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## **Oregon Department of Fish and Wildlife Administrative Overview June 2010**

### **Introduction**

The early years of formal regulation of fish and wildlife in Oregon in the late 1800s are marked by periodic re-organization of the separate Fish and Game Commissions and a general focus on “management” of animal resources, instead of protection or preservation. At this time, fish and wildlife harvests were not heavily regulated and as a result, some animal resources, especially salmon, were over-harvested. Over-harvesting and the development of the state throughout the twentieth century and especially the damming of the Columbia and Snake Rivers continued to adversely affect Oregon’s anadromous (migrating from fresh to salt-water) fish populations. As salmon populations dwindled, the focus of the separate fish and wildlife agencies shifted from “management” to protection and perhaps even conservation, especially where fish were concerned. Throughout the late 1970s and early 1980s, a number of committees and task forces directed at rooting out the origins of salmon disappearance were convened, the unified Department of Fish and Wildlife increasingly channeled resources into repopulating Oregon waterways with salmon, and interstate fish cooperation grew. Today, the Department of Fish and Wildlife is one player in a statewide effort, titled the Oregon Plan, to restore native salmon runs beginning at the local watershed level.

### **History**

Appointed in 1878, the Fish Commissioner for the Columbia River was the earliest state official engaged in the regulation and protection of fish, wildlife, and forests.

Several years later the Legislative Assembly passed an “Act for the protection of Fish and Game” (O.L. 1882, pgs.11-13). The act established penalties for hunting elk, moose, mountain sheep, and various waterfowl out of season. At this time, state regulatory officials did not enforce penalties; rather the public was actively encouraged to aid in enforcement. As added incentive, they were also monetarily compensated for their efforts. The Act directed that half the monies collected from persons convicted of hunting out of season would be paid to their informants. During the 1882 Session, the Legislative Assembly also provided funds for the creation of a fish way at the falls in the Willamette River at Oregon City to allow fish to pass from the lower falls to the upper falls. There must have been some contention over this measure as it was passed over the veto of the Governor (O.L. 1882, pg. 3).

In 1887, a three-member Fish Commission responsible for regulating the commercial fish industry replaced the Fish Commissioner (O.L. 1887, pg. 37-38). At this time, there were already public fish hatcheries in Oregon, and during the 1887 Session, the Legislative Assembly directed the president of the Fish Commission to construct another fish hatchery on the Columbia River (O.L. 1887, pgs. 37-38).

To keep pace with increasing state, interstate, and international interests in game and game fish, the three-member Fish Commission was replaced by the Fish and Game Protector in 1893, repealing the 1887 law creating the Fish Commission. The responsibilities of the Fish and Game Protector included enforcement of game laws, regulation of the commercial fish industry, as well as general supervision and management of hatcheries and the propagation of fish. The Legislative Assembly provided some formalized means of enforcement by explicitly directing sheriffs and constables to enforce game and fish laws (O.L. 1893, pgs. 177-180).

The 1895 Legislative Assembly continued to develop the game and fish laws, requiring all dams built in Oregon to have corresponding mechanisms to aid the migration of the fish through the dams. Persons in violation of this law could be charged with a misdemeanor and fined. The Fish Commissioner and Commission were responsible for enforcing the law (O.L. 1895, pgs. 92-103).

The Fish and Game Protector was replaced by an act of the 1898 Legislative Assembly, which established the Board of Fish Commissioners. Members of the Board included the Governor, Secretary of State, and a Fish Commissioner appointed as executive officer by the Governor (O.L. 1898, pg. 51). A Fish Commission composed of Governor, Secretary of State, and State Treasurer replaced this agency in 1901. The Commission appointed a Master Fish Warden as administrator and confined itself to the regulation of commercial fishing. The responsibility for enforcing game laws as well as forestry laws, was now regulated by the office of Game and Forestry Warden created in 1899. This arrangement remained unchanged for ten years.

Throughout the late 1890s and early 1900s, the Fish Commission continued to refine fishing laws and fishing rights, including rights of riparian owners to fish in rivers off their property, seasons and seasons for catching certain types of fish in certain rivers, and the regulation of lines and nets to catch fish, punishments for illegally catching fish among other rules and regulations.

The 1898 Legislative Assembly also introduced the requirement that fisherman, canners, packers, and shippers of salmon to be licensed by the Fish Commission (O.L. 1898, pgs. 43-44) and for the purposes of licensure, the Assembly divided the state into six fishing districts. (O.L. 1898, pgs. 48-49).

The Legislative Assembly appointed a Game and Forestry Warden in 1899, intersecting the now separate functions of wildlife and forestry management. The Game and Forestry Warden was charged with enforcing the “laws of the state of Oregon for the protection of game, song birds, and forests” and could search and seize illegal game. The Game and Forestry Warden could appoint deputy wardens and county wardens to assist him in the performance of his duties (O.L. 1899, pg. 137).

In 1905, the Legislative Assembly required that county clerks begin to issue hunting licenses to any person who wished to hunt game animals or birds within Oregon. Monetary and jail penalties were established for individuals hunting without licenses (O.L. 1905, pg. 336-337).

The State Board of Forestry was formed in 1907, bringing about the first attempt to separate forestry and wildlife management. Although the State Game and Forestry Warden was a member, the Governor, Secretary of State, the acting head of the Forest School of the Oregon Agricultural College, and three electors appointed by the Governor also sat on the Board and shared the responsibility of forest management (O.L. 1907, pg. 241).

Fish and game oversight was first consolidated into a single agency in 1911 with the establishment of the Board of Fish and Game Commissioners (O.L. 1911, pg. 206). The unification of fish and game efforts enabled the state to provide better and more comprehensive protection and propagation of all fish and game. This board was authorized to appoint a Master Fish Warden and a State Game Warden. Laws for the protection of lobster, crabs, and crawfish were also instituted in 1911 (O.L. 1911, pgs. 77 and 210). The Board of Fish and Game Commissioners was re-organized in 1915 to consist of four appointees and the Governor. In 1920, the Board was enlarged to nine members, with eight selected by the Legislative Assembly and the ninth selected by the appointed eight. Part of the Board was designated a Fish Commission and part a Game Commission. The 1921 Legislative Assembly abolished this Board and the unification of fish and game management.

During this period the functions of fish and game conservation were administered by two separate agencies. The State Fish Commission administered commercial fishing laws and appointed a Master Fish Warden while the Game Commission administered game and game fish laws and appointed a State Game Warden.

The 1921 the Legislative Assembly completely re-organized fish and game management. The responsibility of the Fish Commission shifted from oversight and management of all Oregon fish to commercial fish. The new Commission was responsible for “protecting, propagating, and preserving shad, salmon, and other anadromous fish and shellfish, developing license schedules and fees and collection methods, set open and closed seasons for commercial fishing in certain streams and rivers, administer[ing] a department of hatcheries and fish culture, appoint[ing] deputy fish wardens and other employees to assist in the enforcement of fishing laws, including regulation of bag limits and catch methods, seasons and licensure” (O.L. 1921, pgs. 157-161).

Responsibility for wildlife management, which was also re-organized in 1921, was vested in the Game Commission. The Game Commission was directed to formulate the general policies and programs of the state regarding wildlife management, game fish, and wildlife recreation; establish hunting seasons, bag limits, and methods of taking wildlife and game fish; and develop game farms, public shooting grounds, and game management and public access sites. At this time the Game Commission operated its own hatcheries separate from those of the fish commission to stock Oregon waters with game fish. The Commission was also authorized to perform research to collect information to determine the proper numbers of stock fish (O.L. 1921, pg. 88).

In 1931, the State Game Commission, consisting of five members, was created. The Game Warden's title was changed to State Game Supervisor. In the same year, the Oregon Department

of State Police was created. Among various other duties, it was directed to “employ a sufficient number of state police to perform the duties required in various parts of the state previously performed by game wardens, in the enforcement of criminal laws relating to fish and game, and fish wardens in the enforcement of criminal laws relating to commercial fish and the commercial fisheries code” (O.L. 1931, pg. 203). The Legislative Assembly directed that the State Police be paid for the services out of state fish and game appropriations. Today, the State Police are still paid for their services in the same manner.

Although the United State Bureau of Fisheries had been involved in fish and particularly salmon preservation efforts since at least 1931 (O.L. 1931, ch. 37, pgs. 41-42), a 1937 federal law enacted by the 75<sup>th</sup> United States Congress to “provide that the United States shall aid the states in wildlife-restoration projects” marked the beginning of cooperation between the federal government and Oregon State government for wildlife preservation and management.

In 1939, there was established a Sanitary Authority Board to address mounting concerns about contamination of Oregon’s rivers and coastline from agricultural and industrial pollutants including waste from the commercial fisheries industry. The State Fish Commissioner was appointed to the Board in addition to the State Health Officer, State Engineer, and three members appointed by the governor (O.L. 1939, pgs. 9-14).

The Legislative Assembly directed the State Fish Commission to administratively re-organize and expand in 1945. It also directed the appointment of a Master Fish Warden (as there had been in the early 1920s). The Master Fish Warden was to appoint a director of the newly created Department of Hatcheries and Fish Culture, deputy fish wardens, and administrative personnel. All powers of the previous fish commission were delegated to the Master Fish Warden (O.L. 1945, pgs. 793-794). The newly created Department of Hatcheries and Fish Culture was charged with the direction and maintenance of fish hatcheries and also with the responsibility to perform studies and develop plans to propagate salmon and other fish, as directed by the Fish Commission (O.L. 1945, pgs. 127-128).

The increasing need for interstate and international fish management cooperation resulted in the formation of the Pacific Marine Fisheries Compact in 1947. California, Oregon, and Washington entered the compact and each state contributed shares of seed money proportionate to the state’s size. Oregon and Washington each contributed a relatively modest \$2,000 in comparison to California’s \$11,000 contribution. The Compact directed each state was to appoint one or more Compact Commissioner(s) to “promote better utilization of fisheries of mutual concern, and to develop a joint program of protection and prevention of physical waste of such fisheries in all of those areas of the Pacific Ocean over which the state of California, Oregon, and Washington jointly or separately now have or may hereafter acquire jurisdiction” (O.L. 1947, pgs. 154-155). The Commissioners were to draft legislation dealing with the conservation of fish in the Pacific coastal regions and present it to governors and legislative bodies in all three states.

In the same year, the Legislative Assembly granted the Fish Commission the power to enter into agreements with Washington for the propagation and conservation of fish in mutual rivers and coastal areas (O.L. 1947, pgs. 716-722).

The Pacific Marine Fisheries Compact Commission was successful and the 1949 Legislative Assembly appropriated Oregon's share of \$7,000 for its administration (O.L. 1949, ch. 262). Also in 1949, the State Game Commission re-organized yet again and increased its responsibility and administrative power. The new Commission was to consist of five members, who were citizens of the state, appointed by the governor. The former position of State Game Supervisor was re-titled State Game Director, "who shall be a man with knowledge of, and experience in the requirements for the protection, conservation and restoration of the wildlife resources of this state" (O.L. 1949, ch. 242, pg. 352). Again, the Legislative Assembly stressed the State Game Commission's role as wildlife protectorate and preservationist over that of wildlife manager. It charged the Director with establishing departments and divisions and hiring and directly supervising personnel to "improve state wildlife resources; collect data relative to wildlife conditions; cooperate with landowners, counties and others in wildlife protection; advise and encourage preservation of wildlife resources... and authorize such scientific, biological, or other studies" to aid in wildlife preservation and protection" (O.L. 1949, ch. 242, pg. 352).

At this time, fish and wildlife regulation was developing so rapidly at the federal level that it was no longer feasible for the Legislative Assembly to implement federal fish and game laws only every other year during the Legislative session. Thus, in 1949, the Legislative Assembly authorized the State Fish Commission and the State Game Commission to freely "enter into contracts, appoint such officers and do any other act or thing necessary fully to meet the requirements of the United States and the officers acting under federal statute in the aid of the conservation and preservation of fish, fisheries, and game in this state or concerning any federal project wherein the conservation and preservation of said fish, fisheries, and game are involved, and to accept contributions from the federal government for said purposes" (O.L. 1949, ch. 64, pgs. 75-76).

Prior to the mid-1940s, fish and game laws focused on the management of wildlife resources for present and immediate future and the development of a legal and organizational framework necessary to regulate fishing and hunting activities. After the mid-1940s, fish and game legislation shifted to developing long-term management and protection programs, especially for salmon. For example, in 1951, the Fish Commission was directed to form two committees. The first committee was to study salmon and steelhead trout species and formulate a long-range management, harvest, and watershed program to serve the best interests of protection and fish harvesters (O.L. 1951, HJR No. 17, pg. 1172). The second committee was to look at fish poundage and license fees assessed commercial fisherman by neighboring states for the purpose of restructuring Oregon's fee scales (O.L. 1951, HJR No. 22, pgs. 1173-1174).

Federal laws continued to shape Oregon fish management. In July of 1950, the Fish Commission and the United States government entered into an agreement to hatch and rear salmon and steelhead trout at the Marion Forks fisheries station on the North Santiam River. The Legislative Assembly appropriated \$124,000 for the project during the 1951 session (O.L. 1951, ch. 176, pg. 235).

In the wake of World War II, debate over international fishing rights also brewed as the Assembly petitioned President Truman to prevent Japanese fisherman from entering and fishing in the Pacific Coast fisheries (O.L. 1951, Senate Joint Memorial No. 1, pg. 1179). However, these issues would not be resolved until several years later.

In 1951, the Fish Commission consisted of three commissioners appointed by the governor. These commissioners served staggered four-year terms, annually selected one of their members as chairman, and appointed a Master Fish Warden who served at their will. At this time the functions of the Fish Commission were to protect and preserve all varieties of salmon and various other fish species, including food or shellfish, regulate methods of catching and bag limits, aid fish migration by constructing fish ways and freeing passageways of obstruction, operating 14 fish hatcheries with emphasis on salmon production, fish license issuance, research investigations, and coordination with other state, local, and federal agencies to the fulfillment of these duties (*Second Report...pg. 95*).

In 1957, at the recommendation of the Pacific Marine Fisheries Commission, Oregon's Legislative Assembly passed a law prohibiting anyone from fishing for salmon "within the waters of the Pacific Ocean, over which [Oregon] has jurisdiction" (O.L. 1957, ch. 152, pgs. 191-194). The Assembly declared that "short of absolute prohibition, it appears to be presently impractical to regulate net fishing for salmon in the waters of the Pacific Ocean by any known scientific fisheries management techniques in order to insure adequate salmon escapement to Oregon, Washington, California, and Canada, the reason being that salmon stocks and races and so commingled in the waters of the Pacific Ocean that they are indistinguishable as to origin until they enter the harbors, bays, straits, and estuaries of their respective jurisdictions" (O.L. 1957, ch. 152, pgs.191-194). Although, the state could not control the salmon catches of international citizens in the international waters of the Pacific, the law did prohibit Oregon citizens from fishing for salmon within the international waters. The text of the Oregon law indicates that Canada had passed a similar law and that laws were pending in the states of Washington and California.

The concerns about the environmental and economic impact of the dwindling numbers of salmon within the state and off the Pacific coast have persisted up until today and they certainly spurred the 1959 Legislative Assembly to action. Citing the alarming increase in the numbers of salmon taken by Japanese fisheries in the northern Pacific Ocean, the Legislative Assembly again entreated the federal government to enter into a treaty with Japan to regulate salmon catch off the coast of Oregon (O.L. 1959, HJM No. 1, pgs. 1567-8). The Assembly also urged the federal government to increase dam construction funds because the lack of funds dedicated to research to address the "growing need in the Pacific Northwest for answers to critical problems surrounding the passage of... salmon and steelhead, at hydroelectric dams" was delaying construction of dams which were needed to increase economic expansion across the entire Western half of the United States (O.L. 1959, HJM No. 5, pg. 1572). To immediately remedy the lack of research money for salmon and steelhead migration research, the Legislative Assembly decided to dedicate the proceeds from issuance of salmon anglers' licenses to the Salmon Research Account (O.L. 1959, ch. 692, pgs. 1500-1504). Account funds were to be continuously appropriated to the Game Commission or under contract to the Fish Commission.

In 1961, the proceeds from sale of salmon anglers' licenses were split between the extant Salmon Research Account, established in 1959, and the newly created Salmon Management Account. Funds from the Salmon Management Account were appropriated solely to the Fish Commission in an effort to funnel funds more directly into salmon and steelhead research and propagation (O.L. 1963, ch. 481, pg. 814). The lack of game research proportionate to salmon research

received consideration during the 1961 Legislative Session as well. Fortunately, Oregon's steadily increasing population boosted game commission license fees throughout the 1960s and beyond. These extra funds enjoined the 1961 Legislative Assembly to create an interim committee of senators and representatives to study management of wildlife resources including expenditure of funds, land acquisition policies, and practices of agencies involved in the preservation, propagation, and promotion of wildlife resources (O.L. 1963, SJR No. 7, pg. 1374-1375).

Since 1931, the State Police had enforced fish and game laws without any formalized instruction in fish and wildlife practices. However, in 1967, the Senate directed the State Game Commission and relevant schools from Oregon State University to conduct a short course of instruction on fish and game science and management techniques for Oregon State Police members assigned to enforce fish and game laws (O.L. 1967, SJR No. 37, pg. 1622).

From 1905 to 1946, persons diverting water from Oregon Rivers were required to screen their diversions to prevent fish from being sucked into water intakes or flushed into dead-end canals, where they would eventually die. In 1947, a statewide screening program was enacted to screen all water diversions. Later on in the 1950s, federal funds were made available to the Columbia River screening project, which continues to be federally funded. A 1987 state law again required diversions to be screened at the expense of the diverter. (ODFW Web site, *Backgrounder: Fish Screening*).

The Pacific Marine Fisheries Commission continued to grow throughout the 1960s. When Alaska and Idaho joined the Commission in 1969, the compact was re-written so that 95 percent of the commission budget would be shared equally by those states having a boundary on the Pacific Ocean and the remaining five percent of the budget comes from other member states (O.L. 1969, ch. 129).

In 1971, the Legislative Assembly created the Oregon Coastal Conservation and Development Commission consisting of 30 members to prepare a plan for the conservation and development of the natural resources on the coastal zone that would balance and satisfy the conflict between fish and other marine resource interests and commercial and transportation development (O.L. 1971, ch. 608).

By 1973, the Fish Commission was operating with a state budgetary appropriation of over six million dollars from the state general fund and a slightly larger amount in federal funds. The Commission also received one half million dollars in transfer revenue from the Wildlife Commission for the sale of daily salmon licenses and tags. These transferred funds were appropriated for the anadromous fish programs. In addition, the Fish Commission budget included one half million dollars for the Oregon State Police enforcement of commercial fishing laws.

The State Game Director was re-designated as the State Wildlife Director and the State Game Commission was renamed the State Wildlife Commission reflecting Oregon's overall belief that the state manage all wildlife and not just game species (O.L. 1973, ch. 723, pgs. 1687-1733).

By 1974, the State Wildlife Commission consisted of five commissioners appointed by the Governor. Two Commissioners were selected for the portion of the state east of the Cascade Mountains, two from west of the Cascades, and one from the state at large. The Commission selected one of its members as chairperson and appointed the director of the Wildlife Commission.

The unified Department of Fish and Wildlife that exists today may have had its early origins in a committee appropriated by the 1957 Legislative Assembly, which directed that a group of senators and representatives study and consider “vesting [the] administrative authority over the laws of this state pertaining to fish and game into a single state agency, with appropriate subordinate divisions, one to concentrate on administration of the laws pertaining to hunting and another to concentrate on the administration of laws pertaining to commercial and game fishing” (O.L. 1957, HJR No. 39, pgs. 1373-1375). The committee was also directed to examine the adequacy of existing laws for developing fish resources and methods of catching fish and to look at the establishment, maintenance, and preservation of wild bird and game preserves within Oregon. However, it was not until 1975, that the two functions were actually united in one agency.

In 1975, the Legislative Assembly abolished the State Wildlife Commission and the Fish Commission and integrated the two into a Department of Fish and Wildlife overseen by a State Fish and Wildlife Commission of seven members appointed by the Governor (O.L. 1975, ch. 253). All the duties, functions, and powers of the former Commissions were also transferred to the new agency. Within the agency, the Assembly provided for a Fish Division to oversee commercial and game fish management and a Wildlife Division to oversee management of all other game and other wildlife except fish. The Legislative Assembly also provided large sums of money for capital construction of numerous hatcheries including Willamette Hatchery, South Santiam Hatchery, Oregon Springs Hatchery, and Klaskanine River Hatchery (O.L. 1975, ch. 545, pgs. 1187-1191).

The State Fish and Wildlife Commission and by extension, the Fish Division of the new Department of Fish and Wildlife, was immediately directed to maximize efforts to raise species of salmon that would yield the highest return to Oregon’s commercial and sport fishermen. This legislation arose from tension between Oregon and California and Oregon’s contention that California was failing to regulate Coho salmon catches off its coast and thus Oregon was losing many of the Coho salmon raised in its rivers to California fisherman. The Fish and Wildlife Commission would need to concentrate its efforts on propagation of salmon that don’t travel to California as part of their lifecycle (O.L. 1975, SJR 33, pgs. 2322-2323).

The 1980s brought about a new wave of committees and efforts devoted to salmon preservation. The 1981 Legislative Assembly organized the Salmon Advisory Committee. The Committee consisted of five members and was directed to review the policies of the Department of Fish and Wildlife pertaining to salmon and make recommendations to the State Fish and Wildlife Commission and the Department concerning salmon and salmon resources (O.L. 1981, ch. 646, pg. 803). The Salmon and Trout Enhancement Program (STEP) Advisory Committee was also established as an advisory body to the State Fish and Wildlife Commission (O.L. 1981, ch. 317, pg. 335). The 1983 inception of Salmon and Trout Enhancement Program was born out of the Commission by the same name. STEP harnessed the efforts of volunteers working under the



direction of fishery biologists to rear salmon in stream hatch boxes and construct log and rock structures to trap spawning gravel in streams.

In 1986, after almost two decades of negotiation, the United States and Canada signed a treaty to establish joint agreements for fishery management. The treaty covers fisheries in waters extending from the Washington State/British Columbia border into southeastern Alaska and includes salmon stocks originating from the Oregon coast and Columbia River north to the Alaskan River basins. The Pacific Salmon Commission resulted from the treaty, which is intended to prevent one country from over-fishing salmon.

The Oregon Fisheries Restoration and Enhancement Act was signed into law in 1989. In 1993, the Legislative Assembly passed an act to restore state-owned fish hatcheries, enhance natural fish production, expand hatchery production, and provide additional public access to fishing waters (O.L. 1993, ch. 764, pgs. 2312-2313). The Legislative Assembly also passed legislation to allow Oregon to work with California, Idaho, and Washington to restore native salmon runs in an effort to prevent the need to list any native salmon species under the Endangered Species Act (O.L. 1993, ch. 384, pgs. 898-899).

Efforts to preserve salmon runs in were formalized by the 1995 Legislative Assembly. The Coastal Salmon Restoration and Production Task Force consisted of 11 members and was directed to develop a plan for “sustaining coastal salmonid restoration and production... based on established principles, studies, and available data” (O.L. 1995, ch. 544, pgs. 1394-1395). The plan was to include recommendations to the Legislative Assembly and the State Fish and Wildlife Commission about implementation.

The Oregon Plan is Oregon’s current, major salmon restoration initiative. Although it now encompasses restoration of all Oregon salmon, the Plan was originally the result of a document called the “Oregon’s Coastal Salmon Restoration Initiative” written by the Coastal Salmon Restoration and Production Task Force organized in 1995. In the 1999 law that established the Oregon Plan, the Legislative Assembly harmonize the localized efforts of local citizens, watershed councils, soil and water conservation groups with respect to salmon restoration. The Oregon Plan is intended to “enhance, restore, and protect Oregon’s native salmon populations, watersheds, fish and wildlife habitat and water quality, while sustaining a healthy economy.” The Plan is a holistic approach to coordinating federal, state, local, and tribal responsibilities for salmon restoration, relying on watershed councils and soil and water conservation districts to create action plans for cleanup of watersheds to restore salmon species, and to focus state polices on achieving recovery of native salmon species and sustain the health of the environment and economy (O.L. 1999, ch. 1026, pgs. 2542-2551).

The Legislative Assembly also further defined the parameters and membership of the Healthy Streams Partnership, which was to consist of 21 members some of whom could be active in the Coastal Salmon Restoration Initiative (O.L. 1999, ch. 244, pg. 593). The Legislative Assembly also directed the Department of Fish and Wildlife to establish a pilot program to involve Native American tribes in the rearing of juvenile steelhead (O.L. 1999, ch. 662, pg. 1632) under the auspices of the Salmon and Trout Enhancement Program (STEP), which had its origins in the STEP Advisory Committee originally established in 1981. The Oregon Plan project and the

Healthy Streams Partnership were to share information with and report to the Joint Legislative Committee on Salmon and Stream Enhancement.

The Legislative Assembly attempted to unite disparate efforts and projects relating to fish passage by creating a central task force consisting of at least one representative from the Governor's Office, Water Resources Department, Oregon counties and cities, special districts, water districts, water user organizations, environmental organizations, hydroelectric project operators, angling and fish conservation organizations, and tribal governments. The Task Force was to develop and present to the next Legislative Assembly, recommendations for legislative changes to improve fish passage efforts (O.L. 1999, ch. 882, pg. 2215).

Fish passage rights gained power in 2001. After a 1996 ruling by the Attorney General that existing statutes did not give the Fish and Wildlife Commission authority to waive fish passage, Governor John Kitzhaber signed into effect HB 3002 which recognized "the need to coordinate public and private entities is necessary to accomplish the policy goal of providing passage for native migratory fish and to achieve the enhancement and restoration of Oregon's native salmonid populations, as envisioned by the Oregon Plan" (O.L. 2001, ch. 923). Accordingly the Department of Fish and Wildlife was instructed to develop rules for the rating adequacy of fish passages, maintain a statewide listing of public and private obstructions to fish passage in waterways and partner with businesses to remedy the obstructions and allow salmon to pass. A Fish Passage Task Force was also created to assist the department.

The mission of the Oregon plan, its goals and objectives were further refined. The mission was to "restore the watersheds of Oregon and to recover the fish and wildlife populations of those watersheds to productive and sustainable levels in a manner that provides substantial environmental, cultural and economic benefits" (O.L. 2001, ch. 841, pg. 2235). The goals of the Plan were to provide a long-term leadership infrastructure, a scientific basis for evaluation of the Plan, and development of scientific expectations for the sustainability of the Plan. Plan participants were directed to coordinate organization of the information and data generated by and needed for the project through the State Service Center for Geographic Information Systems (O.L. 2001, ch. 842, pg. 2236).

Increasing concerns of farmers and ranchers over wildlife damage to livestock and property prompted the Legislative Assembly to convene a limited duration Wildlife Damage Advisory Council to review extant information and make recommendations as to development of programs to address and abate wildlife damage (O.L. 2001, ch. 792, pg. 2105).

The Invasive Species Council was created in 2001 to address concerns about "nonnative organisms that cause economic or environmental harm and are capable of spreading to new areas of the state" (O.L. 2001, ch. 413, pgs. 950-951). The Council was charged with developing and maintaining information and eradication resources about invasive species and developing a statewide eradication plan. The Council superseded the Integrated Pest Management Coordinating Committee and the re-organization included the State Fish and Wildlife Director of representative as a member of the Council.

Fines are doubled by legislative act in an effort to mitigate the illegal harvesting/killing of specific species including game mammals and birds, game fish, fur bearing mammals and

threatened/endangered species (O.L. 2003 ch. 98). The Keep Oregon Rivers Clean Pilot Program was established to promote the collection, recycling and disposal of fishing tackle and line (O.L. 2003 ch.188). The program consists of collection points established at or near fishing areas and boat ramps on six Oregon rivers, and working with conservationists and outdoor sports groups provides accessible disposal sites and information for anglers. A Task Force on Wildlife Control Activities is established to make recommendations on the licensing and regulation of businesses conducting nuisance, damage or public health risk mitigation animal control operations (O.L. 2003 ch.248). In addition, the statute clarifies the definition of damage and public health risk in cases allowing landowners to harvest animals damaging land, livestock or posing a health risk.

The Legislative Assembly amended the Oregon Plan for Salmon Recovery by clearly defining populations, native fish, naturally produced, recovery and self-sustaining (O.L. 2003 ch. 452). Agency focus is placed on species listed as Threatened and Endangered per the federal Endangered Species Act. A pilot program was established enabling the sale of fish at locations away from vessels participating in the non-treaty Columbia Rivers fishery with all sales to comply with United States Department of Agriculture regulations (O.L. 2003 ch. 472).

The Legislative Assembly establishes the SW Oregon Landowner Preference Pilot program, to run from July 2004 to June 30, 2008 addressing the damage caused by elk to private property in specified counties. Landowners in Jackson, Josephine, Coos, Curry, and Douglas counties may be issued preference tags for the taking of antlerless elk (O.L. 2003 ch. 461). A Task Force on Game Fowl & Newcastle Disease is established to promote the protection of domestic and wild birds from Newcastle and to limit the spread of the disease (O.L. 2003 ch. 549). The Task Force is charged with making recommendations on the development and implementation of a tracking system and the regulation of businesses and individuals raising fowl including reporting requirements, license revocation standards, license fee structure, and the testing for and reporting of incidents of the disease and methods of euthanasia.

Authority is granted to ODFW to issue one tag to harvest each of the following species; mountain goat, antelope and mountain sheep by auction to the highest bidder to raise funds for management of the three species (O.L. 2003 ch. 612) Due to a dramatic decrease in the health and sustainability of species populations, the Legislative Assembly passed legislation for the protection and regulation of the Black Rock and Blue Rock Ground fisheries (O.L. 2003 ch. 809).

The Aleutian Goose was removed from the States Threatened and endangered species list (O.L. 2005 ch.402). The regulation of Guides and Outfitters was expanded to require possession of United States Coast Guard operator permits and to follow all Oregon State Marine Board requirements for vessel registration and operation (O.L. 2005 ch. 438).

In an effort to mitigate threats from invasive species and contamination, all ship breaking is confined to dry docks (O.L. 207 ch. 150). The SW Oregon Landowner Preference Pilot program is extended by the Legislative Assembly to June 30, 2014 (O.L. 2007 ch. 8).

## **Current Organization**

The Department of Fish and Wildlife, under the agency Director and Deputy Directors, takes direction from the Fish and Wildlife Commission, which is responsible for formulating the state programs and policies for the management and conservation of fish and wildlife resources. The Commission also sets seasons, methods, and bag limits for recreational and commercial fishing and hunting. The Fish and Wildlife Commission is comprised of seven members appointed by the Governor for staggered, four-year terms. One Commissioner must be from each Congressional district, one from east of the Cascade Mountains, and one from the west. For administrative purposes the state and ODFW efforts are divided into regions with each region containing multiple districts. Each region and district has a headquarters and multiple field locations.

The Administrative Services section is responsible for a number of different programs, including issuance of hunting and fishing licenses and permit, sale of surplus real property owned by the Department, human resource services, fiscal, procurement and business services.

The Fish Division has the greatest number of programs which encompass sport regulation, habitat restoration and enhancement, propagation, recovery, conservation, and regulation.

The Wildlife Division programs encompass sport regulation, habitat restoration and enhancement, propagation, recovery, conservation, and regulation.

The Information Systems Division provides technical expertise and oversight of ODFW computer and information resources including application development help desk services, system security and management of agency servers.

The Information and Education Division provides public outreach and media services for all divisions and programs of ODFW, education and safety training for the public including hunter safety and angler education.

### **Boards and Commissions**

The Oregon Fish and Wildlife Commission state programs and policies concerning the management and conservation of fish and wildlife resources.

### **Primary Statutes and Administrative Rule Chapters**

OAR 635, Department of Fish and Wildlife

ORS 496, Application, Administration, and Enforcement of Fish and Wildlife Laws

ORS 497, Licenses and Permits

ORS 498, Hunting, Angling, and Trapping Regulations; Miscellaneous Wildlife Protective Measures

ORS 501, Refuges and Closures

ORS 506, Application, Administration, and Enforcement of Commercial Fishing Laws

ORS 507, Compacts with Other States

ORS 508, Licenses and Permits

ORS 509, General Protective Regulations

ORS 511, Local and Special Regulations

ORS 513, Packing Fish and Manufacture of Fish Products

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