



OREGON WILDLIFE

JANUARY 1977

OREGON WILDLIFE

January 1977
Volume 32, No. 1

OREGON FISH AND WILDLIFE COMMISSION
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Oregon Wildlife is published monthly by the Oregon State Department of Fish and Wildlife. Volumes 1 through 28 were entitled Oregon Game Commission Bulletin.

RON E. SHAY, Editor

Permission to reprint is granted; credit would be appreciated.

Oregon Wildlife is circulated free of charge. Please report change of address promptly giving both new and old addresses and zip codes.

Second-class postage paid at Portland, Oregon.

All correspondence should be sent to:

Oregon Department of Fish & Wildlife
P.O. Box 3503
1634 S.W. Alder
Portland, Or. 97208

The Cover

Game Trooper Steve Shaw uses a metal detector to locate the bullet that was used illegally to kill an elk. Often the shooter can be traced through the use of modern methods. For more on law enforcement, see feature article.

Photo by Bob Kuhn

HUNTER EDUCATION PROGRAM

INSTRUCTORS APPROVED

Month of November 19
Total Active 1,641

STUDENTS TRAINED

Month of November 587
Total to Date 239,204

HUNTING CASUALTIES REPORTED IN 1976

Fatal 4
Nonfatal 41

MARK YOUR CALENDAR

In the past the Commission meetings have been scheduled from month to month. However, this year, to make for better planning for the Commission and the public, the dates have been set for the whole year ahead. All of the meetings are open to the public though not all are scheduled as public hearings. All are scheduled to start at 9 a.m. There is the possibility that a location or two may have to be changed but at this writing the plan is to stick to this schedule as closely as possible.

1977 Oregon Fish and Wildlife Commission Meetings		
January 21 (Friday)	Compact meeting Winter season	Western Forestry Center Auditorium (Zoo-OMSI area off Canyon Road, Portland)
January 22 (Saturday)	Hunting season opening dates only	Commission Office, Conference Room
February 18 (Friday)	Business meeting	Commission Office, Conference Room
March 18 (Friday)	Ocean salmon season, troll and sport	Western Forestry Center Auditorium
April 18 (Monday)	Compact meeting Review spring chinook status	Inn at the Quay, Vancouver (north end Interstate Bridge)
April 30 (Saturday)	Big game regulations proposals	Bonneville Power Building Auditorium (1002 NE Holladay, Portland)
May 21 (Saturday)	Big game regulations (final)	Bonneville Power Auditorium
June 24 (Friday)	Compact meeting Status of summer chinook and sockeye	Western Forestry Center Auditorium
July 29 (Friday)	Compact meeting August gillnet season	Inn at the Quay, Vancouver
August 19 (Friday)	Small game and furbearer regulations	Commission Office, Conference Room
September 2 (Friday)	Compact meeting Fall gillnet and Indian fishery closure	Western Forestry Center Auditorium
September 24 (Saturday)	Sport fishing regulations proposals	Lloyd Center Auditorium
October 22 (Saturday)	Sport fishing regulations (final)	Lloyd Center Auditorium
November 18 (Friday)	Business meeting	Commission Office, Conference Room
December 16 (Friday)	Business meeting	Commission Office, Conference Room

JANUARY MEETINGS

On January 21 the Columbia River Compact agencies will hold a public hearing at the Western Forestry Center Auditorium in the Portland Zoo-OMSI area to consider regulations concerning commercial fishing on the Columbia below Bonneville Dam and treaty Indian fishing above Bonneville Dam. The hearing will start at 9 a.m.

On January 22, starting at 9 a.m., the Oregon Fish and Wildlife Commission will hold a public hearing in the conference room of its headquarters office, SW 17th and Alder in Portland, to consider deer, elk, antelope, archery, chukar, and pheasant season opening dates for 1977. Only the opening dates will be discussed at this meeting.

Enforcing Oregon's Fish and Wildlife Laws

by Ron Shay

Enforcing wildlife protection laws might be considered about the first practice of wildlife management. Supposedly the Great Khan at one time put restrictions on the type and amount of various types of wildlife that could be taken. We don't have information on what the fines were for violating the "laws". However, if any of the stories from those days are true, we suspect forfeiture of bail might have been forfeiture of part of one's anatomy.

Down through the ages there have been various decrees by rulers who were concerned with the future of wildlife. In merry old England poaching the game of the landowner became an established tradition. Unfortunately, it seems this feeling that the poacher was some sort of Robin Hood type hero who really didn't hurt anything but instead was registering a protest against the establishment has carried over into this country. Hence the need for expenditures of considerable amounts of time, effort, and funds to enforce the wildlife laws.

One important difference in the laws here and in Europe should tear the aura of hero from the poacher if such an attitude still exists. In Europe the game is the property of the landowner and the theory is that the poacher is stealing from the crown or the individual landowner. Such is not true here. When the poacher takes fish or game out of season, he is stealing something that belongs to everyone, as the wildlife resource of the state belongs to all of the public. Laws and regulations are to help allocate surpluses of this resource equitably amongst the populace while still providing for the future of the resource. Incidentally, if you think hunters and anglers rule the roost in the sense that they have too much say as to what goes on, remember they provide by far the greatest amount of money spent on managing the resource. Actually, of the

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Sound fish and wildlife law enforcement requires the cooperation of the sportsman. The legal hunter or angler has no reason to fear the approach of the officer.

over 500 species of wildlife found in the state, only 10 mammals are classed as big game, 12 birds as upland game, and 7 mammals as furbearers. It is this group of creatures that demands much of the time of the law enforcement personnel. Not a small amount of time is spent enforcing laws concerning completely protected species, but many of the violations are related to the game species simply because they are the ones that folks want to eat. Commercial use of furs and feathers has caused non-game species problems and commercial hunting of bison and elk in parts of the United States created the early demands for stronger game laws.

Fish and game laws also came early in the history of Oregon and reports indicate they were just as hard to enforce then as they are now. In the first report of the State Board of Fish Commissioners dated 1887 they comment, "We have labored under serious difficulties in enforcing the law ..." This enforcement was related to commercial fishing.

A few years later in 1899, the first annual report of the Game and Forestry Warden opened with "Upon assuming the duties of this office, a general ignorance and disregard of the game laws was found to exist, and through the failure to make many convictions under the former ambiguous laws, violations were numerous." Under the laws of the time, L. B. W. Quimby, who held the warden position, could appoint deputy and county wardens. He had a bit of difficulty getting enough help, though, because he had no funds to pay the county wardens. Fourteen deputy wardens were appointed and he had the sum of \$500 to cover their expenses for a year.

The fact that the public didn't know about the laws disturbed Mr. Quimby so much that, as he puts it, "No provisions having been made by the legislature for the publication of the game and forestry laws, and believing that a general knowledge thereof would materially lessen violations, I caused to be published, at my own expense and circulated throughout the state, several thousand pamphlets containing all of the general laws ..."

During the early part of the century almost every session of the legisla-



The fish and wildlife division of the Oregon State Police has the use of four light aircraft to aid them in their work. These planes are not used for hazing wildlife but are a great aid in locating spotlighters, illegal gillnetters, individuals in closed areas, and for many other purposes.

ture reorganized the fish and game agency in some fashion and set a variety of new laws concerning the fish and wildlife.

In 1931 the Oregon State Police was created by the legislature and at that time enforcement of the fish and game laws was assigned to the game division of that organization. This is the way things stand at present with 110 men assigned to fish and wildlife law enforcement. These officers carry

complete police powers but are assigned full time to the enforcement of the fish and wildlife laws. The monies for their operations come largely from the budget of the Department of Fish and Wildlife. Some monies are also received from the state general fund, which at one time were applied to the enforcement of the commercial fishing laws. The 1975 breakdown was 87 percent to 13 percent. However, currently within

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Illegally used fishing gear and hunting rifles are often confiscated by the courts. Such materials take many forms and shapes as this sample shows. Such items

are sold periodically in large lots. The Department does not sell individual firearms or fishing rods. Money from such sales goes into the wildlife fund.

the division there is no separation of activities between enforcement of sport fishing and hunting laws and commercial laws. All officers are expected to be versed in all areas.

On occasion, the officers in the white pickup trucks will make traffic cases and in one instance a distraught driver thought it was rather unfair that the State Police were disguising themselves in pickups. These men can and do make traffic cases but the coin is not one-sided. According to the reports of the OSP for 1975, 1,595 or almost 14 percent of the fish and game arrests made during the year were made by officers assigned to traffic patrol.

During the times of heavy hunter and angler activity the traffic officers often assist and the deputy powers of the Fish and Wildlife Department personnel are brought into play. Although their job is primarily that of a gatherer of biological data, the field personnel of the Department are deputy game wardens and are fully empowered to make fish and wildlife arrests.

For many years the system used in Oregon was unique. However, within

the past few years, Alaska has gone to a state police wildlife law enforcement arrangement also. Since the system is not that common, one might ask does it work? Bill Morse of the Wildlife Management Institute compiled information on fish and wildlife law enforcement throughout the United States in 1975. According to Morse's report, in Oregon there were 9,533 hunters and anglers per officer and each officer has an average of 871 square miles to patrol. This compares to the average for the western states of 8,030 licensees and 1,051 miles to patrol.

Morse continues his analysis pointing out that Oregon officers averaged 111 arrests per officer for the year while the western average was 54 arrests per officer. The conviction rate was comparable to other states. Also pointed out in the report was that Oregon officers spend an estimated 75 percent of their time on fish and wildlife law enforcement. This varies greatly in other states. For example, in Montana the conservation officers spend only 45 percent of their time in enforcement of the fish and wildlife laws, the remainder being spent

on such things as wildlife management, public relations, boating, and lands. Nevada officers spend 20 percent of their time on boating activities, so direct comparisons are not completely possible since the laws of the state and the charges of the officers vary so much.

In total numbers, Oregon officers made more cases than in any other state in the west except California and as a result over a quarter of a million dollars in fines was collected.

Concerning these fines, the question often arises as to where they go. The state law spells it out in detail, saying that one-half of the fines from the justice and district courts go to the county where the action was commenced and the other half goes to the wildlife fund. All money from the sale of confiscated equipment goes to the wildlife fund.

The head of the fish and wildlife law enforcement division is Major Walter Hershey with headquarters at Salem with the other divisions of the OSP. Supervision of the field work is out of one of the four district offices located at Milwaukie, Salem, Medford, and Baker with some 50 smaller



Examining illegally killed elk meat for possible evidence. Such meat, if edible, is given to charitable organizations though federal laws concerning meat inspection make disposition difficult at times. Sometimes by the time the animal is located, the meat is beyond salvage. Illegally taken commercial fish may be sold to the highest bidder.

offices and stations statewide.

Law enforcement of all types has become much more complex in the last few years and, as a result, annual training sessions are part of the police routine. New recruits, before going into the field alone, go through an intensive six-month-long training period. For the next two years they receive additional training. All of this training has a two-fold purpose. Officers working alone, often miles from other officers, need to be up on the latest police techniques for their own protection. Secondly, it is very important that cases be put together carefully so they will stick. The 92 percent conviction rate indicates this is being done. Time and effort spent making a case only to have it dismissed because of some inadvertent mistake in procedure benefits no one. This complexity of making good cases and the possibility of a false arrest suit make the idea of deputized nonagency people as wardens virtually an impossibility.

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Officers do agree, however, that the average citizen can be a big help in law enforcement by being an observer and getting reliable, accurate facts. By collecting detailed information and turning it over to the State Police, often a case can be made. If the citizen observes a violation and is willing to appear in court, the case is even better, but with complete information an officer can often make his own case and not need the witness to appear. Wallet-sized violation report cards are available from the Department.

The variations on making fish and wildlife cases are endless and anyone who has done any of the work has many tales to tell, too many such tales to even start to include them in this article. The complexities of the job are many, such as where to cite a person, should equipment being used be seized, what is good evidence, how should seized game be treated, and on and on. All of the newest police techniques are used and in recent

years four fixed-wing aircraft have been purchased to aid in the enforcement job. These eyes in the sky have proven very valuable in spotting night hunters using spotlights. In addition, the aircraft are used effectively to spot illegal gillnet fishermen, individuals violating road closures, and a variety of other violators. On off seasons the aircraft are available to the Fish and Wildlife Department for game census work and other management activities.

So this is the basic fish and wildlife law enforcement set-up in Oregon. Again looking at the report of Bill Morse, he gives a national picture in stating that "Law enforcement vacancies within the next two years are estimated to be 148 for expansion and 577 for replacement jobs." It should be emphasized this is the national picture. Here in Oregon the scene is different. Major Hershey told us that the annual turnover in the fish and wildlife division of the State Police is only 5 to 10 men per year. Currently there are a number of officers with university fish and game degrees working as traffic officers while waiting for an opening to transfer into the wildlife division. The State Police requires high school graduation to qualify for the force. However, we were told that about the last 35 individuals added to the fish and wildlife division of the Oregon State Police all had university fish and game degrees.

With human nature what it is, law enforcement will probably always be a part of fish and wildlife management. It is a very specialized part of management. How successful it is depends not only on the quality of the officers but also the cooperation of the public and the attitude of the courts. A wildlife law violator was once thought by some to be rather a colorful fellow who really did no harm. Hopefully, those days have passed in the eyes of many. The violator is a criminal robbing everyone and in some instances actually threatening the future of various fish and wildlife species. With continued pressure on wildlife and fish because of man's activities, laws set for the perpetuation of various species must be enforced to allow future generations to know at least a part of this valuable heritage. □

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This and That

compiled by Ken Durbin

Sustained Yield Of Starlings?

The U.S. Fish and Wildlife Service has announced a policy for controlling starlings that would prevent anyone reducing the national population of that exotic and destructive bird by more than 10 percent, according to the Wildlife Management Institute. The policy, in effect, appears to prevent any significant reduction in the number of an alien species that plays havoc with native birds. It seems that starlings will be managed henceforth on a sustained yield basis. The Service apparently was daunted into issuing the strange policy with a lawsuit filed last year by the Society for Animal Rights.

No one knows what effect the policy will have on starling populations, native blackbirds, or other avian species. A yearly 10 percent reduction in starling numbers could stimulate an increase in the population through increased survival of the young. In any event, the eastern bluebird, woodpeckers, and other native species can be assured of an indefinite supply of antagonists.

New Tussock Moth Control Approved

A microbial pesticide, reportedly devastating to the tussock moth but otherwise apparently harmless, has been developed from a naturally occurring virus by the U.S. Forest Service. Conservationists are hopeful that the new control will work and stop the emergency use of DDT to control moths, the Wildlife Management Institute reports.

The virus pesticide, a product of 13 years of research, was formally approved for use in September by the Environmental Protection Agency.

EPA administrator Russell Train said the new pesticide "speaks the beginning of a new chapter in the handbook of forest pest management and, I would hope, sounds the death knell for DDT."

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Missourians Vote For Conservation

Nearly a decade of study, planning, and hard work bore fruit November 2 when Missourians voted in favor of a broadened wildlife and forestry conservation program, according to the Wildlife Management Institute.

Voters approved a Constitutional Amendment in the general election which will add a one-eighth of one percent sales tax, with the money dedicated to the state's conservation program. The tax will bring in an estimated \$18 to \$20 million annually above the present Conservation Department income which is mostly from hunting and fishing licenses. It becomes effective July 1, 1977.

The "new" money will finance a three-part program called "Design for Conservation". That effort includes acquisition of wildlife lands and expanded services such as pond stocking, better public land management, and additional research.

1977 Conservation Directory

The 22nd edition of the *Conservation Directory* is now available from the National Wildlife Federation. The Directory is one of the nation's most comprehensive listing of organizations, agencies, and officials concerned with natural resource use and management, with listings of nearly 1,500 organizations and 9,500 individuals. Included within the Directory are listings of international, national, and interstate conservation organizations, members of Congress, Congressional committees, and federal agencies concerned with conservation and natural resources. In addition, it contains a separate listing of U.S. and Canadian fish and game administrators, a guide to major colleges and universities offering professional training for careers in conservation and environmental matters, an index of periodicals and directories of interest, a list of foreign government conservation or environment offices, and references to certain audiovisual materials. And new this year, the Directory will provide a listing of U.S. National Wildlife Refuges. To order the 1977 *Conservation Directory*, write National Wildlife Federation, 1416 - 16th Street NW, Washington, D.C. 20036. Cost is \$3 per copy.

Duck, Here Comes A Flock Of 'Em

A small town in Arkansas was recently bombarded by frozen ducks falling from the sky. By the time the duck rain was over, almost 100 of the quackers lay scattered about. It turns out that the flock of ducks had been skirting a thunderstorm when they were caught in a severe updraft, carried aloft into the storm, and frozen to death.

Colorado Outdoors

Outlived By A Tortoise

Death is inevitable, but some animals, like humans, hold it off longer than others. What is the life span for various animals? The information here was compiled from zoo and aquarium records and it probably represents maximum ages. It is unlikely that most animals living in the wild would reach similar ages.

	Years
Giant tortoise	152
Box turtle	123
Swan	102
Elephant	69
Great horned owl	68
Snapping turtle	57
Eagle	55
Horse	50
Hippopotamus	49
Toad	36
Grizzly bear	32
Bison	30
Lion	30
Bullfrog	30
Tiger	25
English sparrow	23
Elk	22
Cottonmouth snake	21
Mountain lion	20
Beaver	19
Wolf	16
Squirrel	16

Longevity is not necessarily a blessing. Lonesome George is a giant Galapagos Island tortoise, discovered in 1971 quietly working his way across Pinta Island. His subspecies was thought to be extinct, killed off by 19th century mariners and the ravages of introduced goats on the island environment. An intensive search of the island has failed to turn up any others of the subspecies; George may indeed be the world's rarest creature. He is, at somewhere around 50 years old, utterly alone, and may be so for another 100 years.

Missouri Conservationist

Opening Weekend With The State Police

by Ken Durbin



"We talk to many hunters . . . It is surprising to me that in three days we found no one without a license and tag . . ." In the accompanying article Ken Kurbin of the Depart-

ment I&E staff gives his impressions of opening weekend with a State Police fish and wildlife officer.

A State Police game officer gets to see a lot of country. He not only works his own area intensively but on opening weekends of the big game seasons officers are transferred temporarily into other areas. This helps make up for the fact there are only 110 police game officers to cover the entire state.

The writer spent the opening of the Roosevelt elk season with game officer Fred Patton from The Dalles. We patrolled the lower Nehalem and Miami River drainages. Other State Police-Fish and Wildlife Department teams were assigned other areas so that all the most heavily populated elk areas were covered.

The opening of any big game hunting season begins a day or more early

for an enforcement officer. If he's in an unfamiliar area, it gives him a chance to get to know the country but, more important, the day before the opener is often when folks out scouting for animals are tempted to beat the rush by taking a bull early. The presence of an officer helps keep people honest.

On this day we listen for rifle shots and visit with hunters out scouting or setting up camps. We check licenses and tags. In the process we also casually inspect fingernails, cuticles, clothing, and vehicles for blood, which can never be cleaned completely away in the field. We are also looking for any other small detail which would indicate hanky-panky on the day before the season. On the radio we learn that officers

to the south of us have caught a poacher trying to sneak a 4-point bull out early.

On opening day we are in the field before daybreak, listening for early shooting, checking licenses, and inspecting tags. By late morning a few bulls are beginning to show up in hunter camps. We pay close attention to the temperature of the animals brought into camp on the first day. A stone-cold elk is sure to be an animal taken before the season opened. We find none, however, and the bulls we check are all legal.

There are usually a few cow elk purposely or mistakenly shot on opening day. The radio tells us some of the other officers have had cows down in their areas. They are both conducting investigations and salvag-

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ing meat if possible. The meat will go to institutions of one kind or another.

We learn of no cow kills in our area. The elk, in fact, seem to be sticking to heavy cover and many hunters have not seen even cows.

We talk a lot with hunters. Many have questions which we try to answer. We always ask whether they have seen or heard of anyone engaged in illegal activity.

"I hope you get 'em," we hear time and time again. Patton's answer is always the same. "There are only 110 of us. We can't do it all by ourselves. We need your help." He feels very strongly about this. He knows, as we all do, that the ultimate future of hunting depends on thinning the problem-makers from the ranks.

Later in the day a hunter tells us he overheard chatter on his CB radio that someone has shot a cow elk and is trying to figure out the best way to sneak it out. No details other than that.

We make the rounds of the popular camping areas. I need to count camps and check the number of bulls hanging in camp. The information will be used in comparing trends in hunting pressure and opening weekend success.

We talk to many more hunters, trying to get further details on the cow kill. We get a few second-hand rumors, but nothing we can take action on. We spend a lot of time trying to dispel a ridiculous rumor which goes the rounds of hunter camps each year that the State Police and DFW scatter the herds just before the season opens.

Occasionally we stop and use the binoculars. Sometimes we leave the vehicle and get back away from the roads. Inadvertently we startle a California hunter who was probably not expecting game officers on foot off the road. We don't see many nonresident hunters but the ones we meet are properly licensed and beyond reproach.

We visit a camp with an elk hanging in it but no one around. We can find no head to confirm it is a bull, either. The camp is on a road that goes up into country which has only one way out. We go up the road, checking the hunters we meet and soon have enough reports from different hunters to convince us the elk hanging in

camp below was a legally killed bull. But we also hear reports about someone up above shooting into a herd which apparently has no bulls in it. We spend the rest of the afternoon talking to other hunters in the area but nothing more comes from these reports.

The day began for us at 5 a.m. Now it is 5 p.m. and getting dark. We visit more hunter camps and when we begin to consider returning to town for supper, we hear via radio that a hunter has failed to come out of the woods in the Kilchis drainage. It is turning cold and has begun to rain.

Another enforcement team is on the scene but we go to assist if necessary. The hunter is young, husky, experienced, and well clothed. His friends say he has matches and has had survival training. Our main concern is whether he is hurt. Signal shots are met with return fire, so we know he is at least conscious. An emergency rescue vehicle arrives from Garibaldi. It has powerful spotlights and a siren.

We set up a racket at intervals and shine the spotlights into the misty sky. The hunter can home on us if he is trying to walk out. After two hours he has not arrived. In cases like this there is always a difficult decision to be made. Do you wait until morning to launch a search? Or do you risk other injury by trying to invade mountainous western Oregon terrain at night. A decision is made to hold off until morning.

Now it is 9 p.m. We return to Tillamook. I usually work in an office. It's been a long day for me. For Patton it's not unusual at all. He's accustomed to long and often irregular hours. It's part of the enforcement job.

Fred Patton is like many other State Police game officers. He's young. He's dedicated. He chose the profession he is in because he believes what he's doing is important. Like other game officers, he loves the outdoors, hunting, and fishing. He wants there to be something left when his young son is old enough to join him in the outdoors. He works hard to catch a violator. But he works just as hard at education. One senses he'd rather make a convert than an arrest. And, by the way, State Police officers do not have to meet an arrest quota.

Sunday morning, and we are out before daylight again. Officer Roger Nelson and George Ray of our Department return to the Kilchis. Patton and I head for our assigned area but we will also divert to the Kilchis if we are needed.

Soon Nelson informs us over the radio that the hunter has walked out safe and well. He had fallen in a hole and it was near dark when he got out. He spent the night next to a good fire.

It is raining steadily and many hunters are staying in or near their vehicles on the roads. Others are diving into the brush, getting soaking wet, and seeing elk. We check a few more bulls. We see many of the hunters we have already checked.

We learn from one of them that he talked earlier with another hunter who found the head, hide, and shot-up ham of a cow elk, apparently the one we had heard about yesterday. But he doesn't have the hunter's name or the exact location of the kill. His information merely confirms the earlier reports. To our frustration we are never able to learn more than that.

Camps begin emptying as many hunters, either discouraged by the rain or called back to city jobs, start to leave. Other camps are entrenched for the week. Much of Sunday is a repeat of Saturday and it is well past supper again by the time we return to town.

It is surprising to me that in three days we found no one without a license and tag, checked no elk improperly validated, and learned of no other illegal kills in our area. We wrote no citations and issued only one verbal warning to a 12-year-old girl who had not replaced her lost hunter safety certificate. The interchange on the police radio tells us other officers are not finding things so quiet.

That's the way enforcement work goes, Patton says. You go for days with no violations and then suddenly you're in the middle of something. Like last year, for instance, when Patton drove up to a pickup just as its owners emerged from the woods with the quarters of an illegally shot cow elk on their backs.

We'd rather find no violations at all. But we know that's not human nature. □

GAME AND COMMERCIAL FISHING OFFENSES

MINIMUM BAIL SCHEDULE

Game Licensing Violations:

Angling Resident \$30.00, Nonresident \$ 50.00

.....Hunting Resident 50.00, Nonresident 100.00

ANGLING

Angling closed season.....	\$ 50.00
Angling prohibited areas, hours, methods	50.00
Exceeding bag limit game fish	50.00
Fail to validate salmon license.....	15.00
Taking game fish closed season	50.00
Undersize game fish	35.00
Foulhooking, snagging game fish	100.00

HUNTING AND TRAPPING

Hunting or trapping closed season:

Game mammals, furbearers..... \$100.00

Game birds..... 50.00

Hunting prohibited areas, hours, methods

50.00

Hunting by aid of light

500.00

Casting light on game mammal, livestock, predators.....

300.00

Exceeding bag limit game birds

100.00

Exceeding bag limit game mammals:

Deer..... 300.00

Black Bear

300.00

Elk..... 500.00

Antelope

500.00

Mountain Sheep

500.00

Mountain Goat

500.00

Cougar..... 500.00

No big game tag

50.00

Fail to tag or validate game tag.....

35.00

Taking or illegally possessing game birds closed season

75.00

Taking or illegally possessing game mammals closed season

Deer..... 300.00

Black Bear

300.00

Elk..... 500.00

Antelope

500.00

Mountain Sheep

500.00

Mountain Goat

500.00

Cougar..... 500.00

False application for license or game tag 200.00

Lending or borrowing license or tag for big game

100.00

Wanton waste of game:

Fish

75.00

Birds

100.00

Mammals

300.00

Disguising sex game:

Birds

50.00

Mammals

200.00

Hunting protected birds.....

100.00

All other game violations not provided for

35.00

COMMERCIAL FISHING

No commercial fishing license:

Fishing..... \$ 75.00

Boat..... 200.00

Buyer..... 75.00

Dealer

300.00

Violations by person or individual:

Exceeding bag limit, foodfish or shellfish..... \$ 35.00

Fishing prohibited areas, hours, methods

100.00

Possession undersize foodfish or shellfish.....

35.00

Possession foodfish or shellfish closed season

35.00

Dynamiting salmon or other foodfish.....

500.00

All other commercial violations not provided for

35.00

Violations by commercial operator:

Fishing prohibited areas, hours, methods.....

\$500.00

Fishing closed season

1,000.00

Possession undersize foodfish or shellfish.....

250.00

Possession foodfish or shellfish closed season.....

500.00

All other commercial violations not provided for

100.00

The current minimum bail schedule. If an individual cited for a fish or wildlife law violation so desires, he may plead guilty and send in the appropriate amount of bail in lieu of appearing in court. However, the court may require any individual to appear before it. In so doing, the court may

assess a fine greater or less than the minimum bail or may dismiss the case and fine completely. These violations are Class A misdemeanors and maximum fine is \$1,000 and one year in jail. The fine assessed may be greater if the individual is a repeat violator.

Court Disposition Of Fish And Wildlife Law Violations

by R. C. Holloway
Chief, Information
& Education Section

The 1975 Legislature directed the Fish and Wildlife Department to determine how the justice and district courts in the state dispose of cases involving fish and wildlife law violations. A record of such violations that occurred in the period from April 1, 1975 through March 31, 1976 was obtained from the Oregon State Police for analysis. Following is a summary of information obtained from the record and the conclusions reached.

The courts handled 8,406 cases in the reporting period, 5,115 by 26 district courts and 3,291 by 47 justice courts. The number of cases handled ranged from a low of one in the Port Orford Justice Court to a high of 725 in the Tillamook Justice Court. District courts processed an average of 197 cases and justice courts an average of 70 cases. Of the total cases, 5,946 originated in western Oregon and 2,460 in eastern Oregon.

Of the 8,406 cases, 7,291 resulted in either conviction or forfeiture of bail. The base data did not permit separation of convictions from bail forfeitures. There were 130 "not guilty" findings, 678 cases were dismissed for cause, and an additional 307 cases were dismissed for other reasons, most frequently because the defendant could not be located.

A total of \$246,226 was assessed in fines, of which \$17,247 were suspended. Jail sentences totaled 3,851 days, of which 2,342 were suspended.

The conviction rate in district and justice court systems was almost identical, 86.47 percent in district courts and 87.15 in justice courts. Not including courts handling five or less cases, the rate ranged from a low of 67.1 in the Albany District Court to a high of 99.6 in the Newport District Court and a low of 50 percent in the Richland Justice Court to a high of 100 percent in the Brookings,

Cascade Locks, Jordan Valley, and Wallowa Justice Courts.

Other district courts with relatively high conviction rates included Portland, Bend, Coquille, and Milton-Freewater and those with relatively low conviction rates included Enterprise, The Dalles, McMinnville, and Roseburg. Justice courts at the low end of the scale included Enterprise, Harrisburg, Lakeview, and Moro.

Four kinds of violations were selected from a total of 20 categories to make a comparison of disposition among the district and justice courts. Included were "illegal animal possession", "hunting closed season", "no angling license", and "false license application" violations. Minimum bail schedules indicated below were in effect at the time the violations occurred. They have since been revised upward in many cases, as indicated elsewhere in this issue.

Illegal Animal Possession Minimum recommended bail for this violation ranged from \$205 to \$305 depending on the game mammal involved. In district courts the average fine assessed was \$128.50 and the average fine paid was \$123.15. In justice courts the average fine assessed was \$183.77 and average fine paid was \$172.93. Both averages are well below the suggested bail schedule with district courts, on the average, displaying a more lenient posture than justice courts. Most "severe" district courts included North Bend, Salem, Enterprise, Klamath Falls, and Coquille. Least "severe" included Gold Beach, Hood River, Medford, Milton-Freewater, and St. Helens. Most "severe" justice courts included Wallowa, Canyonville, Enterprise, Lebanon, and Vale and those least "severe" included Heppner, Sweet Home, Drain, Burns, and Hermiston.

Hunting Closed Season Minimum recommended bail for this violation is \$78. The average fine assessed and paid in both court systems exceeded the recommended minimum bail. "Severe" courts included Grants Pass, Bend, The Dalles, Astoria, and McMinnville District Courts and Reedsport, Tillamook, Florence, Cascade Locks, Silver Lake, and Wallowa Justice Courts. "Lenient" courts included Medford, Albany, Portland, Salem, and Klamath Falls District Courts and Nyssa, Irrigon, Lincoln City, Woodburn, and Lebanon Justice Courts.

No Angling License This is a very common type of violation with the courts handling 2,303 cases of this kind. Minimum recommended bail is \$32. The record discloses that, in general, courts look on this kind of violation as relatively minor. The average fine paid was in the neighborhood of \$20. Coquille, McMinnville, and Salem District Courts were the most "severe" with the least "severe" being Albany, Grants Pass, and Oregon City. The most "severe" justice courts included Cascade Locks, Fossil, and Redmond. The least "severe" justice courts included Tigard, Heppner, and Moro.

False Application for License Recommended minimum bail for this offense is \$105. The average fine paid was about \$47, less than half the recommended bail. High district courts included Hillsboro, La Grande, and St. Helens; those at the low end of the scale included Albany, Oregon City, North Bend, and Roseburg. Most "severe" justice courts included Fossil, Tigard, and Wallowa and least "severe" included Irrigon, Glendale, and Lincoln City.

(continued on back page)

Court Disposition *(continued from page 11)*

Jail Sentences

Jail sentences were used sparingly by the courts, 120 by district courts and 41 by justice courts. Of a total of 3,851 days sentenced, 2,195 were suspended. District courts with relatively heavy case loads that more frequently assessed jail sentences included Eugene, Grants Pass, Klamath Falls, Medford, Newport, and Salem. Others with comparatively high case loads such as Astoria, North Bend, Oregon City, and Portland either did not assess any jail sentences or no days in jail were served by a defendant. The Reedsport Justice Court imposed more jail sentences than any other justice court.

Violations identified as associated with hunting drew a total of 1,259 days served whereas those identified with angling drew only a total of 158 days served.

Conclusions

The data do not disclose any obvious correlations between court action

or inaction and the incidence of violations, kinds of violations, or the geographic location of violations. Generally speaking, the tendency of most courts to assess, on the average, less than the minimum bail recommended and to use jail sentencing sparsely may contribute to disrespect for fish and wildlife laws.

Average fines for the same kind of violation varied widely among the courts. This appears to reflect a pattern established in each court for a particular kind of violation.

Judged by conviction rate and sentencing, the most "severe" district and justice courts were Coquille and Wallowa, respectively. This distinction was quite clear. Other "severe" district courts were Salem, The Dalles, and McMinnville. Bend District Court was "severe" in conviction rate. Disregarding the factor of jail sentences, Cascade Locks, Fossil, and Redmond can be listed as among the most "severe" justice courts. Canyonville, Drain, and Madras Justice Courts ranked high on jail sentences

imposed compared to the number of cases handled.

Judged by the same criteria as above, the most "lenient" district court was Albany. There was a clear record of comparative leniency in this court. Other comparatively "lenient" district courts were Medford, Oregon City, Roseburg, and St. Helens.

Most courts are reluctant to use jail sentencing as a penalty or as a deterrent to fish and wildlife law violations. The majority of jail sentences was imposed for "animal possession" violations, indicating that most courts recognize this as a major violation.

Whether or not the courts, in general, are doing a "good" job or a "bad" job in handling fish and wildlife law violations is a matter of opinion and judgment. Perhaps those courts that display a tendency to be lenient can be encouraged to approach the level of the courts where the conviction rate is comparatively high and in which penalties assessed are more severe. □

Retirees Depart

December 31 marked the last working day for ten Department employees who collectively have accumulated 289 years of state service. Most of the time has been put in with the former Game and Wildlife Commissions. We wish them all well in retirement and pass along the list for your information. Their years of service are listed following their positions.

Bill Brown	Northeast Regional Supervisor	37
Howard Crawford	Technician, White River Management Area	12
Shireen Grenfell	Administrative Assistant, Business Services	41*
Bob Holloway	Chief, Information & Education Section	38
Cliff Lemons	Assistant Lands Supervisor	33
Hank Mastin	District Fishery Biologist, Lakeview	36
Jim Moore	Technician, Wenaha Management Area	12
Dan Ramsey	Mail Room, Business Services	30
Bob Ramsey	Fish Liberator, Statewide	24
Lloyd Smith	Information Expediter, I&E Section	26
		289

*Includes 37 years with Welfare Division

Deer Slayer Rapped

District Judge Winfred Liepe of Eugene recently rapped a Junction City resident enough so that it should make him think twice about going back to his errant ways. State Police Senior Trooper D. L. Violette cited the individual for possession of seven deer at his residence. Upon entering a plea of guilty, the violator was sentenced to 20 days in jail, fined \$500, and his Ruger .22 rifle with scope confiscated.



1634 S. W. ALDER STREET
P. O. BOX 3503
PORTLAND, OREGON 97208