

8. DAMAGE PREVENTION AND LANDOWNER PERMIT HUNTS– RULE BRIEFING AND PUBLIC HEARING

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“GREEN SHEET”

Meeting: April 9-10, 2010
Agenda Item 8: Damage Prevention and Landowner Permit Hunts – **Rule Action**
Prepared By: Mick Cope, Upland Game Section Manager, Wildlife Program
Presented By: Dave Ware, Game Division Manager, Wildlife Program

Background:

Department staff briefed the Commission on proposed rule amendments to WAC 232-28-266 Damage prevention permit hunts and WAC 232-28-295 Landowner hunting permits, at the March 12-13, 2010 Commission Meeting.

Damage prevention permit hunts provide Department enforcement officers and landowners with a management tool that utilizes hunters to address property damage. Once issued to a landowner, a damage prevention permit allows the landowner to remove damage-causing wildlife themselves or to have another licensed hunter take the animal(s). These permits are used in situations where other means of mitigating wildlife damage (e.g., harassment) have been unsuccessful and where regular hunting seasons cannot address the issue.

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.

This proposal changes the timeframe that turkey damage prevention permits are authorized, so they can be used beginning on October 10, but does not change the number of turkey permits approved. It also adds statutory references for penalties associated with violating the rule.

Elk damage prevention permits currently allocated throughout the state are being utilized and have not been adequate to address elk damage in Region 5. This proposal provides an additional 50 antlerless elk permits to Game Management Units in Region 5 to address increased elk damage complaints (e.g., Cowlitz River bottom).

The Landowner Hunting Permit (LHP) program is designed to increase hunter access to private lands and to help some landowners address long-standing elk damage issues. This proposal removes one LHP cooperater (Teaway Ranch) from the program. In 2009, two “any elk” permits were allocated to the Teaway Ranch LHP in Kittitas County: one public and one LHP landowner permit. In the fall of 2009, the cooperater 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.

In addition, statutory references are added to clarify penalties associated with violating the rule.

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

- Allow greater flexibility for the use of turkey damage prevention permits in areas that are experiencing a high number of damage complaints.
 - Increase the use of elk damage prevention permits.
-

- Provide Landowner Hunting Permits that provide public hunting access to private lands and address damage concerns.
 - Landowner Hunting Permits are provided on a “willing landowner basis” and the Teanaway LHP landowner is no longer interested.
-

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 232-28-266 and 232-28-295 as proposed.

Draft motion language:

I move to amend WACs 232-28-266 and 232-28-295 as proposed.

Justification for Commission action:

To provide adequate levels and timing of damage prevention permits to address property damage complaints across the state and open up private lands for quality hunting opportunities.

Communications plan:

- News Release
- Website
- Hunting Pamphlet
- Officer and Control Specialist Contacts with Landowners
- Washington State Register

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

WAC 232-28-266 Damage prevention permit hunts.

DAMAGE PREVENTION PERMIT HUNTS

(1) Pursuant to RCW 77.12.150 and 77.12.260, a landowner with deer, elk, or turkey-caused property damage may enter into a Cooperative Agreement (contract) with WDFW, and thereby receive a damage prevention permit. ~~and the~~ The commission may establish a special season for these permits, as described by this rule.

The landowner agrees not to claim damage payments, except for Elk Areas 3721 and 3722, and will allow access to hunters during the general hunting seasons. Landowner selects hunters. A damage prevention ~~access~~ permit provided to a landowner by WDFW and given to the hunter will authorize the hunter to use an unused general deer, elk, or turkey tag to hunt and kill a legal animal during the appropriate prescribed season.

(2) Landowners who violate this section will be punished under RCW 77.15.750(1). Hunters who violation this section will be punished under RCW 77.15.400 or 77.15.410, depending on the species hunted.

(3) Deer:

Tag Required: Deer hunter must have a current valid, unaltered, unnotched deer tag on his/her person.

Hunting Method: Any legal weapon

Season Framework: August 1 - March 31

Location: Statewide

Legal Deer: Antlerless Only

Kill Quota: 300 ~~P~~per license year

Location: Region One

Legal Deer: Antlerless Only

Kill Quota: 300 ~~P~~per license year

Location: GMUs 105-124

Legal Deer: Whitetail Antlerless Only

Kill Quota: 300 ~~P~~per license year

(4) Elk:

Tag Required: Elk hunter must have a current valid, unaltered, unnotched elk tag on his/her person.

Hunting Method: Any legal weapon

Season Framework: August 1 - March 31

Location: Statewide

Legal Elk: Antlerless Only

Kill Quota: 200 ~~P~~per license year

Location: Hanford Area - GMUs 372 and 379

Legal Elk: Antlerless Only

Kill Quota: 60 (~~(antlerless only)~~) ~~P~~per license year

Location: Elk Area 3721

Legal Elk: Spike or antlerless during Aug. 1 - March 31; bulls only during May 15 - July 31, except spike only July 1-31

Kill Quota: 50 Spike or antlerless (~~(during Aug. 1 - March 31)~~) per license year; 30 bulls (~~(only during May 15 - July 31, except spike only July 1-31,)~~) per license year.

Location: GMU 501 - 578

Legal Elk: Antlerless Only

Kill Quota: 50 ~~P~~per license year

Special Note: Access in Elk Area 3721 may not be sold as a condition of use of these permits. The director may consider damage claims from landowners in Elk Areas 3721 and 3722 who accept these permits and do not charge for access.

(5) Turkey:

Tag Required: Turkey hunter must have a current valid, unaltered, unnotched turkey tag on his/her person.

Hunting Method: Any legal turkey hunting method

Season Framework: (~~December 16~~) October 10 - March 1

Location: GMUs 105 - 130

Legal Turkey: Either sex

Kill Quota: 200 ~~P~~per license year.

[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), §

232-28-266, filed 4/15/09, effective 5/16/09. Statutory Authority: RCW 77.12.015 and 77.12.240. 07-09-060 (Order 07-38), § 232-28-266, filed 4/13/07, effective 5/14/07. Statutory Authority: RCW 77.12.047. 06-11-032 (Order 06-92), § 232-28-266, filed 5/8/06, effective 6/8/06; 05-11-021 (Order 05-85), § 232-28-266, filed 5/10/05, effective 5/15/05; 03-10-009 (Order 03-80), § 232-28-266, filed 4/25/03, effective 5/26/03. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-11-137 (Order 00-50), § 232-28-266, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.020, 77.12.030, 77.12.040 and 77.32.220. 97-05-074, § 232-28-266, filed 2/19/97, effective 3/22/97.]

RECOMMENDED ADJUSTMENTS

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

Page 1

Add the following subsection: "Landowners who violate this section will be punished under RCW 77.15.750(1). Hunters who violation this section will be punished under RCW 77.15.400 or 77.15.410, depending on the species hunted." The purpose of the change is to clarify how violations of the rule will be punished.

Pages 1-3

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

SUMMARY OF WRITTEN PUBLIC INPUT

WAC 232-28-266 Damage prevention permit hunts.

COMMENTS	AGENCY RESPONSE
The department needs to address the mandatory reporting requirements consistent with these permits, when the harvest and hunting opportunity occurs after January 31.	If a hunter reports on time and then is offered one of these permits from a landowner, they still can participate. Their license is still valid. The only problem is an inaccurate report which can be corrected by contacting the agency.
The quota seems to tie the hands of managers. Eliminate the quota and let department staff decide.	We have not reached the statewide quotas for any category in recent years. The current proposal just allows greater certainty for Region Five officers. In addition, with the Commission setting the levels, there is a good public process and solicitation of comment.
Should not allow bull harvest. Bulls are a high commodity and often problematic in terms of herd management.	We agree and the only area where bulls may be harvested is adjacent to Hanford where the bull ratios and issues are not a problem.
Only 50 antlerless depredation permits for GMU's 501 – 578? Is this sufficient? These are listed as “additional” permits, but in the WAC, the official and legal language for State Rules only has a total of 50. What is the real Total if these are additional tags?	These 50 permits are specifically designated for GMUs 501 – 578. Two hundred other permits can be used statewide, including these GMUs.
Seasons outlined in Elk Area 3721 are outside the actual season set forth in prior language of the WAC (is hunting going to be allowed from April 1 – July 31 as listed?????)	The intent is to allow permits in Elk Area 3721 be valid outside of the general season framework established earlier in the WAC.

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

WAC 232-28-295 Landowner hunting permits. A landowner may enter into a contract with the department and establish boundaries and other requirements for hunter access consistent with commission policy.

It is unlawful for hunters to participate in landowner-permit hunts unless the ~~Hunters must~~ hunters possess both an access permit from the landowner and a hunting permit from the department ~~when hunting on lands and~~ for the species covered under landowner's contract. A violation of this section will be punished under RCW 77.15.410.

(1) **Buckrun**

Buckrun is located in Grant County, near the town of Wilson Creek. Hunting on Buckrun is managed for a quality experience by scheduling hunt dates and keeping the number of hunters in the field low. Hunters with limited flexibility for hunt dates may experience scheduling problems. Hunters can generally expect one day hunts during the permit seasons with written authorization from the Buckrun manager. All hunters must check in and out on hunt day. Hunts will be scheduled on a first come basis by calling 509-345-2577 in advance.

Deer

2009 Buckrun Landowner Hunting Permits

The manager of Buckrun will distribute these hunting permits. An access fee may be charged in order to utilize these permits. No access fee will be charged for the raffle permit winners. Only hunters possessing a modern firearm deer tag are eligible for permits on Buckrun properties. Contact the manager at 509-345-2577 for additional information.

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Buckrun	10	Sept. 1 - Dec. 31	Antlerless Mule Deer or any Whitetail Deer	Buckrun
Buckrun	30	Sept. 1 - Dec. 31	Any deer	Buckrun
Buckrun Raffle	10	Oct. 26 - Dec. 31	Any deer	Buckrun

Deer

2009 Buckrun Special Hunting Permits

Hunters apply to the Washington department of fish and wildlife for these permits. Only hunters possessing a modern firearm deer tag are eligible for Buckrun special permits. All hunters must check in and out. Schedule hunts in advance by calling 509-345-2577.

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Buckrun	10	Sept. 1 - Dec. 31	Antlerless Mule Deer or any Whitetail Deer	Buckrun

(2) Silver Dollar Association

The Silver Dollar Association is located in Yakima and Benton counties, on the western edge of the Hanford Reservation. A legal description of the property is in the contract between the Silver Dollar Association and the department.

2009-10 Silver Dollar Association Landowner Hunting Permits

The manager of the Silver Dollar Association will distribute these hunting permits. An access fee may be charged in order to utilize

these permits.

Elk

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Silver Dollar	24	Aug. 1 - March 31	Any Elk	Silver Dollar
Silver Dollar	8	Aug. 1 - March 31	Antlerless	Silver Dollar

2009-10 Silver Dollar Special Hunting Permits

Hunters apply to the Washington department of fish and wildlife for these permits.

Elk

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Silver Dollar	8	Aug. 1 - March 31	Youth Only, Any Elk	Silver Dollar
Silver Dollar Antlerless Elk	6	Aug. 1 - March 31	Youth Only, Antlerless Elk Only	Silver Dollar
Silver Dollar Antlerless Elk	2	Aug. 1 - March 31	Persons of Disability Only, Antlerless Elk Only	Silver Dollar

(3) **Blackrock Ranches**

Blackrock Ranches is located in Yakima County, west of the Hanford Reservation. A legal description of the property is in the contract between Blackrock Ranches and the department.

2009-10 Blackrock Ranches Landowner Hunting Permits

The manager of Blackrock Ranches will distribute these hunting permits. An access fee may be charged in order to utilize these permits.

Elk

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Blackrock Ranches	6	Aug. 1 - March 31	Any Elk	Blackrock Ranches
Blackrock Ranches	6	Aug. 1 - March 31	Antlerless	Blackrock Ranches

2009-10 Blackrock Ranches Special Hunting Permits

Hunters apply to the Washington department of fish and wildlife for these permits.

Elk

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Blackrock Ranches	1	Aug. 1 - March 31	Any Elk	Blackrock Ranches
Blackrock Ranches	3	Aug. 1 - March 31	Antlerless Only	Blackrock Ranches
Blackrock Ranches	1	Aug. 1 - March 31	Youth Only, Any Elk	Blackrock Ranches
Blackrock Ranches	3	Aug. 1 - March 31	Youth Only, Antlerless Only	Blackrock Ranches

(4) (~~Teanaway Ranch~~)

~~The Teanaway Ranch is located in Kittitas County, 7 miles west of Cle Elum. A legal description of the property is in the contract between the Teanaway Ranch and the department.~~

~~2009-10 Teanaway Landowner Hunting Permits~~

~~The manager of the Teanaway Ranch will distribute this hunting permit. An access fee may be charged in order to utilize this permit.~~

Elk

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Teanaway Ranch	1	Oct. 1 - Jan. 31	Any Bull	Teanaway Ranch

~~2009-10 Teanaway Special Hunting Permits~~

~~Hunters apply to the Washington department of fish and wildlife for this permit.~~

ELK

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Teanaway Ranch	1	Oct. 1 - Jan. 31	Any Bull	Teanaway Ranch

(5)) **Pine Mountain Ranch**

The Pine Mountain Ranch is located in Yakima County, 14 miles west of Yakima. A legal description of the property is in the contract between the Pine Mountain Ranch and the department.

2009 Pine Mountain Ranch Landowner Hunting Permits

The manager of the Pine Mountain Ranch will distribute these hunting permits. An access fee may be charged in order to utilize these permits.

Deer

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Pine Mountain Ranch	2	Nov. 2 - Dec. 31	Any Buck	Pine Mountain Ranch

Elk

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Pine Mountain Ranch	1	Nov. 2 - Dec. 31	Any Bull	Pine Mountain Ranch

2009 Pine Mountain Ranch Special Hunting Permits

Hunters apply to Washington department of fish and wildlife for these permits.

Deer

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Pine Mountain Ranch	2	Nov. 2 - Dec. 31	Youth Only, Any Buck	Pine Mountain Ranch

Elk

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Pine Mountain Ranch	1	Nov. 2 - Dec. 31	Youth Only, Any Bull	Pine Mountain Ranch

[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), § 232-28-295, 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), § 232-28-295, filed 4/18/08, effective 5/19/08; 07-17-049 (Order 07-166), § 232-28-295, filed 8/9/07, effective 9/9/07; 07-11-017 (Order 07-62), § 232-28-295, filed 5/3/07, effective 6/3/07. Statutory Authority: RCW 77.12.047. 07-01-049 (Order 06-300), § 232-28-295, filed 12/14/06, effective 1/14/07; 06-11-032 (Order 06-92), § 232-28-295, filed 5/8/06, effective 6/8/06. Statutory Authority: RCW 77.12.047, 77.12.020. 06-04-066 (Order 06-09), § 232-28-295, filed 1/30/06, effective 3/2/06.]

WAC 232-28-295 Landowner hunting permits.

RECOMMENDED ADJUSTMENTS

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

Page 7

Several edits were made to the language used in the rule to improve readability.

Insert the following language at the beginning of the rule: “A violation of this section will be punished under RCW 77.15.410.” The reason for the change is to clarify the penalties that may be invoked for violation of this rule.

SUMMARY OF WRITTEN PUBLIC INPUT

WAC 232-28-295 Landowner hunting permits.

COMMENTS	AGENCY RESPONSE
If these permits are to address damage problems, they should be antlerless only.	There are additional objectives of the landowner hunting permits which include expanding access to hunters onto the property.
Raffle hunters should be allowed on these properties as part of the contract with the state.	This would potentially limit the general hunters' access opportunities on these properties because harvest is so tightly regulated.
Raffles conducted by landowners should not mean that the rules are not in the pamphlet.	The Commission has decided that public benefits are received whether a landowner conducts the drawing (raffle) or the Department. The drawings listed in the pamphlet are conducted by the Department.
It is not stated as to why landowners enter into these "contract" with WDFW. If it is for depredation, then permits should all be antlerless.	Landowner Hunting Permit agreements are primarily a recreational hunting access agreement made in line with Fish and Wildlife Commission Policy C6002. In some cases, these permits help landowners address game damage situations while also increasing public recreational opportunity.



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

By: Wednesday, February 24, 2010

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

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:

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: ¹⁶

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 (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 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.