



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 635
DEPARTMENT OF FISH AND WILDLIFE

FILED

10/17/2025 12:17 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Updating ceremonial and subsistence hunting tag numbers for Burns Paiute Tribe

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 12/12/2025 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: 12/12/2025

TIME: 8:00 AM - 5:00 PM

OFFICER: ODFW Commission

IN-PERSON HEARING DETAILS

ADDRESS: Oregon Department of Fish and Wildlife, 4034 Fairview Industrial Drive SE, Salem, OR 97302

SPECIAL INSTRUCTIONS:

This hearing will be conducted as a hybrid meeting, providing an opportunity to give testimony either in person or 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 (to virtual only if emergency arises) will be posted to our website as soon as possible.

NEED FOR THE RULE(S)

The commission adopted rules to issue ceremonial hunting tags to the Burns Paiute Tribe in 2018 via 635-043-0150. In 2022, the state and tribe agreed to consider updating tag numbers at the request of the tribe. The tribe requested an update in early 2025. Staff and the tribe agreed to new tag numbers for proposal to the commission that have minimal impact on non-tribal hunters and support the needs of the tribe.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

1. Staff report prepared for the Oregon Fish and Wildlife Commission hearing on 12/12/2025, 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, Wildlife Division, 4034 Fairview Industrial Drive SE, Salem, Oregon 97302-1142. Contact 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. The fiscal and economic impact of amending rules on ceremonial and subsistence harvest permits is expected to be positive in nature for Tribal members, while adhering to the State of Oregon's Wildlife policy ORS 496.012.

Fiscal and economic impacts discussed in this document pertain only to the proposed rules at the time of writing of 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. The state agencies that would be affected are the Oregon Department of Fish and Wildlife (Department) and the Oregon State Police (OSP). The Department's and OSP's enforcement efforts and other associated costs are not expected to be directly impacted in a significant manner.

B. There are no major expected fiscal or economic impacts to local governments. No significant changes from current levels of local agencies operations or expenditures are expected as a result of the adoption of these rules.

C. The Department is not able to provide a monetary estimate of the economic impact of these rule amendments, the economic effect is expected to be positive in nature. The amendments provide clarification and additional opportunity for the use of harvest permits for hunting in the Juntura and Sage Hen Hunt Areas for deer permits; and the Silvies, Malheur River, and Beulah Wildlife Management Units (WMUs) for elk and pronghorn antelope permits. These resources are of great economic, subsistence, cultural, and ceremonial significance to the Burns Paiute Tribe. The harvest of additional animals is not likely to have a discernable effect on big game populations in the region or impact tag opportunities for non-tribal hunters. Meaning that these amendments are unlikely to affect businesses that serve hunters and wildlife viewers in general.

(2) Effect on Small Businesses:

(a) Estimate the number and type of small businesses subject to the rule(s);

Additional compliance costs to small businesses are not expected. The impact to small businesses is expected to be insignificant, it is unlikely that businesses catering to sportspeople would experience any significant revenue losses resulting from these amendments.

(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.

(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.

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

None.

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

A Rules Advisory Committee was not consulted. These amendments are believed to be fully compatible with legislative direction on the goals of wildlife management in Oregon.

At the Commission hearing, public correspondence and testimony is accepted into the record as part of the rulemaking process.

RULES PROPOSED:

635-043-0150, 635-800-0010

REPEAL: 635-043-0150

RULE SUMMARY: These amended rules will update the number of tags available to the Burns Paiute Tribe to support their member's interests in ceremonial and subsistence hunting opportunities. The amendments also conform the rules to recently adopted mule deer hunt areas and slightly expand the geographic scope of those opportunities.

The Commission may decide to adopt staff recommended rule amendments as proposed in attachment 3, or the Commission may decide to modify the proposed rules or not adopt some or any of the proposed rule amendments.

CHANGES TO RULE:

~~635-043-0150~~

~~Burns Paiute Ceremonial Harvest Permits~~

~~Ceremonial harvest permits for use by the Burns Paiute Tribe (the "Tribe").¶¶~~

~~(1) The Commission authorizes the harvest of deer, elk and pronghorn antelope by members of the Tribe for ceremonial and cultural purposes in accordance with these rules.¶¶~~

~~(2) Authorization for ceremonial harvest permits will be considered only upon written request from the Tribe.¶¶~~

~~(3) Authorization for harvest shall specify the season dates, times, locations, and numbers of permits authorized for each species.¶¶~~

~~(a) Permits authorized shall be provided to the Tribe and may be used only by enrolled members of the Tribe. Each permit shall specify the season dates, times, and location where the permit is valid.¶¶~~

~~(b) Enrolled Burns Paiute Tribal members using authorized ceremonial harvest permits must carry on their person a valid ceremonial harvest permit, and shall present this document, as well as documents identifying said hunter as a member of the Burns Paiute Tribe, to Department employees or law enforcement personnel upon request.¶¶~~

~~(c) Enrolled Burns Paiute Tribal members designated to harvest animals using ceremonial harvest permits shall not be required to possess a state hunting license or big game tags in addition to the ceremonial harvest permits authorizing harvest.¶¶~~

~~(d) In recognition of accepted Tribal custom, the Commission acknowledges that Tribal authorities may designate individuals to harvest animals using these ceremonial harvest permits. The Tribe may designate the number of permits used by enrolled Burns Paiute Tribal members, so long as the total harvest does not exceed the number of~~

ceremonial permits authorized under subsection (e) of these rules.¶¶

(e) Pursuant to a request received under subsection (2), the Department shall issue up to eight (8) deer permits with a bag limit of "one deer", up to fifteen (15) elk permits with a bag limit of "one elk", and up to four (4) pronghorn antelope permits with a bag limit of "one pronghorn", for ceremonial purposes annually. Season dates are: January 1 through last day of the Department's unit wide, Any Legal Weapon controlled 100 series hunt in the Silvies and Malheur River WMUs for deer permits, January 1 through November 30 for elk permits, and January 1 through the last day of the Department's unit wide, Any Legal Weapon controlled hunt in the Silvies and Malheur River WMUs for pronghorn antelope.¶¶

(f) Each permit shall be validated immediately upon successful harvest of a designated animal by blacking out in ink, or removing in its entirety, only the month and day of the kill. The permit shall be attached securely to the game mammal in plain sight. The permit shall be kept attached to the carcass, or remain with any parts thereof, so long as the same are preserved.¶¶

(g) Ceremonial harvest permits are valid only on federal lands and Burns Paiute Tribal lands (Tribal trust and fee title) in the Silvies Wildlife Management Unit, that portion of the Malheur River Wildlife Management Unit (WMU) that is north of U.S. Highway 20, the Burns Paiute Tribal property known as the Jonesboro property south of U.S. Highway 20 in the Malheur River WMU, and the Buena Vista unit of the Malheur National Wildlife Refuge when also in possession of a valid special use permit issued by the Malheur National Wildlife Refuge. Ceremonial harvest permits cannot be used on private lands and do not authorize trespass upon private lands to access federal or tribal lands where landowner permission has not been obtained. Ceremonial harvest permits do not authorize entry or use on public lands where hunting, access, or discharge of firearms is precluded by any other statute, rule or law.¶¶

(h) Methods of take, shooting hours, and other restrictions or limits on hunting methods, weapons and techniques all remain the same as those pertaining to sport harvest during other Commission authorized big game seasons, or as restricted by conditions of a special use permit issued by Malheur National Wildlife Refuge when hunting in the Buena Vista unit of the Malheur National Wildlife Refuge. Harvest of elk is restricted to archery equipment only from August 15 to October 15.¶¶

(i) If a ceremonial need arises after the end of authorized season dates and a previously issued ceremonial harvest tag from that year was not validated for harvest, the Tribe may request a date extension in writing.¶¶

(A) Written request must include the cultural or ceremonial need as determined by the Tribe, the requested new dates for hunt, and the original tag.¶¶

(B) The species on the ceremonial harvest tag cannot be changed.¶¶

(C) The Department will consider the request to avoid conflicts with ongoing hunting seasons and may limit the hunt area from the description in (3)(g).¶¶

(D) If approved, the local Wildlife District staff from the Department will provide the revalidated tag to the Tribe.¶¶

(4) The Tribe shall report all harvest of deer, elk or pronghorn antelope conducted under ceremonial harvest permit to the Department on an annual basis.¶¶

(5) Animals harvested under an authorized ceremonial harvest permit may only be used by Tribal members for ceremonial and cultural purposes. Animals and parts thereof may not be bartered or sold.¶¶

(6) Authorization of these ceremonial-hunting permits does not create, convey, modify, limit, impede or imply any tribal legal or treaty entitlement.

Statutory/Other Authority: ORS 496.138, ORS 496.012, 496.146, 496.162

Statutes/Other Implemented: ORS 496.138, ORS 496.012, 496.146, 496.162

RULE SUMMARY: These amended rules will update the number of tags available to the Burns Paiute Tribe to support their member's interests in ceremonial and subsistence hunting opportunities. The amendments also conform the rules to recently adopted mule deer hunt areas and slightly expand the geographic scope of those opportunities.

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CHANGES TO RULE:

635-800-0010

Burns Paiute Ceremonial Harvest Permits

Ceremonial harvest permits for use by the Burns Paiute Tribe (the "Tribe").¶

(1) The Commission authorizes the harvest of deer, elk and pronghorn antelope by members of the Tribe for ceremonial, subsistence, and cultural purposes in accordance with these rules.¶

(2) Authorization for harvest permits will be considered only upon written request from the Tribe.¶

(3) Authorization for harvest shall specify the season dates, times, locations, and numbers of permits authorized for each species.¶

(a) Permits authorized shall be provided to the Tribe and may be used only by enrolled members of the Tribe. Each permit shall specify the season dates, times, and location where the permit is valid.¶

(b) Enrolled Burns Paiute Tribal members using authorized harvest permits must carry on their person a valid harvest permit, and shall present this document, as well as documents identifying said hunter as a member of the Burns Paiute Tribe, to Department employees or law enforcement personnel upon request.¶

(c) Enrolled Burns Paiute Tribal members designated to harvest animals using ceremonial or subsistence harvest permits shall not be required to possess a state hunting license or big game tags in addition to the harvest permits authorizing harvest.¶

(d) In recognition of accepted Tribal custom, the Commission acknowledges that Tribal authorities may designate individuals to harvest animals using these harvest permits. The Tribe may designate the number of permits used by enrolled Burns Paiute Tribal members, so long as the total harvest does not exceed the number of permits authorized under subsection (e) of these rules.¶

(e) Pursuant to a request received under subsection (2), the Department shall issue up to sixteen (16) deer permits with a bag limit of "one deer", up to thirty (30) elk permits with a bag limit of "one elk", and up to four (4) pronghorn antelope permits with a bag limit of "one pronghorn", for ceremonial or subsistence purposes annually. Season dates are: January 1 through last day of the Department's unit wide, Any Legal Weapon controlled 100 series hunt in the Juntura and Sage Hen Hunt Areas for deer permits, January 1 through November 30 for elk permits in the Silvies, Malheur River, and Beulah WMUs, and January 1 through the last day of the Department's unit wide, Any Legal Weapon controlled hunt in the Silvies and Malheur River, and Beulah WMUs for pronghorn antelope.¶

(f) Each permit shall be validated immediately upon successful harvest of a designated animal by blacking out in ink, or removing in its entirety, only the month and day of the kill. The permit shall be attached securely to the game mammal in plain sight. The permit shall be kept attached to the carcass, or remain with any parts thereof, so long as the same are preserved.¶

(g) Ceremonial or subsistence harvest permits are valid only on federal lands and Burns Paiute Tribal lands (Tribal trust and fee title) in the area described in 3e, and the Buena Vista unit of the Malheur National Wildlife Refuge when also in possession of a valid special use permit issued by the Malheur National Wildlife Refuge. Ceremonial or subsistence harvest permits cannot be used on private lands and do not authorize trespass upon private lands to access federal or tribal lands where landowner permission has not been obtained. These harvest permits do not authorize entry or use on public lands where hunting, access, or discharge of firearms is precluded by any other statute, rule or law.¶

(h) Methods of take, shooting hours, and other restrictions or limits on hunting methods, weapons and techniques all remain the same as those pertaining to sport harvest during other Commission authorized big game seasons, or as restricted by conditions of a special use permit issued by Malheur National Wildlife Refuge when hunting in the Buena Vista unit of the Malheur National Wildlife Refuge. Harvest of elk is restricted to archery equipment only from August 15 to October 15.¶

(i) If a ceremonial need arises after the end of authorized season dates and a previously issued ceremonial harvest tag from that year was not validated for harvest, the Tribe may request a date extension in writing.¶

(A) Written request must include the cultural or ceremonial need as determined by the Tribe, the requested new

dates for hunt, and the original tag.¶

(B) The species on the ceremonial harvest tag cannot be changed.¶

(C) The Department will consider the request to avoid conflicts with ongoing hunting seasons and may limit the hunt area from the description in (3)(e).¶

(D) If approved, the local Wildlife District staff from the Department will provide the revalidated tag to the Tribe.¶

(4) The Tribe shall report all harvest of deer, elk or pronghorn antelope conducted under these harvest permits to the Department on an annual basis.¶

(5) Animals harvested under an authorized harvest permit may only be used by Tribal members for ceremonial, subsistence, and cultural purposes. Animals and parts thereof may not be bartered or sold.¶

(6) Authorization of these hunting permits does not create, convey, modify, limit, impede or imply any tribal legal or treaty entitlement.

Statutory/Other Authority: ORS 496.138, 496.012, 496.146, 496.162

Statutes/Other Implemented: ORS 496.138, 496.012, 496.146, 496.162