From:	Director (DFW)
To:	Wildthing (DFW)
Subject:	FW: Comments on Deer/Elk Baiting
Date:	Monday, February 23, 2015 11:43:56 AM
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Forwarded from the Director's email for a reply from the Wildlife Program. Please copy the Director's email (director@dfw.wa.gov) on the reply.

Tina Nisbet
WDFW Director's Office

From: pwreconomist [mailto:pwreconomist@gmail.com]
Sent: Monday, February 23, 2015 7:40 AM
To: Director (DFW)
Subject: Comments on Deer/Elk Baiting

Good morning. I have made comments on your website, but I have drafted a broader letter that provides background and more information that I would like to share regarding deer and elk baiting, and the proposed language 232-12-078, 079, and 088. I just noticed that comments close tomorrow. Does the closing date allow comments postmarked by tomorrow to be considered? Can this email be considered a submittal? If so, I have attached the letter. Please advise.

Thank you.

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Clint Kalich
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email: pwreconomist@gmail.com

Dear Administrator,

I am writing today first to thank the department for proposing language to cease the baiting of deer and elk. As your survey indicates, a majority of deer hunters, and a super-majority of elk hunters, support the elimination of baiting these animals. Further, based on laws passed by the legislature and citizens' initiative, where the baiting and trapping of cougars and bears is banned, I believe the majority of Washington State voters will support a similar ban for these animals. Many voters question the "sportsmanship" of hunting animals with a firearm or modern bow. Sportsmanship is further questioned when the wielder of such a weapon sits atop an apple pile.

I live in Spokane. My family has owned parcels of property in the Toledo (near Mt. St. Helens) area since we homesteaded it early in the 20th century. It is located in GMU 520. Since my grandparents' generation the property has been managed as a tree farm. In addition, we recreate on the 200 acres, primarily by hunting deer and elk. Deer have been hunted since the family moved to Toledo in 1911. We have hunted elk since the middle of last century when the state introduced the species.

Background and an Example of Baiting Abuse

The majority of the property surrounding our acreage is owned by the Weyerhauser Company. However, another 200-acre parcel is owned by an individual who several years ago leased it to a commercial guiding service. Since that time the commercial guiding service has tried a number of ways to increase the "success" of its clients over time. Initially a number of stands were constructed for paying customers to shoot from. Blinds were built. Next, special grains and grasses were planted to attract large game animals. Baiting with grain feeders placed in strategic locations was added later.

Though taking many animals using the methods described above, the guide service in 2009 began importing literally commercial truck loads of apples from Yakima. As with the feeders, the apples were placed in strategic locations near the hunting blinds and stands. The results were remarkable in attracting the elk; it was like shooting fish in a barrel.

On opening day 2009 the guide service killed all legal bulls (I recall 8) in the local herd within minutes of daylight, save for one that managed to get in the brush after a hunter missed it. That last bull was killed the next day when it returned to the apples. No mature bulls remained in that herd to ensure its long-term livelihood.

The commercial guide service also guides during archery and muzzleloader seasons. I understand they have multiple hunting locations around GMU 520 and other areas. My family does not hunt these seasons, but was made aware that many deer, cow and calf elk were harvested in a similar manner using bait apples, tree stands and blinds.

Two concerns arise from the baiting of elk and deer. The first is the health of the herds. The second is the loss of enjoyment of other hunters in the area that do not prefer to use bait.

Herd Health

The 2009 "harvest" by the commercial guide essentially eliminated all mature bulls in the herds near our property. The area we hunt never has recovered from that hunting season. In 2010 I wrote legislators expressing my concern that this type of hunting would decimate the local elk population due to the number of animals being taken. My forecast appears to have come true. We rarely now see elk on or

around our property at any time of the year. The herds that do remain, if you can call them herds, are a handful of animals and oftentimes just a couple. Our year-around game cameras rarely record any passing elk.

Some folks blame "hoof rot" for the decimation of elk populations in our GMU and beyond. I sometimes wonder if hoof rot and baiting go hand in hand. It is not natural for an elk population to feed like cattle at a trough. By putting the animals in such close proximity on large bait piles, and conditioning them to return day after day, any disease will naturally spread much more quickly. The wet and muddy environment created at the bait piles, where animals congregate closely together, seems to me to be much more conducive to the spread of hoof rot disease.

We see similar results in areas afar from our property where baiting is employed. With the decimation of the elk populations at or near our property, and with the permit system Weyerhauser has instigated, we now primarily hunt on state and private lands miles to the south and east of our land. Where baiting is active we see a situation very similar to that on our property–very few elk. An elk sighting is rare now, both on our property and in the surrounding areas. In the past our game cameras recorded hundreds of elk photos. This is no longer the case. The department may not have found that baiting has significantly impacted the overall state elk population, but I wonder if this is because baiting has not been used to the extent it has been around our property? A hundred square-mile range might only be a small sample, or even anecdotal, to a state statistician. But certainly it is an example of what apparently happens when heavy baiting, especially combined with commercial guide-hunting intensity, occurs.

Loss of Hunter Enjoyment

The second concern is the enjoyment of other hunters in the area. With so many animals attracted to and killed on one property due to baiting, there are fewer remaining animals to visit other properties surrounding it. It seems unreasonable to allow baiting and the taking of so many animals at the expense of remaining hunters. Many hunters are not even aware that baiting deer and elk currently is legal and are surprised when told that it is legal. Do they have to resort to baiting to level the playing field? Will more baiting improve the overall hunting opportunities and enjoyment in the state? I do not believe so.

Comments on the Proposed Rules

232-12-078

After reading the three proposed regulation options, 232-12-078 is my preference. It provides the tightest restrictions on baiting while still providing relief for our agricultural professionals. The proposed rule would create the smallest opportunity for misinterpretation of the law, as I will elaborate on further when I comment on 232-12-079 and 232-12-088. I question the exception for abandoned orchards and vineyards but of the three anti-baiting proposals, 232-12-078 is to me the best.

232-12-079

The proposed language is very similar to 232-12-078 except for Section 2 describing a 10-gallon bait allowance. Though this provision might seem reasonable to many as a compromise, the language is vague and likely will be difficult to enforce, both in the field and courtroom. Ten gallons of bait is a far cry from the tons of apples used in the commercial guiding experience I described above. But what would prevent a group of hunters–related or not–from each having a 10-gallon bait pile in a hunting area? How might one craft language to separate bait piles? My read of the language allows each hunter to have a 10-gallon pile of apples. A guide service or area could have many or dozens of hunters with 10-gallon bait piles. And how big is an area—an acre, a section?

232-12-088

232-12-088 (3)(b) provides an additional exemption for youth, seniors and disabled hunters that, in my view, will make many of the benefits of a baiting ban moot. Like 232-12-079, it also raises a number of questions, at minimum making it difficult to administer. By allowing youth or senior citizens to bait deer and elk, who is to say who is putting out bait before or during the hunting season, a youth or senior, or someone else? If a youth, senior, or disabled person puts out bait, all hunters in an area "benefit" from the attractant at the expense of the deer and elk—youth, senior, or not. Would other non-youth, non-senior, and non-disabled hunters be allowed in the area where baiting by these classifications be permitted in the area? Again, this is not clear.

Finally, unless there is a compelling reason to allow baiting in urban growth or firearm restriction areas, I suggest that this exemption be eliminated. If there is a compelling need to reduce the number of animals in a given area, it would be better to provide for an administrative, and case-by-case, means whereby an exemption to the WAC could be granted. Such an exemption process need not be onerous, but done through a public process of some kind.

Closing

In closing, it is illegal in Washington State to bait bears except when they become a nuisance, and it seems logical to provide the same protection to deer and elk, especially in light of their higher value to hunters. I support adoption of WAC 232-12-078 and am happy to discuss further the contents of this letter at your convenience and necessity. Thank you for your consideration. I can be contacted using the information below.

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