



Rulemaking: Hunting Rules Clarification

**Public comments received
Jan. 8 through Jan. 14, 2022**



Submit a public comment on a rule

Oregon Parks and Recreation Department

Proposed rule change:

Hunting Rule Clarifications

Commenter name (if provided):

Stan Porter

Commenter email (if provided):

sporter@crestviewcable.com

Public comment:

Clarification of hunting in Oregon State Parks is needed to education the citizens of Oregon. A clear boundary explanation and signage would help all know where hunting is allowed. Oregon State Parks needs to work with map app companies to show the boundaries on all forms of GPS apps for hiking and hunting. Boundary signs need to be placed upon the boundaries and maps at information areas in the campgrounds need to let campground users know that hunting is allowed in a park and show the boundaries. Sharing the forests and public land is important and all users would benefit from knowing the boundaries for park useage.

Date comment received:

Sunday, January 9, 2022



Submit a public comment on a rule

Oregon Parks and Recreation Department

Proposed rule change:

Hunting Rule Clarifications

Commenter name (if provided):

Talha Khan

Commenter email (if provided):

talha_mk@hotmail.com

Public comment:

I sincerely appreciate OPRD for allowing hunting in Oregon State Parks where public safety is low risk. Some of my most cherished memories have been created at Oregon State Parks on bird-hunting trips with my father. Please continue to allow and expand hunting in properties where appropriate.

I agree that OAR 736-010-0055 needs to be updated, particularly for the Willamette River Greenway Corridor parcels. The current rule states that "Hunting is allowed... in all Willamette River Greenway Corridor parcels, except..." followed by an unwieldy list of 36 properties, which makes it difficult to determine where hunting is allowed.

Having said that, the proposed OPRD hunting maps must be made available for public review before adopting the rule change. The proposed OPRD hunting maps need to be part of the review process with public comment to ensure that hunting access is not inadvertently reduced.

Also, it is being proposed to omit all language that indicates locations where hunting is allowed or prohibited, from the OAR. Since the map itself cannot be part of the OAR, it could be modified without going through the formal OAR change process. I am concerned about hunting access being reduced without going through public comment. If the objective is to clarify the hunting boundaries, why not maintain the language that indicates hunting locations in the OAR, while also publishing the OPRD hunting map?

Thank you for your consideration.

Date comment received:

Monday, January 10, 2022



Submit a public comment on a rule

Oregon Parks and Recreation Department

Proposed rule change:

Hunting Rule Clarifications

Commenter name (if provided):

Sean Coleman

Commenter email (if provided):

stcoleman39@gmail.com

Public comment:

To Whom It May Concern,

I am inquiring about the hunting boundaries (and rule changes for hunting zones)

On the Northern boundary of La Pine SP, along the Fall river there is current legal hunting.

Could you please specify how or why the area has legal hunting? It seems like a no-brainer that legal hunting should be nowhere near a highly trafficked walking, hiking, fishing area.

There are so many hunting opportunities in Oregon, why so close to a family friendly state park? We have the third highest acreage of huntable BLM in the nation, why even take a risk in state parks where families gather?

My family member was nearly (accidentally) shot a mile behind the Cascades Lakes Welcome Station outside Bend 2 years ago. That is obviously a different area however it's a perfect example of the kind of circumstances we all want to avoid.

Thank you for your consideration of this matter

Date comment received:

Monday, January 10, 2022



Submit a public comment on a rule

Oregon Parks and Recreation Department

Proposed rule change:

Hunting Rule Clarifications

Commenter name (if provided):

Carolyn Hintz

Commenter email (if provided):

sackettandjetta@hotmail.com

Public comment:

I live in Bend. I've lived in Oregon since 2002.

Having areas in state parks where hunting is allowed is extremely dangerous and unnecessary.

There is plenty of land for hunting and killing beautiful creatures on other public lands.

The story I heard on the news said that at LaPine State Park the hunting boundary is just 1 mile from the campground. Wow. That is pretty close to allow lethal weapons to camping.

My comment: No hunting should be allowed in State Parks at all.

Thank you.

Date comment received:

Monday, January 10, 2022



Submit a public comment on a rule

Oregon Parks and Recreation Department

Proposed rule change:

Hunting Rule Clarifications

Commenter name (if provided):

Donna Harris, DVM

Commenter email (if provided):

kermi.donna@gmail.com

Public comment:

To OPRD Rules Coordinator:

I am submitting a public comment in regards to proposals to amend OAR 736-010-0055 concerning updating state park resource rules to clarify hunting boundaries. My comments pertain specifically to LaPine State Park (S.P.) , which is about a 3 mile hike or bicycle ride from my residence.

The OPRD needs to reject any consideration of any hunting and trapping within the boundaries of LaPine S.P. I take issue with these specific points:

Under Chapter 736 of 736-010-6055 Park Resources

(9) discharging of firearms is prohibited in park properties EXCEPT while hunting and trapping wildlife, under the following provisions:

(f) Hunting is permitted with shotguns or bows and arrows only during ODFW authorized seasons in designated parks

(g) Hunting shall be permitted with rifles in LaPine S.P. only during ODFW authorized seasons

(ee) Hunting waterfowl is allowed in a portion of the following park boundaries- includes LaPine S.P.

My reasons for rejecting any consideration of hunting and trapping are:

(1) We and a multitude of nearby community residents and visitors to LaPine S.P. rely on hiking, bicycling, snowshoeing, cross-country skiing, horseback riding, and other forms of outdoor recreation such as fishing, within the S.P. We do these activities especially during ODFW hunting seasons for big game, and waterfowl, as a safe haven and refuge for avoiding the dangers presented by rifle and shotgun users during these hunting times. None of us had any idea that hunting would be permitted in a S.P., especially when our National Forest that surrounds our communities near LaPine S.P. provide ample opportunity for big game hunting.

(2) Our community borders the Upper Deschutes River. Many types of outdoor recreationists, including river floaters use the river corridor and trails along it between communities. Most are unaware of 2 small sections of the river corridor that allow waterfowl hunting. These hunting boundaries are directly across from residences on the opposite side of the river. These homes have

been on the receiving end of shots discharged from hunters' shotguns. Residents of these homes have been threatened by hunters, and there have been documented infractions such as illegal hunting out of bounds, trespassing on private property, trash dumping, disturbing of native trees and environment, human waste deposited, illegal hunting blinds constructed as permanent structures, and drug paraphernalia dumped. These and many other infractions have been documented by a local group of residents called the Big River Safety Committee (BRSC) through photographs, videos, calls to the Deschutes Co. Sheriff and deputies. Ballistics and graphs of distances covered by varying projectiles have been studied, which have determined that today's bullets and cartridge/ shots are propelled much further than the standard 150 yds. stated as the minimum distance one must be from a residence to discharge a shotgun. Rifles can propel lead bullets often between 1 - 3 miles, shotgun lead pellets can propel from 500 - 2500 ft., and shotgun slugs can propel from 3500 - 5000 ft.

Looking at the map of the hunting boundaries for LaPine S.P., which includes the northern aspect of the park it unfortunately includes significant portions of very popular hiking/snowshoeing/ cross-country skiing/biking loop trails going to Fall River Falls, with multiple interconnecting trails to this outer loop trail. Also noted is that portions of the Fall River Falls loop trail border not only Fall River but the Deschutes River and are easily within 1/4 - 1/2 mile where waterfowl hunters could be shooting along either river.

It is indefensible for the state parks dept. to allow rifle and shotgun hunting within this S.P. unless OPRD wants to assume full responsibility for all injuries or fatalities occurring from these activities. The closeness of human activities and residences nearby, and the abundance of alternative hunting areas within our Upper Deschutes River National Forest where hunting is allowed already, negates any reason for allowing hunting within this S.P.

(3) Media coverage (KOHD TV news) about the clarification of hunting boundaries in LaPine S.P. filmed an Interview with an OPRD agent. He stated that the campsites are 1 mile away from the hunting boundaries to north. But the ballistics charts published by the BRSC in their submission of negative effects of hunting boundaries near residences and recreationists, and submitted as part of their public record in response to the Dingell Act requirements, demonstrate that even these campsites might not be at a safe enough distance from the discharge of a rifle with a range of bullets projected 1-3 miles based on our local altitude. Visitors camping at the S.P. will most likely also hike more than a mile from their campsite and be unaware that hunting is allowed here during ODFW's big game hunting seasons with rifles or bows and arrows.

(4) Signage is often ignored by hunters who have used the 2 hunting corridors along the Upper Deschutes River. The interview with the OPRD agent indicated that upgraded signage would be posted at the entrances to the S.P. Having read the BRSC public report on the waterfowl hunting zones infractions and personally witnessing defaced signs, I can only deduce that the hunting boundary signs will be ignored here also.

In summary, I reject any hunting within the LaPine S.P. over public safety concerns. I think that any economic benefits generated by allowing hunting would be far outweighed by the negative impacts to the public in regards to safety issues and by any lawsuit claims and resulting compensation from OPRD due to injury or death related to accidental shooting cases. Under OPRD's statement clarifying hunting boundaries, " access to hunt on OPRD lands is provided in state parks where public safety is LOW RISK", I absolutely do not believe that with my above listed concerns, that LaPine S.P. is anywhere near a LOW RISK area.

Respectfully submitted,

Donna Harris D.V.M.

Date comment received:

Thursday, January 13, 2022



Submit a public comment on a rule

Oregon Parks and Recreation Department

Proposed rule change:

Hunting Rule Clarifications

Commenter name (if provided):

Keith Hadley, PhD

Commenter email (if provided):

abiesprocera@hotmail.com

Public comment:

Please find my responses to the Oregon Department of Parks and Recreation posted as NOTICE OFPROPOSED RULEMAKING to CHAPTER 736.

The attached comments and concerns regarding general and specific LaPine State Park hunting boundaries and economic concerns.

Thank you for your consideration.

Keith Hadley PhD

Date comment received:

Thursday, January 13, 2022

Helena Kesch, Rules Coordinator
Oregon Department of Parks and Recreation
725 Summer St NE
Salem,OR 97301

Phone: 503-881-4637
Email: Helena.Kesch@opr.d.oregon.gov

January 13, 2022

Park Resources to Clarify Hunting Boundaries

Dear Rules Coordinator Kesch:

Below are my comments, clarifications, and concerns regarding the NOTICE OF PROPOSED RULEMAKING to CHAPTER 736 by the Oregon Parks and Recreation Department. These comments are consistent with the ODPR's *Need for the Rules* to "help protect visitors and hunters alike" along with some general and specific suggestions to rule changes.

Clarifications presented in the two ODPR versions greatly improved the proposed rules identifying hunting boundaries. That noted, some of the revised rules remain confusing and misleading. Specifically, the hunting rulemaking changes in some State Parks are inconsistent and fail to meet some public safety and wildlife goals. Below I clarify my comments regarding hunting safety and boundaries, and briefly respond to possible negative economic impacts of "proposed rules on business."

In general, few agency hunting boundary maps provide *accurate* or *precise* boundary information that is *easily accessible* and used by the general public. Some of the challenges in establishing meaningful hunting boundaries are related to the location, extent, adjacency and landscape complexity of public land. Where hunting boundaries are vague, they fail to meet Oregon State, County and Federal mapping criteria needed to ensure clear boundaries within and between public and private properties.

Inadequate clarification of hunting boundaries are safety issues for at least three important reasons related to proximity and adjacency: 1) those areas where public lands typically lack clear hunting demarcation in areas that experience frequent visitor use and overlap (e.g., hunting and other recreation activities), 2) the locations of residences in WUI (Wild Urban Interface) areas that contribute to hunting and shooting public/private conflicts, and 3) unsafe hunting and shooting firearm ballistics capable of crossing large areas. Hunting safety issues consequently involve several conflicting and combined conditions. These involve: a) diverse forms of recreational use, b) the proximity and adjacency of public, residential and private land ownership, and c) jurisdictional interfaces of state, county and federal government agencies.

Considering the intersection of various park users, are the boundaries sufficiently identified to park visitors to identify hunting boundaries? If defining visitor safety is the prevue of rulemaking, what are the responsibilities and level of OPRD culpability?

The Big River Safety Committee (BRSC) focusing on a short USFS hunting area of the Upper Deschutes River, has provided USFS and Deschutes County Commission substantial physical evidence of illegal hunting and shooting impacting local residences. This is germane to hunting along the Deschutes River and to in LaPine State Park and Recreation Area as clearly demonstrated by firearm ballistics. Bluntly presented, ballistic physics combined with physical evidence and law enforcement reports of legal infractions show that hunting waterfowl and large game with modern cartridges are unsafe and ballistically indefensible.

Ballistic and projectile information is readily available in published public and private sources, including gun owner and hunting organizations.

In short, hunting in state parks are unsafe when hunting boundaries, park users, residents, are compromised by ballistics. That noted, in its most basic compromise for non-shooting recreation visitors and local residence safety, I submit the following changes to your November 30, 2021 version of the proposed rule changes:

*The following hunting and shooting **are not allowed** in LaPine State Park and Recreation Area where:*

- (a) large game hunting with firearms having ballistic capable projectile distances less than **two-miles** from WUI residences in any direction*
- (b) waterfowl shooting with shotguns having ballistic capable projectiles distance less than **840 yards** of WUI residences in any direction*
- (c) firearm ballistics capable projectile distances of overlapping or crossing within **two-miles** of official recreation trails and recreation waterways*

Negative Economics Related to Hunting and Shooting Impacts

Regarding the reduction of negative economic impacts related to the rule on business, I recommend ODPH review the research and objectives of the OSU Cascades Center for Outdoor Recreation:

<https://osucascades.edu/news/new-osu-center-outdoor-recreation-economy-will-support-788-billion-us-industry>

Dated (2016) but useful information found in OSU *Recreation Use Values Database* show most forms of outdoor recreation generate far greater economic "benefit" beyond hunting and shooting.

<https://recvaluation.forestry.oregonstate.edu/database>

Economic arguments supporting hunting and shooting in visitor-active parks are further challenged questions regarding negative economic impacts and externalities. One example pertains to whether the State of Oregon abets shooting incidents. Are there economically "cost free" law suits that involve shooting injuries in Oregon State agencies and state personnel? Other states, such as California, allow court torts and compensate involving injury-related shootings on state land.

Considering arguments of what constitutes culpability or "poor decision-making," wouldn't hunting and shooting conditions have negative economic impacts on "the rule of business?" Considering LaPine State Park as an economy-related example, what metrics do ODPH consider when comparing the positive and negative demographics of general recreation users vs hunting and shooters? How will the increasing numbers recreation users play into future per capita funding of state park budgets, related to visitor access and park services in general? Do local economic entities such as Sunriver and Bend and increased housing, add (or subtract) recreation economic contributions?

Summary of Fundamental Rulemaking Points

My fundamental rulemaking points are fourfold.

First, hunting and shooting in state parks and adjacent, non-state properties, have not and cannot be demonstrably shown to be safe in ballistically compromised areas.

Second, since the 1990s, nineteen public land hunting and shooting areas in Deschutes and Jackson Counties were closed in response to changing demographic, housing, political conditions and WUI conflicts related to the dynamic changes occurring in rural and expanding residential areas.

Third, the negative economic influence of hunting and shooting in *unsafe* State Parks is tightly woven into the conditions that engulf much of the State of Oregon, demographics and a growing, asymmetrical recreation-use demand.

Fourth, current local hunting/shooting safety issues and restrictions are being derailed by the USFS that chose to ignore the closure of unsafe hunting and shooting areas based on questionable, legal interpretations of the Dingell Act. This is now being tested by other rare agencies. That noted, the State of Oregon has the authority and legal obligation to close, restrict, or open shooting and hunting safety on state property.

Thank you for considering and replying to my comments and suggestions.

Keith Hadley