

13. RAFFLE AND AUCTION HUNTS – RULE BRIEFING AND PUBLIC HEARING

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“GREEN SHEET”

Meeting: April 9-10, 2010

Agenda Item 13: Raffle and Auction Hunts– **Rule Action**

Prepared By: Donny Martorello

Presented By: Donny Martorello, Ph.D., Carnivore, Furbearer, and Special Species Section Manager, Wildlife Program

Background:

At the March 12-13, 2010 Commission Meeting, Department staff briefed the Commission on proposed rule amendments to WAC 232-28-290 Washington raffle hunts and WAC 232-28-292 Washington auction hunts.

During the 2009 legislative session, the passage of SHB 1778 liberalized how the Department may spend auction/raffle revenue. The former language stipulated that the funds be spent on “species that were auctioned or raffled.” Currently, the statute allows revenue to be spent for “game management activities.”

While there may be benefits to greater spending discretion, concern has been expressed from several organized hunting groups (i.e., Washington Chapter of Foundation for North American Sheep, Safari Club International, and Seattle Sportsmen Conservation Foundation). These groups are valuable partners with the Department in funding species management activities. To address their concerns, the Department is recommending the following direction on how auction/raffle revenue may be spent:

- Revenue from the sale of single species auction and raffle permits shall be used for the management of that species.
- Revenue from the sale of multiple-species auction and raffle permits shall be used for game management priorities.

Priority activities are identified in the 2009-15 Game Management Plan. Planned activities and funding proposals will be reviewed each year with the Game Management Advisory Council.

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

- Dedicate the spending from single species auction/raffle revenue to the species/permit that was auctioned or raffled.
 - Allow the spending from multiple species auction/raffle revenue to be used for game management priorities.
-

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, the Game Management Advisory Council and a group of stakeholders familiar with the program met to discuss this change, and the consensus was to support the targeted spending of the revenue from raffles and auctions.

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

Amend WACs 232-28-290 and 232-28-292 as proposed.

Draft motion language:

I move to amend WACs 232-28-290 and 232-28-292 as proposed.

Justification for Commission action:

To provide direction on the expenditure of auction and raffle revenues consistent with the intent of stakeholders and partners.

Communications plan:

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

AMENDATORY SECTION (Amending Order 01-69, filed 4/26/01, effective 5/27/01)

WAC 232-28-290 Washington raffle hunts. 1. The commission, in consultation with the director, may authorize hunts for big game animals and wild turkey through raffle.

2. When a raffle hunt is adopted by the commission the director may conduct the raffle or may award a contract to a nonprofit wildlife conservation organization (hereafter referred to as "organization") to market and conduct the raffle drawing. The department of fish and wildlife shall solicit bids consistent with established state competitive bid rules.

3. There is no limit on the number of raffle tickets a person may purchase.

4. The organization interested in conducting a raffle for an authorized hunt shall submit a proposal outlining its experience and plan to conduct a raffle. The proposal shall include:

a. Name of the organization, articles of incorporation, and contact person.

b. The date, time, and place of the proposed raffle drawing.

c. The approximate number of raffle tickets expected to be sold.

d. Past experience in conducting raffles.

e. Marketing strategies to be used.

f. Portion of revenue proposed to be retained by the

organization.

5. The director will select an organization to conduct a raffle.

a. Revenue potential to the department will be a primary criterion in applicant selection.

b. The department shall enter into a contract with the organization identifying specific terms of the contract.

c. The director may authorize the organization to sell raffle tickets for the department and retain a portion of the revenue from the tickets sold.

6. The following are rules for raffles conducted by a director authorized nonprofit wildlife conservation organization.

a. The organization shall notify the public about the raffle hunt opportunity and offer raffle tickets for sale.

b. The public must be informed of the date, time, and place of the raffle, and the organization must hold the drawing as specified.

c. The drawing must be accessible to the public.

d. Raffle ticket sales must be completed prior to the public drawing. An accounting must be made of raffle tickets and funds received. A representative of the department will monitor the drawing.

e. One winner and two alternates shall be drawn at the drawing.

f. The organization shall notify the department of the name, address, and telephone number of the raffle winner and two alternates immediately (but no later than two business days) after the drawing.

g. The department's share of the raffle revenue shall be delivered to the department within 30 (thirty) business days of the drawing.

7. The following are rules for raffles conducted by the department.

a. The department shall notify the public about the raffle hunt opportunity and offer raffle tickets for sale.

b. The department shall inform the public of date and place of the raffle, and hold the drawing as specified.

c. Raffle ticket sales must be complete prior to the drawing.

d. One winner and two alternates shall be drawn at the drawing.

8. The department will notify the winner and two alternates by telephone and by certified mail. The department will obtain enough information from the winner to issue the appropriate hunting license and transport tag(s).

9. If the winner does not contact the department within 15 business days of the drawing, the first alternate will be contacted and offered the raffle hunt. If the first alternate cannot be contacted within 10 business days after the winner disqualification deadline, the second alternate will be contacted and offered the raffle hunt. If the second alternate cannot be contacted within 10 business days after the first alternate disqualification deadline, the raffle hunt will not be offered by the department.

10. There shall be no refunds for any raffle ticket purchases.

11. The deer raffle winner may purchase an additional deer hunting license and transport tag and the elk raffle winner may purchase an additional elk hunting license and transport tag if desired. Even if drawn in a previous license year for a mountain goat, bighorn sheep, or moose hunt a hunter may participate in a raffle hunt. Turkey raffle winners may purchase up to three

additional turkey licenses and transport tags.

12. Hunting licenses or transport tags obtained pursuant to a raffle may not be resold or reassigned.

13. (~~All revenue to the department from a raffle shall be used for the management and benefit of that species~~) Revenue from the sale of single-species raffle permits shall be used for the management of that species and revenue from the sale of multiple-species raffle permits shall be used for game management, except the hunting license and transport tag fees for the appropriate species shall be deducted from the raffle revenue.

[Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. 01-10-048 (Order 01-69), § 232-28-290, filed 4/26/01, effective 5/27/01.]

SUMMARY OF WRITTEN PUBLIC INPUT

WAC 232-28-290 Washington raffle hunts.

COMMENTS	AGENCY RESPONSE
Spend revenue from auction/raffle program on the original "sprit" of the program, that is "to improve the habitat, health, and welfare of the species" that was raffled or auctioned and for projects not normally afforded.	Thank you for your comment. Given the public input on this issue, the Department is recommending language that directs the spending of revenue from single species auction/raffle tags to the species auctioned/raffled. Only the revenue from multi-species tags would be spent under the wider umbrella of "game management" activities.
Strongly oppose revenue from multi-species auction or raffle tags to be spent on species that were not hunted. Revenue from multispecies tags should be ear-marked for the species actually hunted.	Thank you for your comment. To address part of this concern, the Department is recommending language that directs the spending of revenue from single species auction/raffle tags to the species auctioned/raffled, thereby establishing a dedicated fund source for specific species. However, for multi-species tags, the Department believes the statutory spending discretion allowing revenue to be spent on "game management" allows the greatest benefit for the Department's management needs.

AMENDATORY SECTION (Amending Order 01-69, filed 4/26/01, effective 5/27/01)

WAC 232-28-292 Washington auction hunts. 1. The commission, in consultation with the director, may authorize hunts for big game animals and wild turkeys through auction.

2. When an auction hunt is adopted by the commission, the director shall solicit nonprofit wildlife conservation organizations (hereafter referred to as "organizations") to bid to market and conduct a public auction for the special auction hunt. The department of fish and wildlife shall solicit bids consistent with established state competitive bid rules.

3. The organization interested in conducting an auction for an authorized hunt shall submit a proposal outlining its experience and plan to conduct a public auction. The proposal shall include:

a. Name of the organization, articles of incorporation, and contact person.

b. The date, time, and place of the proposed public auction.

c. The approximate number of people expected to attend the auction.

d. Past experience in conducting auctions.

e. Marketing strategies to be used.

f. Portion of revenue proposed to be retained by the organization.

4. The director will select an organization to conduct an auction.

a. Revenue potential to the department will be a primary criterion in applicant selection.

b. The department shall enter into a contract with the organization identifying specific terms of the contract.

5. The organization shall notify the public about the auction hunt opportunities.

a. The public must be informed of the date, time, and place of the auction and, the organization must hold the auction as specified.

b. The auction must be accessible to the public.

c. Anyone may bid on an auction permit.

d. The organization shall award the hunt to the highest qualified bidder who will then become the auction hunt hunter.

e. The organization shall notify the department of the name and address of the successful bidder within two days of the auction.

f. The department's share of the auction revenue shall be delivered to the department within 30 days of the auction.

6. (~~All revenue to the department from an auction shall be used for the management and benefit of that species.~~) Revenue from the sale of single-species auction permits shall be used for the management of that species and revenue from the sale of multiple-species auction permits shall be used for game management.

Except, that the hunting license fees for the appropriate species shall be considered part of the auction price and be deducted from the auction revenue. A hunting license and transport tag will be mailed to the successful bidder.

7. The deer auction winner may purchase an additional deer hunting license and transport tag, and the elk auction winner may purchase an additional elk hunting license and transport tag. Even if drawn in a previous license year for a mountain goat, bighorn sheep, or moose hunt, a hunter may participate in an auction hunt.

8. Hunting licenses or transport tags obtained pursuant to an auction may not be resold or reassigned.

9. The auction hunt hunter shall comply with all applicable hunting rules and regulations.

[Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. 01-10-048 (Order 01-69), § 232-28-292, filed 4/26/01, effective 5/27/01.]

SUMMARY OF WRITTEN PUBLIC INPUT

WAC 232-28-292 Washington auction hunts.

COMMENTS	AGENCY RESPONSE
<p>Spend revenue from auction/raffle program on the original “sprit” of the program, that is “to improve the habitat, health, and welfare of the species” that was raffled or auctioned and for projects not normally afforded.</p>	<p>Thank you for your comment. Given the public input on this issue, the Department is recommending language that directs the spending of revenue from single species auction/raffle tags to the species auctioned/raffled. Only the revenue from multi-species tags would be spent under the wider umbrella of “game management” activities.</p>
<p>Strongly oppose revenue from multi-species auction or raffle tags to be spent on species that were not hunted. Revenue from multispecies tags should be ear-marked for the species actually hunted.</p>	<p>Thank you for your comment. To address part of this concern, the Department is recommending language that directs the spending of revenue from single species auction/raffle tags to the species auctioned/raffled, thereby establishing a dedicated fund source for specific species. However, for multi-species tags, the Department believes the statutory spending discretion allowing revenue to be spent on “game management” allows the greatest benefit for the Department’s management needs.</p>



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Fish and Wildlife

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

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

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

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

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

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
Lori Preuss

TITLE
Rules Coordinator

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: ¹¹

None

Name of proponent: (person or organization)

Washington Department of Fish and Wildlife

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Dave Brittell	Natural Resources Building, Olympia	(306) 902-2504
Implementation.... Dave Brittell	Natural Resources Building, Olympia	(360) 902-2504
Enforcement..... Bruce Bjork	Natural Resources Building, Olympia	(360) 902-2373

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

These rules regulate recreational hunters and do not directly regulate small business.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: Not hydraulics rules.

ATTACHMENT A

WAC 220-55-115 Recreational License Dealer Fees

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

The proposed language allows hunters to replace lost permits at vendors statewide and reimburses vendors for the cost of providing supplemental permits.

Reasons supporting proposal:

Provide greater flexibility for hunters to replace lost permits.

WAC 232-12-047 Unlawful methods for hunting

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

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

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

Reasons supporting proposal:

Provide consistency with the U.S. Constitution and state law.

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

WAC 232-12-051 Muzzleloading firearms

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

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

Reasons supporting proposal:

Provide consistency with the U.S. Constitution and state law.

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

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

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

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

Reasons supporting proposal:

Provide consistency with the U.S. Constitution and state law.

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

WAC 232-28-248 Special Closures and Firearm Restriction Areas.

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

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

Reasons supporting proposal:

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

WAC 232-28-266 Damage Prevention Permits

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

This proposal changes the timeframe that turkey Damage Prevention Permits are valid, so they can be used beginning on October 10. This proposal does not change the number of turkey permits approved.

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

Reasons supporting proposal:

In April 2009, the Fish and Wildlife Commission approved 200 turkey Damage Prevention Permits for GMUs 105 to 124 which were valid beginning December 15. WDFW enforcement officers found that landowners experienced damage issues during October and November, before the approved Damage Prevention Permit season.

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

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

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

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

Reasons supporting proposal:

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

WAC 232-12-284 Bighorn sheep -Marking requirements

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

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

Reasons supporting proposal:

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

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

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

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

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

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

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

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

Reasons supporting proposal:

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

WAC 232-28-286 2010, 2011, and 2012 Spring black bear seasons and regulations

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

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

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

Reasons supporting proposal:

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

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

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

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

The rule establishes cougar permit hunt seasons without the aid of dogs. The proposal removes permit hunt seasons in hunt areas with a concurrent pilot cougar permit hunt with the aid of dogs. The purpose of the change is to consolidate two permit seasons into one for simplification and allow anyone to apply for the hunt. The anticipated effects are simplification of hunting seasons and long-term sustainable cougar populations.

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

Reasons supporting proposal:

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

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

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

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

Reasons supporting proposal:

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

WAC 232-28-290 Washington raffle hunts

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

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

Reasons supporting proposal:

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

WAC 232-28-291 Special hunting season permits

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

The purpose is to modify the permit application rules to allow permit application in drawing by category rather than by species.

Reasons supporting proposal:

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

WAC 232-28-292 Washington auction hunts

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

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

Reasons supporting proposal:

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

WAC 232-28-295 Landowner hunting permits

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

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

Reasons supporting proposal:

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

WAC 232-28-337 Deer and Elk Area Descriptions

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

The proposed language adjusts the boundaries of deer and elk areas and also creates a new elk area. Adjustment of the boundaries will help staff deal with wildlife damage problems where they are occurring. Creation of new areas also protects elk when appropriate.

Reasons supporting proposal:

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

WAC 232-28-342 Small Game Seasons

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

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

Reasons supporting proposal:

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

WAC 232-28-351 Deer general seasons and definitions

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

The purpose of this proposal is to retain general season deer hunting opportunity, balance the hunting opportunity between user groups, increase opportunity when deer populations allow, and reduce opportunity when declining deer numbers warrant such a change.

Reasons supporting proposal:

Provides recreational, deer hunting opportunity and protects deer from overharvest. Maintains sustainable general deer hunting season opportunities for 2010 and 2011. Helps address deer damage problems and provides for deer population control when needed.

WAC 232-28-352 Elk general seasons and definitions

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

The purpose of this proposal is to retain general season elk hunting opportunity, balance the hunting opportunity between user groups, increase opportunity when elk populations allow, and reduce opportunity when declining elk numbers warrant such a change.

Reasons supporting proposal:

Provides recreational, elk hunting opportunity and protects elk from overharvest. Maintains sustainable general elk hunting season opportunities for 2010 and 2011. Helps address elk damage problems and provides for elk population control when needed.

WAC 232-28-355 Deer special permits**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

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

Reasons supporting proposal:

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

WAC 232-28-356 Elk special permits**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**

Introduces new category structure for special permits which provide more opportunities to apply. New structure is intended to provide more opportunity to the public and generate more revenue for WDFW. Maintain elk special hunting season opportunities for 2010. Adjust special elk permits for 2010 in response to elk population changes and damage complaints. Provides for recreational harvest of elk. Helps reduce agricultural damage and provides for population control of elk where needed.

Reasons supporting proposal:

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