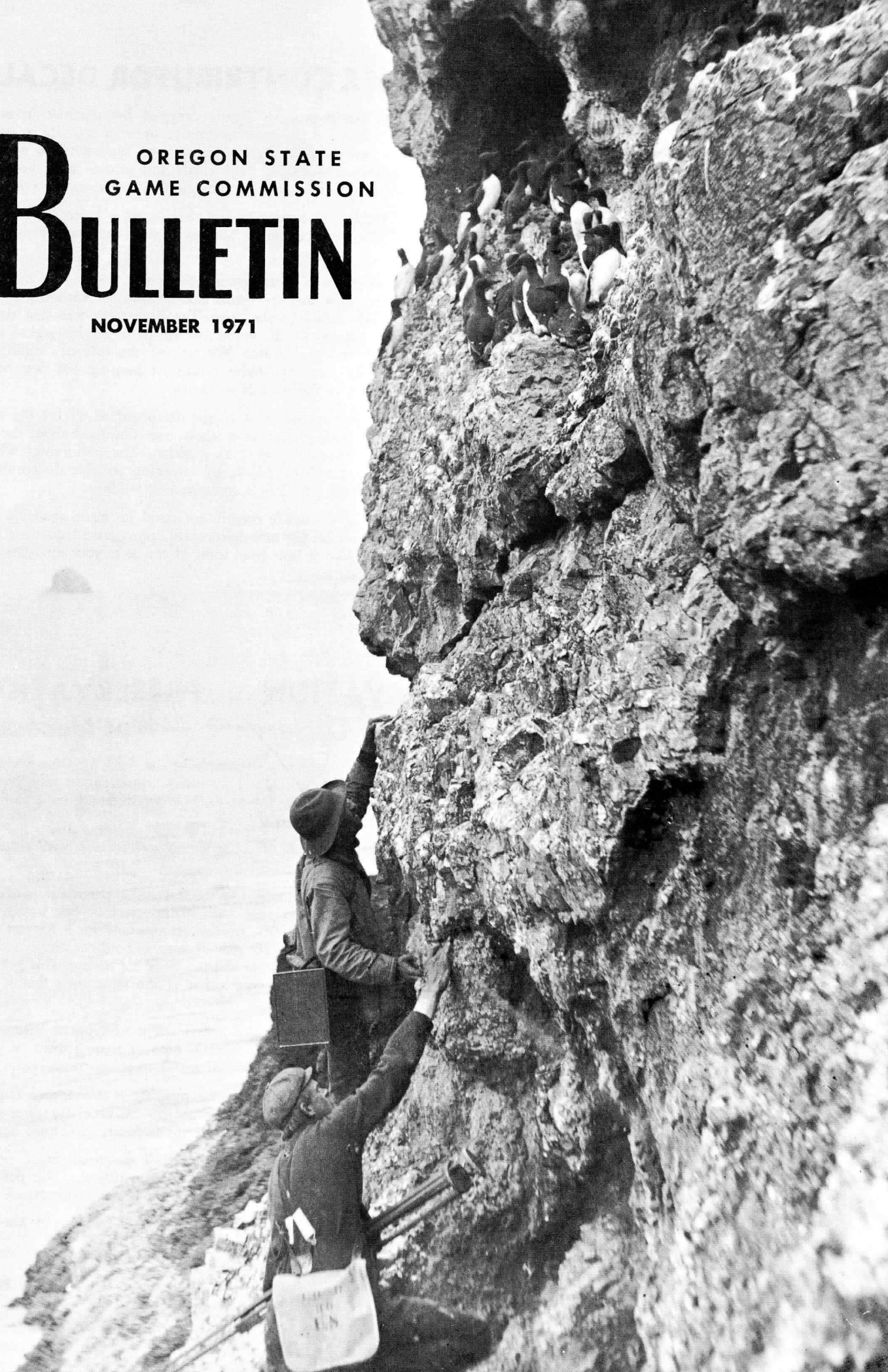


OREGON STATE
GAME COMMISSION

BULLETIN

NOVEMBER 1971



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NOVEMBER 1971
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The Cover

William Finley and W. T. Bohlman climbing the outer cliff on Three Arch Rocks in 1903. More nostalgia on page 7.

The photographer is not named with the negative. However, in other instances these men had used a long remote air trip device, and we suspect such might be the case here.

HUNTER SAFETY TRAINING PROGRAM

Instructors Approved

Month of September	91
Total to Date	2,520

Students Trained

Month of September	4,165
Totals to Date	173,267

Fatal Casualties Reported in 1971

Fatal	0
Nonfatal	16

A WILDLIFE CONTRIBUTOR DECAL?

In our editorial last month we lightly dropped the gauntlet in suggesting that perhaps now is the time for the nonconsumptive users of wildlife to come forth and be counted. There have been increasing amounts of condemnation of the hunter by some nonhunting and anti-hunting individuals and groups with little consideration for the part hunting plays in the sound biological management of wildlife.

Even more disturbing to some who feel their sport is being threatened is the lack of recognition of the contribution of hunters toward the conservation of a number of species.

One of our readers wrote in suggesting there was a way that the nonhunter can make his contribution now that the Game Commission has authority to manage virtually all of the wildlife found in the state. The suggestion was that the Commission issue a nonhunting license which would consist of a window decal or wallet card indicating the holder had contributed. We favored the title of "wildlife contributor" in that it doesn't infer that the holder is against hunting but that he is positively interested in the future of the wildlife of the state.

As we suggested last month, it is to the detriment of all for the nonhunter and hunter to be feuding. Both groups, as a whole, are concerned about the future of our wildlife resource and should be working together. The anti-hunter who devotes his time to damning is accomplishing little by spreading possible dissension amongst the minority group in our society that is interested in wildlife.

The suggestion that a wildlife contributor decal be made available has intriguing possibilities. It could not be put into effect until appropriate legislation is enacted but, in the meantime, we'd like to hear from some of you as to your thoughts on the subject.

—R. E. S.

CONSERVATION . . . PRESERVATION

— Same? — Different? — Not Necessarily!

With the increasing awareness of people of the need for wise management of our renewable and non-renewable natural resources, *conservation* and *preservation* have become everyday words. As one listens to these words being used, it is apparent that they are often applied incorrectly.

Perhaps the best definition of conservation is *wise use* with equal emphasis on *wise* and *use*.

In fish and wildlife management, programs for a particular species could range all the way from long open seasons, with liberal creel or bag limits, to a complete closure of seasons and no provision whatsoever to allow for a harvest of any portion of the population. Both extremes are *conservation* as both constitute wise management, but the former provides for much use and the latter for no use. This latter management scheme can properly be termed *preservation* at the same time that it is part of the conservation program.

Thus we see that *conservation* is a generic term referring to a sound management program, whereas *preservation* is a specific type of management technique, applied to a particular species (usually in specified areas) to effect conservation of that species.

It stands to reason that if a conservation program is sound, then resort to *preservation*, as a type of management scheme, should not be necessary since over-use of the animal population, or destruction of significant portions of habitat, should not occur.

It also stands to reason that if *preservation* is practised where populations have reached the carrying capacity of their range and are just about to destroy, or are destroying, their range, then this act of preservation is not conservation.

It is obvious that all of *conservation* is not *preservation*, and *preservation* is not necessarily *conservation*.

From: Ontario Fish and Wildlife Review—Fall-Winter 1970

"What About Going On to Private Land?"

EDITOR'S NOTE: *This article was originally prepared by Roy C. Atchison when he was serving as assistant attorney general for the Game Commission. We've had a number of inquiries about the subject so Bob Holloway, who handles legislation for the Commission, updated the article for this rerun.*



Persons who like to hunt and fish on private lands should always obtain permission. Requesting permission is only common courtesy and goes a long way toward preventing additional no trespassing signs.

On a summer day in Oregon a fisherman was walking along the bank of one of Oregon's trout streams. As he proceeded up the bank he came upon a tributary flowing into the stream in which he was fishing. Presently he was walking up the bank of the tributary, casting his lure into a likely looking spot, when suddenly from above him an irate voice rang out and told him to get out. A person with a high-powered rifle approached and informed the angler that he was trespassing on private property; that he, the landowner, was a deputy sheriff, and that the fisherman had better leave. The angler replied that he was not on private property and that he did not have to get off. Without further ado the landowner commenced shooting into the water near the angler's feet and hitting him in the mouth with the butt of his rifle. Upon picking himself up from the water and upon being shown papers identifying the owner as a deputy sheriff, the fisherman turned and walked back downstream, which also happened to be the direction where his attorney lived.

Who was right in this situation? Must a fisherman leave private property when ordered to do so by the landowner? What if the property is posted? To what degree of force can the landowner resort in order to repel a trespasser? What, if any, would be the difference if the fisherman were fishing from a boat?

These and many other questions are the subject of this article.

The situation presented in the first paragraph is not merely an illustration. It actually happened.

Just what are the rights of the participants? To begin, you should know more of the facts surrounding the incident. The stream upon which the hapless angler was first walking was a nonnavigable stream; however, the landowner's property line was at the high watermark. Therefore, initially the angler was not trespassing on the land of this particular person. When he left the main stream and proceeded up the tributary, he became a trespasser when he crossed the property line and would have been liable in a civil suit for any damage caused by the trespass.

What can the landowner do about you when he finds you trespassing on his property?

(Continued on Page 4)

PRIVATE LANDS . . .

(Continued from Page 3)

The Oregon Supreme Court has ruled that a landowner may use whatever force to eject a trespasser as is reasonably necessary—short of taking human life or causing great bodily harm.*

In the case mentioned, the landowner was sued for personal injuries and judgment was rendered against him for more than \$4,500, not counting his attorney's fees, as the court felt that under the circumstances he used unreasonable force in repelling the trespasser.

The wisest course for a landowner to follow when a trespasser refuses to leave is to call upon an appropriate law enforcement agency to eject the trespasser, thus saving much unpleasantness and eliminating the possibility of committing a disturbance of the peace, personal injury suits, and/or facing charges of assault and battery.

Persons who would like to fish or hunt on private lands should always obtain permission of the owner or occupant and thus avoid unpleasant occurrences which can spoil an otherwise pleasant outing. Aside from the legal implications, requesting permission to enter upon private lands is only common courtesy and goes a long way toward promoting favorable landowner-sportsmen relations.

Some sportsmen believe that their hunting and angling licenses give them the right to go upon private property in pursuit of fish and game. Nothing could be further from the truth. The right of the property owner is paramount. A sportsman must obtain permission to enter the property of another. Even though all game birds, animals, and fish belong to the state in trust for the people, the privilege of hunting or fishing on private land is controlled absolutely by the landowner.

Before we go any farther, perhaps it would be well to define a trespass so far as it concerns hunters and anglers. A trespass is an unauthorized entry upon the land of another. There are two types of penalties which can be imposed on trespassers—one is civil and the other is criminal. A trespasser is liable for any damage caused by reason of the trespass under a civil suit brought by the party aggrieved. This is a common law remedy which has been enacted into law by the Oregon legislature to cover various types of trespass. In some instances the law has prescribed the damages which can be recovered by the owner.

*Scheufle v. Newman 187 Ore. 263

To get back to our fisherman, since the property owner's land ran to the high watermark, the fisherman was not trespassing on his land initially. This situation is not normally found on nonnavigable streams. Ordinarily an owner of a creek or nonnavigable river frontage owns to the center of the main channel of the stream unless he owns land on both banks, in which case he would own both bed and banks of the stream. Anyone walking up the bank or wading in the stream without permission would be trespassing.

Oregon law prescribes that the area between the ordinary high watermarks

on navigable streams is public highway for access of licensed hunters, anglers, and trappers (498.125). This is true even in those rare cases where title to the bed and banks is in private ownership. The Act of Congress admitting Oregon into the Union gave title to the tidelands and the bed and banks between the ordinary high watermark to the state. Some of this land was conveyed to private individuals but the Oregon Supreme Court has ruled that the state, while it could convey the title to the land, was unable to convey the right of access or right to navigate, which was historically vested in the public.*

(Continued on Page 5)

*Corvallis & Eastern R. Co. v. Benson 61 Or. 359



Ordinarily an owner of a creek or nonnavigable river frontage owns to the center of the main channel. Anyone walking in the stream could be trespassing. The text of the article discusses what is navigable and other aspects of trespass.

PRIVATE LANDS . . .

(Continued from Page 4)

Therefore, a licensed hunter, angler, or trapper can travel with impunity either on foot or in a boat in any area between the ordinary high watermarks on any navigable body of water.

Now the next question is: What is navigable? Oregon law does not define navigability; therefore, the Supreme Court had to decide the question. The Court ruled that there were four kinds of navigability:** (1) Those waters in which the tide ebbs and flows; (2) Those which are navigable in fact for boats, vessels, or lighters; (3) Streams not navigable for any purpose; and (4) The larger rivers susceptible of a great volume of commerce.

The Supreme Court has never decided which test applies to the "navigable" streams referred to in 498.125. This is the law which made the bed and banks public highway for access of hunters, trappers, and anglers. There is no question about access on the shore of the ocean or the bays where there are tides. Also there is no question about large rivers such as the Columbia, Snake, or Willamette. The question arises when we get on smaller streams, which can be boated readily but whose banks and beds are in private ownership. These streams are "navigable in fact" but cannot support a great volume of commerce and, of course, have no tides.

**Guilliam v. Beaver Lake Club 90 Ore. 13

A safe rule to follow is to ascertain the ownership of the bed of the stream. If it is in private ownership, the fisherman by all means should obtain permission from the owner if he intends to walk or wade it.

A person fishing from a boat is in a different category from the bank fisherman. All waters of the state are public waters and the Supreme Court has ruled that on waters that are "navigable in fact"—that is, for waters that can be boated—there exists a public easement for purposes of navigation and "commerce," commerce not being limited to navigation for pecuniary profit.*** This, of course, refers only to boating and does not give permission to disembark from a boat onto private lands.

What are the landowner's duties to the trespasser? Chapter 780, 1971 Oregon Laws, spells this out rather clearly. The landowner has no obligation to keep his land safe for entry or use for recreational purposes or to give any warning of a dangerous condition or activity on his land unless he makes a charge for entry. The law further stipulates that the landowner assumes no responsibility nor does he incur any liability for any injury, death, or loss to any person or property caused by that person. However, the landowner may be liable if he recklessly fails to guard or warn against a dangerous condition, use, structure, or activity on the land. For example, a landowner who is blasting some stumps would be expected to exercise care to avoid injury to anyone

***Luscher v. Reynolds 153 Ore 625

Waters of the state are public waters and are "navigable in fact" if they can be boated. However, this refers only to boating and does not give permission to disembark from a boat onto private lands.



who might be using his land for recreational purposes, whether invited or otherwise.

There is a special statute applying to hunters (498.120) which provides that one who hunts on cultivated or enclosed lands of another without permission can be prosecuted upon signing of a complaint by the owner, occupant, or lessee of such lands. This law is in addition to the general trespass laws which cover unlawful entry.

What about posted land? Posting applies to all persons other than the owners or other lawful occupants of lands. Therefore, the landowner may hunt upon his land whether posted or not and anyone else can do the same provided he obtains permission to do so.

The purpose of this article is to acquaint the sportsman and the landowner with their rights and liabilities and inform them of the contents of Oregon laws pertaining to trespass.

As time goes on, more and more property will be paved, developed, and subdivided, thus reducing the available area for hunting, trapping, and fishing. At the same time the inexorable growth of the population and the increased amount of leisure time will put a greater demand upon the remaining recreational areas. The sportsman is caught between these irresistible forces in his effort to find good hunting and fishing. To add to the burden, the conduct of a small minority of sportsmen caused property owners to put up signs reading: "Keep Out. This means you," "Trespassers will be shot," or "Prosecuted to the full extent of the law," and so on.

Some of the complaints of landowners, upon investigation, prove to be groundless. The majority are fully justified. It is immaterial whether there is merit in a complaint or not if the landowner thinks he has been abused. Don't forget, he is the judge, jury, and chief sign poster with no right of appeal by you.

Landowners for the most part are reasonable and tolerant. Most sportsmen respect the rights of the landowner and will go out of their way to avoid causing any damage or inconvenience. All sportsmen must recognize their obligation to ask permission to fish or hunt on private land. Some good advice is not to wait until the day you wish to fish or hunt. Make your contacts in advance so that when the day comes, you will have some assurance of a place to enjoy your sport.

Respect the rights of the landowner and his property. You will be helping to guarantee a future for fishing and hunting in Oregon.

Angling Regulations To Be Set November 6

On November 6 the Game Commission will set the angling regulations for 1972. Because of printing deadlines, we are not able to bring you the final rules this month but will run the highlights of the 1972 seasons in our December issue.

To give a bit more insight as to what the Commissioners have to work with, we are including some of the fishery staff and public suggestions presented to the Commission. In addition, numerous suggestions from the public at the November 6 hearing will be considered before the final rules are set.

The staff recommended a one-week delay in the trout season opening for lowland lakes and streams as well as the high lakes and coast streams, the opening of several lakes to year-round trout angling, the application of special jack salmon bag limit to the lower Willamette and coast streams in Zone 1, and opening the main Willamette to a full season of salmon angling with an increased bag limit of three such fish.

The Commission considered at least portions of two streams as special native trout waters with reduced bag limits and restrictions on the type of angling. The two rivers are the lower Deschutes and the Williamson.

Public proposals received included recommendations for the lower Deschutes including extension of the fly fishing area from Whitehorse Rapids upstream to the Warm Springs Bridge but permitting spin gear with floating device; flies or lures with single hook only from Whitehorse Rapids downstream to the locked gate; and a daily bag and possession limit of three trout over 12 inches in length in both areas. Proposals were also received to set aside the Williamson River from Highway 97 Bridge upstream to the bridge at Pine Ridge Mill to fly fishing only with a bag limit of three trout over 12 inches in length. Another proposal requested a reduced bag limit of five trout at Diamond Lake.

Public proposals also requested a late May opening for all steelhead and salmon streams with a 10-inch minimum summer length limit and a 16-inch winter length limit. Requests were received to close the Deschutes River from Crane Prairie to Sheep Bridge on September 1 each year; close Odell Creek above Davis Lake for a distance of one mile; open the fly fishing season on the Rogue above Gold Ray Dam at the end of the salmon season instead of August 15; prohibit the use of spinning reels and monofilament line in the North Umpqua fly fishing area; pro-

hibit boat angling on the Winchuck River; and permit a later season on salmon in the Winchuck.

Other public proposals included a salmon closure on the Pistol River at the mouth of Deep Creek; year-round trout angling permitted at Siltcoos Lake; a late trout season opening at Hyatt Lake; a special jack salmon bag limit applied to the Yaquina River; that the salmon deadline on the Nestucca be moved downstream one-half mile below Blaine; that the deadline below Bonneville Dam be moved upstream about 100 yards; and a reduction in the steelhead season and bag limit on the Snake River.

Staff recommendations would open the general trout season on lowland lakes and streams on April 29 and the high lakes and coast streams on May 27. The season in both areas would extend through October 31.

The week delay will provide additional time for downstream escapement of young salmon and steelhead smolts. Records show stream water conditions frequently too high and cold for good early trout fishing and most high Cascade lakes remain frozen over and snowbound until late in May.

The staff also recommended a three salmon bag limit in the Willamette and tributary streams above Oregon City Falls and the removal of the July 1 through October 31 salmon angling closure. Tributary streams or portions thereof occupied by spring chinook, such as the McKenzie and Santiam, would close on July 15. The staff will also recommend a special 10 fish jack salmon bag limit for coast streams in Zone 1, the Columbia, and the Willamette up to Oregon City Falls.

Also recommended were the opening of the main Umpqua, Smith, and portions of the North and South Umpqua to year-round salmon angling, opening an additional 30 miles of the Rogue to winter steelhead angling, extending the spring chinook season on the Rogue above Savage Rapids an additional 11 days, and extending the steelhead season through April 15 on three eastern Oregon streams.

Siltcoos, Tahkenitch, and Bluegill Lakes; Cooper Creek, Plat I, and Cottonwood Creek Reservoirs; Owyhee River tributaries; and Bully Creek below Bully Creek Reservoir are recommended for year-round trout fishing.

The staff proposed to move the winter steelhead angling deadlines upstream on the Alsea South Fork, Necanicum, Nehalem, and Nestucca Rivers; to remove the deadline on Bull Run River in both



Attention, Bear Hunters!

The Oregon Cooperative Wildlife Research Unit, in cooperation with the Oregon State Game Commission, is involved in a black bear study. The study is directed primarily at determining certain characteristics of Oregon's bear population. Success of several phases of the study depends on assistance from the hunter. With your help, this study will provide the Game Commission with information which will assist it in management of the black bear.

Please retain, if possible, the skull or at least one canine tooth (eye tooth) from your bear.

If you killed a black bear during the 1971 season, whether or not you were able to save a tooth or skull, please report your kill along with your name to:

Oregon Cooperative Wildlife
Research Unit
Oregon State University
Corvallis, Oregon 97331

the summer and winter regulations; and remove the winter salmon angling closure on the Clackamas. Several housekeeping rules were recommended mainly to clarify existing regulations.

NOSTALGIA

The current interest in nostalgia prompted us to delve into some of the nostalgia concerning fish and wildlife in Oregon. Jim Harper of the Portland staff of the Game Commission has been gleaning interesting tidbits from the old records and his article gives some insight into conditions of the mid-1820s.

The famous author Rudyard Kipling visited Oregon and wrote about it. With the recent increased interest in Willamette and Clackamas River fish runs, we thought the article taken from a 1926 issue of *The Oregon Sportsman* might be of interest.

Our final fling in our nostalgia kick is a picture page courtesy of William Finley. Finley was at times biologist and chief game warden for the state but most of all was a devoted naturalist and wildlife photographer. With his sidekick, H. T. Bohlman, he recorded a great deal of our wildlife heritage. These photos were taken in 1902 and are printed from glass plate negatives. From time to time, we plan on running more of the work of this pioneer photographer.

YOUNG KINGFISHERS.

We suspect the photo is the result of the operation shown on the top of page 9.

OUT OF THE PAST . . .

What was Oregon like when the settlers and trappers first arrived in the early 1800s? What kind of animals were present and how many? In searching through the various journals of the early travelers, it's apparent that kinds and densities of wildlife differed in each area of the state. Peter Skene Ogden, in his travels in search of new trapping grounds for the Hudson's Bay Company, kept detailed notes of wildlife seen and killed. Following are excerpts taken from Ogden's *Snake Country Journal*, edited by K. G. Davis. We pick up the trek in the Paulina area of the upper Crooked River in the fall months during the mid-1820s.

"3 of our hunters who had been absent the last two days in quest of deer returned having met with no success . . . they did not see the track of a deer . . . it is certainly a most dreary barren country."

A few miles north of Burns:

"Eight men out for four days, 65 beavers taken."

Sagehen Hill between Silvies Creek and Wright Point:

"Ten trappers gone overnight returned loaded with wild fowl, white and grey geese and ducks, also 5 beaver."

Harney and Malheur Lakes:

"No animals . . . lack of beaver . . . hardly enough wood to build fire. Fowl abundant but shy. Some years since buffalo visited this quarter as a number of heads and carcasses are still to be seen along the borders of the lake. At present, however, none are to be seen." One beaver taken from 50 traps.

Klamath County:

"So barren even the Indians shun it. No sign of anyone. 'Some old tracks of deer seen of an ancient date.' One hunter gone two days in search of game returned. No success and no tracks."

— Jim Harper



THE OREGON SPORTSMAN — MAY 1926

Kipling's Oregon Salmon

"That hour I sat among princes and crowned heads—
greater than them all."

Oftentimes in rural England, where he was virtually hidden away from the world, to grieve for the son that did not come back from the war, Rudyard Kipling must think of a certain day in Oregon, when he was young. A Californian who came north with him, and a Portland real estate man accompanied him on his fishing trip to the Clackamas. They are referred to in his story as "Portland" and "California." Have you read the story of that day on the Clackamas river, as he told it in his letters of American travel, contained in the volume "From Sea to Sea"? No matter. If you have read it, the tale will bear reading again, and if you have not, why, here it is, just as he set it down when the splendor of that exploit still was singing in his blood:

"I have lived! The American continent may now sink under the sea, for I have taken the best that it yields, and the best was neither dollars, love, nor real estate. Hear now, gentlemen of the Punjab Fishing club, who whip the reaches of the Tavi, and you who painfully import trout to Ootacamund, and I will tell you how "old man California" and I went fishing, and you shall envy.

* * *

"I went into that ice-cold river and made my cast just above a weir, and all but foul-hooked a blue and black water-snake with a coral mouth who coiled herself on a stone and missed maledictions.

"The next cast—ah, the pride of it, the regal splendor the thrill that ran down from finger-tip to toe! The water boiled. He broke for the fly and got it! There remained enough sense in me to give him all he wanted when he jumped not once by 20 times before the upstream flight that ran my line out to the last half-dozen turns, and I saw the nickled reel-bar glitter under the thinning green coils.

"My thumb was burned deep when I strove to stopper the line, but I did not feel it till later, for my soul was out in the dancing water praying for him to turn ere he took my tackle away. The prayer was heard. As I bowed back, the butt of the rod on my left hip-bone and the top joint dripping like unto a weeping willow, he turned, and I accepted each inch of slack that I could by any means get in as a favor from on High. There be several sorts of success in this world that taste well in the moment of enjoyment, but I question whether the stealthy theft of line from an able-bodied salmon who knows exactly what you are doing and why you are doing it, is not sweeter than any other victory within human scope.

"Like California's fish he ran at me head-on and leaped against the line, but the Lord gave me two hundred and fifty pairs of fingers in that hour.

"The banks and the pine trees danced dizzily round me, but I only reeled—reeled as for life—reeled for hours, and at the end of the reeling continued to give him the butt while he sulked in a pool.

"California was farther up the reach, and with the corner of my eye I could see him casting with long casts and much skill. Then he struck, and my fish broke for the weir in the same instant, and down the reach we came, California and I; reel answering reel even as the morning stars sung together.

"The first wild enthusiasm of capture had died away. We were both at work now in deadly earnest to prevent the lines fouling, to stall off a downstream rush for deep water just above the weir, and at the same time to get the fish into the shallow bay downstream that gave the best practicable landing.

"Portland bade us both be of good heart, and volunteered to take the rod from my hands. I would rather have died among the pebbles than surrender my right to play and land my first salmon, weight unknown, on an eight ounce rod.

"I heard California, at my ear it seemed, gasping: 'He's a fighter from Fighterville sure!' as his fish made a fresh break across the stream.

"I saw Portland fall off a log once, break the overhanging bank, and clatter down to the pebbles, all sand and landing net, and I dropped on a log to rest for a moment. As I drew breath the weary hands slackened their hold, and I forgot to give him the butt. A wild scutter in the water, a plunge and a break for the headwaters of the Clackamas was my reward, and the hot toil of reeling in with one eye under the water and the other on the top joint of the row was renewed. Worst of all, I was blocking California's path to the little landing bay aforesaid, and he had to halt and tire his prize where he was. 'The Father of All Salmon!' he shouted. 'For the love of Heaven, get your trout to bank, Johnny Bull!' But I could no more. Even the insult failed to move me. The rest of the game was with the salmon. He suffered himself to be drawn, skipping with pretended delight at getting to the haven where I would fain have him.

"Yet no sooner did he feel shoal water under his ponderous belly than he backed like a torpedo boat and the snarl of the reel told me that my labor was in vain. A dozen times at least this happened ere the line hinted he had given up that battle and would be towed in. He was towed. The landing net was useless for one of his size, and I would not have him gaffed. I stepped into the shallows and heaved him out with a respectful hand under the gill, for which kindness he battered me about the legs with his tail and I felt the strength of him and was proud. California had taken my place in the shallows, his fish hard held.

"I was up the bank lying full length on the sweet scented grass and gasping in company with my first salmon caught, played and landed on an eight ounce rod. My hands were cut and bleeding. I was dripping with sweat, spangled like a harlequin with scales, wet from the waist down, nose peeled by the sun, but utterly, supremely and consummately happy. He, the beauty, the darling, the daisy, my Salmon Bahadur, weighed 12 pounds and I had been 7 and thirty minutes bringing him to bank. He had been lightly hooked on the angle of the right jaw, and the hook had not wearied him.

"That hour I sat among princes and crowned heads—greater than them all. Below the bank we heard California scuffling with his salmon and swearing Spanish oaths. Portland and I assisted at the capture and the fish dragged the spring balance out by the roots. It was constructed to weigh up to 15 pounds. We stretched the three fish on the grass—the 11½, the 12 and 15 pounder—and we swore an oath that all who came after should merely be weighed and put back again."



We couldn't bear to crop these pictures or even reduce them. The top print from a glass plate taken in 1902 shows Mr. Finley's partner, W. T. Bohlman, looking on as Mr. A. W. Anthony prepares to snap a young kingfisher.

Below, William Finley does a portrait job with some young pelicans in 1905. The results of some of the work are on page 7.



THE EAGLE KILLERS

Testimony before a U.S. Senate subcommittee recently revealed more than 500 golden and bald eagles were slaughtered since September 1970 by Wyoming ranchers obsessed with the notion that eagles are a serious threat to livestock.

The bald eagle, America's national bird and emblem, is in serious trouble from hard pesticides and diminishing habitat. The southern race, found in Eastern U.S., is classified as an endangered species by the U.S. Interior Department. The total population in the lower forty-eight states may contain as few as three or four thousand birds.

As their numbers decline, criminal shooting is becoming a more serious threat to the bald eagle's survival. It has been against Federal Law to kill bald eagles since 1940. Violating that law can earn the criminal up to a \$500 fine and/or six months in prison.

In the wake of the latest Wyoming butchery, Secretary of the Interior Rogers Morton vowed, "We're going to stop this killing, and anyone caught will be vigorously prosecuted."

It is clear that a \$500 fine is not deterrent to well-heeled individuals who will hire helicopters and airplanes to slaughter eagles, so conservationists around the country are calling for the Justice Department to seek imprisonment for all criminals convicted of the deliberate slaughter.

The National Wildlife Federation has established a \$500 bounty for information leading to the conviction of anyone shooting a bald eagle anywhere in the United States.

Effective immediately, the Federation will pay the reward upon verifying the claimant's information was of substantial assistance in obtaining a conviction for shooting a bald eagle (*Haliaeetus leucocephalus*) in violation of 16 USC 668.

The claimant must request the reward in writing to the National Wildlife Federation, 1412 16th Street, N.W., Washington, D.C. 20036, within six months after conviction. If more than one bald eagle was shot by the convicted person, \$500 will be awarded for one bird representing the total number shot.



A YOUNG GOLDEN EAGLE

Mercury Analysis on Fish Completed in 2 Oregon Reservoirs

John McKean, director of the Oregon State Game Commission, announced recently the results of mercury analysis performed on 48 specimens of trout, crappie, and bullheads caught in the Antelope and Owyhee Reservoirs in March of this year.

The analysis was made by Dr. Donald R. Buhler at the Oregon State University Environmental Health Sciences Center. It showed the average level of total mercury in the fish to be about 0.9 of a part per million (ppm), with nine of the specimens above 1.25 ppm. The highest level was 1.51 ppm found in a bullhead taken from Owyhee Reservoir.

The tests were for total mercury, and it is assumed that most of the mercury present was methyl mercury.

Dr. Edward Press, State Public Health Officer, was asked to comment on the implications of the findings and has expressed his opinion that there would likely be no harm to healthy, nonpregnant adults from eating up to three pounds of fish a week caught in these reservoirs.

Press explained that opinions differ among public health officials as to the amount of methyl mercury that could be ingested safely. He said that his own views are based on studies made with human subjects in Sweden and on additional factors which are:

- There have never been any recorded cases of human illness in the United States or Canada from ingestion of fish containing methyl mercury.
- There is no evidence that the levels of methyl mercury found in the Antelope and Owyhee Reservoirs fish are higher or lower now than in previous years.
- New methods of laboratory analysis have made it possible in recent years to detect traces of mercury that previous methods failed to reveal.

The health officer pointed out that national news wire services in the latter part of August 1971 carried articles describing the mercury analysis of seven tuna which had been caught between 1878 and 1909 and preserved by the Smithsonian Institution. Dr. Raj Kishore, professor of physical chemistry at the Irvine Campus of the University of California, reportedly found mercury concentrations of 0.5 to 1.5 ppm in the nearly 100-year-old fish. By comparison, recently

caught tuna was found to have mercury levels ranging from 0.4 to 1.5 ppm.

Press said that there is justifiable concern regarding mercury levels in fish and in other parts of our environment and that every effort to reduce unnecessary mercury pollution of our waters is warranted. He believes, however, that there is no justification for the near panic and hysteria that sometimes is associated with reports that the traces of mercury found in fish exceed the 0.5 ppm currently used by the FDA for prohibiting the sale of fish in interstate commerce. The 0.5 ppm is an FDA guideline and is not intended as a rigid rule. It cannot be stated that all mercury residue in fish above 0.5 ppm is unsafe nor can it be said with absolute assurance that all residue below the 0.5 guideline is safe.

The Swedish study referred to by Dr. Press was that of Dr. G. Birke in an individual where detailed history of his fish mercury intake was available, an amount equivalent to 1.0 milligram of mercury per day had no detectable adverse effect and the blood levels of mercury in this patient were less than half of levels associated with persons who did have adverse effects. One milligram of mercury per day is equivalent to the amount in 2.2 pounds of fish that have a concentration of 1 ppm of mercury. To be doubly safe, one could halve this amount and limit his consumption to 1.1 pounds of fish per day; or if he wished to quintuple this safety factor, he would not eat over .44 of a pound per day, which amounts to about 3 pounds per week. The FDA guideline for commercial sale of fish to sick or healthy persons (including infants and pregnant women, who are more susceptible to mercury) uses a safety factor of 10 instead of 2 or 5 and, in addition, halves Birke's allowable level. This would permit about three-fourths of a pound of these fish per week.

FIREARMS ACCIDENTS DROP IN 1970

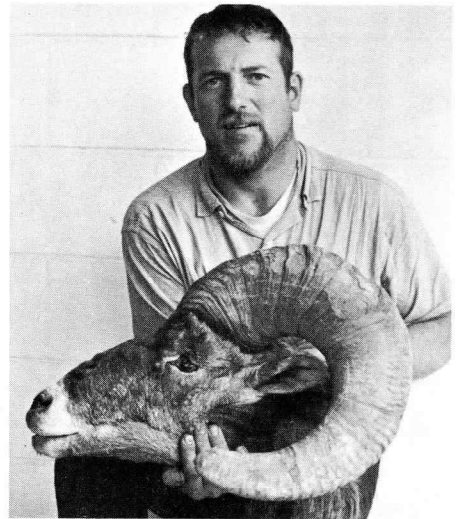
What's the greatest risk a hunter takes in pursuit of his sport? It's not the time he spends hunting but the time he spends behind the wheel getting there and going home.

According to 1970 National Safety Council figures just released, the hunter's chances of incurring a fatal driving accident are about 67 times greater than those he encounters in the field.

Further digging into the NSC report reveals that public firearms fatalities in 1970 dropped by an impressive 10 per cent from 1969. This improvement was unmatched by any other public accident category.

Record Sheep Taken

Bighorn sheep hunters harvested only two rams out of the 11 tags issued on the Steens and Hart Mountain areas for the 1971 season. Stormy weather, including heavy snowfalls, drifting snows, and fog,



hampered the hunters' activities. Windell W. Winterbottom of Grants Pass harvested the one ram taken on the Steens Mountain on the third day of the season. The sheep was an estimated nine years of age with the horns measuring a total of 162 Boone and Crockett points. This makes it the largest ram taken in Oregon since the seasons were opened in 1965. The largest ram taken up to this season was one measuring 161-2/8 Boone and Crockett points taken on the Steens by Sam Nagel of Pendleton in 1968. Larry Meeuwse of Forest Grove made the lone kill on Hart Mountain on the opening day of the season. His ram was an estimated seven years old and measured some 145 Boone and Crockett points. Forty-four hunters have taken a total of 24 bighorn rams in Oregon since 1965.

How Sweet It Is

Associated Press—"A mother and son have received a \$12,500 bounty from the federal government for taking action when they saw a concrete company dumping washings from its mixing trucks in the East River.

"Reports from Gwen Zeichner and her son Steven, 17, enabled the U.S. Army Corps of Engineers to take movies that led to the company being indicted for polluting the river last Oct. 14. The firm pleaded guilty and was fined \$25,000 by U.S. District Court Judge Inzer B. Wyatt who directed that half of the amount go to the Zeichners under a proviso of the 1899 Refuse Act."

Sheep Seen



There is a bit of good news regarding bighorn sheep in the Owyhee country. As you might remember, Game Commission personnel transplanted 17 bighorns into the Leslie Gulch area in 1965 with the animals captured from the Hart Mountain herd. For a number of years biologists couldn't even find the transplanted animals, and it was thought the transplant might have been a failure even though some sheep sign was noted all through the area.

Several years ago a few observations were made but such sightings showed only a few sheep. Last year more bighorns showed up to be tallied and this summer biologists hit the jackpot.

Cece Langdon, district game biologist at Ontario, recently flew the Owyhee canyons by helicopter accompanied by personnel of the Bureau of Land Management. During the flight 53 bighorns were sighted all within eight miles of the spot where they were originally released. Observed were 25 ewes, 17 lambs, and 11 rams. All rams had horns with three-quarter curl or better. The bighorns were sighted in the Leslie Gulch-Spring Creek drainages. This is the first time since the transplant that a good count has been made and does show that the Owyhee herd is increasing.

Anglers To Take Fewer Marked Alsea Steelhead

Sport fishermen will catch only about one-half the number of marked steelhead from the Alsea River this coming winter even though hatchery-produced fish are expected to provide the usual 70 to 80 percent of the total catch.

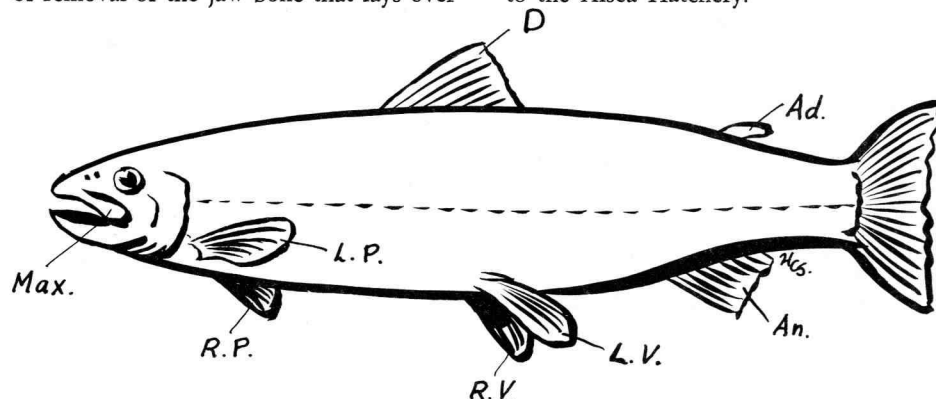
Game Commission fishery biologists report that the study of winter steelhead returning to the Alsea River system is now complete, and it is no longer necessary to have multiple and differential marks on large numbers of hatchery steelhead.

As a result, only 50 percent of the hatchery steelhead returning this winter will have marks. The fish are marked with a right maxillary clip which consists of removal of the jaw bone that lays over

the fish's right jaw. Several other marks are also expected to show in the sport fishery but the right maxillary is the mark anglers will observe most. Because of the reduced number of marked fish, the catch of hatchery stocks this coming season will actually be double that observed in the sport fishery.

The stocking rate of 100,000 steelhead smolts will be continued on the Alsea. A portion of these will be marked so that hatchery contribution can be monitored.

In other coastal streams winter steelhead smolts are marked with an adipose fin clip. This fin is the small fleshy appendage located on the back of the fish between the tail and dorsal fins. If this fleshy appendage is missing, anglers can be sure it is a hatchery fish. The adipose fin clip is not used to mark smolts on the Alsea River. It is used to sort and identify adult steelhead after they return to the Alsea Hatchery.



Even though there will be less marked fish in the Alsea, it is still important to report any marked fish caught in any of the waters of the state. The accompanying drawing illustrates the fins and maxillary. Any of these may be removed or clipped or there may be a combination of clips. The abbreviations stand for the following:

Max.	—	Maxillary
D	—	Dorsal
R. P.	—	Right Pectoral
L. P.	—	Left Pectoral
R. V.	—	Right Ventral
L. V.	—	Left Ventral
Ad.	—	Adipose
An.	—	Anal

When reporting a marked fish, it is important to include not only the marks but also the species of fish, place caught, and date caught. All of this information helps in planning the management of the fishery resource.



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