AGENDA ITEM SUMMARY

BACKGROUND

Overview of the Landowner Preference (LOP) Program

The Landowner Preference (LOP) program was created by the Oregon Legislature in 1981 and implemented by the Oregon Department of Fish and Wildlife (ODFW) in 1982. Its original purpose was to allow landowners with qualifying property to obtain controlled hunt tags for hunting buck deer and bull elk on their own land.

Over time, the laws and rules governing the LOP program have changed many times. Many of the changes were informed by ODFW hosted working group meetings to discuss the program and hunting access on private lands.

Key Features of the Current LOP Program

- *Where Tags Can Be Used:* LOP tags can only be used on property owned by the registered landowner.
- *Number of Tags:* The number of tags a landowner receives for each hunt type depends on acreage:
    - Minimum 40 acres: 2 tags for antlerless deer and elk hunts, and all hunts in W. Oregon
    - Minimum 160 acres: 2 tags for all hunt types including E. Oregon buck and bull hunts
    - More than 160,000 acres: Up to 14 tags
    - See Table 1
- *Types of Hunts:* Tags are available for controlled deer, elk, and some pronghorn hunts, including hunts for:
    - Buck deer or bull elk
    - Either sex deer or elk
    - Antlerless deer or elk
    - Doe/fawn pronghorn
- *Tag Transfers:*
    - Antlerless tags can be transferred to anyone.
    - Tags for antlered deer or elk can only be transferred to non-family members for up to 50% of the landowner's tags, rounded up to next whole number.

Legislative Changes in 2013

Informed by meetings with landowner and sports groups, the Legislature passed House Bill 2027 (2013). Key changes included:

- Expanding the definition of "immediate family."
- Increasing the share of tags that can go to non-family hunters.
- Requiring the Fish and Wildlife Commission to set a formula to limit mule deer tags in areas where populations are below management goals.

Rule Changes in 2015

The Commission adopted rules to implement House Bill 2027 (2013). These rules created a **three-tier formula** for mule deer buck hunts based on population levels relative to management objective (MO) in Wildlife Management Units (WMUs):

- *Tier 3***:** Population < 60% of MO → LOP tags limited to 10% of controlled tags or 5 tags (whichever is greater).
- *Tier 2:* Population 60–79% of MO → LOP tags limited to 15% of controlled tags or 5 tags (whichever is greater).
- *Tier 1:* Population ≥ 80% of MO → Tags allocated using the standard acreage table (Table 1).

Table 1. LOP Acreage Table Showing Tags Allowed Per Landowner and Per Hunt Series

Tags	Minimum Acreage	Hunt Type
2	40[1]	Antlerless Deer, Antlerless Elk, all hunts occurring in Western Oregon
2	160[2]	All Hunts
3	1,200[2]	All Hunts
4	2,500[2]	All Hunts
5	5,000[2]	All Hunts
6	10,000[2]	All Hunts
8	20,000[2]	All Hunts
10	40,000[2]	All Hunts
12	80,000[2]	All Hunts
14	160,000+[2]	All Hunts
[1]Must be contiguous/connected acreage [2]Must be minimum of 160 contiguous/connected acreage		

Updates in 2024

The Commission adopted a new Mule Deer Management Plan:

- Management scale now Herd Ranges instead of WMUs.
- Each Herd Range is divided into Deer Hunt Areas (DHAs) with specific seasons and tag limits.
- Population MOs and population performance is assessed using:
  - Estimated population size
  - 5-year average population growth rate
- Population performance relative to MO is categorized into five concern levels: extreme, very high, high, low concern.
- This structure allows for more accurate population assessments that will better aide staff in determining how management actions are influencing mule deer population performance and provide guidance on allocation of resources to improve underperforming herds.

- Management objectives for both mule deer populations and buck ratios for each Herd Range are described in Appendix 1 of the 2024 Plan and are adopted into administrative rule by reference.

PUBLIC INVOLVEMENT

The department conducted targeted outreach with groups that have been actively involved in development of the program, including representatives from Oregon Hunters Association, Back Country Hunters and Anglers, Rocky Mountain Elk Foundation, Oregon Cattlemen's Association, Oregon Forest Industries Council, Eastern Oregon Counties Association, as well as with affected landowners in South Fork John Day Watershed area.

Members of the public have had the opportunity to review the proposed rule change on the Department's website and provide comments. Interested parties may also provide public comment during the commission meeting.

ISSUE 1

Amend administrative rules establishing the formula to set the number of LOP tags available for mule deer hunts.

ANALYSIS

Why Changes Are Needed

The adoption of the 2024 Mule Deer Management Plan introduced major updates:

- Population monitoring now occurs at the Herd Range level instead of the WMU level.
- Mule deer hunt areas have been realigned to match Herd Ranges.
- Management objectives now consider both population size and growth rate.

Because of these changes, OAR 635-075-0022, which sets limits on mule deer Landowner Preference (LOP) tags consistent with direction in House Bill 2027 (2013), must be updated.

Current Process

Since 2015, a three-tier formula has determined LOP tag limits for mule deer buck hunts:

- After spring surveys, staff estimate mule deer populations for each WMU.
- The formula assigns each WMU to a tier that is used to calculates LOP tag limits
- Landowners are notified of LOP tag numbers by May 1.
- Landowners apply for tags; a lottery drawing occurs with results by June 12.

- Remaining tags are offered on a first-come, first-served basis.

  2025 Example:

  - 47 WMUs with mule deer hunts
    - Tier 1: 5 WMUs (tags based on acreage table)
    - Tier 2: 7 WMUs (15% of controlled tags or 5 tags)
    - Tier 3: 35 WMUs (10% of controlled tags or 5 tags)
  - High demand caused unsuccessful LOP applicants for any legal weapon (rifle) hunts in 16 WMUs and some special time period hunts.
- Standard archery hunts rarely reach tag limits.

Why Change the Formula

Under the old system, WMUs rarely changed tiers because population shifts were gradual. The new system considers population size and growth rate, meaning Herd Ranges could move tiers more often. To simplify and stabilize the process, staff propose reducing the formula to two tiers.

Proposed Two-Tier Formula

- *Tier 1:* Tags based on the standard LOP acreage table.
- *Tier 2:* Tags limited to 15% of controlled buck tags or 5 tags, whichever is greater.

Tier Assignment:

- *Tier 1:* Herd Ranges with concern level of "Moderate" or "Low," and Deer Hunt Areas with >75% private land.
- *Tier 2:* Herd Ranges with concern level of "Extreme," "Very High," or "High."

Expected Impact

- Estimated for 2026 hunts (based on past data):
  - 2 Deer Hunt Areas (1 Herd Range): Tier 1 (population-based)
  - 5 Deer Hunt Areas: Tier 1 (private land-based)
  - 34 Deer Hunt Areas (18 Herd Ranges): Tier 2
- Final tier assignment and tag numbers will not be available until spring surveys are complete and population models are updated.
- Removing the most restrictive tier (10% limit) could increase the LOP share of controlled tags by about 4%.
  - Currently, harvest data indicates that in most WMUs the proportion of harvest occurring on private lands is less than would be expected based on the proportion of private land in the WMU.
  - Actual number of LOP tags issued will be uncertain until LOP application patterns under new hunt area boundaries can be evaluated.
  - Some any legal weapon (rifle) and special hunts will still have more demand than available LOP tags.

Next Steps

- The updated formula would apply to 2026 hunts with tag numbers calculated after spring surveys and population modeling.
- Landowners will be notified of tag numbers by May 1, 2026.
- Staff will evaluate the effects of the formula change following two to three years of formula implementation.

OPTIONS

1. Amend OAR Chapter 635, Division 075 as recommended by staff.
2. Modify staff recommendation.

ISSUE 2

Amend administrative rules to change the names of some Herd Ranges.

ANALYSIS

The 2024 Plan transitioned mule deer management and monitoring from the WMU scale to the herd range scale. Delineated Herd Ranges consist of the year-round range for each of Oregon's 22 mule deer herds. Beginning with the 2026 hunting season, the boundaries for deer hunts in eastern Oregon will be based on herd ranges with each Herd Range consisting of one to six Deer Hunt Areas.

During the development of the 2024 Plan, staff assigned a name to each of the 22 mule deer herd ranges. Many Herd Ranges were assigned names that were the same as a WMU (e.g. Ochoco, Warner, Sumpter) or a combination of WMUs (e.g. Beulah-Malheur, Fossil-Grizzly). During development of the 2026 Big Game Regulations proposals, staff recognized significant confusion caused when Herd Ranges shared the same or similar name as a WMU despite each having a different boundary description. To reduce confusion, staff assigned new names to 2026 Deer Hunt Areas in those places where the Herd Range shared a name with a WMU but each had different boundaries.

The mule deer population and buck ratio MOs found in Appendix 1 of the 2024 Plan are adopted into administrative rule. Staff recommend amending administrative rules to change the names of select Herd Ranges to match the names used for 2026 Deer Hunt Areas (Table 2). This proposed rule amendment is intended to reduce confusion caused by the current names but would not change Herd Range boundaries or management objectives.

Table 2. Mule Deer Herd Range Names

Current Herd Range Name	**Proposed Herd Range Name** (*denotes a change)
Murderers Creek	Aldrich*
Ochoco	Crooked River*
Warner	DeGarmo*
Deschutes	Deschutes
Crescent	Devils Garden*
Sumpter	Elkhorn*
Northside	Fox*
Columbia Basin	Helix*
Biggs	Jackknife*
Beulah-Malheur	Juntura*
Keno	Keno
Klamath Basin	Klamath Basin
Mid Columbia	Mid Columbia
North Blues	North Blues
Northeast	Northeast
Fossil-Grizzly	Painted Hills*
SC Low-Density	Poverty Basin*
Juniper-Silvies	Sage Hen*
South Wallowas	South Wallowas
Southeast	Southeast
Steens Mtn	Steens*
Trout Creek	Trout Creek

OPTIONS

1. Amend OAR Chapter 635, Division 190 as recommended by staff.
2. Modify staff recommendation.

STAFF RECOMMENDATION

1. Adopt staff recommendation

DRAFT MOTION:
I move to amend OAR Chapter 635, Divisions 075 and 190 as proposed by staff.

Effective Date: *Upon Filing*