12. SPECIAL SEASONS AND HUNTING RESTRICTIONS – RULE ACTION

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"GREEN SHEET"

Meeting: April 3-4, 2009

Agenda Item 12: Special Seasons and Hunting Restrictions – **Rule Action**

Prepared By: Dave Ware

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

Background:
Department staff will provide a brief overview to the Commission on proposed amendments and a proposed new section to the following WACs: 232-28-294 Multiple season big game permits; 232-28-291 Special hunting season permits; 232-12-055 Hunting – Hunter orange clothing requirements; and 232-12-062 Party hunting. This will include any changes resulting from the March 6-7, 2009 Commission meeting in Ellensburg.

Several changes are proposed for the special permit application system. The proposed changes were developed during the public comment period for the 2009-11 Hunting Season Package; however programming changes to the drawing system could not be completed in time for the 2009 drawing. Therefore, these recommended changes will be implemented for the 2010 drawing. The proposed changes have received support from the public as well as Game Management Advisory Council members. These changes will generate funding to expand the hunter access program into priority areas of the state.

The multiple season permit recommended amendments would change the process for purchasing permits to a first come first served system and would increase the number of deer permits from 1500 to 2000 and the number of elk permits from 500 to 600. Once the hunters are drawn, notifications would go out to a greater number of hunters than permits available. Those hunters notified would be allowed to purchase the multiple season permits on a first-come, first-served basis until the quota is reached.

Changes to the special permit rules are designed to accommodate the multiple season permit changes; reduce deer and elk permit group sizes; and clean up other areas consistent with the current permit drawings and proposed changes.

Changes to the hunter orange requirements are designed to clarify the seasons when hunters must wear orange clothing. The proposed party hunting rule is to define what is meant by party hunting; clarify that party hunting is illegal for big game and turkeys; and improve compliance with hunters who don't have a valid deer or elk tag, but wish to continue hunting other wildlife.

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

- Modify the permit application process to create additional permit categories and generate additional revenue.
- Expand the number of multiple season permits and simplify the purchasing process.
- Clarify hunter orange and party hunting regulations.

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. Oral public testimony (if any was received) from the March 6-7, 2009 Commission meeting is located at the end of this agenda item.

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

Amend WACs 232-28-294 Multiple season big game permits; 232-28-291 Special hunting season permits; 232-12-055 Hunting – Hunter orange clothing requirements; and adopt WAC 232-12-062 Party hunting, as presented.

Draft motion language:

I move to amend WACs 232-28-294; 232-28-291; 232-12-055; and adopt WAC 232-12-062, as proposed.

Justification for Commission action:

To clarify who needs to wear hunter orange during all seasons and types of permit hunts and what is meant by party hunting. In addition, this section will increase the number of multi season permits and hunter participation.

Communications plan:

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

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

FINAL RECOMMENDED ADJUSTMENTS

The following adjustments are proposed since the Code Reviser (CR-102) filing and are already included in your notebook language. These adjustments reflect any floor changes and additional supplemental recommended adjustments as a result of public testimony received at the March 6-7, 2009 Fish and Wildlife Commission meeting in Ellensburg.

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Under section 2 change from:

(2) It is unlawful to hunt deer or elk during the modern firearm early and late general seasons in any manner unless the hunter is wearing fluorescent hunter orange clothing.

To:

(2) It is unlawful to hunt deer or elk during ~~the~~ all modern firearm ~~early and late~~ general seasons in any manner unless the hunter is wearing fluorescent hunter orange clothing.

This change is to clarify that all general seasons are affected. Some hunters may have been confused about the meaning of "early and late…"

WAC 232-12-062 Party hunting

FINAL RECOMMENDED ADJUSTMENTS

The following adjustments are proposed since the Code Reviser (CR-102) filing and are already included in your notebook language. These adjustments reflect any floor changes and additional supplemental recommended adjustments as a result of public testimony received at the March 6-7, 2009 Fish and Wildlife Commission meeting in Ellensburg.

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Change the WAC language from:

Party hunting is defined as killing big game or turkeys which another person tags, killing big game or turkeys with the intention of having another person tag the animal, or tagging a big game animal or turkey which another person has killed.

Party hunting is illegal for big game and turkey, except for hunters with disabilities and their designated hunting companion as defined in WAC 232-12-828.

To:

Party hunting is defined as shooting at or killing big game or turkeys for another ~~which another person tags~~, killing big game or turkeys with the intention of having another person tag the animal, or tagging a big game animal or turkey ~~which~~ that another person has killed.

Party hunting is illegal for big game and turkey, except for hunters with disabilities ~~and their~~ who have a designated hunting companion as defined in WAC 232-12-828.

This change is to address an attempt to kill another person's game as well as actually killing it. The edit to the hunter's with disabilities section is for clarification.

17. MOOSE, BIGHORN SHEEP, AND MOUNTAIN GOAT SEASONS AND PERMIT QUOTAS – RULE ACTION

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"GREEN SHEET"

Meeting: April 3-4, 2009

Agenda Item 17: Moose, Bighorn Sheep, and Mountain Goat Seasons and Permit Quotas – **Rule Action**

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 provide a brief overview to the Commission on proposed amendments to WAC 232-28-273 2009-2011 Moose, bighorn sheep, and mountain goat seasons and permit quotas. This will include any changes resulting from the March 6-7, 2009 Commission meeting in Ellensburg.

Winter surveys indicate moose populations are fairly stable. The Department recommends a status quo permit level of 130, which includes slight reductions in some units and additions in others. We are also creating a Master Hunter damage hunt in the Mount Spokane unit.

All bighorn sheep populations that are currently hunted either meet or exceed population objectives. Due to increased ewe densities in some herds, the Department recommends adding ewe-only hunts (including one ewe hunt for youth-only) in three herds; the recommendation is to increase bighorn sheep permit levels from 36 to 40.

Results from the Department's mountain goat research project indicate that mountain goats are extremely sensitive to over harvest. Although goats occur in many alpine areas of the State, several populations are relatively small (<100) and isolated. As such, the Department revised the thresholds for mountain goat harvest in the 2009-2015 Game Management Plan (GMP). Following the GMP, the Department is recommending limiting goat hunting to population management units of ≥100 goats, which results in six population management units being hunted with a total of 18 permits. The Department is also recommending allowing Director authority for distributing the harvest and reducing permit levels within a population management unit if necessary. Distributing harvest will be accomplished by providing maps to hunters of areas that are open and/or closed within the larger unit. Permit levels would only be slightly reduced if actual harvest levels exceeded target.

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

Continued hunting of moose, bighorn sheep, and mountain goat through a permit-only system.

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. Oral public testimony (if any was received) from the March 6-7, 2009 Commission meeting is located at the end of this agenda item.

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

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

Draft motion language:

I move to amend WAC 232-28-273, as proposed.

Justification for Commission action:

Maximize recreational hunting opportunities for moose, bighorn sheep, and mountain goats within biologically sustainable limits.

Communications plan:

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

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

FINAL RECOMMENDED ADJUSTMENTS

The following adjustments are proposed since the Code Reviser (CR-102) filing and are already included in your notebook language. These adjustments reflect any floor changes and additional supplemental recommended adjustments as a result of public testimony received at the March 6-7, 2009 Fish and Wildlife Commission meeting in Ellensburg.

Page 1

For the Mt. Spokane Master Hunter moose hunt, change the permit level from 10 to 20. The reason for the change is to address the increasing number of problem moose in Spokane.

SUMMARY OF PUBLIC TESTIMONY RECEIVED AT THE MARCH 6-7, 2009 MEETING IN ELLENSBURG, WA

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

COMMENTS	AGENCY RESPONSE
Require applicants to first purchase a big game license for revenue generation purposes.	The Department will be evaluating ways to increase revenue and address the extremely high drawing odds for some permit hunts before the 2010 big game drawing. Please visit our website for more information in the coming months.
Cap non-resident participation so that most permits go to WA residents first.	At this point, we don't have a very high number of non-resident applicants. Please visit our website for more information about the 2010 big game drawing in the coming months.
Take 10% of people with 13 points or more and put them into a special draw (take away from auction/raffle).	Thank you for your comment. The Department will be evaluating ways to increase revenue and address the extremely high drawing odds for some permit hunts before the 2010 big game drawing. Please visit our website for more information in the coming months.
Translocate sheep rather than opening these hunt ewe opportunities.	The Department already relocates bighorn ewes prior to offering a ewe hunt. At this point in time, there are no translocation options available and a few of our herds are above objective, so we are recommending a ewe hunt to help reduce population to within objective.
Mountain Goats – We should be able to open more sub-units than what we have done. Open south shore of Chelan, there are more animals there.	To protect from over harvesting small herds, the Department only recommends hunts in herds that meet or exceed 100 animals.

19. HUNTING EQUIPMENT RESTRICTIONS – RULE ACTION

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"GREEN SHEET"

Meeting: April 3-4, 2009

Agenda Item 19: Hunting Equipment Restrictions – **Rule Action**

Prepared By: Jerry Nelson

Presented By: Jerry Nelson, Deer and Elk Section Manager, Wildlife Program

Background:

Department staff will provide a brief overview to the Commission on proposed amendments to the following WACs: 232-12-051 Muzzleloading firearms; 232-12-054 Archery requirements – Archery special use permits; and 232-12-047 Unlawful methods for hunting. This will include any changes resulting from the March 6-7, 2009 Commission meeting in Ellensburg.

The 2009-2011 hunting issues brought before the public this summer and fall included topics related to hunting methods and hunting equipment. They included:

- Muzzleloading equipment and definitions related to ignition systems, use of scopes, propellants, and projectiles.
- Addressing urban and suburban hunting and firearm restriction areas.

In addition groups represented on the Game Management Advisory Council provided input on a number of issues related to these WACs. The public encouraged the Department to make several changes that the Department could accommodate while sustaining the wildlife resource.

The following hunting equipment and hunting restriction WACs are presented for revision or clarification:

- "Muzzleloading firearms"- to clarify caliber and ignition system restrictions. New changes to the WAC propose allowing any type of projectile rather than restricting to lead-only bullets, allowing muzzleloader handguns for big game hunting, and not restricting the use of modern handguns for personal protection during a muzzleloader season for those who have a concealed pistol permit.
- "Archery requirements"- to allow the use of crossbows in designated areas (i.e., firearm restriction areas during modern firearm season), clarify some language and propose new language that does not restrict the use of modern handguns for personal protection during an archery season for those who have a concealed pistol permit.
- "Special closures and firearm restriction areas" to allow the use of crossbows in firearm restriction areas during modern firearm season and to clarify the intent of firearm restrictions in Whatcom and Skagit counties to only apply to big game hunting only.
- "Unlawful methods for hunting"- to clarify the distinction between modern handguns and muzzleloader handguns, and also to allow the use of crossbows during modern firearm seasons in firearm restriction areas.

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

- WAC 232-12-051 Clarify the muzzleloading rules while retaining the primitive nature of the firearm. Allow bullets made of any material to be used rather than just lead bullets. Allow persons with a concealed pistol license to carry a modern handgun during muzzleloader hunting season.
- WAC 232-12-054 Allow all modern firearm hunters to use crossbows in firearm restriction areas during modern season, to provide additional tools for deer and elk hunting in urbanized settings. Allow persons with a concealed pistol license to carry a modern handgun during an archery hunting season.
- WAC 232-28-248 Allow crossbows in firearm restriction areas during modern firearm season. Retain the original intent of firearm restrictions in Whatcom and Skagit counties to only apply to big game hunting.

- 232-12-047 Allow crossbows to be used during a modern firearm season in a firearm restriction area. Clarify when modern handguns can be used for hunting.

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. Oral public testimony (if any was received) from the March 6-7, 2009 Commission meeting is located at the end of this agenda item. Advisory groups were utilized throughout the process. The Game Management Advisory Council is in agreement with the proposed changes. Representatives from the archery groups would like to see crossbow language removed from the archery equipment WAC for philosophical reasons.

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

Amend WACs 232-12-051 Muzzleloading firearms; 232-12-054 Archery requirements – Archery special use permits; and 232-12-047 Unlawful methods for hunting, as presented.

Draft motion language:

I move to amend WACs 232-12-051; 232-12-054; and 232-12-047, as proposed.

Justification for Commission action:

Provide flexibility for management and hunting season structures. Provide clarification to equipment restriction rules and not infringe on 2nd amendment rights.

Communications plan:

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

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

FINAL RECOMMENDED ADJUSTMENTS

The following adjustments are proposed since the Code Reviser (CR-102) filing and are already included in your notebook language. These adjustments reflect any floor changes and additional supplemental recommended adjustments as a result of public testimony received at the March 6-7, 2009 Fish and Wildlife Commission meeting in Ellensburg.

Page 14

Under section 1.a., add after the word "protection" the following: "if that person possesses a concealed pistol license as defined in RCW 9.41.070". This change addresses the issue of a more limited approach to allowing handguns for personal protection to those who qualify for a concealed pistol license.

Pages 14-15

Under section 1.e., change the second sentence from:

Disabled hunter permittees in possession of a crossbow special use permit may hunt with a crossbow.

To:

~~Disabled~~ However, disabled hunter permittees in possession of a crossbow special use permit may hunt with a crossbow in any season that allows archery equipment.

This adjustment clarifies that disabled hunter permittees may hunt with a crossbow during any season that allows archery equipment.

SUMMARY OF PUBLIC TESTIMONY RECEIVED AT THE MARCH 6-7, 2009 MEETING IN ELLENSBURG, WA

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WAC 232-12-051 Muzzleloading firearms

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

WAC 232-12-047 Unlawful methods for hunting

COMMENTS	AGENCY RESPONSE
I would recommend that archery hunters be allowed to carry a pistol if they have a concealed weapons permit.	We have made that change. Thank you for your comment.
Don't change regulations on bullets for muzzleloaders. Jacketed bullets will extend the range for the muzzleloader. I don't support muzzleloader handguns either.	The vast majority of the respondents on the public surveys supported the proposed change to muzzleloader equipment. Over 70% of the muzzleloaders that responded wanted this change. The Department is moving forward with the recommendation. If success rates change substantially for muzzleloaders the hunting seasons will be adjusted accordingly. Twenty-two other states allow muzzleloading handguns for deer and other big game. With the help of the Washington State Muzzleloader's Association and the Borderline Bass and Contenders, the Agency feels it has written appropriate restrictions to this rule that will make muzzleloader handguns a viable hunting tool.
I don't support the ability to carry a handgun during archery seasons. Too modern.	The current proposed language would only allow those people that possessed a concealed pistol license. The Agency has received a lot of requests for this allowance.
Give crossbows its own WAC and don't blend issues.	The Agency will likely propose a stand-alone WAC for crossbows over time. Given the complexity of the 3-year package as it is, we decided to leave the language in the archery equipment WAC for the time being.
Concerned that felons will carry handguns if our regulations allow them during archery seasons.	The Administrative Codes that the Fish and Wildlife Commission adopts do not supersede legislative statute or federal law. If a state law, a federal law, or a court action prevented an individual from possessing a handgun or a firearm, the codes in question would not reverse that.

20. SPECIAL CLOSURES AND BOUNDARY REGULATIONS – RULE ACTION

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"GREEN SHEET"

Meeting: April 3-4, 2009

Agenda Item 20: Special Closures and Boundary Regulations – **Rule Action**

Prepared By: Jerry Nelson

Presented By: Jerry Nelson, Deer and Elk Section Manager, Wildlife Program

Background:

Department staff will provide a brief overview to the Commission on proposed amendments to the following WACs: 232-28-248 Special closures and firearm restriction areas; 232-28-333 Game management units (GMUs) boundary descriptions – Region three; 232-28-335 Game management units (GMUs) boundary descriptions – Region five; 232-28-336 Game management units (GMUs) boundary descriptions – Region six; and 232-28-337 Deer and elk area descriptions. This will include any changes resulting from the March 6-7, 2009 Commission meeting in Ellensburg.

The 2009-2011 hunting issues brought before the public this summer and fall included topics related to Game Management Units and Deer and Elk Areas. There was strong support for the boundary changes that were proposed for GMUs 568, 574, 578, and 388. In addition groups represented on the Game Management Advisory Council provided input on a number of issues related to these WACs. Many of the proposals are designed to address problems with damage and nuisance animals. The following are recommended changes for GMUs, Deer Areas, Elk Areas, and Firearm Restriction Areas:

- Boundary changes are proposed for GMUs 568, 574, 578, and 388 to better match the landscape and habitat within GMU and to better match deer management objectives without complicating elk management objectives.
- An adjustment to the boundary between GMUs 505 and 510 near Davis Lake would allow more antlerless elk harvest to take place during archery and muzzleloader elk seasons in this problem area.
- A discrepancy on the border between GMU 673 and GMU 506 was fixed by emergency rule. That correction needs to be made permanent in the WAC.
- New Elk Areas are needed in Regions 1 and 4 to accommodate new elk hunts (North Bend) or to better direct elk hunters to specific sites. Elk Area boundaries need adjusting in Regions 1, 2, 3, 5, and 6
- New Deer Areas are needed to deal with damage and nuisance deer in Regions 1, 2, and 5. Deer Area boundaries need adjusting in Regions 3, 5, and 6.

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

- Shift the boundaries in GMUs 568, 574, 578, and 388 so that management and harvest strategies better match the habitat and the deer and elk populations within GMUs.
- Provide the means to address wildlife damage and nuisance issues by modifying existing boundaries or by creating new Deer and Elk Areas.
- Maintain limited deer and elk hunting opportunity adjacent to expanding human development.

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. Oral public testimony (if any was received) from the March 6-7, 2009 Commission meeting is located at the end of this agenda item. Advisory groups were utilized throughout the process. The Game Management Advisory Council is in agreement with the proposed changes.

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

Amend WACs 232-28-248 Special closures and firearm restriction areas; 232-28-333 Game management units (GMUs) boundary descriptions – Region three; 232-28-335 Game management units (GMUs) boundary descriptions – Region five; 232-28-336 Game management units (GMUs) boundary descriptions – Region six; and 232-28-337 Deer and elk area descriptions, as presented.

Draft motion language:

I move to amend WAC 232-28-248; 232-28-333; 232-28-335; 232-28-336; and 232-28-337, as proposed.

Justification for Commission action:

Maintains discernable GMU boundaries. Provides recreational opportunity for the citizens of Washington, helps reduce wildlife damage to agricultural crops, and protects deer and elk from overharvest.

Communications plan:

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

WAC 232-28-337 Deer and elk area descriptions

FINAL RECOMMENDED ADJUSTMENTS

The following adjustments are proposed since the Code Reviser (CR-102) filing and are already included in your notebook language. These adjustments reflect any floor changes and additional supplemental recommended adjustments as a result of public testimony received at the March 6-7, 2009 Fish and Wildlife Commission meeting in Ellensburg.

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Under Deer Areas add the following language to Deer Area 5064 after "Island" add "and Howard Island." This change corrects an omission to the original boundary description and will help direct hunters to the entire area intended for the hunt.

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Agenda Item 20

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

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

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

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

WAC 232-28-337 Deer and elk area descriptions

COMMENTS	AGENCY RESPONSE
Opposed to the GMU 388/578 shift. Leave the Klickitat River as the boundary.	The Klickitat River is currently not the boundary. We are proposing that the River be the boundary. Thank you for your support.
Don't change GMU 388. It takes the late season away. Keep it the late archery hunt.	There would still be an early archery season. There are also late archery opportunities in nearby GMUs. The Regional biologists feel very strongly that the late season vulnerability of deer needs to be addressed to improve the post-hunt characteristics of the deer population. The current season structure that includes a late general season for archers is not sustainable.
Make the area between Fisher Hill Road and the Klickitat River a separate GMU, suggest GMU 588. Make it a separate hunt.	Simply isolating this small area as a stand-alone GMU would not guarantee the hunting season structure that you are promoting. As described above, a change in this area is necessary from a deer management perspective.
Modify the western boundary of GMU 388 from what was proposed to the Glenwood Highway where it runs through the Klickitat Wildlife Area, this would add the Soda Springs portion of the WA into GMU 578.	The Klickitat River boundary is clearly definable; it allows us to manage the more open habitats as a group; and retains the current deer management emphasis for most of the Wildlife Area.

21. DEER GENERAL SEASONS AND SPECIAL PERMIT REGULATIONS – RULE ACTION

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"GREEN SHEET"

Meeting: April 3-4, 2009

Agenda Item 21: Deer General Seasons and Special Permit Regulations – **Rule Action**

Prepared By: Jerry Nelson

Presented By: Jerry Nelson, Deer and Elk Section Manager, Wildlife Program

Background:

Department staff will provide a brief overview to the Commission on proposed rule amendments to the following WACs: 232-28-351 2009-2011 Deer general seasons and definitions; and 232-28-353 2009 Deer special permits. This will include any changes resulting from the March 6-7, 2009 Commission meeting in Ellensburg.

The issues brought before the public this summer and fall included changes to deer seasons in Regions 1, 2, 3, and 5. The public encouraged the Department to make several changes that the Department could accommodate while sustaining the wildlife resource:

- Opening more GMUs to muzzleloader general season opportunity for deer, as well as a longer early general season time period and less overlap with muzzleloader elk season.
- Shifting antlerless white-tailed deer special permits to "2nd deer" opportunities in Region 1.
- Offering more late season deer special permits in Region 2 GMUs.
- Shifting early muzzleloader and late archery opportunity to a late muzzleloader season structure in GMU 381.
- Changing the season structure for GMUs 388, 574, and 578 to improve low buck survival and/or low total deer numbers to ultimately provide a better hunting experience.

As a result of either Agency management objectives or the public support (sometimes strong support), the following are recommended hunting season proposals for 2009-2011 general deer seasons and special permits for the fall of 2009:

- Increase the number of GMUs open for general season muzzleloader opportunity. Increase the general muzzleloader season from 7 to 9 days, and shift the timing to decrease some of the overlap with muzzleloader elk season.
- Shift the antlerless permits in GMUs 101-142 to "2nd deer" permits.
- Increase the number of GMUs open to late season special permit opportunities in Region 2, including allowing all three user groups the opportunity to apply for late permits in GMU 247.
- Shift GMU 250 from late general season archery for 3pt. min and antlerless to a 3 pt. min. only to reduce high hunter pressure and hunter crowding
- Reduce the amount of hunter pressure while deer are on winter range in GMUs 209, 215, 233, 243, and 250.
- Shift early muzzleloader and late archery opportunity to a late muzzleloader season structure in GMU 381.
- Move GMU 574 to "any buck", move GMU 578 to "3 pt. min.", and reduce the late season pressure in GMU 388 from general season to special permit.
- Reduce the early archery general season to accommodate the increased muzzleloader general season.

In addition, the Allocation Sub-Committee and the full Game Management Advisory Council (GMAC) recommended that the Department develop some new special permit hunts for modern firearm hunters during the peak of the rut for deer. These proposed hunts should provide some additional opportunity for modern firearm hunters at times when mature bucks are available. To accommodate this change we are also proposing a reduction of days in the late archery general

season to accommodate the increased premium special permits offered to all three user groups. Additional recommendations in response to overall population concerns:

- Adjust the number of late season special permits for modern firearm hunters.
- Reduce the antlerless white-tailed deer opportunity in Region 1 in general and permit seasons.

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

- Provide balanced hunting opportunites for modern firearm, archery, and muzzleloader deer hunters.
- Maintain general deer hunting season opportunities, while meeting population objectives.
- Adjust deer special permits in response to population changes and damage complaints.

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. Oral public testimony (if any was received) from the March 6-7, 2009 Commission meeting is located at the end of this agenda item. Advisory groups were utilized throughout the process. The Game Management Advisory Council is split on some of the proposed changes. The archery representatives are against the shift of some late general season opportunity to a special permit opportunity. Muzzleloader representatives are in favor of the increased number of GMUs open, adding two days to the early general season, and eliminating some of some overlap with elk season.

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

Amend WACs 232-28-351 2009-2011 Deer general seasons and definitions; and 232-28-353 2009 Deer special permits, as presented.

Draft motion language:

I move to amend WACs 232-28-351 and 232-28-353, as proposed.

Justification for Commission action:

Provides recreational opportunity for the citizens of Washington, helps reduce wildlife damage to agricultural crops, and protects deer and elk from overharvest.

Communications plan:

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

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

FINAL RECOMMENDED ADJUSTMENTS

The following adjustments are proposed since the Code Reviser (CR-102) filing and are already included in your notebook language. These adjustments reflect any floor changes and additional supplemental recommended adjustments as a result of public testimony received at the March 6-7, 2009 Fish and Wildlife Commission meeting in Ellensburg.

Page 4

Under modern firearm, Late General Season, Western Washington Black-tailed Deer, Any Buck, the first line should read 524 through 560, 568 through 572. This change eliminates the redundancy of GMU 564 appearing in two categories.

Page5

Under Early Archery Black-tailed Deer, move GMU 636 from Sept. 1-25, Any buck, to Sept. 1-20, Any deer. This change avoids overlap with special permit modern firearm elk hunts.

Under Early Archery, Eastern Washington Mule Deer, delete GMUs 154 and 172 from the time periods Sept. 1-25, 2009, Sept. 1-24, 2010, and Sept. 1-23, 2011. This was a floor change at the March Commission meeting that corrects a clerical error and avoids an overlap with a modern firearm elk special permit season in these two GMUs.

Under Early Archery, Eastern Washington Mule Deer, Sept. 1-25 delete "through 251" and replace with "250". This change corrects a redundancy with GMU 251 appearing in two places. GMU 251 should only be in the Sept. 1-20 time frame to accommodate the rifle rut hunts for elk in the same GMU.

Under Late Archery, Eastern Washington Mule Deer, Nov. 25-Dec. 8, 3 pt. min. or antlerless, reinstate GMU 178. This change is in response to the public input provided at the March Commission Meeting.

Under Late Archery, Eastern Washington Mule Deer, Nov. 21-30, 3 pt. min., add GMU 250. This change is in response to the public input provided at the March Commission Meeting.

Under Early Archery White-tailed Deer, move GMUs 166 and 169 from Sept. 1-25 to Sept. 1-20. This change avoids overlap with elk modern firearm permits.

Page 6

Under Late Archery, Eastern Washington White-tailed Deer, GMU 101, Any white-tailed deer, restore the original dates to Nov. 10-Dec. 15. This change is in response to the public input provided at the March Commission Meeting.

Page 6

Under late Archery, Eastern Washington White-tailed Deer, move GMU 127 from "Any white-tailed deer" to "3 pt. min or antlerless white-tailed deer." This was a floor change made at the March Commission meeting that corrects a clerical error.

Under Late Archery, Eastern Washington White-tailed Deer, Nov. 25-Dec. 8, 3 pt. min. or antlerless, reinstate GMU 178. This change is in response to the public input provided at the March Commission Meeting.

Page 7

Under Late Muzzleloader, Eastern Washington Mule Deer, change the date for GMU 130, antlerless, from Nov. 20-30 to Nov. 25-Dec. 1. This change makes the mule deer and white-tailed deer seasons concurrent.

WAC 232-28-353 2009 Deer special permits

FINAL RECOMMENDED ADJUSTMENTS

The following adjustments are proposed since the Code Reviser (CR-102) filing and are already included in your notebook language. These adjustments reflect any floor changes and additional supplemental recommended adjustments as a result of public testimony received at the March 6-7, 2009 Fish and Wildlife Commission meeting in Ellensburg.

Page 36

Under Modern Firearm Deer Permits, change the end date for Kelly Hill A, Douglas A, Aladdin B, 49 Degrees North A, Huckleberry A, and Mount Spokane A from Nov. 20-25 to Nov. 20-24. This change avoids overlap with archery seasons.

Under Modern Firearm Deer Permits, delete the Sherman hunt. This change is in response to the public input provided at the March Commission Meeting.

Under Modern Firearm Deer Permits, change the date on the Palouse hunt from Nov. 3-25 to Nov. 7-24 and change the number of permits from 750 down to 625. This corrects a floor change mistake made at the March Commission Meeting which corrects a clerical error filed on the CR 102.

Page 37

Under Modern Firearm Deer Permits, change the date for West Okanogan B to Oct. 17-25. This change corrects a date shift error that was filed in the CR 102.

Under Modern Firearm Deer Permits, change the number of permits in Entiat A from 52 to 30. This change is in response to the public input provided at the March Commission Meeting.

Under Modern Firearm Deer Permits, change the number of permits in Swakane A from 38 to 20. This change is in response to the public input provided at the March Commission Meeting.

Under Modern Firearm Deer Permits, change the number of permits in Mission A from 22 to 10. This change is in response to the public input provided at the March Commission Meeting.

Page 38

Under Modern Firearm Deer Permits, change the dates for Naneum A, Teanaway A, and L. T. Murray A to Nov. 16-22. This was a floor change made at the March Commission Meeting to correct an error in the calendar date adjustments.

Page 38

Under Modern Firearm Deer Permits, change the dates for Quilomene A, Bethel A, and Cowiche A to Nov. 9-22. This was a floor change made at the March Commission Meeting to correct an error in the calendar date adjustments.

Page 39

Under Modern Firearm Deer Permits, change the end date for Wind River B and West Klickitat B to Nov. 20. This change corrects a date change error in the CR 102 and also accommodates new late archery permits incorporated in response to the public input provided at the March Commission Meeting.

Under Muzzleloader Only Deer Permits, foe Roosevelt A, Harrington A, and Steptoe A add to the special restrictions mule deer. This clarifies the intent of the new proposed hunts, which is to specifically target mule deer bucks with the stated antler characteristics.

Page 40

Under Muzzleloader Only Deer Permits, delete the Entiat B hunt. This change is in response to the public input provided at the March Commission Meeting.

Under Muzzleloader Only Deer Permits, delete the Swakane C hunt. This change is in response to the public input provided at the March Commission Meeting.

Under Muzzleloader Only Deer Permits, change the date for Mission D to Nov. 21-30, and change the number of permits from 2 to 20. This change is in response to the public input provided at the March Commission Meeting.

Under Muzzleloader Only Deer Permits, change the dates for Naneum B, Teanaway B, and L. T. Murray B to Nov. 9-15. This was a floor change made at the March Commission Meeting to correct an error in the calendar date adjustments.

Under Muzzleloader Only Deer Permits, change Quilomene B to "Any buck". This was a floor change made at the March Commission Meeting to correct an error in the calendar date adjustments.

Under Muzzleloader Only Deer Permits, change the dates for Bald Mountain to Nov. 9-22. This was a floor change made at the March Commission Meeting to correct an error in the calendar date adjustments.

Page 41

Under Archery Only Deer Permits, change the date on Entiat C to Nov. 21-30 and change the number of permits from 17 to 55. This change is in response to the public input provided at the March Commission Meeting.

Page 41

Under Archery Only Deer Permits, change the date on Entiat D to Nov. 21-30. This change is in response to the public input provided at the March Commission Meeting and also keeps the date consistent with Entiat C.

Under Archery Only Deer Permits change delete the Swakane D hunt. This change is in response to the public input provided at the March Commission Meeting.

Under Archery Only Deer Permits, change Swakane "E" to Swakane D and change the date to Nov. 21-30. This change is in response to the public input provided at the March Commission Meeting.

Under Archery Only Deer Permits, delete the Mission E hunt. This change is in response to the public input provided at the March Commission Meeting.

Page 42

Under Archery Only Deer Permits, add West Klickitat C, Nov. 21-30, 3pt. min., GMU 578, 100 permits. This change is in response to the public input provided at the March Commission Meeting.

Under Special Modern Firearm Deer permits for Hunters 65 and Older, change the date for Horse heaven Hills A to Oct. 17-30. This change corrects a date change error in the filing of the CR 102 and makes the special permit hunt coincide with the general season dates.

Page 44

Under Disabled Hunter Deer Permits, change the date for Horse Heaven Hills B to Oct. 17-30. This change corrects a date change error in the filing of the CR 102 and makes the special permit hunt coincide with the general season dates.

Page 45

Under Youth Special Deer Permits, Modern Firearm Only, change the date for Horse Heaven Hills C to Oct. 17-30. This change corrects a date change error in the filing of the CR 102 and makes the special permit hunt coincide with the general season dates.

Under Youth Special Deer Permits, Modern Firearm Only, change the date for Kahlotus E to Oct. 17-25. This change corrects a date change error in the filing of the CR 102 and makes the special permit hunt coincide with the general season dates.

Pages 47-48

Under Special Deer Permits Second Deer Tag change the late archery start date for Kelly Hill B, Douglas B, 49 Degrees North B, Huckleberry B, Mt. Spokane B, Mica Peak A, Spokane North, and Spokane South to November 26. This change avoids an overlap with the new modern firearm special permit hunts in these GMUs and makes them consistent with the general season dates.

Under Special Deer Permits Second Deer Tag change delete the superscripts on Cheney, Spokane North, Spokane South, and Spokane West. These are not necessary for the WAC and only necessary in the Pamphlet.

Under Special Deer Permits Second Deer Tag change the number of permits for Spokane North from 550 to 450. This was a floor change made at the March Commission Meeting in response to deer population numbers and winter conditions.

Under Special Deer Permits Second Deer Tag change the number of permits for Mt. Spokane B from 200 to 150. This was a floor change made at the March Commission Meeting in response to deer population numbers and winter conditions.

Under Special Deer Permits Second Deer Tag change the number of permits for Spokane South from 150 to 125. This was a floor change made at the March Commission Meeting in response to deer population numbers and winter conditions.

Under Special Deer Permits Second Deer Tag change the end date for Spokane South for modern firearm to Oct. 25. This change corrects a clerical error filed in the CR 102.

Page 49

Under Special Deer Permits Second Deer Tag change the number of permits for Roosevelt B from 325 to 250. This was a floor change made at the March Commission Meeting in response to deer population numbers and winter conditions.

Under Special Deer Permits Second Deer Tag add "Modern firearm only" to the dates for Steptoe B and Almota A. This was a floor change made at the March Commission Meeting that corrects a clerical error in the filing of the CR 102.

SUMMARY OF PUBLIC TESTIMONY RECEIVED AT THE MARCH 6-7, 2009 MEETING IN ELLENSBURG, WA

Agenda 21

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

WAC 232-28-353 2009 Deer special permits

COMMENTS	AGENCY RESPONSE
Keep Sherman 101 the same. It is the only rut hunt. Don't lose archery opportunity.	We have made that change. Thank you for your comment.
In GMU 388 don't take away late season doe hunt. At the very least provide youth opportunity.	Our Biologists have determined that the restriction on antlerless harvest is necessary to maintain the deer population. Antlerless harvest is strictly regulated for deer and elk and is only allowed when the resource can support it or when we are trying to implement population control through hunter harvest.
Chelan mule deer population is fine. Don't go to a permit system. Changes are only being recommended for revenue purposes.	The changes proposed were recommended to insure the sustainability of the deer population. The Agency has changed its recommendation as a result of the public input at the March commission meeting which may impact the deer population especially the post-hunt buck population.
Leave archery status quo.	The Agency has changed its recommendation as a result of the public input at the March Commission Meeting. Although not status quo, some of the more contentious restrictions on archery hunting proposed in Regions 1 and 2 have been removed.
Don't close Swakane to archery.	The Agency never proposed closing the early archery season, which in 2009 will last 25 days and will allow both 3 pt. buck harvest as well as antlerless harvest. We have reinstated the late general season for 3 pt. min, only. Thank you for your comment.
Eliminate antlerless opportunity in Swakane. This will relieve the pressure.	We have made that change in the late general archery season. Thank you for your comment.
There is no user group equity in this proposal. Displacing 700 archers is not maximizing recreational opportunity. More reasonable plan is needed.	The Agency has proposed reinstating the late general archery season for 3 pt. min. only for the last ten days of November in GMU 250.
Use the branch antlered bull formula for deer allocation.	For those special permit opportunities that are offered to all three user groups, we already use the permit allocation formula and have done so since its inception.
Wants 4 pt. antler restriction in GMUs 117 and 121 as a pilot program. Population is in decline. Youth, seniors, and disabled should be exempt.	There is no biological reason to implement a more restrictive hunting season in these GMUs and most hunters do not support the restriction.
The GMU 101 late firearm season makes no sense. The population is in trouble.	The late firearm season was proposed to be for 50 permits. Although we do not think the deer population in GMU 101 is in trouble, we have returned the season structure to status quo.
Don't eliminate the late archery season in the Manson Unit.	As mentioned in the presentation made on Saturday, our recommendation will reinstate the late archery season in Manson.
Don't turn NE corner of the state into 3 pt. or better. GMU 117 has a good gene pool. Do 3 pt. there if need be.	There is no biological reason to implement a more restrictive hunting season in the NE Washington GMUs.

COMMENTS	AGENCY RESPONSE
Remove all general deer hunts in Kittitas County. Population is down at least 50%.	The Commission has already reduced the deer seasons accordingly through a reduction in special permits. A complete removal of general seasons is not warranted at this time.
Make GMU 329, 3pt. or better at the very least.	GMU 329 is already a special permit only GMU. Adding an antler restriction is more restrictive than it needs to be.
LT Murray still has a lot of deer. Return GMU 342 back to permit only. Too many does in the area.	This more restrictive approach was not deemed necessary by the Regional staff and not presented as a proposal for this 3-year package.
Don't let rifle hunters hunt during the rut. It will decimate the herds.	Rifle hunters as well as archery hunters have always hunted some portion of the rut either through general seasons or special permits. We monitor the seasons and the harvest to ensure sustainable population levels.

22. ELK GENERAL SEASONS AND SPECIAL PERMIT REGULATIONS– RULE ACTION

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"GREEN SHEET"

Meeting: April 3-4, 2009

Agenda Item 22: Elk General Seasons and Special Permit Regulations – **Rule Action**

Prepared By: Jerry Nelson

Presented By: Jerry Nelson, Deer and Elk Section Manager, Wildlife Program

Background:

Department staff will provide a brief overview to the Commission on proposed rule amendments to the following WACs: 232-28-352 2009-2011 Elk general seasons and definitions; and 232-28-354 2009 Elk special permits. This will include any changes resulting from the March 6-7, 2009 Commission meeting in Ellensburg.

The 2009-2011 hunting issues brought before the public this summer and fall included changes to elk seasons. The public encouraged the Department to make several changes that the Department could accommodate while sustaining the wildlife resource:

- The Colockum elk herd has consistently been below post-hunt population objectives for bulls. One aspect of this problem is low yearling bull survival. The Colockum herd has averaged less than 9 bulls per 100 cows in recent years. A high percentage of Colockum yearling bulls have antlers that branch and fork. By only allowing harvest of yearling bulls with a single antler point on both sides, we may be able to improve yearling survival in some of the core GMUs for the Colockum herd.
- In the last 3-year package (2006-2008), WDFW added an additional day to the modern firearm general elk season in western Washington, increasing the season from nine days to ten days. The Department committed to evaluate the results of lengthening the season. Initial analysis does not indicate an obvious change in bull harvest or a measurable change in post-hunt bull ratios.

The following are recommended hunting season amendments for 2009-2011 general elk seasons and special permits for the fall of 2009:

- In an attempt to increase bull survival for the Colockum elk herd, the Agency is proposing making the general season "spike bull" definition more restrictive in six GMUs.
- The Department is also proposing adding an additional day to the modern firearm elk season in western Washington increasing to an 11 day season. The Department will again monitor this change over the next three years and assess any need for change.

In addition, the Allocation Sub-Committee and the full Game Management Advisory Council recommended that the Department develop some new special permit hunts for modern firearm hunters during the peak of the rut for elk. We are proposing adjustments in special permits to provide more "rut hunt" opportunity to modern firearm hunters. These proposed hunts should provide some additional opportunity for modern firearm hunters at times when mature bulls are available.

Additional recommendations in response to overall population concerns:

- Proposing adjustments to the Malaga and Peshastin hunts to better address elk damage issues while trying to maintain population objectives for the Colockum elk herd.
- Proposing some additional muzzleloader opportunity in Regions 5 and 6.
- Also proposing adjustments to special permits in response to population changes or to better address damage issues.

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

- Provide balanced hunting opportunities for modern firearm, archery, and muzzleloader elk hunters.
- Maintain general elk hunting season opportunities while meeting population objectives.
- Adjust elk special permits in response to population changes and damage complaints.

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. Oral public testimony (if any was received) from the March 6-7, 2009 Commission meeting is located at the end of this agenda item. Advisory groups were utilized throughout the process. The Game Management Advisory Council is split on the proposed changes. The modern firearm and muzzleloader representatives for the most part, support the changes. The archery representatives don't support the loss of one day in the early general season.

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

Amend WACs 232-28-352 2009-2011 Elk general seasons and definitions; and 232-28-354 2009 Elk special permits, as presented.

Draft motion language:

I move to amend WACs 232-28-352 and 232-28-354, as proposed.

Justification for Commission action:

Provides recreational opportunity for the citizens of Washington, helps reduce wildlife damage to agricultural crops, and protects deer and elk from overharvest.

Communications plan:

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

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

FINAL RECOMMENDED ADJUSTMENTS

The following adjustments are proposed since the Code Reviser (CR-102) filing and are already included in your notebook language. These adjustments reflect any floor changes and additional supplemental recommended adjustments as a result of public testimony received at the March 6-7, 2009 Fish and Wildlife Commission meeting in Ellensburg.

Page 7

Under Early Muzzleloader Eastern Washington, move Elk Area 2051 from the "Spike Bull" line and enter on the "True Spike Bull" line. This change corrects a clerical error that filed in the CR 102.

Under Late Muzzleloader, Western Washington, GMUs 574 and 578, change the end date to Nov. 30. This change corrects a typographical error that was filed with the CR 102.

WAC 232-28-354 2009 Elk special permits

FINAL RECOMMENDED ADJUSTMENTS

The following adjustments are proposed since the Code Reviser (CR-102) filing and are already included in your notebook language. These adjustments reflect any floor changes and additional supplemental recommended adjustments as a result of public testimony received at the March 6-7, 2009 Fish and Wildlife Commission meeting in Ellensburg.

Page 34

Under Modern Firearm Bull Permit Hunts add the following hunt:

Lick Creek A	Oct. 26-Nov. 8	Any bull	EF	GMU 175	1

This change is in response to elk surveys conducted in March.

Page 36

Under Modern Firearm Elk Permits change the number of permits for Dayton E from 30 to 75. This change is in response to elk surveys conducted in March.

Under Modern Firearm Elk Permits change Lick Creek "A" to B. This change accommodates new hunts added in response to elk surveys conducted in March.

Page 38

Under Muzzleloader Bull Permit Hunts add the following hunt:

Lick Creek C	Oct. 1-14	Any bull	EM	GMU 175	1

This change is in response to elk surveys conducted in March.

Page 39

Under Muzzleloader Permit Hunts change the number for permits for Turnbull E and F from 11 to 9. This was floor change made at the March Commission Meeting that corrects a clerical error that was filed with the CR 102.

Under Muzzleloader Permit hunts add the following hunt:

Dayton G	Oct. 3-11	Antlerless	EM	Elk Area 1016	25

This change is in response to elk surveys conducted in March.

Under Muzzleloader Elk Permits change Lick Creek "B" to D. This change accommodates new hunts added in response to elk surveys conducted in March.

Page 41

Under Archery Permit Hunts change Dayton "G" to H. This change accommodates a new hunt added in response to elk surveys conducted in March.

Under Archery Permit Hunts add the following hunt:

Lick Creek E	Sept. 8-20	Any bull	EA	GMU 175	1

This change is in response to elk surveys conducted in March.

Under Archery Permit Hunts change Dayton "H" to I. This change accommodates a new hunt added in response to elk surveys conducted in March.

SUMMARY OF PUBLIC TESTIMONY RECEIVED AT THE MARCH 6-7, 2009 MEETING IN ELLENSBURG, WA

Agenda 22

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

WAC 232-28-354 2009 Elk special permits

COMMENTS	AGENCY RESPONSE
Start archers on August 25 for black tailed deer to offset giving more opportunity to other groups.	The Agency has traditionally stayed away from August due to other recreationists, heat, and fire danger but we may have to explore that in the future.
Don't take away 8 days from the late season in Willapa Hills. If you have to take away the first early day, not the end days.	We are trying to address some of the inequities that favor archery elk hunters by shifting the early season a little earlier and reducing some of the days in the late season. This should result in fewer mature bulls being killed.
Fix the westside inequity for archers.	We are trying to address some of the inequities for archery elk hunters by shifting the early season a little earlier and reducing some of the days in the late season. This should result in fewer mature bulls being killed.
Fix the overlap of deer and elk season for modern firearm and muzzleloader at the Oak Creek area. People with highpowered weapons show up to set up camp and ruin our hunt.	For 2009, muzzleloader deer ends on Oct. 4 and muzzleloader elk ends on Oct. 9. Modern firearm deer will open on Oct. 17. That should address the problem for the short term but as the calendar shifts; those closing and opening dates will get closer and closer together.
The elk areas hunting is on private lands. Can't get permission. Not really an opportunity.	It's the hunter's responsibility to develop a relationship with the landowner in order to gain access. We cannot force private landowners to allow access to every hunter that asks.
Go permit only in the Colockum. Bulls are down 70% in five years. True spike is not the answer.	There are over 6,000 hunters that hunt the Colockum elk herd during the general season. The Agency is not ready to implement that drastic of a measure at this time.
Opposed to 503, 513, and 516 expansion of cow harvest opportunities. It is not consistent with the Game Management Plans.	The Agency is responsible for addressing damage issues and keeping elk populations at a level that landowners will tolerate.
Doesn't support modern firearm hunt during the rut.	The Agency has received numerous requests for this kind of opportunity over the years. We are starting cautiously as we explore this new idea.
Supports true spike in the Colockum, unless it needs to be closed for conservation.	The Colockum herd is not in a condition that would require a conservation closure at this time. Thank you for the support.
If you need to go to permit for the Colockum, then close it for a year.	The Colockum herd is not in a condition that would require a conservation closure at this time.
In the Colockum and Manastash need to get accurate tribal data so that we aren't guessing about harvest.	Accurate harvest records from all entities has always been the goal of the Department and we will continue to try to achieve that goal.
Look at old hunt for the Colockum (Dec. 1-15). It was a good hunt.	The Colockum herd would likely not be able to support that kind of a hunt, especially in December.
Need a migration corridor. Elk are not migrating the way they used to in the Colockum area.	We'll look into this aspect. Thank you for your comment.
We want our elk season back in Yakima (Rimrock area).	There are special permit hunts in the Rimrock, just like all the Yakima units.

23. SMALL GAME SEASONS – RULE ACTION

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"GREEN SHEET"

Meeting: April 3-4, 2009

Agenda Item 23: Small Game Seasons – **Rule Action**

Prepared By: Mick Cope

Presented By: Mick Cope, Upland Game Section Manager, Wildlife Program

Background:

Department staff will provide a brief overview to the Commission on proposed amendments to WAC 232-28-342 2009-10, 2010-11, 2011-12 Small game seasons. This will include any changes resulting from the March 6-7, 2009 Commission meeting in Ellensburg.

The revised WAC describes season timing, hunting requirements, applicable permit levels, and bag limits for the following species: bobcat, raccoon, fox, coyote, forest grouse, pheasant, chukar, gray partridge, mountain quail, California quail, bobwhite, quail, wild turkey, Canada goose, band-tailed pigeon, mourning dove, cottontail rabbits, snowshoe hare, and crow. It also describes falconry and dog training seasons. For the most part, proposed hunting season timing does not change from recent years. The daily bag limit for forest grouse is proposed to increase from 3 to 4. Data show that over the past 25 years hunters harvest fewer than three forest grouse per year and fewer than 0.5 birds per day hunted.

The Department is recommending making it unlawful to hunt coyotes with the use of dogs. The recommendation is based on input from the public via the Washington State legislature. Even though the recommendation is not based on the biological status of coyotes, the Department is bringing this issue before the commission due to our desire to address social issues with hunting during the Commission process rather than legislative process.

Turkey populations in Washington continue to grow, especially in northeastern Washington. Over the past several years, fall turkey regulations have been increasingly liberalized and exponential population growth has stopped. Both biologists and local citizens want a reduced population in northeastern WA, so additional fall hunting opportunity is being proposed by extending the early fall season by one week and changing the late fall season to a general season rather than a permit season. In addition, as populations continue to increase, other early fall permit season opportunities can be expanded in the Blue Mountains and Klickitat County.

The eastside September Canada goose season was initiated in several counties in 1996 and expanded to all of eastern Washington in 1997. When the season was first established, its continuation was based on several population criteria levels. These criteria levels were later revised in the Pacific Flyway Council's Pacific Population of Western Canada Goose Management Plan (2001 revision). These index levels were also adopted in the WDFW Game Management Plans for 2003-2009 and 2009-2015. The 3-year average eastern Washington nest index for 2005-2007 was 1,935, falling below the 2,000 trigger level to restrict or discontinue the season. This index has shown a gradual decline since the September season was initiated in 1997. It is also unlikely that the September goose season is contributing to goose population control in urban / suburban areas, because few geese marked in these areas are recovered in the September season. We are proposing elimination of the two-day September season in eastern Washington, but would add these two days to the regular goose season, which begins in mid-October. If the nest index increases above the 2,000 trigger level in the future, the season will be reinstated.

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

- Control of northeastern turkey population expansion by liberalizing fall turkey hunting through more general season opportunity.
- Continue to provide hunting opportunity for pheasant, quail, gray partridge, chukar, forest grouse, and small game animals.
- Increase the daily bag limit for forest grouse to four per day.
- Eliminate the use of dogs to hunt coyotes.
- Eliminate the two-day September Canada Goose Season.

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. Oral public testimony (if any was received) from the March 6-7, 2009 Commission meeting is located at the end of this agenda item. Most of the issues in this proposed WAC were also reviewed by the Upland Game Advisory Committee and received approval from a majority of the members responding. Additional public comments were received at the March 6 Fish and Wildlife Commission meeting.

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

Amend WAC 232-28-342 2009-10, 2010-11, 2011-12 Small game seasons, as presented.

Draft motion language:

I move to amend WAC 232-28-342, as proposed.

Justification for Commission action:

The proposed changes provide small game hunting opportunities as well as additional turkey hunting opportunities in areas where turkey populations are expanding or are at higher levels than desired.

Communications plan:

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

WAC 232-28-342 2009-10, 2010-11, 2011-12 Small Game Seasons

FINAL RECOMMENDED ADJUSTMENTS

The following adjustments are proposed since the Code Reviser (CR-102) filing and are already included in your notebook language. These adjustments reflect any floor changes and additional supplemental recommended adjustments as a result of public testimony received at the March 6-7, 2009 Fish and Wildlife Commission meeting in Ellensburg.

Pages 1 and 2

Add "2012" to the season dates for Bobcat, Raccoon, and Fox. The seasons run through March 15, 2012 and the 2012 date was an omission.

Pages 3 and 6

Add "Male turkeys" to the definition of Legal Bird for spring seasons. The intent of the regulation is to harvest male turkeys and turkeys with visible beards. In the original draft, the term "gobblers" had been removed and not replaced by "Male turkeys."

SUMMARY OF PUBLIC TESTIMONY RECEIVED AT THE MARCH 6-7, 2009 MEETING IN ELLENSBURG, WA

Agenda Item 23

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

COMMENTS	AGENCY RESPONSE
Coyotes	
I am not aware of anyone who uses dogs to hunt coyotes. It is a non-issue. We don't need more regulations.	The recommendation is based on input from the public via the Washington State Legislature. The recommendation is not based on the biological status of coyotes. The Department is bringing this issue before the Commission because they have been authorized by the Legislature to address hunting issues.
More people are beginning to hunt coyotes with dogs. Don't restrict it.	