

Hunting closure aimed at conserving, protecting deer population

Low counts cause concern among many

by Donna Behrend

Deer hunting on the Warm Springs Reservation has long been enjoyed year around by tribal members. However, this year-round hunting has had adverse effects, and according to natural resources personnel, the hunting has depleted the existing herds to the current diminished size they are. The diminishing resource has caused alarm among reservation environmentalists, hunters, elders, councilmen and community members—so much alarm, that in early January, Tribal Council passed resolution #6587 which prohibits hunting, except by special ceremonial permit, on the reservation for the next six months. At the end of this six month period, natural resources and the fish and wildlife committee will recommend to Tribal Council hunting regulations for the duration of 1984.

The resolution targets primarily deer hunting because elk season is open only in November. Tribal fish and wildlife biologist Terry Luther pointed out that in 1978, 261 deer tags were issued. In 1983, 1,597 deer tags were issued. And according to the reservation Comprehensive Plan, reservation hunting demand will double in the next 10 years. "Right now, we're seeing a vast increase in the number of people hunting on the reservation," said Luther. "With this drastic increase and the knowledge of the number of hunters doubling in the next 10 years, specific recommendations were needed."

Protection and conservation are vital. "If there is going to be a reasonable deer population out there for the current and future demands of tribal members, we have

to build up that resource from its current level." There are several ways in which to accomplish that, says Luther. One is to manage hunting, the other is to provide adequate habitat. "These are both very important," and work hand-in-hand, says Luther.

"Habitat is long-range type planning. . . keeping the habitat in good shape allows you to increase the deer population on a long-term basis," Luther explained. There are some very critical and specialized habitats on the reservation. "Examples of these are riparian zones (areas in close proximity to waterways), fawning and calving areas, hiding and thermal cover. All of these areas allow for good, long-term population potential." In addition, "special arrangement of thermal cover, hiding cover and forage on winter range is very important."

"During the winter months, animals become concentrated on the winter range, which is a much smaller over-all area than the range they inhabit the rest of year. It becomes much easier to harvest and disturb the animals," stated Luther.

By managing hunting, hunters do not shoot female animals when they are carrying young. If populations are to increase one can increase or decrease populations through restrictions, i.e. season length, bag limit, sex limitations. "Essentially, every female deer shot between November, when they are bred, and August, when the young are weaned, results in the loss of two to three animals. This is where your future population potential lies. Not only is winter hunting damaging due to harvesting of females, but the presence of people hunting results in the animals not utilizing the very

best habitat available for their survival. This often results in the abortion or adsorption of fawns due to lack of nutrition." It is also difficult to determine whether the animal is male or female during the winter months because bucks lose their antlers during the winter months.

"Animals go into each winter with a certain amount of reserve to carry them through the winter. But, as animals progress towards spring, continued severe weather takes its toll."

This year's record-breaking cold weather, combined with the ice conditions, made it very difficult, very early, for wildlife. "There are major problems all over the west this winter, intensive deer and elk feeding programs are currently going on in eastern Oregon and Utah," stated Luther. "Hopefully the weather will turn mild and continue that way into spring. It would sure help our situation out."

It was determined in two reservation surveys that there are approximately 2,000 deer on the reservation. In a helicopter survey conducted in 1980, personnel counted as many deer in 10 minutes of flying on lands adjacent to the reservation as they did in 10 hours of flying on reservation lands. "It's obvious there is a low population and that it is far below the carrying capacity of the reservation," says Luther. The carrying capacity of the reservation has been estimated to be 16,000 deer—"we could have three to four times the current population without having any competition problems," Luther stated.

"From the biological standpoint, commonly you replace one-third of the population annually through recruitment of young animals.

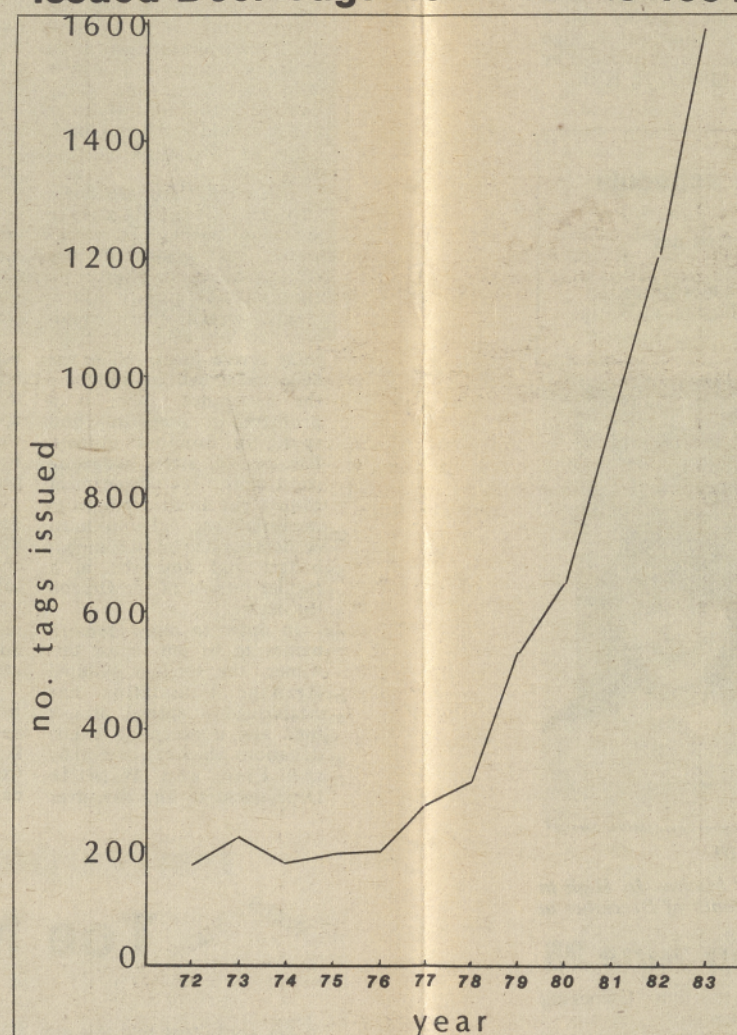
Typically that allows you to harvest about one-fourth of the population annually and at the same time maintain or increase a stable population." Furthermore, said Luther, "if the population is allowed to build, you can be harvesting on an annual basis, as many animals as there are on the reservation now."

Luther sees "high-tech recreation" as a way in which people become much more effective hunters. Four-wheel drive vehicles, snowmobiles and other recreation vehicles allow access to areas

previously inaccessible. These vehicles plus high-powered rifles and scopes "have allowed people to become more proficient hunters."

In conclusion, Luther stated that "people should look at this closure as a step to increasing a higher population of deer. If we get a good commitment from people in the not-too-distant future, the deer populations will increase, thus there will be more for everybody—this will benefit all tribal members in the long run."

Issued Deer Tags from 1972 to 1984



Game officers find patrol job difficult

A tribal game officer's life is a busy one. Not only is it his responsibility to patrol the entire reservation, but he must also patrol fishing at Sherar's Bridge and ceremonial fishing on the Columbia River. It's impossible, to say the least, to be everywhere at once.

The Tribe has in its employ three full-time game officers who cite people for hunting and fishing violations. Oliver Kirk, Chris Still and one police officer, who serves as a game officer on a rotating basis, are responsible for keeping tabs on tribally-controlled fishing and hunting. "There's not enough manpower to patrol the reservation as adequately as possible," says Kirk.

Among the three of them, 40 hunting/fishing violation citations were issued in 1983. Of those 40, one-fourth were big-game (deer or elk) related. However, few offenders

appeared in tribal court for sentencing. Three were found guilty of the charges brought against them, the remaining cases are still pending or were either dismissed, taken under advisement with no judgement or the defendant changed his plea.

Ordinance 50, which requires hunters to have deer tags, was adopted in 1972. In 1977, five years after the ordinance was adopted, hunters, says Kirk, were not aware of tag requirements. "Patrol of the reservation for natural resources was a lot of the legwork for today. We were, and still are, educating people as to what the law is."

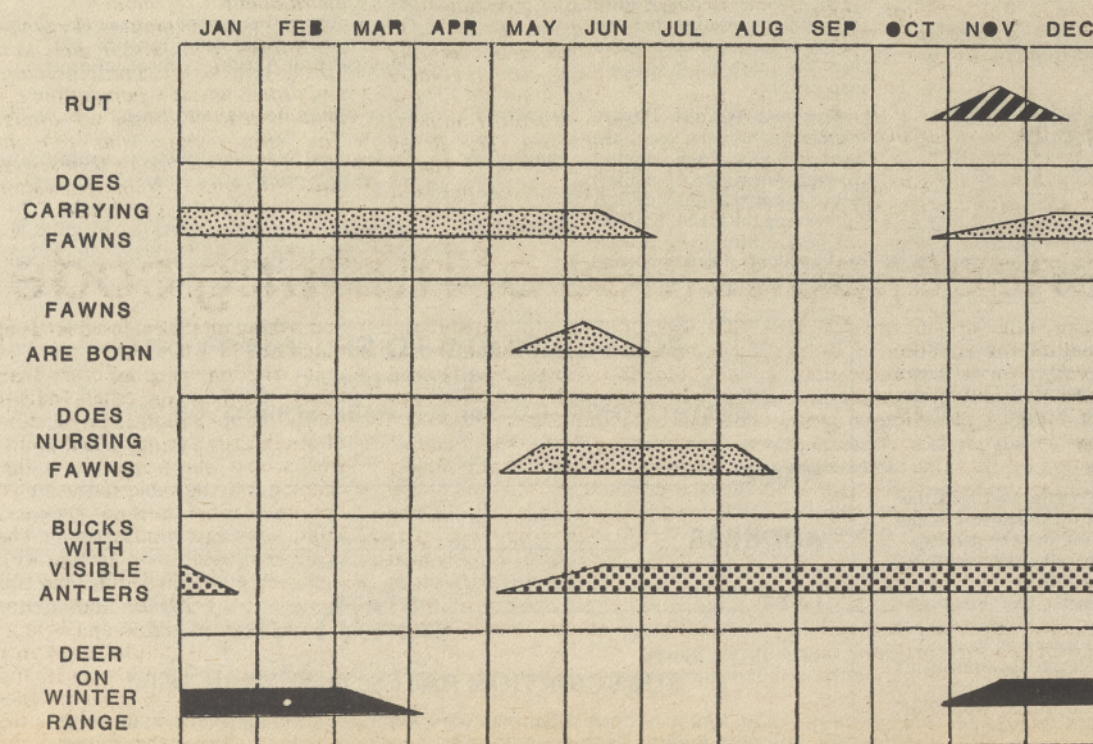
The recent reservation hunting closure should "step up the game officers' activities," says Kirk. "The only problem we'll have, I think, is the ceremonial hunts. They'll say they're hunting for a funeral. They'll get more hunters than they need out there without valid permits."

Permits are issued by natural resources but authorized only by Tribal Council, says Kirk. Thus far in 1984, business has been slow for the game officers. Kirk attributes that to poor road conditions, bad weather and people having other things to do.

When a game officer cites an offender, he then confiscates the animal, weapons and knives. The animal is skinned, quartered, bagged, labeled and transported to a locker in Redmond where it is held until the offender appears in court. Following the trial, the meat is distributed for ceremonies.

Kirk views the hunting closure as a positive step in the right direction. "We're out there trying to preserve and protect the deer population. It's about time the Tribe did something. The only people who can do anything are the people themselves. Any assistance from reservation people is greatly appreciated."

Annual Cycle



Chapter 350 identifies offenses, penalties of hunting code

The tribal Law and Order Code, chapter 350, Hunting and Trapping Code, deals clearly with the laws concerning hunting on and off the reservation and who may hunt on the reservation.

The prelude to the code states, "The Tribal Council, in order to protect and preserve the tribal property for the benefit of tribal members both in the present and future generations and in the exercise of its sovereign powers, finds it necessary to regulate and control all hunting on the Warm Springs reservation and the exercise of treaty reserved hunting rights by tribal members off the reservation." Part 200 of the Code states that

"the Treaty of June 25, 1855 reserved to the tribes exclusive hunting rights on the reservation and it shall be unlawful for any person (non-member) to hunt within the reservation in violation of the Code."

The Code identifies, among other things, types of permits issued by the Natural Resources department, big game, proper tagging procedures of big game, which kinds of weapons can be used to kill specific animals, that it is illegal to shoot an animal at night, that it is illegal to hunt on private land without first obtaining written permission, that it is illegal for any non-member to hunt within the boundaries of the reservation,

and many other specifications.

Penalties for violation of these laws vary. For a first conviction, those found guilty are subject to a fine of not more than \$150 or up to 20 days in jail, or both. A second conviction brings a fine of not more than \$250 or up to 60 days in jail, or both. A third conviction brings a fine of not more than \$500 or up to six months in jail, or both.

In addition, the Fish and Wildlife committee has the authority to issue a citation to any member to appear before the committee and show cause why he should not have his I.D. card suspended. If that member fails to appear before the committee for the show cause

hearing or fails to satisfy the committee why such action should not be taken, the member's I.D. card may be suspended for a period not to exceed six months.

Persons other than tribal members or other Indians subject to the criminal jurisdiction of the Warm Springs tribal court, shall be punishable pursuant to the provisions of 18 USC 1165, which states that the person is to be fined not more than \$250 or not more than 90 days in jail, or both, and that all game in his possession is forfeited. Also, those people are punishable pursuant to applicable Oregon state criminal trespass laws and/or laws prohibiting hunting

and fishing on the enclosed lands of others.

In addition, persons other than tribal members or other Indians subject to the criminal jurisdiction of the Warm Springs tribal court, who violate the provision of this chapter, may be subjected to a civil penalty in tribal court not to exceed \$500 for each infraction. The equipment used in connection with such infractions including, but not limited, to firearms and motor vehicles may be seized and held as security for such person's appearance before the court and may be subject to sale or other disposition by the Tribe in case the person fails to pay the amount of the penalty imposed by the court.