

Exhibit H
**Oregon Department of
Fish and Wildlife Lands**

**Supplemental Public Correspondence
As of July 31, 2014**

Roxann B Borisch

Subject: E.E. Wilson Rules

From: Joel Geier [<mailto:joel.geier@peak.org>]
Sent: Tuesday, July 08, 2014 6:22 PM
To: Keith Kohl
Cc: Kyle W Martin
Subject: RE: E.E. Wilson Rules

Hi Keith,

Thanks for your quick response -- and thanks to Kyle for forwarding on my comments.

I certainly appreciate the answer to my question re: parking revenue, and also your willingness to adjust the language of the rules, in response to my comments (3) and (4).

The adjusted wording of (3) could have a very positive effect on our quality of life, and our neighbors' quality of life, as neighbors of the wildlife area.

The change in (4) is good common sense. I was trying to think if there are any desirable native species (such as Western Serviceberry) that could be adversely affected by this expansion of the allowance, but I have never seen anyone harvesting these so this seems like a non-issue.

I certainly understand your motivation for a more broad version of (1) since the problem that you note has been obvious to everyone who lives around here. I also appreciate the basic fairness issue, when some people have purchased permits and other people are making use of loopholes that were not intended. So long as enforcement officers don't get overzealous, the scenarios that I suggested shouldn't become an issue. Let's see how it works in practice. If problems develop, I'll let you know.

About my issue (2) on the Habitat Conservation Stamps, well that is a disappointment, and I know of some others who will also be disappointed by the Commission's decision. I expect that our family will continue to support the Habitat Conservation Stamp program, and we will probably also buy a parking permit so that we'll have the option of driving over to more distant points on the wildlife area.

But I'll send in a letter to the Commission asking them to reconsider this issue. The inclusion of a parking permit was a significant motivation for most of the birders with whom I've discussed this. I would like to see better marketing of these stamps from ODFW -- and I think separating the parking permits from the stamps is a step in the wrong direction -- but I know that is not your responsibility.

Feel free to call me if you would like to discuss any of this stuff further.

Thanks,
Joel

541 745-5821

On Tue, 2014-07-08 at 18:12 +0000, Keith Kohl wrote:
Joel,

Thank you for your comments back to Kyle. Here are a few comments on your below numbered responses:

1) This was a tricky one. The language was developed by the Department of Justice from a couple of draft examples I submitted. In developing the language, I considered the scenarios that you also came up with when I wrote the draft language. The intent is when enforcement sees a vehicle that has been driven and parked in close vicinity to a Wildlife Area (WA), are the occupants of that vehicle using the WA. If so they need a parking permit. We are not trying to get at the people that can bike or walk from their residences to use the WA. I've seen and heard of too many people parking a little bit away from the parking areas and access the WA when the vehicle parking in the WA parking area has a valid parking permit displayed and the other vehicle parked on the side of the road does not.

2) The parking permit was removed from the Habitat Conservation Stamp at the June Commission meeting.

3) Made consistent language amongst most WA's. Changed to: **Open to the discharge of firearms only while hunting big game and game birds during authorized seasons, at the trap shooting area from 7am – 7pm daily or by access permit issued by ODFW.**

4) **and edible fruiting bodies of plants for personnel consumption**

5) The parking permit fees are accounted for it their own account. A formula for the disbursement of these funds has been developed and funds will start heading out to the WA's this fiscal year. EE Wilson has been allocated \$13,972 based on this formula out of the \$98,000 accumulated in 2012 and 13.

Keith Kohl

Wildlife Area Operations Coordinator

4034 Fairview Industrial Dr. SE

Salem, Oregon 97302

503-947-6038

From: Joel Geier [mailto:joel.geier@peak.org]
Sent: Monday, July 07, 2014 7:02 PM
To: Kyle W Martin
Subject: Re: E.E. Wilson Rules

Hi Kyle,

Thanks for the chance to look through these proposed rule changes, I really appreciate this. Here are my comments (five of them, last one is more of a question for the Game Commission):

1. This one needs a bit of work:

For any ODFW Wildlife Area where a parking permit is required, a valid parking permit must be displayed in the vehicle while parked in any designated parking area or while parked at any location, including along federal, state or county road right-of-ways, when any occupant of the vehicle enters the wildlife area.

The problem is that the phrase "at any location" is too broad. If you take this at face value, we and our neighbors who live next door would need to have parking permits in our vehicles even if our vehicles are parked on our own property, and we decide to walk over to the wildlife area. The same would apply to Adair Village residents who drive home, park in their own driveways, and then go for a walk up Frontage Rd. to the wildlife area. Landfill employees who decide to go for a walk during lunch break could also be in violation.

I realize that the intent is to close the loophole that some people have been using, of parking outside the signed parking areas along Frontage Rd. etc., or in the "no man's land" between the wildlife area boundary and the PRC. I agree with this intent, and I have tried to discourage birders from doing this. I also would be glad to have a way to deter people from parking in front of our house along the highway as a way to access the wildlife area.

But this language is far too broad. If taken literally, it's constitutionally unenforceable as it would amount to an infringement on private property rights. I'm not a Tea Party kind of guy, but I can imagine that they'd have a field day if they heard about this rule. Since it's useless to have rules that are unenforceable, I suggest the following more restricted language which is still adequate to cover all of the situations that are problematic at E.E. Wilson WA:

For any ODFW Wildlife Area where a parking permit is required, a valid parking permit must be displayed in the vehicle while parked in any designated parking area or along federal, state or county road right-of-ways, or other federal, state, or county lands, when any occupant of the vehicle enters the wildlife area.

2. Does the change in 635-008-0053 (4) mean that parking permits will no longer be provided

with the Habitat Conservation Stamp? That would be a huge disappointment. We have purchased the conservation stamp mainly to support habitat, and partly to have a parking permit for those times when we're too lazy to walk over to wildlife area, and decide to drive to one of the parking areas.

I hope that ODFW is not abandoning this program. The marketing of this program has been very poor and most people are just not aware of it. The joke among local conservationists is that it's been a "stealth marketing campaign," since it's been so invisible.

ODFW just needs to do a better job of promoting this stamp, and explaining where the funds go. I think it could have huge support if more people in Oregon knew about it.

3. The text in **635-008-0190 (4)** is too loose:

Discharging firearms is prohibited except as authorized during game bird and game mammal seasons, **or at the trap shooting area from 7am – 7pm daily**, or by **access permit issued by ODFW**.

What we have seen in recent years is that a few individuals take advantage of the vagueness of this rule to discharge shotguns repeatedly as part of their idea of "dog training." They're not hunting, they're just standing out in a field and firing their shotguns once every 30 seconds or so, however long it takes the dog to come back with the retrieving dummy. It is far more aggravating for neighbors than what we deal with during hunting season, due to the repetitive nature of the noise. You start to wait for the next shotgun blast, since you know it's coming almost like clockwork.

My suggestion is to add a phrase such as "in the course of hunting":

Discharging firearms is prohibited except in **the course of hunting** as authorized during game bird and game mammal seasons, **or at the trap shooting area from 7am – 7pm daily**, or by **access permit issued by ODFW**.

to make sure that people are not abusing this rule for what really amounts to target practice or dog training.

It would not be a bad idea to establish a designated dog-training area on E.E. Wilson for people who really think that they need to fire off repeated rounds, in order to teach dogs not to be gun-shy. I also often run into people doing this at Luckiamute State Natural Area. Back in my younger years when I used to hunt, I trained a few Weimeraners as gun dogs and I never found this necessary. I have always considered people who use this method to be complete d..... -- well I'll spare you the language. But seems there are still a lot of people who believe in this method, especially here in Oregon. It would be good to give them their own place, preferably a long way from any neighbors, to proceed with their old-school methods since there is not much chance of convincing them that there's a better way to train gun dogs.

4. About this rule:

(5) A permit is required to remove firewood, cut trees, dig or remove artifacts or archeological specimens, minerals, sand, gravel, rock, or any other article, product or material found on the area except for fish and wildlife taken as permitted by law.

One of the most popular activities on E.E. Wilson WA every summer seems to be people picking blackberries. Is that really forbidden? I figure they're doing us all a service by reducing the number of Himalaya blackberry seeds in circulation. Same goes for feral Italian plums, apples, pears, cherries etc.

If you and ODFW agree, it seems sensible to amend this rule so that you're not forbidding things that are acceptable and perhaps even beneficial. It's not good to have rules that outlaw things that people are doing anyway, and are doing no harm to the wildlife area. My suggestion is:

(5) A permit is required to remove firewood, cut trees, dig or remove artifacts or archeological specimens, minerals, sand, gravel, rock, or any other article, product or material found on the area except for fish and wildlife taken as permitted by law, and fruits or berries.

5. Finally, more of a question than a suggestion:

Any chance that you could get the Commission to clarify how parking permit fees are accounted for in the budget? I have looked in the annual budgets but could not find any trace of these funds, unless they are being lumped in with hunting & angling license fees.

There is considerable interest in the birding community to see separate line-item budget numbers for these fees, as an indication of how much the wildlife-viewing public is contributing to ODFW's budget.

I posted a question about this on the Game Commission's website last year, but it was never answered. The Salem office also did not return a phone message with the same question. I support the idea of "non-consumptive" wildlife area users contributing to the budget. I'm willing to pay these fees if I can see where they're going, and I have encouraged other birder to do the same. However it bothers me that these fees seem to go into the same slush bucket as hunting/fishing tags. If ODFW really wants to tap into the emerging demographic of wildlife viewers as a source of budget -- as I have heard from the Salem office many times in the past -- they need to be giving a better account of how these revenues are being used.

Thanks,
Joel

541 745-5821

On Mon, 2014-07-07 at 22:28 +0000, Kyle W Martin wrote:

Hello all,

I have contacted you because of your involvement with the E.E. Wilson Wildlife area. We have recently found that in the governing rules of all the state wildlife areas that there were redundancies. In an attempt to remove/simplify the rules and regulations, the statutes were combined. This provided all wildlife area managers the opportunity to evaluate our regulations, create uniform wording when possible, and add or rewrite old language. The proposed new language will be presented to the commission for adoption in the coming month. A packet must be organized by next week.

My apologies for the short notice. As area users/volunteers I hoped to get your opinions passed

along with the rules to the commission presenters. I have attached the revised rules for E.E. Wilson and Parking permit language, If you could please take a moment to review them and provide comment back to me no latter then 9:00am Monday the 14th, I would greatly appreciate it.

Thank you for your help and support of E.E. Wilson WA.

Kyle Martin

Wildlife Area Manager

E.E. Wilson Wildlife Area

541 745 5334

Roxann B Borisch

Subject: FW: New Rules

From: Kyle W Martin
Sent: Monday, July 14, 2014 2:57 PM
To: Keith Kohl
Subject: New Rules

Keith,

I got word back from the Mary's Peak Hound club regarding the proposed rule changes. They had no issues with any of the E.E. Wilson rules. The only comment they had was about the proposed parking permit language change. They understood why we were changing the language but were not sure about the legality. I am forwarding your response to Joel on to the club. I explained your work with DOJ to the club and feel your response just sums it up a little better.

Thanks

KM

Kyle Martin
Wildlife Area Manager
E.E. Wilson Wildlife Area
541 745 5334

Roxann B Borisch

Subject: FW: List of who where notified on EE Wilson Rule Changes
Attachments: E.E. Wilson DIVISION 008.docx

From: Kyle W Martin
Sent: Monday, July 14, 2014 3:19 PM
To: Keith Kohl
Subject: FW: E.E. Wilson Rules

Below is my email and attached is what I sent.

Jerry, Missy, and Loreli are all MPHIC members All hunt Rabbits and all volunteers. Loreli is also a Bow hunter and Benton Bowman Member.

Tom Bell- who I have not heard back from is a Upland Pheasant hunter, volunteer.

Joel Geier is a Neighbor, Well known Birder, and non consumptive user.

Kyle Martin
Wildlife Area Manager
E.E. Wilson Wildlife Area
541 745 5334

From: Kyle W Martin
Sent: Monday, July 07, 2014 3:29 PM
To: Jerry & Arden (ardenr@proaxis.com); missy.fix@ars.usda.gov; Fister, Loreli M <lorelifister@hp.com> (lorelifister@hp.com); 'tom-linda-bell@comcast.net'; joel.geier@peak.org
Subject: E.E. Wilson Rules

Hello all,

I have contacted you because of your involvement with the E.E. Wilson Wildlife area. We have recently found that in the governing rules of all the state wildlife areas that there were redundancies. In an attempt to remove/simplify the rules and regulations, the statutes were combined. This provided all wildlife area managers the opportunity to evaluate our regulations, create uniform wording when possible, and add or rewrite old language. The proposed new language will be presented to the commission for adoption in the coming month. A packet must be organized by next week.

My apologies for the short notice. As area users/volunteers I hoped to get your opinions passed along with the rules to the commission presenters. I have attached the revised rules for E.E. Wilson and Parking permit language, if you could please take a moment to review them and provide comment back to me no later than 9:00am Monday the 14th, I would greatly appreciate it.

Thank you for your help and support of E.E. Wilson WA.

Kyle Martin
Wildlife Area Manager
E.E. Wilson Wildlife Area
541 745 5334

Roxann B Borisch

Subject: FW: Public Comment on Parking Permit Rule Changes

From: Jerry & Arden [<mailto:ardenr@proaxis.com>]
Sent: Monday, July 14, 2014 4:57 PM
To: 'Kyle W Martin'
Subject: RE: Parking permit language

Thanks Kyle.

I guess my concern is my using the "recycle area." As you know, many people, law enforcement included, do not realize that the "recycle area" is not E.E. Wilson.

However, myself and friends in most cases do have parking permits. We just need to remember to display them. On the other hand, as I told you, I believe ODFW is making a big stretch trying to enforce the ODFW parking permit regulation on state and county road right-of-ways. Especially state wide.

Thanks for letting me comment.

Jerry

From: Kyle W Martin [<mailto:kyle.w.martin@state.or.us>]
Sent: Monday, July 14, 2014 3:00 PM
To: Jerry & Arden (ardenr@proaxis.com)
Subject: Parking permit language

Jerry,

Here is the response that Keith gave to our neighbor regarding the new parking language.

- 1) This was a tricky one. The language was developed by the Department of Justice from a couple of draft examples I submitted. In developing the language, I considered the scenarios that you also came up with when I wrote the draft language. The intent is when enforcement sees a vehicle that has been driven and parked in close vicinity to a Wildlife Area (WA), are the occupants of that vehicle using the WA. If so they need a parking permit. We are not trying to get at the people that can bike or walk from their residences to use the WA. I've seen and heard of too many people parking a little bit away from the parking areas and access the WA when the vehicle parking in the WA parking area has a valid parking permit displayed and the other vehicle parked on the side of the road does not.

Thank you and the club again for looking over these.

KM

Kyle Martin
Wildlife Area Manager
E.E. Wilson Wildlife Area
541 745 5334

