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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE

FILED
11/25/2025 11:22 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Amend Rules to Modify Formula for Setting Landowner Preference Program Tags for Mule Deer Hunts

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 01/16/2026 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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4034 Fairview Industrial Drive SE
Salem,OR 97302

Filed By:
Roxann Borisch
Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 01/16/2026
TIME: 8:00 AM - 5:00 PM
OFFICER: ODFW Commission

REMOTE HEARING DETAILS
PHONE NUMBER: 503-947-6044
SPECIAL INSTRUCTIONS:
This hearing will be conducted virtually. Additional information regarding participation will be posted on our website at www.dfw.state.or.us/agency/commission/minutes/. The meeting can be viewed at www.youtube.com/user/IEODFW. Any changes to the meeting format will be posted to our website as soon as possible.

NEED FOR THE RULE(S)

These rule amendments are necessary to set the number of LOP tags available for each mule deer hunt for the 2026 hunting season and future hunting seasons. The Commission is required to establish a formula for determining the number of LOP tags available for mule deer. The formula must include a provision so that when a mule deer population is greater than the goal established in the mule deer management plan, the number of LOP mule deer tags available to a landowner must correspond to the number of acres the landowner has registered in the LOP program.

Oregon's Mule Deer Management Plan (2024) (Plan) establishes a format for population management objectives that considers the estimated population level and average annual population change over a 5-year period within each herd range with the performance of herd expressed as one of five concern levels (extreme concern, very high concern, high concern, moderate concern, low concern). This rule amendment will align the formula for determining the number of LOP tags available for mule deer hunts with this management objective structure.

Additionally, a rule amendment modifying names of some mule deer herd ranges in Table 1, "2024 Mule Deer

Population Management Objectives" and Table 2, "2024 Buck Ratio Management Objectives" in Appendix 1 of the Plan is necessary to reduce confusion resulting from some mule deer herd ranges having the same or similar name to Wildlife Management Units. This rule amendment will ensure mule deer herd ranges and Wildlife Management Units do not share the same name unless they also share the exact same geographic boundary.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

1. Staff report prepared for the Oregon Fish and Wildlife Commission hearing on 01/16/2026, including the presentation and all provided materials.

A copy of the rules and the other documents relied upon for this rulemaking [the above document(s)] are available from the Oregon Department of Fish and Wildlife, Fish Division, 4034 Fairview Industrial Drive SE, Salem, Oregon 97302-1142. Roxie Borisch at 503-947-6314 or Roxann.B.Borisch@odfw.oregon.gov to view by appointment between the hours of 8:00 a.m. and 4:00 p.m., on normal working days, Monday through Friday.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The Department has solicited input from representatives of underrepresented communities likely to be affected on whether the proposed rule will have a fiscal impact on the community, the extent of the fiscal impact, and whether the rules will have significant impact on underrepresented communities. https://www.dfw.state.or.us/OARs/index.asp

FISCAL AND ECONOMIC IMPACT:

These amendments are not expected to result in significant economic or fiscal impacts to local governments or the public. As discussed further below there is a potential impact to landowners and hunting guides that use LOP mule deer tags, as changes to the tag allocation formula and geographic hunt boundaries, could result an increase or decrease in the number of tags available when compared to past years.

Fiscal and economic impacts discussed in this document pertain only to the proposed rules at the time of writing this fiscal impact statement.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s).

A. State agencies that could be affected by these rules are the Oregon Department of Fish and Wildlife and the Oregon State Police (enforcement costs). No major changes from the current levels of these agencies' operations or expenditures are expected as a result of these proposed amendments.

B. No units of local government are expected to be significantly affected by these amendments. No significant changes from the current levels of any local agencies' operations or expenditures are expected as a result of making adjustments to the formula for determining the number of LOP tags available for mule deer.

C. The public is not expected to be affected. However, there are a subset of individuals who could be impacted by

changes to the allocation formula for mule deer LOP tags. These individuals are the landowners who benefit from LOP tags and guides and outfitters who work with landowners to secure mule deer tags for their clients.

Regarding the amendments needed to reassess how LOP mule deer tags are allocated to landowners in and around Deer Hunt Areas, there could be potential for landowners and those who arrange mule deer hunt access with landowners to be affected. The department must implement a new formula to allocate the number of available LOP tags based off the forty-two new Deer Hunt Area boundaries, while also considering deer population ranges and the level of concern for the herd.

The previous formula for setting the number of mule deer hunting tags allocated to landowners registered in the LOP program was a 3-tiered formula with tags subject to the program's standard acreage limitation or limited to either 10% or 15% of the tags available for that hunt through the controlled hunt drawing. The proposed draft rule amendments would modify the tag allocation formula from a 3-tiered formula to a 2-tiered formula with tags available to registered landowners subject to the program's standard acreage limitation or limited to 15% of the tags available for that hunt through the controlled hunt drawing. While the Commission will ultimately decide on the final formula used, for the simplified 2-tiered LOP limitation formula option in the proposed draft rule amendments, overall, the number of tags available to landowners for 2026 hunting season will slightly increase relative to 2025 hunting seasons despite the number of tags available through the controlled hunt drawing decreasing by approximately 9%. As a result the majority of landowners are anticipated to see an equal or greater number of tags available for hunts in their location when compared to the previous 3-teired allocation methodology. However, due to landownership patterns with new Deer Hunt Area boundaries and continued decline of mule deer populations in some herd ranges, it is anticipated that some landowners might have a lower probability of drawing a mule deer tag through the LOP program than in past years. Impacts would be limited to landowners within given hunt areas that receive 2026 tag allocations that might differ compared to previous years using the old system.

Amendments are not expected to result in any major change to the LOP program operations. It is not possible for the department to estimate the amount of any potential fiscal impacts to landowners, as impacts would be felt on the scale of the individual landowner dependent on where their landholdings are in respect to the new Deer Hunt Area boundaries. In addition, any fiscal impact would also be affected by how landowners choose to use their LOP tags, financial impacts would vary further based on whether tags are assigned for personal use or assigned for the purpose of generating income from recreation access. The proposed amendments ensure that LOP tags in eastern Oregon will be available in 2026.

(2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s);
The types of business subject to the rule are primarily landowners in eastern Oregon that participate in the LOP program who apply for mule deer tags. Specific to the 2026 regulations, landowners would be impacted by changes to the LOP allocation formula driven by the new Deer Hunt Areas system, which effectively creates new hunting boundaries.

The department is unable to estimate the number of landowners who will be affected given our available data since the agency does not know exactly how many tags would be affected and if affected, whether landowners would lose revenue from access fees associated with use of those tags or not.

In addition, guides and outfitters that either lease private lands or pay to access private lands and use the LOP program to secure mule deer tags for their clients have the potential to be affected, but it should be noted that this LOP allocation is not directly related to the Guide and Outfitter tag allocation program.

For guides and outfitters, the department has 61 individual guides approved in the agency licensing system for participating in the Guide and Outfitter tag allocation program. However, often multiple guides will work for a single business. It is estimated there are approximately 15-20 hunting guide businesses in Oregon. The number of impacted guiding businesses would also be further restricted to those who offer services for deer hunting in eastern Oregon.

(b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s);
These types of compliance costs are not anticipated at the time of writing this fiscal impact statement.

(c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).
These types of compliance costs are not anticipated at the time of writing this fiscal impact statement.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

During development of the rule amendment proposal, department staff received input from representatives of Oregon Cattlemen's Association, Oregon Forest Industries Council and Eastern Oregon Association of Counties.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

No, an Administrative Rule Advisory Committee was not consulted however, department staff received input from representatives of Oregon Cattlemen's Association, Oregon Forest Industries Council, Eastern Oregon Association of Counties, Oregon Hunters Association, Rocky Mountain Elk Foundation, and Backcountry Hunters and Anglers, as well as individual landowners and hunters during the development of the rule amendment proposal. Additionally, at the Commission hearing, public correspondence and testimony is accepted into the record as part of the rulemaking process.

RULES PROPOSED:
635-075-0022, 635-190-0010

AMEND: 635-075-0022

RULE SUMMARY: These amended rules will modify the formula for setting Landowner Preference (LOP) program tags for mule deer hunts and will modify the name of some mule deer herd ranges. The amendments will align the formula with mule deer population management objectives format established in Oregon's Mule Deer Management Plan (2024) and allow the Oregon Department of Fish and Wildlife (department) to set LOP tag numbers for mule deer hunts each year. Modification of mule deer herd range names will ensure that herd range names are different than the names used to identify Wildlife Management Units.

CHANGES TO RULE:

635-075-0022
Landowner Hunting Preference Tags for Mule Deer ¶

(1) This rule further implements HB 2027A whereby the 2013 Legislative Assembly directed the Department through the commission to specify a formula that bases the number of landowner preference tags available for mule deer on the management, research, and habitat needs set forth in the wildlife management plan for mule deer.¶
(2) For purposes of this rule, the population management objectives (MOs) for each ~~wildlife m~~mule deer herd r~~anagement unit~~ that were adopted by the commission in June 2024 are considered representative of the management, research, and habitat needs for mule deer.¶

(3) The formula to determine the number of landowner hunting preference tags available for buck mule deer in a ~~unit~~mule deer herd range is as follows:¶
(a) In those ~~wildlife management units where the estimated mule deer population is less than 60% of the established population management objective, the number of landowner hunting preference tags available for buck deer in that unit may be limited to five tags or 10 percent of the total controlled buck tags authorized for the public for each hunt in that unit by the commission, whichever is greater.¶~~
~~(b) In those wildlife management units where the estimated mule deer population is equal to or more than 60% of the established~~mule deer herd ranges where, based on the criteria in Oregon's Mule Deer Management Plan (2024), the department determines that the estimated mule deer population and average annual population ~~mch~~anage~~ment objective, but less than 80% of the established population management objective~~ over 5-years result in a herd range concern level of Extreme, Very High, or High, the number of landowner hunting preference tags available for buck deer in that unit may be limited to five tags or 15 percent of the total controlled buck tags authorized for the public for each hunt in that unit by the commission, whichever is greater.¶
(~~c~~b) In the ~~Biggs, Columbia Basin, and Mount Emily wildlife management units, and in the NE Owyhee 167A~~Helix (HX-01), Jackknife (JK-01), North Blues 01 (NB-01), North Blues 02 (NB-02), and Northeast 03 (NE-03) deer hunt area~~s~~, and ~~in those wildlife m~~deer hunt areas within those mule deer herd ra~~nage~~~~ment unit~~s where the estimated mule deer population ~~is equal to or more than 80% of the established population management objective~~and average annual population change over 5-years results in a herd range concern level of Moderate or Low, the number of landowner hunting preference tags available for buck mule deer in that ~~unit~~deer hunt area may be issued based upon a landowner's acreage as set forth in 635-075-0005(8).¶
(~~d~~c) If conditions such as but not limited to disease or harsh winter weather occur, resulting in adoption of a Temporary OAR to reduce 100 Series mule deer tags by equal to or more than 25% from the number authorized by the Commission in areas listed or described in 635-075-0022(3)(c), Limited Landowner Preference mule deer tags in those areas may be limited as described in 635-075-0022(3)(b).¶
(4) If landowner preference tags remain from the controlled hunts described in 635-075-0022(3)(a) or (b) after the game mammal controlled hunt drawing, the Department will issue remaining tags to qualified landowners as described in 635-075-0024.
Statutory/Other Authority: ORS 496.138, 496.012, 496.146, 496.162
Statutes/Other Implemented: ORS 496.138, 496.012, 496.146, 496.162

AMEND: 635-190-0010

RULE SUMMARY: These amended rules will modify the formula for setting Landowner Preference (LOP) program tags for mule deer hunts and will modify the name of some mule deer herd ranges. The amendments will align the formula with mule deer population management objectives format established in Oregon's Mule Deer Management Plan (2024) and allow the Oregon Department of Fish and Wildlife (department) to set LOP tag numbers for mule deer hunts each year. Modification of mule deer herd range names will ensure that herd range names are different than the names used to identify Wildlife Management Units.

CHANGES TO RULE:

635-190-0010
Plan Objectives for Mule Deer Management ¶

The revised "2024 Mule Deer Population Management Objectives" (2026) and the revised "2024 Buck Ratio Management Objectives" (2026) function as a replacement to Table 1, "2024 Mule Deer Population Management Objectives" and Table 2, "2024 Buck Ratio Management Objectives" respectively, in Appendix 1 of the 2024 Oregon Mule Deer Management Plan ~~is~~and are incorporated here by reference into administrative rule.
Statutory/Other Authority: ORS 496.012, 496.138, 496.146, 496.162
Statutes/Other Implemented: ORS 496.012, 496.138, 496.146, 496.162