

## Agenda Item Summary

### BACKGROUND

The Burns Paiute Tribe is a federally recognized tribe of Northern Paiute Indians in Harney County. There are currently just over 400 enrolled tribal members. During the February 2017 Fish and Wildlife Commission (Commission) meeting, two members of the Burns Paiute Tribal Council provided testimony to request that the State of Oregon recognize tribal needs in the management of the fish and wildlife resources across their reservation and ceded lands, and opportunity for ceremonial harvest of specific big game animals.

### PUBLIC INVOLVEMENT

Since the February Commission meeting, Department staff has participated in a series of meetings with Burns Paiute natural resource staff and tribal council members to work on details to provide for their ceremonial hunting tag request.

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

### ISSUE 1

**WHETHER TO PROVIDE THE BURNS PAIUTE TRIBE WITH THE OPPORTUNITY TO TAKE BIG GAME ANIMALS FOR CEREMONIAL AND CULTURAL PURPOSES OUTSIDE OF EXISTING SEASONS.**

### ANALYSIS

The Department has other administrative rules that provide ceremonial tag opportunities for tribal members of federally recognized tribes in Oregon. To accommodate the request from the Burns Paiute Tribe, Department staff incorporated the specific species for harvest (deer, elk, and pronghorn), outlined that the hunting permits are only for ceremonial and cultural uses by enrolled Burns Paiute tribal members, described the hunt area, and designated the hunting season. The harvest of these limited number of additional animals is not likely to have a discernable effect on big game populations in the region, and harvest would not occur during periods when other hunting seasons are authorized. The primary purpose of the request is to continue recognition and cooperation between the State and the Burns Paiute Tribe.

The proposed rules have several features:

- Burns Paiute Tribe can annually request up to 8 deer permits, 6 elk permits and 4 pronghorn permits. Bag limits would be “one elk”; “one deer”; “one pronghorn”.

- Dates would generally be periods when no other big game hunting seasons are occurring in the hunting area. For deer and elk that would be January 1 through three days before the 1<sup>st</sup> day of general archery season. For pronghorn that would be August 1 through three days before the 1<sup>st</sup> day of pronghorn season.
- Hunt Area is restricted to 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, and the Burns Paiute Tribal property known as the Jonesboro property south of U.S. Highway 20 in the Malheur River WMU.
- Ceremonial harvest permits would not authorize trespass or use on private lands.
- Individual permits would be issued by the Department to authorize harvest of each animal, and each permit would specify the season dates, times and location where the permit was valid.
- Permits would be provided to recognized tribal authorities and could be utilized by enrolled members of the Burns Paiute Tribe upon distribution.
- Authorized tribal hunters would have to carry the ceremonial harvest permit and Burns Paiute tribal identification with them; no additional Department license or tag is required.
- Each permit would be validated immediately upon successful harvest of a designated animal. The permit would then have to be attached securely to the game mammal in plain sight. The permit would have to be kept attached to the carcass or remain with any parts thereof.
- Methods of take (weapons, hours, etc.) would all be the same as those pertaining to sport harvest during regular seasons.
- Burns Paiute tribal hunters agree to adhere to all state and federal road and access restrictions, including but not limited to cooperative travel management areas (TMA) and winter range closures.
- The Commission would recognize that tribal authorities can designate individuals to harvest animals utilizing these ceremonial harvest permits for the general benefit of the tribe, including multiple animals.
- The deer, elk, or pronghorn meat and parts collected with these permits would be for ceremonial and cultural use of the Burns Paiute Tribe only. Use for commercial purposes would be prohibited.
- All harvest of deer, elk, or pronghorn would be reported to the Department on an annual basis.

- Authorization of ceremonial harvest permits would not convey or imply any additional tribal legal right, nor would it modify any existing agreement, treaty, or court decree.

**OPTIONS**

1. Approve the OARs to allow ceremonial harvest of big game animals by enrolled members of the Burns Paiute Tribe.
2. Modify the staff proposal.
3. No action.

**STAFF  
RECOMMENDATION**

Option 1.

<b>DRAFT MOTION</b>	I move to amend OAR Chapter 635, Division 043 as proposed by staff.
<b>EFFECTIVE DATE</b>	Upon Filing