

OHA TRACKER

OCTOBER 2018



JIM WARD

OHA prevails in lawsuit for elk habitat in Ochocos

A Magistrate Judge in an August recommended ruling sided with the Oregon Hunters Association (OHA) and other groups who filed suit to stop the U.S. Forest Service from building an additional 137 miles of off highway vehicle (OHV) trails in critical elk habitat on the Ochoco National Forest.

OHA filed a lawsuit in 2017 challenging the Record of Decision by Forest Service to implement the project. Magistrate Judge Patricia Sullivan in Pendleton on Aug. 27 issued her Findings and Recommendations in the case, which ruled for OHA on four of the five claims made against the project.

Finding that the Forest Service made an “arbitrary and capricious” decision to

approve the project, she recommended that the Record of Decision be set aside. The judge’s finding essentially would kill the project unless the Forest Service goes back to the drawing board. A final ruling is expected in the next few months.

OHA’s claims that the project violated road density standards in the Ochoco National Forest Plan and didn’t adequately address protection for elk during calving and rutting seasons prevailed.

Jim Akenson, OHA’s conservation director, was pleased with the recommended decision.

“We fought for elk, and won,” said Akenson.

“OHA did everything they could to participate in the Forest Service planning

process and raise their concerns about impacts on elk security and habitat,” added Paul Donheffner, OHA’s legislative committee chairman. “We filed this lawsuit as a last resort. This was a very good day for OHA, other conservation groups that value the Ochocos, and for elk. Prevailing against the federal government is no easy match. This is a great victory for OHA and our mission.”

The Ochoco Mountains have historically been some of the best habitat for deer and elk in Oregon. Information published on ODFW’s website reveals that hunting contributes more than \$14 million to central Oregon’s tourism economy and more than \$104 million to the statewide tourism economy on an annual basis.

ODFW believes removed cat is first to kill a human in Oregon

ODFW is ending cougar capture operations because all available evidence shows the cougar killed on Sept. 14 in the Mt. Hood National Forest is the one responsible for the state’s first fatal cougar attack.

The cougar killed was detected on a trail camera set right at the site where the attack occurred on hiker Diana Bober, 55. Over the previous week, no other cougar was detected in the area. Cougars are territorial. Males have larger home ranges (50-150 square miles) while a female home range is usually 20-30 square miles. Trail cameras were first set at the attack site on the Hunchback Trail, then expanded to about a 35-square mile area around that site, and eventually surveilled a roughly 78-square mile area. No other cougar was ever detected on this network of 31 cameras set on trails, wildlife corridors, saddles and other areas where cougars are likely to travel, adding to the evidence that the cougar responsible was killed on Sept. 14.



A trail camera caught this cougar just a few feet from where the victim’s backpack was found.

The cougar’s age also plays a role in evidence. The female cougar killed is several years old, and by that age cougars have an established a home range. The lack of any other cougars in the area suggests this cougar was in its home range when it attacked and killed Diana, and that it is unlikely another cougar is responsible.

After the cougar was killed on Sept. 14, it was immediately bagged to prevent any contamination of evidence during transport and flown by Oregon State Police to the U.S. Fish and Wildlife Service Wildlife

Forensics Lab in Ashland.

The lab has been analyzing evidence from the cougar’s body and evidence from the scene of the attack. However, the lab is unable to extract any relevant DNA from evidence collected at the attack scene to use for a comparison to the DNA from the cougar killed on Friday.

The analysis has been challenging due to contamination of evidence at the original attack site. Several days passed between when the fatal attack likely occurred and when Diana was discovered and evidence collected. Heavy rain did fall during that time period, further contaminating evidence.

The cougar weighed 64.5 pounds, which is within the normal weight range for female adult cougars. Her exact age is still to be determined.

Several TV stations and newspapers have interviewed OHA staff, who have stressed the need for better cougar management, specifically with hounds.

OHA eyes concepts for poaching bills

By Al Elkins, OHA Lobbyist
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After many months of meetings with legislators and their staff, representatives from OSP, ODFW and OHA submitted 2019 legislative concepts as part of an “anti-poaching campaign.” The bill drafts address these three poaching issues:

Problem #1 – Increase Some Wildlife Crimes to Felonies

Poaching of Oregon’s wildlife and natural resources is a serious issue, but does not have serious enough consequences in the form of penalties for some crimes. Crimes such as unlawful take of wildlife, waste of wildlife, egregious violations such as spree killing of wildlife and the purchase or sale of wildlife for commercialization only have Class A Misdemeanors penalties associated with them. In many cases this is viewed as too lenient of a punishment by the public, and not a deterrent to poaching activity.

Problem #2 – Increase the Violation Category for Some Wildlife Crimes

The penalties associated with violations of certain wildlife offenses that do not involve the taking of wildlife are too lenient. Certain violations that are committed by poachers prior to killing of wildlife are only a D violation, which carries a minimal fine of \$110 and does little to change their behavior. OHA seeks increased penalties for hunting from a motor-propelled vehicle, hunting with an artificial light, and shining an artificial light on a game mammal, predatory animal or livestock while in or near a motor vehicle and while in possession of weapon.

Problem #3 – Definition of a resident angler/hunter

The current definition of residency has wording that is subjective and open for interpretation. Specifically, the wording of “temporary absence” in the current definition of resident makes it difficult to prosecute cases of non-residents falsely applying for resident hunting and angling licenses in Oregon.

Bill drafts should be available sometime in late October or early November.

Commission OKs regs changes, preference points for tipsters

Mechanical broadheads and reduced bow draw weight for some big game species were approved by the Oregon Fish and Wildlife Commission for the 2019 Big Game Regulations at its September meeting in Bandon. The Commission also:

- ✓ Approved rules to allow people who provide information to the Turn In Poachers (TIP) program leading to an arrest or citation the ability to choose to receive (in lieu of cash) five preference points in cases of unlawful take, possession or waste involving moose, mountain goat, bighorn sheep and wolves, and four preference points for cases involving bear, cougar, deer and elk.

- ✓ Denied a petition to initiate rule making which could result in listing the Humboldt marten as endangered or threatened under the Oregon Endangered Species Act.

Predators and Politics

By Jim Akenson, OHA Conservation Director
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Predators are in the news: what’s new?

🐾 OHA staff have been interviewed for TV and newspaper articles recently in response to the tragic fatal cougar attack in the Mt. Hood National Forest, which appears to be the first documented case of a wild cougar killing a person in Oregon in recent times. We have been respectful of the family’s tragedy, but answered media questions frankly about the importance of more effective cougar management, specifically use of hounds.

🐾 One Wolf Plan stakeholder facilitated meeting was held Aug. 30 in The Dalles. Little progress was made toward achieving compromise, especially on controlled take, or hunting language. The management representatives all indicated a need to leave this important element in the plan.

Wolf advocates want hunting removed from the management tool box for the next planning period. The next meeting was scheduled to be held in Salem on Oct. 9.

Land management changes for SE Oregon?

By Ken McCall, OHA Resource Director
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The amended BLM Southeast Oregon Resource Management Plan (SEORMP) is scheduled for a draft release by Oct. 10, and the ultimate decision will guide BLM land management for a vast area, including nearly 5 million acres of prime wildlife habitat in the Owyhee Canyonlands area, Hart Mountain, Steens Mountain, Trout Creek Mountains and other areas treasured by hunters.

The SEORMP process has a two-decade history of BLM producing a management plan, followed by an environmental lawsuit by Oregon Natural Desert Association (ONDA) and a court decision that the BLM did not meet environmental and management laws and requirements. The decision required the BLM to amend the SEORMP.

OHA has not been directly involved in the legal process, but has worked with other conservation-minded sports groups in blocking the 2016 Owyhee Canyonlands National Monument proposal and tracking the developments in these plan amendments. Our primary interest is the OHV and wilderness designation elements of the amendments.

The BLM is mandated by the courts to address the lawsuit-directed amendments and is reluctant to consider additional management alternatives. A coalition of sports groups, including OHA, requested a public meeting to discuss the amendments and potential alternatives, but the request was denied. Our Malheur County Chapter has been involved in the planning process through involvement with the Owyhee Basin Stewardship Coalition, representing hunter interests in local efforts for amendment alternatives.

The landscape of the Owyhee country is under ever-increasing recreational pressure, but increased recreation is not the only impact. Moves by the Interior Department are proceeding to approve the proposed Big Grassy Mine west of Owyhee Reservoir. The proposed open-pit leach mine uses cyanide chemical leach ponds. OHA will evaluate and comment on behalf of wildlife and habitat.