

Senate Bill 354

Sponsored by Senator NELSON (at the request of Ross Seyfried)

SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Directs State Fish and Wildlife Commission to establish program through which landowner provides wildlife habitat and hunter access in exchange for special season and hunting tags that may be sold or used by landowner.

Sunsets January 2, 2016.

A BILL FOR AN ACT

1
2 Relating to hunting.

3 Whereas other western states have had success with programs that encourage private land-
4 owners to manage large properties for wildlife benefits; and

5 Whereas such programs provide incentives to landowners for improving wildlife habitat and for
6 allowing limited hunter access to private property; and

7 Whereas the Colorado Ranching for Wildlife program has been an operational success for nearly
8 20 years; and

9 Whereas the goal of this 2005 Act is to create a program similar to the Colorado Ranching for
10 Wildlife program; now, therefore,

11 **Be It Enacted by the People of the State of Oregon:**

12 **SECTION 1. Sections 2 to 6 of this 2005 Act are added to and made a part of ORS chapter**
13 **496.**

14 **SECTION 2. (1) The State Fish and Wildlife Commission shall establish a pilot program**
15 **in Union County that allows private owners of large parcels of land to provide wildlife habitat**
16 **and hunter access to that habitat in return for an allocation of deer, elk or antelope hunting**
17 **tags from the commission based on the:**

18 (a) **Type and size of the wildlife habitat provided; and**

19 (b) **Population of deer, elk or antelope.**

20 (2) **The commission shall require that landowners desiring to participate in the program**
21 **submit an application to the State Department of Fish and Wildlife. The department may not**
22 **charge a fee for submission of the application. The application must contain:**

23 (a) **A written natural resources management plan that specifies the type of habitat pro-**
24 **vided by the landowner and any management actions, such as grazing, timber harvest,**
25 **riparian improvement or natural resource improvement, that the landowner will take to**
26 **benefit wildlife and natural resources on the land;**

27 (b) **A specification of the size, boundaries and approximate composition of the land that**
28 **will be a part of the program;**

29 (c) **A declaration by the landowner that the land that will be a part of the program was**
30 **inhabited for a majority of the year preceding the application date by the species for which**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted.
New sections are in **boldfaced** type.

1 hunting tags are sought; and

2 (d) A pledge by the landowner to not exclude any person holding a hunting tag issued for
3 the landowner's land from the land that is part of the program.

4 **SECTION 3.** (1) Upon submission of an application under section 2 of this 2005 Act, the
5 State Department of Fish and Wildlife shall review the application to determine whether:

6 (a) The habitat proposed by the landowner is at least 5,000 contiguous acres in size and
7 of a type to provide suitable habitat for deer, elk or antelope;

8 (b) The natural resources management plan proposed by the landowner is likely to result
9 in a net benefit to the deer, elk or antelope population or the natural resources of this state;
10 and

11 (c) Creation of controlled hunts and seasons on the land that will be a part of the pro-
12 gram will assist the State Fish and Wildlife Commission in fulfilling the wildlife policy goals
13 established in ORS 496.012.

14 (2) If all of the determinations the department makes in subsection (1) of this section are
15 affirmative, then the commission shall establish, for the land that is to be part of the pro-
16 gram:

17 (a) Separate public and landowner controlled hunts and seasons. The commission may
18 establish more than one controlled hunt and season for each parcel of land.

19 (b) The number and types of hunting tags that are available.

20 (c) The times, places and manner in which wildlife may be taken under each controlled
21 hunt and the number of animals of each wildlife species that may be taken and possessed.

22 (3) To the greatest extent possible, the commission shall consult with the landowner in
23 making decisions under this section.

24 **SECTION 4.** (1) The State Fish and Wildlife Commission shall allocate the hunting tags
25 made available under section 3 of this 2005 Act pursuant to the following guidelines:

26 (a) The landowner shall receive a minimum of 10 tags, with a minimum of six for taking
27 antlered animals.

28 (b) The public shall receive a minimum of 40 percent of the total tags allocated to the
29 landowner. The tags issued to the public shall be issued by the commission as provided in
30 ORS 497.112.

31 (c) The commission may not allocate, to the landowner and public combined, more than
32 350 tags for use annually on any one parcel of land included in the program established
33 pursuant to section 2 of this 2005 Act.

34 (d) The commission shall offer the public tags for antlerless animals for use by persons
35 younger than 18 years of age before offering the tags to the public.

36 (e) The commission shall use one of the following formulas in determining the proportion
37 of tags for the taking of antlerless and antlered animals issued to the landowner and to the
38 public:

39 (A) If the landowner receives 90 percent of the tags for antlered animals, then the public
40 shall receive the remainder of tags for antlered and antlerless animals.

41 (B) If the landowner receives 85 percent of the tags for antlered animals, then the land-
42 owner shall receive 25 percent of the tags for antlerless animals and the public shall receive
43 the remainder of the tags for antlered and antlerless animals.

44 (C) If the landowner receives 80 percent of the tags for antlered animals, then the land-
45 owner shall receive 40 percent of the tags for antlerless animals and the public shall receive

1 the remainder of the tags for antlered and antlerless animals.

2 (D) If the landowner receives 75 percent of the tags for antlered animals, then the land-
3 owner shall receive 50 percent of the tags for antlerless animals and the public shall receive
4 the remainder of the tags for antlered and antlerless animals.

5 (E) If the landowner receives 60 percent of the tags for antlered animals, then the public
6 shall receive 40 percent of the tags for antlered animals and the commission may not issue
7 tags for antlerless animals.

8 (2) The landowner may use or sell the hunting tags allocated to the landowner in any
9 manner that the landowner chooses, except that substitution of tags for one species or
10 gender may not be made for another species or gender.

11 (3) The hunting seasons established under section 3 of this 2005 Act shall provide:

12 (a) A minimum 60-day season to use a landowner allocated hunting tag; and

13 (b) A maximum 14-day season to use a public allocated hunting tag, unless a longer sea-
14 son is agreed to by the landowner.

15 **SECTION 5.** (1) Landowners who receive hunting tags under the program established
16 pursuant to section 2 of this 2005 Act must allow controlled access to and use of the land
17 that is a part of the program to all persons possessing hunting tags for that land. Access
18 and use by persons possessing public hunting tags shall be consistent with the access and
19 use provided to persons possessing landowner-controlled hunting tags.

20 (2) Landowners participating in the program shall submit an annual report to the State
21 Department of Fish and Wildlife. The report must be in a form determined by the depart-
22 ment and must include information related to the species management, public recreation and
23 habitat management benefits provided by the landowner.

24 (3) The landowner shall permit the department to inspect the land once per year to verify
25 the information in the report. The inspections may be limited by the landowner to a time
26 convenient for the landowner and may occur only in the presence of the landowner or land-
27 owner's agent.

28 **SECTION 6.** A person must possess both a hunting license issued under ORS 497.102 or
29 497.132 and a hunting tag in order to hunt in a controlled hunt and season established pur-
30 suant to section 3 of this 2005 Act.

31 **SECTION 7.** The State Fish and Wildlife Commission shall establish the program specified
32 in section 2 of this 2005 Act in time for hunting tags to be issued for hunting seasons during
33 calendar year 2006.

34 **SECTION 8.** Sections 1 to 7 of this 2005 Act are repealed on January 2, 2016.
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