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DEPARTMENT OF FISH AND WILDLIFE

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FILING CAPTION: Amend Burns Paiute Tribe Ceremonial Harvest Permit Hunt Area

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RULES:
635-043-0150, 635-065-0625

AMEND: 635-043-0150

RULE TITLE: Burns Paiute Ceremonial Harvest Permits

NOTICE FILED DATE: 02/25/2022

RULE SUMMARY: Amend rules to allow access for limited hunting of mule deer in the Buena Vista unit of Malheur National Wildlife Refuge (Malheur NWR) when authorized by permit issued by MNWR and expand the hunt area for ceremonial harvest permits issued to the Burns Paiute Tribe to include the Buena Vista unit of Malheur NWR when authorized by the refuge.

RULE TEXT:
Ceremonial harvest permits for use by the Burns Paiute Tribe (the “Tribe”).
(1) The Commission authorizes the harvest of deer, elk and pronghorn antelope by members of the Tribe for ceremonial and cultural purposes in accordance with these rules.
(2) Authorization for ceremonial harvest permits will be considered only upon written request from the Tribe.
(3) Authorization for harvest shall specify the season dates, times, locations, and numbers of permits authorized for each species.
(a) Permits authorized shall be provided to the Tribe and may be used only by enrolled members of the Tribe. Each permit shall specify the season dates, times, and location where the permit is valid.
(b) Enrolled Burns Paiute Tribal members using authorized ceremonial harvest permits must carry on their person a valid ceremonial harvest permit, and shall present this document, as well as documents identifying said hunter as a member of the Burns Paiute Tribe, to Department employees or law enforcement personnel upon request.
(c) Enrolled Burns Paiute Tribal members designated to harvest animals using ceremonial harvest permits shall not be required to possess a state hunting license or big game tags in addition to the ceremonial harvest permits authorizing harvest.
(d) In recognition of accepted Tribal custom, the Commission acknowledges that Tribal authorities may designate individuals to harvest animals using these ceremonial harvest permits. The Tribe may designate the number of permits used by enrolled Burns Paiute Tribal members, so long as the total harvest does not exceed the number of ceremonial

permits authorized under subsection (e) of these rules.
(e) Pursuant to a request received under subsection (2), the Department shall issue up to eight (8) deer permits with a bag limit of “one deer” , up to fifteen (15) elk permits with a bag limit of “one elk”, and up to four (4) pronghorn antelope permits with a bag limit of “one pronghorn”, for ceremonial purposes annually. Season dates are: January 1 through last day of the Department's unit wide, Any Legal Weapon controlled 100 series hunt in the Silvies and Malheur River WMUs for deer permits, January 1 through November 30 for elk permits, and January 1 through the last day of the Department's unit wide, Any Legal Weapon controlled hunt in the Silvies and Malheur River WMUs for pronghorn antelope.
(f) Each permit shall be validated immediately upon successful harvest of a designated animal by blacking out in ink, or removing in its entirety, only the month and day of the kill. The permit shall be attached securely to the game mammal in plain sight. The permit shall be kept attached to the carcass, or remain with any parts thereof, so long as the same are preserved.
(g) Ceremonial harvest permits are valid only on federal lands and Burns Paiute Tribal lands (Tribal trust and fee title) in the Silvies Wildlife Management Unit, that portion of the Malheur River Wildlife Management Unit (WMU) that is north of U.S. Highway 20, the Burns Paiute Tribal property known as the Jonesboro property south of U.S. Highway 20 in the Malheur River WMU, and the Buena Vista unit of the Malheur National Wildlife Refuge when also in possession of a valid special use permit issued by the Malheur National Wildlife Refuge. Ceremonial harvest permits cannot be used on private lands and do not authorize trespass upon private lands to access federal or tribal lands where landowner permission has not been obtained. Ceremonial harvest permits do not authorize entry or use on public lands where hunting, access, or discharge of firearms is precluded by any other statute, rule or law.
(h) Methods of take, shooting hours, and other restrictions or limits on hunting methods, weapons and techniques all remain the same as those pertaining to sport harvest during other Commission authorized big game seasons, or as restricted by conditions of a special use permit issued by Malheur National Wildlife Refuge when hunting in the Buena Vista unit of the Malheur National Wildlife Refuge. Harvest of elk is restricted to archery equipment only from August 15 to October 15.
(i) If a ceremonial need arises after the end of authorized season dates and a previously issued ceremonial harvest tag from that year was not validated for harvest, the Tribe may request a date extension in writing.
(A) Written request must include the cultural or ceremonial need as determined by the Tribe, the requested new dates for hunt, and the original tag.
(B) The species on the ceremonial harvest tag cannot be changed.
(C) The Department will consider the request to avoid conflicts with ongoing hunting seasons and may limit the hunt area from the description in (3)(g).
(D) If approved, the local Wildlife District staff from the Department will provide the revalidated tag to the Tribe.
(4) The Tribe shall report all harvest of deer, elk or pronghorn antelope conducted under ceremonial harvest permit to the Department on an annual basis.
(5) Animals harvested under an authorized ceremonial harvest permit may only be used by Tribal members for ceremonial and cultural purposes. Animals and parts thereof may not be bartered or sold.
(6) Authorization of these ceremonial-hunting permits does not create, convey, modify, limit, impede or imply any tribal legal or treaty entitlement.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.012, 496.146, 496.162

STATUTES/OTHER IMPLEMENTED: ORS 496.138, ORS 496.012, 496.146, 496.162

AMEND: 635-065-0625

RULE TITLE: Regulations on State and Federal Wildlife Areas, Refuges and Special Areas

NOTICE FILED DATE: 02/25/2022

RULE SUMMARY: Amend rules to allow access for limited hunting of mule deer in the Buena Vista unit of Malheur National Wildlife Refuge (Malheur NWR) when authorized by permit issued by MNWR and expand the hunt area for ceremonial harvest permits issued to the Burns Paiute Tribe to include the Buena Vista unit of Malheur NWR when authorized by the refuge.

RULE TEXT:

State and Federal wildlife areas, refuges and special areas listed below shall be open to hunting during authorized seasons, subject to the following special regulations and exceptions:

(1) Bear Valley National Wildlife Refuge (Klamath County): Closed to all public entry except walk-in deer hunting prior to November 1.

(2) Cascade Head — Lincoln City Area: The Cascade Head — Lincoln City Area is closed to hunting with centerfire rifles, muzzleloaders, or handguns. Hunting is restricted to archery and shotguns only during authorized seasons, except for Department approved emergency hunts. Hunters using shotguns for elk shall use slugs (single projectile) only. The Cascade Head — Lincoln City Area boundaries shall be defined as follows: Beginning at the Pacific Ocean and Siletz River mouth, east along the north shoreline of the Siletz River to Drift Cr. Rd. (mile post 1 on Hwy 229); north on Drift Cr. Rd. to Anderson Cr. Rd.; north on Anderson Cr. Rd. to Schooner Cr. Rd.; west on Schooner Cr. Rd. to Forest Rd. 2200; north and east on FR 2200 to FR 1726; west on FR 1726 to FR 2100; northeast on FR 2100 to the power line crossing; north along the power line to State Hwy. 18; west on Hwy 18 to Old Scenic Hwy 101; north on Old Scenic Hwy 101 to Three Rocks Rd.; west on Three Rocks Rd. to U.S. Hwy 101; north on Hwy 101 to FR 1861; west on FR 1861 to Harts Cove trailhead; west on Harts Cove trail to the Pacific Ocean; south along the coastline to the Siletz River, point of beginning.

(3) Cold Springs Refuge (Umatilla County): The Cold Springs Refuge shall be closed to deer and elk hunting.

(4) Dean Creek Elk Viewing Area (Douglas County): All Bureau of Land Management lands within or contiguous to BLM lands within T22S R11W (including Spruce Reach Island located adjacent to Hwy. 38 and between the outlets of Koapke and Hinsdale Sloughs) are closed to hunting. Also, other lands located within the following boundary are closed to hunting during all elk and deer seasons that pertain to this area: beginning at the intersection of Schofield Rd. and Hwy. 38, south on Schofield Rd. to its intersection with Hakki Ridge Rd., east on Hakki Ridge Rd. to the crest of Hakki Ridge, east along the crest of Hakki Ridge to its intersection with the BLM boundary located in T22S, R11W Section 4, easterly along the BLM boundary to Hwy. 38, west on Hwy 38 to point of beginning.

(5) Dunes National Recreational Area: Use of rifles and handguns is prohibited for all hunting in that portion of the Siuslaw Unit west of Highway 101 and north of Tahkenitch Creek.

(6) North Bank Habitat Management Area (NBHMA; previously known as the Dunning Ranch Area in Douglas County): 6,500 acres located approximately eight miles northeast of Roseburg. Area: All BLM lands located in T25S, R5W, Sections 35,36; T26S, R5W, Sections 1,2,11,12,13,14; T25S, R4W, Sections 31,32,33; T26S, R4W, Sections 4,5,6,7,8,18. This area is closed to all big game hunting except for and during controlled hunts specific to the NBHMA by hunters possessing a controlled hunt tag for the area. Elk, black bear, and cougar hunting will be allowed by hunters who possess a valid NBHMA controlled hunt tag in addition to valid elk, black bear, or cougar tags. The use of bait for hunting game mammals is prohibited on NBHMA. All BLM lands located in T25S, R5W, Sections 35, 36; T26S, R5W, Sections 1, 2, 11, 12, 13, 14; T25S, R4W, Sections 31,32, 33; T26S, R4W, Sections 4, 5, 6, 7, 8, 18.

(7) William Finley National Wildlife Refuge (Benton County):

(a) Portions of the Refuge are open to deer and elk hunting under special regulations established by the Refuge.

(b) All hunters shall obtain a refuge permit and check in and out of the refuge daily. Information about deer and elk hunting locations, seasons, weapon restrictions, and application instructions are available at the refuge office at 541-757-7236 or on their website (http://www.fws.gov/refuge/William_L_Finley/Hunt.html).

(8) Government Island State Recreation Area (Multnomah County): Use of rifles, handguns, and shotguns with slugs or buckshot, and bows is prohibited at all times.
(9) Hart Mountain National Antelope Refuge (Lake County): Portions of the refuge shall be open for hunting as prescribed under chukar season, controlled pronghorn antelope and bighorn sheep hunts, deer bowhunting season, and muzzleloader deer season. The refuge is open for pronghorn antelope Mandatory Reporting Incentive tag holders, Premium Pronghorn Antelope Hunt and Premium Deer Hunt tag holders, and pronghorn antelope and bighorn sheep auction and raffle tag holders but is closed for Access and Habitat deer and elk auction and raffle and Mandatory Reporting Incentive deer and elk tag holders.
(10) Heppner Regulated Hunt Area: Closed to all motor vehicle use year-round unless posted otherwise, open fires and camping prohibited in posted areas. Approximately 23 square miles in Townships 3, 4, and 5 South, Ranges 26, 27 and 28 East;
(11) John Day Fossil Beds National Monument: Those parts of the National Monument in the Grizzly, Biggs, Fossil, and Northside Units are closed to all hunting and trapping.
(12) John Day River Refuge: Includes all land within 1/4 mile of the John Day River mean high water line from the Columbia River upstream to Thirty Mile Creek. Within this area, from the Columbia Rvr upstream to Rock Cr, the area shall be open to hunting of upland game birds during authorized seasons only between September 1 and October 31 annually but closed to all waterfowl hunting. The remaining area from Rock Cr upstream to Thirty Mile Cr is open to the hunting of all game birds during authorized seasons. Hunting of big game is allowed during authorized seasons.
(13) Klamath Marsh National Wildlife Refuge: This area is closed to all deer and elk hunting.
(14) Malheur National Wildlife Refuge (Harney County): Portions of the refuge in Blitzen Valley lying west of State Highway 205 is open during authorized rifle and bow deer and pronghorn antelope seasons. The Buena Vista unit is open for mule deer hunting when in possession of, and in compliance with, a special use permit issued by Malheur National Wildlife Refuge.
(15) McDonald Forest-Dunn Forest Area (Benton County): The area is closed to all hunting except during controlled hunts as authorized by the commission
(16) McKay Creek Refuge (Umatilla County): This refuge is closed to deer and elk hunting.
(17) Metolius Wildlife Refuge (Jefferson County): All hunting, injuring, taking, killing, or destroying any wild bird or mammal on public land is prohibited on public lands within T12 and T13S, R9E, bounded by USFS road 1420 and 1419 on the west; road 1400 on the south and east; and road 1420-400, Metolius River, and posted boundary from the Metolius River to road 1400 on the north (approximately five square miles). 36 CFR 261.58(v).
(18) Mill Creek Watershed (Umatilla County): This watershed is closed to all access and hunting except by holders of a Mill Creek Watershed controlled elk tag and a Forest Service entry permit.
(19) Newberry Crater Wildlife Refuge (Deschutes County): All hunting, injuring, taking, killing, or destroying any wild bird or mammal is prohibited on public lands within the rim of Newberry Crater in: T21S, R12E; T22S, R12E; T21S, R13E; T22S, R13E (approximately 15 square miles).
(20) Rimrock Springs Wildlife Area (Grizzly Unit): This area is closed to all hunting.
(21) Rogue River Area:
(a) All land within one mile of the Rogue River between Grave Creek and Lobster Creek is closed to bear hunting.
(b) All land within 1/4 mile of the Rogue River in the wild river section from Grave Creek downstream to Watson Creek is closed to all hunting except during authorized seasons.
(22) Snake River Islands (Malheur County): Closed to hunting with rifles.
(23) South Slough National Estuarine Reserve: Specific areas are closed to hunting due to public health and safety. Contact reserve headquarters office for specific closures.
(24) Starkey Experimental Forest Enclosure (Union County): That portion of The Starkey Experimental Forest within the eight foot high elk-proof fence enclosure is closed to all hunting during deer and elk season except for persons possessing a controlled hunt tag for the area. A posted 1/4 mile buffer zone on the National Forest lands surrounding the enclosure is closed to all hunting with a centerfire rifle or bow. The enclosure is open to deer and elk hunting only by

permit during controlled hunts. The main study area is open to hunting of other species during authorized seasons. The 12-foot right-of-way along each side of all eight foot-high perimeter and internal game fences is closed to all motorized travel. Public entry is allowed only through the main gate. The Experimental Forest is closed to all public entry during the winter closure, which runs from the day after the controlled antlerless elk hunt until May 1 annually. Access and Habitat auction or raffle tag holders, Mandatory Incentive Tag holders, and Premium Deer and Premium Elk tag holders are not eligible to hunt in the Starkey Experimental Forest enclosure.

(25) Umatilla Refuge (Morrow County): This refuge is closed to deer and elk hunting except during controlled hunts specific to the refuge and emergency hunts as provided in OAR chapter 635, division 078.

(26) Willamette River Greenway Corridor: Hunting is permitted with shotguns or bows and arrows only during authorized season on Willamette River Greenway parcels, except in those parcels where hunting is prohibited.

STATUTORY/OTHER AUTHORITY: ORS 496.138, ORS 496.146, ORS 496.162, ORS 496.012

STATUTES/OTHER IMPLEMENTED: ORS 496.138, ORS 496.146, ORS 496.162, ORS 496.012