



AGENDA ITEM SUMMARY

BACKGROUND

The Oregon Fish and Wildlife Commission (Commission) annually adopts the Oregon Game Bird Regulations which establish season dates, bag limits, areas and other restrictions for hunting upland and migratory game birds.

Regulation of upland and migratory game birds are set through two different structures. The Commission has authority and responsibility for upland game bird management within the state. Upland game bird seasons are based on a framework that is renewed every five years based on internal recommendations and public comments. The current Upland Game Bird Hunting Season Framework for September 1, 2020 – August 31, 2025 was approved in April 2020.

In the United States, preeminent authority and responsibility for migratory game bird management lies with the Secretary of the Interior and is derived from international treaties to which the U.S. Constitution specifies that only the Federal government can be signatory. Federal authority is legislated by the Migratory Bird Treaty Act of 1918 and its amendments. Countries involved in bilateral migratory bird treaties with the U.S. include Canada, Mexico, Japan, and the Russian Commonwealth. The U.S. Fish and Wildlife Service (USFWS) is the lead federal agency for migratory game bird management.

The USFWS actively cooperates with other countries and states in the management of migratory game birds. Management in the U.S. and Canada is coordinated through a Flyway concept. Flyways are administrative units that describe migration routes and distribution of migratory birds. Oregon is one of eleven states in the Pacific Flyway.

Through various Flyway committees and Councils, states provide season recommendations to the USFWS annually. Federal frameworks (allowed days, bag limits, shooting time, etc.) are proposed by a USFWS Regulations Committee and then approved by the Secretary of the Interior. These frameworks provide guidance to states in selection of seasons; states cannot legally adopt seasons that are more liberal than established federal frameworks.

Oregon Administrative Rule (OAR), Chapter 635, Division 008 establishes rules for Oregon Department of Fish and Wildlife (department) owned or managed lands. Proposed changes are intended to update the rules for current issues and provide consistency across all of the department lands. Several of the wildlife areas have management plans with commission adopted goals and objectives that are reviewed at least every ten years to guide management actions for the next ten years.

PUBLIC INVOLVEMENT

The department used a number of approaches to gather input on annual proposals for changes to the game bird hunting regulations:

- Responded to members of the public and news media on questions and comments on game bird programs throughout last year's seasons.
- Migratory game bird season concepts were sent in February 2022 via email to a list of persons who have requested to receive regulation updates from the Migratory Game Bird Program Coordinator.
- Proposed changes to the 2022-23 Game Bird Regulations were presented in January and February 2022 to the Oregon Hunters Association and National Wild Turkey Federation.

The goals and objectives in the wildlife area plans for Bridge Creek, Columbia Basin, Lower Deschutes and Summer Lake were open for a 30-day comment period, as advertised through ODFW news releases, during the review and update process. For the Lower Deschutes Wildlife Area plan, a virtual public meeting was also hosted in February 2021.

ISSUE 1

Proposals for 2022-23 hunting regulations and seasons for game birds and crows.

ANALYSIS

A summary of population status, past hunter effort and harvest, proposed season dates, bag and possession limits, and other regulations related to the 2022-23 game bird hunting seasons is included in Attachment 3. The summary also provides context for how drought conditions and large scale wildfires have impacted game bird species habitat and staff survey efforts. Public comments received as of March 16, 2022 are provided in the summary.

An overview of the proposed recommendations includes:

Fall Turkey Seasons

Staff proposes to increase the daily bag limit for the General Western Oregon Fall Turkey Season to two (2) turkeys per day. The season limit of two (2) turkeys of either sex would not change, but this proposal would allow hunters to fill both tags on the same day.

Sage-grouse Seasons

Season length, open areas, bag limit, and permit numbers for each Wildlife Management Unit (WMU) are proposed for 2022 and continue to be very conservative. Permit numbers in these proposed rules may be modified via temporary rule if sage-grouse population estimates change after surveys are completed in mid-July.

Special and Youth Upland Game Hunting Opportunities

Staff proposals will outline dates and locations for pheasant hunting workshops and youth hunting opportunities.

Mourning Dove Seasons

Proposals for mourning dove seasons are unchanged from last year.

Band-tailed Pigeon Season

Proposals for band-tailed pigeon seasons are unchanged from last year.

Youth Waterfowl Season

Proposals for this season are unchanged from last year.

Veteran & Active Military Personnel Waterfowl Season

Proposals for this season are unchanged from last year.

Duck Seasons

Proposals for duck seasons are unchanged from last year.

Goose Seasons (including Brant Season)

Staff proposes the Canada goose bag limit be reduced from four Canada geese per day to three Canada geese per day during the regular goose season in the Northwest Permit Goose Zone.

Snipe and Coot Seasons

Proposals for snipe and coot seasons are unchanged from last year.

Crow Seasons

Proposals for the crow season are unchanged from last year.

Game Bird Seasons for Falconers

Proposals for seasons to hunt game birds by falconry are unchanged from last year.

Wildlife Area Hunt Programs

Staff proposes to open the southern portion of the South Coyote Unit at Fern Ridge Wildlife Area to public use, including hunting, and incorporate the area into the Wildlife Area Reservation Hunt Program already established in adjacent hunt units.

OPTIONS

1. Adopt staff recommendations
2. Modify staff recommendations

STAFF RECOMMENDATION

1. Adopt staff recommendations

DRAFT MOTION:

See draft motion on page 5 which covers issues 1 and 2.

Effective Date: *Upon Filing*

ISSUE 2

Clarify and revise language in OAR, Chapter 635, Division 008 to make consistent across all of the department-owned or managed lands and reflect recent 10-year review of management plans.

ANALYSIS

Division 008 rules cover the many large and small department owned or managed properties. For some department properties, proposed changes to Division 008 rule language have been proposed to address new issues/conflicts or to make language consistent amongst similar properties.

Proposed changes to Division 008 include updating four wildlife area management plans: Bridge Creek, Columbia Basin (Coyote Springs, Irrigon, Power City and Willow Creek), Lower Deschutes and Summer Lake. Additionally, the acquisition of the 10,198 acre Woosley tract in 2015 prompted amendments to the previously adopted goals and objectives of the Lower Deschutes Wildlife Area Management Plan. The revised goals and objectives are acreage adjustments that direct department staff to protect, enhance, and restore approximately 310 acres of freshwater aquatic habitat, 64 acres of riparian habitat, 11,100 acres of sage steppe habitat, 5,000 acres of grassland habitat, and 140 acres of agricultural upland habitat. All four plans had minor updates for date changes, wildlife area information and formatting. Few public comments related to the goals and objectives of the four plans were received during the review process.

Additional proposed changes in Division 008 address the unauthorized use of department lands. These amendments, in alignment with an individual's constitutional rights, include stipulating that a person may not be excluded from day use areas for sleeping during daylight hours and that a criminal sanction cannot be issued to a homeless person for violating department property regulations except for those regulations related to the conduct of the individual.

Instances of unauthorized camping/occupancy on department lands have been on the rise for the past several years. ORS 496.146 provides the authority for the Commission to acquire and operate lands, and to prescribe rules governing the use of such lands. In general, Division 008 rules prohibit camping on department lands, except at campsites during authorized camping periods. In addition, the rules prohibit leaving garbage and personal property on department lands and provides authority for the department to evict any person from any area for any violation of department rule. Because camping on department lands by persons experiencing homelessness has increased, the department worked with the Oregon Department of Justice to ensure practices to evict any person for violation of administrative rule are consistent with and protect the individuals' constitutional rights.

The proposed rules also clarify that the department may remove personal or commercial property left on department property in violation of administrative rule.

Lastly, the proposed rules add a prohibition of having domestic sheep and goats on two wildlife areas located near bighorn sheep herd ranges. This will help protect the bighorn sheep from possible transmission of diseases known to occur in domestic sheep and goats. These diseases have caused catastrophic die-offs in other sheep herds.

OPTIONS

1. Adopt staff recommendations
2. Modify staff recommendations

STAFF RECOMMENDATION

1. Adopt staff recommendations

DRAFT MOTION:

I move to amend OAR Chapter 635, Divisions 008, 045, 051, 052, 053, 054, and 060 as proposed by staff in Attachment 4.

Effective Date: *Upon Filing*