

**12. COUGAR PERMIT SEASONS AND REGULATIONS – RULE BRIEFING AND PUBLIC HEARING**

TABLE OF CONTENTS

	<u>Page</u>
Decision Page .....	<i>i</i>
WAC 232-28-285 2010-2011 Pilot cougar hunting seasons with the aid of dogs .....	1
Recommended Adjustments to WAC 232-28-285 .....	9
Summary of Oral Public Input.....	11
WAC 232-28-287 2009-2010, 2010-2011, 2011-2012 Cougar permit seasons and regulations ..	12
Recommended Adjustments to WAC 232-28-287 .....	14
CR-102.....	15

## **“GREEN SHEET”**

---

**Meeting:** April 9-10, 2010  
**Agenda Item 12:** Cougar Permit Seasons and Regulations– **Rule Action**  
**Prepared By:** Donny Martorello  
**Presented By:** Donny Martorello, Ph.D., Carnivore, Furbearer & Special Species Manager,  
Wildlife Program

---

### **Background:**

At the March 12-13, 2010 Commission Meeting, Department staff briefed the Commission on proposed rule amendments to WAC 232-28-285 2010-2011 Pilot cougar hunting seasons with the aid of dogs and WAC 232-28-287 2009-2010, 2010-2011, and 2011-2012 Cougar permit seasons and regulations.

- a) WAC 232-28-285 implements Engrossed Substitute House Bill (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. The Department has coordinated with the County Commissioners from the six participating counties and 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 December 19 to December 1 (except in GMUs 101, 105, and 204, which will remain January 1).
  - 2) Increase the kill quota for Klickitat hunt zone to 10 total cougars or 4 females.
  - 3) Increase the cap on the number of hunting permits issued from twice the total quota to three times 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) Clarification of definitions and penalties.
  - 6) Routine calendar date changes.
  
- b) WAC 232-28-287 establishes additional cougar permit seasons, but where the aid of dogs is prohibited (often called cougar “boot” hunts). Five of the boot permit hunts overlapped with pilot cougar hound hunts, creating confusion for hunters regarding the application process, regulations, and the daily reporting requirements. The Department is recommending removing the cougar permit boot-only hunts for hunt areas with a pilot cougar hunt. Hunters interested in hunting cougar in these areas can apply for a pilot cougar hunt permit (WAC 232-28-285) and choose whether to use dogs or not.

The Department is also recommending increasing the boot 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.

---

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

- a) Implement ESHB 2438.
  - b) Remove complex overlapping cougar permit seasons and replace them with a single permit season for which anyone can apply to participate.
-

---

**Public involvement process used and what you learned:**

The Department met with County Commissioners from the six participating counties three times to develop the recommendations. The County Commissioners also met with local constituents before meeting with Department staff. Informal discussions have been held between stakeholders and Department staff as well. 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 232-28-285 and 232-28-287 as proposed.

---

**Draft motion language:**

I move to amend WACs 232-28-285 and 232-28-287 as proposed.

---

**Justification for Commission action:**

To establish cougar hunting seasons and permits consistent with population objectives and sustainability.

---

**Communications plan:**

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

AMENDATORY SECTION (Amending WSR 09-15-122, filed 7/17/09, effective 8/17/09)

**WAC 232-28-285 ((2009-2010)) 2010-2011 Pilot cougar hunting seasons with the aid of dogs.** As used in this section and in the context of pilot cougar hunting seasons, the following definitions apply:

"Accompany" means that up to three persons may engage in hunting activities with a permittee under a single permit during this season. However, these persons may participate only as dog handlers for the permittee, and the permittee and dog handlers must be simultaneously in the field and within the same open designated permit area during the permit hunt. Furthermore, the dog handlers and the permittee hunter must be in the physical presence of each other at the time dogs are released from a leash or unrestrained or starting a cougar track.

"Pursue" or "pursuit" means dogs are:

- ✎ Not on a leash or restrained; or
- ✎ Starting a cougar track; or
- ✎ In the act of tracking a cougar; or
- ✎ At a treed cougar.

Transporting dogs in a motorized vehicle or walking a dog on a leash is not a "pursuit" within the meaning of this section.

"Permittee" means a hunter who has applied for and been selected for this pilot season and is issued a permit to hunt as allowed by

this season. Only permittees may kill cougar. Dog handlers may not.

"Dog handler" means a person ~~that~~ who owns or hunts with dogs that are capable of detecting, tracking and treeing a cougar. Only up to three dog handlers may "accompany" a permittee in participating in this pilot season.

"Quota" means the targeted harvest goal. The actual harvest level may exceed the quota.

"Kill permit" allows a ~~hunter-permittee~~ to pursue or kill cougar.

"Pursuit permit" allows a ~~hunter-permittee~~ to pursue cougar.

(1) The pilot cougar-hunting season will allow the use of dogs to hunt cougar. The hunts will consist of pursuit-or-kill seasons and pursuit-only seasons.

(2) Pursuit-or-kill seasons:

Cougar may be pursued or killed (~~(with the aid of dogs)~~) from December (~~(19, 2009)~~) 1, 2010, until the female zone quota has been killed, the total zone quota has been killed, or March 31, (~~(2010)~~) 2011, whichever occurs first; EXCEPT that in GMUs 101, 105, and 204, ~~where~~ cougar may be pursued or killed from January 1, (~~(2010)~~) 2011, until the female zone quota has been killed, the total zone quota has been killed, or March 31, (~~(2010)~~) 2011, whichever occurs first.

(3) Pursuit-only seasons:

(a) If a zone quota is killed prior to March 31, (~~(2010)~~) 2011, cougar may be pursued with dogs in all or portions of that zone until March 31, (~~(2010)~~) 2011. Hunters-Permittees and their dog handlers may only pursue cougars in designated pursuit--only areas identified

on their kill or pursuit-only permit. ~~Hunters~~ Permittees may not kill cougar during pursuit-only seasons.

(b) Hunters selected for the pursuit-or-kill season (accompanied by up to three of their identified dog handlers) may participate in a pursuit-only season. ~~Permit hunters~~ Permittees ~~that who~~ harvest a cougar under a kill permit may continue to pursue cougars until March 31. If a zone quota is killed, the department may also issue pursuit-only permits to hunters drawn at random from the unselected pool of applicants. The director will identify the number of pursuit-only hunters selected.

(4) Hunt areas and kill quotas:

Cougar seasons will be based on a quota system, where ~~permit hunters~~ permittees may hunt and kill cougar until the allotted numbers of cougar have been killed from each hunt zone or March 31, ((2010)) 2011, whichever occurs first.

(a) Kill quotas start September 1 and will include all cougar killed during seasons with and without the aid of dogs, including cougar seasons under this section, cougar seasons without the aid of dogs authorized under WAC 232-28-272 and 232-28-287, depredation permits, landowner kill permits, and WDFW depredation authority.

(b) Individual problem cougar will continue to be killed on an as-needed basis utilizing depredation permits, landowner kill permits, and WDFW depredation authority even if these kills result in exceeding a zone quota.

CMU	Hunt Choice	Hunt Zone	Area Description	QUOTA	
				Total	Female
East Cascades North	9001	Okanogan	Those portions of GMUs 203, 209, 215, 218, 233, 224, 231, 239, and 242 within Okanogan County	17	7

	9002	Chelan	Those portions of GMUs 243, 244, 245, 246, 247, 249, 250, and 251 within Chelan County	6	2
Northeastern	9003	Ferry-Okanogan	GMUs 101, 105, 204	20	8
	9004	Stevens-Pend Oreille	Those portions of GMUs 108, 111, 113, 117, 121 within Stevens and Pend Oreille counties	19	7
East Cascades South	9005	Klickitat	Those portions of GMUs 382, 388, 578 within Klickitat County	<del>((6))</del> 10	<del>((2))</del> 4

(5) Quota hotline:

~~Permit hunters~~Permittees participating in a pursuit-or-kill season must call the toll free cougar quota hotline within twenty-four hours prior to each day hunting cougar to determine if the zone quota has been killed and the zone is closed. Hunters who hunt more than one consecutive day must call the quota hotline once daily to determine if the zone quota is killed. Hunters who harvest a cougar (~~(with the aid of dogs)~~) must notify the department within twenty-four hours of the kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar, with proof of sex naturally attached, must be sealed by an authorized department employee within five days of the notification of kill. Any person who takes a cougar must present the cougar skull to an authorized department employee in such a manner that teeth and biological samples can be extracted ~~to an authorized department employee~~ at the time of sealing.

(6) Kill or pursuit-only permit eligibility:

(a) To apply for a kill or pursuit-only permit under this section, individuals must purchase a cougar permit application and submit the application in compliance with WAC 232-28-291 by a date and time identified by the director.

(b) To be eligible for a permit, the participant must be a

Washington resident who at the time of application for a permit possesses a valid big game license with cougar as a species option. The permit holder may use dogs while participating in a cougar hunt under this section.

(c) A permit will not be issued to any person who has been convicted of unlawful use of dogs under RCW 77.15.245 within the five-year period prior to December 1, 2004. Any person issued a permit and who is subsequently convicted of any wildlife offense while participating in a pursuit-or-kill or pursuit-only season, or who violates any condition of the permit, will have the permit revoked and will be ineligible to participate in the remainder of the pilot program.

(7) Permit issuance procedure:

(a) The number of kill permits may be established by the director, but will not exceed (~~two~~) three times the total cougar quota for each hunt zone.

(b) The department will issue kill or pursuit-only permits to the persons whose applications are drawn at random. Individuals selected will be notified by telephone or mail. Kill and pursuit-only permits may not be sold or reassigned.

(c) If a female zone quota or total zone quota is not killed in a hunt zone by February 15 (or sooner as identified by the director), then the department may issue kill permits to additional hunters. Hunters will be drawn at random from the unselected pool of applicants and must be a resident of one of the participating counties.

(8) Qualifications for participation and requirements:

In addition to the provisions applicable to all cougar hunters:

(a) Successful applicants must complete a training program prior to participating in a pursuit-or-kill season or pursuit-only season with the aid of dogs.

(b) ~~Participants-Permittees~~ must have their department-issued permit ~~issued by the department~~ in their possession while hunting cougar.

(c) Individuals selected for a kill permit may kill and possess one cougar per permit, and only the permittee may kill the cougar.

(d) Individuals selected for a (~~cougar kill or pursuit-only~~) permit, who use dogs to kill or pursue a cougar, may use dog handlers. However, no more than three handlers may accompany the permittee while hunting or pursuing cougar. Dog handlers may not pursue cougar when the permit hunter is not present at the time the dogs are released from a leash or unrestrained. Dog handlers must have a dog handler identification card, issued by the department, in their possession while participating in a pursuit-or-kill season or pursuit-only season.

(e) Dog handlers must possess a valid Washington hunting license.

(f) It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

(g) Participants must have a vehicle placard issued by the department. The vehicle placard must be placed in the permittee's and dog ~~handler's-handlers'~~ vehicles and be visible from outside the vehicles at all times while hunting or pursuing cougar.

(h) Kill and pursuit-only ~~permit hunters~~permittees are required

to report their hunting activity, whether they harvest a cougar or not, using the toll free cougar quota hotline. Unsuccessful hunters must report their hunting activity by April 10, ~~2009~~.

(9) Penalties: A violation of ~~this reporting~~ requirements under ~~this subsection is punishable~~ subsections (5) and (8)(h); the training requirement under subsection (8)(a); the permit-possession requirement under subsection (8)(b); and the vehicle placard requirement in (8)(g), may be punished ~~as an infraction~~ under RCW ~~77.15.160~~77.15.750. A violation of the sealing or inspection requirements under subsection (5) may be punished under RCW 77.15.280. A violation of any other provisions of this section may be punished under RCW 77.15.410.

~~(9)~~(10) The permit belongs to the state of Washington. The ~~permit holder~~ permittee may be required to return to or turn over to the department the permit when, in the judgment of the department, the ~~permit holder~~ permittee violates any conditions of the permit, violates trespass laws while acting under this permit, or violates any other criminal law or hunting regulation of the state while acting under this permit. If the ~~permit holder~~ permittee is required to return to or turn over to the department the permit, ~~the permit holder~~ he or she may request an appeal of that action in accordance with chapter 34.05 RCW. Appeal requests shall be filed in writing and returned within twenty days of ~~the date of action~~ relinquishing the permit, and the requests shall be addressed to WDFW Legal Services Office, 600 Capitol Way North, Olympia, Washington 98501-1091.

[Statutory Authority: RCW 77.12.047, 77.12.040, 77.12.020, 77.12.570, 77.12.210. 09-15-122, § 232-28-285, filed 7/17/09, effective 8/17/09; 08-17-034 (Order 08-197), § 232-28-285, filed 8/13/08, effective 9/13/08. Statutory Authority: RCW 77.12.047. 07-22-102 (Order 07-273), § 232-28-285, filed 11/6/07, effective 12/7/07; 06-17-095 (Order 06-196), § 232-28-285, filed 8/15/06, effective 9/15/06; 05-17-098 (Order 05-174), § 232-28-285, filed 8/15/05, effective 9/15/05; 04-21-036 (Order 04-284), § 232-28-285, filed 10/14/04, effective 11/14/04.]

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

### **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 to clarify the definition of accompany: "Accompany" means that up to three persons may engage in hunting activities with a permittee under a single permit during this season. However, these persons may participate only as dog handlers for the permittee, and the permittee and dog handlers must be simultaneously in the field and within the same open designated permit area during the permit hunt. Furthermore, the dog handlers and the permittee must be in the physical presence of each other at the time dogs are released from a leash or unrestrained or starting a cougar track."

#### **Pages 1-7**

Several edits were made to clarify what a permittee is authorized to do and to improve readability and understanding.

#### **Pages 1 & 2**

Add a definition of a "permittee" as follows: "Permittee" means a hunter who has applied for and been selected for this pilot season and is issued a permit to hunt as allowed by this season. Only permittees may kill cougar. Dog handlers may not.

#### **Page 2**

Modify the definition of dog handler to clarify the meaning as follows: "Dog handler" means a person who owns or hunts with dogs that are capable of detecting, tracking, and treeing a cougar. Only up to three dog handlers may "accompany" a permittee in participating in this pilot season.

#### **Page 7**

Language is added to the penalties section to clarify the punishment for violation of this rule as follows: "(9) Penalties: A violation of reporting requirements under subsections (5) and (8)(h); the training requirement under subsection (8)(a); the permit-possession requirement under subsection (8)(b); and the vehicle placard requirement in (8)(g), may be punished under RCW 77.15.750. A violation of the sealing or inspection requirements under

subsection (5) may be punished under RCW 77.15.280. A violation of any other provisions of this section may be punished under RCW 77.15.410.”

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

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

<b>COMMENTS</b>	<b>AGENCY RESPONSE</b>
Support proposed cougar season as presented.	Thank you for your comment.
Please reconsider setting cougar kill quotas until the Department understands the role of harvest on the age distribution of cougars and any cascading impacts to complaints.	Thank you for your comment. The Department has worked with both internal and external large carnivore experts (including Dr. Rob Wielgus and his team of students) in setting kill quotas and resulting age structure goals.

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

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

It is unlawful to fail to comply with the provisions below. Violators may be punished under RCW 77.15.410, 77.15.245, and 77.15.280(1)(c).

**Who may apply:** Anyone with a valid Washington big game license, which includes cougar as a species option.

**Hunt areas, permit levels, and season dates for each license year:**

Hunt Name	Hunt Area	Permits	Season Dates <sup>a</sup>
South Cascades	GMUs 503, 505, 510-520, 524, 550-574, 653, 654, 667	40	Jan. 1 - Mar. 31
Blue Mountains	GMUs 145-154, 162-186	<del>((40))</del> 100	Jan. 1 - Mar. 31
Kittitas-Yakima	GMUs 328-368	30	Jan. 1 - Mar. 31
Spokane	GMUs 124-133	30	Jan. 1 - Mar. 31
<del>((Chelan</del>	<del>Those portions of GMUs 243, 244, 245, 246, 247, 249, 250, and 251 within Chelan County.</del>	40	<del>Dec. 1-31</del>
Okanogan	<del>Those portions of GMUs 203, 209, 215, 218, 233, 224, 231, 239, and 242 within Okanogan County.</del>	40	<del>Dec. 1-31</del>
Okanogan Ferry	GMUs 101, 105, 204	20	<del>Dec. 1-31</del>
Stevens-Pend-Oreille	<del>Those portions of GMUs 108, 111, 113, 117, 121 within Stevens and Pend Oreille counties.</del>	30	<del>Dec. 1-31</del>

Klickitat	Those portions of GMUs 382, 388, 578 within Klickitat County.	20	Dec. 1-31))
*Permits are valid for the license year they are issued.			

**Requirements for Cougar Seasons:**

**Bag limit:** One (1) cougar per license year, excluding public safety cougar removals. It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens.

**License required:** A valid big game hunting license, which includes cougar as a species option, is required to hunt cougar.

**Tag information:** One cougar transport tag is included with a big game license that has cougar as a species option.

**Hunting method:** The use of dogs to hunt cougar is prohibited except by a public safety cougar removal permit (WAC 232-12-243) or commission authorized hound permit (WAC 232-28-285).

**Cougar pelt sealing:** Any person who takes a cougar must comply with the sealing requirements in WAC 232-12-024.

[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), § 232-28-287, filed 4/15/09, effective 5/16/09.]

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

### **Recommended Adjustments**

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

#### **Page 12**

Insert the following language at the beginning of the rule: “It is unlawful to fail to comply with the provisions below. Violators may be punished under RCW 77.15.410, 77.15.245, and 77.15.280(1)(c).” The reason for the change is to clarify the penalties that may be invoked for violation of this rule.

#### **Page 13**

Punctuation was added to improve readability and accuracy.



# PROPOSED RULE MAKING

**CR-102 (June 2004)**  
(Implements RCW 34.05.320)  
Do NOT use for expedited rule making

Agency: Department of Fish and Wildlife

- Preproposal Statement of Inquiry was filed as WSR 09-24-111; or
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR \_\_\_\_\_

Title of rule and other identifying information: (Describe Subject)  
Hunting Rules – See Attachment A

**Hearing location(s):**  
Natural Resources Building, Room 172  
1111 Washington Street SE  
Olympia, Washington 98501  
(360) 902-2515

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

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

**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**  
*Lori Preuss*

**TITLE**  
Rules Coordinator

(COMPLETE REVERSE SIDE)

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** <sup>16</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.