

8. LANDOWNER HUNTING PERMITS – RULE ACTION

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"GREEN SHEET"

Meeting: April 11-12, 2008
Agenda Item 8: Amend WAC 232-28-295 Landowner hunting permits – **Rule Action**
Prepared By: Mick Cope
Presented By: Dave Ware, Game Division Manager, Wildlife Program

Background:

The Landowner Hunting Permit (LHP) program is designed to increase hunter access to private lands and to help some landowners address long-standing elk damage issues. In 2007, 70 deer and 186 elk permits were allocated to 5 LHP contractors with 125 (49%) of them being "general public" permits (i.e., those that allowed hunting without a landowner access fee) and 131 (51%) "landowner" permits (i.e., those that allowed landowners to charge an access fee to utilize the permit). Hunting opportunity was split between antlerless (60%), antlered (24%), and any elk (16%). Hunting took place on LHP lands between August 1, 2007 and March 31, 2008. This amendment identifies hunting season dates and permit levels for 2008 on existing LHP lands.

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

Provide landowner-hunting permits that address damage concerns and provide public hunting access to private lands.

Public involvement process used and what you learned:

Preliminary 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. Changes were made between filing and the March Commission meeting. Public testimony was taken at the March 7-8, 2008 Commission meeting.

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

Amend WAC 232-28-285 Landowner hunting permits, as presented.

Draft motion language:

I move to amend WAC 232-28-295 as proposed.

Justification for Commission action:

Adopt permit levels and seasons that help address elk damage problems and provide hunter access to private lands.

AMENDATORY SECTION (Amending Order 07-166, filed 8/9/07, effective 9/9/07)

WAC 232-28-295 Landowner hunting permits. A landowner may enter into a contract with the department and establish boundaries and other requirements for hunter access consistent with commission policy.

Hunters must possess both an access permit from the landowner and a hunting permit from the department when hunting on lands and for species covered under contract.

(1) Buckrun

Buckrun is located in Grant County, near the town of Wilson Creek. A legal description of the property has been filed with the county and is in the contract between Buckrun and the department.

Hunting on Buckrun is managed for a quality experience by scheduling hunt dates and keeping the number of hunters in the field low. Hunters with limited flexibility for hunt dates may experience scheduling problems. Hunters can generally expect one day hunts with written authorization from the Buckrun manager. All hunters must check in and out on hunt day. Schedule hunts in advance by calling 509-345-2577.

Deer

((2007)) 2008 Buckrun Landowner Hunting Permits

The manager of Buckrun will distribute these hunting permits. An access fee may be charged in order to utilize these permits. No access fee will be charged for the raffle permit winners. Only hunters possessing a modern firearm deer tag are eligible for permits on Buckrun properties. Contact the manager at 509-345-2577 for additional information.

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Buckrun	10	Sept. 1 - Dec. 31	Antlerless Mule Deer or any Whitetail Deer	Buckrun
Buckrun	30	Sept. 1 - Dec. 31	Any deer	Buckrun
Buckrun Raffle	10	Sept. 1 - Dec. 31	Any deer	Buckrun

Deer

((2007)) 2008 Buckrun Special Hunting Permits

Hunters apply to Washington department of fish and wildlife for these permits. Only hunters possessing a modern firearm deer tag are eligible for Buckrun special permits. All hunters must check in and out on hunt day. Schedule hunts in advance by calling 509-345-2577.

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Buckrun	10	Sept. 1 - Dec. 31	Antlerless Mule Deer or any Whitetail Deer	Buckrun

(2) 4-0 Cattle Company

The 4-0 Cattle Company is located in southwest Asotin County near the Washington/Oregon border. A legal description of the property is in the contract between the 4-0 Cattle Company and the department.

((2007)) 2008 4-O Cattle Company Landowner Hunting Permits

The manager of the 4-O Cattle Company will distribute these hunting permits. An access fee may be charged in order to utilize these permits.

Elk

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
4-O Cattle Company	((1)) <u>2</u>	Sept. ((15-24)) <u>22-25</u>	Any Bull	4-O Cattle Company
4-O Cattle Company	6	Oct. ((27)) <u>25-</u> ((Nov. 4)) <u>28</u>	Spike Bull Only	4-O Cattle Company
4-O Cattle Company - A	((5)) <u>12</u>	Oct. 1-((7)) <u>4</u>	Antlerless Only	4-O Cattle Company
4-O Cattle Company - B	((10)) <u>6</u>	((Oct. 31 - Nov. 6)) <u>Nov. 22-28</u>	Antlerless Only	4-O Cattle Company
4-O Cattle Company - C	((3)) <u>6</u>	((Nov. 23-30)) <u>Dec. 27 - Jan. 2</u>	Antlerless Only	4-O Cattle Company
4-O Cattle Company - D	5	Dec. 29 - Jan. 4	Antlerless Only	4-O Cattle Company))

Whitetail Deer

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
4-O Cattle Company	1	Nov. ((15-19)) <u>13-17</u>	((Any Whitetail-Buck)) <u>White-tailed Deer, 3 pt. min.</u>	4-O Cattle Company

Mule Deer

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
4-O Cattle Company	6	Oct. ((13-16)) <u>11-14</u>	((Any)) Mule Deer ((Buck)) <u>3 pt. min.</u>	4-O Cattle Company

((2007)) 2008 4-O Cattle Company Special Hunting Permits

Hunters apply to the Washington department of fish and wildlife for these permits.

Elk

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
4-O Any Bull Elk	1	Sept. 26-((Oct. 6)) <u>30</u>	Any Bull	4-O Cattle Company
4-O Spike Bull Elk	2	Oct. ((27)) <u>29 -</u> Nov. ((4)) <u>2</u>	Spike Bull Only	4-O Cattle Company
4-O Antlerless Elk A	((15)) <u>6</u>	Oct. ((1-7)) <u>5-9</u>	Antlerless Only	4-O Cattle Company
4-O Antlerless Elk B	((10)) <u>5</u>	((Oct. 31 -))Nov. <u>((6)) 29 - Dec. 5</u>	Antlerless Only	4-O Cattle Company

4-O Antlerless Elk C	((7)) 3	((Nov. 23-30)) Dec. 6-12	Antlerless Only	4-O Cattle Company
4-O Antlerless Elk D	((5)) 3	Dec. ((1-7)) 13-19	Antlerless Only	4-O Cattle Company
4-O Antlerless Elk E	((5)) 3	Dec. ((8-14)) 20-26	Antlerless Only	4-O Cattle Company
4-O Antlerless Elk F	((5)) 3	((Dec. 15-24)) Jan. 3-9	Antlerless Only	4-O Cattle Company
4-O Antlerless Elk G	5	((Dec. 22-28)) Jan. 10-16	Antlerless Only	4-O Cattle Company
4-O Antlerless Elk H	3	((Dec. 29--)) Jan. ((4)) 17-23	Antlerless Only	4-O Cattle Company
4-O Antlerless Elk I	5	Jan. ((12-18)) 24-31	Antlerless Only	4-O Cattle Company
((4-O Antlerless Elk J	5	Jan. 26-31	Antlerless Only	4-O Cattle Company))

Whitetail Deer

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
4-O White-tailed Buck	1	Nov. ((20-25)) 18-23	((Any)) White-tailed Deer ((Buck)) 3 pt. min.	4-O Cattle Company

Mule Deer

Hunt Name	Permit Number	Access Season	Special Restrictions	Boundary Description
4-O Mule Deer Buck	2	Oct. ((17-21)) 15-19	((Any)) Mule Deer ((Buck)) 3 pt. min.	4-O Cattle Company

(3) Silver Dollar Association

The Silver Dollar Association is located in Yakima and Benton counties, on the western edge of the Hanford Reservation. A legal description of the property is in the contract between the Silver Dollar Association and the department.

((2007)) 2008 Silver Dollar Association Landowner Hunting Permits

The manager of the Silver Dollar Association will distribute these hunting permits. An access fee may be charged in order to utilize these permits.

Elk

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Silver Dollar	24	Aug. 1 - March 31	Any Elk	Silver Dollar
Silver Dollar	((15)) 8	Aug. 1 - March 31	Antlerless	Silver Dollar

((2007)) 2008 Silver Dollar Special Hunting Permits

Hunters apply to the Washington department of fish and wildlife for these permits.

Elk

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Silver Dollar	((6)) 8	Aug. 1 - March 31	Youth Only, Any Elk	Silver Dollar
Silver Dollar Antlerless Elk	((12)) 6	Aug. 1 - March 31	Youth Only, Antlerless Elk Only	Silver Dollar
((Silver Dollar Any Elk	2	Aug. 1 - March 31	Persons of Disability Only, Any Elk	Silver Dollar))
Silver Dollar Antlerless Elk	((3)) 2	Aug. 1 - March 31	Persons of Disability Only, Antlerless Elk Only	Silver Dollar

(4) Blackrock Ranches

Blackrock Ranches is located in Yakima County, west of the Hanford Reservation. A legal description of the property is in the contract between Blackrock Ranches and the department.

((2007)) 2008 Blackrock Ranches Landowner Hunting Permits

The manager of Blackrock Ranches will distribute these hunting permits. An access fee may be charged in order to utilize these permits.

Elk

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Blackrock Ranches	6	Aug. 1 - March 31	Any Elk	Blackrock Ranches
Blackrock Ranches	((8)) 6	Aug. 1 - March 31	Antlerless	Blackrock Ranches

((2007)) 2008 Blackrock Ranches Special Hunting Permits

Hunters apply to the Washington department of fish and wildlife for these permits.

Elk

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Blackrock Ranches	1	Aug. 1 - March 31	Any Elk	Blackrock Ranches
Blackrock Ranches	((4)) 3	Aug. 1 - March 31	Antlerless Only	Blackrock Ranches
Blackrock Ranches	1	Aug. 1 - March 31	Youth Only, Any Elk	Blackrock Ranches
Blackrock Ranches	((4)) 3	Aug. 1 - March 31	Youth Only, Antlerless Only	Blackrock Ranches

(5) **Teanaway Ranch**

The Teanaway Ranch is located in Kittitas County, 7 miles west of Cle Elum. A legal description of the property is in the contract between the Teanaway Ranch and the department.

((2007)) 2008 Teanaway ((Raneh)) Landowner Hunting Permits

The manager of the Teanaway Ranch will distribute this hunting permit. An access fee may be charged in order to utilize this permit.

Elk

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Teanaway Ranch	1	((Aug. 1 - March 31)) <u>Nov. 29 - Jan. 31</u>	Any Bull	Teanaway Ranch

((2007)) 2008 Teanaway ((Raneh)) Special Hunting Permits

Hunters apply to the Washington department of fish and wildlife for this permit.

ELK

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Teanaway Ranch	1	((Aug. 1 - March)) <u>Nov. 29 - Jan. 31</u>	Any Bull	Teanaway Ranch

[Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210. 07-17-049 (Order 07-166), § 232-28-295, filed 8/9/07, effective 9/9/07; 07-11-017 (Order 07-62), § 232-28-295, filed 5/3/07, effective 6/3/07. Statutory Authority: RCW 77.12.047. 07-01-049 (Order 06-300), § 232-28-295, filed 12/14/06, effective 1/14/07; 06-11-032 (Order 06-92), § 232-28-295, filed 5/8/06, effective 6/8/06. Statutory Authority: RCW 77.12.047, 77.12.020. 06-04-066 (Order 06-09), § 232-28-295, filed 1/30/06, effective 3/2/06.]

WAC 232-28-295 Landowner hunting permits

SUPPLEMENTAL RECOMMENDED ADJUSTMENTS

The following adjustments are proposed since the Code Reviser (CR 102) filing and are already included in your notebooks.

Pages 3 and 4

- Under 2008 4-O Cattle Company Landowner Hunting Permits:
 - Adjusted season dates for all permits to ensure good hunter distribution.
 - Added one “Any Bull” tag, for a total of two. This will help mitigate the elk damage to crops as well as help the landowner cover the cost of administering public hunts on the ranch.
 - Redistributed antlerless permits in A, B, and C hunts and eliminated hunt D to reduce impacts on late season elk that migrate onto the property from surrounding GMUs while still providing elk harassment.
- Under 2008 4-O Cattle Company Special Hunting Permits:
 - Adjusted season dates for all permits to ensure good hunter distribution.
 - Reduced antlerless permits in hunts A – F and eliminated hunt J (total reduction from 65 to 32) to reduce impacts on late season elk that migrate onto the property from surrounding GMUs while still providing elk harassment.

Pages 4 and 5

- Under 2008 Silver Dollar Association Landowner Hunting Permits:
 - Reduced antlerless quota from 15 to 8 per negotiated agreement with the cooperator.
- Under 2008 Silver Dollar Special Hunting Permits:
 - Changed “any elk” permits from youth and persons with disabilities to just youth hunters. This was done through negotiations with the cooperator to address their desire to provide hunting opportunity for youth. The total number of “any elk” permits did not change.
 - Decreased total “antlerless” permits from 15 to 8 per negotiated agreement with the cooperator.

Pages 5 and 6

- Under 2008 Blackrock Ranches Landowner Hunting Permits:
 - Reduced antlerless quota from 8 to 6 per negotiated agreement with the cooperator.
- Under 2008 Blackrock Special Hunting Permits:
 - Decreased total “antlerless” permits from 8 to 6 per negotiated agreement with the cooperator.

SUMMARY OF WRITTEN PUBLIC INPUT

WAC 232-28-295 Landowner hunting permits

COMMENTS	AGENCY RESPONSE
Support the Teanaway Ranch LHP. This is another tool to resolve wildlife damage to private land without costing the Department any money.	Thank you for your support.

SUMMARY OF ORAL PUBLIC INPUT

Taken at the March 7-8, 2008 Commission Meeting

WAC 232-28-295 Landowner hunting permits

COMMENTS	AGENCY RESPONSE
There are better ways to control herd size rather than using the Landowner Hunting Permit program.	Commission policy C6002 directs the agency to use the LHP program as a way to increase public access to private lands and address crop damage issues. The agency uses the LHP program and a variety of other methods (e.g., Landowner Preference Permits and general hunting seasons) to address elk damage and herd size.



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

- Preproposal Statement of Inquiry was filed as WSR 07-24-061 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _____ ; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR _____
- 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

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

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

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? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

CODE REVISER USE ONLY

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 STATE OF WASHINGTON
 FILED

DATE: January 23, 2008

TIME: 9:30 AM

WSR 08-03-141

DATE
January 23, 2008

NAME
Lori Preuss

SIGNATURE

TITLE
Rules Coordinator

(COMPLETE REVERSE SIDE)

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.