18. *MOOSE, BIGHORN SHEEP, AND MOUNTAIN GOAT REGULATIONS – RULE BRIEFING AND PUBLIC HEARING*

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"GREEN SHEET"

Meeting:	March 12-13, 2010
Agenda Item 18:	Moose, Bighorn Sheep, and Mountain Goat Regulations– **Rule Briefing and Public Hearing**
Prepared By:	Donny Martorello, Ph.D.
Presented By:	Donny Martorello, Ph.D., Carnivore, Furbearer, and Special Species Section Manager, Wildlife Program

Background:

Department staff will brief the Commission on proposed rule amendments to WAC 232-28-273 2009-2011 Moose, bighorn sheep, and mountain goat seasons and permit quotas and WAC 232-12-284 Bighorn sheep – Marking requirements.

a) WAC 232-28-273: The proposed WAC amends seasons for moose, bighorn sheep, and mountain goat. Winter surveys indicate moose populations are stable. The Department recommends status quo permit levels.

All bighorn sheep populations that currently are hunted either meet or exceed population objectives. The Department recommends minor permit level changes (from 40 to 47) based on the population thresholds in the Game Management Plan (2008). The changes include closing the Wenaha (previously 1 permit), and opening Swakane, Chelan Butte, and Sinlahekin (each with 1 permit).

Mountain goat populations are stable in all hunted populations. Changes in permit levels are based on annual survey counts and tend to be conservative, given the sensitivity of goats to overharvesting. The Department recommends status quo permit levels in all areas, except reducing the permit level from 2 to 1 in the Bumping River population management unit due to recent survey counts.

b) WAC 232-12-284: WAC 232-12-284 requires that all bighorn sheep harvested or possessed be permanently marked on the horns. The intent of the rule is to address the potential for illegal harvest and commercialization of bighorn sheep ram horns, because a mature ram skull can have a market value of several thousand dollars. The same situation does not occur for bighorn sheep ewes. The Department implemented a few ewe-only bighorn sheep hunts last hunting season and was unable to effectively mark ewe horns due to their smaller size. Given the intent of the rule and difficulty marking ewe horns, the Department is recommending amending the rule to only include marking requirements for bighorn sheep rams and clarifying conditions of possession.

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

a) Continued hunting of moose, bighorn sheep, and mountain goat through a permit-only system.
b) Exclude ewe bighorn sheep from the horn marking requirements for harvested and possessed bighorn sheep.

Public involvement process used and what you learned:

Notification was mailed to approximately 450 organizations and individuals informing them of the opportunity to provide comments on the proposed regulations.

Action requested (identify the specific Commission decisions you are seeking):
Take public comment. Adoption is planned for the April 9-10, 2010 Commission meeting.

Draft motion language:
N/A

Justification for Commission action:
N/A

Communications plan:

- News Release
- Hunting Pamphlets
- Website
- Washington State Register

AMENDATORY SECTION (Amending Order 09-53, filed 4/15/09, effective 5/16/09)

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

(1) It is unlawful to fail to comply with the provisions of this section. A violation of species, sex, size, number, area, season, or eligibility requirements will be punished under RCW 77.15.410.

(2) Moose Permit Hunts

Who May Apply: Anyone may apply, ~~:~~ EXCEPT those who harvested a moose previously in Washington state. An individual may only harvest one moose during their lifetime (except waived for antlerless only hunts, master hunter hunts, and raffle and auction hunts).

Bag Limit: One moose.

Weapon Restrictions: Permit holders may use any legal weapon.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
Kettle Range/East Okanogan	Oct. 1 - Nov. 30	GMUs 101, 105, 204	Any Moose	3
Selkirk Mtns. A	Oct. 1 - Nov. 30	GMU 113	Any Moose	22
Selkirk Mtns. B[d]	Oct. 1 - Nov. 30	GMU 113	Antlerless Only	2
Mt. Spokane A	Oct. 1 - Nov. 30	GMU 124 east of Hwy 395	Any Moose	12
Mt. Spokane B	Oct. 1 - Nov. 30	GMU 124 east of Hwy 395	Antlerless Only	14
Mt. Spokane[H((M))C]	Dec. 1 - Mar. 31	GMUs 124, 127, and 130 within Spokane County	~~Any Moose~~ Antlerless Only	20[H((M))C]
Mt. Spokane Youth Only[a]	Oct. 1 - Nov. 30	GMU 124 east of Hwy 395	Antlerless Only	10
49 Degrees North A	Oct. 1 - Nov. 30	GMU 117	Any Moose	22

49 Degrees North B[b]	Oct. 1 - Nov. 30	GMU 117	Antlerless Only	3
49 Degrees North C[c]	Oct. 1 - Nov. 30	GMU 117	Antlerless Only	2
49 Degrees North Youth Only[a]	Oct. 1 - Nov. 30	GMU 117	Antlerless Only	2
Three Forks	Oct. 1 - Nov. 30	GMUs 108, 111	Any Moose	6
Hangman A	Oct. 1 - Nov. 30	GMUs 127, 130	Any Moose	7
Hangman B	Oct. 1 - Nov. 30	GMUs 127, 130	Antlerless Only	7
Huckleberry Range A	Oct. 1 - Nov. 30	GMUs 121, 124 west of Hwy 395	Any Moose	6
Huckleberry Range B[c]	Oct. 1 - Nov. 30	GMUs 121, 124 west of Hwy 395	Antlerless Only	2

[a]Applicants must be eligible to purchase a youth moose ((~~license by November 30 during the license year they are applying for~~)) permit application. Youth hunters must be accompanied by an adult during the hunt.

[b]Applicants must possess a Disabled Hunter Permit.

[c]Applicants must be eligible to purchase a 65 years of age or older ((~~by November 30 during the license year they are applying for~~)) permit application.

[d]Applicants must be a certified hunter education instructor who meets program-defined eligibility criteria.

[H((M))C]This is a damage hunt administered by a WDFW designated hunt ((~~master~~)) coordinator. Only master hunters may apply, ((~~; these hunts will not affect accumulated points;~~)) and any weapon may be used. Successful applicants will be contacted on an as-needed basis to help with specific sites of nuisance moose activity in designated areas. Not all successful applicants will be contacted in any given year.

(3) Bighorn Sheep Permit Hunts

Who May Apply: Anyone may apply, ~~;~~ EXCEPT those who harvested a bighorn

sheep previously in Washington state. An individual may only harvest one bighorn sheep during their lifetime. (Except waived for raffle and auction hunts, and ewe only hunts.)

Bag Limit: One bighorn ram (except in designated adult ewe hunts, one bighorn adult ewe).

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
Vulcan Mountain A	Sept. 15 - Oct. 10	Sheep Unit 2	Any Legal Weapon	1
Vulcan Mountain B[a]	Oct. 1-10	Sheep Unit 2	Adult ewe only Any Legal Weapon	2
Vulcan Mountain C[b]	Oct. 1-10	Sheep Unit 2	Adult ewe only Any Legal Weapon	1
Selah Butte A	Nov. 3-30	Sheep Unit 4	Any Legal Weapon	5
Selah Butte B	Sept. 1-30	Sheep Unit 4	Adult ewe only Any Legal Weapon	5
Umtanum	Sept. 15 - Oct. 10	Sheep Unit 5	Any Legal Weapon	5
Cleman Mountain A	Sept. 15 - Oct. 10	Sheep Unit 7	Any Legal Weapon	3
Cleman Mountain B	Nov. ((~~3~~))8-30	Sheep Unit 7	Any Legal Weapon	3
Mt. Hull A	Sept. 15 - Oct. 10	Sheep Unit 10	Any Legal Weapon	1
Mt. Hull B	Oct. 1-10	Sheep Unit 10	Adult ewe only Any Legal Weapon	2
((~~Wenaha~~	~~Sept. 15 - Oct. 10~~	~~Sheep Unit 11~~	~~Any Legal Weapon~~	~~1~~))
Lincoln Cliffs	Sept. 15 - Oct. 10	Sheep Unit 12	Any Legal Weapon	1
Quilomene	Sept. 15 - Oct. 10	Sheep Unit 13	Any Legal Weapon	4
Swakane	Sept. 15 - Oct. 10	Sheep Unit 14	Any Legal Weapon	1
Tieton A	Sept. 15 - Oct. 10	Sheep Unit 15	Any Legal Weapon	((~~3~~)) 4
Tieton B	Nov. 8-30	Sheep Unit 15	Any Legal Weapon	4
Manson	Nov. ((~~3~~)) 8-30	Sheep Unit 16	Any Legal Weapon	2
Asotin	Sept. 15 - Oct. 10	Sheep Unit 17	Any Legal Weapon	1
Chelan Butte	Sept. 15 - Oct. 10	Sheep Unit 18	Any Legal Weapon	1
Sinlahekin	Sept. 15 - Oct. 10	Sheep Unit 19	Any Legal Weapon	1

[a]Applicants must be eligible to purchase a 65 years of age or older ((~~by November 30 during the license year they are applying for~~)) permit application.

[b]Applicants must be eligible to purchase a youth bighorn sheep ((~~license by November 30 during the license year they are applying for~~)) permit application. Youth hunters must be accompanied by an adult during the hunt.

Bighorn Sheep Units:

Sheep Unit 2 Vulcan Mountain: Permit Area: Ferry County north of the Kettle River near Curlew.

Sheep Unit 4 Selah Butte: Permit Area: That part of Yakima and Kittitas counties between Ellensburg and Yakima east of the Yakima River and north of Selah Creek, west of Interstate 82 and south of Interstate 90.

Sheep Unit 5 Umtanum: Permit Area: Those portions of Yakima and Kittitas counties west of the Yakima River, north of Wenas Creek, and east of USFS Road 1701 to Manastash Lake and its drainage; south and east along the South Fork Manastash Creek to Manastash Creek and the Yakima River.

Sheep Unit 7 Cleman Mountain: Permit Area: That part of Yakima County south of Wenas Creek and east of USFS Road 1701, north of Highway 410 and Highway 12 and west of the Yakima River.

Sheep Unit 10 Mt. Hull: Permit Area: That part of Okanogan County within the following described boundary: Beginning at Oroville; then south along U.S. Highway 97 to the Swanson's Mill Road (old Mt. Hull Road) near Lake Andrews; then east to the Dry Gulch Road; then north to the Oroville-Toroda Creek Road (Molson Grade Road); then west to Oroville and the point of beginning.

Sheep Unit 11 Wenaha Wilderness: Permit Area: That part of GMU 169

within Crooked Creek drainage.

Sheep Unit 12 Lincoln Cliffs: Permit Area: That part of Lincoln County north of Highway 2.

Sheep Unit 13 Quilomene: Permit Area: GMUs 329, 330, and 251 south of Colockum Creek.

Sheep Unit 14 Swakane: Permit Area: GMU 250.

Sheep Unit 15 Tieton: Permit Area: GMU 360.

Sheep Unit 16 Manson: Permit Area: Beginning at the mouth of Granite Falls Creek on the south shore of Lake Chelan, E across Lake Chelan to Willow Point; NW along the shoreline of Lake Chelan to the mouth of Stink Creek; E along Stink Creek to the intersection with Green's Landing Road; along Green's Landing Road to Manson Boulevard; E on Manson Boulevard to Lower Joe Creek Road; NE on Lower Joe Creek Road to Grade Creek Road; NE on Grade Creek Road to US Forest Service Road 8210; NE on US Forest Service Road 8210 to intersection with US Forest Service Road 8020; W on US Forest Service Road 8020 to Fox Peak; NW along Sawtooth Ridge (Chelan-Okanogan County Line) to the Lake Chelan National Recreation Area boundary; S along the Lake Chelan National Recreation Area boundary to shore line of Lake Chelan; W across Lake Chelan to the mouth of Riddle Creek on the South Shore; SE along South Shore of Lake Chelan to the point of beginning.

Sheep Unit 17 Asotin: Permit Area: GMU 175.

Sheep Unit 18 Chelan Butte: Permit Area: Beginning at the intersection of State Hwy 971 and US Hwy 97A, S to the W shoreline of the Columbia River, N along the W shoreline of the Columbia River for 21 miles to the mouth of Antione Creek, W up Antione Creek to

where it crosses Apple Acres Rd, W on Apple Acres Rd to the intersection with Washington Creek Rd (US Forest Service Rd 8135), N on Washington Creek Rd to its end and then follow Washington Creek, W on Washington Creek to where it crosses US Forest Service Rd 8010, S on US Forest Service Rd 8010 (transitions into Purtteman Creek Rd) to Purtteman Gulch, S into Purtteman Gulch to the N shoreline of Lake Chelan, S along the shoreline to the S shoreline of Lake Chelan to the mouth of First Creek, S up First Creek to the intersection of State Hwy 971 (Navarre Coulee Rd), S on State Hwy 971 to the point of beginning.

Sheep Unit 19 Sinlahekin:

Beginning at the eastern boundary of the Pasayten Wilderness border and the US-Canadian border; E on the US-Canadian border to the border station on Similkameen Rd (Co Rd 4568); SE on the Similkameen Rd (Co Rd 4568) to the Loomis-Oroville Rd (Co Rd 9425); E on the Loomis-Oroville Rd (Co Rd 9425) to US Hwy 97 in Oroville; S on US Hwy 97 to 12th Ave; W on 12th Ave (it curves S and changes to Old Highway 97); S on Old Highway 97 to US Hwy 97; S on US Hwy 97 to the South Pine Creek Rd (Co Rd 9410); W on the South Pine Creek Rd (Co Rd 9410) to Fish Lake Rd (Co Rd 4290); W on Fish Lake Rd (Co Rd 4290) to South Fish Lake Rd (Co Rd 4282), along the south shore of Fish Lake; SW on South Fish Lake Rd (Co Rd 4282), to the Sinlahekin Rd (Co Rd 4015); SW on the Sinlahekin Rd (Co Rd 4015), along the north shore of Conconully Lake, to the Salmon Creek North Fork Rd (Co Rd 2361), at the town of Conconully; N on US Forest Service Rd 38 (Salmon Creek North Fork Rd, Co Rd 2361) to US Forest Service Rd 3820; N on US Forest Service Rd 3820 over Lone Frank Pass, to US Forest Service

Rd 39; N on US Forest Service Rd 39 to the US Forest Service Rd 300 at Long Swamp trailhead; W on the US Forest Service 300 to US Forest Service Trail 342; N on US Forest Service Trail 342 to US Forest Service Trail 343; E on US Forest Service Trail 343 to US Forest Service Trail 341; E on US Forest Service Trail 341 to US Forest Service Trail 375; E on US Forest Service Trail 375 to the eastern boundary of the Pasayten Wilderness Area; N on the Pasayten Wilderness Area boundary to the US-Canadian border and the point of beginning.

(4) Mountain Goat Permit Hunts

Who May Apply: Anyone may apply, ~~;~~ except those who harvested a mountain goat in Washington state after 1998. An individual may only harvest one mountain goat during their lifetime, except for those who harvested a goat prior to 1999. (Except waived for raffle and auction hunts.)

Bag Limit: One (1) adult goat of either sex with horns four (4) inches or longer. WDFW urges hunters to refrain from shooting nannies with kids.

Hunt Name	Permit Season[b]	Subpopulations Open to Hunting[a]	Special Restrictions	Permits[a]
Mt. Baker	Sept. 15 - Oct. 31	Chowder Ridge, Coleman Pinnacle, Lava Divide, Black Buttes, Lake Ann, SE Baker	Any Legal Weapon	7
North Lake Chelan	Sept. 15 - Oct. 31	Skookum Pass Mtn., Big Goat Creek	Any Legal Weapon	2
Naches Pass	Sept. 15 - Oct. 31	Fife's East, Fife's Peak, ((~~Corral Pass~~)) Crystal Mountain, Basin Lake	Any Legal Weapon	1
Bumping River	Sept. 15 - Oct. 31	Nelson Ridge, Cash Prairie, American Ridge, American Lake, Timber Wolf, Russell Ridge	Any Legal Weapon	((~~2~~)) 1

Blazed Ridge	Sept. 15 - Oct. 31	Blowout Mtn., Blazed Ridge, Blazed North, Milk Creek, Rock Creek	Any Legal Weapon	1
Goat Rocks-Tieton River	Sept. 15 - Oct. 31	Chimney Rocks, Goat Lake, McCall Glacier, Gilbert Peak	Any Legal Weapon	5

[a]Mountain goat populations are managed as a collection of subpopulations, and the ideal harvest is distributed through all the subpopulations. The director is authorized to open or close subpopulations and reduce permit levels to protect from overharvesting specific areas.

The director is authorized by the commission to identify the hunt area as a condition of the hunt permit. Selected hunters will receive a text description or map of their hunt area.

[b]Permit hunters may start hunting September 1 with archery equipment.

[Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240. 09-09-083 (Order 09-53), § 232-28-273, filed 4/15/09, effective 5/16/09. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210. 08-09-090 (Order 08-78), § 232-28-273, filed 4/18/08, effective 5/19/08; 07-11-017 (Order 07-62), § 232-28-273, filed 5/3/07, effective 6/3/07. Statutory Authority: RCW 77.12.047. 06-11-032 (Order 06-92), § 232-28-273, filed 5/8/06, effective 6/8/06; 05-11-022 (Order 05-89), § 232-28-273, filed 5/10/05, effective 6/10/05. Statutory Authority: RCW 77.12.047 and 77.12.020. 04-11-036 (Order 04-98), § 232-28-273, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.047. 03-13-047 (Order 03-129), § 232-28-273, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 77.12.047, 77.12.655, 77.12.020. 02-11-069 (Order 02-98), §

232-28-273, filed 5/10/02, effective 6/10/02. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. 01-10-048 (Order 01-69), § 232-28-273, 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), § 232-28-273, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.040. 99-10-102 (Order 99-40), § 232-28-273, filed 5/5/99, effective 6/5/99; 98-10-005 (Order 98-58), § 232-28-273, filed 4/22/98, effective 5/23/98.]

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

RECOMMENDED ADJUSTMENTS

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

Pages 1-8

Several minor edits were made to the language to improve readability and accuracy.

Page 1

- Add the following subsection: "It is unlawful to fail to comply with the provisions of this section. A violation of species, sex, size, number, area, season, or eligibility requirements will be punished under RCW 77.15.410." The purpose of the change is to clarify how violations of the rule will be punished.

- Change "any moose" to "antlerless only" under the Mt. Spokane [HC] hunt. The change is for consistency with other damage hunts, where antlerless animals are targeted for removal.

Page 3

Add bighorn sheep permit hunt area as follows:

Sinlahekin	Sept. 15 - Oct. 10	Sheep Unit 19	Any Legal Weapon	1

The reason for the change is recent surveys indicate the bighorn herd at Sinlahekin is large enough to allow limited harvest without impacting the viability of the herd.

Page 6 & 7

Add legal description for bighorn sheep hunt area at Sinlahekin.

AMENDATORY SECTION (Amending Order 96-193, filed 11/5/96, effective 12/6/96)

WAC 232-12-284 Bighorn sheep--Marking requirements. (1) For the purpose of this regulation, horns shall be defined as the permanent, paired, hollow sheath of bighorn sheep ram attached to the bony core and skull.

(2) It is unlawful for a person who kills or possesses a bighorn sheep ram taken in Washington to fail, within ten days after acquisition, to personally present the horns for inspection and permanent marking at a department regional office. A department employee shall permanently mark one of the horns of each lawfully acquired bighorn sheep. A violation of this subsection will be punished under RCW 77.15.280(1)(c).

(3) It is unlawful for any person to possess the horns of a bighorn sheep ram taken in Washington without one of the horns being permanently marked by the department. A violation of this subsection will be punished under RCW 77.15.410.

(4) A person may not transfer ownership or possession of bighorn sheep horns by offering them for sale, selling them, purchasing them, or bartering them, without a written permit authorized by the director. It is unlawful for any person who transfers ownership or possession of the horns of a bighorn sheep ram ~~which~~ that ~~has~~ have been permanently marked to fail to give written notice of the transfer to the department within ten days after the transfer. A violation

of this subsection will be punished under RCW 77.15.750.

[Statutory Authority: RCW 77.12.040. 96-22-073 (Order 96-193), § 232-12-284, filed 11/5/96, effective 12/6/96; 81-12-029 (Order 165), § 232-12-284, filed 6/1/81.]

WAC 232-12-284 Bighorn sheep--Marking requirements.

Recommended Adjustments

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

Pages 11 &12

The penalties for violation of this rule were inserted under the appropriate subsections for clarity.

Page 11

Subsection four was modified to clarify what a person must do to transfer ram horns as follows: "A person may not transfer ownership or possession of bighorn sheep horns by offering them for sale, selling them, purchasing them, or bartering them, without a written permit authorized by the director. It is unlawful for any person who transfers ownership or possession of the horns of a bighorn sheep ram that have been permanently marked to fail to give written notice of the transfer to the department within ten days after the transfer. A violation of this subsection will be punished under RCW 77.15.750."

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** 09-24-111; **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):
Natural Resources Building, Room 172
1111 Washington Street SE
Olympia, Washington 98501
(360) 902-2515

Date: March 12-13, 2010 Time: 8:00 am

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

By: Wednesday, February 24, 2010

Assistance for persons with disabilities:
Contact: Susan Yeager by March 8, 2010
TTY (800) 833-6388 or (360) 902-2267

Date of intended adoption: April 9-10, 2010
(Note: This is **NOT** the **effective** date)

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

Reasons supporting proposal:
See Attachment A

Statutory authority for adoption: 77.012.040, 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 77.32.070, 77.32.530

Statute being implemented: 77.012.040, 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 77.32.070, 77.32.530

Is rule necessary because of a:

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

If yes, CITATION:

DATE
February 3, 2010

NAME
Lori Preuss

SIGNATURE
Lori Preuss

TITLE
Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 03, 2010
TIME: 11:35 AM

WSR 10-04-125

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:
None

Name of proponent: (person or organization)
Washington Department of Fish and Wildlife

☐ 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 220-55-115 Recreational License Dealer Fees

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The proposed language allows hunters to replace lost permits at vendors statewide and reimburses vendors for the cost of providing supplemental permits.

Reasons supporting proposal:
Provide greater flexibility for hunters to replace lost permits.

WAC 232-12-047 Unlawful methods for hunting

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The proposed language clarifies that handguns may be used for personal protection by all hunters. Hunters will have greater certainty on their rights to possess handguns for personal protection.

Moves crossbow regulations from the archery requirement rule to the unlawful methods for hunting rule.

Reasons supporting proposal:
Provide consistency with the U.S. Constitution and state law.

Crossbows are lawful under modern firearm seasons and not under archery seasons.

WAC 232-12-051 Muzzleloading firearms

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The proposed language clarifies that handguns may be used for personal protection by all hunters. Hunters will have greater certainty on their rights to possess handguns for personal protection.

Reasons supporting proposal:
Provide consistency with the U.S. Constitution and state law.

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 proposed language clarifies that handguns may be used for personal protection by all hunters. Hunters will have greater certainty on their rights to possess handguns for personal protection.

Moves crossbow regulations from the archery requirement rule to the unlawful methods for hunting rule.

Reasons supporting proposal:
Provide consistency with the U.S. Constitution and state law.

Crossbows are lawful under modern firearm seasons and not under archery seasons.

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 language closes deer hunting on Cottonwood Island and Howard Island. The purpose is to protect endangered Columbian white-tailed deer. The anticipated effect is to further the recovery of Columbian white-tailed deer while retaining deer hunting on the mainland in GMU 564 proper.

Reasons supporting proposal:
The proposed language allows the retention of hunting in GMU 564 proper, but does not allow deer hunting on Cottonwood and Howard Islands which are sites proposed for Columbian white-tailed deer release to further Columbian white-tailed deer recovery.

WAC 232-28-266 Damage Prevention Permits

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
This proposal changes the timeframe that turkey Damage Prevention Permits are valid, so they can be used beginning on October 10. This proposal does not change the number of turkey permits approved.

This proposal also dedicates an additional 50 antlerless elk permits to Game Management Units in Region 5 to address increased elk damage complaints.

Reasons supporting proposal:
In April 2009, the Fish and Wildlife Commission approved 200 turkey Damage Prevention Permits for GMUs 105 to124 which were valid beginning December 15. WDFW enforcement officers found that landowners experienced damage issues during October and November, before the approved Damage Prevention Permit season.

Elk Damage Prevention Permits currently allocated throughout the state have not been adequate to address elk damage in Region 5.

WAC 232-28-273 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 WAC amends seasons for moose, bighorn sheep, and mountain goat. The Department recommends status quo seasons for moose and minor permit level changes for bighorn sheep and mountain goat. Winter surveys indicate moose populations are stable. The Department recommends status quo permit levels. All bighorn sheep populations that currently are hunted either meet or exceed population objectives. The Department recommends minor permit level changes (from 40 to 46) based on the population thresholds in the Game Management Plan (2008). The changes include closing the Wenaha (previously 1 permit), opening Swakane (1 permit), and opening Chelan Butte (1 permit). Mountain goat populations are stable in all hunted populations. Changes in permit levels are based on annual survey counts and tend to be conservative given the sensitivity of goats to over harvesting. The Department recommends status quo permit levels in all areas, except reducing the permit level from 2 to 1 in the Bumping River population management unit due to recent survey counts. The anticipated effects are sustainable recreational hunting opportunities and long-term viable populations.

Reasons supporting proposal:
Permit level changes are based on the population thresholds in the Game Management Plan (2008).

WAC 232-12-284 Bighorn sheep -Marking requirements

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The proposed WAC amends the marking requirements for bighorn sheep that are harvested or in possession. The Department implemented a few ewe-only bighorn sheep hunts last hunting season and was unable to effectively mark ewe horns due to their smaller size. Given the intent of the rule and difficulty marking ewe horns, the Department is recommending amending the rule to only include marking requirements for bighorn sheep rams, not ewes. There is no anticipated effect to populations or hunting opportunity.

Reasons supporting proposal:
The intent of the rule is to address the potential for illegal harvest and commercialization of bighorn sheep ram horns, because a mature ram skull can have a market value of several thousand dollars. Fortunately, the same situation does not occur for bighorn sheep ewes. As such, the Department is recommending dropping the marking requirement for bighorn ewes.

WAC 232-28-285 2010-2011 Pilot cougar hunting seasons with the aid of dogs

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

Implements Engrossed Substitute House Bill (ESHB) 2438 and establishes pilot cougar with the aid of dogs in Chelan, Okanogan, Ferry, Stevens, Pend Oreille, and Klickitat counties for the 2010-11 winter. The objective of the bill is to use a pilot cougar hunt with the aid of dogs to address public safety and the protection of private property (e.g., pets and livestock), as well as to allow the Department to more effectively manage cougar populations.

The Department is recommending a status quo permit season for the 2010-2011 pilot cougar hunt, with the following exceptions:

1. Change the opening day of the permit hunt from Dec 19 to Dec 1 (except GMUs 101, 105, and 204).
2. Increase the kill quota for Klickitat hunt zone to 10 total cougars or 4 females.
3. Increase the cap on the number of permits issued from 2x the total quota to 3x the total quota.
4. If a second drawing occurs, select additional hunters from the unselected pool of applicants that reside in a participating county.
5. Routine calendar date changes for the six counties continuing the pilot program.

The anticipated effect is to stabilize cougar populations at current levels.

At date of this filing, only Klickitat County has met the basic requirements for inclusion in the pilot cougar hunt. This filing serves as a public notice that other counties may request inclusion in the pilot cougar program up until rule action by the Fish and Wildlife Commission in April 2010.

Reasons supporting proposal:
The rule implements ESHB 2438. The objective of the bill is to use a pilot cougar hunt with the aid of dogs to address public safety and the protection of private property (e.g., pets and livestock), as well as to allow the Department to more effectively manage cougar populations.

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 WAC amends spring black bear hunting seasons. To expand the benefit of the spring seasons in the Blue Mountains, the Department is recommending adding a spring bear hunt in GMU 181 (Couse) with 4 permits. The anticipated effect is better distribution of harvested bears geographically and a slight increase in total harvest.

For Westside spring bear hunts, the Department is recommending reducing the season length in the Kapowsin Tree Farm unit from April 15-June 15 to April 15-May 15 based on discussions with the landowners. There is a slight anticipated effect to the number of hunter days.

Reasons supporting proposal:
The objectives of spring bear hunts in the Blue Mountains are to better distribute the harvest geographically and increase total harvest while minimizing female take. Through time, the spring season has proven successful for both objectives.

The Fish and Wildlife Commission began implementing spring black bear hunts in western Washington in 2006. The purpose of these hunts is to reduce tree damage by bears during the spring.

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

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The rule establishes cougar permit hunt seasons without the aid of dogs. The proposal removes permit hunt seasons in hunt areas with a concurrent pilot cougar permit hunt with the aid of dogs. The purpose of the change is to consolidate two permit seasons into one for simplication and allow anyone to apply for the hunt. The anticipated effects are simplifaction of hunting seasons and long-term sustainable cougar populations.

In addition, the proposal increases the permit level in the Blue Mountains zone from 40 to 100. The purpose of the increased permit level is to aid in achieving harvest objectives in the Blue Mountains.

Reasons supporting proposal:
Consolidates two cougar permit hunt seasons into one permt season where anyone can apply. Increased permit level in Blue Mountains is to aid in achieving harvest objectives in the Blue Mountains.

WAC 232-28-288 2010-2011 Fall black bear hunting seasons and regulations

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The rule establishes the 2010 and 2011 fall black bear seasons. Proposed seasons are status quo compared to 2009 seasons, except the recommendation to open the season on Aug 14 rather than Aug 1 in three Black Bear Management Units (i.e., South Cascades BBMU, Okanogan BBMU, and Northeastern B BBMU). The purpose is to provide recreational harvest opportunities for black bear, while maintaining long-term sustainable populations in each BBMU (except Puget Sound and Columbia Basin BBMUs). The anticipated effects of the rule are continued recreational harvest opportunties similar to 2009 levels, with slight reduced season length in 3 of 9 BBMUs, and long-term sustainable bear populations.

Reasons supporting proposal:
Population indicators for black bears support status quo hunting seasons in each BBMU, except South Cascades, Okanogan, and Northeastern B. In those BBMUs, indicators suggest that hunting seasons should be more conservative.

WAC 232-28-290 Washington raffle hunts

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The WAC establishes rules associated with conducting a raffle for a big game hunting license/transport tag. The purpose of the amendment is to implement SHB 1778 and provide spending direction for WDFW dedicated raffle account. The proposal directs Washington Department of Fish and Wildlife (WDFW) to spend revenue from single species raffle hunts on the management of respective species raffled, and spend revenue from multiple species raffle hunts on game management. The anticipated effect is spending consistent with SHB 1778 and public input.

Reasons supporting proposal:
Proposal implements SHB 1778 and addresses public input supporting dedicated accounts.

WAC 232-28-291 Special hunting season permits

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The purpose is to modify the permit application rules to allow permit application in drawing by category rather than by species.

Reasons supporting proposal:
Consistency with initiative to provide greater permit application opportunities for hunters and expand funding for hunter access programs.

WAC 232-28-292 Washington auction hunts

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The WAC establishes rules associated with conducting an auction for a big game hunting license/transport tag. The purpose of the amendment is to implement SHB 1778 and provide spending direction for WDFW dedicated auction account. The proposal directs Washington Department of Fish and Wildlife (WDFW) to spend revenue from single species auction hunts on the management of respective species auctioned, and spend revenue from multiple species auction hunts on game management. The anticipated effect is spending consistent with SHB 1778 and public input.

Reasons supporting proposal:
Proposal implements SHB 1778 and addresses public input supporting dedicated accounts.

WAC 232-28-295 Landowner hunting permits

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
In 2009, two "any elk" permits were allocated to the Teanaway Ranch LHP in Kittitas County; one public and one LHP landowner permit. This proposal removes one Landowner Hunting Permit (LHP) cooperator (Teanaway Ranch) from the program. This rule change will likely result in one less general public hunter accessing the Teanaway Ranch for elk hunting.

Reasons supporting proposal:
In the fall of 2009, the LHP cooperator contacted WDFW, informed the agency that they did not wish to continue in the LHP program, and requested that we cancel their contract for future years.

WAC 232-28-337 Deer and Elk Area Descriptions

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The proposed language adjusts the boundaries of deer and elk areas and also creates a new elk area. Adjustment of the boundaries will help staff deal with wildlife damage problems where they are occurring. Creation of new areas also protects elk when appropriate.

Reasons supporting proposal:
The proposed language makes existing boundaries more appropriate when the Department is dealing with damage or nuisance issues. The new area helps protect elk on a small scale without excluding hunting entirely on the GMU scale.

WAC 232-28-342 Small Game Seasons

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
Since 2006, fall, either sex turkey hunting seasons in southeastern Washington have been liberalized, taking advantage of increasing turkey populations and providing expanded hunting opportunity. This proposal moves fall turkey hunting season in Game Management Units (GMUs) 145-154 and 162-186 (Blue Mountains GMUs) to the "early fall general" season from the "early fall permit only" season. During the 2006, 2007, and 2008 fall permit seasons, approximately 44 percent of special permit holders participated in the hunt, with approximately 45 percent of those hunters successfully filling their permit. In 2008, 89 turkeys were harvested in these GMUs during the fall permit season. Changing to a general season hunt will allow greater opportunity for turkey hunters while season length, hunter success, and mixed ownerships will moderate turkey harvest.

Reasons supporting proposal:
The proposed changes provide increased hunter opportunity in areas where expanding populations can support increased fall harvest.

WAC 232-28-351 Deer general seasons and definitions

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The purpose of this proposal is to retain general season deer hunting opportunity, balance the hunting opportunity between 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. Maintains sustainable general deer hunting season opportunities for 2010 and 2011. Helps address deer damage problems and provides for deer population control when needed.

WAC232-28-352 Elk general seasons and definitions

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The purpose of this proposal is to retain general season elk hunting opportunity, balance the hunting opportunity between 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. Maintains sustainable general elk hunting season opportunities for 2010 and 2011. Helps address elk damage problems and provides for elk population control when needed.

WAC 232-28-355 Deer special permits

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
Introduces new category structure for special permits which provide more opportunities to apply. New structure is intended to provide more opportunity to the public and generate more revenue for WDFW. Maintain deer special hunting season opportunities for 2010. Adjust special deer permits for 2010 in response to deer population changes and damage complaints. Provides for recreational harvest of deer. Helps reduce agricultural damage and provides for population control of deer where needed.

Reasons supporting proposal:
New category structure will allow more opportunities to apply which will increase revenue for WDFW. Provides recreational, deer hunting opportunity and protects deer from overharvest. Addresses deer damage problems.

WAC 232-28-356 Elk special permits

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
Introduces new category structure for special permits which provide more opportunities to apply. New strucutre is intended to provide more opportunity to the public and generate more revnue for WDFW. Maintain elk special hunting season opportunities for 2010. Adjust special elk permits for 2010 in response to elk population changes and damage complaints. Provides for recreational harvest of elk. Helps reduce agricultural damage and provides for population control of elk where needed.

Reasons supporting proposal:
New category structure will allow more opportunities to apply which will increase revenue for WDFW. Provides recreational, elk hunting opportunity and protects elk from overharvest. Addresses elk damage problems.