

# **Director's Report**

## ***Wolf Plan Review Panel #1***

**March 18, 2018**

**From:** [nick cady](#)  
**To:** [Michelle Tate](#)  
**Subject:** Re: March 18 testimony  
**Date:** Friday, March 18, 2016 3:07:16 PM

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Cascadia Wildlands remains committed to the Oregon Wolf Plan and to wildlife management and conservation based upon sound science. This is the frame we expect moving forward not just for wolves, but concerning all of Oregon's wildlife.

Specific to this wolf status review, the assumption that we are entering this process with is that there will be no reductions in substantive wolf protections in the plan. This was expressed by the Commission, it was an underlying assumption used by the ODFW when developing the delisting analysis, and it was reiterated by the Governor with the signing of HB 4040.

Obviously we have ongoing disagreements with the Department and the Commission over the delisting decision and process, and our primary grievance with that decision was the failure to conduct a meaningful, external peer review. We believe that in addressing controversial wolf issues, an external peer review insulates the Department and the Commission from political controversy and provides a predictable, unimpeachable way forward. No one in this room will argue that management should not be based upon good science, or that we do not want our management actions to have predictable, desired outcomes.

We believe that the most controversial issue going forward will be killing wolves in response to declining deer and elk populations. We cannot stress enough the importance of ODFW facilitating an external peer review process to demonstrate a clear linkage between wolves and declining ungulate populations and that killing wolves will have the desired effect before moving forward with this in Phase III.

Another critical issue for our organization moving forward is addressing the vagueness in Phase II and III. These same undefined terms and disagreements over these terms led to the lawsuit in 2011. Since that suit, the tightened up definitions in the settlement agreement have provided predictability and a relative period of stability for Oregon's wolves. Clarifying these terms and strengthening definitions will continue predictable agency responses and prevent a political debacle every time there is conflict.

Finally the Department's focus on non-lethal efforts and range clean up has resulted in decreasing depredations while wolf numbers increase. This is proving effective in Washington and Oregon. We would like to see the Department double down on these non-lethal efforts in all phases of the wolf plan.

Thank you for this opportunity.



March 18, 2016

**Testimony of Center for Biological Diversity  
To the Oregon Fish and Wildlife Commission**

Chair Finley and Commissioners:

My name is Amaroq Weiss. I am the West Coast Wolf Organizer for the Center for Biological Diversity, representing more than 17,000 Oregon members and supporters.

The overwhelming population in Oregon supports wolves. All Oregon surveys and polls from 1999 to the present demonstrate this, as do the comment letters you receive during any process involving wolves. Without exception, 90-95 percent of comments you receive support wolf recovery and want more protections for wolves.

Because wildlife is a public trust, which the state must steward for all of the public -- not just those whose location or source of income may be affected by wolf presence -- the overwhelming support for wolves and wolf recovery in Oregon has to be the fundamental driving thought behind the Wolf Plan and any Plan updates.

**The following things need to be done to conserve wolves:**

**There must be no setting of a population cap or range restrictions.** For any faction to suggest either is necessary, is nonsensical. Science tells us wolf populations are chiefly regulated by two mechanisms – prey availability and territory availability (sometimes referred to as “self-regulation”). Wolves rarely tolerate presence of unrelated wolves in their territory, and how much territory a wolf pack needs depends on prey availability.

**ODFW and the Commission must rely on science, not assumptions or threats, to adequately address the issue of human tolerance for wolves and to reduce and prevent poaching of wolves.** At the federal and state level, agencies blindly adhere to the philosophy that in order to conserve wolves, wolves must be killed. This is “water-cooler” philosophy and it has been debunked. If you read the 7-page letter submitted to you last fall by Dr. Adrian Treves, you know that his research laboratory at the University of Wisconsin is the only one in the world to have measured changes in individual human’s tolerance for wolves over time and attitudes under changing policies on lethal management and delisting. Conclusions from his team’s research are that the lifting of protections for wolves, government agency killing of wolves for conflicts, and state-sanctioned hunting and trapping seasons for wolves have resulted in a decline in tolerance for wolves, and that under these circumstances, poaching of wolves increases. It’s your

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responsibility to pay attention to the science, and not be held hostage by those who tell you that if you don't let them kill wolves, or that if you don't kill wolves, they'll be spending every spare minute shooting, shoveling and shutting up. When people demand blood, such as killing, and you give them the opportunity, the more blood they will want. That's human nature.

**Wolves must not be scapegoated for declines in wild ungulate populations.** Especially not when science tells us that the chief drivers of wild ungulate populations are habitat conditions and severity of weather events. ODFW Wildlife division administrator Ron Anglin recently testified that in conducting this 5-year Plan review, ODFW will be looking at the draft California wolf plan for the science it contains. I just completed a two-year stint as a stakeholder representative in the California planning process and I can tell you that plan peer reviewer Dr. Cristina Eisenberg (an alumnus of Oregon State University, authority on trophic cascades, Aldo Leopold scholar, and member of the Boone and Crocket Club) strongly criticized the California draft plan's strategy of killing wolves for impacts on wild ungulates. State wildlife agencies in all three northern Rockies states have since 2012 been proclaiming banner years for elk numbers and hunter harvest success rates. Montana and Wyoming have both reported elk numbers at or above objective in most or all units. Just last week, the Idaho Department of Fish and Game reported that 2015 represented the highest whitetail deer harvest since 1991, the highest elk harvest since 1996, and hunter participation that's been on an upward trend since 1973. Also, last week, a Capital Press article reported Idaho farmers and ranchers statewide are experiencing costly consumption of crops and haystacks at "near-crisis levels" by "increasingly large ungulate herds." The Department and the Commission must not be held hostage to fantastical claims that wolves are driving elk and deer herds into the ground in the northern Rockies and that interest in deer and elk hunting has declined because of wolves.

**The following things have occurred which seem designed to undermine wolf recovery in Oregon:**

- The wolf delisting process was conducted prior to the required five-year review, thus not knowing what regulatory mechanisms would be in place going forward.
- This Commission failed to have an outside panel of expert scientist peer reviewers assess ODFW's status review and population viability analysis (PVA).
- The comments of two dozen scientists who found ODFW's report and PVA to be fundamentally flawed and illogical, and found that wolves had not scientifically met the delisting criteria was entirely ignored by the Commission – not one of the scientists was even contacted to discuss their criticisms.
- A bill was passed and signed into law, HB 4040, which ratifies your delisting decision, thus substituting the judgment of legislators and a governor for that of scientists and a court of law.
- A bill that you requested, to increase poaching fines for wolves, HB 4046, did increase the fine but also added a section excusing anyone who kills any of the animals named in the statute if the killing was an unintentional taking incidental to an otherwise lawful

activity. This means there now exists a law which provides an absolute defense to anyone who shoots a wolf but claims they thought it was a coyote, rendering the increased fine meaningless and placing wolves at significantly higher risk of being killed.

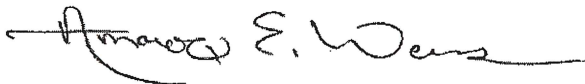
In looking at all of this, one might ask, was there a concerted plan to undermine the recovery of wolves in Oregon?

Going back to this new state law that excuses accidental killing of wolves – this statute codifies the federal McKittrick policy, which says, if they did it by accident, no harm no foul. This creates a social and legal environment for ranchers, hunters and anti-government adherents to go out and kill wolves. In this statute the State is saying, “Claim it was an accident and we’ll turn our back.” The legislature may as well have passed a bill that said open season hunting on wolves is now legal – because that’s the effect of this new law.

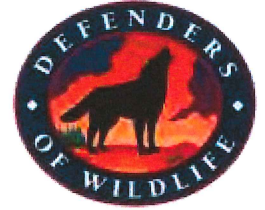
Irrespective of why all these things were done which undercut wolf recovery, an update of the Wolf Plan can remedy this situation. An update of the Wolf Plan can contribute to meaningful wolf conservation and recovery if the Commission and the Department rely on the best available science; if you commit to peer review of scientific reports prepared by the Department which are being used by the Commission to make decisions about wolf management; if the clarity of conservation measures and requirements that were agreed to in Phase I due to the 2011 lawsuit settlement are carried forward to Phase II and Phase III; and if no current provisions of the Plan that are protective of wolves are altered to be less protective.

Thank you for this opportunity to address you today.

Sincerely,



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## MEMORANDUM

TO: Senate Committee on Environment and Natural Resources  
FROM: Quinn Read, Defenders of Wildlife  
DATE: March 18, 2016  
RE: Testimony on Oregon's 2016 Wolf Plan Review and Update

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On behalf of Defenders of Wildlife's 18,000 members and supporters across Oregon, we thank you for this opportunity to provide testimony regarding the Oregon Department of Fish and Wildlife's 2016 review and update of Oregon's Wolf Conservation and Management Plan. As we begin this process, there are many reasons to feel hopeful. Wolf numbers are up and depredations are down. The legislature passed HB 4046 to increase poaching penalties for wolves. And of course, the wolf plan review and update is under way with all stakeholders engaged.

However, there are also reasons for concern. The Commission voted to delist wolves before reviewing and updating the wolf plan – a decision Defenders believes was premature. Three troubling poaching incidents were confirmed in the last year. While HB 4046 was a good effort to help deter poaching, it also contains a broad loophole that could exempt incidents in which a wolf is mistaken for a coyote. Finally, the legislature passed HB 4040, a highly contentious bill that ratified the Commission's delisting decision.

Defenders has been, and will remain committed to the Oregon Wolf Plan. When Governor Brown signed HB 4040, she stated:

“The Oregon Wolf Plan established legally binding rules that ensure continued wolf protection and population growth—on both sides of the State—regardless of their Oregon ESA status. This fact has been overlooked in much of the HB 4040 debate, and it addresses any concerns I might have over the practical effect of de-listing on wolf recovery.”

The importance of the wolf plan was never overlooked by the conservation community. It's why we pushed repeatedly for the agency to undertake the review and update of the plan prior to making a delisting decision. It is very problematic to cite the protections in the wolf plan as justification for delisting when those protections are not locked in, and indeed, may be altered or decreased. Delisting was done with the assumption that protections will remain in the wolf plan – we hope and expect that promise will be kept.

The last year has seen distrust grow between stakeholders. It is ironic that at the same time the on-the-ground situation for livestock and wolves in Oregon is on a positive trajectory -- wolf population numbers are up, depredations on livestock are down -- the human dynamic seems to be heading in the wrong direction. Even the structure of today's presentation sets up the two panels as oppositional. If we are ever going to get beyond this winner take all mentality, and this cycle of attack and counterattack, we need to fundamentally change the dynamic of how we deal with the issues and how we relate to one another.

### **Conflict Resolution**

To that end, Defenders requests that the Commission consider utilizing a third party neutral stakeholder conflict resolution process. In the long term, we suggest the Commission consider adopting a conflict

resolution process like that of Washington's Wolf Advisory Group. In the short term, and in the interest of completing the wolf plan review process expeditiously, we suggest the Commission engage a third party neutral facilitator for any stakeholder meetings.

Last summer, stakeholders met in The Dalles, in what was hoped to be the first of many meetings -- for all of us as a group -- to discuss the delisting and the wolf plan. Unfortunately, that process ended in conflict after one meeting. It was a tremendous opportunity to chart a positive path forward, and it was lost. It's critical that processes be put in place to avoid such an outcome during the review and update of the wolf plan, and we believe engaging a 3<sup>rd</sup> party neutral facilitator is both appropriate and necessary.

Over the longer term, we must acknowledge that tensions among stakeholders, the department, and elected officials are only growing. This conflict is not a simple dispute about wolves. If it were, an agency-driven settlement process or simple commission rule-making could likely address it. But after years of unresolved, underlying conflicts between the interested parties, we now have a deep-rooted, identity-based conflict. The good news is that there are other approaches. These are not necessarily quick, nor are they easy, but they can lead to more lasting solutions. By recognizing the nature of the conflict we are grappling with, we have an opportunity to transform it.

We have examples to help us tailor a solution that works for Oregon. Last year in Washington, livestock producers, hunting groups, conservation organizations and the Department of Fish and Wildlife came together to form the Wolf Advisory Group. The group's mission is: "promoting equitable, inclusive and respectful dialogue and decision-making among diverse stakeholders to foster durable peace by transforming the root causes of social conflict and providing high quality recommendations on wolf recovery, conservation and management."

This group includes representatives from the Farm Bureau, Cattlemen's Association, Mule Deer Foundation, HSUS, Defenders of Wildlife and 12 other organizations who are meeting regularly and working together to develop lasting solutions. They are working to change the dialogue and improve on-the-ground conditions for both livestock producers and wolves. Much more work remains to be done, but the constant battles before the commission, in the legislature, and in the courts are beginning to give way to a different approach.

There is no one-size-fits-all model, and this is not an argument that Oregon adopt Washington's approach wholesale, as our needs and resources are unique. Nor is it an argument that the current wolf plan review and update process be delayed further. But perhaps its time to think proactively about trying something different, and figuring what kind of conflict resolution process would work for Oregon.

In the Governor's signing statement for HB 4040, she called on all interests to "come together during this Plan revision process, to look to the future instead of the past, and to grow common understanding and ideally agreements by working together." With that in mind, Defenders suggests that the Commission consider engaging a 3<sup>rd</sup> party neutral facilitator to lead a transparent and open process that recognizes the unresolved, deep-rooted, identity-based conflict that underlie the wolf issue.

### **Wolf Plan Recommendations**

In order for Oregon to continue to play a key role in wolf recovery given the Commission's vote to delist, it is now essential that the Commission maintain the same level of precautionary and protective measures for wolves in any revision to the wolf management plan. So far, the guidelines in the plan have prioritized the use of non-lethal conflict avoidance tools, such as livestock guarding dogs or fencing, to reduce potential livestock-wolf conflicts. Oregon's fragile wolf population is by no means recovered, and as such, any revision

to the current plan should include a prohibition on any regulated take of wolves – including sport hunting and trapping.

We request that you maintain the current plan’s emphasis on using non-lethal conflict avoidance tools instead of lethal control to manage livestock-wolf conflict. We also ask that the agency clarify language around what constitutes “chronic depredation” so as to reduce ambiguity for wildlife managers and ensure continued recovery of wolves. Further, as wolves continue to disperse in Oregon, we believe the agency needs to take a more proactive role in educating hunters and local residents about the potential presence of wolves, the protective prohibitions that continue to apply to the species and how to tell the difference between wolves and coyotes. Any revisions to the current plan should be open, transparent, and inclusive of all stakeholders. Likewise, any revisions to the current plan should be based on the best available, peer-reviewed science.

Several legislative attempts have been made to prevent or limit wolves being relisted under any circumstances. We would strongly oppose any such effort in the context of the wolf plan. The Commission’s authority to make listing decisions under the state ESA should not be constrained. We would also be extremely concerned about attempts to introduce population caps or establish wolf zones. Likewise, we would also be concerned about efforts to permit the regulated take of wolves under any circumstances.

### **Public Interest**

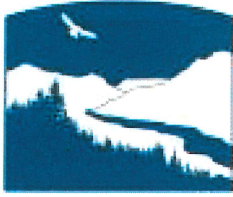
Finally, Defenders would like to emphasize how important it is to engage the public in this process and ensure the end result is one that meets the needs of all Oregonians. ODFW’s mission is “to protect and enhance Oregon’s fish and wildlife and their habitats for use and enjoyment by present and future generations.” During the 2015 legislative session, the agency asked for and received an increase in General Fund dollars. Additionally, a task force process is under way to diversify funding and widen support for ODFW.

As a result, the public will expect to be more informed and engaged, and will expect the agency to be responsive to the interests of all people throughout the state. And one thing we know the public wants is wolf conservation. The Commission received approximately 10,000 public comments associated with the delisting. Last year, in a poll conducted by Mason-Dixon Polling & Research, support for continued protections for gray wolves was polled at 66% across the state, with 60% support in rural Oregon. We hope the Commission will take the public’s interest in this matter seriously and ensure there are meaningful ways for Oregonians to share their comments and concerns.

Thank you so much for your time and consideration – we greatly appreciate the opportunity to share our thoughts with you and look forward to working with you throughout this process.

Respectfully,

Quinn Read



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March 18, 2016

Testimony to the ODFW Commission: Oregon Wolf Conservation & Management Plan Review

Chair Finley, Commissioners, for the record my name is Robert Klavins. I live in unincorporated Wallowa County and I am the Northeast Oregon Field Coordinator for Oregon Wild.

My wife and I own and operate a small business and working farm in wolf country. Our bottom line depends on healthy landscapes, wild places, clean water, and abundant wildlife – including wolves.

Wolves are often seen as a challenge to overcome, and we frequently focus on conflict and polarization in this room. That ignores the fact wolves have positive economic, ecological, and cultural values. Polls continue to show that a majority of rural, urban, conservative, and liberal Oregonians alike value wolves and favor wolf protections. Even in Wallowa County, repeated polling showed moderate positions on wolves represented a significant and growing majority prior to delisting.

However, we also recognize – and I hope everyone hears me say this - wolves do present some challenges and cause for legitimate concerns.

The Wolf Plan informs how ODFW harmonizes its mission against economic costs and benefits, political considerations, conservation values, and science.

Since a 2013 settlement, under Phase 1, Oregon's Wolf Plan has been working. For nearly 5 years, Oregon has been the only state in the nation with a meaningful wolf population that did not kill them despite the authority to do so.

The wolf population has grown. And in contrast to states that have aggressively killed wolves, conflict has remained astonishingly low and by many meaningful measures decreased. We commend those who are successfully and earnestly implementing non-lethal measures to prevent conflict as well as those who embrace the return of wolves to their rightful place on the landscape.

We believe the framework of the Wolf Plan should remain in place.

We believe ODFW should carry forward the parts of the Plan that have worked and fix – rather than discard – the parts that have been less effective at carrying forward the goals everyone says they support – a recovering wolf population, reduction in conflict, and public support for the agency.

Recovery is generally on track. However, poaching has increased. It's notable that scientific studies have demonstrated a decrease in social tolerance and an increase in poachings associated with delisting wolves elsewhere in the country. The legislature made an effort to address the problem of poaching, but passed legislation with amendments that may make things worse. This is a serious problem.

Under post-settlement Phase 1, the Plan is also succeeding by less quantifiable measures. The Oregon Cattlemen's Association now supports the Plan, transparency increased, earnest implementation of non-lethal measures has increased, and all parties had greater certainty. As a result, controversial kill orders have not been necessary.

However the controversial decision to prematurely delist wolves, coupled by the Governor's decision to insulate it from legal scrutiny has frayed fragile relationships between stakeholders and public trust in this agency and state government. Conflict prevention efforts need to be redoubled, misinformation must be challenged, pre-settlement ambiguity has returned in Phase 2, and the compensation program that was put into place to assuage concerns for coexisting with an endangered species continues to devolve.

We are pleased to have been invited to testify today. We are glad the Commission has said it wants public input and to base its decisions on sound science. However you'll have to forgive some skepticism.

During the 2010 review, over 90% of 20,000 public comments were in favor of stronger protections. But the Plan was weakened.

During the status review that led to delisting, over 95% of the published comments were in favor of maintaining protections and we can account for over 24,000 more. But wolves were delisted.

Nearly 30 scientists weighed in and, according to 23 of them, they were ignored. Wolves were delisted.

To those who might counter the claim, I'd ask, what did you think of Dr. Adrian Treves critiques on social tolerance and poaching? What consideration was given to Derek Lee or Dr. Guillaume Chapron's critique of the PVA?

The Oregon Wolf Plan represents a social and a political compromise that Oregon Wild has supported and defended since the beginning. When I began working for Oregon Wild in 2008, our wolf work was focused almost exclusively on education and ensuring full funding.

Our support stands in stark contrast to those who have only recently found religion because they now believe the plan favors their interests. Despite making significant concessions to address the concerns of and gain the support of the livestock industry and rural politicians, the Cattleman's Association immediately opposed the Plan calling wolves a "biological weapon" that were part of a "socialist agenda".

The attacks on the Plan have continued. They include attempts to sabotage the Plan and directly undermine ODFW authority in no less than six bills in just the last five years. Just weeks before the status review, the Cattlemen introduced a bill to delist wolves, strip the Commission of relisting authority, and sidestep the process called for in the Plan they now support.

Some continue to frame the premature delisting of wolves as called for in the Plan. However it states no less than 6 times in plain language that wolves may be *considered* for delisting. In April a retired ODFW author of the Plan testified before you that the intent was not to delist wolves immediately upon entering Phase II. The state considered meta-populations despite the Plan saying doing so would be in violation of state law. In direct violation of the Oregon APA, the Commission refused to take up this status review in a timely manner. I won't go on, but as you know, there's more.

I note this history because it's important to understand where most Oregonians are coming from. We don't feel like we are playing on a level playing field. The conservation community has continued to play by the rules while this agency has rewarded those who have not.

I am sure some are skeptical of my claim and will address the two elephants you may all be staring at when we say we've unwaveringly supported the Plan. Those elephants are our 2011 legal challenge and our efforts to resolve the conflict over delisting.

Oregon Wild did not object when ODFW killed the Keating wolves in 2009 after following the Plan. When we filed a legal challenge to the state killing wolves in 2011, it was based on our belief that ODFW was violating the Wolf Plan and state law. A judge agreed our case had merit and issued an injunction.

Rather than do a touchdown dance, we initiated negotiations that resulted in a settlement that had the voluntary support of the Cattlemen and the state. The settlement did not fundamentally change the Wolf Plan but clarified ambiguity, created defensible definitions, and required transparency.

We all agreed that the settlement only applied to Phase 1. When the Commission extended settlement concessions to the Cattlemen into Phase 2 we stood down on what was arguably a violation of the settlement.

The other elephant is our attempts to negotiate with ODFW staff during the recent status review. Our good faith efforts have been used against us and I want to provide important context.

We flagged from the start that delisting in isolation of the 5-year review would be controversial and encouraged you to follow your legal obligations. In September, a group of conservationists, the Farm Bureau, Hunters Association, and Cattlemen's Association, met with ODFW staff. We offered to stand down on delisting if we had assurances that the Wolf Plan review would ensure recovery stayed on track and that all stakeholders had certainty in the process. We made a general proposal and were asked to share it. We did so in good faith. It was rebuffed by ODFW staff. To have had it used against us was unfair and unethical.

As we embark on this long overdue process, it is a shame that we feel as compelled to correct the record as to look to the future. However this all takes place under a cloud of increased poaching, a lack of clarity in Phase II and III, a premature delisting, and a legislature and Governor's staff who have weighed in against the public's right to hold this agency accountable to its own laws.

This Commission bears some responsibility for renewed conflict and controversy.

Our support for the plan should not be discounted or taken for granted. We are skeptical, but we've come to the table again.

Going forward, we urge the Commission to double down on the success of Post-settlement Phase 1 by carrying forward the parts that were a success - namely defensible definitions, clarity of expectations, and requirements for transparency. Rather than drop those parts that fell short, we urge a hard look at the underlying intent and trying to find a better way to make them succeed.

There was disagreement over the original 2005 Wolf Plan and its revision in 2010.

Everyone now seems to agree that for the most part, Phase 1 worked after settlement.

But the ambiguity that led to conflict is back. Given that the original intent of the Plan had Phase 1 and 2 in close alignment, bringing Phase 2 and Phase 3 in closer harmony with Phase 1 best honors the original framework of the Plan - especially as it applies to defining words and concepts that are universal to all three phases.

We applaud good decisions by the agency in recent months on the ground that honor the plan agreed to by us and the Cattlemen. However as the wolf population grows in range and size, not addressing the lack of clarity, certainty, and transparency is likely to create rather than overcome conflict.

In addition to carrying forward the good parts of the Plan and saying no to bad ideas like sharing collar location data and creating arbitrary population caps, we urge the Commission to give instruction to staff to double down on education, getting ahead of conflict, and focusing on conservation and education.

We stand with the agency in taking poaching more seriously and ensuring sufficient resources to address the problem. Recent rhetoric and decisions have created an environment where many think poaching wolves or other carnivores is ok. I urge the Commission and staff to take great care about giving the impression wolves don't have value or only cause hardship. As we have seen, your words and actions have consequences.

Additionally, we are hearing the increasing drumbeat from some stakeholders and staff about Phase III and beyond. Many fear they are hearing code for ODFW issuing hunting tags. In recent months, legislators and citizens have made clear that we don't want to see sport hunting of wolves in Oregon. We urge the Commission to give clear instruction to staff that Oregon does not want to follow the path of states like Idaho, Wyoming, and Wisconsin.

Despite our frustration, we sincerely appreciate this opportunity. I have not gone into great detail today. We look forward to hearing from our colleagues, other stakeholders, and the agency on what will and won't be considered going forward. We would value more clarity on how the process will proceed and how the public can be involved. I hope our subsequent detailed comment will be given due consideration.

Let me wrap up by saying that we have much to celebrate. The future should be bright. However this agency must not continue to fail the conservation-minded citizens of this state who believe in and support your mission to protect and enhance Oregon's fish and wildlife and their habitats for use and enjoyment by present and future generations.

It is an awesome responsibility.

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