

Petition to Amend a Rule  
Department of Fish and Wildlife  
of the State of Oregon

In the Matter of the Amendment of ) Petition to Amend

OAR 635-045-002 DEFINITIONS, and ) OAR 635-045-002 and 635-075-001

OAR 635-075-001 Eligibility ) (Definitions – Eligibility for Land Owner Preference)

1. Petitioner's name and address is Jeff Mullins, 73660 Apiary Road, Rainier, Oregon.

2. Petitioner is a lifelong resident of Oregon and an owner of approximately 56 acres actively managed as forest land. However, the petitioner does not meet the definition of a "landowner" because the acreage he owns and manages consists of three parcels which do not constitute 40 contiguous acres.
3. OAR 635-045-002 defines a Landowner, in part, as used in OAR chapter 635, division 075,

*(a) A person who holds title in trust or in fee simple to 40 or more contiguous acres of land; provided however that a recorded deed or contract of ownership shall be on file in the county in which the land is located; and/or*

2. According to the 2011 Oregon Hunting Regulations, the stated purpose of the LOP program is "to provide a form of compensation to land owners for resources used by wildlife."
3. The petitioner allows that although there are certainly reasonable and legitimate basis for defining a landowner based ownership of 40 or more contiguous acres, it is also contended that the, intent of "contiguous" acres can be met in some instances when total acreage exceeds 40 acres, is not contiguous but can be safely hunted due to location and proximity to other forest lands. (Appendix A – Petitioner's Forestland and Management Description is attached as an explanation and example)
4. The proposed rule change is intended to provide a means to identify and accept into the Land Owner Preference program those who do not meet the contiguous acreage requirement but meet the intent of the program.
5. Petitioner proposes to amendments to read as follows:
  1. OAR 635-045-002 DEFINITIONS
  2. (43) "Landowner", as used in OAR chapter 635, division 075, means:

*(a) A person who holds title in trust or in fee simple to 40 or more contiguous acres of land; provided however that a recorded deed or contract of ownership shall be on file in the county in which the land is located; and/or*

(b) A corporation or Limited Liability Company (LLC) holding title in fee simple to 40 or more contiguous acres of land; provided however that the corporation or LLC shall be registered with the State of Oregon; and/or

c. A partnership holding title in fee simple to 40 or more contiguous acres of land; and/or

**(d) Any of the above (a,b,c) who hold title in fee simple to more than 40 acres of forest/agricultural land that is deemed suitable and safe for hunting by a representative of the Oregon Department of Fish and Wildlife, although there is not 40 contiguous acres.**

(e) Persons who hold title as part of a time share are not eligible for landowner preference.

### 3. OAR 635-075-001 ELIGIBILITY

A landowner as defined in OAR 635-045-0002 and immediate family as defined in 635-045-0002, owning 40 or more contiguous acres are eligible to receive landowner hunting preference tags . . .

#### 4. OAR 635-075-0010 Hunting Area Allowed With Landowner Hunting Preference Tags

(1) A landowner preference tag authorizes the recipient to hunt only on those lands owned and registered in the Landowner Preference Program by the landowner, and meeting the minimum acreage requirements for that hunt, during the season dates for which the tag is valid, except as provided for in OAR 635-075-0010(4) and (5).

(2) Landowner hunting preference tags are valid on the landowner's registered property in other controlled hunt areas provided the species, bag limits, and season dates are the same, and the landowner's property in that area either:

(a) Meets the minimum acreage requirements for that hunt; or

(b) is contiguous to other property owned and registered by the landowner that, if added together, would meet the minimum acreage requirements for that hunt; **or**

**(c) has been identified as meeting the requirements for eligibility for inclusion in the program.**

Petitioner has no knowledge of any person who may have a particular interest in the proposed amendment of OAR 635-045-002 and 635-075-001.

Wherefore, petitioner requests the Oregon Department of Fish and Wildlife to adopt the proposed amendment to OAR 635-045-002 and 635-075-001.

Dated 08/01/11

Jeff Mullins, Petitioner

## Appendix A

### Petitioner's Forestland and Management Description

I have been a forestland owner since 1995 and currently own three parcels totaling 56 acres in Columbia County Oregon. The parcel sizes are approximately 14 acres, 21.5 acres and 22 acres and each parcel is designated forestland and zoned primary forestry (PF76.)

Each of the three parcels are adjacent to larger tracts of forestland owned by Longview Timber (Previously Longview Fibre). One parcel borders other forestland on 100%, the second parcel borders forestland 95% and the third borders timberland ~50%. Each of these parcels can be safely hunted for big game.

My forestland is intensely managed for timber production in ways that makes it productive for timber harvest and provides continuous superior habitat and browse for game species, particularly for deer and elk. Unlike commercial timber companies I am managing my timberlands for mixed age and mixed species timber harvest. Additionally I practice continuous thinning by taking some trees each year rather than single forest entries once every 15 or 20 years to thin. I also prune lower branches from trees. The net result of these practices is that my forestland always has an abundance of browse and preferred habitat unlike commercial clearcuts that have much browse for a couple of years, are then sprayed and then become a tight stand of reprod will little food for many years.

In my management practices, seedlings are replanted each year as select trees are removed. Because of the preferable habitat and the high wildlife populations, there is a significant amount of time, effort and expense associated with replanting, netting and staking seedlings to prevent/limit damaging or killing seedling as a result of browse. Because I plant a large number of western red cedar trees, constant effort is required. (Resident deer have learned how to pull off the nets to get to the seedlings.) These trees require ongoing monitoring, re-staking and re-netting as result.

Therefore I offer that my land ownership and practices contribute significantly to Oregon's wildlife population and meet the spirit of the LOP intent without any doubt. It is reasonable that participation in the Landowner Preference Program be available to individuals such as I who own more than 40 acres but I do not meet the technical requirement of contiguous acreages.