IX. FISH & WILDLIFE

General Fish & Wildlife Statement 9.005
1 The state fish and wildlife laws and rules must be built on a sound
2 basis that recognizes the general benefit of business and encourages
3 individual enterprise. (07)

Oregon Department of Fish & Wildlife (ODF&W) 9.010
1 ODF&W is encouraged to recognize the vast scope of high quality fish
2 and wildlife habitats on private lands, the natural resource stewardship of
3 private landowners and managers and the property rights associated with
4 both ownership and resources management reserved to private lands.
5 Landowners are recognized as full and equal partners in resource
6 management policies that are adopted by resource agencies and ODFW
7 ensures appropriate cooperation in the implementation of these programs.
8 (17)
9 We are opposed to ODF&W having the authority to require a private
10 landowner to adopt a wildlife management plan in exchange for the
11 approval of a building permit. (04), (08)

Fish Hatcheries 9.030
1 We believe that the State’s fish hatchery program is an important and
2 necessary tool in the process of recovering and protecting our region’s
3 salmon and steelhead. Sound hatchery management will have a more
4 positive than negative effect on our region’s fish.
5 Excess fish returning to hatcheries should be used in a manner that
6 helps with the State’s efforts to protect our fish populations or provides
7 recreational opportunities for Oregonians.
8 Excess fish should be used to support the hatch box programs,
9 introduce fish to waters without populations or allowed to spawn naturally
10 in the water they have returned to.
11 Excess salmon should not be killed other than for egg and spawn
12 harvest or for scientific purposes. (00), (09)

Elk Production and Sales 9.040
1 We support the raising and selling of domestic privately owned elk,
2 deer and buffalo and the products resulting from the production of such
3 animals, except in cases where the USDA/APHIS, Oregon Fish & Wildlife,
4 or Oregon Department of Agriculture have issued an import/export
5 moratorium. (00), (02), (08)

Game Animal Transplanting 9.050
1 A moratorium should be instituted on the transporting and
2 transplanting of big game animals until new guidelines can be established
from an impact study by representatives of the livestock industry, the U.S. Forestry Service, the Oregon Department of Fish and Wildlife, and the Oregon Department of Agriculture.

We support requiring health inspections on all game and non-game wildlife, including avian species moved interstate or intrastate, including movements by state or federal agencies.

The Oregon Department of Fish and Wildlife should be required to meet the interstate health laws for domestic livestock and the introduction or reintroduction of game animals should not reduce the allotted Animal Unit Months (AUMs) for private livestock producers that use public lands.

**Domestic Sheep** 9.075

1. All sheep (ovine) privately owned and in production should be classified as domestic and private property and accorded full protection in accordance with the law, except in cases where USDA/APHIS has issued an import permit stating a different classification.

**Game Animal Numbers** 9.100

1. Population levels of large game animals, predators, and other wildlife numbers are the result of rules and programs designed to achieve state and/or federal management objectives. When damage occurs to or on private lands due to the number of game animals, predators, and other wildlife, the land owner should be compensated. (09), (17)

**Hunting and Fishing License Cost** 9.110

1. Hunting and fishing licenses be at a price that all can afford to buy them.
2. We support allocation of sufficient General Fund dollars to the Oregon Department of Fish and Wildlife so that the department is not overly reliant on hunting and fishing fees to fund their management program. (15)

**Closure of Hunting Season** 9.120

1. State or Federal Wildlife departments should not be allowed to close an entire hunting season on game animals or birds because of a subspecies' low population when natural processes are the predominate cause for the loss of the subspecies. (04)

**Hunting Tags** 9.125

1. People who live and/or work in in their prescribed local hunting unit should receive first preference upon ODF&W issuance of any hunting tags before those individuals who do not live and/or work in their prescribed local hunting unit. ODFW is encouraged to issue unallocated tags to hunters listed on landowner permission forms prior to making them available to other hunters. We request removal of the legal limitations that prohibit landowners from taking more than one elk per year. (17)
Wildlife Refuges 9.130

The U.S. Fish and Wildlife Service should be required to plant or maintain adequate acreage of crops suitable for winter feed for wildlife on all National Wildlife Refuges.

Any water used should be obtained without adversely impacting historical uses of or creating a precedent for water. We propose that the funds from the Pittman Roberts Act be used to seed refuges for the feeding of the wildlife and waterfowl. (04)

Goose Depredation Plan 9.140

In order to implement an effective plan to reduce the amount of damage done to agricultural products by geese, all seven of the following points must be put into effect:

1. The goose population must be reduced so that there are fewer geese on agricultural land.
2. Take maximum advantage of statewide hunting opportunities of geese. We must maintain hunting at a level that will allow effective hazing of geese on agricultural lands.
3. Refuges should be farmed to grow crops that will attract and feed the waterfowl population and must be maintained at optimum levels to attract geese away from agricultural land.
4. Stable funding must be provided to USDA/APHIS Wildlife Services to help alleviate damage cause by geese.
5. There should be a compensation program that reimburses producers for lost crop yields. (03), (04), (09)
6. Non-migrating/resident geese should be exempt from the Migratory Bird Treaty Act. (10), (Referred to AFBF, 2010)
7. That the Oregon Department of Fish and Wildlife identify and recognize the different areas in the state that are having goose damage and develop a specialized plan for control of those geese that can include adding a hunting season for the area of damage outside of the eight hunts now. Also, ODF&W is to work with the Federal program to allow the additional hunting seasons. (17)

We support the increased hunting of resident geese by adding an additional hunting season. (05), (07), (09), (10)

We recommend to ODF&W to begin the Goose Hunting Season in the fall when the birds start arriving no later than the opening day of Duck Season which is around the middle of October. Hunting shall be allowed every day during hunting season. (15)

Oregon and Federal Fish & Wildlife design a landowner preference tag program similar to the one for deer and/or elk that can be used by farmers and ranchers throughout the state.
**Predator Management 9.200**

1. Predator management must be an essential part of an overall wildlife management program to maintain a reasonable compatibility with other wildlife, to reduce livestock losses, and for the public interest, health and welfare including control of rabies and other diseases that may be transmitted to humans.
2. Property owners should be allowed to haze or take action to eliminate predators before they cause damage.
3. The keeping of recognized breeds of Livestock Guardian Dogs that are used specifically for predator management is an acceptable farm practice. Livestock Guardian dogs should be officially included in statute as a farm animal.
4. We support the supervised use of chemical toxicant as part of a management program and request that research be conducted to find additional new methods for control. Financing for research should include appropriations from the federal government, state general fund, game fund and counties.
5. We support an amendment to the rodent control law to authorize county governments to establish rodent or predator control districts. (05)
6. It is at the animal owner’s discretion if they want to have any additional health care exams or treatments when they only want to have vaccinations given to their animals. (15)
7. We oppose any efforts to impose any restrictions on the take of predators. (21)

**Authority over Predator Management 9.201**

1. Management of predators must remain under the Oregon Department of Agriculture. (21)

**Cougar Hunting 9.205**

1. We support the use of dogs to assist in controlling cougar numbers where a perceived threat to livestock or humans occurs. (03)

**Animal Damage Control 9.210**

1. Landowners possess constitutionally protected rights to prevent damage to private land from wildlife belonging to the state or federal government. We recognize that certain management programs are being conducted to reduce wildlife depredation to private land. We request legislation requiring the respective authority entrusted with the control of wildlife, including endangered and migratory species, that ensures implementation of effective methods to prevent damage. Non-lethal control measures, including, but not limited to, hazing, fencing, or planting lure crops, while often available to landowners are the primary responsibility of the respective agency to implement at their own cost.
2. When damage cannot be avoided, the respective agency must provide
depredation or damage permits directly to the landowner in numbers necessary to remedy damage and that are to be used at the landowner’s discretion. We request removal of the legal limitations that prohibit landowners from taking more than one elk per year.

We encourage and support efforts to meet with the Oregon Fish and Wildlife Commission for control and management of wildlife. Upon request, any landowner should be supplied with a complete list of hunters available to assist landowners with wildlife control efforts through the damage program. When property damage occurs that cannot be addressed through control efforts on private land, ODF&W is encouraged to use their authority to conduct emergency hunts within an identified boundary suitable to address the damage, including public land if necessary. All permits issued under an emergency hunt, including those provided to a landowner, should be available for use anywhere within the hunt boundary irrespective of ownership but on private lands only with the permission of the landowner.

Any demand from ODFW for compulsory public access to private lands, including in exchange for the issuance of damage or kill permits, is an impermissible diminishment of landowner rights to protect private property. Kill permits should be assignable to any designated wildlife control agent of the landowner. ODFW retains the responsibility to retrieve and dispose of carcasses from control efforts unless prior alternatives are made with the landowner. The U.S. Department of Agriculture should maintain control of the Animal Damage Control (ADC) Program.

When publicly funded, USDA Wildlife Services equipment (traps, snares, large bear/ cougar traps etc.) are properly set to remove dangerous/ damage causing animals and are vandalized, damaged or destroyed, the state shall prosecute those responsible or act to protect both public and private interests. (15), (17)

**Wildlife Overlay Zones**

9.211 We oppose wildlife overlay zones in land use planning. When wildlife overlay zones are designated, a management plan that involves and is supported by the landowners, neighboring landowners and producers that are impacted by the overlay zone will be developed with the wildlife management agencies whether state or federal or both to manage the wildlife in that zone. (17)

**Landowner Preference Tags**

9.220 ODFW is encouraged to recognize the constitutional rights to hunt and fish and critical conservation role of the private landowner on property under their ownership.

The primary focus and consideration of the Landowner Preference (LOP) program should be to recognize that landowners provide quality habitat for the State’s wildlife and not to address wildlife depredation.
There should be no restrictions for assigning LOP tags. Private landowners should be allowed to designate preferred non-family persons to obtain landowner preference tags to be used on landowner’s property.

We request legislation that would allow a LOP tag to be used in any open season while adhering to the bag limitations and other restrictions of each particular season.

The Oregon Department of Fish and Wildlife (ODF&W) should be required to return to the traditional rule of requiring a minimum of 40 acres for landowner preference tags throughout the state and to refrain from making rules which violate the constitutional right of a portion of the citizens of the State of Oregon. (17)

**Animal Unit Months Allocation Ratio and Game Numbers 9.230**

We support a program to establish game herd numbers and a reasonable animal unit month allocation ratio, which does not damage private or public rangelands. (04)

The ODFW Commission must consider private land uses and the damage that can be done on public and private lands by game animals when setting hunting seasons and bag limits. ODFW should be limited in calculating available forage to public lands. (17)

**Wolf Hybrid Registration 9.250**

We support legislation to require the registration of all canine with wolf blood, either raised in Oregon or brought into the state, and to require such animals to be tattooed for permanent identification.

If a canine with wolf blood is caught by a trapper or shot by a hunter, the trapper or hunter should not be in violation of the Endangered Species Act. (07)

**Gray Wolf 9.255**

We support the removal of Gray Wolf from the Oregon Endangered Species list and the federal Endangered Species List and we oppose any efforts to create a Gray Wolf recovery plan. (18)

However, as party to the wolf conservation & management plan, we support a wolf control management plan to facilitate the federal and state delisting of the Gray Wolf. Within 12 months of when criteria are met, the state should honor its agreement to delist the Gray Wolf statewide.

Additionally, any plan should include the opportunity to compensate livestock owners for economic losses from wolves and should allow livestock owners the ability to take wolves on public lands and private property that are a threat to humans and/or domestic livestock.

We support allowing the Oregon Department of Fish and Wildlife to manage wolves in Oregon using lethal and other methods. (04), (05), (07)
Policy No. 9.260, Oregon Wolf Management Plan, was combined with 9.255 (07)

Trapping 9.275
1 We support the use of trapping for subsistence, recreation and predatory animal control, including the use of leg holding traps, snares, livestock protection collars, and other methods. We support having no trap check interval for the unprotected and predatory animals, but if there has to be one, that it is no less than 76 hours. We support a trap check interval of not less than every 48 hours for furbearing mammals and support the removal of all trapped animals when traps are checked. For killing traps and snares, we support a trap check interval of no less than 30 days.

Special Designation 9.300
1 We oppose any policy that requires protected areas on private land and forbids any farming and/or forest operation in such area. (04)

Horse and Burro Management 9.350
1 We support repeal of the Federal Wild Horse and Burro Act. We support the repeal of the Horse Slaughter Prevention Act. Further, all public land agencies with horses and burros, be they wild, feral or abandoned domestic, on their districts should be required to maintain herd numbers no greater than set forward in their most recent management objectives. (09), (Referred to AFBF, 09)
2 If wild horses and burros are found to be contributing or causing rangeland health standards to be exceeded within Bureau of Land Management/Forest Service grazing allotments and wild horse and burro populations exceed applicable management objectives, the Bureau of Land Management/Forest Service should be required to reduce herd levels to management objectives before it may require any changes to livestock grazing management. (15)

Feral Pigs 9.375
1 We oppose the importation of feral pigs into Oregon for the purpose of stocking hunting ranches and we support the eradication of existing stocks of feral pigs. (06), (07)

Endangered Species Act 9.400
1 We support a regional approach to achieving sustainable native fish stocks in Oregon and the Pacific Northwest. Plans of action must be socially, scientifically and economically verifiable in order to be effective and implementable. All planning must be sensitive to management practices initiated by irrigated agriculture that is intended to protect fish habitat. We support reform of the Endangered Species Act (ESA) to prevent creation of incentives to sue and recover attorney’s fees on issues that the federal
government and communities are working to address. We support a prohibition on citizen suits to enforce the Endangered Species Act when the federal government or communities are actively working to meet their obligations under the Endangered Species Act. We also support limitations on the entities that can recover fees under the Endangered Species Act, including limitations related to the value of the assets of non-profit organizations who seek attorney fees under the act and a cap on the amount of fees and hourly rate an entity may receive. We also support the creation of legislation that requires those seeking attorneys' fees to win on each claim prior to being able to recover any funds for any lawsuit. We also support the creation of legislation that requires individuals or groups to post a bond if their lawsuit will have an effect on producers. We support continuing to keep pressure on agencies and the DOJ regarding misuse of ESA citizen suit provisions. (Referred to AFBF, 2016) (16). Cost effectiveness of implementation of plans is essential to obtain long term positive results. Local participation in the planning process is equally essential.

We support the protection of any sea going threatened or endangered fish species by enforcing a 200-mile limit on any foreign fishing vessel. The national and Oregon Endangered Species Act should be amended to provide that:

1. Listing a species as endangered shall be upon an endangered basis alone, and not on the basis of "rarity";
2. Encroachment upon economic agricultural or silvicultural practices should be prohibited;
3. Proof of species endangerment should be upon the petitioner or the Department of Fish and Wildlife and not on the general public;
4. A person proposing an animal or plant's designation as an endangered species should be required to post a bond for damages incurred by a land owner if the species is subsequently not found to be endangered;
5. The state and federal government should be strictly liable for any and all injuries or damages to property caused by, or in any way, arising out of the allocation or re-establishment of an endangered species, especially carnivores such as wolves and bears;
6. Before the Endangered Species Act may be used to enjoin any public or private activity, the party seeking the injunction should post a bond with the court in the amount of three times the estimated damages that may result to the enjoined person or entity from the issuance of such injunction.
7. Scientific data supporting the inclusion of a species should receive wide dissemination to landowners and private organizations which represent the rights of landowners;
8. Where there is a conflict, human need for food and energy should have priority over the protection of endangered species;
9. Endangered species should be taken or removed from private lands if it is causing damage to private property, or if payment of compensation for the damage is not allowed by the state or federal government;
10. If endangered species are transplanted into other areas by the Department of the Interior or Oregon Department of Fish and Wildlife, that the act does not provide endangered species protection or prohibit insect control in the area of transplanting;
11. In an area where an endangered species has not been sighted for two years, the area should be withdrawn as a designated habitat;
12. An economic impact study should be required of all actions taken under the Act that would perpetuate the existence of an endangered species;
13. Any agency, organization or person requesting a rare or endangered species classification to be placed on species or requests a critical habitat designation should be required to:
   a) Provide and fund an environmental impact report with emphasis on the economic impact of the action;
   b) Conduct a DNA analysis on the proposed species to be introduced to ensure that it is qualified as a unique, genetically pure species.
14. Before a fine is levied against a landowner for causing the death of an endangered species animal a scientific necropsy (to be paid for by the fining agency) should be conducted by an independent lab or fish biologist to determine the exact cause of death. Written results of the findings should be made available to the alleged violator. Inconclusive or suggestive results should not be used as a basis for fines.
15. Section 7 of the Endangered Species Act should not be applied to federal insurance programs, such as the National Flood Insurance Program and crop insurance programs. The Endangered Species Act should be amended to expressly not apply to federal insurance programs and those programs should be made non-discretionary for purposes of the Endangered Species Act.
(Referred to AFBF, 2016) (16)
16. We support the use of the 4(d) rule at the time of listing a species as threatened, to protect farmers and ranchers from “take” lawsuits. (18)

We oppose label restrictions on essential agricultural pesticides for the protection of endangered species when such restrictions jeopardize agricultural production.
Until effective and economically affordable alternative chemicals or methods of control are approved and are available for use; label
restrictions under the proposed plan are premature and should be withdrawn. We oppose the introduction or reintroduction of endangered species, wolves and bears on public and private lands or the spread of these animals outside of experimental population areas. We encourage counties to develop ordinances that would prohibit such activities. In addition, animals and their subsequent offspring from experimental programs should not be classified as endangered when they escape the experimental area. We support laws that would make it legal to take said species that have wandered onto private lands.

We support the right of landowners to protect themselves, their families, livestock and properties from all predators including bears, mountain lions, wolves and those listed on the Endangered Species Act. We support a program of landowner/operator compensation for protection given the endangered species. Because a threatened or endangered species is deemed to be of social value, no single industry or facet of society should be called upon to bear a disproportionate share of the responsibility or cost of recovery.

Any artificial reintroduction of anadromous fish stocks into state waterways, previously stopped by hydro and irrigation dams should be defined as artificial fish stocks and not considered endangered.

**Removal of Species from Threatened and/or Endangered List 9.410**

We petition the Oregon Department of Fish & Wildlife and the Oregon Department of Forestry and the U.S. Fish & Wildlife Service to remove the spotted owl from the threatened species list. Efforts should be made to expedite the process of removing a species from either or both the federal or state threatened or endangered species list(s) when it is scientifically warranted.

**Marine Mammal Protection Act 9.450**

We support amending the Marine Mammal Protection Act to allow easier use of lethal control measures on seals and sea lions deemed detrimental to protected fish species. Marine Mammal Protection Act should not apply to fresh water in the Western states.

**Grazing Fee Formula 9.500**

We support retaining the present federal grazing fee formula, which is tied to cattle prices and other factors. We do not oppose reasonable grazing fee increases calculated within the formula. Research of other types of grazing fee programs should be continued as an appropriate option for the benefit of the grazing industry. Any alternative to the Public Rangeland Improvement Act (PRIA) formula must consider all factors affecting a permit holder’s ability to use the resource.
We encourage the establishment of a grazing fee formula on the basis of economics and scientific principles for federal lands. We oppose an administrative approach to reform federal land management without congressional approval. We support the continuation of permit holder advisory groups with the possible addition of two local members from the general public in the affected areas.

**Grazing Permit Applications** 9.510

A federal or state land management agency should respond with an affirmative or negative answer within 30 days after a grazing permit application is filed. If a successful applicant suffers economic loss due to delays on the part of a federal or state agency, the federal or state agency should be held financially liable.

**Grazing Lands Conservation Initiative** 9.520

We endorse the national Grazing Lands Conservation Initiative for private grazing lands and recommend that the American Farm Bureau Federation also endorse the initiative. (05)

**Range Improvement** 9.530

We support appropriating sufficient funds to implement the Range Improvement Act. We support government agencies’ efforts to increase range productivity.

We recognize the value of prescribed burning as a tool of forest (woodlands) and range management. (05)

**Weed and Brush Control** 9.600

We support aggressive legislation and management that will result in more effective noxious weed and brush control.

State and local weed enforcement rules should be enforced.

We recommend public financing for control of priority noxious weeds as determined by the Oregon Department of Agriculture.

We support research by the State of Oregon and/or Oregon State University and chemical companies for biological and chemical control of declared noxious weeds. The control of all noxious weeds should be mandatory for each individual or government agency holding land within the state.

It should be the physical and financial responsibility of the holders or owners of confiscated and foreclosed property to maintain adequate weed control and levels of activity to prevent reversion to non-managed classification for wetland delineation.

However, we favor the ability of operator/landowners to commercially cultivate and harvest plants normally considered to be noxious weeds. Such persons should be responsible for containment of the plants. If the plant is an “A” Class weed, the operator/landowners must work with the local and/or state weed board. At the point when such commercial
cultivation ceases, the landowner should be financially responsible for the eradication of the noxious weed on such land. Weed and brush control provisions should be extended to artificially created wetlands.

If the state of Oregon grants an easement across state lands, the grantee shall maintain a noxious weed abatement program (along with a performance bond) for noxious weeds within the easement as defined by the Oregon Department of Agriculture and the County Weed Board, where the easement resides.

All state and county road right-of-ways must be managed to prevent the spread of weeds that cause economic problems for agriculture.

Before the state, a county, and/or a municipality purchases any additional land, money must be budgeted and designated to maintain in perpetuity the acquired land free of weeds that can move off site. (07), (09)

Any federal or state entity who funds a conservation program near agriculture lands will be required to ensure that the land enrolled in the conservation program has noxious weed control program ensuring that weeds do not spread onto privately owned farm or ranch land.

We support rules that would require the use of only Oregon Department of Agriculture Certified Weed Free Forage on all state lands, including forests and parks.

An adequate percentage of gas tax be dedicated to road right of way noxious weed control. (15)

Wild Bird Seed 9.605
1 Wild bird seed should not contain noxious weed seeds, unless the seed is sterilized. Sterilization should be verified through germination testing by the Oregon Department of Agriculture.

No Spray Signs 9.610
1 When a landowner places a "NO SPRAY" sign on a road or right of way, the landowner should be responsible for controlling the weeds and brush or for the damage they cause.

Crop Pollinators 9.615
1 We support and encourage the scientific community including Oregon State University search for solutions to Pollinator Population decline. We recognize the general benefit to agriculture of a healthy pollinator population. We encourage all farms to enhance pollinator habitat.

Fencing 9.700
1 We support legislation to require cooperative cost sharing on fencing or the value thereof of a legal fence between adjoining land owners and between land owners and federal or state land only when necessary for control of livestock in an open range that becomes a closed range livestock district. Fencing required because of a change to a closed range
livestock district, should be funded and maintained by the enforcing government agenda.
Unapproved Techniques of Fish Habitat Restoration  9.710
1  We oppose the building of unproven technology for fish habitat
2  improvement, where it has short and/or long-term negative impacts on
3  downstream users. (18)

Fish Passage  9.720
1  We oppose the implementation of one size fits all fish passage
2  requirements on farm infrastructure on minor waterways and agricultural
3  drainage ditches. Specifically, we oppose ODFW's fish passage
4  requirements for tide gates and culverts where there is no proven
5  appreciable benefit to providing fish passage or where a non-fish passage
6  tide gate originally exists.
7  Where ODFW insists on fish passage, they should not specify
8  engineering requirements and they should only require benefit from the
9  passage that existed with the current structure, not a new standard of fish
10  passage. Economic constraints should also be considered as part of the
11  project evaluation. (19)

Beaver Management  9.730
14  We recognize the potential ecological benefits of beaver for natural
15  water storage and fish & wildlife habitat enhancement. However, because
16  of potential conflicts between beaver activity and public & private land
17  uses and infrastructure, we support ensuring that beaver management
18  can continue to occur to protect agricultural lands and conservation
19  projects from damage and ensure that flood waters do not infringe on
20  private lands and public infrastructure. We support classifying beavers
21  as predatory animals on private lands to allow them to be excluded
22  or taken without authorization from ODFW. Also, beaver removal is a
23  critical tool on public lands, including State & county roads, state lands,
24  and federal lands, which helps protect public and private lands and
25  infrastructure from beaver damage and flooding, and must be
26  maintained. We support state and federal programs that offer financial
27  and technical assistance to private landowners for beaver management,
28  mitigation, and removal. (20)

Essential Salmonid Habitat  9.740
31  We support limiting essential salmonid habitat (ESH) to natural,
32  perennial streams and ensuring that waterways that are part of agricultural
33  ditch systems are not listed as ESH. If a ditch is erroneously listed as ESH,
34  we support the landowner having a process to petition ODFW for its
35  removal. (20)