Exhibit C
Public Correspondence Received as of January 12, 2026

1-7-26

Good morning and thank you for your time. My name is John Dehler and I am a long time land owner in central Oregon. I would like to offer comment on the L.O.P. program changes the commission must update for the new mule deer plan. According to "summitpost.org" Oregon is 60.4% publicly owned and 39.6% privately owned. With that in mind a 15% tag allocation across the board for L.O.P. seems easy, but not science based management. I have long advocated for herd range management for Oregon's wildlife, and commend ODFW for this difficult but positive change. I believe in this science based approach and support this evolved set of management tools. That in mind it is my hope that Tag allocation has an opportunity to evolve as well. For instance if a WMU has 80% private land in it and ODFW allocates 85% of the tags to public land this does not appear to be scientifically sound management. With 80% of the hunters on 20% of the WMU the issues are obvious and negative. This creates a natural flow of animals from public to private that has fueled issues for decades. I would suggest the allocation of tags be distrusted to consistently and evenly manage the deer, not arbitrarily meet a specific number for a group of people, simply taking into account the percentage of private lands in each unit and allocating tags evenly across all lands could insure more consistent harvest rates and ease pressure on public lands. In closing I believe that to truly manage our deer herds with a science based system our L.O.P. program must reflect that science.

Thank you for your time,

John Dehler

jwd371@gmail.com

BORISCH Roxann B * ODFW

From: Amy Stiner <astiner@outlook.com>
Sent: Wednesday, January 7, 2026 8:39 AM
To: ODFW Commission * ODFW; Scott Hess
Subject: Mule Deer Populations
Attachments: muledeerletter-scotthess-1-6-26-compressed.pdf

ODFW Commission,
Mule Deer Populations have been at the top of the South Fork John Day Watershed Council's Director's priorities for many years. Please review this letter from one of our Directors, Scott Hess, regarding the current status of mule deer in Oregon.

Sincerely,
Amy Stiner
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Watershed Council
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Oregon Department of Fish and Wildlife:

I am a Board Member on the South Fork John Day Watershed Council ("SFJDWC"). My family owns what we affectionately refer to as "the Ranch" in the historic Izee country of Southwest Grant County. For more than 35 years, we have raised cows and calves, hunted, fished, searched for fossils, and camped in a truly beautiful part of Oregon. We have cut, piled and burnt many acres of juniper. We have protected our three streams with riparian fencing. We have planted hundreds of ponderosa pine seedlings, hundreds of willow and hundreds of other conservation species including alder, mahogany, bitterbrush, dogwood, elderberry. We have applied Rejuvra, a range level pre emergent that stops the growth of annual grasses, to about 250 acres or about 25% of our land. We keep our cow herd small, at about 20 pair, as part of our overall goal to manage our property to promote wildlife. We thus are interested in and in fact have a vested interest in the actions of both federal and state agencies with regard to forest, range and animal management.

I am writing to provide concerns regarding the 2024 Deer Management Plan, specifically as it relates to predators and Landowner Preference tags.

A. 2024 Mule Deer Management Plan and Predator Control

In June, 2024 the Department of Fish and Wildlife ("ODFW") approved and in

August made effective Amendments to its previously issued Mule Deer Management Plan ("2024 Plan"). The 2024 Plan provides an extremely comprehensive analysis of the history of mule deer across eastern Oregon, history of regulation impacting mule deer hunting, scientific analysis of changing range and deer herd conditions, and contains proposals to address a severely declining mule deer population. The mission set forth in the 2024 Plan is stated as follows:

> This plan provides guidance for the department and partner organizations to navigate the contemporary, complicated interactions of all the biological, environmental, and social factors affecting mule deer. The resulting combined effort is focused on improving mule deer populations to meet the department's mission to protect and enhance Oregon's fish and wildlife and their habitats for use and enjoyment by present and future generations.

In order to address its mission and in fact statutory obligation, ODFW's 2024 Plan establishes as its overall objective to "Manage mule deer using the best practices and information within the dynamics of changing landscapes and multiple land use practices to enhance recreational opportunities and public values". The six objectives set forth the 2024 Plan are described as follows:

> (2) Objectives to accomplish this goal are to:
>
> (a) Delineate herd ranges defining the year-round movements of unique mule deer herds as the basis for mule deer management across their range in eastern Oregon.
>
> (b) Inform management decisions for mule deer using rigorous methods for monitoring populations while accounting for changing habitat conditions and other impacts to populations at the herd range scale.
>
> (c) Maintain and enhance mule deer habitats in partnership with landowners and land managers such that overall conditions for mule deer are maintained or improved on summer use areas and winter ranges.
>
> (d) Manage mule deer populations such that overall numbers are consistent with available habitat conditions while accounting for social tolerance and public attitudes towards mule deer.
>
> (e) Manage harvest of mule deer at biologically sound levels.
>
> (f) Provide for optimum consumptive and non-consumptive recreational uses of the resource.

The 2024 Plan is certainly aspirational:

> "These changes provide the framework forODFW and our partners to implement meaningful actions more effectively for mule deer that will address population declines and contribute to increasing mule deer populations in Oregon."

While the Plan is forward looking in addressing it's objectives, the actual concern with declining mule deer numbers is immediate and real. As set forth in Figure 2 of the 2024 Plan (p. 17) (Exhibit 1), mule deer populations have decreased dramatically since the early 1980's when populations were estimated in excess of 300,000 deer. By 1990, the population was estimated at 225,000; by 2015 the population was below 200,000; and by 2022, the population was estimated at 160,000. That represents a 50% decline in the mule deer population over the past 40 years. SFJDWC was advised by ODFW at a recent meeting that the mule deer population is decreasing at the rate of 4% annually. An additional 4% decline over the next 10 years would reduce the eastern Oregon mule population by another 50% to approximately 96,000 animals. Thus, the current situation with regard to mule deer in eastern Oregon is simply not sustainable.

In 1981, ODFW set the first Mule Deer Management Objectives ("MO") for each of the eastern Oregon wildlife management units ("WMU"). As shown in Table 8, page 95 (Exhibit 2) of the 2024 Plan, the MOs for many of the WMUs were set in 1981 and not revised through 2016, despite significant evidence of declining herd numbers. As examples: (37) Ochocco unit had the same MO of 20,500 deer in 1981 and in 2016; (42) Murderers Creek unit had the same management objective of 9,000 animals in 1981 through 2016; similarly, (72) Silvies unit the MO was 11,800 in 1981 and increased to 12,000 in 2016. The MO for these and most eastern Units did not change for 35 years despite clear evidence that the number of deer had declined by almost 50% over that time frame.In 1990, the Commission adopted the first Mule Deer Management Plan (ODFW 1990A). The 1990 Plan identified habitat loss and degradation as "the number one issue affecting mule deer in Oregon." 2024 Plan, at 18. The 1990 Plan set overall MO

for eastern Oregon mule deer at 317,400 despite evidence that the total population size at that time was about 250,000 and declining.

In 2003, The Mule Deer Management Plan was again revised. The issues and associated management strategies that were identified and focused on in the 2003 revision included improving data collection methodologies so as to address factors: "affecting populations such as predation, habitat loss, disease, illegal take, and high levels of disturbance on seasonal ranges." The 2003 plan also directed a review of management objectives but it appears no significant change in the MOs was made between 1990 and today, except the total population MO increased by 30,000 to 347,400. Mule deer management objectives were again reviewed ten years later with only minor changes, reducing total population MO by 1,200 to 346,200 in 2017. The estimated mule deer population was 245,000 in 2005 and just under 200,000 in 2017. (2024 Plan, page 22). Thus, as of 2017, the MO for eastern Oregon mule deer was 150,000 animals more than actually existed; in fact, that number, 346,000 mule deer, has never been counted in any year. Equally remarkable, the factors listed as affecting deer populations in the 1981 approach, the 1990 Plan, the 2003 Mule Deer Management Plan and the 2010 Mule Deer Initiative directly mirror the factors listed at least 35 years later in the 2024 Plan.

In 2010, ODFW adopted the Oregon Mule Deer Initiative (MDI) on 5 WMUs with a goal of addressing six objectives:

> 1) habitat management, 2) predator management, 3) disturbance and harassment, 4) law enforcement, 5) disease and parasites, and 6) population management.

With the addition of disease and parasites, the factors affecting the deer population identified in the 2010 MDI once again mirror the factors first identified by ODFW in 1990 35 years ago and mirror the factors addressed in the 2024 Plan.

In the first five years of MDI implementation, $27.4 million was spent addressing the

factors on which the MDI focused. In the next 5 years, an additional $25.5 million was spent. However, as the 2024 Plan notes (page 13), **"Observed population parameters during the reporting periods [2010-2020] declined or showed no significant improvement. . ."** In fact, as shown in the graph at Figure 2 in the 2024 Plan (Ex. 1), population estimates decreased herd numbers from about 225,000 in 2010 when MDI was initiated to about 165,000 by 2022, a 37% decline over 12 years. The decline has not subsided in the past five years.

Thus, the 2024 Plan must, in fact, be considered aspirational. Very simply, efforts by ODFW to address declining eastern Oregon deer herds have been ongoing for 45 years. The results of those efforts cannot be considered successful. I certainly recognize that there are factors outside of ODFW control—wildfire, drought, climate change as examples. But the known factors that can be addressed have been identified for decades. I hope that with the adoption of the 2024 Plan, this trend can be reversed. The deer herd and all of the social and economic benefits derived from the herd depend on it.

One of the primary changes implemented in the 2024 Plan abandons WMUs in favor of describing hunting areas based on total migratory habits of various deer herds. (Interestingly, when first established, the WMUs actually took into account migratory patterns of eastern Oregon deer). The new Aldrich Unit consists of all of the former Murderers Creek Unit, eastern portions of the Ochocco Unit, western portions of the Beulah Unit and northern portions of the Silvies unit. Designating units based on herd range and migration makes sense where the goal is to study deer habits. But this change is concerning since the change significantly decreases the value of the more than 50 years of data collected by ODFW. Since such data is used to address, among other concerns, appropriate deer tag numbers for a particular year, the decision to issue 1100 tags for the new Aldrich unit in 2026 can not be based on objective factors—rather it's based on a subjective analysis of how many deer live or migrate through what was the Murderers Creek unit and specified parts of Ochocco, Beulah and Silvies units. I'm not aware of historical herd numbers for what is now the Aldrich unit.

The 2024 Plan identifies several factors affecting deer populations: Habitat/nutrition; harvest, weather, predation, competition, poaching, vehicle collisions; and disease. Habitat and nutrition are considered the "primary driver" (page 30) affecting populations of deer. I understand from discussions with Matt Wenick, Grant County Weed Control, that state and federal agencies have made recent strides in his area. Several areas within the new Aldrich unit have been sprayed to address annual grasses. Burned and other areas have been reseeded. Juniper have been cut from substantial acreage. These efforts are fully detailed in the 2024 Plan. It is imperative that these efforts by the public agencies continue and increase as they directly impact the carrying capacity (K) of the resource. After all, governmental entities own more than 60% ofGrant County and probably more than 75% of the new Aldrich Unit. (As I note below, private landowners including myself and my neighbors have been actively engaged in habitat improvement activities for years including well before adoption of the MDI and later in conjunction with the goals set forth in the MDI. The SFJDWC was an early and vocal proponent of the MDI.)

B. PREDATION

The 2024 Plan notes, with regard to predation:

> Predation is often cited as the number one cause of mortality in a variety of studies assessing deer survival (Forrester and Wittmer 2013). It is important to note, however, that the relative effects of a high proportion of known cause of deaths due to predation is dependent on the overall total mortality and survival rates. If 9 out of 10 deaths are due to predation but survival rates in the population are high (≥ 85%), the net effect is not necessarily detrimental.Conversely, if only 4 of 10 animals die due to predation and overall survival is low, the impact of predation may be more significant. Primary predators of fawns include coyotes (*Canis latrans*),cougars (*Puma concolor*), bobcats (*Lynx rufus*), black bears (*Ursus americanus*) and wolves(*Canis lupus*), while adult mortality is primarily attributed to cougars (Forrester and Wittmer2013). Overall risk of predation tends to be highest for fawns just after parturition then again in late winter/ early spring (Jackson et al. 2021). Risk to adults tends to vary by predator species, with cougars readily taking deer year-round while coyote predation tends to be restricted to winter or when deer are nutritionally stressed.

Stated otherwise and simply: If the herd is robust and thriving, predators are not detrimental. But if overall survival is low, "the impact of predation [is] more significant." As noted below,

70% of mule deer fawns fail to reach 1 year old, with predation the primary cause; and the overall herd is declining 4% per year. From deer number counts over the last 45 years, we know and ODFW knows factually that overall deer survival is declining. The impact of predation is therefore significant under the analysis above.

At page 120 of the 2024 Plan, Table 9 identifies the causes of mule deer mortality, listing predation as 40% of Known Causes. (Ex. 3)

The 2024 Plan provides as the strategy with regard to predation:

> Predation:
>
> Oregon's mule deer populations have experienced significant declines over the past several decades (Chapter 2) and predation from cougars (for adult mule deer) and coyotes (for newborn and juvenile mule deer) have been documented as the principal source of mortality (Figure 17). Because of this, predation is often implicated as the main driver of population declines, yet efforts in Oregon and other states have failed to show long-term increases in mule deer population growth resulting from predator removal efforts. Ultimately, predation interacts with a range of other factors (e.g., weather, habitat quality, disease) that will influence how much it is either additive or compensatory and affects population growth. All these interacting effects should be considered when attempting to manage predator populations to influence mule deer population performance.

Very simply, is this not also true with regard to all the factors affecting the deer herd decline. Effort by ODFW must be undertaken to address and not simply study **all** factors. It is interesting that the 2024 Plan is able to quantify the significant mule deer losses due to predation, but has difficulty and ultimately fails the task of quantifying deer losses caused by most of the other factors. While habitat deficits are cited, no deer loss numbers due to habitat loss can or are set forth.

The 2024 Plan summarizes its conclusion regarding predator control:

> ". . .predation from cougar. . . and coyotes have been documented as the principal source of mortality" but "efforts in Oregon". . . have failed to show long-term increases in mule deer population growth resulting from predator removal efforts."

But the 2024 Plan itself recognizes that actual predator removal efforts by ODFW have been minimal. In fact, ODFW states that its primary method of predator control is by the public while

hunting. The minimal efforts undertaken by ODFW to address predator control provide no basis to support a conclusion that any such future efforts will "fail." (Ex. 4)

In his report, "Recent Changes in Oregon's Mule Deer Population and Management", Paul Ebert, Staff Biologist with ODFW noted:

> An aerial coyote control program was started in January, 1975 on selected mule deer winter ranges where fawn survival was the lowest, Helicopters contracted through the U.S. Fish and Wildlife Service were used to take 537 coyotes averaging 4.6 coyotes per hour. . . . **Preliminary evaluation of the control program on the Steens Mountains indicated a 13 per cent fawn loss on the control range compared to a 65 per cent loss on a range with no control.**

Similarly, Charles Trainor, Wildlife Biologist , ODFW, in his report "Direct Cause of Mortality in Mule Deer Fawns During Summer and Winter Periods on Steens Mountain, Oregon" concludes:

> **Considering that predation was involved in 53 per cent of the deaths of fawns monitored during early summer, and in 79 percent of the losses instrumented young in the winter, depredation by coyotes, and in a lesser extent, bobcats was the major direct cause of mortality in both periods.**

It is thus specious to suggest, as does the 2024 Plan, that predator control has no impact on the deer herd. Both Ebert and Trainor conclude that predation is a "direct cause" of fawn mortality, and **where predator control measures were undertaken losses of fawns due to predators declined from 65% to 13%.** Therefore, based on the research of its own scientists, ODFW knows that predator control programs positively affect deer herds.

The goals identified in the 2024 Plan with regard to predation include (p.134-136) (Ex. 5):

> **Issue 8.1 Assess Effects of Predation.** This assessment has occurred and is occurring. In the report (ODFW unpublished date 2019-2023) referenced at page 75 of the 2024 Plan, 64% of new fawns (0-4 months of age) did not survive. 19% of those fawn death were due to coyote, 11% cougar, 6% bobcat. Natural causes were 19%. This is a shocking number—2/3rds of all fawns die within 4 months, about 20% caused by coyotes and 30% by predation. 40% of juvenile deer (ages 6-12 months old) die. The highest cause of death are coyotes. The mortality rate for adult female deer is 23%, with the most common cause cougar at 9%.

ODFW is thus aware of, has statistics to show and has therefore "assessed" the effects of predation. I hope that assessment continues.

Dr. Jake Dittel (ODFW) is studying the effects of predation specifically in the Murderers Creek area using collared does and fawns. His study is ongoing with an expected update in January, 2026. Based on his first year activities, he concludes:

1. **Only 37% of fawns survive from birth to November (63% die before 6 months)**
2. **Median survival is 51 days (30 days for female fawns; 76 for male fawns)**
3. **Predation is the main cause of fawn death (Disease is second leading cause)**

   Coyote (57%)
   Bobcats (21%)
   Bear (14%)

4. **66% of Mortality is from predation.**

Dr. Dittel's study and notably its initial conclusions cannot and should not be ignored. ODFW now has at least 6 years of data, from 2 ODFW sources that conclude that predation causes most fawn death with coyotes accounting for 57% of those deaths.

Yet the 2024 Plan does nothing to specifically address the primary cause of death of newborn and juvenile deer. While I welcome, encourage and commend the studies and believe they should continue, the the situation has gone beyond "do more studies." I must leave to others the scientific analysis, but it certainly makes sense, at least to me, that if 66% of a population's progeny are dying before reaching maturity, and overall adult populations are declining at 4% per year, the sustainability of that population is in question. Ex. 6

A little math (with assumptions): If the Murderers Creek unit had about 6,000 deer in 2024, and the Buck:Doe ratio was 15, then there were 5,100 doe and 900 buck. If those doe had1.5 fawns (some would have 2, some not), that means 7,650 fawns were born. But 70% died within the first six months—that means 5,355 died leaving 2,295 after six months. And 40% of juvenile deer age 6 months to a year die—that means of the original 6,000 deer, having 7,650

fawns, only 1, 377 live to one year. If this predation could be reduced by only 25%—5,100 does still have 7,650 fawns.Instead of 70% of fawns dying, 52.5% or 4,016 die before six months, leaving 3,634 surviving to6 months. 30% (instead of 40%), or 1, 090 die between 6 months and one year leaving 2,543. Based solely on math, reducing predation by 25% would increase fawn survival to age 1 from 1,377 to 2,543. Perhaps 25% is aspirational, but the math does establish that other factors remaining equal a 10% reduction would result in a significant positive impact on fawn survival.

Issue 8.2 Increase Predator harvest. This issue notes that currently ODFW's primary means of predator control is by the public through the issuance of licenses to hunters. This section also notes the statutory prohibition on hunting cougar with dogs, apparently recognizing that the 1994 change was itself an impact on deer herds. Perhaps only obvious to me, but leaving predator control to hunters during hunting season has not been effective and will not be effective in the future.

Issue 8.3. Administrative Predator Control.

The 2024 Plan notes several WMU on which Administrative Predator Control was implemented in the past. (Ex.4) Ultimately, some of those efforts apparently did not result in more deer. However, in some cases, the focus was only on increasing elk numbers—where the result was successful. In one case, the Administrative Predator Control resulted in larger bucks, but not necessarily more deer. In other cases, the evidence was not conclusive. But now, 10-15 years after those studies, we have more information and better resources. Deer are now being collared and in greater numbers. Animal counts will be more accurate since the herd range will be considered. As set forth, Issues 8.1, 8.2 and 8.3 are the sum and substance of the 2024 Plan with regard to predator control—nothing concrete is proposed; only further studies.

The 2024 Plan is certainly novel in some regard, most notably its designation of the Aldrich unit and other units in lieu of the prior use of WMUs. Aldrich unit hunters and the

landowners within that area are therefore "guinea pigs" in this latest round of ODFW's deer management efforts. While I cannot speak for all ranchers and landowners within the boundaries of the Aldrich unit, I have never heard one balk at the idea of addressing predators. I have never heard one suggest that predators are not a major cause of the deer decline. While scientists and I suspect governmental agencies are skeptical of anecdotal evidence and prefer the opinions of experts, I defy you to find someone more expert in their field than the ranchers in the Izee Valley, up and down the South Fork, and throughout Grant County who are actually out on the range, in the forests and meadows every day. They know where the deer migrate to in winter and where they go for summer range. They know the condition of the range and forests. They know the cause of deer deaths and herd decline. The ranchers have seen the steady decline in numbers of deer and have identified predation, through their experience, as a significant direct cause of that decline. The ranchers see the cheatgrass and other annual grasses that have taken over the range on public land and impacted deer habitat. The ranchers welcome efforts to address the habitat issue. But the question must be asked: **Why only use one arrow to address the problem, when you have other arrows in your quiver. Why address herd boundaries and habitat control but not predation?**

Importantly, by addressing Administrative Predator Control, and noting areas where it has been utilized, ODFW acknowledges that it **can** act. The question is **will** it act. At page 135, the Plan notes four criteria that must be met to support Administrative Predator Removal actions:

1. **Predation must be additive, not simply compensatory.** In other words, a compensatory predator impact means the fawns that died from predators would have otherwise died anyway. But the loss will be considered additive only if mule deer populations are above carrying capacity. What this means is that even though 70% of fawns don't reach adulthood, most killed by coyotes, this will not be considered additive until range and habitat conditions improve—**the assumption being that all of the fawns that died would have died anyway.** Since ODFW has concluded that habitat improvement may take decades, no predator control

beyond that done by hunters will apparently occur in the decades long interim period as habitat improves. That is totally unacceptable and will undoubtably lead to further deer declines. There is no reason given why both approaches—habitat improvement and predator control cannot occur simultaneously. The 2024 Plan concludes with regard to predation: ". . .the weight of available evidence suggest mule deer populations will not significantly improve through predator control." This suggestion is simply not consistent in any regard whatsoever with ODFW's own evidence as presented by Ebert and Trainor, as presented in the 2024 Plan itself nor with the conclusions reached so far by Dr. Jake Dittel.

2. **Timing and location of predator control must take into account several factors**. Of course it must.

3. **Carnivore removal will be less successful in increasing mule deer numbers if carnivores are supported by alternative prey.** As emphasized throughout, coyote prey on fawns successfully killing 70% within the first year. This strongly suggests that they are not seeking nor supported during fawning season by alternative prey. Each of these factors supports a concentrated and defined predator control program in the Aldrich/Murderers Creek area.

The 2024 Plan, itself, recognizes coyote control as Strategy 8.3.3:

Strategy 8.3.3:

Efforts to administratively remove coyotes would be coordinated with ODFW agents.

a) A removal plan, which outlines the details of removal efforts, is developed and followed to ensure objectives are met.

ODFW's 2024 Plan therefore authorizes removal of coyotes as part of a "removal plan" to be approved by ODFW.

C. PROPOSAL TO CREATE PREDATOR ADMINISTRATIVE REMOVAL PLAN

A Coordinator, along with local agency and landowner representatives, should be appointed and designated to push forward a specific Predator Control Administrative Removal

Plan in the Aldrich Unit by establishing objectives and developing a "removal plan" to achieve those objectives. In the listing of Priority Action Items Regarding "Murderers Creek Herd Range" (2024 Plan, p. 227)(Ex. 7), reference is made to the requirement of partner participation. In several instances the 2024 Plan recognizes the South Fork John Day Watershed Counsel as a necessary partner to pursue the Priority Action Items. Amy Stiner, Administrator of the SFJDWC should be a top choice to fill the role of such a Coordinator, considering her experience, knowledge of the area and excellent relationships she has developed with interested parties. The individuals that Amy Stiner should coordinate with include:

Ryan Torland ODFW District Wildlife Biologist

Nolan Riis, Grant County Predator Control (part time)

Dr. Jake Dittel, ODFW

Jake Buce, ODFW Phillip W. Schneider Wildlife Area

Brieana Porter, BLM Wildlife Biologist

Dustin Holowell, USFS Blue Mountain Ranger District, Wildlife Biologist

Rancher representative

These individuals have the knowledge and experience in the local area particularly with regard to the new Aldrich Unit to understand the issue, competing concerns and range of possible solutions. Each of these individuals is committed to enhancing all aspects of the beauty of the Murderers Creek area, including its mule deer. There is no logical reason why ODFW efforts at habitat repair in conjunction with the efforts of the private landowners cannot be combined with a well designed predator control program.

ODFW created new hunting units to better reflect migration routes so as to allow more accurate sampling and data collection. Hope it works. ODFW in the 2024 Plan proposes substantial efforts at habitat rehabilitation in the Aldrich Unit area over the next decade. Hope it works. As a landowner within the Aldrich Unit, I contend that ODFW's efforts in those regards should be accompanied by a finely detailed, and limited, Administrative Predator Control Plan.

Will it work? Will it help to increase deer numbers? Very simply we won't know unless action is taken.

The Commission should task the Coordinator with developing a Administrative Predator Control approach for the Aldrich Unit to be completed by Spring, 2026 with implementation, after Commission approval beginning Summer, 2026.

D. LAND OWNER PREFERENCE TAGS

The second issue raised in the 2024 Plan but not fully resolved relates to Land Owner Preference (LOP) tags. At page of the 2024 Plan, the history of LOP tags is discussed. In 1986 the Landowner Preference Program (LOP) was created by the Oregon Legislature guaranteeing landowners deer and elk tags in recognition of their contribution to wildlife, forest and range management. Tags were allocated to landowners based on the acreage owned. LOP tags were granted in addition to the tags allocated by the Commission for each particular unit. This is specific legislative recognition and directive supporting the contributions of landowners to the resources we are all trying to maintain and manage; directed recognition that the landowners are an important group assisting ODFW in pursuing its statutory requirement to preserve and protect Oregon's wildlife. Not one thing has occurred since 1986 to support any contention that ranchers and other eastern Oregon landowners no longer care about wildlife and the management of the resources.

I asked Amy Stiner, Administrator of the SFJDWC to identify the dollar amount of funds administered by SFJDWC that were spent by and for the benefit of private property to address habitat improvement. These activities include but certainly are not limited to juniper cuts, riparian fencing, riparian planting, spring and other water developments, Aspen stand protection, beaver dam analogs (BDAs), seeding, noxious weed spraying. The attached spreadsheet (Ex. 8) identifies the amounts spent by ranchers/private owners and administered by SFJDWC on conservation related activities in the South Fork John Day area. In summary:

1. $9,710,804 has been spent on conservation activities on private land within the area over which SFJDWC has supervision;

2. Over 118,000 feet of fence has been built;

3. Juniper have been cut on over 6,000 acres;

4. Over 200 acres of aspen grove have been protected;

5. Over 19,800 pounds of seed has been placed;

6. Nine miles of stream protected;

7. 1,240 acres of forest has been thinned.

Certainly portions of the costs of those projects were covered by grants. But few grants were 100%, most were 50% and all involved unreimbursed time and commitment of the private landowner that was involved. Many projects require sequestration of portions of privately owned land, such as projects fencing riparian areas to exclude cows. Other projects, such as spraying Rejuvra require the sprayed land to remain ungrazed for a period to allow native grasses to recover. Cut and piling of junipers requires that the piles dry for up to two years before burning. The private landowner must burn the piles after that period. After burning, the private landowner must wait an additional time period before reseeding. And, the areas where juniper have been cut must be monitored thereafter since cutting juniper inevitably results in the emergence of new juniper starts. So, while juniper cutting is hailed as an important step towards habitat improvement, and it is occurring throughout the "Aldrich" unit, it is not a "one and done" operation. Rather, the rancher/private owner faces many years of time consuming "maintenance" of the juniper cuts.

As stewards of their own lands and resources, ranchers and other private owners have not only a generalized interest in habitat improvement, their livelihood may depend on it. I certainly cannot speak for all ranchers/private landowners impacted by the changes resulting in the Aldrich unit. But I am confident that most treat the LOP tags as a privilege. Most recognize that their ranching operations must occur without adversely impacting wildlife. They see the

forests and rangelands every day. Their livelihood depends on them seeing changes and responding to what they observe. From looking at the grass to decide when to move the cows to a different pasture to deciding where to move cows based on the wind in advance of an approaching fire. From deciding where to graze cows by understanding a wolf's movements to deciding whether it is too cold outside for a newborn calf. Within the boundaries of the new Aldrich unit, ODFW has hundred upon hundreds of observations gained through rancher's daily experiences. Although I have taken no poll nor survey, I believe virtually all ranchers in the Izee area recognize predators (coyote and cougar) as a principle cause of deer herd decline. While comprehensive, the 2024 report contains no specific reference whatsoever to what ranchers have observed on the ground. The Plan contains citation to many scientific articles and studies all of which are entitled to analysis and respect. Scientists as a whole generally discount anecdotal evidence as inherently unreliable. However where the individual has 30, 40 or 50 years experience observing conditions on their own land, those observations must not be discounted. From their experience and observations, those individual landowners become "experts" on the various environmental impacts to their land. The lack of specific reference to such landowners in the 2024 Plan is not appropriate.

To some extent, ranchers use the LOP tags as a source of income. The potential revenue to the rancher generated from the use of LOP tags is a necessary element allowing the overall ranching operations to continue. In other cases, that revenue allows the rancher/private landowner to defray some of the costs of conservation measures not fully covered by grants or it allows the private landowner to pursue a conservation measure that would be otherwise economically prohibitive. Most notably, the LOP system allows landowners to hunt their own property without facing the risk of not receiving a tag in the strict public land draw.

It is argued that the LOP system provides an "unfair advantage" to landowners. It does provide an advantage, but it is not unfair. The system simply insures that a landowner can hunt their own property. What would be unfair is a system that penalizes a landowner that invests

time, labor and resources to improve the habitat on his property, but who can't hunt his property because he was unsuccessful in drawing a tag.

It is argued that the animals belong to the State, and are not owned by private individuals that own private land. By law the animals do "belong" to the State in that ODFW by law has the duty to protect and manage the animals. The hunting of animals on both public and private land is controlled by ODFW who have been delegated the responsibility to manage the animal resource. For the more than 40 years during which the LOP program has been in existence, there are few reported instances of abuse. And, if ODFW finds abuse or misuse of the program, they certainly have the ability to terminate or limit a landowners participation.

It is argued that the LOP program allows a landowner to charge access or guiding fees thus generating revenue from the LOP system in what some call "private hunting opportunities." Once again, this is partially true but it fails to acknowledge, as noted above, the fact that private landowners improve the habitat and "feed" the deer, elk and other wildlife on their property, animals that move back and forth across public/private landholdings. Moreover, this argument fails to acknowledge the substantial conservation efforts of the private landowners and the costs they incur in those efforts.

The arguments in favor of LOP include:

- **Compensation for Habitat and Resources**: Private lands often provide critical forage, water sources, and shelter for big game, especially when public lands suffer from poor conditions—the exact conditions that exist in the new Aldrich Unit. The tags are a non-monetary way to acknowledge and compensate landowners for these resources used by wildlife.

- **Mitigation of Wildlife Damage**: Large populations of deer and elk can cause significant damage to crops, haystacks, and commercial timber seedlings, resulting in substantial financial losses. The LOP program provides a management tool to help control animal populations on private property and reduce this damage.

- **Increased Public Access and Damage Control**: The program aims to increase public access to hunting areas through the transferability of some tags and encourages landowners to participate in managing animal damage, which can help reduce the need for more time-consuming damage hunts by state officials. Landowners can personally select participants for damage hunts, which builds

trust and encourages cooperation.

• **Incentive for Land Stewardship**: The program incentivizes landowners to maintain their property as quality wildlife habitat, which ultimately benefits animal populations on both private and adjacent public lands.

• **Flexibility and Revenue Generation:** Landowners who do not hunt can transfer their tags to family, friends, or other individuals. Some use this ability to trade tags for services like fence repair or as an added revenue stream to offset costs. The benefits from the program significantly outweigh the concerns that have been expressed.

The current Rule utilized by ODFW for LOP states:

. . .

(2) For purposes of this rule, the population management objectives (MOs) for each wildlife management unit that were adopted by the commission in August 2016 are considered representative of the management, research, and habitat needs for mule deer. **Why?**

(3) The formula to determine the number of landowner hunting preference tags available for buck deer in a unit 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 population management objective, but less than 80% 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 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) In . . . those wildlife management units where the estimated mule deer population is equal to or more than 80% of the established population management objective, the number of landowner hunting preference tags available for buck deer in that unit may be issued based upon a landowner's acreage as set forth in635-075-0005(8).

. . .

(5) Due to the transition period to implement hunt area and population management objective changes pursuant to the Mule Deer Management Plan (2024), Landowner Hunting Preference Tag numbers for mule deer in 2025 will be set by the Department prior to the June 2025 controlled hunt draw with the formula prescribed in subsection 3 of this rule utilizing the population management objectives and estimated mule deer populations that were used to set Landowner Hunting Preference Tag numbers in 2024.

Under this formula, landowners in the former Murderers Creek unit received in 2024, as LOP tags, 15% of the number of tags issued for the Murderers Creek regular hunt. The MO for Murderers Creek Unit is 9,000; the last deer count was about 6,000 in the unit. The unit is at 66% of the MO, therefore private landowners LOP allocation was reduced under this Rule.

1. The Management Objective for the Murderers creek unit has been set at 9,000 since at least 2010. This is the MO even though the deer count in the Murderers Creek unit has not neared that number for at least 20 years. Like the overall MO for mule deer, the management objective has become a useless measure. An objective must be achievable in order to ensure that it is grounded in reality and resources. For at least 35 years, the number of deer in eastern Oregon has decreased with little to no change in the MOs. The current MO for Murderers Creek unit is not reasonably achievable since no plan exists suggesting a 3 fold increase in mule deer is possible. The use of the outdated MO in conjunction with the LOP tag process penalizes private landowners.

Private landowners know that the deer numbers are down. They know that a reasonable MO would be much lower to be at all meaningful. If the MO for Murderers Creek were set at 7,500, a number much more reasonable and a number having some relationship with the real facts over the last 40 years, a deer count of 6,000 in Murderers Creek unit would not result in a cut of LOP tags under the above rule.

2. There is little that can be pointed to, caused by the private landowners, that has had a detrimental impact on the eastern Oregon deer herd. As recognized by the Legislature, private landowners as a whole manage their property to better the habitat for deer and elk. The declaration by ODFW in the 2024 Plan that habitat degradation is the "primary cause" of mule deer decline relates to habitat primarily owned by the public. The 2024 Plan fully documents this degradation of the public land habitat.

But the deer habitat on the private land is not so degraded. Significant efforts have been undertaken by private landowners over the past 10-15 years to improve the habitat on their property for deer, elk and all wildlife as shown by the expenditures overseen by the SFJDWC. Private landowners should not be penalized regarding LOP tags since they are incurring, at their own expense, habitat improvements that benefit the entire herd.

E. Conclusion

It is recognized, without exception, that mule deer herds are declining at a significant rate in eastern Oregon and have been in decline for at least 35 years. It must further be recognized that mule deer hunt numbers and total harvest has also dramatically declined (Ex. 9)—from 90,000 hunters and 33,000 deer harvested in 2000 to 38,000 hunters and 10,800 harvested deer in 2025. Obviously hunters have been affected throughout eastern Oregon, but equally important local communities that rely on hunters as customers have also been affected.

As part of its statutory duty to preserve, protect and maintain Oregon wildlife, ODFW has created plans addressing the decline in 1980, in 1990, in 2003, in the MDI in 2010 and in the latest 2024 Mule Deer Management Plan. Every plan has identified various factors affecting the herd decline. And every plan has implicated predation as a significant cause. Yet the 2024 Plan does nothing to address the impact of predators except to propose more studies.

A committee or group should be delegated the responsibility to prepare an Administrative Predator Removal Plan, as authorized in the 2024 Plan. The committee should be made up of local representatives of all impacted and interested groups including ODFW, BLM, Forest Service, and local ranchers. It is not my belief that any Removal Plan would seek to extirpate any species of predator. We have done that in the past and in many cases have regretted it. A well considered Removal Plan would provide only that action necessary to give the deer and elk a "leg up" as habitat improvements are made. Any conclusion or Plan would be subject to ODFW approval.

LOP tags in the new Aldrich unit should be allocated based on acreage owned by the private landowner. LOP tags were originally established as recognition of the significant habitat improvements made by private landowners thus benefitting deer, elk and other wildlife that traverse back and forth from private to public lands. As currently proposed, the allocation of LOP tags is dependent on how close, percentage wise, the number of deer in a management unit compares to a management objective. But where the MO has not changed in 30 years, in the face of declining deer numbers, this method of allocating LOP tags has no real basis in science or in the actual on the ground situation. Allocating LOP tags in the new Aldrich unit based on acreage should be adopted for 5 years or until the results of further studies and actions taken on the ground require a different approach.

Very truly yours,

Scott Hess

Cc: Amy Stiner

Board of South Fork John Day Watershed Council

US Forest Service

Bureau of Land Management

Senator Merkley

Senator Wyden

Representative Bentz

Blue Mountain Eagle

Exhibit 1

century deer continued to be scarce, the season was shortened to 2 ½ months (August 15 – October 31), and several state managed refuges were created in 1913. In 1923 the season was again shortened (September 10 – October 20) and bag limits were restricted to only buck with at least forked antlers. Deer populations began to respond to these restrictions and overutilization of winter ranges was observed. In 1938 the legislature allowed for issuance of antlerless deer tags to stem damage to winter ranges. However, only 270 of the 1,250 tags were purchased.

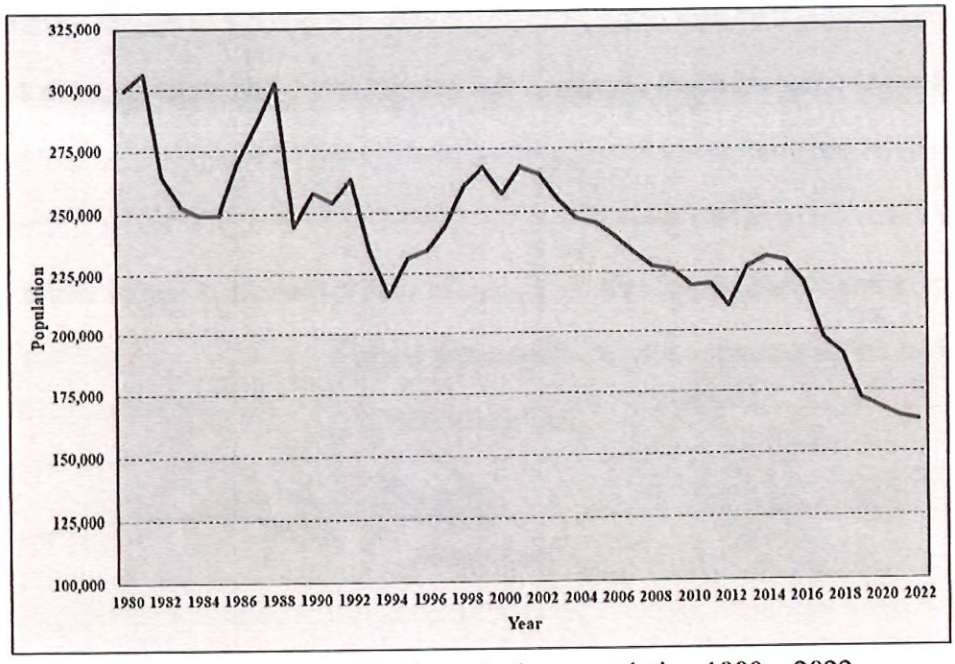


Figure 2. Trend in Oregon's mule deer population 1980 – 2022.

In 1941 the Oregon Legislature granted regulatory authority for wildlife to the Oregon State Game Commission. In 1948, the Commission created a deer tag, requiring hunters to have a license and deer tag to hunt deer. Voluntary harvest report cards were issued with deer tags for increased monitoring of deer hunting and harvest. It also was in 1948 that the Commission established the standard of opening the rifle deer season the Saturday closest to October 1st.

As populations continued increasing through the 1950s and 1960s, hunter's choice seasons were added to the last 3-5 days of the season where a hunter could harvest either sex with an unused tag, mule deer refuges from hunting were abandoned, and spike bucks became legal in the buck harvest. A key development in Oregon deer management in 1958 was establishment of Wildlife Management Units (WMUs) to better distribute harvest and better direct antlerless harvest in remote and less popular areas. Separate archery hunting seasons were

Exhibit 2

Table 8. Trend in established management objectives (MOs) for mule deer populations, post season buck ratios, and winter fawn ratio benchmarks by year in Oregon. Reprinted from Chapter 2.

		Population MO				Post Season Buck Ratio MO (Bucks:100 Does)				Fawn Ratio Benchmark	
Unit #	Unit Name	1981	1990	2005	2016	1981	1990	2005	2016	Fall	Spring
31	Keno	3,200	3,200	3,200	3,200	15	15	15	15	50	25
32	Klamath Falls	6,200	6,200	6,200	6,200	12	12	12	15	60	35
33	Sprague	2,200	2,200	2,200	2,200	12	12	12	15	65	35
34	Upper Deschutes	2,200	2,200	2,200	2,000	15	15	15	15	65	40
35	Paulina	16,500	16,500	16,500	16,500	15	15	15	15	70	40
36	Maury	5,200	5,200	5,200	5,200	10	12	15	20	65	35
37	Ochoco	20,500	20,500	20,500	20,500	10	12	15	15	65	35
38	Grizzly	8,500	8,500	8,500	8,500	10	12	15	20	65	35
39	Metolius	6,200	6,200	6,200	6,200	25	25	25	25	65	35
40	Maupin	3,000	3,000	3,000	3,000	10	12	12	15	65	35
41	White River	9,000	9,000	9,000	9,000	25	25	25	25	65	35
42	Hood	400	400	1,400	1,400	25	25	25	25	65	35
43	Biggs	5,300	5,300			10				60	35
43	East Biggs		(2,000)	3,500	3,500		12	12	12		
43	West Biggs		(3,300)	3,300	3,300		12	12	15		
44	Columbia Basin	2,000	1,000	10,000	10,000	10	12	12	12	60	35
45	Fossil	14,000	14,000	10,000	10,000	10	12	12	12	60	50
46	Murderer's Creek	9,000	9,000	9,000	9,000	15	15	15	15	75	40
47	Northside	15,500	15,500	15,500	15,500	15	15	15	15	75	40
48	Heppner	13,500	13,500	12,000	12,000	10	12	12	12	75	50
49	Ukiah	6,700	6,700	8,500	8,500	14	15	15	15	60	40
50	Desolation	2,500	2,500	2,500	1,500	12	15	15	15	65	40
51	Sumpter	7,000	7,000	7,000	7,000	15	15	15	15	60	35
52	Starkey	3,000	3,000	3,000	3,000	12	15	15	15	75	40

Table 8 Continued. Trend in established management objectives (MOs) for mule deer populations, post season buck ratios, and winter fawn ratio benchmarks by year in Oregon. Reprinted from Chapter 2.

		Population MO				Post Season Buck Ratio MO (Bucks:100 Does)				Fawn Ratio Benchmark	
Unit #	Unit Name	1981	1990	2005	2016	1981	1990	2005	2016	Fall	Spring
53	Catherine Creek	4,300	4,300	4,300	4,300	15	15	15	15	70	40
54	Mt. Emily	5,000	5,000	5,000	5,000	12	15	15	20	65	40
55	Walla Walla	1,900	1,900	1,900	1,900	15	15	15	15	60	40
56	Wenaha	1,500	1,500	4,000	4,000	10	12	12	12	70	25
57	Sled Springs	5,000	5,000	11,000	11,000	10	12	12	12	70	35
58	Chesnimnus	3,600	3,600	5,700	5,700	10	12	12	12	70	35
59	Snake River	6,400	6,400	6,400	6,400	12	25	25	25	70	35
60	Minam	5,000	5,000	7,000	7,000	15	25	25	25	70	35
61	Imnaha	5,300	5,300	7,000	7,000	12	15	15	15	70	35
62	Pine Creek	2,500	2,500	3,700	3,700	10	15	15	15	70	35
63	Keating	4,600	4,600	4,600	4,600	12	15	15	15	70	35
64	Lookout Mountain	3,200	3,200	5,000	5,000	7	15	15	15	70	35
65	Beulah	13,700	13,700	15,000	15,000	10	12	12	15	70	35
66	Malheur River	13,700	13,700	15,000	15,000	12	12	12	15	55	25
67	Owyhee	5,000	5,000	5,000	5,000	15	15	15	15	70	35
68	Whitehorse – 68	5,500	5,500			20	15			65	35
68	E Whitehorse			3,200	3,200			15	15		
68	Trout Crk Mtns			2,800	2,800			25	25		
69	Steen's Mountain	11,000	11,000	11,000	11,000	25	25	25	25	50	35
70	Beatys Butte	1,800	2,300	2,800	2,800	12	15	15	15	50	25
71	Juniper	2,300	2,300	2,300	2,300	12	15	15	15	50	25
72	Silvies	11,800	11,800	12,000	12,000	12	12	12	15	55	25
73	Wagontire	1,400	1,400	2,500	2,500	12	15	15	15	50	25

Table 8 Continued. Trend in established management objectives (MOs) for mule deer populations, post season buck ratios, and winter fawn ratio benchmarks by year in Oregon. Reprinted from Chapter 2.

		Population MO				Post Season Buck Ratio MO (Bucks:100 Does)				Fawn Ratio Benchmark	
Unit #	Unit Name	1981	1990	2005	2016	1981	1990	2005	2016	Fall	Spring
74	Warner	5,500	5,500	5,500	5,500	12				55	35
74	N. Warner						25	25	25		
74	S. Warner						15	15	15		
75	Interstate	14,800	14,800	14,800	14,800	12	15	15	15	60	35
76	Silver Lake	10,300	10,300	10,300	10,300	12	12	12	15	65	35
77	Fort Rock	11,200	11,200	11,200	11,200	15	15	15	15	65	35
	Totals/Averages	317,900	317,400	347,400	346,200	13.4	15.5	15.7	16.5	64.1	35.2

Exhibit 3

Chapter 11: Illegal Take

Mule deer populations are stable or declining in many western states according to recent reports from WAFWA. Causes for these declines are varied and can be difficult to identify. Poaching can be an additive factor impacting populations that might already be struggling (Table 9). However, poaching is a unique factor affecting wildlife populations in that it is a conscious decision made by an individual rather than effects of habitat loss, climate change, predation, and other dynamics that cannot be addressed through monitoring or enforcement.

Table 9. Causes of mule deer mortality identified in Oregon during the south-central mule deer study from 2005 to 2012 (Schuyler et al. 2019).

Mortality Cause	Number of Animals	% of Known Causes
Illegal take	17	23%
Anthropogenic (e.g., roadkill and fences)	22	30%
Predation (mainly cougar and coyote)	29	40%
Natural	5	7%
Unknown	84 (54%)	NA
Total	157	

Poaching is defined as illegally taking or killing fish, wildlife, and birds. Take methods for the purpose of this document include any methods of capturing and/or killing mule deer without legal authority or license. Poaching also includes trespassing by hunting on private lands without permission and egregious incidents of habitat destruction. Motivations for poaching are varied but include monetary gain, lack of knowledge of rules, poor species identification, thrill killing, to secure meat, impulsive actions, malice toward government and law enforcement, to benefit others (lending tags), and fear about threats to life or property.

In response to observed high rates of illegal take in Oregon, the 2019 Oregon legislature approved $4.2 million annually to fund an anti-poaching effort. The funding supports an education awareness campaign housed at ODFW, four additional troopers and one sergeant with Oregon State Police Fish &Wildlife Division (OSP), and a special wildlife crimes prosecutor with the Department of Justice (DOJ). In the same process, ODFW, OSP, legislators and community partners identified three strategies intended to reduce poaching:

1. **Increase reporting:** According to a recent survey (ODFW 2022d), 72% of Oregon residents who participated in the survey did not realize that poaching was a problem in Oregon. Nearly 80% of respondents did not know about the OSP Turn in Poachers (TIP)

Exhibit 4

the carnivore population (Ballard at al. 2001). For this reason, programs must be focused on an area small enough where it is logistically feasible to reduce carnivore density.

2. Timing and location of carnivore control should coincide with the season and areas in which the limited mule deer age-sex classes are most vulnerable (Mahoney et al. 2018). Depending on the carnivore(s) involved, this might favor carnivore control in winter, fawning, or summer habitat. Information concerning migration or phenological shifts in habitat quality that may change the spatial distribution of a deer population will be important to meet this criterion. Targeted control of carnivores that are unable to move because of land tenure or territory systems (e.g., cougars) will reduce the effectiveness of the effort because deer migrating or moving to better habitat will encounter predators from a non-controlled population.
3. Carnivore removal will be less successful in increasing mule deer populations if carnivores are supported by alternative prey (Hamlin et al. 1984, Hurley et al. 2011).

Table 6. Location and results from Oregon cougar target areas from 2009 to 2017.

Location	General location	Target Area Objective	Met Objective	Met Removal Objective	Mule Deer Response
Heppner WMU	NE Oregon	Improve elk populations	Yes	No	No effect
Heppner WMU*	NE Oregon	Improve mule deer populations	No	Yes	N/A
Ukiah WMU	NE Oregon	Improve elk populations	Yes	No	Not measured
Wenaha WMU	NE Oregon	Improve elk populations	No	No	No effect
Steens Mtn WMU	SE Oregon	Improve mule deer populations	No	No	N/A
Warner WMU	S central Oregon	Improve mule deer populations	No	No	N/A
Interstate WMU	S central Oregon	Improve mule deer populations	No	No	N/A

*Coyote control area

Exhibit 5

Strategy 7.2.1: Increase monitoring for the presence of viral hemorrhagic diseases through follow-up sampling when symptomatic animals are reported.

Strategy 7.2.2: When viral hemorrhagic diseases is detected, evaluate impacts to local populations via carcass and population counts.

Issue 7.3: Other Diseases May Be Present in Oregon Mule Deer.

Mule deer are susceptible to numerous diseases and parasites, but their prevalence and impact is unknown.

Strategy 7.3.1: Collect and test all animals reported as exhibiting any clinical signs of disease known to occur in wild and domestic ungulates (e.g., brucellosis, tuberculosis).

Strategy 7.3.2: Thoroughly evaluate, within logistic capabilities, mule deer mortalities where signs of disease are present but exact death is unknown.

Issue 7.4: Artificial Feeding.

Artificial feeding and baiting is known to occur at variable levels and has the tendency to concentrate mule deer and increase transmission of disease.

Strategy 7.4.1: Evaluate rules regarding feeding and baiting of mule deer to determine if there are any feasible modifications that can be implemented to reduce this activity.

Issue 7.5. Human Safety of Meat Consumption.

Hunters often encounter evidence of disease and parasites in mule deer they have harvested and express concern for integrity of the meat. In most cases meat is safe for human consumption if properly handled and cooked.

Strategy 7.5.1: Develop and provide information for proper handling of meat from harvested mule deer.

Strategy 7.5.2: Where possible within staff workloads, evaluate hunter harvested carcasses with evidence of disease.

Predation:

Oregon's mule deer populations have experienced significant declines over the past several decades (Chapter 2) and predation from cougars (for adult mule deer) and coyotes (for newborn and juvenile mule deer) have been documented as the principal source of mortality (Figure 17). Because of this, predation is often implicated as the main driver of population declines, yet efforts in Oregon and other states have failed to show long-term increases in mule deer population growth resulting from predator removal efforts. Ultimately, predation interacts

with a range of other factors (e.g., weather, habitat quality, disease) that will influence how much it is either additive or compensatory and affects population growth. All these interacting effects should be considered when attempting to manage predator populations to influence mule deer population performance.

Issue 8.1: Assess Effects of Predation.

To make informed decisions regarding the effect of predation on mule deer populations it is paramount to understand how predation interacts with other limiting factors such as weather, habitat quality, and climate change. Since the likelihood of success for active predator control is dependent on how predation acts on a population, it is important to determine whether predation acts in an additive or compensatory manner.

Strategy 8.1.1: Incorporate information from research projects in the Murderer's Creek and Klamath Basin herd ranges to help develop and prioritize predator management activities. Expected information from the research to inform management decisions include:

a) Identify the effects of variation in carnivore densities on mule deer survival and quantify the degree to which predation is additive or compensatory mortality under a range of environmental scenarios (e.g., drought years, harsh winters).

b) Quantify the relative effects of habitat, nutrition, and predation on mule deer population growth rates.

Strategy 8.1.2: Continue to radio collar and monitor adult female and juvenile survival in subsamples of herd ranges to document cause-specific mortality and understand if causes of mortality attributable to predators change over time.

Strategy 8.1.3: ODFW will initiate additional mule deer collaring efforts in the Northeast herd range where wolf densities are the highest in the state to better understand and quantify mule deer mortality rates from wolves in areas with established wolf populations.

Issue 8.2: Increase Predator Harvest.

Using hunter harvest to manage predators is consistent with management objectives for mule deer. ODFW is directed by state statute (ORS 496.162) to use regulated harvest as the primary tool for predator population management. Since passage of Measure 18 banning the use of hounds for hunting cougars and black bears in the state, ODFW

currently sells ~70K tags for bears and cougars each, tag prices for both species have been lowered, a bear tag and a cougar tag are included in a Sports Pac, season lengths increased for cougars, 2 tags for both species are allowed, cougar quotas increased, hunt areas for both species expanded, and a controlled spring and general season bear hunts implemented. These liberalizations are in response to the lower success rate for pursuing these species without the use of hounds and provide ODFW the greatest flexibility in managing at levels consistent with other prey species including mule deer. In 2022, roughly 77,000 bear tags and 75,000 cougar tags were issued with a participation rate of 37% and 22% respectively.

Strategy 8.2.1: Where cougar predation is determined to be a limiting factor for mule deer, ODFW may implement strategies to increase hunter harvest of cougars by:

a) Develop and provide to hunters and hunter organizations educational material describing successful hunting strategies and continuing public outreach regarding potential impacts of cougars to mule deer populations.

b) Managing hunts (e.g., quotas) to increase predator harvest in focal areas.

Strategy 8.2.2: Increase black bear hunting opportunity if black bear predation is identified as a primary factor reducing mule deer fawn survival and recruitment.

Strategy 8.2.3: Efforts to manage wolves using hunter harvest would be guided by the Oregon Wolf Conservation and Management Plan and status (Federally or state listed) in the area.

Issue 8.3: Administrative Predator Removal.

Although ODFW prefers, and is directed, to use hunter harvest as the primary tool to increase predator take in focal areas, ODFW has the authority to administratively remove predators as a tool to increase mule deer populations. Coyotes in Oregon are classified as a predatory animal or unprotected mammal depending on the situation. Coyotes are thus able to be hunted year-round with no bag limits restricting options for manipulating hunter harvest to manage coyote populations. Target area removal efforts in Oregon have failed to document measurable responses from mule deer populations, because they were ineffective, or monitoring was potentially inadequate.

Strategy 8.3.1: Administrative removal of cougars and coyotes may be more effective and considered for improving mule deer populations where one or more of the following conditions exist.

a) Predation is mostly additive and a limiting factor to population growth.
b) Mule deer have been documented to have sufficient habitat quality but still exhibit low survival/recruitment.
c) Predator control actions are paired with habitat work in a local area.
d) Predator control is conducted at an appropriate scale (i.e., the herd range).

Strategy 8.3.2: Cougar removal areas (target areas) would also be subject to the following criteria.

a) Cougar management plan criteria are met.
b) Cougar harvest by hunters has not met hunt objectives, and where mule deer population monitoring sensitivity is sufficient.
c) A target area plan, which outlines the details of removal efforts, is developed by staff and approved by the Commission.

Strategy 8.3.3: Efforts to administratively remove coyotes would be coordinated with ODFW agents.

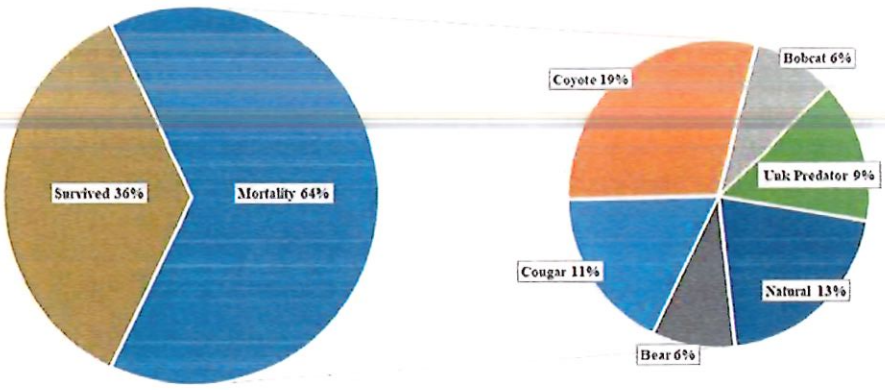
a) A removal plan, which outlines the details of removal efforts, is developed and followed to ensure objectives are met.

Strategy 8.3.4: Improve mule deer population monitoring in areas where active predator management are implemented. Potential methods include:

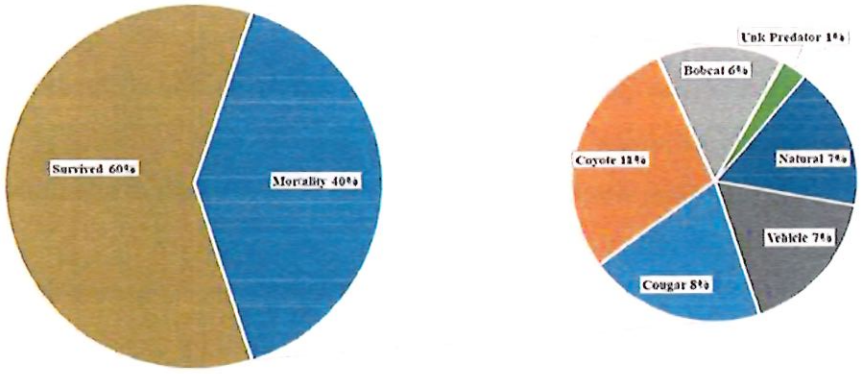
a) Set the scale of population monitoring to be the same spatial and temporal scale of removal efforts (i.e., herd range).
b) Increase monitoring of adult female survival in active predator management areas.
c) Document changes in cause-specific mortality in active predator management areas.
d) Monitor and document the response of multiple demographic rates (e.g., fawn and adult female survival) and resulting change in population growth.
e) Avoid dramatic changes in mule deer harvest strategies (i.e., significant changes in tag numbers) during active predator management efforts.
f) Document changes in predator abundance/density, not just numbers removed, to ensure objectives of removal effort are met.

Exhibit 6

A) Newborn fawns (0-4 months) fates.



B) Juvenile (6-12 month old) fates.



C) Adult female fates.

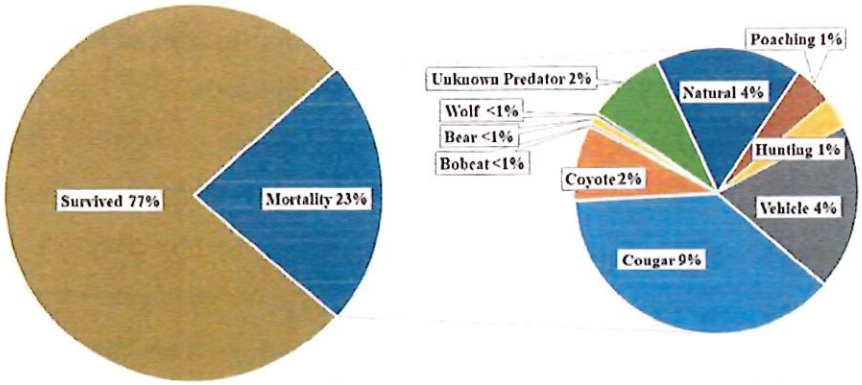
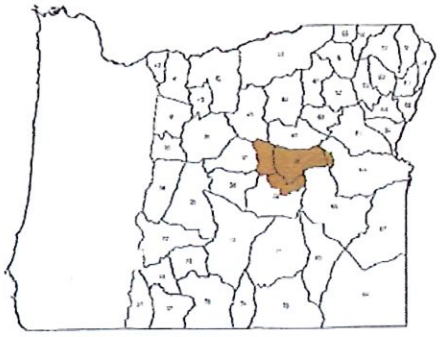


Figure 17. Known cause-specific mortality rates (unknown causes removed from sample) from Oregon mule deer. A) Newborn fawns 0-4 months old (ODFW unpublished data, Jackson et al. 2021), B) Juveniles 6-12 months old (ODFW unpublished data 2019-2023), and C) Adult.

Exhibit 7

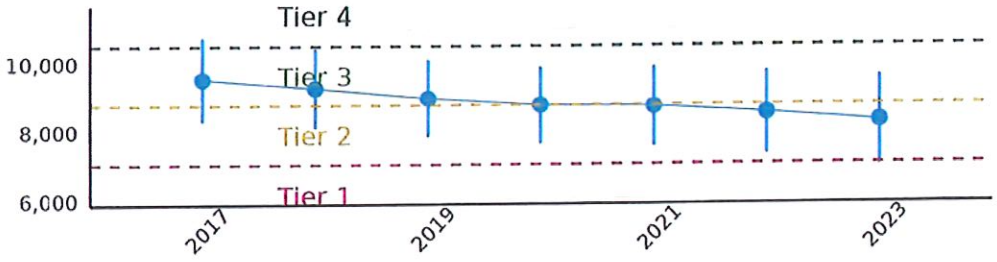
Murderers Creek Herd Range
37, 46, 65, and 72



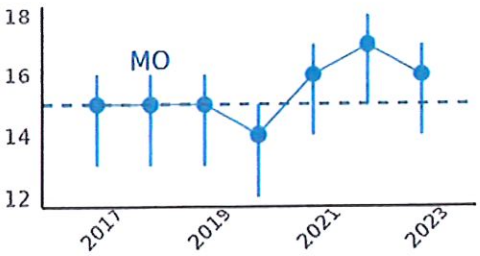
The Murderers Creek Herd Range encompasses portions of four WMUs. The eastern third of WMU 37 (Ochoco), the entire WMU 46 (Murderers Creek), a small western portion of WMU 65 (Beulah), and the northern third of WMU 72 (Silvies). Ownership is 64% federal, 34% private, and 2% state owned. Low-elevation winter range primarily occurs on private property and is dominated by sagebrush-steppe invaded by annual grasses, juniper woodlands, and cultivated agriculture. High-elevation summer range is dominated by mixed-conifer forests, and mountain-shrub communities on lands managed by the Ochoco and Malheur National Forests. Although summer and winter ranges can overlap, mule deer in the Murderers Creek Herd Range are generally migratory.

Mule deer abundance and demographic data have been collected in the herd range for several years and collaring of adult female deer for survival monitoring has occurred since 2010 with collaring of juveniles occurring since 2019. Data collection efforts to inform management and the IPM will continue to be collected.

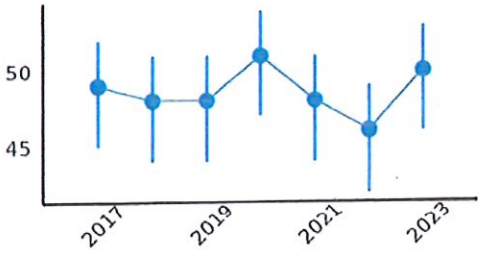
Post-harvest Abundance



Bucks: 100 Does

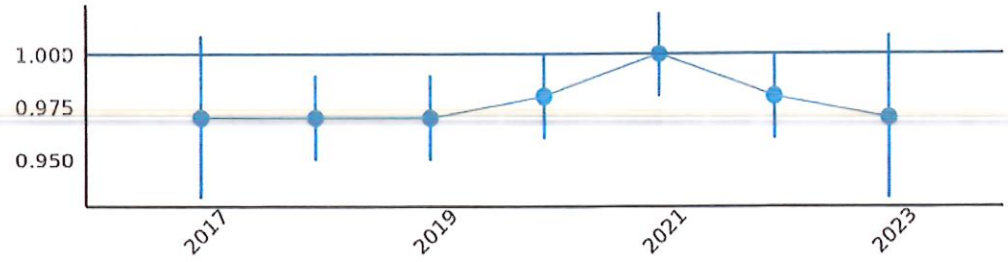


Fawns: 100 Does

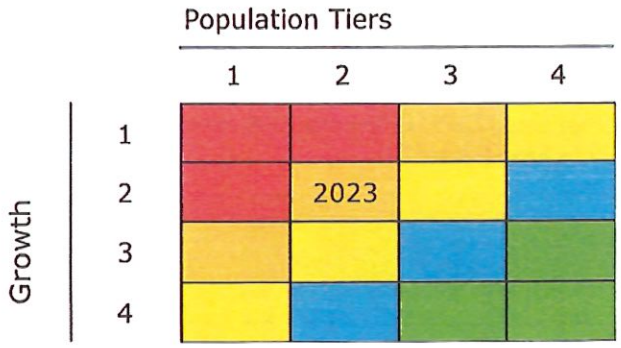


Murderers Creek

Growth Rate



Management Objective Scoring Matrix



5-Year Growth Rate = 0.981 **(Tier 2)**
2023 Population = 8,275 **(Tier 2)**
Herd Range Concern Level = **Very High**

Murderers Creek Herd Range Priority Action Items

Habitat, Nutrition, Climate Change, Disturbance, and Land Management

Issue 6.2: Habitat Improvement

- Collaborate with Grant County Soil and Water Conservation District (SWCD) weed control program to treat annual grasses on winter range. (Strategy 6.2.2).
  - Provide ODFW funds and assist with grant funding opportunities to SWCD to purchase and apply herbicide. Funding would be pursued to treat up to 10,000 acres a year on public and private land. (Strategy 6.2.3 and 6.2.4)
- Treat 646 acres of annual grasses on the Phillip W. Schneider Wildlife Area (PWSWA) in 2024. (Strategy 6.2.4)
- Utilize ODFW and South Fork Watershed Council funds, apply for competitive grants, and utilize volunteers to treat encroaching Western juniper on 250 acres of winter range to improve aspen, native grass lands, and bitterbrush plant communities. (Strategy 6.2.4)
- Utilize volunteers, NGO and ODFW staff to plant bitterbrush seed on 500 acres on PWSWA in the Murderers Creek Basin (Strategy 6.2.4)
- Work with Natural Resources Conservation Service (NRCS), South Fork Watershed Council, and Grant SWCD to treat 500 acres of juniper on private lands in deer winter range. (Strategy 6.2.4)
- Collaborate with the John Day Partnership to secure grant funding to address mule deer limiting factors that were identified by the partnership in the Upland Prioritization Process. (Strategy 6.2.2, 6.2.3 and 6.2.4)
- Implement a timber sale on 312 acres of the PWSWA to improve mule deer forage. (Strategy 6.2.3)
- Fence 3.5 miles of riparian and associated upland habitat for grazing management and restore 50 acres of upland habitat. (Strategy 6.2.3)
- Work collaboratively with US Forest Service (USFS) Malheur National Forest to design and implement projects which will benefit mule deer on Forest Service administered property. (Strategy 6.2.2)
  - Support treatments in the Murderers Creek Herd Range portion of the 38,000-acre Boundary Forest Health project area which will benefit mule deer habitat. (Strategy 6.2.3)
- Collaborate with the USFS Malheur National Forest and Prineville and Burns District Bureau of Land Management on wild horse management issues, provide information on impacts to wildlife from wild horse, and encourage management of horse populations at appropriate levels. (Strategy 6.2.3 and 6.2.4)
- Continue research and conduct data analysis to determine the role of nutrition and habitat on mule deer reproduction, survival, and population growth rates. Use research findings to provide guidance and recommendations for habitat management activities. (Strategy 6.2.1)

Disease and Parasites

Issue 7.2: Endemic Hemorrhagic Diseases

- Increase monitoring for the presence of viral hemorrhagic diseases through follow-up sampling when symptomatic animals are reported. Conduct necropsies and testing on deer showing clinical signs of disease. (Strategy 7.2.1)
- When a viral hemorrhagic disease is detected, evaluate impacts to local populations via carcass and population counts. Conduct outreach to the community for feeding abatement and surveillance efforts. (Strategy 7.2.2 and 7.4.1)

Predation

Issue 8.1: Assess Effects of Predation

- Continue research project and conduct data analysis to determine the effects of predation on mule deer. Identify the degree to which predation is additive or compensatory and quantify the relative effect of predation on mule deer population abundance. Use study results to provide guidance on any potential predator management actions. (Strategy 8.1.1)

Anthropogenic Impacts

Issue 10.4: Managing Recreational Activity

- Partner with the USFS Malheur and Ochoco National Forests to increase effectiveness of administrative road closures to limit disturbance to deer and elk and provide better hunting opportunities. (Strategy 10.4.1)
  - Install or refurbish 30 barriers on closed roads. (Strategy 10.4.4)
  - Utilize Good Neighbor Authority (GNA) funds to effectively close roads using tank traps, ripping roads, powder river gates or a combination of all three techniques. (Strategy 10.4.4)
  - Monitor effectiveness of closed roads and the expanded Rager Travel Management Area with vehicle/OHV counters. (Strategy 10.4.1)

Population Monitoring and Research

Issue 12.5: Survival Data

- Capture and place GPS collars on mule deer to estimate survival rates of adults and 6-month-old fawns and determine cause-specific mortality rates. (Strategy 12.5.1)

Issue 12.6: Research

- Continue research to determine the role of nutrition and predation on mule deer populations. (Strategy 12.6.1)
- Utilize trail cameras to monitor response of mule deer to forest thinning projects on the USFS Malheur National Forest. (12.6.1)

Exhibit 9

Table 7. Trend in hunter numbers, harvest, and percent hunter success for mule deer hunting in Oregon, 1952 – 2022.

		Harvest			
Year	# Hunters	Bucks	Does	Total	% Success
1952	126,719	32,460	20,570	53,030	42%
1953	121,356	39,955	24,652	64,607	53%
1954	134,617	54,467	22,410	76,877	57%
1955	148,566	52,374	37,752	90,126	61%
1956	146,568	52,148	37,978	90,126	61%
1957	140,627	55,020	26,853	81,873	58%
1958	139,183	51,942	19,308	71,250	51%
1959	138,856	64,576	23,685	88,261	64%
1960	141,102	67,868	28,254	96,122	68%
1961	147,597	67,413	30,538	97,951	66%
1962	143,580	51,799	24,977	76,776	53%
1963	136,676	49,275	15,403	64,678	47%
1964	148,215	64,734	19,931	84,665	57%
1965	143,618	52,395	19,242	71,637	50%
1966	147,975	65,695	22,821	88,516	60%
1967	153,950	57,662	29,518	87,180	57%
1968	163,260	65,646	23,374	89,020	55%
1969	166,350	54,595	14,265	68,860	41%
1970	180,150	57,747	14,453	72,200	40%
1971	162,180	39,400	7,840	47,240	29%
1972	110,700	29,282	98	29,380	27%
1973	124,040	41,278	62	41,340	33%
1974	118,980	29,942	1,018	30,960	26%
1975	112,430	23,230	390	23,620	21%
1976	116,980	40,400	3,630	44,030	38%
1977	141,740	70,250	9,400	79,650	56%
1978	152,029	40,811	19,386	60,197	40%
1979	140,098	37,813	6,806	44,619	32%
1980	145,309	43,733	12,728	56,461	39%
1981	151,053	56,600	14,764	71,364	47%
1982	138,591	31,591	5,486	37,077	27%
1983	119,314	32,502	102	32,604	27%
1984	No Survey Conducted				
1985	107,352	32,163	2,065	34,228	32%
1986	119,968	35,534	6,310	41,844	35%
1987	123,569	34,352	6,928	41,280	33%
1988	118,264	33,561	9,767	43,328	37%
1989	99,089	22,322	3,583	25,905	26%

Table 7 continued. Trend in hunter numbers, harvest, and percent hunter success for mule deer hunting in Oregon, 1952 – 2022.

		Harvest			
Year	# Hunters	Bucks	Does	Total	% Success
1988	118,264	33,561	9,767	43,328	37%
1989	99,089	22,322	3,583	25,905	26%
1990	104,745	32,850	3,838	36,688	35%
1991	90,661	30,534	4,792	35,326	39%
1992	91,518	33,387	5,362	38,749	42%
1993	76,904	15,801	2,226	18,027	23%
1994	74,442	25,275	3,040	28,315	38%
1995	82,200	24,473	3,993	28,466	35%
1996	84,796	24,278	5,303	29,581	35%
1997	88,705	31,514	6,348	37,862	43%
1998	91,592	31,348	5,387	36,735	40%
1999	93,101	29,206	5,297	34,503	37%
2000	90,603	27,924	5,293	33,217	37%
2001	91,215	27,488	5,135	32,623	36%
2002	90,012	24,547	5,099	29,646	33%
2003	86,790	23,596	4,577	28,173	32%
2004	73,990	19,997	1,456	21,453	29%
2005	72,060	27,314	725	28,039	39%
2006	74,257	23,408	728	24,136	33%
2007	74,347	25,580	1,281	26,861	36%
2008	70,126	19,476	981	20,457	29%
2009	67,554	19,910	1,045	20,955	31%
2010	64,562	18,642	694	19,336	30%
2011	63,990	21,447	838	22,285	35%
2012	64,089	21,213	312	21,525	34%
2013	64,560	23,042	272	23,314	36%
2014	65,490	22,111	321	22,432	34%
2015	65,697	22,454	357	22,811	35%
2016	64,785	20,456	275	20,731	32%
2017	58,740	14,542	273	14,815	25%
2018	58,413	16,261	720	16,981	29%
2019	53,642	12,325	428	12,753	24%
2020	49,506	13,637	269	13,906	28%
2021	39,575	13,045	218	13,263	34%
2022	37,765	10,619	240	10,859	29%

success declined following winter of 1971, recovered slightly into the early 1980s, and remained relatively static in the low to mid 30% range since about 2000.

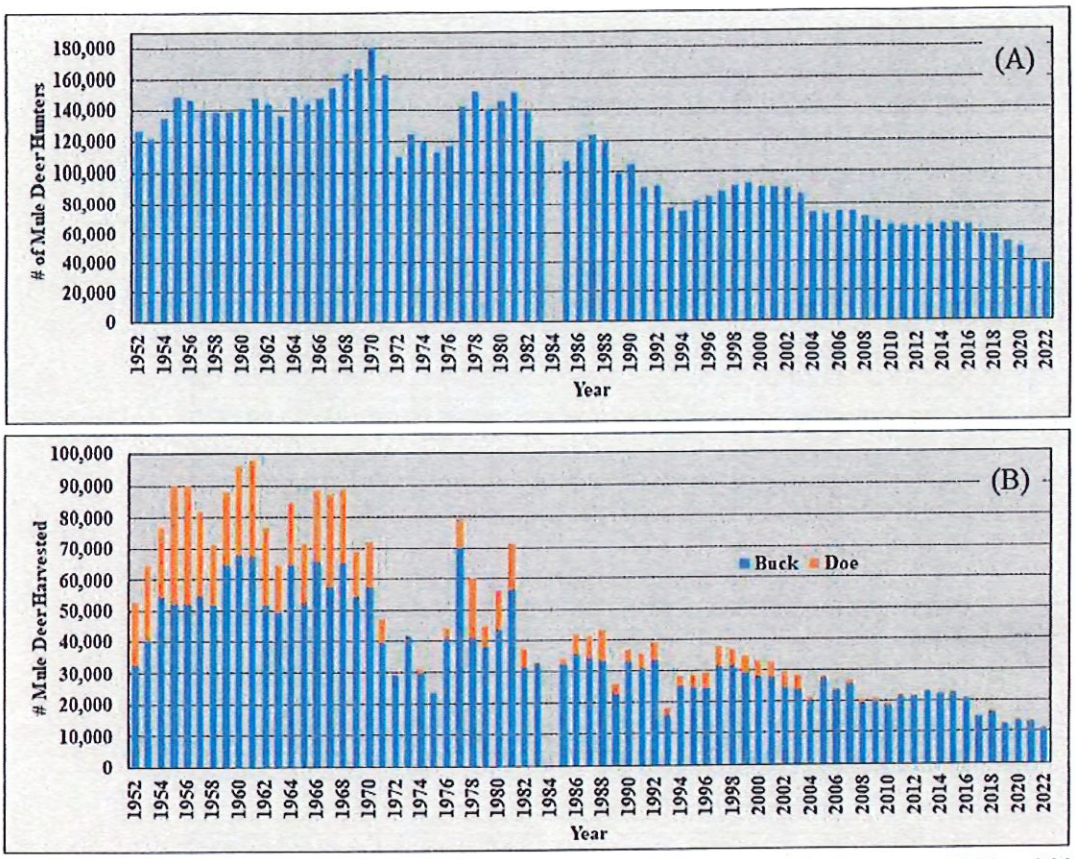


Figure 19. Trend in number of mule deer hunters (A) and harvest (B) in Oregon, 1952 – 2022.

Antlerless harvest was a key component of the high harvest levels and high success rates observed between 1952 – 1970 (Figure 19 (B), Table 7). Antlerless animals represented from 40 – 68% of the animals taken. With consistent concerns over winter range condition and conflict during this period, population control was a consistent goal of harvest, which allowed for this harvest level. However, antlerless hunting was curtailed following a series of harsh winters in the early 1970s and has remained generally low since. Since mule deer populations began their steady decline in the early 1980s, population control and conflict management harvest goals have been dropped and antlerless harvest has declined to only 2% of the harvest in 2022.

Oregon Management Objectives

MOs for Oregon mule deer were first established by the Oregon Legislature in 1981 (Table 8). Objectives were set at the WMU level for winter population and post season buck ratio. Fawn ratio benchmarks for winter and spring also were adopted. Since their initial establishment they have been reviewed with only minor modifications in 1990, 2005, and 2016.

South Fork John Day Watershed Council Project Total Metrics 2013-2025

Row Labels	Sum of Juniper (acres)	Sum of Springs Dev.	Sum of Troughs	Sum of Fence (ft)	Sum of Fence (acres) - brush/wire	Sum of Aspen (acres)	Sum of Weeds (acres)	Sum of Forest Thin (acres)	Sum of Native Seed (lbs)	Sum of Well Drilled	Sum of Roads (miles)	Sum of Plantings (acres)	Sum of BOAs	Sum of Aspen Stands	Sum of GDEs	Sum of stream miles	Sum of Plans Developed	Sum of Educational Opportunities
All														250	450		9	26
Aldrich LTPBR Planning																		
Aquatic Monitoring																		
Aspen & Spring Inventory														250	450		1	
Aspen Inventory Phase I																	1	
BOA Workshop																		1
Capacity																		
Council Capacity																		
Drone																		
Facilitation																		
Farm to School 17-18																		12
Farm to School 18-19																		12
FIP Capacity JDBP																		
FIP Coordination																		
Historical Data Collection South Fork John Day																		
JDBP																		
JDBP Adaptive Monitoring																	1	
JDBP Capacity																		
JDBP Coordination																		
JDBP Coordination & Capacity																		
JDBP FIP Capacity																		
JDBP SAP Re-write																	1	
JDBP Uplands Prioritization																	1	
John Day Basin Juvenile Chinook Monitoring																	1	
LIDAR Acquisition																	1	
M SWCD																		
NFJDWC																		
Outdoor School																		1
Outreach Committee																		
SFJDW Strategic Plan																	1	
SFJDWC Capacity																		
SFJDWC Expansion Action Plan																	1	
BLM	**351**	**2**		**26400**					**400**								**1**	
Aquatic Monitoring																	1	
Frazier Aspen	181																	
SF Fire Fences-BLM				26400														
SFJD/Prineville BLM Good Neighbor Authority	164	2							400									
Water Gulch	6																	
ODFW	**832**															**5**	**3**	
Aldrich Ponds																		
Flat Creek Juniper Removal	332																	
Johnson-Tunnell Creek Juniper Removal	500																	
Murderers Ck Culturals																	1	
Murderers Ck phase 2 designs																3		
Murderers Creek ph.1																		
Murderers Creek Ranch Enrichment																2		
Mussel Monitoring																	1	
PWSWA Forest Health																		
SF Fire Rehab																		
Tex Creek Design																	1	
Tex Creek Restoration																		
Private	**4872.5**	**56**	**89**	**51840**	**31.5**	**207.5**	**708**	**1232**	**19427**	**2**	**0.16**	**15**	**66**			**4**	**8**	
Abbott Watershed	300																	
Agar Mountain Water Development		1	2															
Antelope Watershed	20	4	4	250									25					
Battle Ck culturals																	1	
Battle Ck Juniper	75																	
Big Flat Pasture Enhancements	219																	
Bioassessment																	2	
Bridge Ck Forestry								187										
Bridbois Aspen Health						155												
Burton Creek Aspen	6																	
Day Ck uplands	25	1	1															
Elk Lot		1	2															
Fire Riparian Enhancement																4		
Goen2Fields	137	5			10				200									
High tree		2	2					200										
Hole in the Ground	300			3250														
Indian Ck Diversion Designs																	1	
Inshallah Aspen Protection	0.5					0.5												
IZ/St. Clair Shared Water Development		1	2															
Johnnies & Caps Creek Aspen	10					10												
Lewis Ck	180																	
Lewis Ck phase 2	80	1	2	600														
Lewis Creek Upland Water		1	2															
Magic Lantern Upland Initiative	246	1	1			1												
Martin Ck Forestry		1	1						5103									
Martin Creek Spring Development		1	1															
Muddy Horse		1	1															
Pine Creek Well																		
Pine Creek Well										1								
Poison Creek		1	2		20													
Pole Canyon		1	2															
Post-fire seed									14000									
RCPP Engagement																	1	
Rockpile Ranch Upland Restoration	455						300											
Rosebud BOAs													26					
Rosebud Watershed	244			35320														
SFJD Uplands	40			2000				230										
SFJD Watershed	1646	20	42						74									
SFJDW Uplands																		
Sheep Creek Buck and Pole Fence					0.5													
Sheep Creek Restoration	313	2	4			15	90											
Smokey Ck Juniper	50																	
Snow Mountain Ranch Restoration	66							55										
Snow Mtn Juniper Removal																		
Soda Creek Upland Habitat Improv.	20	2	4		1	6					0.16							
South Fork Crooked River/John Day Scotch and Musk Thistle Project																		
South Fork John Day Weed Control							303											
South Fork Upland Initiative	20	1	3			20			50	1								
South Fork Upland Initiative (cont.)																		
Spring Ck Water Development																		
Tobin Pasture Enhancement				2640														
USFJD Riparian Vegetation							15					15	15					
West Fork Dry Creek Juniper Removal	280																	
Widows Ck fence tear out				5280														
Widows Ck Uplands	60	7	10	2500														
Willits																		
Wind Creek Assessment																	3	
Woodward Upland Improve.	80	1	1					560										
Public																	1	
Fish Passage Barrier Inventory																	1	
USFS		**28**	**17**	**40400**	**489**	**2**		**8**									**3**	
Bark AOP																	1	
Bark Data Collection																	2	
Fields Peak Allotment Water Develop.		8	8															
Izee Allotment - 2018		1	1		476													
Izee Allotment Improve. 2016					12			8										
Murderers Creek Upland Water		7	7															
Rosebud Allotment Enhancements		1	1		1	2												
Sawtooth Meadows Improvement																		
Sunflower Allotment		11		35120														
White Ck Riparian Fence				5280														
Grand Total	**6055.5**	**86**	**106**	**118640**	**520.5**	**209.5**	**708**	**1240**	**19827**	**2**	**0.16**	**15**	**66**	**250**	**450**	**9**	**25**	**26**