

9. HUNTING EQUIPMENT RESTRICTIONS – RULE BRIEFING AND PUBLIC HEARING

TABLE OF CONTENTS

	<u>Page</u>
Decision Page.....	<i>i</i>
WAC 232-12-045 Hunting equipment restrictions	1
Summary of Written Public Input.....	2
CR 102	3

“GREEN SHEET”

Meeting: March 7-8, 2008

Agenda Item 9: Amend WAC 232-12-045 Hunting equipment restrictions – **Rule Briefing and Public Hearing**

Prepared By: Dave Ware

Presented By: Dave Ware, Game Division Manager, Wildlife Program

Background:

The use of radio-telemetry equipment to locate wildlife while hunting is becoming a greater concern. It is a common wildlife research technique to equip wildlife with radio transmitters for collecting location information. This equipment is becoming more widely available to the public for a greater variety of purposes. This rule modification would make the use of radio-telemetry equipment for hunting transmitter-equipped wildlife illegal.

Policy Issue(s) you are bringing to the Commission for consideration:

Restricting the use of radio-telemetry equipment for hunting.

Public involvement process used and what you learned:

These proposed recommendations were mailed to approximately 450 organizations and individuals in January for their review and consideration. These organizations and individuals were also informed of the opportunity to provide public testimony at the March 7-8, 2008 Commission meeting in Olympia.

Action requested (identify the specific Commission decisions you are seeking):

Take public comment. Adoption is planned for the April 11-12, 2008 Commission meeting.

Draft motion language:

N/A

Justification for Commission action:

N/A

AMENDATORY SECTION (Amending Order 03-129, filed 6/12/03, effective 7/13/03)

WAC 232-12-045 Hunting equipment restrictions. (1) It is unlawful to hunt deer or elk with the aid of infrared night vision equipment or with laser sights (not to include range finders) capable of projecting a beam onto the target, while in possession or control of a firearm, bow and arrow, or crossbow.

(2) It is unlawful to use radio-telemetry equipment to locate and hunt wildlife that have radio transmitters attached to them. Possession of radio-telemetry receivers while hunting deer, elk, bear, moose, mountain goat, and bighorn sheep is unlawful.

[Statutory Authority: RCW 77.12.047. 03-13-047 (Order 03-129), § 232-12-045, filed 6/12/03, effective 7/13/03.]

SUMMARY OF WRITTEN PUBLIC INPUT

WAC 232-12-045 Hunting equipment restrictions

COMMENTS	AGENCY RESPONSE
Support the proposal to restrict the use of telemetry equipment for hunting big game animals that have radio collars.	Thank you for your support.



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Fish and Wildlife

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 07-24-061 ; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____ ; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject)

WAC 232-12-004 Classification of wild birds
 WAC 232-12-045 Hunting equipment restrictions
 WAC 232-28-273 2006-2008 Moose, bighorn sheep, and mountain goat seasons and permit quotas
 WAC 232-28-295 Landowner hunting permits
 WAC 232-28-337 Deer and elk area descriptions
 WAC 232-28-342 2006-07, 2007-08, 2008-09 Small game seasons
 WAC 232-28-351 2006-2008 Deer general seasons and definitions
 WAC 232-28-352 2006-2008 Elk general seasons and definitions

Hearing location(s):
 Natural Resources Building, Room 172
 1111 Washington Street Southeast
 Olympia, WA 98504
 (360) 902-2515

Date: March 7-8, 2008 Time: 8:00 am

Submit written comments to:
 Name: Wildlife Program Commission Meeting Public Comments
 Address: 600 Capitol Way North, Olympia WA 98501-1091
 e-mail Wildthing@dfw.wa.gov
 fax (360) 902-2162

By: Friday, February 15, 2008

Assistance for persons with disabilities:

Contact: Susan Yeager by March 5, 2008

TTY (800) 833-6388 or (360) 902-2267

Date of intended adoption: April 11-12, 2008
 (Note: This is **NOT** the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
 See Attachment A

Reasons supporting proposal:
 See Attachment A

Statutory authority for adoption: 77.12.047, 77.12.020, 77.12.570, 77.12.210

Statute being implemented: 77.12.047, 77.12.020, 77.12.570, 77.12.210

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

DATE
 January 23, 2008

NAME
 Lori Preuss

SIGNATURE

TITLE
 Rules Coordinator

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED**

**DATE: January 23, 2008
 TIME: 9:30 AM**

WSR 08-03-141

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None

Name of proponent: (person or organization)

Washington Fish and Wildlife Commission

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Dave Brittell	Natural Resources Building, Olympia	(306) 902-2504
Implementation.... Dave Brittell	Natural Resources Building, Olympia	(360) 902-2504
Enforcement..... Bruce Bjork	Natural Resources Building, Olympia	(360) 902-2373

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

These rules regulate recreational hunters and do not directly regulate small business.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: Not hydraulics rules.

ATTACHMENT A

WAC 232-12-004 Classification of wild birds

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The amendment adds Eurasian collared dove to the list of predatory birds in Washington.

Reasons supporting proposal:

The Eurasian collared dove is a non-native species that has recently expanded its range into Washington. The effects of this species are not known, but there is some evidence that it may compete with our native mourning doves. The proposed amendment would classify the species as a predatory bird, which would allow it to be taken year-round with a hunting license as provided under WAC 232-12-005.

WAC 232-12-045 Hunting equipment restrictions

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

This proposal will restrict the use of telemetry equipment for hunting deer, elk, bear, moose, mountain goat, and bighorn sheep that have radio transmitters attached to them.

Reasons supporting proposal:

It is too easy for hunters to find and harvest wildlife with transmitters attached to them and hunting in this manner may bias the results of research projects.

WAC 232-28-273 2006-2008 Moose, bighorn sheep, and mountain goat seasons and permit quotas

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

Rule amends 2008 seasons and permit quotas for moose, bighorn sheep, and mountain goats. The purpose of the rule is to maximize recreational hunting opportunities for these species while meeting the population and recreational objectives for each herd as indicated in the Game Management Plan. The rule changes include minor statewide permit level changes for moose (+14 permits) and bighorn sheep (+2 permits), as well as hunt boundary changes for mountain goat. The anticipated effect is stable to increase populations of these hunting species.

Reasons supporting proposal:

Recommended adjustments in permit quotas are based on meeting population objectives for each species as indicated in the Game Management Plan.

WAC 232-28-295 Landowner hunting permits

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The proposal identifies permit levels and season dates for Landowner Hunting Permit (LHP) program participants for the 2008 hunting seasons. There are calendar date modifications for some permits, but no changes in permit levels are being proposed. If adopted, the proposal will allocate 70 deer permits and 186 elk permits among 5 LHP cooperators. Sixty percent of the permits will be for antlerless animals while 24% will be for antlered animals and 16% for any elk.

Reasons supporting proposal:

The proposed permits are consistent with the Commission's private lands hunter access program policy (C-6002). The permits will result in general public hunter access on private property and will help mitigate deer and elk foraging on private agricultural lands.

WAC 232-28-337 Deer and elk area descriptions

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The proposed change removes elk feeding areas from GMU 368.

Reasons supporting proposal:

This proposal allows the continuation of December hunting seasons without impacting feeding activities or creating unethical hunting situations.

WAC 232-28-342 2006-07, 2007-08, 2008-09 Small game seasons

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

Since 2003, the Department has proposed liberalized fall, either sex turkey hunting seasons in northeastern and southeastern Washington, to provide expanded hunting opportunity and to address undesired turkey population increases. This proposal would change fall turkey hunting opportunities by increasing fall turkey permit levels in some southeastern Washington Game Management Units (GMUs), while moving some northeastern GMUs from "early fall permit only" to "early fall general season" designations.

The amendment also extends the mourning dove season from 15 to 30 days in September, modifies the mourning dove falconry season to be consistent with federal rules, and makes the September goose season in Grays Harbor consistent with the remainder of Goose Management Area 3.

Reasons supporting proposal:

The proposed changes provide: 1) greater turkey population control in areas experiencing unwanted population growth or, 2) increased turkey hunter opportunity in areas where expanding populations can support increased fall harvest.

The 2003-09 WDFW Game Management Plan prescribes a restrictive dove season until a significant increase is observed in the 10-year Washington breeding population index. In 2007, a significant increase was observed in this index, and the department is recommending an increase in the 2008 dove season length from 15 to 30 days, with season dates September 1-30. Grays Harbor County was included in Goose Management Area 3 in 2006, and the 2008 September goose season in Grays Harbor County is proposed for change to be consistent with season dates in the remainder of Goose Management Area 3.

WAC 232-28-351 2006-2008 Deer general seasons and definitions

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

This rule amends the 2008 seasons for deer. The rule clarifies the antler restriction in GMU 554; focuses late season opportunity in a portion of GMU 162; and retains a late deer season in the main part of GMU 368.

Reasons supporting proposal:

Recommended adjustments clarify restrictions, and helps focus harvest where desired. The change from GMU 368 to Deer Area 3682 helps retain the late hunt without impacting elk feeding operations.

WAC 232-28-352 2006-2008 Elk general seasons and definitions

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

This rule amends the 2008 seasons for elk. The rule modifies the season dates for the Elk Area 3911 damage hunt to provide better incentives for harvesting elk early in the season. Hunts that end in January are amended to end on January 20th to allow time for hunters to report prior to the January 31 reporting deadline. This proposal also establishes a hunt in Elk Area 3681, which avoids conflict with elk feeding stations and ethical issues while retaining the late elk season in the main part of GMU 368.

Reasons supporting proposal:

Recommended adjustments clarify restrictions, and helps focus harvest where desired. The change from GMU 368 to Elk Area 3681 helps retain the late hunt without impacting elk feeding operations.