

4. HUNTING EQUIPMENT RULES – RULE BRIEFING AND PUBLIC HEARING

TABLE OF CONTENTS

	<u>Page</u>
Decision Page	<i>i</i>
WAC 232-12-047 Unlawful methods for hunting.....	1
Recommended Adjustments to WAC 232-12-047	4
WAC 232-12-051 Muzzleloading firearms	5
Recommended Adjustments to WAC 232-12-051	8
Summary of Oral Public Input.....	9
WAC 232-12-054 Archery requirements – Archery special use permits.....	10
Recommended Adjustments to WAC 232-12-054	14
Summary of Oral Public Input.....	15
CR-102.....	16

“GREEN SHEET”

Meeting: April 9-10, 2010
Agenda Item 4: Hunting Equipment Rules – **Rule Action**
Prepared By: Dave Ware
Presented By: Dave Ware, Game Division Manager, Wildlife Program

Background:

Department staff briefed the Commission on proposed rule amendments to WAC 232-12-047 Unlawful methods for hunting, WAC 232-12-051 Muzzleloading firearms, and WAC 232-12-054 Archery requirements – Archery special use permits, at the March 12-13, 2010 Commission Meeting.

These equipment rules were modified as part of the 2009-11 hunting season package in April of 2009. At that time, the possession of handguns for personal protection was allowed during archery and muzzleloader seasons for hunters with concealed pistol permits. After further review of state laws, the requirement for possession of a concealed pistol permit is recommended for deletion.

In addition, the use of crossbows was allowed during modern firearm seasons in firearm restricted areas. To clarify this intent, the rules for using crossbows are being moved from the archery rule to the unlawful methods rule.

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

- Allow all hunters to possess a handgun for personal protection during archery and muzzleloader seasons.
-

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):

Amend WACs 232-12-047, 232-12-051, and 232-12-054 as proposed.

Draft motion language:

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

Justification for Commission action:

To allow hunters to carry handguns for personal protection consistent with state law.

Communications Plan:

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

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

WAC 232-12-047 Unlawful methods for hunting. (1) It is unlawful to hunt any big game with:

- (a) A fully automatic firearm.
- (b) A centerfire cartridge less than 22 caliber for cougar.
- (c) A centerfire cartridge less than 24 caliber for any other big game.

(d) A shotgun, provided that a 20 gauge, or larger shotgun, using shells loaded with slugs or buckshot size #1 or larger, may be used to hunt deer, bear, and cougar.

(e) A shotgun for any other big game, except that a 12 gauge or 10 gauge shotgun using slugs may be used.

(f) A handgun during a modern firearm season that does not meet the following criteria: Have a minimum barrel length of four inches, per manufacturer's specification, and fire a centerfire cartridge.

(g) Any rimfire cartridge.

(2) It is unlawful to hunt game birds with a shotgun capable of holding more than three shells.

(3) It is unlawful to hunt game birds or game animals, except bullfrogs, in a manner other than with a firearm, a bow and arrow, or by falconry, except in those designated areas where crossbows are allowed.

(4) Rules pertaining to crossbows:

(a) It is unlawful to hunt big game animals with a crossbow with a draw weight less than 125 pounds, a limb width less than 24 inches, a draw length less than 14 inches, and a trigger safety that does not work properly.

(b) It is unlawful to hunt big game animals with any arrow or bolt measuring less than 16 inches in length and weighing less than 350 grains.

(c) It is unlawful to hunt game animals or game birds with a crossbow that weighs more than 15 pounds.

(d) It is unlawful to hunt big game animals with any arrow or bolt that does not have a sharp broadhead and the broadhead blade or blades are less than seven-eighths inch wide.

(e) It is unlawful to hunt big game animals with a broadhead blade unless the broadhead is unbarbed and completely closed at the back end of the blade or blades by a smooth, unbroken surface starting at maximum blade width and forming a smooth line toward the feather end of the shaft, and such line does not angle toward the point.

(f) It is unlawful to hunt big game animals with a retractable broadhead.

(5) Hunters with disabilities may use a crossbow with a special use permit as conditioned in WAC 232-12-054.

~~((+5))~~ (6) It is unlawful to hunt game animals or game birds with a shotgun larger than 10 gauge.

~~((+6))~~ (7) It is unlawful to hunt game birds with a rifle or handgun, with the exception of blue grouse, spruce grouse and ruffed grouse.

(8) A violation of this section will be punished under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted.

[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), § 232-12-047, filed 4/15/09, effective 5/16/09. Statutory Authority: RCW 77.12.047 and 77.12.020. 04-11-036 (Order 04-98), § 232-12-047, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-11-137 (Order 00-50), § 232-12-047, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.040. 98-10-006 (Order 98-53), § 232-12-047, filed 4/22/98, effective 5/23/98; 90-14-108 (Order 449), § 232-12-047, filed 7/5/90, effective 8/5/90; 83-01-006 (Order 198), § 232-12-047, filed 12/2/82; 82-04-034 (Order 177), § 232-12-047, filed 1/28/82; 81-22-002 (Order 174), § 232-12-047, filed 10/22/81; 81-12-029 (Order 165), § 232-12-047, filed 6/1/81. Formerly WAC 232-12-130.]

WAC 232-12-047 Unlawful methods for hunting

RECOMMENDED ADJUSTMENTS

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

Page 2

Add the following subsections under section 4:

(d) It is unlawful to hunt big game animals with any arrow or bolt that does not have a sharp broadhead and the broadhead blade or blades are less than seven-eighths inch wide.

(e) It is unlawful to hunt big game animals with a broadhead blade unless the broadhead is unbarbed and completely closed at the back end of the blade or blades by a smooth, unbroken surface starting at maximum blade width and forming a smooth line toward the feather end of the shaft, and such line does not angle toward the point.

(f) It is unlawful to hunt big game animals with a retractable broadhead.

The purpose of the change is to clarify the types of broadheads that may be used by hunters using crossbows.

Add the following subsection: "A violation of this section will be punished under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted."

The purpose of the change is to clarify how violations of the rule will be punished.

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

WAC 232-12-051 Muzzleloading firearms. (1) Definitions.

(a) Muzzleloader: A firearm ~~which~~ that is loaded from the muzzle and uses black powder or a black powder substitute as recommended by the manufacturer for use in all muzzleloading firearms.

(b) A muzzleloading firearm shall be considered loaded if a powder charge and a projectile, either shot or single projectile are in the barrel and the barrel or breech is capped or primed.

(2) It is unlawful to hunt wildlife using a muzzleloading firearm ~~which~~ that does not meet the following specifications-:

(a) A muzzleloading shotgun or rifle must have a single or double barrel, rifled or smooth-bored.

(b) A muzzleloading shotgun or rifle used for deer must be .40 caliber or larger. Buckshot size #1 or larger may be used in a smoothbore of .60 caliber or larger for deer.

(c) A muzzleloading shotgun, rifle, or handgun used for all other big game must be .45 caliber or larger.

(d) Persons lawfully hunting small game with a double barrel, muzzleloading shotgun may keep both barrels loaded.

(e) A muzzleloading handgun must have a single or double barrel of at least eight inches, must be rifled, and must be capable of being loaded with forty-five grains or more of black powder or black powder substitute per the manufacturer's recommendations.

(f) A muzzleloading handgun used for big game must be .45 caliber or larger.

(g) A handgun designed to be used with black powder, including black powder percussion revolvers, can be used to hunt forest grouse, cottontail rabbits, and snowshoe hares.

(3) In addition to the above requirements, it is unlawful to participate (hunt) in a muzzleloading hunting season using a firearm ~~which~~ that does not meet the following specifications for a muzzleloader. However, a modern handgun may be carried for personal protection (~~if that person possesses a concealed pistol license as defined in RCW 9.41.070~~). Modern handguns cannot be used to hunt big game or dispatch wounded big game during a big game hunting season for muzzleloading firearms.

(a) Ignition is to be wheel lock, matchlock, flintlock, or percussion using original style percussion caps that fit on the nipple and are exposed to the weather. "Exposed to the weather" means the percussion cap or the frizzen must be visible and not capable of being enclosed by an integral part of the weapon proper. Primers designed to be used in modern cartridges are not legal.

(b) Sights must be open, peep, or of other open sight design. Fiber optic sights are legal. Telescopic sights or sights containing glass are prohibited.

(c) It is unlawful to have any electrical device or equipment attached to a muzzleloading firearm while hunting.

(d) Those persons lawfully hunting big game with a double barrel muzzleloader may only keep one barrel loaded.

(4) Hunters with disabilities who meet the definition of being visually impaired in WAC 232-12-828 may receive a special use permit

that would allow the use of scopes or other visual aids. A disabled hunter permit holder in possession of a special use permit that allows the use of a scope or visual aid may hunt game birds or game animals during muzzleloader seasons.

(5) Muzzleloading firearms used during a modern firearm season are not required to meet ignition, sight, or double barrel restrictions.

(6) A violation of this section will be punished under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted.

[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), § 232-12-051, filed 4/15/09, effective 5/16/09. Statutory Authority: RCW 77.12.047. 06-11-032 (Order 06-92), § 232-12-051, filed 5/8/06, effective 6/8/06; 03-13-047 (Order 03-129), § 232-12-051, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-11-137 (Order 00-50), § 232-12-051, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.04.055 and 77.12.040. 90-14-109 (Order 450), § 232-12-051, filed 7/5/90, effective 8/5/90; 89-11-062 (Order 393), § 232-12-051, filed 5/18/89. Statutory Authority: RCW 77.12.040. 84-18-013 (Order 234), § 232-12-051, filed 8/28/84; 81-12-029 (Order 165), § 232-12-051, filed 6/1/81. Formerly WAC 232-12-135.]

WAC 232-12-051 Muzzleloading firearms

RECOMMENDED ADJUSTMENTS

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

Pages 5 & 6

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

Page 7

Add the following subsection: "A violation of this section will be punished under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted."

The purpose of the change is to clarify how violations of the rule will be punished.

SUMMARY OF ORAL PUBLIC INPUT
Testimony from the March 12-13, 2010 Commission Meeting.

WAC 232-12-051 Muzzleloading firearms.

COMMENTS	AGENCY RESPONSE
<p>The use of red dot sight systems should be allowed for muzzleloader and crossbow. The rule makes no sense. These sights do not magnify or enhance the range of muzzleloaders and crossbows and as such should be allowed.</p>	<p>Red dot sights still have an advantage over conventional sights as they provide sighting on one plane of view, rather than the multiple planes of view experienced using conventional sights. Because they do not magnify, red dot sights also have an unlimited eye relief and also allow the shooter to shoot with both eyes open which are both advantages. Hunters with disabilities that qualify, can of course, get an exception to this rule.</p> <p>The Fish and Wildlife Commission has indicated that they have allowed the technological advances on primitive weapon equipment to go about as far as they will allow. As such, the Agency has no plans to recommend any additional technological advances be allowed for these types of equipment at this time.</p>

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

WAC 232-12-054 Archery requirements--Archery special use permits. (1) Rules pertaining to all archery:

(a) It is unlawful for any person to carry or have in his possession any firearm while in the field archery hunting, during an archery season specified for that area, except for modern handguns carried for personal protection (~~((if that person possesses a concealed pistol license as defined by RCW 9.41.070))~~). Modern handguns cannot be used to hunt big game or dispatch wounded big game during an archery, big game hunting season.

(b) It is unlawful to have any electrical equipment or electric device(s) attached to the bow or arrow while hunting.

(c) It is unlawful to shoot a bow and arrow from a vehicle or from, across, or along the maintained portion of a public highway, except that persons with a disabled hunter permit may shoot from a vehicle if the hunter is in compliance with WAC 232-12-828.

(d) It is unlawful to use any device secured to or supported by the bow for the purpose of maintaining the bow at full draw or in a firing position, except that persons with an archery special use permit may hunt game birds or game animals using a device that stabilizes and holds a long bow, recurve bow, or compound bow at a full draw, and may use a mechanical or electrical release.

(e) It is unlawful to hunt wildlife with a crossbow (~~((except in designated areas))~~) during an archery season. However, disabled hunter permittees in possession of a crossbow special use permit may hunt with a crossbow in any season that allows archery equipment.

(f) It is unlawful to hunt big game animals with any arrow or bolt that does not have a sharp broadhead, and the broadhead blade or blades are less than seven-eighths inch wide.

(g) It is unlawful to hunt big game animals with a broadhead blade unless the broadhead is unbarbed and completely closed at the back end of the blade or blades by a smooth, unbroken surface starting at maximum blade width and forming a smooth line toward the feather end of the shaft, and such line does not angle toward the point.

(h) It is unlawful to hunt big game animals with a retractable broadhead.

(hi) It is unlawful to hunt wildlife with any bow or crossbow equipped with a scope. ~~Except~~ However, hunters with disabilities who meet the definition of being visually impaired in WAC 232-12-828 may receive a special use permit that would allow the use of scopes or other visual aids. A disabled hunter permit holder in possession of a special use permit that allows the use of a scope or visual aid may hunt game birds or game animals during archery seasons.

(2) Rules pertaining to long bow, recurve bow and compound bow archery:

(a) It is unlawful for any person to hunt big game animals with a bow that (~~possesses less than~~) does not possess-produce a minimum of 40 pounds of pull measured at twenty-eight inches or less draw length.

(b) It is unlawful to hunt big game animals with any arrow measuring less than 20 inches in length or weighing less than 6 grains per pound of draw weight with a minimum arrow weight of 300 grains.

~~(3) ((Rules pertaining to crossbows:~~

~~(a) It is unlawful to hunt big game animals with a crossbow with~~

~~a draw weight less than 125 pounds, a limb width less than 24 inches, a draw length less than 14 inches, and a working trigger safety.~~

~~(b) It is unlawful to hunt big game animals with any arrow or bolt measuring less than 16 inches in length and weighing less than 350 grains.~~

~~(c) It is unlawful to hunt game animals or game birds with a crossbow that weighs more than 15 pounds.~~

~~(4)) Archery special use permits:~~

(a) An archery special use permit is available to a person who possesses a valid disabled hunter permit. An archery special use permit application must be signed by a physician stating that the person's disability is permanent and the person has a loss of use of one or both upper extremities, has a significant limitation in the use of an upper extremity, or has a permanent physical limitation, which loss or limitation substantially impairs the ability to safely hold, grasp, or shoot a long bow, recurve bow or compound bow. The loss or limitation may be the result of, but not limited to, amputation, paralysis, diagnosed disease, or birth defect. The approved archery special use permit must be in the physical possession of the person while using adaptive archery equipment as described in subsection (1)(d) of this section to hunt game birds or game animals.

(b) A crossbow special use permit is available to a person who meets the requirements for an archery special use permit and is unable to use adaptive archery equipment. Adaptive equipment includes, but is not limited to: Cocking devices that hold the bow at full draw; trigger mechanisms that may be released by mouth, or chin, or hand supporting the bow; and devices that assist in supporting the bow.

Information describing types of adaptive equipment will be provided to physicians for their assessment of the applicant's ability to utilize adaptive archery equipment. Muscle weakness, impaired range of motion, or unilateral hand weakness disability, of both hands or both arms or both sides of the upper extremity, may result in an inability to use adaptive archery equipment. Standard tests approved by the American Medical Association may be conducted to assess a person's abilities.

(4) A violation of this section will be punished under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted.

[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), § 232-12-054, filed 4/15/09, effective 5/16/09. Statutory Authority: RCW 77.12.047. 06-11-032 (Order 06-92), § 232-12-054, filed 5/8/06, effective 6/8/06. Statutory Authority: RCW 77.12.047 and 77.12.020. 04-11-036 (Order 04-98), § 232-12-054, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.047. 03-13-047 (Order 03-129), § 232-12-054, filed 6/12/03, effective 7/13/03; 01-17-068 (Order 01-167), § 232-12-054, filed 8/15/01, effective 9/15/01. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-11-137 (Order 00-50), § 232-12-054, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.040. 90-03-092 (Order 427), § 232-12-054, filed 1/24/90, effective 2/24/90; 88-13-012 (Order 310), § 232-12-054, filed 6/6/88; 81-12-029 (Order 165), § 232-12-054, filed 6/1/81. Formerly WAC 232-12-140.]

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

RECOMMENDED ADJUSTMENTS

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

Pages 10-12

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

Page 11

Add the following subsection: “(h) It is unlawful to hunt big game animals with a retractable broadhead.”

The purpose of the change is to clarify the broadheads that are lawful while participating in archery hunts.

Page 13

Add the following subsection: “A violation of this section will be punished under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted.”

The purpose of the change is to clarify how violations of the rule will be punished.

SUMMARY OF ORAL PUBLIC INPUT
 Testimony from the March 12-13, 2010 Commission Meeting.

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

COMMENTS	AGENCY RESPONSE
<p>The use of red dot sight systems should be allowed for muzzleloader and crossbow. The rule makes no sense. These sights do not magnify or enhance the range of muzzleloaders and crossbows and as such should be allowed.</p>	<p>Red dot sights still have an advantage over conventional sights as they provide sighting on one plane of view, rather than the multiple planes of view experienced using conventional sights. Because they do not magnify, red dot sights also have an unlimited eye relief and also allow the shooter to shoot with both eyes open which are both advantages. Hunters with disabilities that qualify, can of course, get an exception to this rule.</p> <p>The Fish and Wildlife Commission has indicated that they have allowed the technological advances on primitive weapon equipment to go about as far as they will allow. As such, the Agency has no plans to recommend any additional technological advances be allowed for these types of equipment at this time.</p>



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)
Do NOT use for expedited rule making

Agency: Department of Fish and Wildlife

Preproposal Statement of Inquiry was filed as WSR 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

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

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

By: Wednesday, February 24, 2010

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

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

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

Reasons supporting proposal:
See Attachment A

Statutory authority for adoption: 77.012.040, 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:

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

DATE
February 3, 2010

NAME
Lori Preuss

SIGNATURE

TITLE
Rules Coordinator

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: ¹⁷

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 to 124 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 (Couze) 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 simplification and allow anyone to apply for the hunt. The anticipated effects are simplification 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 permit 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 opportunities 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.

WAC 232-28-352 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 structure is intended to provide more opportunity to the public and generate more revenue 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.