



OHA enters legal challenge of Measure 114

Judge places hold on gun control provisions

By Amy Patrick, OHA Policy Director
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The litigation landscape for Measure 114 is continually shifting with five different suits brought against the gun control measure.

The first to file was Oregon Firearms Federation (OFF), who put forth their lawsuit on Nov. 20 along with the Sherman County Sheriff and the owners of Coat of Arms Firearms. The initial court date was set for Dec. 2, but the judge did not rule on the requested injunction until Dec. 6. At that time, the federal judge ruled a 30-day hold on the permit-to-purchase requirement, but allowed the other components of the measure, namely the magazine ban, to take effect on the proposed effective date of Dec. 8.

A mere 3 hours later, a judge in Harney County granted a temporary restraining order against all provisions of Measure 114 in a ruling on a lawsuit brought by Gun Owners of America. This order put a hold on the entirety of Measure 114 until a Dec. 13 hearing to further

review the suit's request for a preliminary injunction. On Dec. 7, lawyers for the state requested the Oregon Supreme Court throw out the Harney County ruling and allow the measure to take effect. Surprisingly, the Oregon Supreme Court declined to intervene in the matter.

In the hearing on Dec. 13, the Harney County judge ruled to maintain the temporary restraining order on 114's permit-to-purchase system, noting that it would remain in place until the state notifies him that it is prepared to begin the new system, at which time he will schedule a preliminary injunction hearing to determine a ruling. He later issued a preliminary injunction against the "large capacity" magazine ban portion of the measure. This injunction will be in place until a full hearing can be held on the matter.

The different rulings on different aspects of the measure are due to a severability clause in the measure that means if one part of the measure is deemed unconstitutional, it does not throw the whole thing out. Each portion must be weighed separately and may receive different legal outcomes.

The next hearing for the Gun Owners of America lawsuit was scheduled for Dec. 23 to focus on the "loophole" in

which a gun dealer can legally transfer a firearm if the purchaser has been waiting longer than three days for a background check to be completed.

As several other lawsuits wait for their hearing dates to be scheduled, Measure 114's current status remains on hold. With the temporary restraining order on the permit-to-purchase portion and the preliminary injunction granted regarding "large capacity" magazines, the measure's provisions remain stalled.

Pending lawsuits include a suit brought by the National Shooting Sports Federation and Oregon State Shooting Association, for which OHA and several other sportsmen's organizations will be providing amicus briefs, and two additional lawsuits brought by Firearms Coalition Policy, one with Sportsman's Warehouse and another with Grayguns, Inc. and G4 Archery.

While the fight against Measure 114 may be evolving daily due to the litigation efforts, OHA is working continuously on both the litigation and legislation fronts to block overreaching gun control measures and promote firearm safety and responsible firearm ownership.

OHA will file an amicus brief to join with our partners and express the concerns of the sporting community.



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TBD	Emerald Valley	
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Feb. 25	Columbia Co.	949-553-7271
Feb. 25	Hoodview	503-314-3090
Feb. 25	Redmond	541-419-7215
Mar. 4	Pioneer	503-710-1233
Mar. 11	Union-Wallowa*	541-786-1283
Mar. 11	Bend	541-480-9848
Mar. 18	Josephine Co.	541-821-1511
Mar. 18	Yamhill County	503-490-2489
Mar. 18	Clatsop County	503-440-9934
Mar. 25	Tualatin Valley	503-502-0611
Apr. 1	Baker	541-403-0402
Apr. 1	Tioga	541-267-2577
Apr. 8	Umpqua	541-580-5660
Apr. 15	Mid-Willamette	541-971-3351
Apr. 22	Capitol **	503-851-8409
Apr. 29	Blue Mountain	541-231-4384
Apr. 29	Klamath	541-884-5773
May 6	Tillamook	503-801-3779
May 6	OHA State Convention,*** Chinook Winds Casino,	541-772-7313
June 3	Rogue Valley	541-773-8736

- * OREGON MOUNTAIN GOAT TAG AUCTION
- ** A&H STATEWIDE DEER TAG AUCTION
- *** A&H STATEWIDE ELK TAG AUCTION

Commission denies petition to ban coyote contests



By Tyler Dungannon, OHA Conservation Coordinator
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Fifteen protectionist organizations submitted a petition to ODFW requesting a ban on coyote contests in Oregon. The Commission denied this petition but directed ODFW staff to “work within its legal authority to stop coyote killing contests.” However, ODFW does not have a lot of room to work with regarding any effort to stop coyote contests.

Coyotes are classified as predatory animals when they are or may be destructive to agricultural crops, products and activities. By statute, the Commission cannot make rules pertaining to the take of predatory animals (i.e., time, place or amount taken), so it is no wonder why this initiative from protectionist groups has been denied three times by the legislature and now by the Commission.

OHA legislative committee chairman Paul Donheffner provided comments at the December Commission meeting supporting coyote contests. Sen. Lynn Findley (R-Vale) and Rep. Mark Owens (R-Crane) also submitted testimony asking the Commission to deny the petition.

Commission adopts agreement with Cow Creek Tribe



OHA is closely watching new agreements between tribes and ODFW. OHA is engaged in conversations with the Cow Creek Band of Umpqua Tribe of Indians and ODFW to address valid concerns of Oregon hunters regarding a new agreement between the tribe and ODFW.

OHA is interested in potential impacts of this agreement on ungulate populations and ODFW management objectives in southwest Oregon, but those won't be known until the tribe's first-year harvest figures are published. If OHA believes that the impact is substantial, we will engage with the tribe, ODFW,

and other entities to share those concerns.

In the long-term, our best approach is to develop and foster a relationship with the tribe. The tribe possesses substantial influence at both the state and federal level and now stands on equal footing with ODFW in making management decisions in their service area. OHA has been advised that the tribe shares a similar mindset of increasing deer and elk populations to sustain harvest, and that benefits all hunters.

Tribes are powerful entities that are capable of influencing land management decisions. Without this influence, federal land managers will continue to manage for late seral forests, which indirectly limit deer and elk populations due to reduced forage. In the policy world, tribal alignment benefits sportsmen in that the tribe does not align with anti-hunting groups. In many cases, the goals of the tribes, such as hunting and predator management programs, are directly oppositional to protectionist agendas.

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