

Agenda Item Summary

BACKGROUND

The Confederated Tribes of the Warm Springs Reservation (CTWS) has been in discussions with the Governor's office regarding federal treaty issues. As part of those discussions, the Governor's office requested that the Oregon Department of Fish and Wildlife (Department) participate in negotiations for formal agreement with the Tribe regarding off-reservation hunting. Beginning in 1986, the Department recognized the CTWS subsistence and ceremonial harvest on ceded lands when then Department Director Donaldson agreed to provide annual deer and elk tags. For many years the Department issued physical tags to the CTWS for Tribal staff to administer a program for tribal member hunting and coordination to report harvest data to the Department.

Beginning in 2014, the Department filed and the Oregon Fish and Wildlife Commission ratified temporary Oregon Administrative Rules (OARs) providing for CTWS issuance and management of the tags through their staff and for coordinated responsibilities to meet with Department staff for harvest reporting and hunting season framework discussions. The purpose of the temporary rules was to continue Department and CTWS cooperation and coordination regarding shared wildlife resources.

PUBLIC INVOLVEMENT

The Commission adopted new OARs in June for off-reservation issuance of hunting tags to the CTWS. The proposed rulemaking is an amendment to the referenced Memorandum of Agreement (MOA) between the CTWS and the State of Oregon. Meeting materials are posted on the website. Members of the public may review the documents and provide comments. Interested parties may also provide public comment during these meetings.

ISSUE 1

WHETHER TO AMEND THE MEMORANDUM OF AGREEMENT BETWEEN THE CONFEDERATED TRIBES OF THE WARM SPRINGS RESERVATION AND THE STATE OF OREGON REGARDING OFF-RESERVATION HUNTING SUBJECT TO THE 1855 TREATY WITH THE TRIBES OF MIDDLE OREGON

ANALYSIS

The Commission was presented the background and completed rulemaking in June related to reserved hunting rights on unclaimed lands outside the Warm Springs Reservation contained in the federal 1855 Treaty with the Middle Tribes of Oregon. An MOA was signed for off-reservation take of wildlife for subsistence and ceremonial purposes. The proposed amendment is to correct a reference in the Recitals from Article 1 of the 1855 Treaty which should have stated "...hunting in common with citizens of the United States" rather than citizens of the State. ..

OPTIONS

1. Approve the amendment to a Recital in the MOA which is incorporated by reference in OAR 635-043-0140.
2. Modify the proposed amendment to the MOA.
3. 3. No action.

**STAFF
RECOMMENDATION**

Option 1.

DRAFT MOTION	I move to approve the amendment to the Memorandum of Agreement Between the Confederated Tribes of the Warm Springs Reservation and the State of Oregon as proposed by staff and incorporate as referenced in rules.
EFFECTIVE DATE	Upon Filing