

Exhibit I
Finley

December 15, 2022

Chair Mary Wahl
Oregon Fish and Wildlife Commission
4034 SE Industrial Drive SE
Salem, OR 97302

Subject: Support for Petition to Ban Coyote Killing Contests in Oregon

Dear Chair Wahl and Members of Commission:

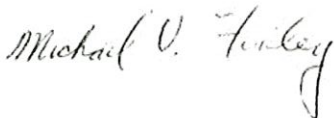
As former chair of the Oregon Fish and Wildlife Commission and a lifelong sportsman dedicated to wildlife conservation, I am writing to urge you to promulgate a rule to ban coyote killing contests in Oregon. Killing large numbers of predators as part of an organized contest or competition is inconsistent with sound, science-based wildlife management and antithetical to the concepts of sportsmanship and fair chase.

As a hunter myself, I am proud of the key role the hunting community plays in conserving our state's wildlife. These killing contests, however, are not responsible hunting. They glorify killing for its own sake and cast Oregon's entire hunting community in a bad light. If we want to preserve hunting for the sake of future generations, we must be mindful of how our activities are perceived by the non-hunters. Bagging large numbers of animals as part of a contest are a stain on responsible sportsmanship and are sure to turn more and more Oregonians against all hunting. These killing contests are nothing but wanton waste. They remove animals from the populations that are not known to be a problem and are simply performing their ecological role.

Further, Oregon has adopted the North American Model of Wildlife Conservation that includes as a core principle that "wildlife can only be killed for a legitimate purpose. Wildlife is a shared resource that must not be wasted. The law prohibits killing wildlife for frivolous reasons."

We know that killing large numbers of coyotes is not only socially repugnant to most Oregonians but it is counterproductive. It is well known that coyotes are a highly adaptive species that respond to efforts to exterminate them by increasing their rates of reproduction. We know that like all predators, coyotes are important to their ecosystem and help to keep their natural prey species, especially rodents and small mammals, in check. When large numbers of them are removed, those species will become overabundant and cause even more problems for people.

There simply is no way to justify a coyote killing contest. It does not hold up to scientific or ethical scrutiny, and it is revolting to most people that a small segment of the population engages in wasteful slaughter for the sake of winning a prize. I grew up hunting in Oregon and have dedicated my entire career to the idea that ALL wildlife, even the coyote, deserves to be managed respectfully and according to the best available science.



Michael V. Finley
Former Chair, Oregon Fish and Wildlife Commission

Commissioner Labhart and Deputy Administrator Clements-

Thank you for contacting me and requesting additional clarifying language on the fish passage rules revision draft provided by the Oregon Department of Fish and Wildlife (Department) for vote at the Oregon Fish and Wildlife Commission (Commission) meeting on December 16, 2022. I am providing these comments in my individual capacity as a member of the Rules Advisory Committee (RAC) and Fish Passage Task Force (Task Force) and are not comments submitted on behalf of my employer, PacifiCorp.

My comments and concerns with the Department's work product, including my concerns with many of the proposed changes, are captured in the RAC and Task Force meeting notes. I continue to be concerned with the rules revision process as implemented by the Department, and I was discouraged to learn that additional changes had been made to the draft document voted on by the Task Force following the Task Force meeting and without notice to the RAC, Task Force, or public.

I only learned of these changes when Commissioner Labhart directly contacted me to discuss my "no" vote on the Department's draft rules revision. In particular, the Department has removed dam safety exemptions noting only that the Department of Justice (DOJ) "determined that the language presented in the proposed rule revision conflicted with the statutory definition in ORS 509.580(4)" with no further context, explanation of the purported conflict, or opportunity to remedy or revise the rule as proposed.

The removal of dam safety exemptions will disincentive owners and operators of artificial obstructions from conducting critical dam safety maintenance, repairs, and/or modifications that may impact public safety. I question why DOJ was not engaged to conduct a review of the Department's work product prior to the Department providing a draft for the RAC's and/or Task Force's vote. The timing of DOJ's review and revisions does a disservice to the public, RAC, and Task Force members who spent extensive time deliberating, collaborating on, and drafting rules revisions over an extended period of time.

However, I understand you are primarily interested in whether I had any clarifying edits to the addition of a fish passage trigger based on the area of a dam that has been added to the "major replacement" definition that is subordinate to the definition of "construction." As I discussed with Commissioner Labhart, my "no" vote at the Task Force meeting was primarily influenced by the last minute, ad hoc creation of this area rule. Many of the other rules were word-smithed over many months and iterations, whereas this rule was hastily constructed at the Task Force meeting in service of finalizing a product for vote instead of carefully crafting a rule that is clear for both the Department and the regulated community.

I must first note that this rule includes a 30% metric that is applied to dams and diversions and no other categories of artificial obstructions (AOs) within the "major replacement" definition; the other AOs are subject to a 50% metric. Though I have asked Department staff and other Task Force members to justify the application of a 30% metric to dams and no other AOs, I have yet to receive a cogent, scientifically supported reason for this difference. Dams should be assessed and enforced with the same metrics as other AOs defined in statute and rule, and my provided edits reflect this change. To apply different area criteria to different types of obstructions without justification seems arbitrary.

The inclusion of an assessment of major replacement by area seems to negate the need for a volumetric assessment of major replacement, which remains in the draft from existing rule. Similar to the distinct

quantitative metric for dams, other AOs are not subject to an assessment of major replacement by area. As such, I do not support inclusion of the assessment by area for dams.

Despite my opposition to such, I understand that the current draft includes such an assessment by area for dams. However, I believe the rule as written lacks clarity and leaves regulators and the regulated community with significant uncertainty regarding implementation of the rule. I've consulted with multiple subject matter experts in the realm of dam engineering, and they are all left puzzled by the rule as written.

Therefore, though I continue to express my opposition (as a RAC and Task Force member) to a fish passage trigger based on assessment of changes to a percentage of area of a dam, I do think any rule proposed to the Commission should at least be decipherable by the regulated community, and I provide the following suggested edits to the version of 635-412-0005 (10)(A)(a)(ii) in the Department's draft (Lines 48-50) for Commission vote:

Significant repairs, patches, or modifications, excluding patching, sealing, painting, replacing mechanical equipment, vegetation management, worker safety or physical security improvements, et al., to over 350 percent of the cumulative surface area of the upstream, downstream, or and top face of the dam (measured above the natural ground gradeline that is used to impound water);

Removing patches, adding the specific exclusions, and considering the entire area of a dam in the calculation addresses some of the concerns I expressed at the Task Force meeting. I provided the example that under the rule as written repairing spalling concrete on the deck of a dam over an area greater than 30% of that deck would trigger fish passage, and such repairs, either alone or cumulatively over time, would not be commensurate with the scope and cost of fish passage. Removing and/or modifying the phrases "top face of the dam" and "measured above the natural ground gradeline that is used to impound water" provide additional clarity and consider the variety of site conditions and construction methods exhibited by dams. Many dams are keyed into the substrate at significant depths below the pre-existing and/or current bed and bank of the impounded stream, and a calculation of dam area must consider the entirety of the infrastructure of the AO.

Thank you for your consideration of my comments and suggested edits.

*Steve Albertelli
Fish Passage Task Force and
Rules Advisory Committee Member*

Exhibit I
Peterson



REMINGTON RESEARCH GROUP

OREGON

PUBLIC OPINION

JANUARY 2019

Survey conducted January 23 through January 24, 2019. 1,075 likely 2020 General Election voters participated in the survey. Survey weighted to match expected turnout demographics for the 2020 General Election. Margin of Error is +/-3.3% with a 95% level of confidence. Totals do not always equal 100% due to rounding.

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Q: Oregon wildlife like coyotes, bobcats, foxes, and cougars play a vital role in healthy ecosystems by controlling disease transmission, keeping rodent populations in check, increasing biological diversity, and protecting crops. Do you agree or disagree that wildlife like coyotes, bobcats, foxes, and cougars are an important asset to Oregon's ecosystems?

Agree: 76%
Disagree: 17%
No opinion: 7%

Q: Wildlife-killing contests are organized events in which participants compete for prizes—typically cash or guns—to see who can kill the most or the largest animals within a certain time period. Participants use high-tech calling devices to lure animals in for an easy kill. In Oregon, wildlife killing contests typically target coyotes. Do you support or oppose a ban in Oregon on wildlife killing contests?

Support: 60%
Oppose: 31%
No opinion: 9%

Q: Numerous scientific studies point out that the indiscriminate killing of wild animals, like coyotes, will not mitigate conflicts with livestock or pets. Studies show that animal-husbandry practices, such as the use of guard animals or electric fencing, are more effective, humane and cost efficient in protecting domestic animals in the long run. With this in mind, do you support or oppose a ban in Oregon on wildlife-killing contests?

Support: 59%
Oppose: 29%
No opinion: 12%

Q: Wildlife management professionals have stated that the random killing of coyotes, including in wildlife killing contests, will not reduce their numbers in the long term—and could even increase them by causing more reproduction—and will not increase populations of game species like deer or elk for hunters. With this in mind, do you support or oppose a ban in Oregon on wildlife killing contests?

Support: 58%
Oppose: 31%
No opinion: 11%



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Q: Oregon wildlife like coyotes, bobcats, foxes, and cougars play a vital role in healthy ecosystems by controlling disease transmission, keeping rodent populations in check, increasing biological diversity, and protecting crops. Do you agree or disagree that wildlife like coyotes, bobcats, foxes, and cougars are an important asset to Oregon's ecosystems?

Column %	1	2	3	4	5
Agree	75%	71%	81%	77%	73%
Disagree	17%	21%	12%	16%	17%
No opinion	8%	7%	7%	7%	10%

Table 1. Q by CD

Column %	Republican	Democrat	Non-Partisan
Agree	68%	85%	70%
Disagree	23%	10%	19%
No opinion	9%	5%	10%

Table 2. Q by PARTY

Column %	Female	Male
Agree	80%	71%
Disagree	13%	21%
No opinion	8%	8%

Table 3. Q by GENDER

Column %	Conservative	Moderate	Liberal
Agree	64%	78%	87%
Disagree	26%	14%	8%
No opinion	10%	9%	4%

Table 4. Q by IDEOLOGY



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Q: Wildlife-killing contests are organized events in which participants compete for prizes—typically cash or guns—to see who can kill the most or the largest animals within a certain time period. Participants use high-tech calling devices to lure animals in for an easy kill. In Oregon, wildlife killing contests typically target coyotes. Do you support or oppose a ban in Oregon on wildlife killing contests?

Column %	1	2	3	4	5
Support	59%	50%	70%	61%	58%
Oppose	31%	41%	22%	29%	30%
No opinion	11%	8%	8%	10%	12%

Table 5. Q by CD

Column %	Republican	Democrat	Non-Partisan
Support	47%	74%	51%
Oppose	39%	19%	39%
No opinion	14%	7%	10%

Table 6. Q by PARTY

Column %	Female	Male
Support	68%	49%
Oppose	21%	41%
No opinion	10%	9%

Table 7. Q by GENDER

Column %	Conservative	Moderate	Liberal
Support	44%	63%	75%
Oppose	44%	27%	19%
No opinion	12%	10%	7%

Table 8. Q by IDEOLOGY



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Q: Numerous scientific studies point out that the indiscriminate killing of wild animals, like coyotes, will not mitigate conflicts with livestock or pets. Studies show that animal-husbandry practices, such as the use of guard animals or electric fencing, are more effective, humane and cost efficient in protecting domestic animals in the long run. With this in mind, do you support or oppose a ban in Oregon on wildlife-killing contests?

Column %	1	2	3	4	5
Support	57%	51%	71%	61%	58%
Oppose	29%	39%	19%	29%	30%
No opinion	14%	10%	10%	11%	12%

Table 9. Q by CD

Column %	Republican	Democrat	Non-Partisan
Support	46%	73%	54%
Oppose	38%	19%	34%
No opinion	16%	8%	12%

Table 10. Q by PARTY

Column %	Female	Male
Support	69%	49%
Oppose	19%	42%
No opinion	13%	10%

Table 11. Q by GENDER

Column %	Conservative	Moderate	Liberal
Support	44%	62%	76%
Oppose	42%	27%	17%
No opinion	15%	12%	7%

Table 12. Q by IDEOLOGY



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Q: Wildlife management professionals have stated that the random killing of coyotes, including in wildlife killing contests, will not reduce their numbers in the long term—and could even increase them by causing more reproduction—and will not increase populations of game species like deer or elk for hunters. With this in mind, do you support or oppose a ban in Oregon on wildlife killing contests?

Column %	1	2	3	4	5
Support	57%	49%	70%	58%	55%
Oppose	34%	39%	20%	30%	30%
No opinion	9%	12%	10%	12%	14%

Table 13. Q by CD

Column %	Republican	Democrat	Non-Partisan
Support	46%	71%	51%
Oppose	38%	22%	36%
No opinion	16%	8%	12%

Table 14. Q by PARTY

Column %	Female	Male
Support	66%	48%
Oppose	21%	42%
No opinion	13%	10%

Table 15. Q by GENDER

Column %	Conservative	Moderate	Liberal
Support	45%	56%	75%
Oppose	40%	31%	19%
No opinion	15%	13%	6%

Table 16. Q by IDEOLOGY



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DEMOGRAPHICS

	%
1	20%
2	20%
3	20%
4	20%
5	20%

Table 21. CD

	%
Republican	31%
Democrat	42%
Non-Partisan	27%

Table 22. PARTY

	%
Female	54%
Male	46%

Table 23. GENDER

	%
Conservative	33%
Moderate	41%
Liberal	26%

Table 24. IDEOLOGY