



Oregon Administrative Rules
Oregon Department of Fish and Wildlife

DIVISION 021

Southeast Zone Sport Angling Regulations

635-021-0090

Inclusions and Modifications

(1) The 2021[20] Oregon Sport Fishing Regulations provide requirements for the Southeast Zone. However, additional regulations may be adopted in this rule division from time to time and to the extent of any inconsistency, they supersede the **2021[20] Oregon Sport Fishing Regulations**.

(2) From June 1 through August 31, the Malheur River is open to angling for spring Chinook salmon on the mainstem river from the Bluebucket Creek confluence upstream to the headwaters of McCoy Creek, Lake Creek, Big Creek and tributaries, and Bosonberg Creek.

(a) The daily bag limit is two (2) hatchery spring Chinook salmon; two daily limits in possession.

(3) Burns Paiute Tribal members participating in this experimental spring Chinook fishery are governed by the conditions and limitations established in the Burns Paiute Tribal Fishing Code.

(a) Burns Paiute Tribal members are not required to have an ODFW angling license or report catch on an ODFW combined angling tag when fishing for spring Chinook in the area described above in section (2).

(b) Burns Paiute Tribal members must have a valid tribal identification card in their possession.

(c) When fishing for any species other than spring Chinook, an ODFW angling license is required and General, Statewide and Southeast Zone regulations, as provided in the Oregon Sport Fishing Regulations, remain in effect.

(4) All other permanent rules for the Southeast Zone, as stated in the Oregon Sport Fishing Regulations, remain in effect.

Stat. Auth.: ORS 183.325, 496.138, 496.146

Stats. Implemented: ORS 496.162

1 **DIVISION 43**

2 **Other Regulations: Miscellaneous Permits and Records**

3
4 **635-043-0150**

5 **Burns Paiute Ceremonial Harvest Permits**

6 Ceremonial harvest permits for use by the Burns Paiute Tribe (the “Tribe”).

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

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

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

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

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

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

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

28 (e) Pursuant to a request received under subsection (2), the Department shall issue up to eight
29 (8) deer permits with a bag limit of “one deer”, up to **fifteen** [~~six~~] (**15** [~~6~~]) elk permits with a bag
30 limit of “one elk”, and up to four (4) pronghorn antelope permits with a bag limit of “one
31 pronghorn”, for ceremonial purposes annually. Season dates are: January 1 through **last day of**

1 **the Department's unit wide, Any Legal Weapon controlled 100 series hunt in the Silvies**
2 **and Malheur River WMUs for deer permits, January 1 through November 30 for elk**
3 **permits** [~~three days before the first day of general archery deer and elk season (inclusive) for~~
4 ~~deer and elk permits~~], and January 1 through **the last** [~~three days before the first~~] day of the
5 Department's [~~pronghorn antelope season~~] **unit wide, Any Legal Weapon controlled hunt** in
6 the Silvies and Malheur River WMUs [~~(inclusive)~~] for pronghorn antelope.

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

11 (g) Ceremonial harvest permits are valid only on federal lands and Burns Paiute Tribal lands
12 (Tribal trust and fee title) in the Silvies Wildlife Management Unit, that portion of the Malheur
13 River Wildlife Management Unit (WMU) that is north of U.S. Highway 20, and the Burns Paiute
14 Tribal property known as the Jonesboro property south of U.S. Highway 20 in the Malheur River
15 WMU. Ceremonial harvest permits cannot be used on private lands and do not authorize trespass
16 upon private lands to access federal or tribal lands where landowner permission has not been
17 obtained. Ceremonial harvest permits do not authorize entry or use on public lands where
18 hunting, access, or discharge of firearms is precluded by any other statute, rule or law.

19 (h) Methods of take, shooting hours, and other restrictions or limits on hunting methods,
20 weapons and techniques all remain the same as those pertaining to sport harvest during other
21 Commission authorized big game seasons. **Harvest of elk is restricted to archery equipment**
22 **only from August 15 to October 15.**

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

26 (A) Written request must include the **cultural or** [~~specific~~] ceremonial need as determined by
27 the Tribe, the requested new dates for hunt, and the original tag.

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

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

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

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

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

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

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

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

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