

## Agenda Item Summary

### BACKGROUND

The Confederated Tribes of the Grand Ronde Indian Reservation have requested that the State of Oregon recognize greater tribal authority in the management of the fish and wildlife resources on their reservation and other lands that the tribe owns, as well as provide opportunities for ceremonial harvest of big game animals at times not currently allowed under a 1986 Agreement (adopted as a Federal Court Consent Decree and a State Administrative Rule, OAR 635-041-0600) between the Tribe and the State. The purpose of these requests is not to reopen or amend the 1986 agreement, but to create new ways for State and Grand Ronde Tribal cooperation regarding wildlife management. Commission action is needed to respond to these requests.

### PUBLIC INVOLVEMENT

On August 2, 2007, a meeting was held between the Governor, the Tribal Council and the Fish and Wildlife Commission. This was a public meeting, with substantial media attendance. A Proclamation (Attachment 5) was signed by the Tribal Chair, the Commission Chair and the Governor, directing staff to complete agreements called for in the Proclamation. Since that time, Department staff has conducted a series of meetings with the Tribe to work out the details of these proposals. In addition, the Tribe, Department staff, or both have made presentations to interested members of the public on these proposals. These presentations included:

December 12, 2007 Sports Group Leaders Meeting, Salem  
 January 2, 2008 Multnomah Hunters and Anglers Meeting, Portland  
 January 10, 2008 McMinnville Oregon Hunters Association (OHA) Meeting  
 January 8, 2008 Clatsop OHA Meeting, Astoria  
 February 18, 2008 Tillamook OHA Meeting

Because the state and tribal negotiators were designated as the Rule Advisory Committee (RAC) for the development of the ceremonial hunting rules, a new Administrative Law provision (ORS 183.333(3)) directs the Department to solicit the advice of the RAC with respect to the fiscal impact of the proposed rules, especially on small businesses. Staff will have completed this review with the RAC before the Commission's meeting and will report the RAC's comments to the Commission.

### ISSUE 1

#### **WHETHER TO RECOGNIZE THE TRIBE'S STEWARDSHIP OF LANDS UNDER TRIBAL OWNERSHIP OR CONTROL**

### ANALYSIS

The reservation is approximately 5,000 acres of forestland in the Coast Range (Trask Wildlife Management Unit). In addition, the Tribe has purchased 327 acres of land in the vicinity of the Community of Grand Ronde that it now manages. The State is interested in recognizing the

Tribe's history of good stewardship of fish, wildlife and their habitats practiced by the Confederated Tribes of the Grand Ronde Community of Oregon on the Tribe's lands. The Tribe, through Proclamation by the Tribal Council (Attachment 6), has agreed to adopt the State's management plans as tribal law on these properties. These plans will constitute an "Interim Plan" guiding fish and wildlife management while the Tribe, with guidance and assistance from the Department of Fish and Wildlife, completes a Fish and Wildlife Management Plan for tribal lands. This plan should include, but is not limited to, tribal decisions on harvest of game animals and habitat management on the reservation. Such a plan shall be consistent with state and federal law and the Consent Decree of 1986. Upon completion of the plan and approval by the Commission, this document shall determine the management of fish and wildlife resources on the Tribe's reservation. The staff has drafted a proposed Resolution (Attachment 3), similar to the Tribal Council's Proclamation, which direct the Department to complete this action and recognizes the Interim Plan during this process.

## OPTIONS

1. Adopt the proposed Commission Resolution
2. Adopt the proposed Commission Resolution, with changes
3. Decline to Adopt the Commission Resolution

## STAFF RECOMMENDATION

1. Option 1

## ISSUE 2

### **WHETHER TO PROVIDE THE TRIBE WITH THE OPPORTUNITY TO TAKE BIG GAME ANIMALS FOR CEREMONIAL PURPOSES OUTSIDE OF EXISTING SEASONS.**

## ANALYSIS

The August 2, 2007 Proclamation between the State and Tribe called for the opportunity for the Confederated Tribes of the Grand Ronde Indian Reservation to harvest additional big game animals, exclusively for tribal ceremonial use. To accommodate this request, the Commission is asked to approve a new category of hunting permits for ceremonial use that may only be used by Grand Ronde tribal members. This proposal has several features:

- Individual permits would be issued by the Department to authorize harvest of each animal, and each permit would specify the season dates, times and location where the permit was valid.
- The tribe has requested 15 deer permits, 9 elk permits and 3 bear permits. Bag limits would be "one elk"; "one deer"; "one bear".
- Dates would generally be periods when no other big game hunting seasons occurred in the Tribes hunting area. For elk that would be April 1 through 3 days before the 1<sup>st</sup> day of general archery season. For deer that would be January 1 through 3 days before the 1<sup>st</sup> day of general archery season. For bear that would be January 1 through March 31 and June 1 through July 31 each year.

- Permits would be provided to recognized tribal authorities and could be utilized by authorized members of the Tribe upon distribution.
- A ceremonial hunter would not require additional licenses or tags. Tribal members would have to carry the permit and Grand Ronde tribal identification with them.
- Each permit would be validated immediately upon successful harvest of a designated animal by entry on the permit, in ink, the date of the kill. The permit would then have to be attached securely to the game mammal in plain sight. The permit would have to be kept attached to the carcass or remain with any parts thereof so long as the same are preserved.
- Methods of take (weapons, hours, use of dogs, etc.) would all be the same as those pertaining to sport harvest during regular seasons.
- OSP and ODFW phone numbers would be printed on each permit, and hunters would be requested to notify authorities when and where they would be hunting to avoid conflicts.
- The Commission would recognize that tribal authorities can designate individuals to harvest animals utilizing these ceremonial harvest permits for the general benefit of the tribe, including multiple animals.
- Ceremonial harvest permits would not authorize trespass on private lands or entry or use on private or public lands where landowner permission has not been obtained or where hunting, access, or discharge of firearms is precluded by any other statute or rule.
- The deer, elk, or bear meat and parts collected with these permits would be for ceremonial and cultural use of the Grand Ronde Tribes only. Use for commercial purposes would be prohibited.
- All harvest of deer, elk, or bear would be reported to the Department on an annual basis.
- Authorization of ceremonial harvest permits would not convey or imply any additional tribal legal right, nor would it modify any existing agreement, treaty, or court decree.

## OPTIONS

1. Adopt modifications to permanent rule (OAR 635-043-0120) as proposed in Attachment 5 to allow ceremonial harvest of big game animals by members of the Confederated Tribes of the Grand Ronde Indian Reservation.

2. Maintain existing permanent rule. Do not allow additional harvest.

## STAFF RECOMMENDATION

Option 1

**DRAFT MOTION**

**ISSUE 1:** I move to adopt the Resolution, as proposed by staff, recognizing the outstanding stewardship by the Grand Ronde Tribe of the lands that they manage and directing staff to work with the Tribe to complete a Permanent Fish and Wildlife Management Plan for the Tribe's lands.

**ISSUE 2:** I move to amend OAR 635-043-0120 as proposed by staff in Attachment 5.

**EFFECTIVE DATE**

**ISSUE 1:** Upon filing

**ISSUE 2:** Upon filing