

13. MIGRATORY WATERFOWL SEASONS – RULE BRIEFING, PUBLIC HEARING, AND RULE ACTION

TABLE OF CONTENTS

| | <u>Page</u> |
|--|-------------|
| Decision Page..... | <i>i</i> |
| WAC 232-28-435 2011-12 Migratory waterfowl seasons and regulations | 1 |
| Recommended Adjustments to WAC 232-28-435 | 13 |
| Summary of Written Public Input..... | 15 |
| Repealer WAC 232-28-434 and WAC 232-28-433..... | 16 |
| CR 102 | 17 |

“GREEN SHEET”

| | |
|------------------------|---|
| Meeting: | August 5-6, 2011 |
| Agenda Item 13: | 2011-12 Migratory waterfowl seasons and regulations – Rule Briefing, Public Hearing, and Rule Action |
| Prepared By: | Don Kraege, Waterfowl Section Manager, Wildlife Program |
| Presented By: | Don Kraege, Waterfowl Section Manager, Wildlife Program Bill Hebner, Region 4 Captain, Enforcement Program |

Background:

Department staff will brief the Commission on the proposed adoption of WAC 232-28-435 2011-12 Migratory waterfowl seasons and regulations, and the proposed repeal of WAC 232-28-434 2010-11 Migratory waterfowl seasons and regulations and WAC 232-28-433 2009-10 Migratory waterfowl seasons and regulations.

U.S. Fish and Wildlife Service (USFWS) and flyway organizations continue to endorse the use of Adaptive Harvest Management (AHM) to establish duck season frameworks. AHM utilizes annual survey information and population models to prescribe optimal regulation packages each year. The population of ducks in the western part of North America is now managed separately from the eastern flyways, as part of the new models developed for western mallard AHM. Western mallard AHM relies on breeding surveys and other information from western areas, rather than from the Canadian prairies. The season packages proposed for western mallard AHM are the same as developed under the mid-continent mallard AHM (liberal, moderate, and restrictive), although different models are used to prescribe annual packages. Western mallard AHM results in a higher frequency of liberal season packages for the Pacific Flyway.

Throughout all north American survey areas, total duck breeding indices are at record high levels in 2011, although western mallard survey areas showed declines, particularly in Alaska. Certain species of ducks, including pintail, canvasback, and scaup, have received additional nationwide management emphasis due to population status and trends. These species have independent population models and harvest strategies, developed cooperatively with USFWS, and rely on population trend analyses available in late July.

The snow goose population breeding on Wrangel Island, Russia has increased significantly over the past 10 years, and 2011 looks like another year of good production. About half of the population winters on the Skagit and Fraser Deltas. The current recommendation modifies hunter ethics changes made in 2010-11 and a hunter access program on private lands. The Department is recommending elimination of a drawing for Saturday hunts in the access program because of low participation, allowing all hunters to utilize private lands in the program during the entire season.

The cackling goose population breeds on the Yukon-Kuskokwim Delta of Alaska and winters in southwest Washington and northwest Oregon. Pacific Flyway agencies have been working to improve the index for this population over the past year, and have been evaluating the current flyway population objective in consultation with Alaska subsistence hunters and agricultural landowners in the wintering area. The breeding index for this population declined below objective in 2011, but Pacific Flyway agencies recommended that minor liberalizations in harvest could occur to address agricultural damage concerns. This recommendation was accepted by USFWS, and an increase in daily bag limit from 2 to 3 is included in the draft rule.

Mandatory reporting of harvest information has been a requirement for band-tailed pigeon, brant,

sea duck, and snow goose authorizations since these authorizations were developed. Accurate harvest information is an important part of our management programs for these species. The penalty for non-reporting has been that authorizations for these species were not issued for the following season to hunters who did not comply with reporting requirements. The proposed rule adds migratory bird harvest record cards to the list of game harvest reports subject to a \$10 administrative fee for non-reporting. Currently this fee is applied for failing to report deer, elk, black bear, and turkey harvest. Harvest for these species is reported at a higher rate than for migratory bird authorizations. A hunter would only be penalized a maximum of \$10 during a license year if one or more mandatory harvest reports were not submitted. This change would be implemented in 2013-14 for non-reporting during the 2012-13 season.

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

- Establishing waterfowl hunting seasons within frameworks established by the U.S. Fish and Wildlife Service, including continuation of a 107-day season for ducks.
 - Modifying measures to reduce snow goose hunter trespass, ethical hunting concerns, and safety issues in Skagit County, as well as increasing public access.
 - Increasing the bag limit for cackling geese to address agricultural damage concerns in southwest Washington.
 - Standardizing non-reporting penalties for game species by implementing a \$10 administrative fee for noncompliance with migratory bird authorization reporting requirements, beginning in 2013.
-

Public involvement process used and what you learned:

These proposed recommendations were mailed to approximately 600 organizations and individuals for their review and consideration. Snow goose management recommendations were developed in consultation with the Fir Island Working Group. In addition, proposed recommendations were presented to the Waterfowl Advisory Group on July 23, 2011, at Moses Lake. These organizations and individuals were also informed of the opportunity to provide public testimony at the August Commission Meeting in Olympia.

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

Take public comment; adopt WAC 232-28-435 2011-12 Migratory waterfowl seasons and regulations; and repeal WAC 232-28-434 2010-11 Migratory waterfowl seasons and regulations and WAC 232-28-433 2009-10 Migratory waterfowl seasons and regulations, as presented.

Draft motion language:

I move to adopt WAC 232-28-435 2011-12 Migratory waterfowl seasons and regulations, repeal WAC 232-28-434 2010-11 Migratory waterfowl seasons and regulations, and repeal WAC 232-28-433 2009-10 Migratory waterfowl seasons and regulations as proposed.

Justification for Commission action:

These changes meet the approved criteria established by OFM, as a result of the Governor's Executive Order 10-06, as they are required to maintain a federally authorized program, affect a state revenue generating activity, and maintain opportunities for hunters (3a; 3c; 3e).

Communications plan:

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

NEW SECTION

WAC 232-28-435 2011-12 Migratory waterfowl seasons and regulations.

DUCKS

Statewide

Oct. 15-19, 2011 and Oct. 22, 2011 - Jan. 29, 2012; except scaup season closed Oct. 15 - Nov. 4.

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 24-25, 2011.

Daily bag limit: 7 ducks, to include not more than 2 hen mallard, 2 pintail, 3 scaup, 1 canvasback, and 2 redhead statewide; and to include not more than 1 harlequin, 2 scoter, 2 long-tailed duck, and 2 goldeneye in Western Washington.

Possession limit: 14 ducks, to include not more than 4 hen mallard, 4 pintail, 6 scaup, 2 canvasback, and 4 redhead statewide; and to include not more than 1 harlequin, 4 scoter, 4 long-tailed duck, and 4 goldeneye in Western Washington.

Season limit: 1 harlequin in Western Washington.

AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT SEA DUCKS

Hunters must possess a special 2011-2012 hunting authorization
7/29/11 3:22 PM[1] OTS-4016.2

and harvest record card for sea ducks when hunting harlequin, scoter, long-tailed duck, and goldeneye in Western Washington. Hunters who did not possess a 2010-11 sea duck harvest record card must submit an application form to WDFW. Immediately after taking a sea duck into possession, hunters must record in ink the information required on the harvest record card.

COOT (Mudhen)

Same areas, dates (including youth hunting weekend), and shooting hours as the general duck season.

Daily bag limit: 25 coots.

Possession limit: 25 coots.

SNIPE

Same areas, dates (except youth hunting weekend), and shooting hours as the general duck season.

Daily bag limit: 8 snipe.

Possession limit: 16 snipe.

GEESE (except Brant)

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. 24-25, 2011, statewide except Western Washington Goose Management Areas 2A and 2B.

Daily bag limit: 4 Canada geese.

Possession limit: 8 Canada geese.

Western Washington Goose Seasons

Goose Management Area 1

Island, Skagit, Snohomish counties.

Oct. 15, 2011 - Jan. 29, 2012 for snow, Ross', and blue geese.

Oct. 15-27, 2011 and Nov. 5, 2011 - Jan. 29, 2012 for other geese (except Brant).

Daily bag limit: 4 geese.

Possession limit: 8 geese.

AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT SNOW GEESE

Hunters must purchase a special 2011-12 migratory bird hunting authorization and harvest record card for snow geese when hunting snow, Ross', and blue geese in Goose Management Area 1. Hunters who did not possess a 2010-11 snow goose harvest record card must submit an application form to WDFW. Immediately after taking a snow, Ross', or blue goose into possession, hunters must record in ink the information required on the harvest record card.

SNOW GOOSE QUALITY HUNTING PROGRAM IN GOOSE MANAGEMENT AREA 1

All hunters must obey posted signs regarding access restrictions. Quality hunt units are not available for commercial uses.

SKAGIT COUNTY SPECIAL RESTRICTIONS

It is unlawful to discharge a firearm for the purpose of hunting waterfowl within 100 feet of any paved public road on Fir Island in Skagit County or to discharge a firearm for the purpose of hunting snow geese within 100 feet of any paved public road in

other areas of Skagit County.

~~It is unlawful to hunt snow geese on Fir Island, Skagit County, inland of the surrounding dikes, unless each hunter sets up a minimum of 24 snow goose decoys. Additionally, it is unlawful to hunt snow geese over decoys unless the decoys are set up in a realistic pattern, are under the immediate control of the hunter, and are not left unattended. For the purposes of this section, a "decoy" is defined as any structure the size of or larger than a mallard duck decoy. A violation of this section is punishable under RCW 77.15.400.~~

While hunting snow geese, if a hunter is convicted of (a) trespass; (b) shooting from, across, or along the maintained part of any public highway; (c) discharging a firearm for the purpose of hunting waterfowl within 100 feet of any paved public road on Fir Island in Skagit County or discharging a firearm within 100 feet of any paved public road for the purpose of hunting snow geese in other areas of Skagit County; or (d) exceeding the daily bag limit for geese; ~~or (e) violating decoy requirements~~, authorization will be invalidated for the remainder of the current snow goose season and an authorization will not be issued for the subsequent snow goose season.

Goose Management Area 2A

Cowlitz and Wahkiakum counties, and that part of Clark County north of the Washougal River.

Open in all areas except Ridgefield NWR from 8 a.m. to 4:00 p.m., Saturdays, Sundays, and Wednesdays only, Nov. 12-27, 2011
7/29/11 3:22 PM[4] OTS-4016.2

and Dec. 7, 2011 - Jan. 29, 2012, except closed Dec. 25, 2011 and Jan. 1, 2012. Ridgefield NWR open from 8 a.m. to 4:00 p.m. Tuesdays, Thursdays, and Saturdays only, Nov. 12-26, 2011 and Dec. 8, 2011 - Jan. 28, 2012, except closed Nov. 24, 2011 and Dec. 25, 2011 and Jan. 1, 2012.

Bag limits for Goose Management Area 2A:

Daily bag limit: 4 geese, to include not more than 1 dusky Canada goose and 3 cackling geese.

Possession limit: 8 geese, to include not more than 1 dusky Canada goose and 6 cackling geese.

Season limit: 1 dusky Canada goose.

Goose Management Area 2B

Pacific County.

Open from 8 a.m. to 4:00 p.m., Saturdays and Wednesdays only, Oct. 15-26, 2011 and Nov. 5, 2011 - Jan. 14~~21~~, 2012.

Bag limits for Goose Management Area 2B:

Daily bag limit: 4 geese, to include not more than 1 dusky Canada goose, 3 cackling geese, and 1 Aleutian goose.

Possession limit: 8 geese, to include not more than 1 dusky Canada goose, 6 cackling geese, and 2 Aleutian geese.

Season limit: 1 dusky Canada goose.

Special Provisions for Goose Management Areas 2A and 2B:

A dusky Canada goose is defined as a dark-breasted (as shown in the Munsell color chart 10 YR, 5 or less) Canada goose with a

culmen (bill) length of 40-50 mm. A cackling goose is defined as a goose with a culmen (bill) length of 32 mm or less.

The goose season for Goose Management Areas 2A and 2B will be closed early if dusky Canada goose harvests exceed area quotas which collectively total 40 geese. The fish and wildlife commission has authorized the director to implement emergency area closures in accordance with the following quotas: A total of 40 duskys, to be distributed 5 for Zone 1 (Ridgefield NWR); 5 for Zone 2 (Cowlitz County south of the Kalama River); 15 for Zone 3 (Clark County except Ridgefield NWR); 7 for Zone 4 (Cowlitz County north of the Kalama River and Wahkiakum County); and 8 for Zone 5 (Pacific County). Quotas may be shifted to other zones during the season to optimize use of the statewide quota and minimize depredation.

Hunters must possess a special 2011-12 migratory bird hunting authorization for Goose Management Area 2A/2B and daily goose harvest record card when hunting geese in Goose Management Areas 2A and 2B. New hunters and those who did not maintain a valid 2010-11 authorization must review goose identification training materials and score a minimum of 80% on a goose identification test to receive authorization. Hunters who fail a test must wait 28 days before retesting, and will not be issued a reciprocal authorization until that time.

Immediately after taking any goose into possession, hunters must record in ink the information required on the harvest record card. Hunters must go directly to the nearest check station and

have geese tagged when leaving a hunt site, before 6:00 p.m. All geese shall be presented intact and fully feathered at the check station. If a hunter takes the season bag limit of one dusky Canada goose or does not comply with requirements listed above regarding checking of birds and recording harvest on the harvest record card, authorization will be invalidated and the hunter will not be able to hunt geese in Goose Management Areas 2A and 2B for the remainder of the season and the special late goose season. It is unlawful to fail to comply with all provisions listed above for Goose Management Areas 2A and 2B.

Special Late Goose Season for Goose Management Area 2A:

Open to Washington department of fish and wildlife master hunter program graduates and youth hunters (15 years of age or under, who are accompanied by a master hunter) possessing a valid 2011-12 southwest Washington goose hunting authorization and harvest record card, in areas with goose damage in Goose Management Area 2A on the following days, from 7:00 a.m. to 4:00 p.m.:

Saturdays and Wednesdays only, Feb. 4 - Mar. 7, 2012.

Daily bag limit: 4 geese, to include not more than 1 dusky Canada goose and 3 cackling geese.

Possession limit: 8 geese, to include not more than 1 dusky Canada goose and 6 cackling geese.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted Canada goose (as shown in the Munsell color chart 10 YR, 5 or less) with a

culmen (bill) length of 40-50 mm. A cackling goose is defined as a goose with a culmen (bill) length of 32 mm or less.

Hunters qualifying for the season will be placed on a list for participation in this hunt. Washington department of fish and wildlife will assist landowners with contacting qualified hunters to participate in damage control hunts on specific lands incurring goose damage. Participation in this hunt will depend on the level of damage experienced by landowners. The special late goose season will be closed by emergency action if the harvest of dusky Canada geese exceeds 45 for the regular and late seasons. All provisions listed above for Goose Management Area 2A regarding authorization, harvest reporting, and checking requirements also apply to the special late season; except hunters must confirm their participation at least 24 hours in advance by calling the goose hunting hotline (listed on hunting authorization), and hunters must check out by 5:00 p.m. on each hunt day regardless of success. It is unlawful to fail to comply with all provisions listed above for the special late season in Goose Management Area 2A.

Goose Management Area 3

Includes all parts of Western Washington not included in Goose Management Areas 1, 2A, and 2B.

Oct. 15-27, 2011 and Nov. 5, 2011 - Jan. 29, 2012.

Daily bag limit: 4 geese.

Possession limit: 8 geese.

Eastern Washington Goose Seasons

Goose Management Area 4

Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla counties.

Saturdays, Sundays, and Wednesdays only during Oct. 15, 2011 - Jan. 22, 2012; Nov. 11, 24, and 25, 2011; Dec. 26, 27, 29, and 30, 2011; January 16, 2012; and every day Jan. 23-29, 2012.

Goose Management Area 5

Includes all parts of Eastern Washington not included in Goose Management Area 4.

Oct. 15-19, 2011, every day from Oct. 22, 2011 - Jan. 29, 2012.

Bag limits for all Eastern Washington Goose Management Areas:

Daily bag limit: 4 geese.

Possession limit: 8 geese.

BRANT

Open in Skagit County only on the following dates:

Jan. 14, 15, 18, 21, 22, 25, 28, and 29, 2012.

If the 2011-12 preseason brant population in Skagit County is below 6,000 (as determined by the early January survey), the brant season in Skagit County will be canceled.

Open in Pacific County only on the following dates:

Jan. ~~14, 15, 17, 19, 21, 22, 24, 26, 28, and 29~~7, 8, 10, 12, 14, 15, 17, 19, 21, and 22, 2012.

AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT BRANT

Hunters must possess a special 2011-12 migratory bird hunting authorization and harvest record card for brant when hunting brant. Hunters who did not possess a 2010-11 brant harvest record card must submit an application form to WDFW. Immediately after taking a brant into possession, hunters must record in ink the information required on the harvest record card.

Bag limits for Skagit and Pacific counties:

Daily bag limit: 2 brant.

Possession limit: 4 brant.

SWANS

Season closed statewide.

MANDATORY REPORTING FOR MIGRATORY BIRD HARVEST RECORD CARDS

Hunters must report 2011-12 harvest information from band-tailed pigeon harvest record cards to WDFW for receipt by September 30, 2011, and harvest information from brant, sea duck, and snow goose harvest record cards to WDFW for receipt by February 15, 2012. Every person issued a migratory bird hunting authorization and harvest record card must return the entire card to the Washington department of fish and wildlife or report the card information at the designated internet site listed on the harvest record card. Any hunter failing to report by the deadline will be in noncompliance of reporting requirements. Hunters who have not reported hunting activity by the reporting

deadline for any harvest record card acquired in ~~2011-12~~2012-13 will be required to pay a \$10 administrative fee before any new ~~2012-13~~2013-14 migratory bird authorization and harvest record card will be issued. A hunter may only be penalized a maximum of \$10 during a license year.

FALCONRY SEASONS

DUCKS, COOTS, AND SNIPE (Falconry)

(Bag limits include geese and mourning doves.)

Oct. 15-19, 2011 and Oct. 22, 2011 - Jan. 29, 2012 statewide.

Daily bag limit: 3, straight or mixed bag with geese and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese and mourning doves during established seasons.

GEESE (Falconry)

(Bag limits include ducks, coot, snipe, and mourning doves.)

Goose Management Area 1: Oct. 15, 2011 - Jan. 29, 2012 for snow, Ross', or blue geese. Oct. 15-27, 2011 and Nov. 5, 2011 - Jan. 29, 2012 for other geese.

Goose Management Area 2A: Saturdays, Sundays, and Wednesdays only, Nov. 12-27, 2011 and Dec. 7, 2011 - Jan. 29, 2012.

Goose Management Area 2B: Saturdays and Wednesdays only, Oct. ~~15-26~~, 2011 and Nov. 5, 2011 - Jan. ~~15~~21, 2012.

Goose Management Areas 3, 4, and 5: Oct. 15-27, 2011 and Nov. 5, 2011 - Jan. 29, 2012.

Daily bag limit for all areas: 3 geese (except brant), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.

Possession limit for all areas: 6 geese (except brant), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.

[]

RECOMMENDED ADJUSTMENTS

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

Page 4

- In Goose Management Area 1, additional requirements for the use of snow goose decoys were developed for the 2010-11 season to reduce trespass, ethical hunting concerns, and safety issues on Fir Island in Skagit County. The 2010-11 requirements were continued in the draft 2011-12 rule, which included size, numbers, placement, and attendance of decoys. The proposed adjustment eliminates requirements and associated penalties based on recent input from the Fir Island Working Group, which viewed the requirements as being too restrictive, interfering with legitimate hunting practices, and discouraging participation in the season.

Page 5

- For the regular and late seasons in Goose Management Areas 2A and 2B, specific limits for cackling geese were not proposed in the draft rule. Due to lower cackling goose breeding numbers recorded in July 2011 and the continuing need to address agricultural damage concerns, U.S. Fish and Wildlife Service established the cackling goose limits at 3 per day and 6 in possession. These adjustments to limits are recommended in several locations in the draft rule.
- For Goose Management Area 2B, the Oct. 15 – Jan. 14 season dates are recommended for adjustment to Oct. 15 – 26 and Nov. 5 – Jan. 21, for both the regular (p. 5) and falconry seasons (p. 11). The one week closure is proposed to accommodate a new Pacific Flyway population survey for the area, which requires no harvest of marked birds during the survey period.

Page 6

- For Goose Management Areas 2A and 2B, the definition of a cackling goose was omitted from the draft rule because specific bag limits were not proposed. Specific cackling goose limits are recommended as adjustments to the draft rule, so the definition is now required and also included as a recommended adjustment.

Page 9

- The brant season in Pacific County was proposed in the draft rule for 10 days during January 14-29. In response to recent input from the Waterfowl Advisory Group, the proposed adjustment shifts the 10 day season one week earlier to January 7-22, to allow less overlap with the Skagit County brant season.

Page 11

- The draft rule proposed an administrative penalty in 2012-13 for failing to report 2011-12 migratory bird harvest by established deadlines. This penalty is proposed for consistency with non-reporting penalties for several other game species with mandatory reporting requirements. The recommended adjustment proposes delaying implementation by one year, because of unanticipated scheduling problems in applying the penalty through the WILD licensing system for 2012-13. This adjustment will allow more time for implementation in the WILD licensing system and additional notice for migratory bird hunters.
- For Goose Management Area 2B, the Oct. 15 – Jan. 14 season dates are recommended for adjustment to Oct. 15 – 26 and Nov. 5 – Jan. 21, for both the regular (p. 5) and falconry seasons (p. 11). The one week closure is proposed to accommodate a new Pacific Flyway population survey for the area, which requires no harvest of marked birds during the survey period.

SUMMARY OF WRITTEN PUBLIC INPUT

WAC 232-28-435 2011-12 Migratory waterfowl seasons and regulations.

| COMMENTS | AGENCY RESPONSE |
|---|--|
| Consolidate brant seasons in Pacific and Skagit Counties into one statewide season during the period January 4-29, with 12 hunting days during that period. | The federal waterfowl season framework allows a 16 day window from start to finish for Washington and Oregon brant seasons. The written input proposal totals 26 days. It is not clear if the recommendation for 12 hunting days would still apply with a season period of 16 days. Twelve hunting days during a 16 day period would decrease the quality of hunting and could result in unacceptably high harvest rates for the limited population of Western High Arctic brant in Skagit County. |

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 232-28-433 2009-10 Migratory waterfowl seasons
and regulations.

WAC 232-28-434 2010-11 Migratory waterfowl seasons
and regulations.



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 11-06-058 and WSR 11-10-083 ; 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 232-12-243, Public safety cougar removals.
 WAC 232-28-272, 2009 Black bear and 2009-2010, 2010-2011, and 2011-2012 cougar hunting seasons and regulations.
 WAC 232-28-287, 2009-2010, 2010-2011, and 2011-2012 Cougar permit seasons and regulations.
 WAC 232-28-435, 2011-12 Migratory waterfowl seasons and regulations.

Hearing location(s):
 Natural Resources Building, Conference Room 172
 1111 Washington Street SE
 Olympia, Washington 98504

Date: August 5-6, 2011 Time: 8:30 a.m.

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 (date) Wednesday, July 13, 2011

Assistance for persons with disabilities: Contact

Susan Yeager by July 29, 2011
 TTY (800) 833-6388 or (360) 902-2267

Date of intended adoption: August 5-6, 2011
 (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: 77.04.012; 77.04.055; 77.12.047;
 77.32.070; 77.15.245

Statute being implemented: 77.04.012; 77.04.055; 77.12.047;
 77.32.070; 77.15.245

Is rule necessary because of a:
 Federal Law? Yes No
 Federal Court Decision? Yes No
 State Court Decision? Yes No
 If yes, CITATION: Yes No
 CFR Title 50, Part 20; Migratory Bird
 Treaty Act

DATE
 June 17, 2011

NAME (type or print)
 Lori Preuss

SIGNATURE

TITLE
 Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: June 17, 2011

TIME: 5:12 PM

WSR 11-13-089

(COMPLETE REVERSE SIDE)

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

None.

Name of proponent: (person or organization) Washington Fish and Wildlife Commission

- Private
- Public
- Governmental

Name of agency personnel responsible for:

| Name | Office Location | Phone |
|---------------------------------|-------------------------------------|----------------|
| Drafting..... Nate Pamplin | Natural Resources Building, Olympia | (306) 902-2693 |
| Implementation.... Nate Pamplin | Natural Resources Building, Olympia | (360) 902-2693 |
| 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 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 are not hydraulics rules.

ATTACHMENT A

WAC 232-12-243 Public safety cougar removals.

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

The purpose of the WAC is to identify when cougar management removals are warranted for the protection of public safety and private property. The proposed WAC amendments change the threshold for conducting a cougar management removal from “eleven confirmed human-cougar interactions per year, of which at least four must be confirmed human-cougar safety incidents or livestock/pet depredations,” to “an annual or seasonal increase in confirmed human-cougar interactions above the 2008-2010 level.” The proposed WAC amendments also extend the removal season from March 15 to March 31, authorize removals on an as-needed basis, and re-name the program from “Public safety cougar removals” to “Cougar management removals.”

Reasons supporting proposal:

The reason for the proposed changes is to make the removal threshold more responsive to any increases in confirmed human-cougar interactions and to perceptions of new threats posed by cougar.

WAC 232-28-272 2009 Black bear and 2009-2010, 2010-2011, and 2011-2012 cougar hunting seasons and regulations.

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

The purpose of the proposed WAC amendments is to establish the 2011-2012 cougar hunting seasons for hunting without the aid of dogs. The Department is recommending changing the Oct. 29-Nov. 30 any-weapon general season to Oct. 15-Dec. 31. Data on cumulative harvest through the season suggests that the female harvest will likely be near the female harvest guideline for each zone by Dec. 31.

Reasons supporting proposal:

The reason for the proposed changes is to achieve the female harvest guideline established in the Game Management Plan.

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 purpose of the proposed WAC amendments is to establish the 2011-2012 cougar permit hunting seasons for hunting without the aid of dogs. The Department is recommending adding a Jan. 1-Mar. 31 permit season in each of the 5 zones, with between 20-40 permits issued per zone, depending on the size of the zone. The purpose of the permit season is to provide late-season opportunity when snow conditions are conducive for tracking and calling. Because the harvest success is less than 1 percent, the expected harvest is low.

Reasons supporting proposal:

The reason for the proposed changes is to manage the female harvest guideline established in the Game Management Plan.

WAC 232-28-435 2011-12 Migratory waterfowl seasons and regulations.

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

The new WAC specifies legal season dates, bag limits, and open areas to hunt waterfowl, coot, and snipe for the 2011-12 hunting season.

Reasons supporting proposal:

Waterfowl seasons and regulations are developed based on cooperative management programs among states of the Pacific Flyway and the U.S. Fish and Wildlife Service, considering population status and other biological parameters. The rule establishes waterfowl seasons and regulations to provide recreational opportunity, control waterfowl damage, and conserve the waterfowl resources of Washington.