

“GREEN SHEET”

Meeting: May 7, 2010, Conference Call
Agenda Item B: Petition to Amend WACs 232-28-351 and 232-28-352
Staff Contact: Dave Ware, Game Division Manager, Wildlife Program
Presented by: Nate Pamplin, Deputy Assistant Director, Wildlife Program

Background:

The Agency has received a petition to amend the deer and elk general season rules to allow the use of archery equipment during muzzleloader seasons. The petitioner suggests that the impact to hunters and management would be minimal. At this point, we don't see any significant issues with Mr. Gausman's proposal and the Department is supportive of taking this issue forward for public consideration during the next three year season setting process. There doesn't appear to be a sense of urgency driving an immediate change.

The Department receives hundreds of suggestions for hunting season changes in the off-years between three year packages; including an increasing number of formal petitions such as this one. We use this input from the public to develop our list of issues at the start of each season setting process. The public process for the 2012-14 hunting seasons will begin early next summer (2011) and we already have many issues to consider. Our list is growing and we plan to make this request a part of that process.

The Commission has adopted Hunting Season Guidelines (1999) that are described in the 2009-2015 Game Management Plan. These guidelines direct the Department to maintain a three year season setting process. There are several reasons for this guideline including:

- managing staff workloads;
- maintaining continuity in regulations
- allowing time for the impacts of regulation changes to be measured; and
- providing ample public opportunity to understand and consider proposed changes.

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

- Implement Commission guidelines regarding the three year hunting season process.
- Ensure ample public involvement and opportunity to comment on regulation changes.

Public involvement process used and what you learned:

Very limited at this point.

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

Deny the petition; the Department will include the proposal as part of the 2012-14 hunting season changes.

Draft motion language:

I move to deny Mr. Gausman's petition to amend WACs 232-28-351 and 232-28-352.

Justification for Commission action:

The Department will include this proposal during the 2012-14 hunting season setting process.

Communications plan:

Will be incorporated into the 2012-14 regulation development process.

**FISH AND
WILDLIFE
COMMISSION:**



State of Washington
Department of Fish and Wildlife

Mailing Address: 600 Capitol Way N, Olympia WA 98501-1091, (360) 902-2200, TDD (800) 833-6388
Main Office Location: Natural Resources Building, 1111 Washington Street SE, Olympia WA

DEPARTMENT MISSION: SOUND STEWARDSHIP OF FISH AND WILDLIFE

Miranda Wecker
Chair
Naselle

March 31, 2010

Gary Douvia
Vice Chair
Kettle Falls

Mr. Ryan Gausman
2519 S. Machias Road
Snohomish WA 98290

Ken Chew
Seattle

SUBJECT: Petition to Adopt, Amend, or Repeal Rules

David Jennings
Olympia

Dear Mr. Gausman:

Conrad Mahnken
Bainbridge Island

On March 10, 2010, the Washington Fish and Wildlife Commission received your petition for amendments to WAC 232-28-351 2009-2011 Deer general seasons and definitions, and WAC 232-28-351 2009-2011 Elk general seasons and definitions.

George Orr
Spokane

RCW 34.05.330 states that the Department has 60 days from receipt of the petition to either:

Chuck Perry
Moses Lake

(a) Deny the petition in writing, stating the reasons for the denial, specifically addressing the concerns raised by the petitioner, and where appropriate, the alternative means by which it will address the concerns raised by the petitioner;

Rolland Schmitten
Lake Wenatchee

-or-

(b) Initiate rule-making proceedings.

Bradley Smith
Bellingham

The Fish and Wildlife Commission will consider your petition during a conference call meeting scheduled to begin at 8:30 a.m. on Friday, May 7, 2010. The public may listen to the call by coming to the Commission Office; however, no public input will be accepted during the conference call. The Commission office is located at:

**COMMISSION
STAFF:**

Susan Yeager
Executive Assistant

Darlene Bartlett
Admin. Assistant

Phone:
(360) 902-2267

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Department of Fish and Wildlife
Natural Resources Building, 5th Floor
1111 Washington Street SE
Olympia, Washington

ITEM B.

Fish & Wildlife Comm.

Meeting via Conf. Call

May 7, 2010

Ms. Gausman
March 31, 2010
Page 2

The Department will contact you following the Commission's decision to let you know what action will be taken. You may request an audio recording of the meeting by contacting the Commission Office by phone at (360) 902-2267, or via email to: commission@dfw.wa.gov

Sincerely,

COPY

Susan Yeager
Commission Executive Assistant

cc: Fish and Wildlife Commission
Phil Anderson, Director
Dave Brittell, Wildlife Program
Lori Preuss, Rules Coordinator



PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE (RCW 34.05.330)

The Office of Financial Management (OFM) has adopted this form for members of the public who wish to petition a state agency to adopt, amend, or repeal an administrative rule (regulation). Full consideration will be given to a petitioner's request.

Please complete the following:

PETITIONER'S NAME (PLEASE PRINT) RYAN GAUSMAN TELEPHONE NUMBER (INCLUDE AREA CODE) 425-422-2973
STREET ADDRESS 2519 S. MACHIAS RD PO BOX NUMBER CITY Snohomish STATE WA ZIP CODE 98290
AGENCY RESPONSIBLE FOR ADMINISTERING THE RULE DEPT OF FISH + WILDLIFE

Please submit completed and signed form to the "Rules Coordinator" at the appropriate state agency. The agency will contact you within 60 days.

Check all that apply below and explain on the back of this form with examples. Whenever possible, attach suggested language. You may attach other pages if needed.

1. NEW: I am requesting that a new WAC be developed.

I believe a new rule should be developed.

- The subject of this rule is:
The rule will affect the following people:
The need for the rule is:

2. AMEND: I am requesting a changing to existing WAC 232-28-351 AND 352

3. REPEAL: I am requesting existing WAC be removed.

I believe this rule should be changed or repealed because (check one or more):

- It does not do what it was intended to do.
It imposes unreasonable costs.
It is applied differently to public and private parties.
It is not clear.
It is no longer needed.
It is not authorized. The agency has no authority to make this rule.
It conflicts with another federal, state, or local law or rule. Please list number of the conflicting law or rule, if known:
It duplicates another federal, state or local law or rule. Please list number of the duplicate law or rule, if known:

Other (please explain):

THE RULE CHANGE WILL PROVIDE ADDITIONAL OPPORTUNITY WITH NO ADVERSE EFFECT ON THE RESOURCE OR OTHER HUNTERS.

(SEE ATTACHED EXPLANATION)

PETITIONER'S SIGNATURE Ryan Gausman DATE 12-22-09

My proposal is to make a change to WAC 232-28-351 and WAC 232-28-352.

Currently during modern firearm elk and deer seasons a hunter may use a modern firearm or less effective weapon such as muzzleloader or archery equipment.

Currently during muzzleloader deer or elk season only muzzleloader equipment may be used. Less effective equipment, archery, may not be used.

I propose that the WAC be changed to allow archery equipment to be used during muzzleloader season under the same reasoning that muzzleloader and archery equipment may be used during modern firearm seasons.

I hunt, and have hunted, muzzleloader seasons for several decades in Washington. I and others I am acquainted with also like to use primitive bows for some of our hunting. I would like the opportunity to hunt for a few days with my bow before picking up the blackpowder rifle. The bow is certainly a much less effective weapon than a muzzleloader so it would have no adverse affect on the game populations or management other than to maybe reduce the chance of harvest. I would not expect any change in hunter numbers during the muzzleloader season since a majority of the hunters would not choose to exercise this option. It is understood that muzzleloader season rules and regulations would still apply even if the hunter were carrying a bow.

Thanks for your consideration.



Ryan Gausman, Wild ID 2399-000-6351

2519 S. Machias Rd

Snohomish WA 98290

425-422-2973

Email: gausmanoutdoors@hotmail.com