

16. NON-TOXIC SHOT REQUIREMENTS – RULE BRIEFING AND PUBLIC HEARING

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“GREEN SHEET”

Meeting: March 6-7, 2009
Agenda Item 16: Non-Toxic Shot Requirements – Rule Briefing and Public Hearing
Prepared By: Mick Cope
Presented By: Mick Cope, Upland Game Section Manager, Wildlife Program

Background:

Department staff will brief the Commission on proposed amendments to WAC 232-12-068 Non-toxic shot requirements.

Lead is a naturally occurring element, but it is toxic to wildlife when ingested as lead shot or lead fragments from bullets. In Washington, non-toxic shot has been required for all waterfowl, coot, and snipe hunting since 1991. This change was in response to the effects of ingested lead shot on populations of these birds, as well as impacts to bald eagles. The scientific community has continued to investigate the effects of lead shot ingestion on wildlife, primarily birds, as well as humans. For wildlife, the results of these studies indicate that lead shot has a range of effects, primarily dependent on the behavioral characteristics of the species and the areas that they inhabit. For humans, studies have identified some risks associated with ingestion of harvested game animals that contain lead shot or lead fragment.

The level of exposure to lead in wildlife varies greatly. Scavengers (e.g., crows) and certain other species (e.g. swans) have a higher incidence of elevated blood lead levels than other birds. Lead shot ingestion has also been documented for other species (e.g., ring-neck pheasant, quail, mourning dove, and chukar). Some studies show bird mortality due to toxic blood levels and other studies show sub-lethal elevated blood lead levels. Imbedded lead shot is also present in non-retrieved wounded and dead game birds, as well as free-flying game birds. However, available data are not sufficient to determine if lead shot causes population level impacts for species in Washington at this time.

WDFW has been designating certain potential problem areas as nontoxic shot zones since 2001, based on qualitative field assessments to identify areas with a high potential for ingestion of lead by wildlife. WDFW owned sites where deposition of lead shot poses threats of primary and secondary poisoning to wildlife have been converted to nontoxic shot use for all shooting, but it is likely that all sites have not been addressed.

Because of these factors, and recent literature detailing concerns about the risks of lead to wildlife and humans, WDFW is proposing to phase in additional nontoxic shot restrictions over a period of 3 years. In 2009, based on expanding non-toxics for problem areas, we are adding the Windmill and Headquarters units of the Snake River Wildlife Area. In 2010, the use of non-toxic shot for hunting upland game, mourning dove, band-tailed pigeon, and game animals, other than big game, will be required on areas associated with pheasant release. In 2011, use of non-toxic shot for hunting upland game mourning dove, band-tailed pigeon, and game animals, other than big game, will be required on all Department lands.

A regulation on the use of lead shot for upland game, mourning dove, and band-tailed pigeons is designed to be another step in addressing three issues: 1) ingestion of lead shot pellets by these

birds and 2) ingestion of lead shot by predators and scavengers who eat birds that have lead shot in their gizzard or in their meat (from hunting wounding), and 3) reduction of overall lead levels in the environment. These issues are of particular concern in areas that are consistently used by a high density of hunters such as found on and around pheasant release sites and those areas habitually used by mourning doves and band-tailed pigeons.

A survey of Washington bird hunters (random sample) by an independent contractor showed that they are about evenly split in support and opposition to a regulation that would require hunters to use non-lead shot for upland bird, mourning dove, and band-tailed pigeon hunting on all wildlife areas owned or managed by the Department (45% support, 43% oppose). This percentage changed to 52% support when given a small amount of information about scientific studies and the effects of lead shot. The most common reasons hunters oppose lead shot restrictions is that they think there is nothing wrong with lead shot (57%) and that non-toxic shot is not as effective as lead shot (30%).

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

Expanded non-toxic shot requirements for hunting upland game birds, mourning doves, and band-tailed pigeons on areas of higher hunter density to address wildlife, human health, and environmental concerns associated with lead.

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. Advisory groups were utilized throughout the process. On this issue the Game Management Advisory Council and Upland Game Advisory Committee are divided on additional non-toxic shot regulations, but generally agree that a transition period is needed if new regulations are implemented.

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
-

AMENDATORY SECTION (Amending Order 07-292, filed 12/13/07, effective 1/13/08)

WAC 232-12-068 Nontoxic shot requirements. (1) It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for waterfowl, coot, or snipe. Nontoxic shot includes the following approved types:

Approved Nontoxic Shot Type*	Percent Composition by Weight
bismuth-tin	97 bismuth, 3 tin
iron (steel)	iron and carbon
iron-tungsten	any proportion of tungsten, ≥ 1 iron
iron-tungsten-nickel	≥ 1 iron, any proportion of tungsten, up to 40 nickel
tungsten-bronze	51.1 tungsten, 44.4 copper, 3.9 tin, 0.6 iron; and 60 tungsten, 35.1 copper, 3.9 tin, 1 iron
tungsten-iron-copper-nickel	40-76 tungsten, 37 iron, 9-16 copper, 5-7 nickel
tungsten-matrix	95.9 tungsten, 4.1 polymer
tungsten-polymer	95.5 tungsten, 4.5 nylon 6 or 11
tungsten-tin-iron	any proportions of tungsten and tin, ≥ 1 iron
tungsten-tin-bismuth	any proportions of tungsten, tin, and bismuth
tungsten-tin-iron-nickel	65 tungsten, 21.8 tin, 10.4 iron, 2.8 nickel
*Coatings of copper, nickel, tin, zinc, zinc chloride, and zinc chrome on approved nontoxic shot types also are approved.	

The director may adopt additional nontoxic shot types consistent with federal regulations.

(2) It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot in the following areas:

((~~Bridgeport Bar segment of the~~)) Well's Wildlife Area

(Bridgeport Bar Unit)

Cowlitz Wildlife Area (all units)

~~((Lake Terrell))~~ Whatcom Wildlife Area ~~((including Tennant Lake and other segments))~~ all units

Shillapoo Wildlife Area (all units)

Skagit Wildlife Area (all ~~((segments))~~ units)

Snoqualmie Wildlife Area (all ~~((segments))~~ units)

Sunnyside-Snake River Wildlife Area (Headquarters, Byron and Windmill Ranch units)

~~((The Driscoll Island, Hegdahl, and Kline Parcel segments of the))~~ Sinlahekin Wildlife Area (Driscoll Island, Hegdahl, and Kline Parcel units)

~~((Vancouver Lake Wildlife Area))~~ John's River Wildlife Area (Chinook Unit)

(3) It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading), other than nontoxic shot, when hunting for upland game birds (pheasants, quail, chukar, or gray partridge), mourning doves, band-tailed pigeons, or game animals in the following areas:

Chehalis River pheasant release site

Dungeness Recreation Area

Hunter Farms pheasant release site

Raymond Airport pheasant release site

Two Rivers and Wallula Units of the U.S. Fish and Wildlife Service's McNary National Wildlife Refuge

All Whidbey Island pheasant release sites

~~((Chinook pheasant release site))~~

(4) Beginning in 2010, it is unlawful to possess shot

(either in shotshells or as loose shot for muzzleloading), other than nontoxic shot, when hunting for upland game birds (pheasant, quail, chukar, and gray partridge), mourning doves, band-tailed pigeons, or game animals, not to include buckshot size #1 or larger for big game, on areas where pheasants are released, to include:

<u>Asotin Wildlife Area (Hartsock Unit)</u>	<u>Chelan Wildlife Area (Chelan Butte and Swakane units)</u>	<u>Columbia Basin Wildlife Area (Banks Lake, Gloyd Seeps, Lower Crab Creek, Quincy Lakes, Warden units)</u>
<u>Sinlahekin Wildlife Area (Chiliwist Unit)</u>	<u>Colockum Wildlife Area (Headquarters Unit)</u>	<u>Wenas Wildlife Area (Wenas Unit)</u>
<u>Klickitat Wildlife Area (Hill Road Unit)</u>	<u>Scatter Creek Wildlife Area</u>	<u>Sherman Creek Wildlife Area</u>
<u>Skookumchuck Wildlife Area</u>	<u>Steamboat Rock, Fishtrap, John Henley, Willow Bar, Rice Bar, Hartsock, Mill Creek, Wallula, Peninsula, Hollebeke/Lost Island, Buckshot, Big Flat, and Ringold Pheasant Release sites</u>	

(5) Beginning in 2011, it is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for upland game birds (pheasant, quail, chukar, and gray partridge), mourning doves, band-tailed pigeons, or game animals, not to include buckshot size #1 or larger for big game, on department lands statewide.

[Statutory Authority: RCW 77.12.047, 77.12.020. 08-01-052 (Order 07-292), § 232-12-068, filed 12/13/07, effective 1/13/08. Statutory Authority: RCW 77.12.047. 06-16-133 (Order 06-181), § 232-12-068, filed 8/2/06, effective 9/2/06; 05-17-098 (Order 05-174), § 232-12-068, filed 8/15/05, effective 9/15/05; 03-16-030 (Order 03-165), § 232-12-068, filed 7/29/03, effective 8/29/03; 03-13-047 (Order 03-129), § 232-12-068, filed 6/12/03,

effective 7/13/03. Statutory Authority: RCW 77.12.040. 01-17-092 (Order 01-157), § 232-12-068, filed 8/20/01, effective 9/20/01. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. 01-10-048 (Order 01-69), § 232-12-068, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-11-137 (Order 00-50), § 232-12-068, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.040. 99-17-034 (Order 99-118), § 232-12-068, filed 8/11/99, effective 9/11/99; 98-17-044 (Order 98-152), § 232-12-068, filed 8/13/98, effective 9/13/98; 97-18-026 (Order 97-164), § 232-12-068, filed 8/25/97, effective 9/25/97. Statutory Authority: RCW 77.12.040 and 77.12.010. 96-18-009 (Order 96-127), § 232-12-068, filed 8/22/96, effective 9/22/96. Statutory Authority: RCW 77.12.040. 95-18-072 (Order 95-126) § 232-12-068, filed 9/1/95, effective 10/2/95.]

WAC 232-12-068 Non-toxic shot requirements

RECOMMENDED ADJUSTMENTS

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

Page 3

Under sections (4) and (5) after "game animals" add the language "not to include buckshot size #1 or larger for big game". This change is to clarify that non-toxic shot regulations are not intended to regulate big game hunting.

SUMMARY OF WRITTEN PUBLIC INPUT

WAC 232-12-068 Non-toxic shot requirements

COMMENTS	AGENCY RESPONSE
Support	
In favor of requiring non-toxic shot for all bird hunting, even though I currently use lead shot.	Thank you for your comment.
Conditional Support	
Support for the non toxic shot restriction in areas where problems have already been identified and with waterfowl, but not statewide for upland birds.	There are areas that have a greater risk of impacting wildlife, and many of those areas are included in the first step of the phase-in approach proposed. Reducing the lead available on WDFW owned and managed lands is consistent with managing lands for healthy and diverse fish and wildlife populations.
Oppose – Scientific Evidence	
Opposed to the proposed lead shot restriction because there is minimal evidence to scientifically support such a restriction. Unlike waterfowl hunting where shooting is concentrated on specific areas, the same is not true for the pursuit of upland birds or other species where a shotgun might be used. Some might argue that “any” lead is bad. While in the strictest sense this might be true, it’s just not realistic in upland areas. Do not implement a lead shot restriction for these species until science conclusively identifies the problem.	<p>Scientific evidence of <u>population level</u> impacts on the proposed list of species is not available and would be extremely expensive to acquire. However, lead shot is toxic and the rationale behind the proposal is more based on the following:</p> <ol style="list-style-type: none"> 1) Scientific investigation has shown that lead shot is toxic, sometimes at very low doses. The most recent compilation of lead shot literature consists of over 500 articles from a variety of sources including the Journal of Wildlife Management, the Wildlife Society Bulletin, the Journal of Wildlife Diseases, and the Bulletin of the Wildlife Disease Association. The species studied varied widely and included waterfowl, upland birds, eagles, ravens, doves, and humans. 2) Scientific investigations have shown that lead shot is ingested by the birds in this proposal and by over 70 bird species in North America, including those that may eat birds injured or killed with lead shot. 3) Many studies have shown that lead shot is known to cause both lethal and sub-lethal effects in a variety of birds. Sub-lethal effects can include behavioral changes, weight loss, and decreased productivity. 4) Some studies have indicated that humans that eat game harvested with lead shot can have increased blood lead levels. Not all game meat related studies of human blood lead level have indicated a lead concentration above acceptable levels established by the Center for Disease Control. 5) Reducing the lead available on WDFW owned and managed lands is consistent with managing lands for healthy and diverse fish and wildlife populations.

COMMENTS	AGENCY RESPONSE
<p>Oppose – Economics, Availability, and Effectiveness</p> <p>Mandating nontoxic shot for all upland bird and dove species also makes hunting much more expensive since steel shot and other alternatives are much more expensive than lead shot. We are already losing hunters, making it more expensive during rough economic times doesn't seem to be wise if you want to retain or build hunter numbers.</p>	<p>Non-toxic shotgun shells are more expensive than lead shot shells. A comparison (not intended to be comprehensive):</p> <ul style="list-style-type: none"> • 12 ga: lead (\$6 - \$16/box of 25) • Steel shot (\$15 - \$23 per box of 25) • HeviShot (\$21 - \$26 per box of 10). <p>Non-toxic shot ranges from \$0.60 - \$2.60 per shell as opposed to \$0.25 to \$0.65</p> <p>The cost of some types of non-toxic shot has decreased in cost since it first hit the market. With an increase in demand for non-toxic shot, costs are anticipated to decrease. However, this decrease will not likely be quick.</p>
<p>The high cost and very limited availability of non toxic shot for 28 gauge and .410 ammunition, or with less common shot sizes, would prohibit me from utilizing WDFW lands. It seems to me to be unwarranted in areas where upland game is the exclusive target.</p>	<p>As demand has increased, ammunition companies have offered non-toxic choices for a wider variety of gauges. While not all choices are currently easy to find in local stores, increased demand should result in increased availability</p>
<p>Steel is much harder to obtain a killing shot and results in more wounded game. Lead shot is the best, most humane option.</p>	<p>Many references note the difference in effective down-range power exhibited by steel shot. Other non-toxic alternatives perform much like lead. References indicate that decreasing shooting range below 40 yards, increasing shot size, and practicing with the non-toxic shell can improve hunting efficiency.</p>
<p>Oppose – Old Shotguns</p>	
<p>Using steel shot, or other even more expensive non-toxic shot, would ruin some very fine guns or force hunters to replace them with shotguns designed to handle steel.</p>	<p>There are a limited number of older shotguns are not built for steel shot. Other non-toxic shot alternatives (e.g., HeviShot "Classic Doubles") are advertised as being acceptable for these shotguns.</p>
<p>Oppose – Eliminate Hunting and Shooting</p>	
<p>Restricting lead shot is another step in eliminating hunting. Eventually, that will decrease WDFW revenue.</p>	<p>This proposal has not been brought forward as an attempt to reduce hunting. There are many other states in the U.S. (e.g., South Dakota, Nebraska, Missouri, Kansas, Oregon, Nevada, Iowa, and New Mexico) as well as national wildlife refuges that have successfully implemented similar regulations.</p>
<p>Oppose – General Comments</p>	
<p>I find the implementation on "non toxic" shot requirements unsettling and unnecessary, which only complicates the rules for other hunters.</p>	<p>The intent of this rule is to be proactive at addressing a known factor that contributes to overall wildlife health.</p>
<p>I oppose your recommendations for the non-toxic shot requirements for the 2009 – 2011 Hunting Season.</p>	<p>At the end of the phase-in period, the rule would be fairly simple as it would apply to pheasant release sites and all WDFW lands.</p>
<p>I read the proposal on non-toxic shot and I firmly believe that non-toxic shot is not needed except for waterfowl.</p>	

COMMENTS	AGENCY RESPONSE
<p>A measure so far reaching as this one should have received much more public notice than a line item in your hearing agenda as it will impact thousands of licensed bird hunters in the State of Washington.</p>	<p>The issue of regulating lead shot has been part of the three-year season setting process since early 2008 and was included in public surveys, posted on the WDFW website for the process, and was a topic at public meetings held throughout the state in 2008.</p>
<p>I am strongly against the proposed ban on lead shot. We have a steel shot requirement for waterfowl hunting. I am 73 years old and hunted all my life I have never seen a case of lead poisoning in any upland game.</p>	<p>Studies have shown that birds sickened or killed by lead poisoning are quickly removed from the landscape by predators and thus are difficult to quantify.</p>
<p>I have two main questions: 1) How long will it take to eliminate, (contain) the lead that already is in the traditional high use hunting areas? 2) If we eliminate the use of lead shot do we really make a difference as long as lead fishing weights, and other points of contamination are prevalent?</p>	<p>While the time to eliminate existing shot is unknown, we know that the rate of natural deterioration of lead shot is fairly slow. It will take less time if more shot is not added to the landscape. There also have been discussions within the agency about addressing the use of lead fishing weights, although a timeline has not been discussed.</p>
<p>If the proposal is implemented, the State should create a buyback of lead shot shells if further restrictions are implemented prior to 2012. Many people purchase shells by the case and they should be allowed time to utilize or recoup their investment.</p>	<p>It is important to note that lead shot would still be legal to use on all private lands as well as other public lands that do not regulate the use of lead shot. A buy-back program would be very expensive. We would investigate partnerships with ammunition companies to potentially address this issue.</p>
<p>If the WDFW supports this action I urge an extensive education program. Hunters need to learn how to shoot light(er) non-toxic loads to get better performance and therefore cleaner kills. I foresee too many folks blasting 3 inch fours with 1 1/4 oz or 1 1/2oz at pheasants because steel will "not perform". While some of this is so that they can shoot the occasional duck that jumps up I think most hunter lack a basic understanding of how non-toxics, especially steel will perform. I think they would be amazed at how well 7 shot steel field loads will work if the gun is properly choked and shots are ethically selected. Finally, the education process should not end with just a review of ballistic performance, hunters also need to understand that steel will ricochet and "bounce" off of objects much differently than lead. This is particularly important when hunting our upland rocky and scabland areas.</p>	<p>One of the primary aspects of this proposal is implementation of a comprehensive non-toxic shot education program. Current plans are to utilize the WDFW website as well as direct mailings to hunters.</p>
<p>What about the rules of possession of lead shot, If I have a box of lead shot in my truck while parked at a release site, but I have steel in my vest and in my gun am I still in possession of lead shot.</p>	<p>The rules for possession of lead shot (e.g., in your truck) are only for the specific areas listed in the proposed rule. In most cases, this rule only applies to hunting activity for the species listed.</p>



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

Date of intended adoption: April 2-3-4, 2009
(Note: This is **NOT** the effective date)

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

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

TITLE
Rules Coordinator

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STATE OF WASHINGTON
FILED

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

WSR 09-03-111

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.