

**11. MULTIPLE SEASON PERMIT LEVELS – RULE BRIEFING, PUBLIC HEARING, AND RULE ACTION**

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## **“GREEN SHEET”**

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**Meeting:** December 2-4, 2010  
**Agenda Item 11:** Multiple Season Permit Levels – Rule Briefing, Public Hearing, and Rule Action  
**Prepared By:** Dave Ware  
**Presented By:** Dave Ware, Game Division Manager, Wildlife Program

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### **Background:**

Department staff will brief the Commission on proposed amendments to WAC 232-28-294 Multiple season big game permits.

Multiple season deer and elk permits have been popular with hunters since they were authorized by the Legislature in 2006. Each year over 8,000 applications are submitted for 2,000 deer permits and another 8,000 applications for 600 elk permits. However, there have been some issues with successful applicants deciding not to purchase the \$180 permit. The Department has tried several ways to ensure that all the available permits are purchased each year. Conducting multiple drawings and providing a first come first served opportunity for purchases have been unsuccessful.

We are proposing to simplify the process so that only one drawing is conducted and everyone drawn will be able to purchase a permit if they choose. Based on past purchasing history, we plan to draw 4,000 names for the deer permits and 850 names for the elk permits. We are expecting about the same number of permits authorized for sale last year by the Commission (2,000 deer and 600 elk) to be purchased.

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

- Provide a variety of hunting opportunities for the public including this opportunity to hunt during archery, muzzleloader, and modern firearm seasons.
  - Implement a simple drawing and award process to allocate the multiple seasons permits.
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### **Public involvement process used and what you learned:**

These proposed recommendations were sent to approximately 450 organizations and individuals in October for their review and consideration. These organizations and individuals were also informed of the opportunity to provide public testimony at the December Commission meeting in Olympia. This is a small change to a process for allocating permits and is likely to have very limited interest from the public. The standard code reviser process for rule making will allow ample opportunity for public comment.

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

Amend WAC 232-28-294 Multiple season big game permits, as presented.

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### **Draft motion language:**

I move to amend WAC 232-28-294, as proposed.

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### **Justification for Commission action:**

Simplifies the allocation of multiple season permits for deer and elk hunting.

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### **Communications plan:**

- Washington State Register
  - Hunting Pamphlets
  - Web Site
  - News Release
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AMENDATORY SECTION (Amending Order 09-53, filed 4/15/09, effective 5/16/09)

**WAC 232-28-294 Multiple season big game permits.** The commission may, by rule, offer permits for hunters to hunt deer or elk during more than one general season.

An annual drawing will be conducted by the department for multiple season permits.

(1) Multiple season big game hunting permit applications:

(a) To apply for multiple season big game hunting season permits for deer or elk, applicants must purchase a permit application.

(b) No refunds or exchanges for applications will be made for persons applying for multiple season big game hunting season permits after the ~~((drawing))~~ application has been ~~((held))~~ submitted.

(c) An applicant may purchase only one application for a multiple season big game hunting season permit for each species.

(d) Permits will be randomly drawn by computer selection.

(e) Incomplete applications will not be accepted.

(f) The department will establish application and drawing dates.

(2) The bag limit for this permit is one deer or elk.

(3) Multiple season permits:

(a) Hunters who are drawn will be required to purchase their original deer or elk license, corresponding to their permit, and the multiple season big game permit.

(b) Successful applicants will be allowed to purchase their permit ~~((on a first come, first served basis until the quota has been reached. Once the quota is reached, permit sales will be curtailed))~~

at any time prior to September 1st.

(c) The permits are not transferable.

(4) Permit holders are required to follow all rules and restrictions for general season hunters within the game management unit or area hunted.

Number of Permits	Dates	Game Management Units (GMUs)	Legal Animal	Eligible Hunters
<b>Multiple Season Deer Permits</b>				
<del>((2000))</del> <u>4000</u>	Sept. 1 - December 31 within <del>((established))</del> general seasons and regulations <del>((for deer))</del> <u>established by the commission for deer</u>	Statewide in those GMUs with general seasons for archery, muzzleloader, or modern firearm hunters	Any legal deer consistent with the game management unit or area restrictions	Any licensed deer hunter
50	Sept. 1 - December 31 within <del>((established))</del> general seasons and regulations <del>((for deer))</del> <u>established by the commission for deer</u>	Statewide in those GMUs with general seasons for archery, muzzleloader, or modern firearm hunters	Any legal deer consistent with the game management unit or area restrictions	Hunter education instructors <del>((s))</del> meeting qualifications and selection criteria established by the department
<b>Multiple Season Elk Permits</b>				
<del>((600))</del> <u>850</u>	Sept. 1 - December 31 within <del>((established))</del> general seasons and regulations <del>((for elk))</del> <u>established by the commission for elk</u>	Statewide in those GMUs with general seasons for archery, muzzleloader, or modern firearm hunters	Any legal elk consistent with the game management unit or area restrictions	Any licensed elk hunter
25	Sept. 1 - December 31 within <del>((established))</del> general seasons and regulations <del>((for elk))</del> <u>established by the commission for elk</u>	Statewide in those GMUs with general seasons for archery, muzzleloader, or modern firearm hunters	Any legal elk consistent with the game management unit or area restrictions	Hunter education instructors <del>((s))</del> meeting qualifications and selection criteria established by the department

[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), § 232-28-294, filed 4/15/09, effective 5/16/09. Statutory Authority: RCW 77.12.047, 77.12.020. 08-01-052 (Order 07-292), § 232-28-294, filed 12/13/07, effective 1/13/08; 06-04-066 (Order 06-09), § 232-28-294, filed 1/30/06, effective 3/2/06.]

## **WAC 232-28-294 Multiple season big game permits**

### **RECOMMENDED ADJUSTMENTS**

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

#### **Page 2**

- Several language and grammatical edits were made to improve readability and understanding of the rules.

SUMMARY OF WRITTEN PUBLIC INPUT

WAC 232-28-294 Multiple season big game permits

COMMENTS	AGENCY RESPONSE
<p>I believe it would be better to require hunters to purchase deer or elk licenses before they can submit a multi-season permit application.</p>	<p>This would not resolve the issue, which is that once selected, hunters choose not to purchase the higher priced multi-season permit/tag. Purchasing a license before applying for a multi-season permit actually creates more process issues. If selected, an applicant needs to turn in any deer or elk tags they purchased before they can purchase a multi-season tag.</p>
<p>Only give the winners 30 days to purchase and then pass the opportunity onto an alternate.</p>	<p>We tried that approach which resulted in multiple notifications and the tags not being all sold.</p>
<p>Washington should conduct its permit drawings sooner. Most other states have already conducted their drawings before Washington, which is why no one from other states put in for Washington permits. Then you lose revenue.</p>	<p>This issue is not part of the changes suggested to “multi-season” permits. These permits are drawn in late March. The greater issue for out of state applicants is that we require the purchase of a license before they can apply for deer and elk permits.</p>
<p>I support the increase in permits, but would like to see partnership applications available.</p>	<p>Thank you for your support. Partnership applications were added in 2010 for two partners.</p>
<p>I think the price for the multiple season permit is too high and this is why hunters don’t purchase these permits. Also, please don’t flood the applications like the regular permits.</p>	<p>We agree that the price is the likely reason that successful applicants don’t purchase a permit, but with 8,000 hunters applying for 2,000 tags, we feel we can sell all that are available. It is just that the current process of sorting through winners willing to find enough of them to purchase the permit takes too much time. The number of hunters purchasing permit applications has held fairly steady at about 8,000 for the past few years.</p>



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

Agency: Washington Department of Fish and Wildlife

- Preproposal Statement of Inquiry was filed as WSR 10-18-093 on 9/1/2010; 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)  
WAC 232-28-294 Multiple season big game permits

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](mailto:Wildthing@dfw.wa.gov)  
Fax: (360) 902-2162

By: November 10, 2010

Date: December 3-4, 2010 Time: 8:30 a.m.

Assistance for persons with disabilities: Contact  
Susan Yeager by November 29, 2010

Date of intended adoption: On or after December 3, 2010  
(Note: This is **NOT** the effective date)

TTY (800) 833-6388 or (360) 902-2267

Purpose of the proposal and its anticipated effects, including any changes in existing rules:  
This proposal increases the number of permits drawn and awarded.

### Reasons supporting proposal:

Each year, approximately 16,000 applications are received for these permits, and in recent years, 2,600 are awarded. However, in 2010, only about 55% of those people who were awarded deer permits and 85% of those awarded elk permits ended up purchasing the permits. We are proposing to draw more names, although the number of hunters who will purchase the permits in 2011 is expected to be the same number (2,600) allocated in 2010.

Statutory authority for adoption: 77.12.047, 77.32.450, and 77.32.370

Statute being implemented: 77.12.047, 77.32.450, and 77.32.370

### 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: **October 20, 2010**

TIME: **8:55 AM**

**WSR 10-21-097**

DATE  
October 20, 2010

NAME (type or print)  
Lori Preuss

SIGNATURE

TITLE  
Rules Coordinator

(COMPLETE REVERSE SIDE)

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

None.

**Name of proponent:** Department of Fish and Wildlife

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting:..... Dave Pulliam	Natural Resources Building, Olympia	(306) 902-2506
Implementation....Dave Pulliam	Natural Resources Building, Olympia	(360) 902-2506
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: These rules are not related to hydraulics regulations.