



AGENDA ITEM SUMMARY

BACKGROUND

The Oregon Department of Fish and Wildlife (department) and Fish and Wildlife Commission (Commission) are required by statute to establish a preference system so that individuals who are unsuccessful in controlled hunt permit drawings for deer and elk hunting have reasonable assurance of success in those drawings in subsequent years (ORS 496.146 (17)). To fulfill this requirement, the Commission approved and the department administers a modified preference point system for controlled deer, elk, pronghorn, and black bear hunts (OAR 635-060-0023) (Attachment 2).

As prescribed by the modified preference point system, 75% of tags for each controlled hunt are issued through the preference point system and 25% of tags are issued through the equal probability computer drawing. Unsuccessful applicants for controlled hunts are awarded one preference point applicable to future controlled hunt applications for that hunt series. Applicants that successfully draw a hunt for which they applied as a first choice within a hunt series have their preference points reset to zero for the next time they apply for that hunt series except that Pioneer Combination License and Disabled Veteran License holders have their preference points reset to one after successfully drawing a first choice hunt.

The Commission delegated authority to the Director of the department to reinstate preference points to a successful applicant for a controlled hunt when the Director determines that that person did not participate or will not participate in the controlled hunt due to circumstances beyond the person's control or tragic personal circumstances. Administrative rule establishes the process for individuals to appeal the decision of the Director when the Director determines that the individual does not qualify for preference point reinstatement. The appeal must be made in writing within 30 days of the Director's decision and the Commission must review the appeal within 90 days. By rule, the Commission does not take verbal testimony regarding the appeal (OAR 635-060-0046) (Attachment 2).

ISSUE 1

Consideration of Stephen D. Russell's appeal of a denied request for elk preference point reinstatement.

ANALYSIS

On September 25, 2024, the department received a request from Stephen D. Russell (applicant) for reinstatement of deer and elk preference points due to tragic personal circumstances (Attachment 3). The request included a description of the tragic personal circumstance, an attestation by a licensed physician, and a copy of related medical records. The medical records have been redacted from Attachment 3.

The applicant was successful in the 2024 controlled hunt drawing for 100 series buck deer hunt 169A and 200 series elk hunt 249R1. The applicant’s request for preference point reinstatement and supporting documentation were evaluated relative to the requirements of OAR 635-060-0046.

Based on information provided by the applicant, the Director determined that the applicant hunted two days during hunt 249R1 and then was injured on the third day after returning to camp on the third day of hunting. The Director approved the applicant’s request for reinstatement of the 100 series buck deer preference points because she determined the applicant did not and would not participate in hunt 169A, which had open season dates of October 5 – 16, 2024. Additionally, the documentation provided demonstrated the applicant’s injury met the definition of ‘tragic personal circumstances’ per OAR 635-060-0046.

The Director denied the applicant’s request for reinstatement of the 200 series elk preference points because she determined the applicant had participated in hunt 249R1. This determination is consistent with the requirements of OAR 635-060-0046(2)(a) and with past practices when considering preference point reinstatement requests. The applicant was informed on November 7, 2024, that the request for reinstatement of deer preference points was approved but the request for reinstatement of elk preference points was denied. On November 22, 2024, the department received a written appeal from the applicant to the Commission requesting review and reconsideration of the Director’s decision (Attachment 4).

OPTIONS

1. Deny the appeal and uphold the Director’s decision regarding elk preference point reinstatement for Stephen D. Russell.
2. Approve the appeal and direct the department to reinstate elk preference points for Stephen D. Russell.

STAFF RECOMMENDATION: ISSUE 1

1. Option 1.

DRAFT MOTION:

I move to deny the appeal by Stephen D. Russell for reinstatement elk preference points as we have determined Stephen D. Russell participated in hunt 249R1.

Effective Date: December 13, 2024