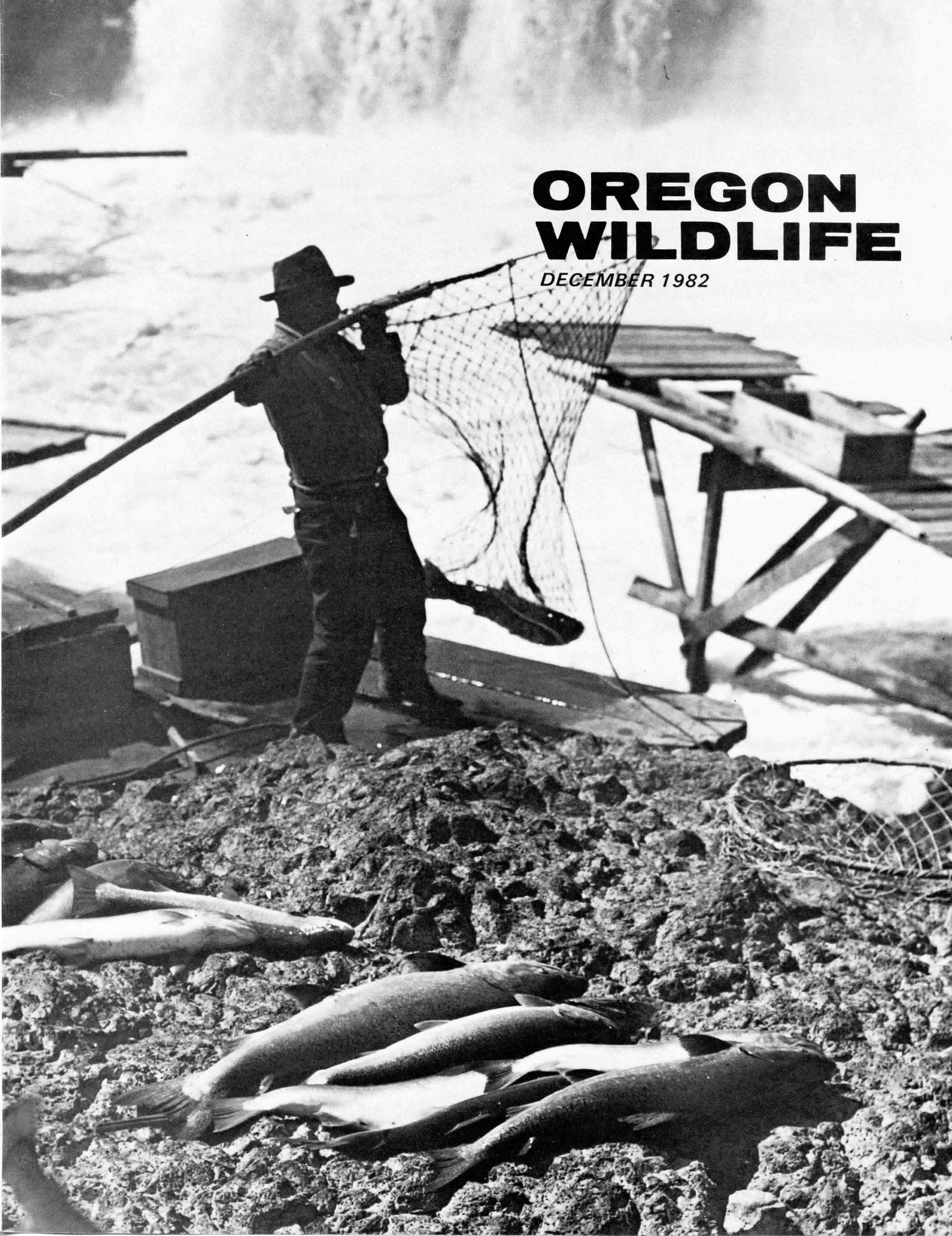


# OREGON WILDLIFE

DECEMBER 1982



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DECEMBER 1982  
Volume 37, No. 12

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Oregon Wildlife (ISSN 0094-7113) is published monthly by the Oregon State Department of Fish and Wildlife, Portland, Oregon. Volumes 1 through 28 were entitled Oregon Game Commission Bulletin. Oregon Wildlife is circulated free of charge with second class postage paid at Portland, Oregon. Material may be reprinted, credit would be appreciated.

Readers and POSTMASTER: Send address changes to:

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**Cover** — Salmon have been an integral part of Indian life along the Columbia River since long before the coming of the white man. These fish were dipped from platforms in the traditional way at Celilo Falls before its inundation after construction of The Dalles Dam.

*Photo by William Finley*

## REGULATION AND CONTROL FOR WHOM?

Some twenty years ago we had the opportunity to chat with a well-known movie actor who, at the time, was host of the General Electric Theatre television series. He commented that TV personalities were expected to go out and meet the public in one way or another, and since he couldn't sing or play a musical instrument, he had climbed on the soap-box to expound political conservatism.

Our natural interests caused us to ask his feelings toward government regulation and controls. His strong reply was that government should get out of the business of controlling business. We further asked if he felt this was completely true in the case of users of natural resources. He quickly backed off by admitting there had been a history of bad abuses of our natural resources and that this was an area where government had a legitimate place setting rules and controls for wise use.

We doubt seriously if President Reagan remembers that conversation or this writer, but his reply certainly stuck in our mind as he rose through the political ranks. Elsewhere in this issue is an article concerning the use of BLM lands in southern Oregon. This is an example of federal plans for the use of public lands and which control how natural resources are going to be used. Since BLM is an agency of the Department of the Interior the new direction might be labelled a "Wattism." However, the overall direction has to come from the top. A former president put it well in saying, "the buck stops here."

As the story indicates, some people in other federal agencies aren't comfortable with this new direction, and it should be pointed out that the local BLM people did their best on the plan within the guidelines they were given.

However, the plan doesn't seem to meet the criteria for wise multiple use of public land. We relate this BLM proposal, which essentially would create a monoculture, to our conversation of a number of years ago because either we were misled or misunderstood. The implication at that time was that government should control the use of natural resources to benefit all of the resources and all of the people.

Single-mindedness on the part of private landowners can be more easily understood, even though it might not be any more desirable from a resource standpoint. But single purpose use of public lands is simply a violation of public trust. The land is the base for all sorts of resources, including fish and wildlife. Fish and wildlife are the property of all the public, and for a federal land management agency to say, in effect, it doesn't care about providing for it with a multiple use plan seems a breach of faith with the public. From another standpoint, it may be rather shortsighted since it ignores the value of big game; both the actual value of meat to the sportsman, and the recreational dollars generated by hunters for the area.

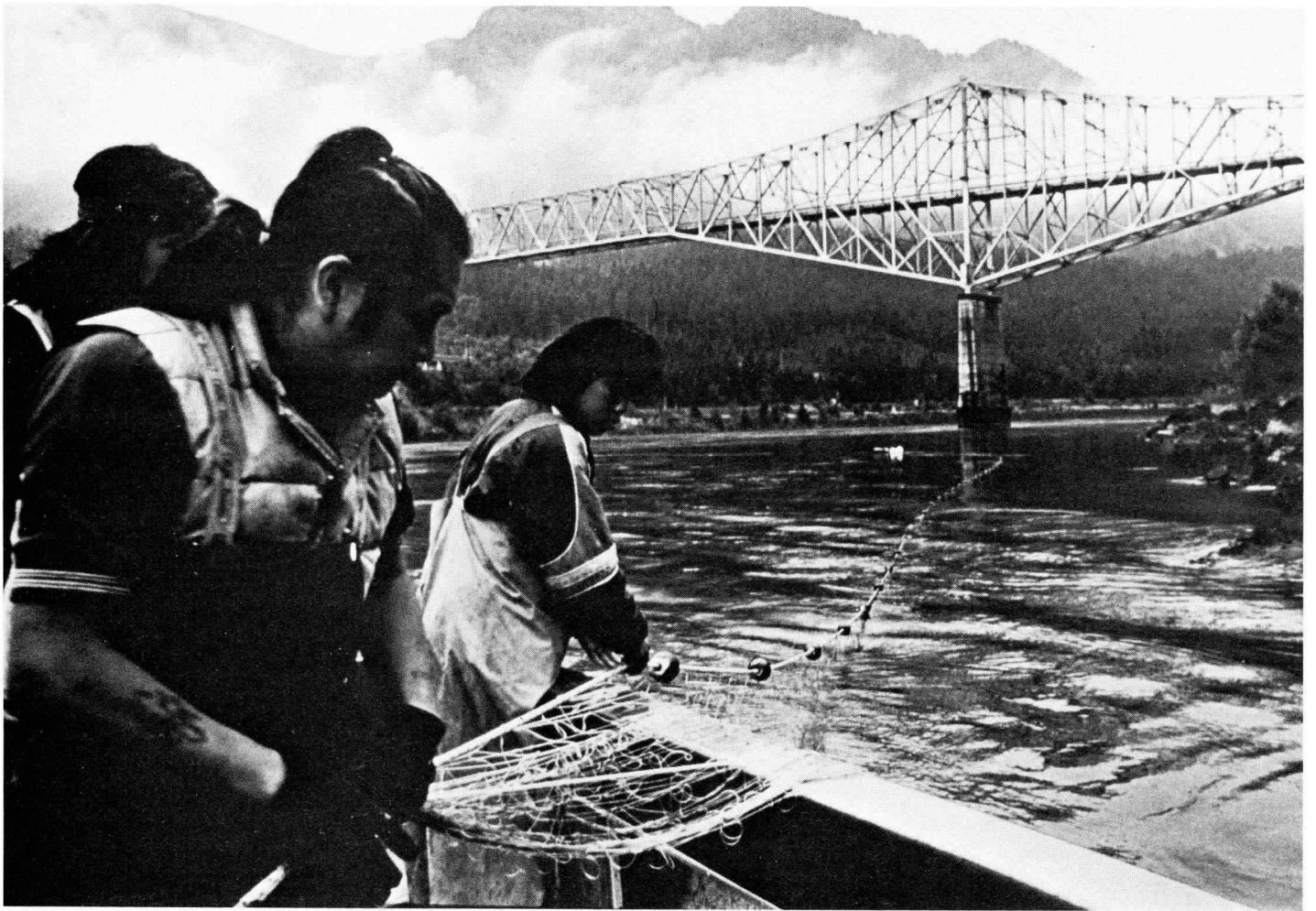
The proposal appears to be a prime example of regulations for special purpose . . . not for the benefit of all of the natural resources. □

R.E.S.

HUNTER EDUCATION PROGRAM  
INSTRUCTORS APPROVED  
Month of October ..... 23  
Total Active ..... 1,687  
STUDENTS TRAINED  
Month of October ..... 1,998  
Total to Date ..... 300,524  
HUNTING CASUALTIES  
REPORTED IN 1982  
Fatal ..... 1  
Nonfatal ..... 21

## COMMISSION MEETINGS

*None are scheduled in December.* □



Indian fishermen now use modern methods as well as traditional ones.

*Photo courtesy of the Columbia River Intertribal Fish Commission. (CRIFC)*

# WHY DO THE INDIANS “GET ALL THE FISH?”

*by  
Kay Brown  
Staff Fishery Biologist*

A recent federal court ruling closing the Columbia River to non-Indian chinook fishing for the month of September brought about some familiar cries. “Why do the Indians get special treatment over non-Indians?” “Why can’t they fish with everybody else?” “Why do the Indians get all the fish?”

While the problem may seem recent, the roots of the current controversy go back to the mid-1850’s when Columbia River fishing

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rights of the Umatilla, Warm Springs, Nez Perce, and Yakima Indian tribes were established under treaties signed by the U.S. Government and the four tribes.

A treaty is an agreement between two sovereign nations. The treaties that were signed with the four Columbia River tribes are legal, binding agreements which can only be changed by mutual consent of the tribes and the U.S. government. The strength and in-

clusiveness of these treaties is expressed in Article VI of the U.S. Constitution which says “All treaties made, or which shall be made, under the authority of the United States shall be the supreme law of the land; and the judges in every state shall be bound thereby. . .”

Unfortunately, the treaties signed with the four Indian tribes contained language which was not as precise and clear as the detailed language we use in contracts and

legal matters today. However, court decisions since then have made it clear that treaties must be interpreted liberally with the meaning they were understood to have by the Indians when the treaties were signed, and in a spirit which generally recognizes the full obligation of the United States to protect the interests of a dependent people. A significant section of each treaty states that Indians would be allowed to continue to fish at their usual and accustomed places. The "usual and accustomed" language has been of major controversy and the subject of many court actions.

The first case involving Columbia River treaties to reach the U.S. Supreme Court was *United States v. Winans* (1905). This case involved the question of whether a member of the Yakima Indian nation had the right to pass over private land in the state of Washington for the purpose of exercising treaty fishing rights. The court ruled that Indians could not be excluded from going upon private lands of a non-Indian. The right of a treaty Indian fisherman under the Yakima Treaty to go upon private land, this time in the state of Oregon, was again upheld by the Supreme Court in *Seufert Bros. Co. v. United States* (1919).

In 1942, the state of Washington argued before the Supreme Court for a narrow interpretation of the Yakima treaty as not granting to the Indians any greater rights than held by the citizens as a whole. The court disagreed and again recognized that the treaty secured to the Indians' continuing rights beyond those which other citizens may enjoy to fish at their usual and accustomed places.

The U.S. Ninth Circuit Court in 1951 was faced with the contention by the state of Washington that the Makah Indian Treaty (containing an off-reservation fishing provision similar to the Columbia River treaties) created no right at all which binds the state in making its fishing regulations. The court responded:

"There is no merit in this contention. The Supreme Court has repeatedly held that the Indian

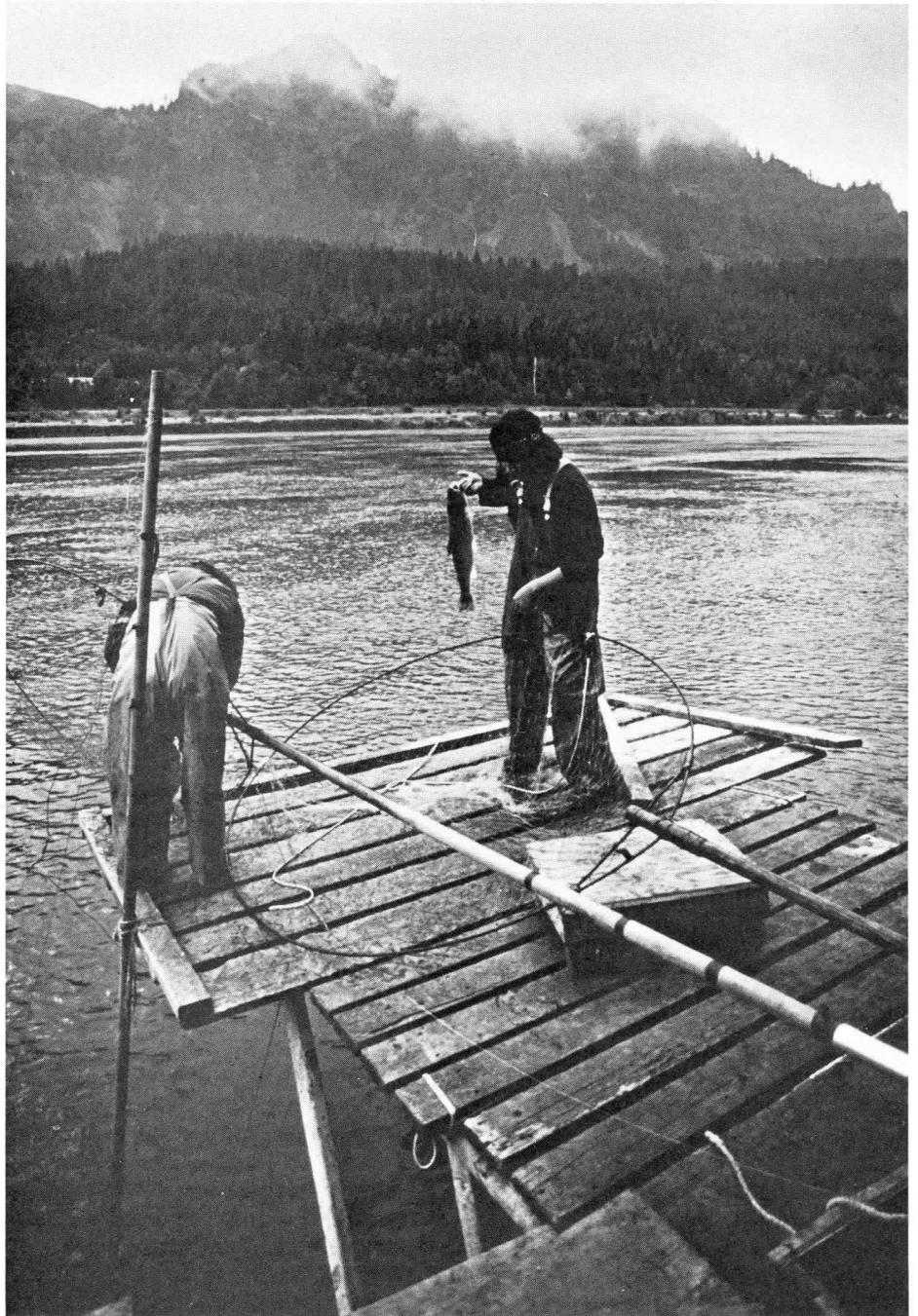
treaty fishing provisions accord them rights against state interference which do not exist for other citizens."

In 1963 the Ninth Circuit Court followed this by again upholding the special status under an Indian treaty, in this case the Umatilla treaty, requiring only that non-Indians also be permitted to fish, and that restrictions could only be imposed upon Indian fishing activity where the restrictions were indis-

pensible to conservation.

In *Puyallup Tribe v. Department of Game of Washington* (1968), the Supreme Court acknowledged the powers of the state to regulate as "necessary for the conservation of fish" but nevertheless held that the "right" to fish outside the reservation was a "treaty right," that could not be qualified or conditioned by the state.

Faced with this array of prior judicial decisions, the states of



Although many traditional sites for dipnetting are flooded, in some areas the old method is still used.

Photo courtesy of CRIFC.

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Oregon and Washington took the position that the provision in the Indian treaties securing to the tribes "the right of taking fish at all usual and accustomed places, in common with citizens of the territory" could be satisfied by providing equal fishing time for treaty fishermen above Bonneville Dam as was provided non-treaty fishermen below Bonneville Dam. However, in 1969 when this issue came before Federal Judge Robert Belloni in *United States v. Oregon*, he made the following comment concerning the position of the State of Oregon regarding treaty Indian fishing rights:

"Most of the argument has centered around (sic) the state's interpretation of that provision. It believes that it gives the treaty Indians only the same rights as given to all other citizens. Such a reading would not seem unreasonable if all history, anthropology, biology, prior case law and the intent of the parties to the treaty were to be ignored."

Judge Belloni's 1969 decision was followed in 1974 by Judge George Boldt's decision in *United States v. Washington*. Judge Boldt ruled that the treaty-reserved right of taking fish "exists in part to provide a volume of fish which is sufficient to [meet] the fair needs of the tribes." The U.S. Supreme Court reaffirmed this in 1979 and concluded that Indian fishermen should be given the opportunity to harvest up to 50 percent of the resource which normally would return to tribal fishing grounds.

In 1977, the states of Oregon and Washington negotiated with the treaty Indians a variation of the 50% rule for the Columbia River fisheries. Entitled "A Plan for Managing Fisheries on Stocks Originating from the Columbia River and its Tributaries above Bonneville Dam," it gave the treaty tribes an exclusive right to fish above Bonneville Dam and entitled them to 40% of the harvestable spring chinook and 60% of the harvestable fall chinook destined for the area above Bonneville Dam. No provisions were made for sharing steelhead, since at the time the "Plan" was nego-

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tiated, steelhead were a minor part of the harvest. Although the states had provided for an exclusive fishery for the treaty tribes above Bonneville Dam for a number of years prior to 1977, this was the first time a formal agreement had been signed by all parties.

The "Plan" allows for renegotiation after five years, and although the five-year period expired in February of 1982, the Federal District Court recently affirmed that the plan remains in existence until all parties can agree to renegotiate the terms. Up until now, no such agreement has been reached.

#### WHAT HAPPENED IN 1982?

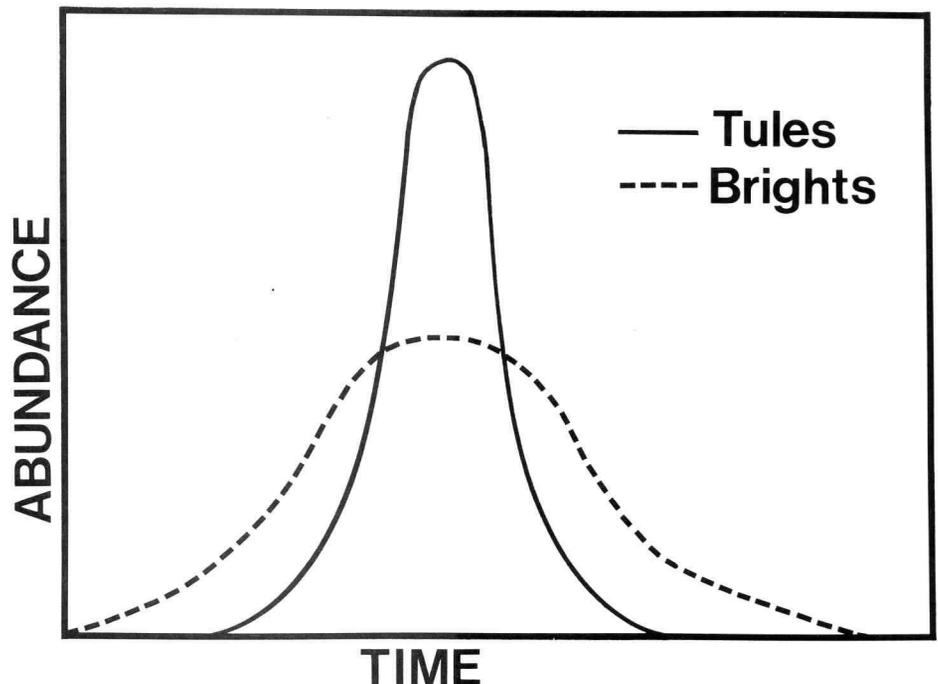
The fall chinook salmon run returning to the Columbia River is comprised of two very distinct stocks of fish. The "tule" (too'-lee) stock is a lower river chinook stock which is close to spawning when it enters the river. These fish are reared and released, for the most part, from Columbia River hatcheries. Wild fish which originate from the areas above Bonneville Dam are not close to spawning when they enter the river and are referred to as "upriver brights." The "brights" are the most prized fish, since they take a hook readily, and maintain their bright pink flesh longer. "Tule" chinook gen-

erally have a darker body color, poorer flesh quality, and since they do not generally bite hooks are seldom taken in the sport fishery.

The upriver bright runs of fish have not been very successful for a variety of reasons, but mainly because they migrate to upper Columbia and Snake rivers to spawn and have suffered serious mortalities at dams. In August of 1982, biologists forecast a record low return of upriver brights would enter the river, while at the same time large surpluses of tule chinook were predicted to return to Columbia River hatcheries.

Upriver bright fish return to the Columbia River from August through early November in fairly evenly distributed numbers. In contrast, the tule stocks of fish peak quickly and immediately taper off (See illustration).

Under the sharing formula contained in the "Plan" the treaty tribes were owed fish in 1982 because non-Indians had harvested more than their "share" in previous years. Even if no fishing occurred in the Columbia River by either non-Indians or Indians, biologists estimated that fewer than 26,000 upriver bright adults would reach McNary Dam, considerably below the 40,000 optimum escape-



ment goal. However, to keep the fishery closed would mean that 85,000 surplus tules destined for hatcheries above Bonneville Dam, and up to 80,000 surplus tules destined for lower river hatcheries would not be caught.

To allow a target fishery on the low run of upriver bright fish was out of the question, but a low level of harvest could be tolerated in order to harvest the surplus tule chinook. The states decided to open fishing for tules, but imposed a maximum harvest level of 10% on upriver bright fish. Commercial fishing seasons were then set for the lower river commercial fishermen and for treaty Indian tribes with this harvest level in mind. The lower river commercial season was set for a 12-hour period when the maximum number of tule (hatchery) chinook were in the river, and in an area where hatchery fish were concentrated. Since hatchery fish do not generally go above Hood River Bridge, the treaty tribes were limited to the area from Bonneville Dam to Hood River Bridge, excluding many of the areas at which Indian fishermen customarily fish. Biologists estimated the catch of upriver brights would be about 5,500 fish for all fisheries.

The treaty tribes immediately filed suit in Federal District Court claiming that the states were setting seasons which would overharvest upriver bright fall chinook by non-Indians, and at the same time would restrict Indian fishing in order to achieve spawning escapement requirements.

When the case came before Federal District Court Judge Walter D. Craig on August 27 he stated that there were three propositions apparent to the court.

1. Protection and perpetuation of the species is a joint responsibility and joint obligation. Both the Indians and the states have a responsibility and obligation to see that the resource is not diminished to where there is permanent damage.
2. By treaty law and superior court rulings, Indians are entitled to fish in their usual and accustomed grounds and stations.

3. The court will not interfere when agreement can be reached by the parties, if the agreement takes into consideration perpetuation of the species and mutual agreement in numbers and species of fish taken.

He further stated that it is apparent that the parties cannot or will not agree. "This court is the last place parties should come," Judge Craig said. "You all have the technical expertise. If you can't take the findings of experts — you take a gamble on what the court will do. Nobody will like what the court does."

He then ruled to:

1. Allow the Indians to fish in their usual fishing areas above Bonneville Dam as they had asked.
2. Allow the lower river gillnet fishing to occur as scheduled by the states for 12 hours.
3. Prohibit any further fishing in the Columbia River by either sport or commercial fishermen until after October 1 when the number of upriver bright fish was negligible.

The court recognized the fishing rights of Indians, and agreed that when the states allowed fishing on depressed upriver stocks, regardless of the numbers that might be taken, they were unnecessarily restricting the Indians. There would be no basis for restricting the Indian fishermen for "conservation reasons" while at the same

time allowing a harvest of upriver brights in the non-Indian areas on the contention that surpluses at hatcheries would occur.

The court has repeatedly stated the responsibility lies with the states and the Indian tribes to come to an agreement on the setting of Indian and non-Indian regulations so they are consistent with treaty rights. The "Plan" to manage the fishery was a step in the right direction but brings with it inherent difficulties.

On a brighter note, the 1982 count of 31,000 upriver brights over McNary Dam exceeded the biologists predictions by more than 5,000 fish. Although still under the 40,000 escapement goal, these additional fish will improve future runs of upriver brights. Also, upriver brights are now being reared at hatcheries above Bonneville Dam in order to supplement the wild stocks, and continuing attempts are being made to improve passage at dams for both young fish migrating to sea and adults returning to spawn.

We are optimistic that the numbers of upriver brights returning to the river can be increased to meet treaty obligations, while still providing non-Indians the opportunity to harvest hatchery surpluses. But it is clear that treaty rights will be an important part of harvest sharing in the future and must be addressed to avoid further court confrontation. □



# SPORTSMEN WORK FOR WILDLIFE

Although their praises go largely unsung, sportsmen's clubs and other groups have been responsible over the years for many projects of direct benefit to wildlife. A recent one involved the joint efforts of the Eugene Chapter of the Izaak Walton League, Explorer Post 869 of Portland, and the newly formed Oregon Wildlife Conservation Association of Beaverton.

Volunteers from these organizations worked this summer in conjunction with the Fish and Wildlife Department and the Bureau of Land Management to construct and install two water guzzlers for wildlife in southeast Oregon. One was on Poker Jim Ridge in the Hart Mountain National Antelope Refuge, and the other on Abert Rim which overlooks the west edge of Warner Valley in Lake County.

A water guzzler is a device which collects rain and snowfall during the wet months, stores the water underground, and dispenses it as needed during the dry months to a watering trough. In Oregon's arid high desert, water is the single most valuable and least available commodity. Its lack is often the limiting factor for wildlife. Not only does the shortage of water limit wildlife populations in some areas, it concentrates too many animals around what water sources do exist. The effect can often be overuse and abuse of forage near these sites.

Through a process of trial and error several guzzler designs have been developed over the years. Hundreds of these have been installed by the department in areas where they have been needed. But many areas yet remain where a year-around source of water could mean larger and more diverse populations of wildlife.

While these particular guzzlers were installed primarily to serve bighorn sheep and antelope, past experience has shown that wildlife of all kinds benefit from them.

Volunteers contributed the labor and fabricated many of the components that went into the guzzlers. Materials were contributed by

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Some 33 sportsmen helped construct this, and one other wildlife guzzler in Lake County.

*Photo courtesy of Izaak Walton League, Eugene Chapter.*

the following Eugene firms:

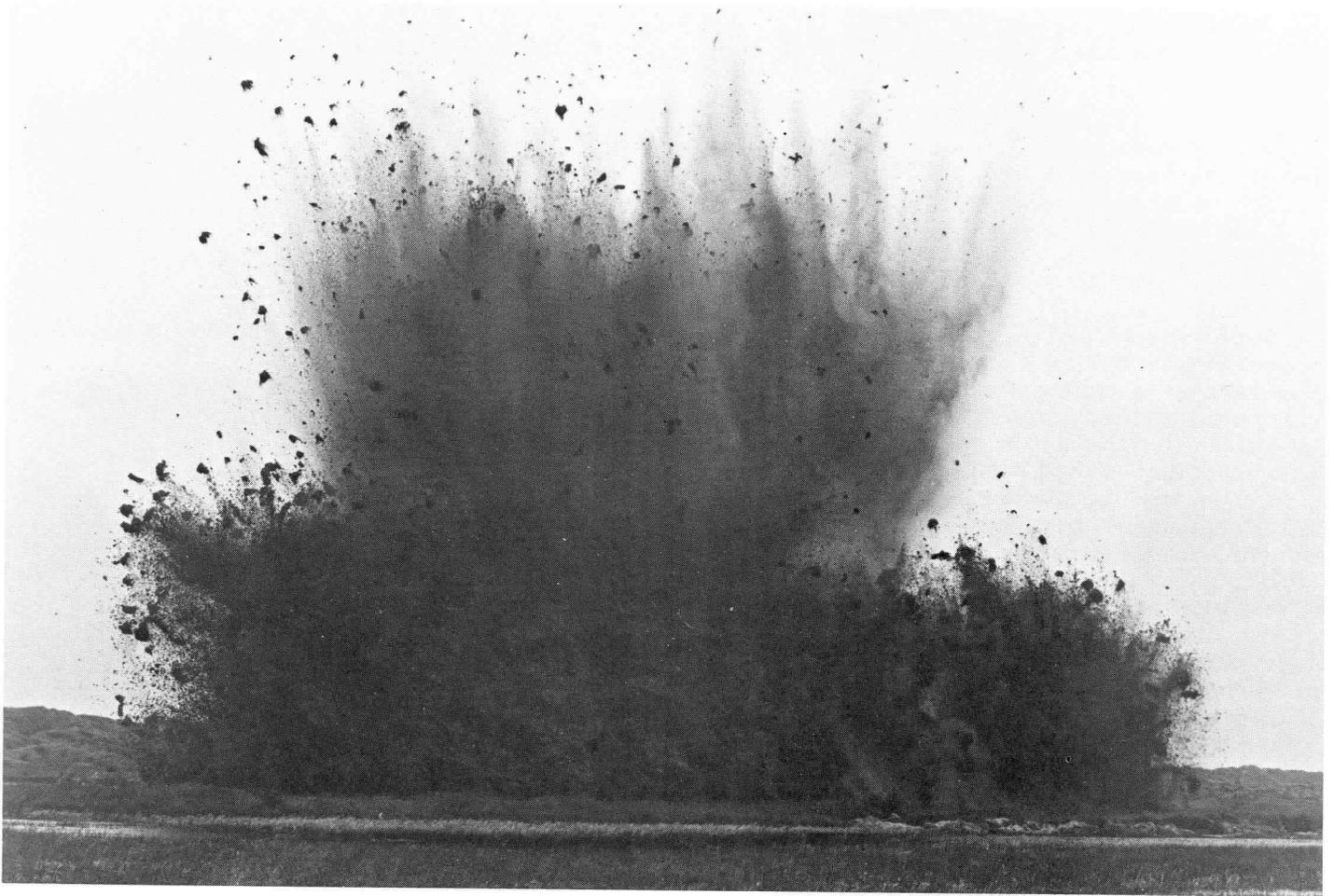
- Hammer Lumber Company —  
Lumber
- Cone Lumber Company —  
Lumber
- R.A. Chambers & Associates —  
Sheet metal for roof
- Farwest Steel Corporation —  
Reinforcing steel
- Eugene Fastener & Supply Co. —  
Hardware
- Familian Northwest, Inc. — Pipe
- Eugene Farmer's Cooperative —  
Fencing materials
- Oak St. Tank & Steel, Inc. —  
Underground storage tanks

District Wildlife Biologist Frank Grogan approved sites for the guzzlers, assisted with construction,

and, with help from the B.L.M., completed final phases of installation. In all, 33 volunteers cooperated in the project.

The guzzlers are now in operation, collecting precipitation, and will begin to supply badly needed water next summer. The efforts of these volunteer groups reflect a growing trend among sportsmen to give back something to the resource that has afforded them enjoyment and recreation over the years.

In these times of short funds and growing pressures on wildlife, the work of volunteer groups is increasingly significant, and the Department of Fish and Wildlife sincerely appreciates the help. □



"Fire in the hole."

## IT WAS A BLAST!

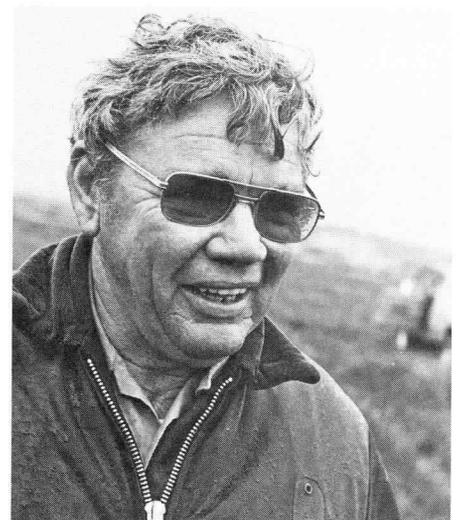
To say that habitat biologist Bert Cleary sometimes gets a bang out of his job would be putting it mildly. Occasionally, he actually smiles at seeing all his hard work go up in smoke.

That was the case recently following pyrotechnic efforts to create a pond for wildlife in the Oregon Dunes National Recreation Area south of Florence. The dunes is a unique environment which provides widely diverse recreational opportunities for people. It is also home for a wide variety of resident and migratory wildlife species.

The Department of Fish and Wildlife has worked for several years to improve the area for wildlife, along with personnel from the Sius-  
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law National Forest, which has responsibility for management of the dunes. Plantings of food crops such as barley have been put in, with the Forest Service purchasing the seed and fertilizer and the Department of Fish and Wildlife doing the work. The barley provides food for waterfowl and a variety of other wildlife species.

Other projects have aimed to improve supplies of fresh water on the area. Scattered through the dunes are many shallow freshwater ponds. These fill when fall rains bring the water table to the surface, and they provide resting areas for waterfowl throughout the winter and spring months. But by mid-summer the water table drops



A happy Bert Cleary surveys his new creation.



Woody Holderman gives the signal just prior to detonation.

summer it largely dried up.

Needed was a means to create deeper ponds. Earth-moving equipment was considered, but dismissed because of the same problems of working in loose, wet sand. Finally, the idea of blasting ponds with high explosives was developed.

Recently personnel from the department and from the Siuslaw Forest converged on the northern end of the dunes near the mouth of the Siuslaw River. They brought with them blasting gelatin and equipment for planting the charges and detonating them.

Woody Holderman, a retired department employee with long experience in the use of explosives to clear log jams from streams, was on hand to supervise the explosives placement and safety. Gene Large, Forest Service recreation supervisor, had brainstormed a method using a fire hose, portable pump and large-diameter plastic pipe to sink holes seven feet deep in the unstable sand in which the charges could be placed. By planting the charges deep, most of the force of the blast would be directed

upward, throwing sand and other debris clear of the area.

In the first attempt, charges were spaced too far apart. A series of individual potholes rather than one large pond was the result.

In the next trial, charges were spaced more closely, and after the smoke cleared, biologists were greeted by a gaping hole which quickly began to fill with water from the surrounding saturated ground. If this pond stabilizes as well as the hand-dug version, and proves to be deep enough to retain water through the dry summer months, Cleary will know he has an effective tool that can be used on similar projects throughout the dunes habitat.

In future efforts, ponds will be designed so they will have islands spaced throughout them. The islands will provide some protection to nesting waterfowl from land predators, and the surrounding water will serve as rearing and resting habitat. Other wildlife, including a variety of shorebirds, deer, an occasional bear, visiting swans, and a host of other creatures will also benefit. □

*Story and photos by Ken Durbin*

again and most of the ponds dry up. Cleary, who heads up habitat development projects for the Fish and Wildlife Department's northwest region, and Forest Service personnel have long recognized that wildlife would benefit immensely if some of those freshwater areas could be sustained throughout the year.

Last year seasonal crews with the Forest Service dug an experimental pond by hand in the sandy soil. There were questions whether the pond would stabilize and retain water through the year, or whether the sandy banks would slough in and fill the excavation back up. But vegetation quickly stabilized the banks, and a year later it appears the pond will remain open.

But the pond was not deep enough. Water-saturated sand limited the depth to which the pond could be dug by hand, and this



This trench filled with water in a matter of hours and will help provide water for wildlife next summer.

# MANAGING TIMBER FOR WILDLIFE

*By John P. Ertz  
White River Forester*

Timber management is an everyday part of life in Oregon. But did you know that the Oregon Department of Fish and Wildlife (ODFW) conducts its own timber management program designed to benefit wildlife?

This program is in progress on the White River Wildlife Area in Wasco County. This unique concept is the result of a cooperative venture between ODFW and the Oregon Department of Forestry. I provide timber management services under the supervision of the White River Wildlife Area manager. This year marks the tenth anniversary of the cooperative program.

In the decade since the program began much progress has been made toward achieving the number one objective for the White River Area — to improve the quantity and quality of winter range in order to reduce depredations by big game animals on adjacent private agricultural lands. Furthermore, the program has stimulated a great deal of cooperation in other areas, and a better understanding between two state agencies.

The methods used to improve wildlife habitat vary depending on the site. Current management practices include tree planting, pre-commercial thinning, timber harvest, and prescription burning. All proposals are reviewed by a team consisting of the area manager, district wildlife biologist, and the White River forester. Evaluations of past timber harvest and pre-commercial thinning projects in terms of wildlife forage production and tree growth are now in progress.

Careful project planning and design, including the use of irregular boundaries, buffer strips, and small one-to-three acre units, help to minimize the impact of operations on the land while maximizing their benefits for wildlife.

Tree planting operations are scheduled for those parts of the management area which need ad-

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A prescribed burn is set off on the White River Wildlife Area.



The fire cleared the ground of undesirable growth, making way for new growth more beneficial to big game.

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ditional wildlife cover. Ponderosa pine, Jeffrey pine, western juniper and Rocky Mountain juniper seedlings are hand planted in the early spring. Cedar shingle sunshades and biodegradable netting are used to protect the fragile seedlings from sun scald and animal browsing after planting.

Timber harvest and pre-commercial thinning operations are undertaken in stands where wildlife forage is lacking and cover is excessive. Poor quality and diseased trees are removed allowing the remaining trees to grow faster and achieve a higher degree of vigor. Special efforts are made to perpetuate suitable snags and other habitat trees. Seeding with desirable grass, forb, and shrub species complements the thinning by increasing the amount of forage available on the site. Any income from the sale of timber is returned to the White River program to pay for timber management practices.

Prescription burning is a new tool on the White River area. While fire is a natural occurrence in the environment, the impact of fire on the land has been reduced due to success in fire prevention. It is now recognized that fire plays an important role in the ecological development of many areas. The controlled reintroduction of fire attempts to use this natural tool for management. This year 120 acres of grass were burned on Smock Prairie. An additional 57 acres of decadent brush and grass understory was burned near Pine Grove. By mid-October all burn units were green with new growth. Additional burning is planned to rehabilitate decadent brush fields and to reduce hazardous concentrations of debris.

In the ten years since the timber management plan and initial resource inventory was completed, the following accomplishments have been achieved:

Planting of 117,000 trees

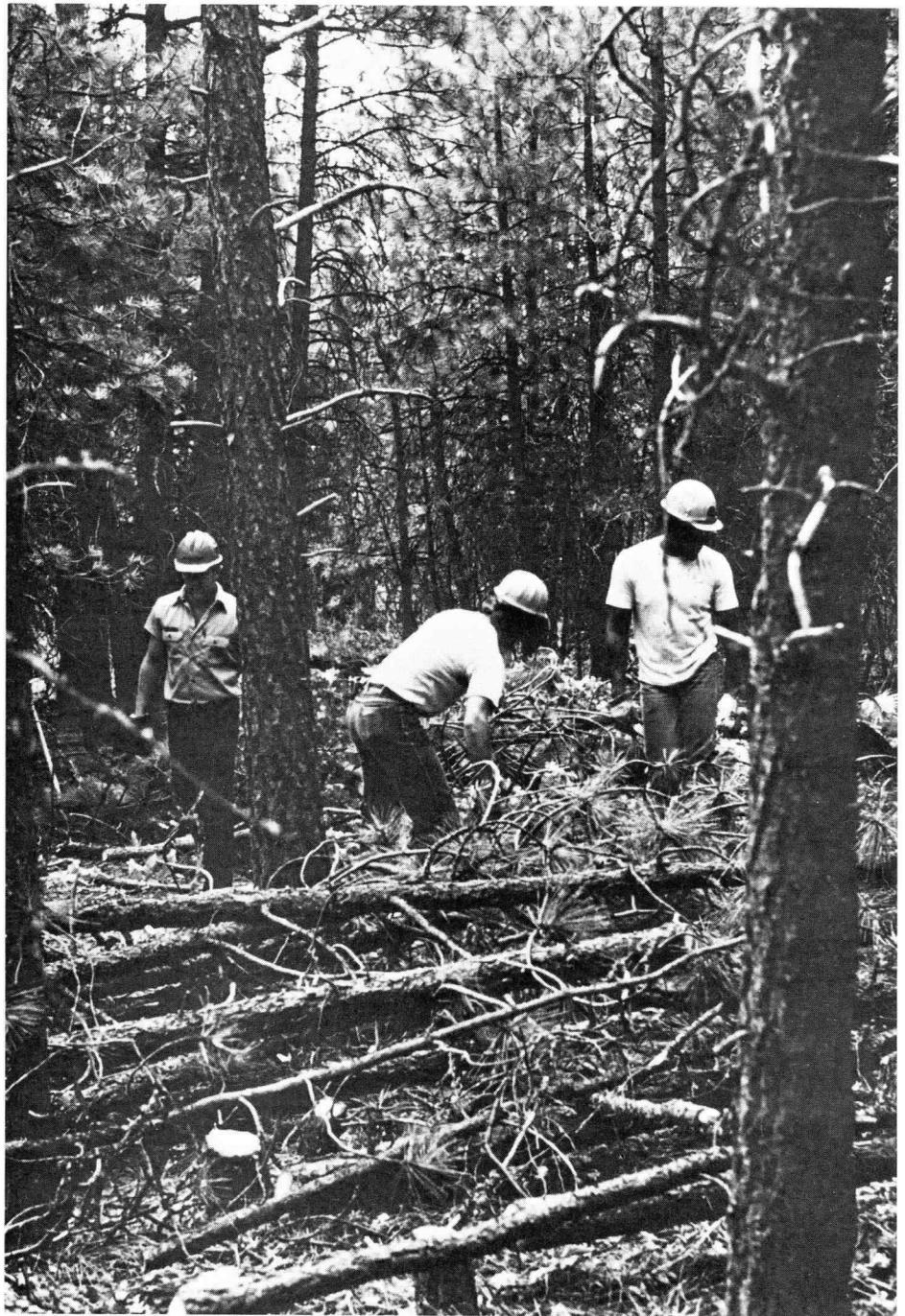
Timber harvest — 1,619,000 board feet

Pre-commercial thinning on 235 acres

Prescribed burn on 157 acres

These accomplishments are significant for two reasons. First, by improving the diversity of the hab-

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A Forestry Department crew piles slash following a timber thinning operation.

itat the main goal of reducing big game damage on adjacent agricultural lands is being achieved. Secondly, timber management and wildlife management need *not* be competitors for the same land base. With planning and an open approach by landowners and resource managers, ecologically *and* economically sound management can result. The diminishing land

base due to a growing population makes cooperative programs like the White River's even more important if Oregon is to preserve and perpetuate its wildlife heritage.

Based upon the success of the White River cooperative timber management program, other management areas are now considering similar programs. □

# O&C WILDLIFE ON THE WAY OUT?

The public may want to take a last look at the wildlife on its 2.6 million acres of Oregon and California (O&C) lands in western Oregon. The Bureau of Land Management apparently has decided that chain saws sound better than bugling elk and that growing more little trees instead of fewer big trees could be just the ticket to getting the building industry and Oregon on the road to economic recovery, according to the Wildlife Management Institute.

BLM wants to continue cutting mid-aged (100 years old) and old-growth (200 years old) timber rapidly and establishing even-aged forests that will be cut in 50 to 80 years. This eliminates the wildlife that must have old forests to survive. Liquidating old-growth, therefore, seems good for timber production, but it is bad for certain wildlife. Therein lies the source of a controversy that has pitted timber interests against wildlife conservationists for years. Loggers want to eliminate most of the remaining old-growth on O&C lands and conservationists want to retain at least 15 percent of the area in mid-aged and old-growth stands.

The O&C lands are divided into districts. Each district is developing a timber management plan and there has been concern all along about the amount of consideration wildlife would get in those plans. Under the best of circumstances wildlife would be shorted simply because legislation governing the lands gives timber production the catbird's seat in guiding management programs. An Interior Department solicitor's opinion, however, states that the O&C Act clearly does not mandate timber as an exclusive use.

BLM has released the first of its O&C district timber management plans and it is a disappointment to wildlife interests. The Coos Bay District Plan admits that it would reduce certain wildlife populations such as elk to about 25 percent of current levels. Another example, the spotted owl, would drop from 25 to 4 nesting pairs. And the woodpeckers would probably disappear.

This is in sharp contrast to the plan as originally prepared by district personnel. That earlier draft was not bad for wildlife, considering the circumstances. The problem is that BLM's Washington, D.C. office decided that the district's preferred plan, which would have left minimum amounts of old-growth forest scattered about the area, was too conservation oriented. The BLM hierarchy overruled the district and deleted the retention of 36,500 acres of old-growth allocated to wildlife habitat. Thus the plan is not one devised by professional foresters and biologists. It is a product of Washington, D.C. politicians.

Evidently wildlife was not a consideration in protecting the bits of old-growth that would be set aside under the Washington, D.C. plan. BLM's apparent concern in keeping some old-growth stands is that scientists are not sure if the forest could regenerate itself otherwise. The plan states that old-growth areas "contain a complex, interacting web of plant and animal relationships involving such processes as nitrogen fixation, mycorrhizal inoculation and others. Much is unknown, but portions of this web may well have a direct bearing on the productive capacity of the forest."

Evidently if an animal is important to growing trees, it will get a piece of the pie. If it isn't, so long.

There are 326,000 acres in the Coos Bay District. Twenty thousand acres are not forested or

won't grow commercial timber. Of the remaining 306,000 acres of commercial timber land, 232,000 will be managed intensively for timber with wildlife getting no consideration. Another 26,000 acres along roadways and such will get limited logging so that the public can ride through its "old-growth" forest and think that all the big trees are still there. About 11,000 acres of wetlands along streams have been set aside from timbering to protect fisheries and a little more than 22,000 acres of "fragile" areas also will escape. "Fragile" areas generally are those that won't grow commercial timber or can't be logged. Finally, 15,000 acres of old-growth will be protected to preserve the plant/animal relationships that may be important to forest regeneration. Wildlife per se gets zero.

Wildlife, of course, will benefit somewhat from the 11,000 acres of old forest left along streams and the 15,000 acres retained for seral stage diversity. But that is only nine percent of the commercial forest land. BLM wildlife biologists have said time and again that at least 15 percent of the forest should be old-growth in order to maintain "most" wildlife species at "minimum" population levels.

Some contend that the 22,000 acres of "fragile" lands set aside will be helpful to mature forest wildlife, but those areas do not have much old-growth.

That the Coos Bay District only fell six percent short in old-growth retention, speaks well of the district manager and staff. The plan could have been worse had not the field people pushed hard for wildlife considerations.

The plans of other O&C districts reportedly will be inferior to the Coos Bay document. The Roseburg District plan, for example, has the U.S. Forest Service worried. That district adjoins the Umpqua National Forest. Regional Forester Jeff Sirmon has told BLM that the plan preferred by the Roseburg District office will affect resource management on the Umpqua. Sirmon said that the plan (which would devastate old-growth) could force



the national forest to shoulder more of the responsibility for providing adequate habitat for elk and other wildlife. He said that the plan would not set aside old-growth for the spotted owl and other species as BLM had agreed to do.

BLM's new policy of greater disregard for wildlife on the O&C lands has state wildlife agencies bothered also. Orders were sent from Washington, D.C. to the districts months ago directing personnel to consider state-listed endangered species only "coincidentally" with timber plans.

Following a briefing in October, the Oregon Fish and Wildlife Commission adopted a statement strongly opposing the BLM land use plan for the Coos Bay District.

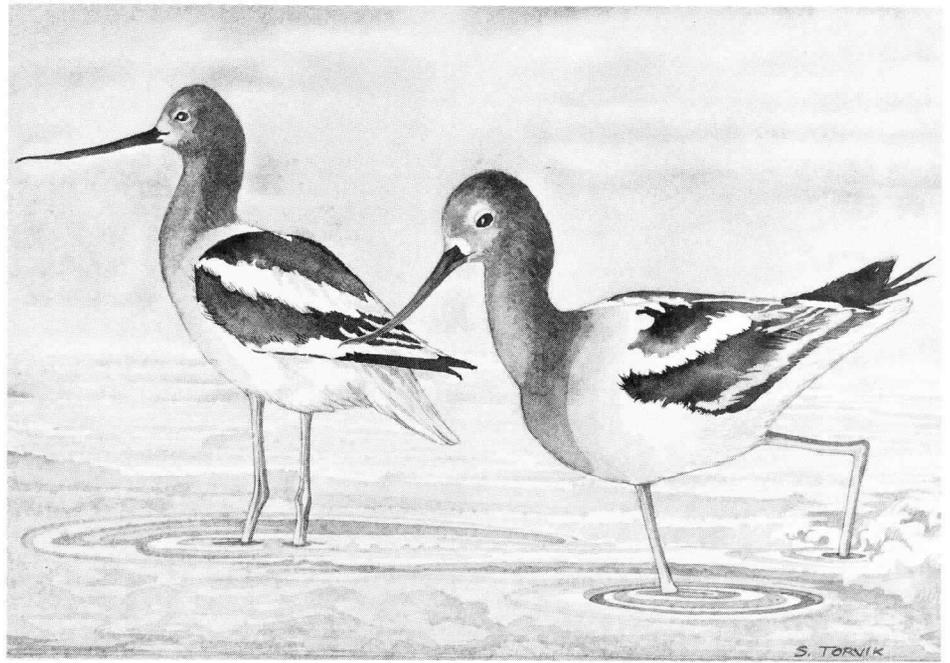
The major objection to the plan is that implementation would eliminate some species of wildlife from these lands, and reduce elk populations 70 to 80 percent. The plan is inconsistent with Oregon wildlife policy, and appears to be inconsistent with Sikes and Coastal Zone Management Acts.

Eleven pages of comments submitted to the BLM state office by the Department of Fish and Wildlife conclude with recommendations for improving the plan. The recommendations allow for timber harvest while providing needed wildlife habitat diversity using the following techniques:

- Allow 15 years before making a clearcut adjacent to an existing clearcut.
- Keep clearcuts between 60 and 70 acres.
- Maintain big game thermal cover.
- Provide road closures.
- Protect habitat of state-listed threatened and endangered species.
- Maintain at least two snags and three down logs per acre after logging.

On the plus side, the BLM plan does give desirable protection to streamside zones which will benefit fish and some species of wildlife. However, the department will continue to seek resolution of the overall wildlife conflicts that are apparent in the proposed plan. □

**OREGON WILDLIFE**



## AMERICAN AVOCET

The most "showy" of them all. Those were the words written by naturalist T. Gilbert Pearson in the 1930's to explain the American Avocet. Today, the avocet is still considered the consummate showman among long legged wading birds.

A common resident and abundant nesting species of southeastern Oregon's alkaline lakes and marshes, the avocet is easily spotted by its striking black and white wing pattern and unique long, upturned bill. The bird's large white body, which measures between 15 and 20 inches, makes it hard to miss, even at a distance.

During the fall and winter, avocets are unsuspecting and somewhat tame. But when springtime brings on the nesting season, the dull grey coloring on the neck and head turns to a cinnamon brown and the large bird's unassuming personality becomes aggressive and protective.

The nesting pair are also quite territorial, rising up to meet any intruder as Pearson discovered first hand while surveying wild duck nests in the Klamath marshes.

"Evidently a small group of avocets was nesting in the neighborhood, for upon our appearance, three birds came into view and at once set up a great outcry. Our first view of them was when they came flying toward us giving vent to their alarm and resentment at our approach. They flew about and circled. Their screaming soon brought others, who may have been their mates called from the nests by the general alarm."

The nest that the parents so vigilantly protect is hidden in the grassland of the marsh and consists of a shallow depression in the mud, sparsely lined with grass and weed stems. The female lays three to four pale olive, thickly spotted eggs.

Upon hatching, the young avocets are up and running around almost at once and soon leave the nest. Before reaching adulthood, however, the youngsters are well camouflaged and hard to spot.

Aquatic insects and larvae are pursued at mealtime which finds the avocet sweeping his long bill through the soft mud in a side-to-side movement. Sometimes the bird ventures into deep water and submerges the entire head and part of the back. On the other hand, when insects are on the surface, the avocet will run after them with open mouth. □

—Bob Kuhn

# THIS AND THAT

Compiled by Ken Durbin

## WORLD RECORD ELK

A new world record was set in Oregon this year for a Roosevelt elk taken by a bowhunter, according to Ed Williamson, an official score-taker for both the Pope and Young Club, which keeps bowhunting records for big game, and the Boone and Crockett Club, which keeps all records for North American big game.

The big bull was taken on August 27 by 19-year-old Robert Dean Dunson of Marcola. Dunson felled the bull in the North Fork Coos River drainage with a single arrow from a range of about 35 yards.

Williamson said the bull's rack scored 313<sup>5</sup>/<sub>8</sub> points and that the current record is 305<sup>6</sup>/<sub>8</sub> points. Dunson's bull will probably also be submitted for Boone and Crockett listing, Williamson said.

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## RESTRICTED 1080 USE RECOMMENDED

An administrative law judge has recommended that the Environmental Protection Agency lift its 10-year-old ban on the use of Compound 1080 to control coyote predation in the west.

Judge Spencer T. Nissen said, however, that the use of 1080 should be restricted. He said the compound (sodium fluoroacetate) should be used only in single lethal dose baits applied by experienced federal predator control specialists and in rubber collars attached to the necks of sheep and goats. Ranchers would be permitted to use the collars but not the lethal baits.

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## TO PONDER

"We are the keepers of all living things. Let us never forget our responsibility to preserve what we cannot create. . ."

Patricia Bradford

## THE NEW GENERATION

"...Hunting success, once a function of skill and luck, has become in some cases a function of time and the ability to buy gas and drive the roads. A whole generation of hunters has grown up with this road-hunting option and has come to believe that additional access will continue to provide fresh opportunity. Many are losing touch with the essence of recreational hunting which has always been fair chase, the natural experience, personal challenge, and the luck of the outing. Some new hunters, unfortunately, have never experienced off-road hunting. The increment of this change has been so gradual that many do not recognize the impacts on the sport, the animals, or the land. . ."

Mike Aderhold from  
*Montana Outdoors*

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## YOUR MONEY'S WORTH

Two things we can pay too much for and still get our money's worth are research and conservation — and often you have to have the first to get the second. Conservation without research can make an advocate about as silly as anyone I know of.

Reub Long  
*The Oregon Desert*

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## PUBLIC RIPOFF?

To reduce the national debt, now more over \$1 trillion, the Reagan Administration has begun what the National Wildlife Federation says could be the greatest sell-off of public land since frontier times. The intended sale pleases some private interests who may benefit and analysts who feel that private hands can manage land holdings most cost effectively. Conservationists fear that public land now reserved for multiple uses, including recreation and wildlife management, will be sold at depressed market prices to developers who will exploit the land for short-term economic gain. "It's like selling your house to pay off the credit cards," says Dusty Zaunbrecher, NWF's public lands resource specialist.

## PROBLEMS WITH HUNTERS

The Colorado Division of Wildlife is working through its Hunter Education Program to minimize offensive behavior by recreational hunters.

The division conducted hunter education instructor workshops throughout the state and tried to determine what kinds of hunter behavior turn the nonhunting public against hunting. Outdoor Education Chief Bob Casky compiled and analyzed the group discussions. His conclusions reveal that the major problems are: bragging by hunters to nonhunters; displaying obnoxious slogans, T-shirts and bumper stickers; unnecessary display of game on vehicles; disrespect for private property and the landowner; drinking or appearing to drink alcoholic beverages while hunting; unkempt appearance of the hunter, his vehicle, his game and his campsite; poaching, party hunting, and illegal taking of game; and display of firearms in vehicles or on hunters when they are not hunting.

Casky said that the instructors described the ideal hunter as a true sportsman who sets an example for others. They enjoy the outdoors without feeling that filling the bag is the major reason for being there. They have genuine concern for all wildlife and its habitat. They respect the rights of hunters, nonhunters and antihunters and do not belittle other people for their beliefs. They encourage ethical behavior in all hunters. They do not tolerate wildlife law violations. They respect the property of others. They are conscious of the image they project. They know their equipment and their limitations. They strive to be as inoffensive to the nonhunting public as possible. And they are concerned about the survival of hunting as a sport and work to ensure the future of hunting.

Casky said that continued hunter responsibility training in outdoor education programs may be the best current way to guarantee hunting's future.

The Wildlife  
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DECEMBER 1982



## Oregon's

# WILDLIFE WINDOW

The beginning of winter is a good time to talk about food. It is essential for all wildlife. Besides volume or availability, nutritional value of wildlife foods is a key item in wildlife survival through a long winter. Because wildlife continues to exist, it has demonstrated an ability to maintain itself on natural wild foods. In most cases, wildlife species manage not only to survive, but grow fat, reproduce and raise young on a wild diet.

For humans or wildlife, a nutritional diet must do three things: provide energy, protect against deficiency diseases, and permit growth and reproduction. If available, animals seem to select a "balanced" diet. Instinctively, animals have an uncanny ability to regularly select foods which contain nutrients necessary to their continued health. At times, factors like weather or habitat destruction force wildlife to exist on a deficient diet. Health, reproduction and even simple survival can be seriously affected when animals are forced to eat foods they would generally avoid.

When it comes to plants, leaves are mostly a carbohydrate food. They are high in moisture and have a relatively low nutritional value. Leaves also break down quickly when growth stops.

Roots and bulbs are high in carbohydrates and some types of protein. While it may not look palatable to us, the inner bark of trees and shrubs has a carbohydrate content about that of leaves. Fruits are also understandably high in

**OREGON WILDLIFE**

carbohydrates.

In terms of pure concentrated food value, however, seeds and nuts are where nature stores most of the goodies. They are unequalled as wildlife foods. They do not spoil easily or break down as winter progresses. By comparison, many seeds and nuts contain more than 25 percent protein. Eggs offer only 14 percent and sirloin steak only about 19 percent. Chicken reaches up to 22 percent protein.

Wildlife can readily convert fat to energy, or store it for later conversion. Seeds and nuts also provide high fat content — up to 25 percent. Human foods like pork chops give about 24 percent fat, and veal offers only about 16 percent.

Research has revealed the composition of many wild foods. Research has not yet determined what all species utilize from each food. Vitamin requirements and how each animal gets them, for example, are not well known. It is known that plant proteins are not as diverse or readily usable as animal proteins. Thus, the meat eaters have a nutritional advantage over the plant eaters if they can catch the flesh they pursue. Plants do not run away.

From ants to zebras, all wildlife must eat. Food determines to a large extent the welfare, health and abundance of most wildlife. It is nutritional content, however, that ultimately marks the value of wildlife foods.

## THIS MONTH'S WINDOW

### POUND FOR POUND

Find the carbohydrate, fat and protein value of common human foods.

Do the same for some wild foods. Make up a week's diet from both lists. Compare weight and volume of each diet.

Learn to identify wild foods that are safe for human use. Try some on your next outing or prepare a meal of what you can collect back home.

## BOOK REVIEW

**THE AUDUBON SOCIETY ENCYCLOPEDIA OF ANIMAL LIFE**, edited by John Farland, Jr., 606 pages, published by Clarkson N. Potter, Inc., \$45.00.

The Audubon Society has become known for the quality of its magazine. This book, put out by the Society, reflects that magazine's visual quality, but can't be billed as a definitive work containing in-depth material about the animal life of the world.

It is an excellent sampler and the type of publication that certainly could serve to stimulate further investigation. It is perhaps one of the most comprehensive volumes we have seen, mentioning everything from one-celled animals, sea urchins, fish and insects on up to moose and elephants.

This encyclopedia is just that. Its illustrations are superb and it is comprehensive in scope. But it is basically a browsing book, telling a little bit about a lot of things. The approach in the book is more that of a naturalist than that of the pure scientist, so it makes for interesting reading. It is the type of volume that is nice to have around to stimulate the interest of youngsters, but still makes very palatable reading for adults. □

— R.E.S.

## TIP OF THE HAT IN MALHEUR COUNTY

That it doesn't pay to poach bighorn sheep in Malheur County was a lesson three Ontario young men learned the hard way. Cited into Ontario Justice Court on charges of killing an immature bighorn ram in the Leslie Gulch area, the three appeared before Judge Nita Bellows.

Judge Bellows sentenced the youths to six months in jail with five months suspended, charged each \$750 for restitution and levied an additional fine of \$1,000 with \$500 of that suspended. Hunting and fishing privileges were suspended for the two years required by law in such cases, and Judge Bellows placed the three on five years probation, making the suspension of privileges for the additional three years a condition of their probation.

Judge Bellows said that not only was she upset by the fact that a rare, highly prized game animal was taken, but by the manner in which it was killed. "One of them told me they shot into a bush with an open sight," she explained. "They didn't see anything except some movement. I told them it could have been a hunter and they were lucky they weren't facing charges of negligent homicide. I also told them, if the story were true, that they didn't have any business with a gun in hand."

A tip of the sportsmen's hat to Judge Bellows. □

## DON'T FORGET NEW LICENSE(S)

With the new year also comes the need for new hunting and/or fishing licenses. Salmon-steelhead tags also expire the end of December and need to be renewed before that first January steelhead outing. New licenses and salmon-steelhead tags for 1983 are available now at license agencies throughout Oregon.

If you're looking for a Christmas present for the hunters and fishermen in your life, you can hardly go wrong by purchasing the appro-

priate licenses as a gift. This can be done through any sporting goods store or other outlet which serves as a license agent. You will need the name and address of the recipient, his or her date of birth, and you will be asked to sign an affidavit which certifies you know the recipient has resided in Oregon the six months required for residency.

A hunting or fishing license is a gift which opens the door to an entire year's worth of recreational enjoyment. □

## CHECKOFFS RAISE \$3.3 MILLION

Although the final tally is not in, nongame checkoffs on state income tax forms already have provided a dozen state wildlife agencies with a total of just under \$3.3 million.

There are twenty states with checkoff programs, but only 12 were in effect for 1981 tax collections this year. Colorado has raised \$692,000 thus far, followed by Minnesota with \$523,000 and

New Jersey with \$397,000.

Utah recorded the highest taxpayer participation with 14.3 percent of the eligible taxpayers contributing. Colorado was next at 12.4 percent, followed by Minnesota at 9.4 percent. The average amount contributed by taxpayers ranged from \$3.27 in Minnesota to \$10.68 in New Mexico. Nationwide, more than 570,000 taxpayers contributed an average of \$5.73

each.

States with checkoff programs are: Alabama, Arizona, Colorado, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, New Jersey, New Mexico, New York, Oklahoma, Oregon, Pennsylvania, South Carolina, Utah, Virginia and West Virginia.

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