



# Oregon Fish and Wildlife Commission Minutes

Meeting:  
Thursday, June 9, 2016 – 1:00 p.m.  
Oregon Department of Fish and Wildlife  
Commission Room  
4034 Fairview Industrial Drive S.E.  
Salem, Oregon 97302

Meeting:  
Friday, June 10, 2016 – 8:00 a.m.  
Oregon Department of Fish and Wildlife  
Commission Room  
4034 Fairview Industrial Drive S.E.  
Salem, Oregon 97302

Commission minutes are considered draft until approved by the Commission.

**Thursday, June 9, 2016**

Notice of these meetings had been made by press release of statewide media circulation. Those attending part or all of the meeting included:

Michael Finley, Chair  
Bob Webber, Commissioner  
Holly Akenson, Commissioner  
Laura Anderson, Commissioner

Curt Melcher, Director  
Shannon Hurn, Deputy Director  
Erin Donald, Assistant Attorney  
Michelle Tate, Executive Assistant

## MEETING

On Thursday, **June 9, 2016 at 1:00 PM.**, Chair Michael Finley called the Oregon Fish and Wildlife Commission (the Commission) meeting to order.

Commissioners Wolley, Buckmaster and Atkinson are excused today for business.

### EXHIBIT A: PROTECTED WILDLIFE, HOLDING AND PROPAGATING

The Commission was asked to adopt staff recommendations for Protected Wildlife, Holding and Propagating Rules.

Staff: Colin Gillin, State Wildlife Veterinarian  
Public Testimony  
Rulemaking

Dr. Gillin gave a presentation to the Commission providing background on the Division 044 rule review, the review process, an over view of the draft rule revisions, and information about the public review and comments. Dr. Gillin addressed eight issues of public concern

1. Process for determining nongame species permitted for holding;
2. Limitation of allowable half native species of snakes and amphibians;
3. Reproductive sterilization of reptiles and amphibians held on wildlife holding permit;
4. Hybrid wolves and bobcats;
5. Wildlife held in an AZA accredited facility vs. USDA license classification;
6. Impacts to the education and animals entertainment industries
7. Holding of raccoons; and
8. Holding of skunks.

This presentation is located in the commission material and can be viewed at [http://www.dfw.state.or.us/agency/commission/minutes/16/06\\_June/index.asp](http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp)

Action: Differed to a future date

## Public testimony

Melinda Surrency, DVM	Provided written testimony. This testimony <i>is located in the commission material and can be viewed at</i> <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp</a>
Melina Hodge	Provided written testimony. This testimony <i>is located in the commission material and can be viewed at</i> <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp</a>
Marilyn Vandyke	Provided written testimony. This testimony <i>is located in the commission material and can be viewed at</i> <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp</a>
Hayden Rosehour	Concerns about needing to meet the AZA accreditation and the required standards. Concerned that this is not possible to meet these holding requirements for some animals. This type of business is not suited for these standards.  Other concern is that some animals may be required to have a permit and health certificate coming in and out of the state. If permits are required to go both in and out of the state, there will be situations that it will be virtually impossible to obtain that certificate. If a call is received on a weekend and animals need to be in Southern California in a couple days, it will be very difficult to get a veterinary issued health certificate.
Steve Martin	Provided written testimony. This testimony <i>is located in the commission material and can be viewed at</i> <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp</a>
Richard Hoyer	Provided written testimony. This testimony <i>is located in the commission material and can be viewed at</i> <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp</a>
Ronald Sonnenburg, Owner; Talented Animals	Provided written testimony. This testimony <i>is located in the commission material and can be viewed at</i> <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp</a>
Emily Jenkins	Provided written testimony. This testimony <i>is located in the commission material and can be viewed at</i> <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp</a>
Theresa Melof	Provided written testimony. This testimony <i>is located in the commission material and can be viewed at</i> <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp</a>
Mark and Nikki Armstrong	Provided written testimony. This testimony <i>is located in the</i>

	<p>commission material and can be viewed at <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp</a></p>
Bill Ahlquist	<p>Provided written testimony. This testimony is located in the commission material and can be viewed at <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp</a></p>
Lauren Henry	<p>Provided written testimony. This testimony is located in the commission material and can be viewed at <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp</a></p>
David Walker	
Johnnie Young	<p>Holding of raccoons and use for special events; - these animals are used for field trials. None of these animals have ever been hurt. If we could have come to this meeting with a better understanding we would have been able to participate in the revisions, versus just receiving letters in the mail that the meeting was happening. Increasing the costs will become detrimental. It is also a problem to have the government be able to come in and check the animals at any time that they would like.</p>
Jesse Short	<p>Listing of threatened and endangered wildlife under the protected wildlife; "Wildlife" means, for the purposes of the fish, shellfish, amphibians, reptiles, feral swine, wild mammals, wild birds as defined by Commission rule the definition of wildlife does not state that fish, shellfish, amphibians and reptiles need to be native or even wild. I feel that this is far over reaching. The rule also does not define what Federal list is being used. Because it does not list that it needs to be native it overlaps with Division 056 rule.</p>
Katharine Brownlie, Veterinary Assistant	<p>I believe that a Wildlife Holding Permit for skunks is unnecessary. We work with skunks at the clinic, they are not our most common patients, but the ones that we do see are most defiantly captive breed from a rabies free facility. We know that they are not wild skunks, the owner is required to show paperwork from the facility and when they bring them in and are able to tell right away if they have been taken from the wild because they are not descended. The skunks that we see are obviously family members, they are domesticated pets. A less restrictive permit, possibly the annual is more appropriate.</p>
Brian Posewitz	<p>This rule change is a good step in the right direction. These rules seem to provide more protection for animals in wild and to increase attention for animal welfare for wildlife held in captivity. The one thing that I do not like about the proposed rules is that they will allow animals held in captivity, primarily talking about live raccoons essentially being held to be used as bait, dog training and trials. I would like to see this practice prohibited</p>

	and this provision to be put back into the proposed rule.
Molly Schafer	Provided written testimony. This testimony <i>is located in the commission material and can be viewed at</i> <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp</a>
Martha Pagel	Provided written testimony. This testimony <i>is located in the commission material and can be viewed at</i> <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp</a>
Dave Siddon; Director Wildlife Images	<p>Worried about AZA standards in wildlife rehabilitation and the lack of acknowledgement of education. The way the rehabilitation rules read today is that an animal can be treated and released back in the wild or euthanized. Many of the animals we have in our care today are not able to be released back into the wild. Thousands of kids and adults visitor our facility each year get a chance to see these animals up close and personal; and maybe care more for wildlife in Oregon. I think this is something being overlooked here.</p> <p>Federal permits, USDA don't have one size fits all permit. They have a tiered system and it would very well fit the Oregon regulations I would think. This is something that we are advocating for. Look into a permit that looks at a non-profit, or educational facility and some of the other things that don't fit the standard.</p>
Cory Alvis, Wildlife Images	We hold about six different permits between USDA, USFWS, and ODFW. We are inspected regularly by USDA, we always meet or exceed expectations of those agencies. We hold ourselves to a very high standard. We don't see AZA as a good fit for our environment/operations. The open-ended approval from the Director is concerning, as a nonprofit we need to take so much time to plan that the way the proposed rules are written it will not fit.
David Prince	<p>Shares with the public the resources we have here in Oregon, we have a common goal to preserve and educate the public about the wildlife we have here. The AZA regulations, as a nonprofit with limited resources will handicap what we can do going forward. USDA is a good foundation. It provides the basic care and safety for the animals and the public.</p> <p>We would like exceptions to rules be made at district level, not at the Commission approval level. For enforcement these rules need universal rules to be applied not the opinion of an individual</p>
Curt Wilcox, Mary's Peak Hound Club	<i>Provided written materials; these materials are located in the commission material and can be viewed at</i> <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp</a>

	<i>Division 44 proposed amendments are not based on fact. If we are going to change these rules as we go along, why not just have a rule that states it's all at the discretion of the Director. I believe that the ORS can stand on its own and does not need an OAR to prop it up. The ORS is enforceable by the state police, if they can't they need to go to the state legislator.</i>
Brian Tenny, West Coast Game Park	The proposed rule vastly effects my business and anyone who has an interest in wildlife. Thousands of visitors and school group's visit the Park every year. It's a chance for the public to see native wildlife they most likely won't see in the wild. I am not in favor of the AZA rules, this would be take away the hands-on interaction and experience. The past 50 years without incident. Cannot put a value on being able to see the native wildlife.
Chris Rumbaugh	Provided written testimony. This testimony <i>is located in the commission material and can be viewed at</i> <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp</a>
Kat Malstead	I would like to explain why placing the burden of proof of hybridity on the animal owner is unreasonable. Under the current rule, the only persons that can hold pure breed wolves in captivity are those who as of December 31, 2009 already held a permit, they were grandfathered in. Under what conditions and proof will be required that the animal is a hybrid, language of rule is too loose and far to open up for interpretation.

- 1 Discussion:  
2 Will be going forward with this package, before we do we would like the Department to  
3 come back with additional information.  
4  
5 • Clarification on the criteria and details that would qualify as an extension, what  
6 would be delegated to the Director, frame work for Director's approval?  
7 • Provide information to give the Commission a better understanding of AZA and  
8 USDA standards. Look at a range between AZA and USDA standards.  
9 • The Wildlife Holding permits are specific to permit holders, species and facilities.  
10 Covering a huge depth and breadth of wildlife holding with a single stroke, and it  
11 doesn't seem to fit. Wondering if we need to have more classifications of licenses  
12 to deal with the differences between placing that are rehabilitating or just  
13 privately holding animals for the entertainment industry verses those that have  
14 public displays.  
15 • The Commission will get back to the Department with any other specific areas  
16 they would like to be addressed.  
17

18 **EXHIBIT B: PERMANENT ADOPTION OF WILDLIFE CONTROL OPERATORS**  
19 **TEMPORARY RULE**

20 *Action:* Held over, to be heard on Friday June 10, 2016 at 8:00am  
21

1  
2 **EXHIBIT C: FURBEARER AND UNPROTECTED MAMMAL REGULATIONS**

3 The Commission will be asked to approve amendments to Furbearer Regulations  
4 Staff: Derek Broman, Carnivore/Furbearer Coordinator  
5 Public Testimony:  
6 Rulemaking  
7

8 *Derek Broman provided a presentation on the proposed rules for the 2016–2017 and*  
9 *2017–2018 Furbearer Trapping and Hunting Regulations. The presentation includes*  
10 *available information regarding average pelt prices, harvest effort and number, and*  
11 *catch per unit effort for each furbearer species for the 2013–2014 and 2014–2015*  
12 *seasons.*

13  
14 *This presentation is located in the commission material and can be viewed at*  
15 [http://www.dfw.state.or.us/agency/commission/minutes/16/06\\_June/index.asp](http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp)  
16

17 **Action:**

18 Commissioner Webber moved to amend OAR 635, Division 050 and 200 as proposed  
19 by staff to set regulations and seasons for the harvest and pursuit of furbearers.  
20 Commissioner Akenson seconded the motion and the motion was carried unanimously.

21 Excused: Commissioners Buckmaster, Atkinson, and Wolley  
22

23 **Public testimony**

Doug Nichol, Oregon Trapper Association	Supports the proposed rule changes.
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24  
25 **EXHIBIT D: 2016-2017 BIG GAME TAG NUMBERS AND SEASONS, REGULATIONS AND**  
26 **TAG NUMBERS FOR 2017 BIG GAME HUNTING**

27 The Commission will be asked to approve big game tag numbers, seasons and regulations for  
28 2016-2017, and approve big game tag numbers for 2017-2018.

29 Staff: Tom Thornton Game Program Manager;  
30 Don Whittaker, Ungulate Coordinator  
31 Public Testimony  
32 Rulemaking  
33

34 *Tom Thornton; Derek Broman and Don Whitaker provided a presentation on of the*  
35 *annual Big Game Regulation proposals and the department recommend 2016 and 2017*  
36 *big game controlled hunt tag numbers. Recommendations were presented for 2017 big*  
37 *game and western gray squirrel season dates and open areas, dates and locations of*  
38 *cooperative travel management areas, controlled hunts, and associated hunting*  
39 *regulations.*

40  
41 *This presentation is located in the commission material and can be viewed at*  
42 [http://www.dfw.state.or.us/agency/commission/minutes/16/06\\_June/index.asp](http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp)  
43

44 **Action:**

1 Commissioner Webber moved to amend OAR 635, Divisions 008, 060, 066, 068, 067,  
 2 068, 069, 070, 071, 072, 073,075, and 200 as proposed by staff with the exception that  
 3 Division 045 adopting the staff recommendation on the addendum to Exhibit D  
 4 regarding the definition of edible portion except that under 635-045-002 (77) that the  
 5 second sentence would read “for game mammal, at a minimum, edible portion....”  
 6 Commissioner Akenson seconded the motion and the motion was carried unanimously.  
 7

8 Excused: Commissioners Buckmaster, Atkinson, and Wolley  
 9

Public testimony	
Al Elkins, OHA	Provided written testimony. This testimony <i>is located in the commission material and can be viewed at</i> <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp</a> <i>OHA does not support the addendum without an age specified; OHA will support the age 65+ for the sale of taxidermy mounts.</i>
Pat Ackerman	Does not support the proposed rule for the sale of taxidermy mounts with the age limit of 65+; supports the addendum presented today.
Wayne Endicott	Provided written testimony. This testimony <i>is located in the commission material and can be viewed at</i> <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp</a>
Matt Smith	Provided written testimony. This testimony <i>is located in the commission material and can be viewed at</i> <a href="http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp">http://www.dfw.state.or.us/agency/commission/minutes/16/06_June/index.asp</a>
Tim Barber	Supports adding the neck portion of elk being added to the edible parts of the animal. Personally, I do not support the gutless method, have seen a lot of meat wasted using this method. Does not support the antlerless harvest of mule deer and Roosevelt elk. The Department needs to take a look at what we are doing at the controlled hunt process and where we are now. Things have changed. Weapons are not the same as they were when the system we are currently using was developed in the 80s and 90s. I ask that we consider looking at this.

10 Discussion:

- 11
- 12 • The Commission asked that the illustrations be improved and provide a readable
- 13 diagram that addresses all edible parts of the animal.
- 14 • The next time that the Division is open, define bow draw weight.
- 15 • Provide information to the Commission regarding concepts and regulation
- 16 changes in advance to allow time to consider the proposals. Department will
- 17 provide the Commission with the information that the public receives at the Big
- 18 Game Public meetings previously held in May each year. Starting in 2017 these
- 19 meetings will now be conducted in July across the state.

- 1       • The Commission supports the “age 65+” to be included in the rule amendment  
2       for the sale of taxidermy mounts.  
3

4 Director Melcher: The disabled hunting community interest in using crossbows. This will  
5 be discussed at the September 2017 Commission meeting as part of the big game  
6 regulations.  
7

8 The Commission asked to be forwarded the public comments received on this topic.  
9

10 Chair Finley: Exhibit B; permanent adoption of wildlife control operators temporary rule  
11 will be held over until tomorrow June 10, 2016. This meeting will reconvene at 8:00 am.  
12

13 Chair Michael Finley adjourned the meeting at 7:00 p.m.

DRAFT