

**9. SMALL GAME SEASON REGULATIONS – RULE BRIEFING AND PUBLIC HEARING**

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## “GREEN SHEET”

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**Meeting:** April 9-10, 2010  
**Agenda Item 9:** Small game seasons – **Rule Action**  
**Prepared By:** Mick Cope, Upland Game Section Manager, Wildlife Program  
**Presented By:** Dave Ware, Game Division Manager, Wildlife Program

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**Background:**

Department staff briefed the Commission on proposed rule amendments to WAC 232-28-342 Small game seasons at the March 12-13, 2010 Commission Meeting.

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 the 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 38 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 where 500 permits were issued. During the previous spring, 612 were harvested in these GMUs. 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.

During the 2009 legislative session, the license requirements for western Washington pheasant hunting was changed (RCW 77.32.575). The new law removed the requirement to have a small game hunting license in order to hunt pheasants in western Washington. It also removed the requirement to fill out a punch card for each pheasant harvested. Sections of WAC 232-28-342 need to be changed to bring the rule in line with these changes in law.

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

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

- Liberalize fall turkey hunting by establishing more general season opportunity.
- Change western Washington pheasant license requirements to be consistent with existing law.

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**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. In addition, this proposal was discussed with the Upland Game Advisory Committee and representatives from the National Wild Turkey Federation, both of which support the proposal.

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

Amend WAC 232-28-342 as proposed.

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**Draft motion language:**

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

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**Justification for Commission action:**

- Increased recreational opportunity
  - Updating rule to comply with existing law
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**Communications plan:**

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

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

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

It is unlawful to fail to comply with bag, possession, and season limits except as described below. Violations of this section may be punished under RCW 77.15.245, 77.15.400, and 77.15.430, depending on the species hunted and the violation.

**STATEWIDE SEASONS:**

**FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)**

Bag and Possession Limits: Four (4) grouse per day, straight or mixed bag, with a total of twelve (12) grouse in possession at any time.

SEASON DATES: Sept. 1 - Dec. 31, 2009, 2010, 2011.

**BOBCAT**

Bag and Possession Limits: No limit.

SEASON DATES: Sept. 1 - Mar. 15, 2009, 2010, 2011, 2012.

RESTRICTION: Bobcat may not be hunted with dogs.

**RACCOON**

Bag and Possession Limits: No limit.

OPEN AREA: Statewide, EXCEPT closed on Long Island within Willapa National Wildlife Refuge.

SEASON DATES: Sept. 1 - Mar. 15, 2009, 2010, 2011, 2012.

**FOX**

Bag and Possession Limits: No limit.

OPEN AREA: Statewide EXCEPT closed within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests and GMUs 407 and 410.

SEASON DATES: Sept. 1 - Mar. 15, 2009, 2010, 2011, 2012.

**COYOTE**

Bag and Possession Limits: No limit.

OPEN AREA : Statewide.

SEASON DATES: Year round.

RESTRICTION: Coyote may not be hunted with dogs.

**COTTONTAIL RABBIT AND SNOWSHOE HARE (OR WASHINGTON HARE)**

Bag and Possession Limits: Five (5) cottontails or snowshoe hares per day, with a total of fifteen (15) in possession at any time, straight or mixed bag.

SEASON DATES: Sept. 1, 2009 - Mar. 15, 2010; Sept. 1, 2010 - Mar. 15, 2011; Sept. 1, 2011 - Mar. 15, 2012.

**CROWS**

Bag and Possession Limits: No limit.

SEASON DATES: Oct. 1, 2009 - Jan. 31, 2010; Oct. 1, 2010 - Jan. 31, 2011; Oct. 1, 2011 - Jan. 31, 2012.

**JACKRABBIT**

Season closed statewide.

**PTARMIGAN, SAGE, AND SHARP-TAILED GROUSE**

Season closed statewide.

**WILD TURKEY:**

**YOUTH SEASON**

LEGAL BIRD: Male turkeys and turkeys with visible beards only.

SEASON DATES: April 3-4, 2010; April 2-3, 2011; April 7-8, 2012.

**SPRING SEASON**

LEGAL BIRD: Male turkeys and turkeys with visible beards only.

SEASON DATES: April 15 - May 31, 2009, 2010, 2011, 2012.

BAG LIMIT: The combined spring/youth season limit is three (3) birds. Only two (2) turkeys may be killed in Eastern Washington, except only one (1) may be killed in Chelan, Kittitas, or Yakima counties. One (1) turkey may be killed per year in Western Washington outside of Klickitat County. Two (2) turkeys may be killed in Klickitat County.

**FALL NORTHEAST BEARDLESS TURKEY SEASON**

LEGAL BIRD: Beardless only.

LEGAL HUNTER: Open to all hunters with a valid turkey tag.

OPEN AREA: GMUs 105-124.

SEASON DATES: Sept. 26 - Oct. 9, 2009; Sept. 25 - Oct. 8, 2010; Sept. 24 - Oct. 7, 2011.

BAG LIMIT: Two (2) beardless turkeys.

**EARLY FALL GENERAL SEASON**

LEGAL BIRD: Either sex.

LEGAL HUNTER: Open to all hunters with a valid turkey tag.

OPEN AREA: GMUs 101 (~~and~~), 127-133, 145-154, and 162-186.

SEASON DATES: Sept. 26 - Oct. 9, 2009; Sept. 25 - Oct. 8, 2010; Sept. 24 - Oct. 7, 2011.

BAG LIMIT: One (1) turkey during the early fall general and permit hunting seasons combined.

**FALL PERMIT SEASONS**

LEGAL BIRD: Either sex.

LEGAL HUNTER: All hunters who are selected in the fall turkey special permit drawing and who possess a valid turkey tag.

Hunt Name	Permit Season Dates	Special Restrictions	Boundary Description	Permits	Bag Limit*
<del>((Blue Mt. West</del>	<del>Sept. 26 - Oct. 9, 2009, Sept. 25 - Oct. 8, 2010, Sept. 24 - Oct. 7, 2011</del>	<del>Either sex</del>	<del>GMUs 149-163</del>	400	1
<del>Blue Mt. East</del>	<del>Sept. 26 - Oct. 9, 2009, Sept. 25 - Oct. 8, 2010, Sept. 24 - Oct. 7, 2011</del>	<del>Either sex</del>	<del>GMUs 145, 172-186</del>	300	1))
Klickitat	Sept. 26 - Oct. 9, 2009, Sept. 25 - Oct. 8, 2010, Sept. 24 - Oct. 7, 2011	Either sex	GMUs 382, 388, 568-578	150	1
Methow	Nov. 15 - Dec. 15, 2009, 2010, 2011	Either sex	GMUs 218-231 and 242	50	1

\*BAG LIMIT: During the early fall general and permit hunting seasons combined.

**LATE FALL SEASON**

LEGAL BIRD: Either sex.

LEGAL HUNTER: Open to all hunters with a valid turkey tag.

OPEN AREA: GMUs 105-124.

SEASON DATES: Nov. 20 - Dec. 15, 2009, 2010, 2011.

BAG LIMIT: One (1) turkey.

**HUNTER EDUCATION INSTRUCTOR INCENTIVE PERMITS**

LEGAL BIRD: Male turkeys and turkeys with visible beards only.

LEGAL HUNTER: Qualified hunter education instructors who are selected through a random drawing. Qualifying hunter education instructors must be certified and have been in active status for a minimum of three consecutive years, inclusive of the year prior to the permit drawing. Instructors who are drawn, accept a permit, and are able to participate in the hunt, will not be eligible for these incentive permits for a period of ten years thereafter.

OPEN AREA: Statewide.

SEASON DATES: April 1 - May 31, 2009, 2010, 2011, 2012.

PERMITS: 2.

**OFFICIAL HUNTING HOURS FOR WILD TURKEY:**

HUNTING HOURS: One-half hour before sunrise to sunset during spring and fall seasons.

**SPECIAL REGULATIONS FOR WILD TURKEY:**

1. Turkey season is open for shotgun shooting #4 shot or smaller, archery, and muzzleloader shotgun shooting #4 shot or smaller.
2. A turkey tag is required for hunting turkey.
3. It is unlawful to use dogs to hunt turkeys.

4. It is unlawful to bait game birds.

**EASTERN WASHINGTON SEASONS:**

**RING-NECKED PHEASANT**

Bag and Possession Limits: Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

YOUTH SEASON DATES: Sept. 26 and 27, 2009; Sept. 25 and 26, 2010; Sept. 24 and 25, 2011. Open only to youth hunters accompanied by an adult at least 18 years old.

REGULAR SEASON DATES: Oct. 24, 2009 - Jan. 18, 2010; Oct. 23, 2010 - Jan. 17, 2011; Oct. 22, 2011 - Jan. 16, 2012.

The director is authorized to close the pheasant season on an emergency basis as conditions warrant, consistent with RCW 34.05.350 and 77.12.150.

**CHUKAR**

Bag and Possession Limits: Six (6) chukar per day, with a total of eighteen (18) chukar in possession at any time.

YOUTH SEASON DATES: Sept. 26 and 27, 2009; Sept. 25 and 26, 2010; Sept. 24 and 25, 2011. Open only to youth hunters accompanied by an adult at least 18 years old.

REGULAR SEASON DATES: Oct. 3, 2009 - Jan. 18, 2010; Oct. 2, 2010 - Jan. 17, 2011; Oct. 1, 2011 - Jan. 16, 2012.

**GRAY (HUNGARIAN) PARTRIDGE**

Bag and Possession Limits: Six (6) gray partridges per day, with a total of eighteen (18) gray partridges in possession at any time.

YOUTH SEASON DATES: Sept. 26 and 27, 2009; Sept. 25 and 26, 2010; Sept. 24 and 25, 2011. Open only to youth hunters accompanied by an adult at least 18 years old.

REGULAR SEASON DATES: Oct. 3, 2009 - Jan. 18, 2010; Oct. 2, 2010 - Jan. 17, 2011; Oct. 2, 2011 - Jan. 16, 2012.

**MOUNTAIN QUAIL**

Season closed throughout Eastern Washington.

**CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE**

Bag and Possession Limits: Ten (10) quail per day, with a total of thirty (30) quail in possession at any time, straight or mixed bag.

YOUTH SEASON DATES: Sept. 26 and 27, 2009; Sept. 25 and 26, 2010; Sept. 24 and 25, 2011. Open only to youth hunters accompanied by an adult at least 18 years old.

REGULAR SEASON DATES: Oct. 3, 2009 - Jan. 18, 2010; Oct. 2, 2010 - Jan. 17, 2011; Oct. 2, 2011 - Jan. 16, 2012.

**WESTERN WASHINGTON SEASONS:**

**RING-NECKED PHEASANT**

Bag and Possession Limits: Two (2) pheasants of either sex per day, with a total of fifteen (15) pheasants in possession at any time.

YOUTH SEASON DATES: Sept. 26 and 27, 2009; Sept. 25 and 26, 2010; Sept. 24 and 25, 2011. Open only to youth hunters accompanied by an adult at least 18 years old.

HUNTERS SIXTY-FIVE YEARS OF AGE OR OLDER SEASON DATES: Sept. 28 - Oct. 2, 2009; Sept. 27 - Oct. 1, 2010; Sept. 26-30, 2011.

REGULAR SEASON DATES: Oct. 3 - Nov. 30, 2009; Oct. 2 - Nov. 30, 2010; Oct. 1 - Nov. 30, 2011. 8 a.m. to 4 p.m.; EXCEPT Dungeness Recreation Area Site (Clallam County) starting Oct. 3, 2009; Oct. 2, 2010; Oct. 1, 2011.

EXTENDED SEASON DATES: Dec. 1-15, 2009, 2010, 2011. 8 a.m. to 4 p.m. only on the following release sites: Belfair, Fort Lewis, Kosmos, Lincoln Creek, Scatter Creek, Skookumchuck, and all Whidbey Island release sites EXCEPT Bayview. Pheasants will not be released during the extended season.

~~A Western Washington Pheasant Permit is required to hunt pheasant in Western Washington, in addition to a current small game hunting license. Pheasant kills must be recorded. Upon taking a pheasant, the holder of a Western Washington Pheasant Permit must immediately enter on the corresponding space the date and location of kill.~~

~~There are three license options available:~~

~~(1) Full Season Option: Allows the harvest of eight (8) pheasants.~~

~~(2) Youth Option: Allows the harvest of eight (8) pheasants by youth hunters.~~

~~(3) 3-Day Option: Allows the harvest of four (4) pheasants harvested over three consecutive days.~~

~~Every person possessing a Western Washington Pheasant Permit must, by December 31, return the permit to the department of fish and wildlife. The number of permits purchased per year is not limited.~~

~~A hunter shall select one valid option at the time they purchase their Western Washington Pheasant Permit. It is unlawful to purchase an~~

~~additional permit until the pheasants allowed on the current permit are taken.~~

SPECIAL RESTRICTION:. Western Washington pheasant hunters must choose to hunt on either odd-numbered or even-numbered weekend days from 8:00 - 10:00 a.m. at all units of Lake Terrell, Tennant Lake, Snoqualmie, Skagit, Skookumchuck, and Scatter Creek Wildlife Areas, all hunting sites on Whidbey Island, and at the Dungeness Recreation Area, and must indicate their choice on the Western Washington Pheasant Permit by choosing "odd" or "even." Hunters who select the three day option, hunters 65 years of age or older, and youth hunters may hunt during either weekend day morning. Youth hunters must be accompanied by an adult at least 18 years old who must have an appropriately marked pheasant permit if hunting.

#### **MOUNTAIN QUAIL**

Bag and Possession Limits: Two (2) mountain quail per day, with a total of four (4) mountain quail in possession at any time.

SEASON DATES: Oct. 3 - Nov. 30, 2009; Oct. 2 - Nov. 30, 2010; Oct. 1 - Nov. 30, 2011.

#### **CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE**

Bag and Possession Limits: Ten (10) California (valley) quail or northern bobwhite per day, with a total of thirty (30) California (valley) quail or northern bobwhite in possession at any time, straight or mixed bag.

SEASON DATES: Oct. 3 - Nov. 30, 2009; Oct. 2 - Nov. 30, 2010; Oct. 1 - Nov. 30, 2011.

**FALCONRY SEASONS:**

**UPLAND GAME BIRD AND FOREST GROUSE - FALCONRY**

Bag and Possession Limits: Two (2) pheasants (either sex), six (6) partridge, five (5) California (valley) quail or northern bobwhite, two (2) mountain quail (in Western Washington only), and three (3) forest grouse (blue, ruffed, spruce) per day. Possession limit is twice the daily bag limit.

OPEN AREA: Statewide.

SEASON DATES: Aug. 1, 2009 - Mar. 15, 2010; Aug. 1, 2010 - Mar. 15, 2011; Aug. 1, 2011 - Mar. 15, 2012.

**TURKEY - FALCONRY**

A turkey tag is required to hunt turkey during the turkey falconry season.

Bag and Possession Limits: One (1) turkey (either sex) per turkey tag with a maximum of two (2) turkeys. Possession limit: Two (2).

OPEN AREA: Eastern Washington.

SEASON DATES: Sept. 1, 2009 - Feb. 15, 2010; Sept. 1, 2010 - Feb. 15, 2011; Sept. 1, 2011 - Feb. 15, 2012.

**MOURNING DOVE - FALCONRY**

Bag and Possession Limits: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, ducks, and geese during established seasons. Possession limit is twice the daily limit.

OPEN AREA: Statewide.

SEASON DATES: Sept. 1 - Dec. 16, 2009, 2010, 2011.

**COTTONTAIL RABBIT AND SNOWSHOE HARE - FALCONRY**

Bag and Possession Limits: Five (5) cottontails or snowshoe hares per day, straight or mixed bag. Possession limit: Fifteen (15).

OPEN AREA: Statewide.

SEASON DATES: Aug. 1, 2009 - Mar. 15, 2010; Aug. 1, 2010 - Mar. 15, 2011; Aug. 1, 2011 - Mar. 15, 2012.

**OTHER SEASONS:**

**CANADA GOOSE SEPTEMBER SEASON**

Bag and Possession Limits: Western Washington, except Cowlitz and Wahkiakum counties and that part of Clark County north of the Washougal River: Five (5) Canada geese per day with a total of ten (10) in possession at any time.

Cowlitz and Wahkiakum counties and that part of Clark County north of the Washougal River: Three (3) Canada geese per day with a total of six (6) in possession at any time.

WESTERN WASHINGTON SEASON DATES: Sept. 10-15, 2009, 2010, 2011. EXCEPT Pacific County: Sept. 1-15, 2009, 2010, and 2011.

**MOURNING DOVE**

Bag and Possession Limits: Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

OPEN AREA: Statewide.

SEASON DATES: Sept. 1-30, 2009, 2010, 2011.

**HIP REQUIREMENTS:**

All hunters age 16 and over of migratory game birds (duck, goose,  
11 OTS-2963.2

coot, snipe, mourning dove, and band-tailed pigeon) are required to complete a Harvest Information Program (HIP) survey at a license dealer, and possess a Washington Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds. Youth hunters are required to complete a HIP survey, and possess a free Washington Youth Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds.

**BAND-TAILED PIGEON**

Bag and Possession Limits: Two (2) band-tailed pigeons per day with a total of four (4) band-tailed pigeons in possession at one time.

OPEN AREA: Statewide.

SEASON DATES: Sept. 15-23, 2009, 2010, 2011.

**WRITTEN AUTHORIZATION REQUIRED TO HUNT BAND-TAILED PIGEONS.**

All persons hunting band-tailed pigeons in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Application forms must be delivered to a department of fish and wildlife office no later than August 25 or postmarked on or before August 25 in order for applicants to be mailed an authorization before the season starts. Immediately after taking a band-tailed pigeon into possession, hunters must record in ink the information required on the harvest report. By October 15, hunters must return the harvest report to a department of fish and wildlife office, or report harvest information on the department's internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to

participate in the following band-tailed pigeon season.

**BIRD DOG TRAINING SEASON**

Wild upland game birds may be pursued during the dog-training season, but may not be killed except during established hunting seasons. A small game license is required to train dogs on wild game birds. A ~~small game license and a~~ Western Washington Pheasant Permit is required to train dogs on pheasants in Western Washington. Captive raised game birds may be released and killed during dog training if proof of lawful acquisition (invoices) are in possession and the birds are appropriately marked (WAC 232-12-271 and 232-12-044).

OPEN AREA: Statewide.

SEASON DATES: Aug. 1, 2009 - Mar. 31, 2010; Aug. 1, 2010 - Mar. 31, 2011; Aug. 1, 2011 - Mar. 31, 2012.

Only youth and seniors may train dogs during their respective seasons on designated Western Washington pheasant release sites.

Bird dog training may be conducted year round on areas posted for bird dog training on portions of: Region One - Espanola (T24N, R40E, E 1/2 of section 16); Region Three - South L. T. Murray Wildlife Area; Region Four - Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area; Region Five - Shillapoo/Vancouver Lake Wildlife Area; Region Six - Scatter Creek Wildlife Area, Fort Lewis Military Base.

**HOUND HUNTING DURING DEER AND ELK HUNTING SEASONS**

It is unlawful to hunt any wildlife at night or wild animals with dogs (hounds) during the months of September, October, or November

in any area open to a modern firearm deer or elk season. The use of hounds to hunt black bear, cougar (EXCEPT by public safety cougar removal permit (WAC 232-12-243) or a commission authorized hound permit (WAC 232-28-285)), coyote, and bobcat is prohibited year round.

**YAKAMA INDIAN RESERVATION:**

The 2009-10, 2010-11, 2011-12 upland bird seasons within the Yakama Indian Reservation shall be the same as the season established by the Yakama Indian Nation.

**COLVILLE INDIAN RESERVATION:**

The 2009-10, 2010-11, 2011-12 upland bird seasons within the Colville Indian Reservation shall be the same as the season established by the Colville Indian Tribe.

[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), § 232-28-342, 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), § 232-28-342, filed 4/18/08, effective 5/19/08. Statutory Authority: RCW 77.12.047. 06-11-031 (Order 06-91), § 232-28-342, filed 5/8/06, effective 6/8/06.]

**WAC 232-28-342 2009-10, 2010-11, 2001-12 Small game seasons.**

### **Recommended Adjustments**

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

#### **Page 1**

Insert the following language at the beginning of the rule: "It is unlawful to fail to comply with bag, possession, and season limits except as described below. Violations of this section may be punished under RCW 77.15.245, 77.15.400, and 77.15.430, depending on the species hunted and the violation." The reason for the change is to clarify the penalties that may be invoked for violation of this rule.

#### **Pages 8, 9, & 13**

The licensing requirements were changed by the legislature in 2009. These changes reflect that legislation.

SUMMARY OF WRITTEN PUBLIC INPUT

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

<b>COMMENTS</b>	<b>AGENCY RESPONSE</b>
Based on previous comments, I thought that the #4 shot (or smaller) regulation only apply to species other than turkeys. Please consider changing the turkey regulations to allow other shot sizes.	The 2009 proposal addressed the use of #4 (or smaller) shot for turkeys. Studies have shown that using #4 shot or smaller (e.g., #6,) results in clean kills and reduced risks to those who might be shot in the rare case of an accident.
Attached is a signed petition to establish a senior hunt for pheasants in eastern Washington. The proposal is to have the senior season during the week after the youth season on pheasant release sites only.	The Department will work with the proponent and regional WDFW wildlife and enforcement staff to develop a recommendation for a future meeting where seasons are set.

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

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

<b>COMMENTS</b>	<b>AGENCY RESPONSE</b>
Electronic calls and their use for turkey hunting was a change started in the fall of 2008 and affected 2009 spring turkey hunting. The calls affect a disabled hunter with the increased bag limits; this regulation is no longer applicable.	The use of electronic calls is an ethics issue and does not impact the bag limits. If a hunter with disabilities has an impediment and would like to seek a special use permit, they can do so by contacting the Department.



# 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

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

**Submit written comments to:**  
Name: Wildlife Program Commission Meeting Public Comments  
Address: 600 Capitol Way North, Olympia WA 98501-1091  
e-mail [Wildthing@dfw.wa.gov](mailto: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

**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?            | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision?   | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> 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:** <sup>19</sup>

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.