



## AGENDA ITEM SUMMARY

### BACKGROUND

Malheur National Wildlife Refuge (MNWR) was established in 1935 and encompasses approximately 187,000 acres in the Blitzen Valley and Harney Basin of Harney County, Oregon. Hunting for big game was found compatible with the MNWR Comprehensive Conservation Plan in 2013.

The Burns Paiute Tribe (BPT) is a federally recognized tribe of Northern Paiute Indians in Harney County. There are currently just over 400 enrolled tribal members. The Oregon Fish and Wildlife Commission (Commission) adopted permanent rules to provide the opportunity for ceremonial harvest of specific big game animals in December 2018 and expanded those opportunities at the December 2020 meeting.

### PUBLIC INVOLVEMENT

Members of the public have had the opportunity to review the proposed rule change on the Oregon Department of Fish and Wildlife (department) website and provide comments. Interested parties may also provide public comment during the Commission meeting.

### ISSUE 1

Amendment of administrative rules to allow mule deer hunting on the Buena Vista Unit of MNWR when authorized by a permit issued by MNWR.

### ANALYSIS

Regulations for hunting on state and federal wildlife areas, refuges and special areas are established in OAR 635-065-0625. For non-department owned properties these rules are generally set in accordance with the rules established by the land management agency. Current administrative rule language regarding MNWR limits mule deer hunting on the refuge to that portion of MNWR occurring in the Blitzen Valley west of State Highway 205.

In 2021, pursuant to Department of Interior Secretarial Order 3356, MNWR authorized mule deer hunting in the Buena Vista Unit, which encompasses 36,244 acres in the Blitzen Valley east

of State Highway 205 and north of Diamond Lane. Under current MNWR regulations, up to four permits may be issued authorizing the harvest of mule deer in the Buena Vista Unit. Hunting methods will be limited to short-range weapons (archery, shotgun, and muzzleloader). One permit may be made available to a holder of a Burns Paiute Tribe Ceremonial Mule Deer Harvest Permit. The remaining authorized permits will be made available through a lottery application system, administered by MNWR, to holders of a Steens Mountain WMU controlled any legal weapon mule deer tag (100 series). Permits issued to Steens Mountain tag holders will be valid from the opening day of the controlled any legal weapon mule deer season for the Steens Mountain WMU until the Friday before the opening day of the Oregon statewide rooster pheasant season. This level of harvest is not likely to have discernable effects on mule deer populations in the region, and harvest would not occur during periods when other hunting is occurring on MNWR.

Staff recommend amending OAR 635-065-0625 to allow limited mule deer hunting in the Buena Vista Unit of MNWR bringing state regulations into alignment with this federally authorized expansion of big game hunting on MNWR.

## **OPTIONS**

1. Adopt staff recommendation.
2. Amend staff recommendation.
3. Status quo (no action)

## **ISSUE 2**

Expansion of the valid area for ceremonial harvest permits issued to the Burns Paiute Tribe to include the Buena Vista Unit of Malheur National Wildlife Refuge (MNWR) when authorized by MNWR.

## **ANALYSIS**

OAR 635-043-0150 establishes a permitting process for the take of deer, elk, and pronghorn for ceremonial and cultural use by Burns Paiute Tribe members. In 2021, pursuant to Department of Interior Secretarial Order 3356 which in part was to increase outdoor recreation opportunities, MNWR authorized mule deer hunting in the Buena Vista Unit, which encompasses 36,244 acres in the Blitzen Valley east of State Highway 205 and north of Diamond Lane. In a letter dated January 19, 2022, BPT requested a modification of OAR 635-043-0150 to allow BPT members to

hunt mule deer in the Buena Vista Unit of MNWR when issued a special use permit by MNWR (Attachment 4). Amendment of OAR 635-043-0150 would allow limited mule deer take by BPT members in this culturally significant area when authorized by MNWR. It is anticipated that MNWR would offer the opportunity to hunt mule deer in the Buena Vista Unit to one of the eight ceremonial harvest permits holders for deer in 2022. The MNWR special use permit will further restrict season dates and approved weapons available for use in the Buena Vista Unit by BPT members.

The proposed expansion of the valid hunt area for ceremonial harvest permits is not likely to have a discernable effect on big game populations in the region or mule deer hunting opportunities for non-tribal hunters. Department staff recommend modifying OAR 635-043-0150 to include the Buena Vista Unit of MNWR in the valid hunt area for BPT ceremonial harvest permits.

## **OPTIONS**

1. Adopt staff recommendation.
2. Amend staff recommendation.
3. Status quo (no action).

## **STAFF RECOMMENDATION**

1. Option 1.
2. Option 1.

## **DRAFT MOTION:**

I move to amend OAR Chapter 635, Divisions 043 and 065 as proposed by staff and shown in Attachment 3.

Date: *Upon Filing*