AGENDA ITEM SUMMARY

BACKGROUND

The Burns Paiute Tribe (BPT) is a federally recognized tribe of Northern Paiute Indians in Harney County. The commission adopted rules to issue ceremonial hunting tags to the Burns Paiute Tribe in 2018 for mule deer, elk, and pronghorn via 635-043-0150 (subsequently renumbered to 635-800-0015).

In 2022, the state and tribe agreed to consider updating tag numbers at the request of the tribe (Attachment 4). The tribe requested such an update in early 2025. The department's staff and the tribe engaged in bilateral negotiations and agreed to new tag number for the Commission's consideration.

PUBLIC INVOLVEMENT

This proposal has been developed through direct, government-to-government negotiations between representatives of the Burns Paiute Tribe and the department. The public received notice of the draft MOA and proposed administrative rules by notice in the Secretary of State's Bulletin (Attachment 2). Members of the public may provide written and oral comment for the Commission's consideration.

The Tribe and the department both engaged all of the federally recognized tribes in eastern Oregon to share details of the proposed changes and offer consultation. No other tribes expressed an interest in participating in consultation.

ISSUE 1

Updating ceremonial and subsistence hunting tag numbers for Burns Paiute Tribe.

ANALYSIS

The department received a request from the Burns Paiute Tribe to consider increasing ceremonial tag numbers and increasing the area available for tribal members to use ceremonial tags in December 2024. The department and BPT negotiated in early 2025 to generate today's proposal. The department considered the biological status of the wildlife populations of interest, current participation and success rates of BPT hunters, number of tags available to non-tribal hunters in each unit, and the likelihood of non-tribal hunters drawing controlled hunt tags in each unit. The proposal should have minimal impact on non-tribal hunters and will support the needs of the tribe.

The proposed amendments provide clarification that tribal members may use these tags for ceremonial, cultural, or subsistence purposes. It also adds additional opportunity for hunting by doubling the number of tags available for mule deer (from 8 to 16) and elk (from 15 to 30) and expanding the applicable area for these tags to the full Juntura and Sage Hen Deer Hunt Areas for deer permits; and the Silvies, Malheur River, and Beulah Wildlife Management Units (WMUs) for elk and pronghorn antelope permits.

In September 2025, the Commission transitioned management of controlled hunting of mule deer from Wildlife Management Units to new Hunt Areas. The proposed amendments related to BPT's tags will transition BPT hunters to the new hunt areas as well, which should reduce confusion in the field and maintain consistency for ODFW and OSP staff who may encounter BPT hunters in the field. It should also ensure that ODFW's communication materials related to mule deer controlled hunts remain informative to BPT members as needed.

No changes are proposed to the rules governing how these permits may be used by BPT members. For example, members will be required to carry on their person a valid harvest permit and documents identifying themselves as a member of the Burns Paiute Tribe. 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.

Mule deer, elk, and pronghorn are of great subsistence, cultural, and ceremonial significance to the Burns Paiute Tribe. Providing this opportunity to harvest additional animals is not likely to have a discernable effect on big game populations in the region or impact tag opportunities for non-tribal hunters, while being very impactful to BPT hunters.

OPTIONS

1. Adopt amendments to OAR 635-800-0015 as proposed by staff in Attachment 3.

2. No action.

STAFF RECOMMENDATION: ISSUE 1

Adopt amendments to OAR 635-800-0015 as proposed by staff in Attachment 3.

DRAFT MOTION:

I move to adopt amendments to OAR 635-800-0015 as proposed by staff in Attachment 3.

Effective Date: *Upon Filing*