11. TRAPPING SEASONS AND REGULATIONS – RULE BRIEFING AND PUBLIC HEARING

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"GREEN SHEET"

Meeting: March 6-7, 2009

Agenda Item 11: Trapping Seasons and Regulations – **Rule Briefing and Public Hearing**

Prepared By: Donny Martorello, Ph.D.

Presented By: Donny Martorello, Ph.D., Carnivore, Furbearer, and Special Species Section Manager, Wildlife Program

Background:

Department staff will brief the Commission on proposed amendments to WAC 232-28-516 Trapping seasons and regulations and repeal WAC 232-28-515 Trapping seasons and regulations.

Following the ban on body-gripping traps (Voter Initiative 713), the number of animals harvested during trapping seasons declined by at least 75%. As such, many of the old regulations designed to limit harvest are no longer necessary. The Department is recommending removing all regulations (e.g., area restrictions) that are no longer warranted given current trapping practices and harvest levels. The Department is also recommending a standard trapping season for all furbearers from November 1 to March 31 and an increased annual bag limit for river otter from 6 to 12 in eastern Washington.

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

Liberalizing trapping restrictions and bag limits consistent with reduced harvest brought about by voter initiative.

Public involvement process used and what you learned:

The Department conducted an extensive public involvement process to develop these three-year hunting season cycle recommendations. In June 2008, the Department received nearly 4,000 responses to a scoping survey that was developed to determine the major issues that were important to the public. After the initial scoping phase, the issues were refined and preferred alternatives to address those issues were developed. The alternatives were discussed at more than ten public meetings held throughout the state in August and September. Nearly 5,000 people commented on the Alternatives, which were presented at the public meetings and available online for approximately seven weeks. In early January, an email was sent to over 50,000 hunters announcing that the proposed recommendations were online and would be available for comment until February 20. A postcard was mailed to approximately 800 organizations and individuals informing them of the opportunity to provide comments on the proposed regulations.

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

Take public comment. Adoption is planned for the April 2-3-4, 2009 Commission meeting in Olympia.

Draft motion language:

N/A

Justification for Commission action:

N/A

Communications plan:

- News Release
- Hunting Pamphlets
- Direct email to approximately 55,000 hunters

NEW SECTION

WAC 232-28-516 Trapping seasons and regulations. (1) Statewide trapping seasons:

SPECIES	SEASON DATES
Badger, Beaver, Bobcat, Marten, Mink, Muskrat, Raccoon, Red Fox, River Otter[a], and Weasel	Nov. 1 - Mar. 31 during the current license year

[a]River otter trapping season is closed in all Eastern Washington counties, except in Chelan, Ferry, Klickitat, Kittitas, Okanogan, Pend Oreille, Spokane, Stevens, and Yakima counties, as well as in the Snake and Walla Walla River drainages. The season bag limit is 12 river otter in the portions of Eastern Washington that are open to trapping.

(2) Participation requirements:

(a) To be issued your first Washington state trapping license an individual must pass the Washington state trapper education exam.

(b) Licensed trappers must comply with reporting requirements in WAC 232-12-134.

[]

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-515	Trapping seasons and regulations.

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** 08-10-108 & 08-24-103 **; 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)
Hunting Rules – See Attachment A

Hearing location(s):
Ellensburg Quality Inn and Conference Center
1700 Canyon Road
Ellensburg, WA 98926
(509) 925-9800

Date: March 6-7, 2009 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 20, 2009

Assistance for persons with disabilities:
Contact: Susan Yeager by March 1, 2009
TTY (800) 833-6388 or (360) 902-2267

Date of intended adoption: April 2-3-4, 2009
(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; 77.12.015; 77.12.240; 77.12.040; 77.32.155

Statute being implemented: 77.12.047; 77.12.020; 77.12.570; 77.12.210; 77.12.015; 77.12.240; 77.12.040; 77.32.155

Is rule necessary because of a:

Federal Law?	☐ Yes	☒ No
Federal Court Decision?	☐ Yes	☒ No
State Court Decision?	☐ Yes	☒ No

If yes, CITATION:

DATE
January 21, 2009

NAME
Lori Preuss

SIGNATURE Lorena M Preuss

TITLE
Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 21, 2009
TIME: 11:44 AM

WSR 09-03-111

(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 232-12-047 Unlawful methods for hunting

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
Amendments to this rule help clarify the title of the WAC which deals with more than firearms. The proposal clarifies language related to using handguns for hunting and also removes a conflict with the muzzleloading equipment WAC that proposes to allow muzzleloading handguns for hunting. The proposal would also allow crossbows to be used in firearm restriction areas as designated by the Fish and Wildlife Commission. Currently only hunters with disabilities that meet certain criteria are allowed to use crossbows.

Reasons supporting proposal:
To provide more flexibility in designing hunting seasons that address urban and suburban big game issues by allowing crossbows in some situations. The proposal also removes a conflict with a proposed change in the muzzleloading equipment WAC.

WAC 232-12-051 Muzzleloading firearms

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The purpose of the proposal is to clarify language related to lawful ignition systems for muzzleloading firearms. The proposal also no longer restricts projectiles to lead only. The proposal would allow muzzleloading handguns to be used for hunting big game and clarifies muzzleloading handgun use for small game. Also the proposal would allow modern handguns to be carried for personal protection during a muzzleloader season.

Reasons supporting proposal:
To help clarify what types of muzzleloader equipment is lawful for hunting; allow hunters more flexibility in the types of projectiles they are allowed to use; removes an unnecessary restriction related to using muzzleloading handguns for big game and clarifies other allowed uses for muzzleloading handguns; and allows muzzleloader hunters to carry handguns for personal safety as long as they are not in conflict with existing big game hunting season restrictions.

WAC 232-12-054 Archery requirements – Archery special use permits

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The purpose of the proposal is to allow modern handguns to be carried for personal protection during an archery season and allow the use of crossbows in firearm restriction areas as designated by the Fish and Wildlife Commission.

Reasons supporting proposal:
The proposal would provide more flexibility in designing hunting seasons that address urban and suburban big game issues by allowing crossbows in some situations. The proposal would also allow archery hunters to carry handguns for personal safety as long as they are not in conflict with existing big game hunting season restrictions.

WAC 232-12-055 Hunting – Hunter orange clothing requirements

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The proposed amendments help clarify which hunters are required to wear hunter orange clothing. The clarification is for hunting during modern firearm seasons and for modern firearm deer and elk permit holders.

Reasons supporting proposal:
In the past, it has not been very clear whether archery and muzzleloader deer and elk hunters were required to wear hunter orange clothing outside of general seasons for modern firearm hunters.

WAC 232-12-062 Party hunting

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
To develop a definition of party hunting and clarify that it is illegal to hunt for another person's big game animal or turkey.

Reasons supporting proposal:
To clarify that party hunting for big game and turkeys is illegal.

WAC 232-12-068 Nontoxic shot requirements

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The rule will provide additional nontoxic shot selections for waterfowl, coot, and snipe hunters.

Reasons supporting proposal:
To improve recreational opportunity and protect waterfowl resources.

WAC 232-12-227 Hunter education training program requirements

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The purpose behind the proposal is to minimize confusion and avoid possible mistakes by license vendors.

Currently subsection (4) authorizes an individual who has a Washington hunting license from a preceding year to show that license and purchase a subsequent hunting license even if the initial license was not issued in compliance with the hunter education training requirement. The proposal will allow individuals to purchase a Washington hunting license only if they have a hunter education certificate *or* are identified as previous Washington hunters in the current license data system.

Reasons supporting proposal:
The proposal ensures that only hunter education graduates or individuals currently identified as hunting-license buyers within the WDFW license data system are eligible to purchase.

WAC 232-12-828 Hunting of game birds and animals by persons with a disability

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The proposed amendment to this rule would authorize the Director to administer and issue special use permits to hunters with disabilities.

Reasons supporting proposal:
Accommodations that allow persons with disabilities to participate in Department programs are required by the Americans with Disabilities Act. Special use permits allow the Director to evaluate applications and provide accommodations where appropriate.

WAC 232-12-840 Hunting and fishing opportunities for terminally ill persons

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
This proposal is to implement recently passed legislation authorizing the Commission to establish rules for providing special hunting and fishing opportunities for terminally ill persons. In the proposal, the Director is authorized to provide opportunities in a variety of ways at no cost.

Reasons supporting proposal:
To implement the legislation, which provides special hunting and fishing opportunities for terminally ill persons.

WAC 232-28-248 Special closures and firearm restriction areas

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The proposed rule amendments add more weapon options in firearm restriction areas. The effect will maintain some limited hunting opportunity in these areas and also provide an effective level of harvest to help control deer and elk populations causing damage and nuisance problems especially in more developed areas.

Reasons supporting proposal:
The proposed language retains some limited level of hunting that is compatible with urban expansion. Also helps deal with deer and elk damage and nuisance problems.

WAC 232-28-266 Damage prevention permit hunts

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The amendment to the rule adds 200 turkey permits in northeastern Washington. These permits will provide landowners and WDFW enforcement with additional tools to address property damage issues.

Reasons supporting proposal:
An increasing number of landowners are requesting the use of these permits to address damage. They have proven to be very effective in dealing with damage problems and reducing landowner complaints with deer. WDFW enforcement officers have requested they be available for turkeys as well.

WAC 232-28-272 2009-2010, 2010-2011, and 2011-2012 Black bear and cougar hunting seasons and regulations

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The rule establishes hunting seasons for black bear and cougar from 2009 to 2012. The purpose of the recommended changes is to maximize recreational hunting opportunities for bear and cougar while maintaining sustainable populations.

The Department is recommending status quo bear seasons, with two exceptions: (1) For management units that open Aug 1, the Aug 1-31 period is limited to hunting on private lands only; (2) For management units that open in early September, change the opener from the day after Labor Day to September 1.

The Department's cougar season recommendations are: Statewide Sept. 1-25 archery only and Sept. 26-Oct. 16 muzzleloader only seasons; Oct. 17-Mar. 31 general season (any weapon) for zones where trends in female harvest are within our guideline; Oct. 17-Dec. 31 general season for zones where female harvest slightly exceeds our guideline; Oct. 31-Nov. 30 season for zones where female harvested is limited by a quota system and the management need is to adequately evaluate the pilot hunt with the aid of dogs; Change the statewide bag limit from 2 cougars to 1 cougar.

Reasons supporting proposal:
Maximize recreational opportunities for bear and cougar hunting, while maintaining sustainable populations.

The justification for the August black bear season on private lands only is to reduce conflict with other recreational users on public lands during the summer while still allowing bears to be harvest for damage reasons (e.g., orchard damage). The justification for the September 1 start date is consistency with the opening day of deer archery seasons.

The justification for the cougar season changes is consistency with concurrent deer/elk seasons and to limit female harvest in those areas where harvest levels exceed our guidelines.

WAC 232-28-273 2009-2011 Moose, bighorn sheep, and mountain goat seasons and permit quotas

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The proposed rule amendments include a status quo moose permit level of 130; creating a Master Hunter damage hunt in the Mount Spokane unit; adding ewe-only hunts in three herds; increasing bighorn sheep permit levels from 36 to 46; and reducing mountain goat permit levels consistent with the findings of our recent research.

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 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The proposed rule amendments include removing dated language; clarifying areas open for specific deer auction and raffle seasons; and changing the areas open to the Rocky Mountain bighorn raffle permit hunt to reflect the status of mature rams in various populations.

Reasons supporting proposal:
Provide a variety of different hunting opportunities and maximize revenue for auction/raffle program, all within biological sustainable limits.

WAC 232-28-286 2010, 2011, and 2012 Spring black bear seasons and regulations

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The proposed rule amendments add a spring bear hunt in a portion of GMU 501 with 50 permits and close the spring bear damage hunt in Capitol Forest.

Reasons supporting proposal:
Spring black bear seasons are used to minimize damage to trees by reducing bear populations to a lower but sustainable level, reduce nuisance activity in northeastern Washington, and better distribute the harvest geographically in southeastern Washington.

WAC 232-28-287 2009-2010, 2010-2011, 2011-2012 Cougar permit seasons and regulations

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
Establish fall permit hunts for 9 cougar zones around the state. Cougar permit hunts are designed to provide late season hunting opportunity for hunters without the use of dogs (i.e., spot and stalking in snow and/or calling). The anticipated effect is additional varieties of hunting opportunity with sustainable cougar populations.

Reasons supporting proposal:
Provide late season hunting opportunity for hunters without the use of dogs (i.e., spot and stalking in snow and/or calling).

WAC 232-28-291 Special hunting season permits

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The amendments proposed are largely housekeeping in nature. Changes are recommended for multi-season permit application and group sizes. Changes are also recommended for deer and elk permit application group sizes and the late fall turkey permit application rules are eliminated. Fall turkey permit applications are consolidated into one set of rules.

Reasons supporting proposal:
The proposal would allow multi-season applicants to submit group applications; clean up turkey permit application language; and limit the number of deer and elk group applicants to better distribute permits.

WAC 232-28-294 Multiple season big game permits

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
This proposal would shorten the amount of time successful applicants for a multi-season permit would have to purchase their permit to allow for the sale of all permits prior to the first general seasons starting in September. It would also provide 50 multi-season deer and 25 multi-season elk permits to qualifying hunter education instructors.

Reasons supporting proposal:
Shortening the purchase time for successful applicants would make sure that more hunters would be able to purchase permits. Providing hunter education instructors with multiple season permits would be an incentive to recruit and retain instructors.

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 2009 hunting seasons. Amendments to this rule include removal of the 4-O Cattle Company who requested not to participate and addition of the Pine Mountain LHP in Yakima County. The permits will result in general public hunter access on private property and will help mitigate deer and elk foraging on private agricultural lands.

Reasons supporting proposal:
Increase public hunting access to private lands and help landowners address game damage issues.

WAC 232-28-333 Game management units (GMUs) boundary descriptions – Region three

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
GMU boundary rules define legal hunting areas. The GMUs need readily discernable boundaries to direct hunters to appropriate hunting areas. Season dates, bag limits, antler restrictions, and other hunting season regulations are typically specified at the GMU scale.

Reasons supporting proposal:
Clarifies boundaries and facilitates hunting seasons for big game.

WAC 232-28-335 Game management units (GMUs) boundary descriptions – Region five

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
GMU boundary rules define legal hunting areas. The GMUs need readily discernable boundaries to direct hunters to appropriate hunting areas. Season dates, bag limits, antler restrictions, and other hunting season regulations are typically specified at the GMU scale.

Reasons supporting proposal:
Clarifies boundaries and facilitates hunting seasons for big game.

WAC 232-28-336 Game management units (GMUs) boundary descriptions – Region six

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
GMU boundary rules define legal hunting areas. The GMUs need readily discernable boundaries to direct hunters to appropriate hunting areas. Season dates, bag limits, antler restrictions, and other hunting season regulations are typically specified at the GMU scale.

Reasons supporting proposal:
Clarifies boundaries and facilitates hunting seasons for big game.

WAC 232-28-337 Deer and elk area descriptions

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
Boundary adjustments are being proposed to better address current deer and elk damage issues.

Reasons supporting proposal:
The proposed rule amendment provides the means to reduce wildlife damage issues and direct deer and elk damage hunts by adjusting elk area boundaries.

WAC 232-28-342 2009-10, 2010-11, 2011-12 Small game seasons

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The purpose of the new rule is to establish hunting season timing, hunting requirements, and applicable permit levels for the following species: bobcat, raccoon, fox, coyote, forest grouse, pheasant, chukar, gray partridge, mountain quail, California quail, bobwhite, wild turkey, Canada goose, band-tailed pigeon, mourning dove, cottontail rabbits, snowshoe hare, and crow. It also describes falconry and dog training seasons.

Amendments to this rule include: 1) Liberalize fall turkey hunting by establishing more general season opportunity, 2) Eliminate the use of dogs to hunt coyotes, 3) Eliminate the two-day September Canada Goose Season, shifting those dates to the regular goose season, 4) Increase the daily bag limit for forest grouse to four per day.

Reasons supporting proposal:
Proposals are consistent with conservation of wildlife populations and public sentiment.

WAC 232-28-351 2009-2011 Deer general seasons and definitions

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The purpose of the proposal is to retain general season deer hunting opportunity, balance the hunting opportunity between the three primary user groups, increase opportunity when deer populations allow, and reduce opportunity when declining deer numbers warrant such a change.

Reasons supporting proposal:
Provides recreational deer hunting opportunity and protects deer from overharvest. The proposal maintains sustainable general deer hunting season opportunities for 2009-2011. Helps reduce agricultural damage and provides for population control of deer where needed.

WAC 232-28-352 2009-2011 Elk general seasons and definitions

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The purpose of the proposal is to retain general season elk hunting opportunity, balance the hunting opportunity between the three primary user groups, increase opportunity when elk populations allow, and reduce opportunity when declining elk numbers warrant such a change.

Reasons supporting proposal:
Provides recreational elk hunting opportunity and protects elk from overharvest. The proposal maintains sustainable general elk hunting season opportunities for 2009-2011. Helps reduce agricultural damage and provides for elk population control where needed.

WAC 232-28-353 2009 Deer special permits

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The purpose of the proposal is to retain special permit season deer hunting opportunity, balance the hunting opportunity between the three primary user groups, increase opportunity when deer populations allow, and reduce opportunity when declining deer numbers warrant such a change.

Reasons supporting proposal:
Provides recreational deer hunting opportunity and protects deer from overharvest. The proposal maintains sustainable special permit deer hunting season opportunities for 2009. Helps reduce agricultural damage and provides for population control of deer where needed.

WAC 232-28-354 2009 Elk special permits

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The purpose of the proposal is to retain special permit season elk hunting opportunity, balance the hunting opportunity between the three primary user groups, increase opportunity when elk populations allow, and reduce opportunity when declining elk numbers warrant such a change.

Reasons supporting proposal:
Provides recreational elk hunting opportunity and protects elk from overharvest. The proposal maintains sustainable special permit elk hunting season opportunities for 2009. Helps reduce agricultural damage and provides for elk population control where needed.

WAC 232-28-516 Trapping seasons and regulations

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The new WAC removes all superfluous regulations (e.g., area restrictions) that are no longer warranted given current trapping practices and low harvest levels. It recommends a standard trapping season for all furbearers from November 1 to March 31 and an increased annual bag limit for river otter from 6 to 12. WAC 232-28-516 replaces WAC 232-28-515.

Reasons supporting proposal:
To maximize trapping opportunity consistent with population objectives.