

OREGON ADMINISTRATIVE RULES
Oregon Department of Fish and Wildlife

Division 60
GAME MAMMAL AND GAME BIRD CONTROLLED HUNT REGULATIONS

635-060-0046

Preference Point Reinstatement

(1) The Commission shall accommodate Oregon residents who have lost preference points because of being called to active military service after June 1, 2002.

(a) The Commission shall accommodate the following individuals called to service at any location: Oregon National Guard.

(b) The Commission shall accommodate the following Oregon residents with military operational commitments: regular members of the United States Armed Forces (Army, Navy, Air Force, Marines, and Coast Guard), members of the United States military reserves, and members of the National Guard.

(c) The Commission authorizes the Director to make such accommodations by reinstating preference points existing for a series, plus an additional point for participating in the draw.

(d) Individuals seeking accommodation pursuant to this rule (or immediate family members acting on their behalf) must make a request in writing or in person to the Salem headquarters office. Each request must include a letter from a supervising officer on official unit letterhead verifying operational commitments.

(2) (a) The Director may reinstate the preference points of a person who the Director determines did not or will not participate in a controlled hunt because of circumstances beyond the person's control or tragic personal circumstances. For the purposes of this rule:

(A) "Circumstances beyond the person's control" means any unforeseen circumstance that directly and reasonably results in a person's inability to participate in the hunt. This could include, but is not limited to, administrative or emergency closures of hunting units, extreme events, and other accidents or incidents. Circumstances beyond a person's control do not include complaints about the quality of the hunt including, but not limited to road closures, inclement weather, and work being conducted in the hunt area.

(B) "Tragic personal circumstances" means:

(i) Death or life-threatening injury or illness in the person's immediate family; or

(ii) The person's own serious injury or illness, which results in the person's hospitalization or inability to participate in the hunt due to a physician's orders or recommendation. The person need not be hospitalized during the hunt; this rule also applies if preparation for surgery or recovery after hospitalization renders the person incapable of participating in the hunt.

(b) A person is not eligible for preference point reinstatement if the person has received a preference point reinstatement under this rule for the same hunt series within 10 years of their request for point reinstatement unless the reinstatement was due to the Department's administrative or emergency closure(s) of hunting seasons.

(c) To apply for reinstatement, the person must request in writing to the Department, reinstatement of their preference points within 2 years of the last day of the season for the tag/series the person is requesting reinstatement for. The written request must include a sworn affidavit providing adequate details to support the request. The person must return the unused tag if it was purchased or a signed affidavit stating the tag was not used. When relying upon tragic personal circumstances, the person must also provide a sworn affidavit by a physician. When relying upon circumstances beyond the person's control, the person must also provide documentation of the circumstances (such as an accident report or affidavit from an employer).

(d) If the Director decides that the person does not qualify for reinstatement, the person may appeal that decision to the Oregon Fish and Wildlife Commission (Commission). All appeals to the Commission must be made in writing within 30 days of the Director's decision not to reinstate preference points. The Commission must review the Director's decision within 90 days after receipt of appeal, which may be scheduled as an agenda item or take place during "other Commission Business" at a Commission meeting. The Commission will not take verbal testimony from the person, and the Commission's decision is final.

(e) If the Director or Commission reinstates a person's preference point under this subsection, the person will be awarded a new point as when classified as "unsuccessful" in the draw and is not entitled to a refund of license or tag fees.

Statutory/Other Authority: SB 247 (2015), ORS 496.138, ORS 496.146 & ORS 496.162
Statutes/Other Implemented: ORS 496.012, ORS 496.138, ORS 496.146 & ORS 496.162

635-060-0023

Modified Preference Point System

(1) The Modified Preference Point System separates the tags for each controlled game mammal hunt into two groups:

(a) Seventy-five percent of the tags will be issued through the preference point system;

(b) The remaining 25 percent of the tags will be issued by the equal-probability computer drawing.

(2) Applicants shall accrue no more than one preference point per hunt number series per year. Valid applicants who did not receive controlled hunt tags for their first choice hunt number in the 100, 200, 400, 600, or 700 series hunts during the controlled hunt drawing shall receive one preference point applicable to subsequent controlled hunt drawings for the respective hunt number series, except as excluded in OAR 635-060-0008(4).

(3) A preference point will automatically accrue within each controlled hunt series when an applicant's first choice is selecting the preference point saver option.

(4) Youth nine years of age or older are eligible to apply for automatic Preference Points as described in (3) provided they have a social security number, an ODFW ID number issued by the Department, and purchase the appropriate (resident or nonresident) juvenile or adult hunting license.

(5) The Modified Preference Point System will group controlled hunt applicants by the number of preference points they have accrued for each hunt number series. Applicants with the highest number of preference points for each hunt number will be drawn first. Applicants having the next highest number of preference points per hunt number will be drawn next. This tag issuance process will continue through descending numbers of preference points until 75 percent of the tags authorized for the hunt have been issued, unless all qualified applicants with preference points have been issued tags prior to that point. Any tags remaining following the issuance of preference point tags will be issued through the equal-probability computer drawing. Applicants unsuccessful in the preference point tag issuance procedure and those applicants without preference points will be placed in the equal-probability computer drawing for the remaining tags.

(6) Applicants, except for those with a Pioneer Combination License or a Resident Disabled Veterans Combination License holder who are 65-years of age or older, successful in drawing their first choice hunt except selecting the preference point saver option within a hunt number series shall have zero preference points when they next apply for a tag in that hunt number series. Successful Applicants with a Pioneer Combination License or Resident Disabled Veterans Combination License holders who are 65-years of age or older, shall have one preference point when they next apply for a tag in that hunt number series. Qualifying for both licenses will result in only one-preference point when reset.

(7) Beginning in 2008 applicants will not forfeit preference points accumulated for a hunt number series when they do not apply for that hunt number series for two consecutive years.

(8) Applicants who have their hunting license suspended or revoked by legal action will forfeit all preference points.

(9) Party applicant preference points shall be determined by totaling the preference points of all party members and then calculating the average of this total. Party preference points will be rounded up from x.51 (e.g. 3.51 to 4, 3.50 to 3) to the next whole number.

(10) Department records are final to determine accrued preference points for controlled hunt applicants.

(11) Each applicant's preference point accrual record will be linked to their permanent identification number. Preference point applicants shall use the permanent identification number each time they apply for a controlled hunt tag. Failure to do so shall place the applicant in the equal-probability drawing for their hunt number series and preference points will not be accrued together.

(12) Applicants will receive no preference points when:

(a) Their application is not received by the appropriate application date; however, a hunter may purchase one preference point for the current year, for each series (100, 200, 400, 600, and 700) from July 1 through November 30 if they did not apply during the controlled hunt drawing for that series.

(b) They request their controlled hunt application be withdrawn prior to the controlled hunt drawing;

(c) The controlled hunt application has been falsified.

(13) The Modified Preference Point System shall apply to 100, 200, 400, 600, and 700 series hunts.

(14) In 2005, 800 series points were converted into 600 series points.

Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 496.162, SB 593 (2019), 408.225 & 497.102

Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 496.162, SB 593 (2019), 408.225 & 497.102