

OREGON STATE
GAME COMMISSION

BULLETIN

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OREGON STATE GAME COMMISSION BULLETIN

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The Cover

Wood duck flies off after receiving leg band. Picture shows waterfowl being banded on the Denman Management Area by (left) Bob Maben, district game biologist, and (right) Walt Cavanaugh, who prior to his tragic death last September in a car accident was the area manager. Hunters killing marked birds are asked to return the bands with information on the species, location, and date of kill. Photo by Art Besaw.

BULLETIN HUNTER SAFETY TRAINING PROGRAM

Instructors Approved

Months of October and	
November	28
Total to Date	3,586

Students Trained

Months of October and	
November	2,525
Total to Date	89,793

Firearms Casualties Reported in 1965

Fatal	11
Nonfatal	40

BIGHORNS IN THE OWYHEE

Leslie Gulch at the upper end of Owyhee Reservoir became the new home for 17 bighorn sheep which were transplanted from Hart Mountain in November. The animals included 9 adult ewes, 2 ewe lambs, a 4-year-old ram, 3 rams in the 2-year-old class, and 2 ram lambs.

Leslie Gulch is the third site in Oregon to be stocked with bighorns.

GAME MEN RECEIVE CONSERVATION AWARDS

P. W. Schneider, state game director, and Ron Shay, assistant chief, information and education division, are recipients of conservation awards sponsored by the National Wildlife Federation and the Sears Roebuck Foundation.

Governor Hatfield, at the state awards banquet in November, presented Mr. Schneider a bald eagle statuette for the

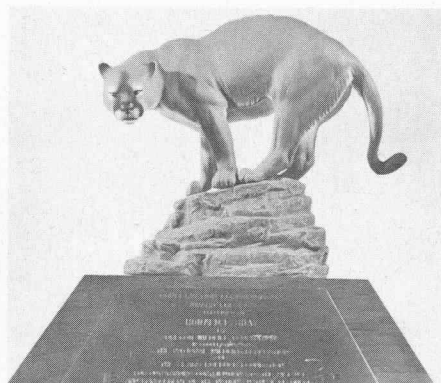


P. W. Schneider

top award of "State Conservationist of the Year." Mr. Shay received a cougar statuette for "Communications Conservationist of the Year."

Mr. Schneider, along with top winners from other states, received an expense-paid trip to Washington, D. C. to attend the President's awards banquet on January 11, when the winner of the national "Conservationist of the Year" is announced.

National winners for nine other conservation categories previously announced also were invited to attend the banquet in Washington.



Ron Shay Award

1965 TURKEY HUNT

Thirty-one hunters have mailed in reports stating they killed a turkey during the November 20-28 season, the first held in Oregon. The reported kill included 16 gobblers and 15 hens.

A majority of the hunters expressed enthusiasm for the sport and were particularly impressed with the wariness of the birds and the difficulty in hunting them. Some stated that the challenge compared favorably with that afforded by elk hunting.

Unsuccessful hunters will have a second chance during the spring gobbler hunt from April 30 through May 8. Holders of unused tags are eligible to participate in this hunt.

A total of 300 tags was authorized by the Commission.

CATCH ANY MARKED STEELHEAD?

Attention you lucky anglers! Among the steelheads you have landed so far this winter, was there one with a missing fin or a clipped maxillary on the jawbone, or perhaps a combination? If so, the Research Division of the Game Commission certainly will appreciate having

ARTHUR S. EINARSEN

Game Commission personnel and friends are grieved at the unexpected death of Arthur S. Einarsen on December 20 at his home in Port Townsend, Washington.

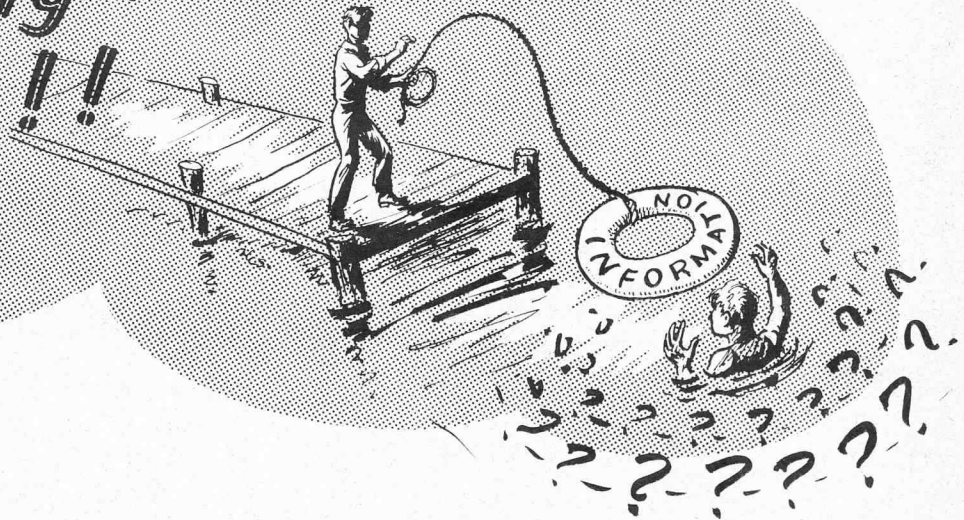
Employed by the U. S. Fish and Wildlife Service, Mr. Einarsen was Leader of the Oregon Cooperative Wildlife Research Unit at Corvallis from its inception in 1935 until his retirement six years ago. In this capacity he had a very close relationship with the Game Commission and the Department of Fish and Game Management at Oregon State University. Many of the Commission's present employees worked with Art on his wildlife research projects and received the benefit of his counsel and guidance.

In his retirement he served as wildlife consultant for a private wildlife development and also spent much time writing. His book, "Black Brant," was published just a few weeks ago.

He is survived by his wife, two sons, a daughter, and grandson.

the information as to where and when you caught it. Marked smolts have been released in several coastal streams and Columbia River tributaries.

We're Trying To Reach YOU!!!



By Ron Shay, Assistant Chief, Information and Education Division

VISUALIZE, if you will, a duck marsh. The sky is overcast and a stiff southwest wind is driving beads of rain almost horizontally across the landscape. Superimpose upon this scene a duck blind with a lone hunter waiting for one last duck to come by so he can fill out for the day when, in the near distance, his partner comes slopping across the mud flats with a coat full of birds. As he approaches, he shouts, "Hey, Joe, I got my limit . . . but I don't know what they are!"

Now go to a nice restaurant in Any-city, Oregon. The waitress has just finished serving the dessert to the weekly meeting of the young men's betterment league and discussions are going on around the table. A voice is heard above the crowd saying, "We were up at Skyblu Lake, but the fishing was lousy because 'they' had just finished feeding the lake and the fish weren't hungry."

Seemingly unrelated incidents but surprisingly similar in an unfortunate manner. Both speakers were suffering from lack of information . . . information that is available free from the Game Commission. It's not a new situation. As far back as records are available of Commission operations, there are comments regarding the need for more public information.

WITHIN THE ORGANIZATIONAL structure of the Game Commission is the Information-Education Division. The purpose of the division is pretty apparent

from its name, and yet the production of I&E services is of little value if no one is utilizing them. We'd like to do a quick run-through of these services. We hope that in so doing we may let you know of some of the things you might utilize and at the same time let you know we're trying to reach you.

The services and materials offered by the I&E Division and all the personnel of the Commission have grown out of indicated demand. We still don't have a program or brochure to answer every request and probably never will, but every employee of the Commission is a potential question answerer. Commission personnel attend hundreds of meetings each year explaining management activities to a wide variety of organizations.

The Commission maintains a film library with over 25 different film titles and well over 100 copies available from the Portland and regional offices. These are sound, color films available free of charge for showing to any organization. A list of films may be obtained by writing to the Commission.

IF YOU'RE READING this article, you're aware of the Game Commission Bulletin which is also free of charge and is mailed bimonthly to more than 60,000 subscribers. An additional 25,000 copies are distributed through license agencies. We previously issued this monthly, but financial limitations necessitated the cut-back. The Bulletin covers Commission ac-

tivity highlights but if you want more details on the species of game birds, animals, or fish found in the State, there are other publications you may obtain. Everything from hawks and owls to surf, rock, and bay fish is described, pictured, and briefly written up in a series of information leaflets that are yours for the asking. If you have youngsters, 11 single-sheet Wildlife Series leaflets have pictures and narrative about various wildlife species in the language of a fifth grader.

And, finally, if you want more information on a specific species or subject, there are more than 20 bulletins and booklets in stock that go into considerable detail . . . again, yours for the asking.

As we stated, there are many subjects that haven't been covered. Time and budget restrictions make it impossible to turn out enough material to keep up with the demand; in fact, we seem to be losing ground, but we can furnish information on basic management and general information about the game species.

WE'RE ALSO TRYING to reach you through the regular channels for mass distribution of information and news. The newspapers, radio and television stations in the State receive weekly news releases or columns telling of Commission activities and of current hunting and fishing opportunities. They also get a weekly hunting and fishing report compiled from

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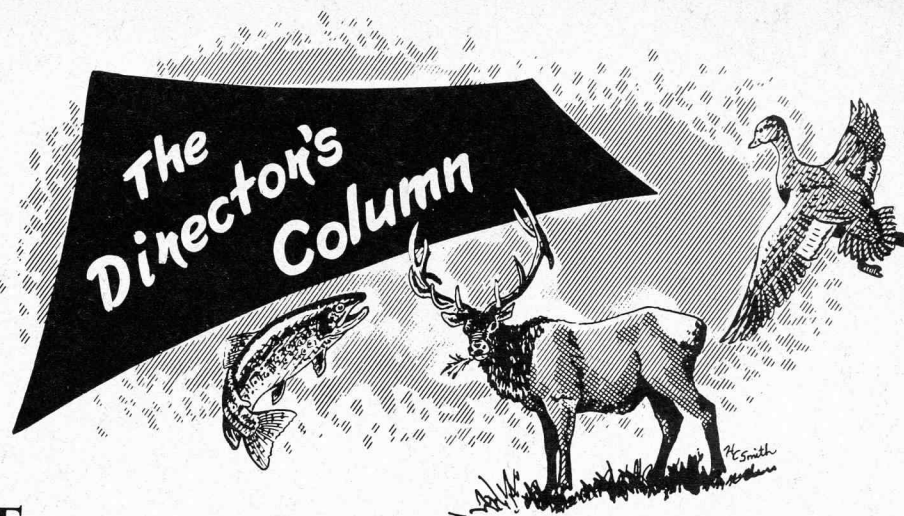
Landowner's Liability Limited

UNDER the common law rule, a guest had to accept the premises of his host as he found them. The host was liable only for mishaps caused by hidden defects of which he was aware and which he had not pointed out to his guest. This same rule applied to landowners or others in possession of land regarding persons permitted to carry on recreational activities on their lands. A landowner, of course, was not exempt from liability or willful or wanton conduct toward guest. Neither was he exempt from injuries suffered by a child of tender years attracted to the premises by some structure or other feature of the land which would be dangerous to a small child. The landowner would be liable if he did know, or should know, that such feature could be attractive to small children and he had not taken reasonable affirmative precautions to prevent a small child from his own folly. This was known as the "attractive nuisance" doctrine.

The host's limited liability of common law did not extend to those situations where a fee or other consideration passed from the guest to the host for the privilege of coming upon the land. In these cases a "guest" was considered to be a business invitee and a higher degree of care was demanded of the "host." For example, he could not gain immunity to liability by merely warning of a hidden defect but he had to take affirmative steps to remove the hidden defect and any other defect which might endanger the invitee.

Since this was a matter of common law, or what is popularly referred to as "unwritten law," many landowners who otherwise would have permitted the public use of their land for recreational purposes were afraid to do so. Therefore, in 1963 the Oregon legislature enacted ORS 30.790 which spelled out exactly what a landowner's liability is. It reads as follows:

"30.790. Liability of owner or person in possession of land used for recreational purposes. (1) Except as provided by subsection (2) of this section, when the owner or person in possession of land which may be used for recreational purposes, including but not limited to hunting, fishing, trapping, camping, or hiking, has granted permission to any person to enter upon or use the land for recreational purposes, neither the owner nor the person in possession of the land shall be liable for the injury, death, or loss sustained by any person entering upon



THE LAST ISSUE of the Bulletin carried a brief article describing the four species or subspecies of blackbirds which are common summer residents of our State. In this issue a brief note on the seven swallows to be found seasonally in some part of Oregon is presented.

These articles, written by C. E. Kebbe of our Game Division and illustrated by Harold Smith of our Information and Education Division, are necessarily sketchy. A feature article and more could be written on each bird. They represent, however, the fulfillment of both a statutory and functional responsibility of the Commission. It is our intention to continue the publication of summary material on the so-called nongame bird forms of Oregon as space and publication schedules permit.

Of importance but not generally known is the legislative mandate which, among other things, cloaks this Commission with the obligation of concerning itself with nongame birds of the State. ORS 496.160 imposes on the Commission "... (a) full power and authority to formulate the general policies and pro-

or using the land for recreational purposes, resulting from the condition, structures, or activities on or uses of the land or as a result of an act or omission of the owner or person in possession of the land.

"(2) Subsection (1) of this section is not intended to limit the duty owed by or liability of an owner or person in possession of the land:

"(a) When there has been a direct business benefit conferred to the owner or person in possession of the land as a substantial motivating factor in the grant of permission for entry or use of the land for recreational purposes.

"(b) In cases of willful or wanton misconduct of the owner or possessor of the land.

"(c) Where an affirmative obligation

grams of the state respecting the management, which ... includes protection, preservation, propagation and promotion of ... nongame birds, other than domestic birds and fowls, within this state."

It is a reflection of the thoughtful legislative treatment of matters concerning our State's fish and wildlife that our game code contains the fortuitous provision for consideration of the welfare of this element of our natural fauna. Philosophically and aesthetically, the wild bird life of the State is a precious ingredient in our environment for many people, and for many of us our lives would lack something important if these wild forms were not with us.

It is our hope that brief comments on these interesting, beneficial, and beautiful components of our natural environment will add a factor of enjoyment to the readers of the Bulletin. It is our further hope that this important part of the Oregon scene will be ever a part of our lives and that consideration of their welfare will assure their presence in perpetuity.

—P. W. SCHNEIDER

exists dependent upon a relationship other than that arising from the entry or use of the land for recreational purposes.

"(3) This section is not intended to apply to or affect the so-called doctrine of attractive nuisance.

"(4) As used in this section, 'owner or person in possession' does not include a governmental body or political subdivision or a public corporation."

You will notice that the liability as codified by the legislature follows the common law rule with the exception of a mention of hidden defects. From this act it appears that outside of affirmative acts of willful or wanton misconduct, the only things the landowner has to worry about are "attractive nuisances" on his

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Swallows

SOME of the most interesting and beneficial resident summer birds in Oregon are the swallows.

From daylight to dark and from March to October, these birds are constantly on the wing, patrolling the skies for mosquitoes, flies, and other winged insects. In late summer they are quite conspicuous as they assemble in large flocks on telephone wires prior to departure for winter quarters in Central and South America.

Seven species of swallows are found in the State during the summer months. Most familiar are the violet-green and the tree swallows, which seem to prefer nesting sites in suburban areas. Their nests are constructed of grasses and feathers in tree cavities or back-yard bird houses.

Both species have snow-white under parts, with the white feathers on the violet-green extending above the eye and high on the rump. The entire back of the tree swallow is blue-black, while that of the violet-green is light green.

Less familiar are two other white-breasted swallows—the bank and rough-winged. The upper parts of both species are brown. The rough-winged swallow has a dingy throat, while the distinguishing mark of the bank swallow is the dark band across its breast. Both species are common in eastern Oregon where they nest at the end of two-foot burrows in dirt or sandbank. Bank swallows nest in huge colonies, while rough-wings prefer solitude.

The cliff swallow has become familiar to many people through its annual return to Mission San Juan Capistrano in California on St. Joseph's Day. This species arrives in Oregon about three weeks later and immediately starts construction of its retort-shaped nests of mud under the eaves of buildings, beneath bridges, or on the face of eastern Oregon cliffs. The white forehead, dark throat, and pale rump separate this bird from other species of swallows.

Another mud-dauber — as the cliff swallow is also frequently referred to— is the barn swallow. It prefers to construct its cup-shaped nest of mud under bridges or on the rafters inside barns or old buildings. It is the only swallow with brown under parts and a forked tail.

Purple martins are the largest members of the swallow family. They are found in small numbers in western Oregon but are rare east of the Cascades. From a distance the male appears to be entirely black, while the female is dark above but with a grayish breast.

Martins are colonial nesters, using old woodpecker holes and natural cavities in snags and dead trees in which to construct their nests of leaves and grasses. In eastern United States, martins take readily to many-compartmented bird houses, but in the West they prefer natural sites to man-made homes.

—C. E. KEBBE

FROM OUT OF THE PAST

In 1924, 1,002 arrests were made for game law violations.

Fines assessed totaled \$27,262.00.

897 arrests resulted in convictions

39 cases were dismissed

66 cases were found not guilty on trial

36 were imprisoned

In 1964, 6,739 arrests were made for game law violations.

Fines assessed totaled \$163,177.75.

* * *

"An effort is being made in California to secure an increase in the hunting and angling license.

"It is pointed out that millions are expended each year for good roads and only a few hundred thousand for protection and conservation of fish and game, one of the greatest natural assets of the state; and that each mile of good roads constructed plays an important part in

game decrease . . .

"We in Oregon face the same situation that exists in California. Sportsmen and organizations are demanding more fish, more game, and more patrol service. Present available funds are barely adequate to carry on present operations without any increase."

The Oregon Sportsman

May 1925

Forty years ago?

* * *

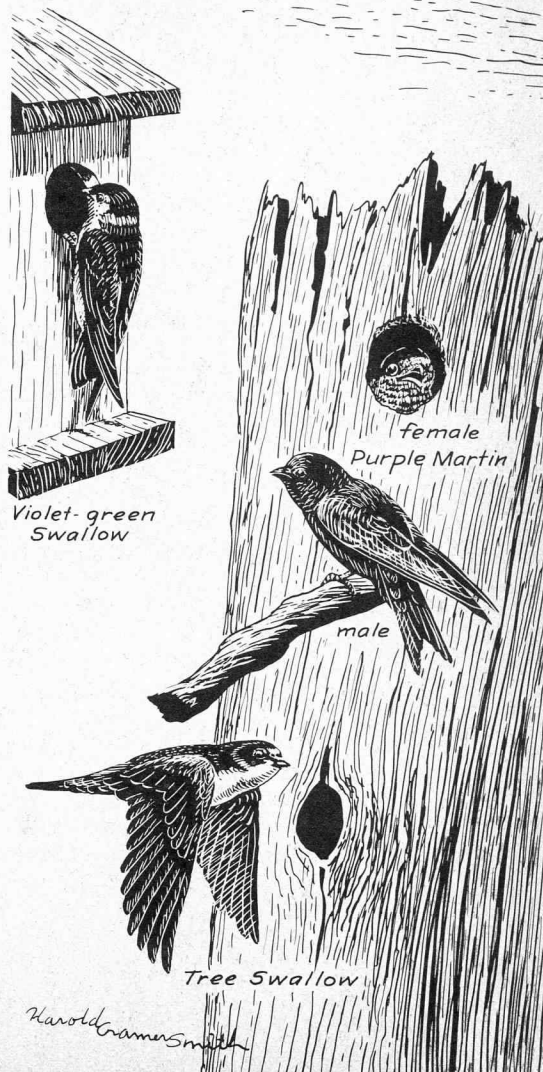
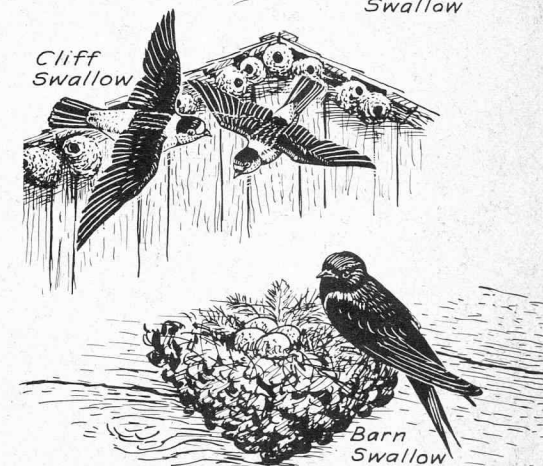
"There are now twenty fishermen in Oregon where there was one 10 years ago, and it is obvious something must be done to keep up the supply of fish."

3rd and 4th Annual Reports

Game & Forestry Warden

L. P. W. Quimby 1901 and 1902

He thought he had troubles in 1902 . . . little did he know what the future held.





Summer youth camps welcome the wildlife talks and hikes under leadership of Game Commission education personnel.

We're Trying To Reach You

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information provided by the district biologists.

Numerous stories covering items of local interest originate from district representatives of the Commission and feature stories are provided to the news media on subjects that are too involved from straight news-type coverage.

Over 35 of Oregon's radio stations are receiving a weekly taped program with news of hunting, fishing, and conservation. A number of radio stations utilize local biologists of the Commission for weekly programs on fish and game.

Though no regular programs are scheduled on the television stations of the State, frequent appearances are made by Commission personnel to explain seasons and regulations. Several series have been presented with the cooperation of the Oregon Education Television Network stations. Filmed stories are sent to the stations covering special seasons and activities of the Commission.

The amount of these materials used by the stations is largely dependent upon the interest expressed by viewers and listeners. How recently have you written or phoned your radio or TV station to tell them how much you liked or disliked its programming?

FREE-LANCE WRITERS are furnished material in the form of pictures and specially compiled information. This often appears in national magazines or in your local newspaper. These same people are invited to go along with field person-

nel of the Commission as often as possible so they can give to readers their interpretation of what is being done.

The field trip idea is expanded on certain occasions when the Commission sets up "Show-Me-Trips." These are usually scheduled for a weekend, and invitations are sent directly to sportsmen's clubs and to other citizens through the news media. This type of trip is designed to explore in depth certain management activities or problems.

Along these same lines, but less organized, are tours of Game Commission installations. All the fixed stations such as hatcheries are open to the public throughout the year. Several hatcheries are hosts to thousands of visitors each summer —

some just as casual lookers, others as picnickers. For example, there were at least 40,000 visitors to the Wizard Falls Hatchery on the Metolius River in 1965.

PERHAPS ONE OF THE best known members of the Game Commission's public contact staff is Herman. In recent years he has been viewed by many thousands of individuals who have expressed everything from shock to amazement at his size and age. Though he's not especially communicative in the regular sense, he has a host of friends who ask about him if he misses the State Fair or Pacific International Livestock Exposition.

Herman, in case you haven't met him, is a six-foot sturgeon from Roaring River Hatchery who is one of the mainstays of the Commission's annual exhibits at the two aforementioned shows. He is normally accompanied by a selection of other fish, mammals, and birds tended by members of the Commission staff.

At county fairs and numerous other meetings, portable displays are installed to tell of wildlife and its management. Budget and manpower limitations make it impossible to provide live-animal displays on a widespread basis. Small displays are prepared for specific special interest meetings. The Commission has a variety of mounted birds that are loaned for educational purposes but because of the cost involved in obtaining new mounts, the user must have proper protection for them.

EDUCATIONAL SERVICES

Though there is a rather thin line dividing information and education, a number of the services provided by the Commission place themselves into a more formal category somewhat akin to the schoolroom.

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An assortment of the publications available free of charge from the Game Commission office.



We're Trying To Reach You

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Each summer, regular and temporarily employed naturalists visit youth camps through the State. These fellows work with the campers, trying to create an awareness and appreciation of our outdoor resources. Local wildlife is described and pointed out, if possible, and the relationship of an animal to its environment is discussed. This program, started over 10 years ago, takes information to over 14,000 youngsters each year. During other months of the year, contact with many youngsters is made through Forest Resource Conservation Tours and Outdoor Schools that are held in widely scattered locations in Oregon.

Teachers showing an interest in conservation are aided with a variety of printed material and Commission participation in teacher workshops held during the summer. At these workshops educators concentrate on conservation in its fullest meaning during sessions held in the most appropriate classroom available, the outdoors. Our participation in these courses is in conjunction with other resource agencies and the university conducting the course.

Added to all of this are the unscheduled requests, constantly increasing in number, for personnel to participate in vocational guidance sessions or to talk to



Motion pictures are available for showing to organizations. Much of the footage is taken by game department photographers.

GAME BULLETIN



A typical show-me trip conducted by game personnel to big game ranges in which the general public is invited to participate.

individual school classes on conservation, wildlife, fishery management, etc. Though virtually every man working for the Commission is expected to respond to these calls, the demand often exceeds the time available. If you have any thoughts about attempting to secure a speaker for such a function, we would say, "Please schedule well ahead."

AT THE START of this article, we rather implied that the Information-Education Division was the source of much of this material. In so doing, we certainly didn't mean to slight the importance of and tremendous amount of effort put out by field personnel of the Commission. These are the fellows who know better than anyone the status of the fish and game in their district. They are the ones who can tell you if Podunk Creek has pogies in it or if Bald Mountain has bears on it.

The information gathered about fish and game is certainly not classified as top secret. In fact, the opposite is true . . . the more people who know about our wildlife resource and the work being done to properly use it, the more effectively it can be managed.

We can't fill every request we have for a new film or for detailed information on every kind of wild animal in the State, but it's difficult to assist you with the information we do have unless we know you want it. The fellow with the limit of "I don't know what they are" could probably identify them if he had a set of information leaflets on waterfowl, and the gent who couldn't catch fish would find that the Commission doesn't feed lakes. He might have to figure out another reason for not getting fish, but on the other hand, he might get some fish-

ing tips by talking to the local fishery biologist. The preceding and other activities of the Commission are financed by the hunter and angler of the State through his purchase of licenses and tags.

We're trying to reach you, but we don't know which way or how far to reach unless we hear a cry!

Landowner's Liability Limited

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property. These would include structures such as water towers, excavations, and other similar structures which would be attractive to children so young that they would not appreciate the inherent dangers. A reasonable effort must be made to protect these small children from their own ignorance by installation of fences, etc., around such attractive nuisances. There could be an increased chance of an incident occurring as probably more small children would be present on lands open for recreational use than lands which are closed to public entry.

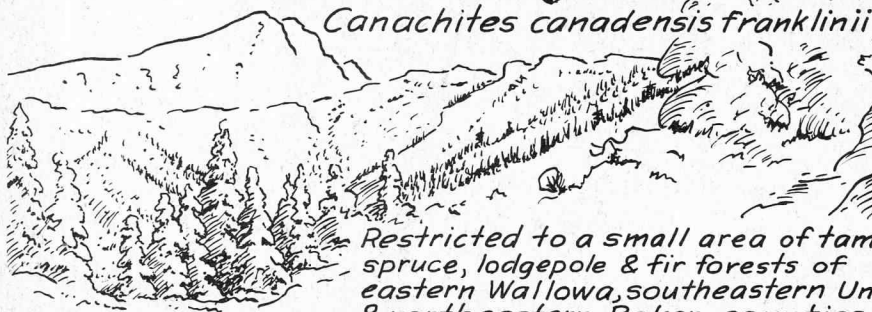
In summary, as the Oregon laws now stand, the landowner is exempt from liability for injuries or losses by persons using his lands for recreational purposes where no benefit accrues to the owner by reason of such use except for:

1. Willful or wanton misconduct of the owner.
2. Persons on the land for reasons other than recreational use.
3. Small children who are unable to appreciate the dangers inherent in certain structures or other features of the land.

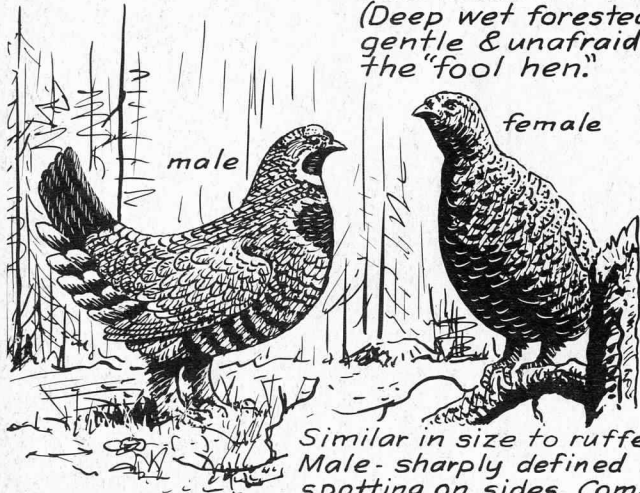
—ROY ATCHISON

FRANKLIN'S GROUSE

Canachites canadensis franklinii



Restricted to a small area of tamarack, spruce, lodgepole & fir forests of eastern Willamette, southeastern Union & northeastern Baker counties. (Deep wet forested areas) Extremely gentle & unafraid of man, it's called the "fool hen."



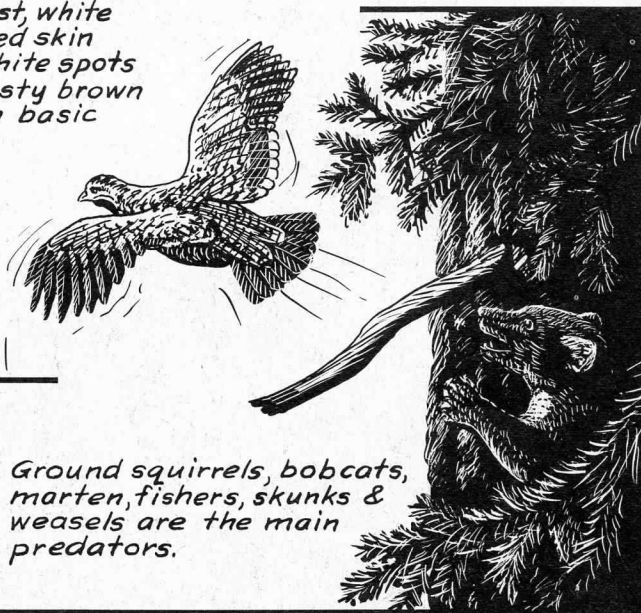
Similar in size to ruffed grouse. Male - sharply defined black breast, white spotting on sides. Comb of bare red skin above eyes, row of conspicuous white spots at base of black tail. Female - rusty brown thickly barred; blackish tail with basic pattern of males.



Food includes insects, berries & greens in season, in winter months diet consists of spruce, fir & tamarack needles & buds.

Harold Chamer Smith

Mate in early spring - male strutting on the ground. Nesting occurs in May & June; 8-14 eggs are laid in a crude nest under a bush or next to a log.



Ground squirrels, bobcats, marten, fishers, skunks & weasels are the main predators.

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

