds in OAR 635-044-0130. However, rock pigeons are exempt from the definition of wild birds and mammals in OAR 635-057-0000. Therefore, they are not wildlife and the Department's OARs cannot classify them as unprotected. This is also the case in the definition of unprotected birds and mammals found in OAR 635-045-0002.

Additionally, Division 51, the general game bird regulations, houses two rules which need housekeeping changes. First, 635-051-0048(7) should only apply here to game birds since this Division is specific to game bird rules. Division 44 already houses rules serving the same purpose for protected nongame birds. The second change is for 635-051-0048(8b) which is an exception to 635-051-0048(7) allowing the take of migratory birds without a state permit for which a USFWS depredation permit has been issued. For housekeeping purposes this rule as it relates to migratory nongame birds should be housed in Division 44 and the rule currently in Division 51 should relate only to migratory game birds.

Recommendations

Staff recommends the following changes:

- Amend 635-044-0130(1b) to provide exceptions allowing the take of migratory nongame birds without a permit, when a Federal migratory bird depredation order or Federal migratory bird depredation permit lawfully allows such nongame migratory birds to be taken pursuant to the Migratory Bird Treaty Act.
- Amend the title of Division 44 to reflect the division includes rules regulating the holding, propagating, and rehabilitation of wildlife and to reflect it also contains rules identifying protected wildlife and nonprotected wildlife.
- Amend 635-044-0000 to reflect these rules include the rehabilitation and protected wildlife sections currently housed in this division.
- Amend 635-044-0002 to add the word bird to the taxonomic reference used to specify bird names used throughout the rule.
- Amend 635-044-0130 to delete rock pigeons from the list of nongame birds exempt from protection.
- Amend 635-045-0002 to delete rock pigeons from the definition of unprotected birds and mammals.
- Amend 635-051-0048(7) to be specific to game birds only.
- Amend 635-051-0048(8b) to clarify the exception only applies to migratory game birds.

➤ **CLEAN-UP OF OAR DIVISION 008**

Background

Staff recently discovered an inconsistency between 635-008-0120(2) and the Big Game Hunting Regulations. Division 08 specifies that on Ladd Marsh Wildlife Area all big game hunting is closed east of Foothill Road. However, in practice, the Department currently authorizes two controlled youth deer hunts in the area specified as closed by Division 008-0120(2).

Recommendation

Staff recommends amending 635-008-0120(2) to authorize youth big game hunting east of Foot Hill Road to be consistent with the Big Game Hunting Regulations.