

Concise Explanatory Statement

Rules amended as part of this rulemaking:

- WAC 220-410-040 Game management units (GMUs) boundary descriptions – Region four.
- WAC 220-410-060 Game management units (GMUs) boundary descriptions – Region six.
- WAC 220-412-070 Big game and wild turkey auction, raffle, and special incentive permits.
- WAC 220-412-100 Landowner hunting permits.
- WAC 220-413-030 Importation and retention of dead nonresident wildlife.
- WAC 220-413-090 Field identification of wildlife – Evidence of sex – Definitions.
- WAC 220-413-180 Special closures and firearm restrictions.
- WAC 220-413-200 Reducing the spread of hoof disease – Unlawful transport of elk hooves.
- WAC 220-414-070 Archery requirements.
- WAC 220-414-080 Hunting – Hunter orange clothing requirements.
- WAC 220-415-020 2018-2020 Deer general season and definitions.
- WAC 220-415-030 2019 Deer special permits.
- WAC 220-415-040 Elk area descriptions.
- WAC 220-415-050 2018-2020 Elk general season and definitions.
- WAC 220-415-060 Elk special permits.
- WAC 220-415-070 2019 Moose seasons, permit quotas, and areas.
- WAC 220-415-120 2019 Bighorn sheep season.
- WAC 220-415-130 2019 Mountain goat seasons and permit quotas.
- WAC 220-416-060 2019-2020 Migratory waterfowl seasons and regulations.
- WAC 220-416-110 Use of game birds for training dogs, field trials – Marking requirements.
- WAC 220-430-010 Game farm license provisions.
- WAC 220-450-010 Criteria for planting aquatic plants and releasing wildlife.

WAC 220-410-040 Game management units (GMUs) boundary descriptions – Region four.

Reasons for adopting these rules:

These proposals clarify boundary language as it pertains to Game Management Unit 485 Green River.

Differences between the proposed rule and the rule as adopted:

None.

Comments received during the official public comment period including testimony received at the public hearing:

Supporting Comments:

We received one comment in support of the proposal, but it only stated that all boundaries should be associated with roads, rivers, and other easy to identify landmarks.

Opposing, Neutral, and Other Comments:

There were no opposing or neutral comments. There was no public testimony at the March Fish and Wildlife Commission meeting pertaining to this rule.

Agency consideration pertaining to comments:

No opposing comments were received.

WAC 220-410-060 Game management units (GMUs) boundary descriptions – Region six.

Reasons for adopting these rules:

This proposal clarifies boundary language as it pertains to the boundary shared by Game Management Unit 653 White River and Game Management Unit 485 Green River.

Differences between the proposed rule and the rule as adopted:

None.

Comments received during the official public comment period including testimony received at the public hearing:

Supporting Comments:

There were no supporting comments.

Opposing, Neutral, and Other Comments:

There were no opposing comments and two neutral comments.

Agency consideration pertaining to comments:

No comments were received.

WAC 220-412-070 Big game and wild turkey auction, raffle, and special incentive permits.

Reasons for adopting these rules:

This proposal allows holders of an Eastside Elk Auction Permit, Eastside Elk Raffle Permit, South-Central Washington Big Game Raffle Permit, or Eastern Washington Elk Incentive Permit to hunt elk in GMU 334 (Ellensburg). This GMU is currently excluded from the legal hunt area.

Differences between the proposed rule and the rule as adopted:

None.

Comments received during the official public comment period including testimony received at the public hearing:

Supporting Comments:

There were four comments submitted for this WAC proposal. One comment generally agreed with the proposal, two opposed to the proposal, and one was neutral.

Opposing, Neutral, and Other Comments:

One respondent opposed adding GMU 334 to GMUs available for various elk auction and raffle permits unless other special draw permits were to be added in this unit as well. Similarly, one respondent opposed allowing statewide permit or raffle permit holders to hunt in units in which there is not also a regular draw hunt opportunity. One neutral respondent wondered why GMU 169 could not be kept open while also adding GMU 172 for the Rocky Mountain Bighorn Sheep raffle permit.

Agency consideration pertaining to comments:

The department understands the objection to having auction and/or raffle permits offered in species for which there is no corresponding draw opportunity for that species. The department generally avoids this scenario. However, there are situations in which harvest opportunity needs to be limited numerically, and in which the income provided for conserving and managing the species outweighs the appearance of favoring only those who can afford to compete in auctions and raffles. The recommendation to change the GMU available to the holder of the Rocky Mountain Bighorn Sheep raffle was based on site-specific knowledge of where a sufficient number of large-sized rams have been observed during recent surveys.

WAC 220-412-100 Landowner hunting permits.

Reasons for adopting these rules:

This proposal modifies hunt dates on properties enrolled in WDFW's Landowner Hunting Permit (LHP) program for the 2019 hunting seasons.

Differences between the proposed rule and the rule as adopted:

None.

Comments received during the official public comment period including testimony received at the public hearing:

Supporting Comments:

In summary, three out of the nine comments were identified as in support of the program. Overall comments provided were limited, but included comment about having landowner meet the public or just a general statement of "support". One comment did identify that the individual had hunted on a Landowner Hunting Permit property but that it was difficult to get in contact with the landowner.

Opposing, Neutral, and Other Comments:

In summary, six out of nine comments were either opposing the Landowner Hunting Permit program or were neutral. The general consensus included comment that allowing landowners to charge fees for access to hunt wildlife is not acceptable. It was noted that this was in essence, selling wildlife and allowing landowners in some cases to gain a substantial profit, but not allowing adequate public access. Other comments included that this program is not really allowing additional hunting opportunities for the general public, but instead only allowing a limited number of permits. It was also noted that many individuals who received permits were perceived as being immediate family and/or friends and not necessarily the general public. The overall view was that allowing the sale of wildlife by landowners was not acceptable and there is a need for more regulated public access along with a review of the current program by WDFW.

Agency consideration pertaining to comments:

The department will hold public meetings and meetings with current Landowner Hunting Permit participants and gathering public/stakeholder feedback. Any proposed revisions to the program will be presented to the Commission should be presented by the end of 2019. Many of the concerns heard in this public comment process will be addressed during the revision process of the Landowner Hunting Permit Program.

WAC 220-413-030 Importation and retention of dead nonresident wildlife.

Reasons for adopting these rules:

This proposal bans the importation and retention of specific parts of dead nonresident wildlife that could contain Chronic Wasting Disease (CWD) from Tennessee.

Differences between the proposed rule and the rule as adopted:

None.

Comments received during the official public comment period including testimony received at the public hearing:

Supporting Comments:

There were two comments in support of the proposed rule amendment.

Opposing, Neutral, and Other Comments:

There were no comments against the proposed change and one comment was neutral with regard to the proposed change.

Agency consideration pertaining to comments:

No opposing comments were received.

WAC 220-413-090 Field identification of wildlife – Evidence of sex – Definitions.

Reasons for adopting these rules:

The proposal amends WAC 220-413-090 by changing subsection 1, related to the possession and transport of game birds by adding the fully feathered wing as an acceptable field identification requirement, with the exception of Canada and cackling geese harvested in Goose Management Area 2 Coast and Inland where the head must be left attached for subspecies determination.

Differences between the proposed rule and the rule as adopted:

- Change: Addition of “fully feathered” to clarify retention of head for Canada and cackling geese harvested in Goose Management Area 2 – Coast and Inland. Rationale: Dusky Canada goose is closed to harvest. Measurement of the bill and feather coloration are required for subspecies verification.

Comments received during the official public comment period including testimony received at the public hearing:

Supporting Comments:

There were four comments submitted for this WAC proposal. Two comments generally agreed with the proposal. Both comments expressed the change would simplify and bring this regulation in better alignment with federal definition.

Opposing, Neutral, and Other Comments:

There was one opposing comment submitted for this WAC proposal. The provided comment was concerned about implications of the change on dusky Canada goose identification requirement. There was one comment submitted that took a neutral stance on the proposed recommendation, but provided no additional comment.

Agency consideration pertaining to comments:

The addition of the wing as an option for field identification brings the state definition in better alignment with the federal regulations. The exception to require the feathered head must remain on Canada and cackling geese harvested in Goose Management Area 2 Coast and Inland was specifically included to address concerns over dusky Canada goose identification in this region.

WAC 220-413-180 Special closures and firearm restrictions.

Reasons for adopting these rules:

This proposal changes WAC 220-413-180 to clarify firearm restrictions in portions of Grays Harbor and Pacific county only apply during modern firearm general deer and/or elk seasons. It also clarifies that Key Peninsula and Longbranch Peninsula are the same location in Pierce County.

Differences between the proposed rule and the rule as adopted:

None.

Comments received during the official public comment period including testimony received at the public hearing:

Supporting Comments:

There was one supporting comment that was more a statement of support for the master hunter program than it was of the proposal.

Opposing, Neutral, and Other Comments:

There were two opposing comments. One comment felt this proposal made it harder to hunt, but did not specify how and the other comment was related to a firearm restriction in GMU 334.

There was one neutral comment.

Agency consideration pertaining to comments:

On this rule, prior to the decision, the department and the Commission considered and reviewed all public comments.

WAC 220-413-200 Reducing the spread of hoof disease – Unlawful transport of elk hooves.

Reasons for adopting these rules:

New Game Management Units (GMUs) are being proposed in which transport of elk hooves from harvested elk would be restricted in order to reduce the potential risk of the disease spreading. These new GMUs include all 400, 500, and 600 GMUs. The rule does allow, under certain circumstances, the legal transport of elk hooves to facilitate research by the department and/or our collaborators.

Differences between the proposed rule and the rule as adopted:

None.

Comments received during the official public comment period including testimony received at the public hearing:

Supporting Comments:

There were five comments in support of the proposal. Comments either expressed general support or highlighted the urgency of reducing the spread of hoof disease.

Opposing, Neutral, and Other Comments:

There were no comments in opposition to the proposal and one neutral comment. The neutral comment advocated for letting hunters shoot elk that were visibly limping.

There was no public testimony at the March Fish and Wildlife Commission meeting pertaining to this rule proposal.

Agency consideration pertaining to comments:

Following the confirmation of TAHD in new areas of the Olympic Peninsula, the department originally proposed expanding this rule to all 400, 500, and 600 series GMUs. Shortly after that proposed rule change was developed, TAHD was confirmed in the Blue Mountains of southeast Washington, which warranted consideration of a statewide expansion or abolition of the rule. The department consulted with technical experts, Enforcement, and Washington State University, but a general consensus was not identified, which highlights the need for additional discussions before a final decision is made.

WAC 220-414-070 Archery requirements.

Reasons for adopting these rules:

The purpose of the proposal is to eliminate the restriction that makes it unlawful to hunt big game animals with any arrow weighing less than six grains per pound of draw weight with a minimum arrow weight of 300 grains. Such a rule change will ensure hunters are not unknowingly in violation of a restriction, while in no way negatively affecting the kill efficiency of modern archery equipment commonly in use today.

Differences between the proposed rule and the rule as adopted:

None.

Comments received during the official public comment period including testimony received at the public hearing:

Supporting Comments:

There were 17 comments in support of the proposal. The common theme of the comments was that this change made “good sense”. This theme was linked to technological advancements in archery equipment, difficulty of enforcing the current rule, and rules simplification.

Opposing, Neutral, and Other Comments:

There were eight comments in opposition of the proposal. The common theme of opposing comments was that the minimum arrow weight should be retained and/or increased.

There were two neutral comments. Although the stance was neutral, one of those comments advocated for increasing minimum arrow weight. The other neutral comment was not related to the proposal.

Agency consideration pertaining to comments:

We have no available information that indicates our current archery restrictions increase the likelihood of an ethical kill. The proposed change is consistent with other states as Washington is only one of five states that currently have a minimum weight requirement. It is likely most archery hunters are shooting arrows that weigh at least 300 grains.

WAC 220-414-080 Hunting – Hunter orange clothing requirements.

Reasons for adopting these rules:

This proposal clarifies the hunter orange rule to address the overlap between turkey hunting and general season modern firearm deer and elk seasons. This proposal will increase turkey hunter success and maintain safety.

Differences between the proposed rule and the rule as adopted:

None.

Comments received during the official public comment period including testimony received at the public hearing:

Supporting Comments:

Of the 15 people that commented on this issue, eight supported this recommended change. Those that supported this recommendation were concerned with safety.

Opposing, Neutral, and Other Comments:

Of the 15 people that commented on this issue, five were opposed to this recommended change and two were neutral. Those that opposed were concerned about reduced harvest success given the turkey’s keen eyesight and ability to see color.

Agency consideration pertaining to comments:

We understand the concerns that those opposing the recommendation have conveyed. This change will make it more difficult to harvest turkeys during overlap with firearm seasons. The department will move forward with the recommended change to add turkey to the hunter orange rule for safety purposes. We realize that this will likely reduce harvest success in that period, but the department is choosing to prioritize hunter safety over harvest success.

WAC 220-415-020 2018-2020 Deer general season and definitions.

Reasons for adopting these rules:

The purpose of this proposal is to retain general season deer hunting opportunity for 2019. In addition, the purpose of the proposal is to balance the hunting opportunity between user groups. The proposal also increases the opportunity when deer populations allow, and reduces the opportunity when declining deer numbers warrant a change.

Differences between the proposed rule and the rule as adopted:

- Change: Under modern firearm deer seasons, disabled and youth general seasons, change the legal deer for GMUs 101 – 121 from any white-tailed deer to any white-tailed buck. Rationale: This change eliminates antlerless, white-tailed deer opportunity during the disabled and youth general seasons in GMUs 101 – 121 in response to increasing public concern about the white-tailed deer population in those GMUs.
- Change: Under archery deer seasons, early archery general deer seasons, Eastern Washington white-tailed deer, change the legal deer for GMUs 101 – 121 from any white-tailed deer to any white-tailed buck. Rationale: This change eliminates antlerless, white-tailed deer opportunity during the early archery general deer seasons in GMUs 101 – 121 in response to increasing public concern about the white-tailed deer population in those GMUs.
- Change: Under archery deer seasons, late archery general deer seasons, Eastern Washington white-tailed deer, change the legal deer for GMU 101 from any white-tailed deer to any white-tailed buck. Rationale: This change eliminates antlerless, white-tailed deer opportunity during the late archery general deer seasons in GMU 101 in response to increasing public concern about the white-tailed deer population in that GMU.
- Change: Under archery deer seasons, late archery general deer seasons, Eastern Washington white-tailed deer, change the legal deer for GMUs 105 - 121 from any white-tailed deer to any white-tailed buck. Rationale: This change eliminates antlerless, white-tailed deer opportunity during the late archery general deer seasons in GMUs 105 – 121 in response to increasing public concern about the white-tailed deer population in those GMUs.
- Change: Under muzzleloader deer seasons, early muzzleloader general deer seasons, Eastern Washington white-tailed deer, change the legal deer for GMUs 101 – 121 from any white-tailed deer to any white-tailed buck. Rationale: This change eliminates antlerless, white-tailed deer opportunity during the early muzzleloader general deer seasons in GMUs 101 – 121 in response to increasing public concern about the white-tailed deer population in those GMUs.
- Change: Under muzzleloader deer seasons, late muzzleloader general deer seasons, Western Washington black-tailed deer, change the legal deer for GMU 654 from any deer to any buck. Rationale: This change reverses the addition of antlerless opportunity during the late muzzle loader general season in GMU 654 that was proposed in the original filing. The initial proposal sought to provide additional opportunity for muzzleloaders to equate to opportunity for other user groups. Upon further review, harvest data in this GMU warrant a more conservative approach by maintaining the current “any buck” option for late muzzleloaders in this GMU.

Comments received during the official public comment period including testimony received at the public hearing:

Supporting Comments:

There were five comments in support of the proposal. Although they supported the proposal, one (1) advocated for reducing antlerless opportunity and antler-point restrictions in District 1, and one (1) advocated for increasing opportunities. Two had no comments, and the other comment was unrelated to the proposal.

Opposing, Neutral, and Other Comments:

There were 23 comments in opposition to the proposal. Twelve of the comments were associated with reducing opportunities in District 1. Five comments advocated for reducing antlerless harvest opportunity, two advocated for antler-point restrictions, and five advocated for both. Three other comments in opposition to the proposal advocated for managing all mule deer harvest through a permit system, three for increasing archery opportunity, and two for increasing opportunity for all user groups. Two other comments were unrelated to the proposal and the other advocated for no changes.

There were 13 neutral comments. Although their stance was neutral, five advocated for more opportunity, two advocated for antler-point restriction during black-tailed deer seasons, two advocated for reducing opportunity, and one advocated for changing season dates. The other three comments advocated for no change or were unrelated to the proposal.

We received public testimony from 14 individuals at the March Fish and Wildlife Commission meeting. The common theme associated with that testimony related to concerns about the declining white-tailed deer populations in District 1. Several of those that testified advocated for reduced antlerless harvest and implementation of antler-point restrictions although those sentiments were not expressed universally. One person advocated for eliminating all seasons for both mule deer and white-tailed deer for several years until populations have recovered.

Agency consideration pertaining to comments:

Two of the main themes were reduction of antlerless opportunity and antler point restrictions in District 1. The department took these comments seriously and made recommended adjustments to reduce antlerless opportunity in District 1. The department did not develop recommended adjustments to implement antler-point restrictions. Antler-point restrictions were implemented in GMU 117 and 121 during the 2011, 2012, 2013, and 2014 seasons, and showed no biological benefit, but significantly reduced hunter participation and harvest. Because antler-point restrictions are not universally supported by hunters, antler restrictions will be reviewed during the 3-year season setting process. The other common theme was associated with increasing general season opportunities, but there was no consistent theme related to an area of interest or user group. The department's goal is to maximize opportunity without having a negative effect on the resource, while also balancing that opportunity among user groups. We believe this proposal strives to achieve that goal.

WAC 220-415-030 2019 Deer special permits.

Reasons for adopting these rules:

The purpose of this proposal is to retain special permit deer hunting opportunity for 2019. In addition, the purpose of the proposal is to balance the hunting opportunity between user groups. The proposal also increases the opportunity when deer populations allow, and reduces the opportunity when declining deer numbers warrant a change.

These proposals provide for recreational deer hunting opportunity and protects deer from overharvest. The proposal would also maintain sustainable deer special permit hunting season opportunities for 2019. The proposal helps address deer agricultural damage problems and provides for deer population control when needed.

Differences between the proposed rule and the rule as adopted:

- Change: Under the quality category for Green River (GMU 485); change the season dates from Nov. 9-15 to Nov. 2-8. Rationale: Season dates and permit number are negotiated annually with the Muckleshoot Indian Tribe and Tacoma Water. Proposed changes are a reflection of those negotiations, which consider managing hunter access, hunt quality, and management of the resource.
- Change: Under the bucks category for Ritzville (GMU 284), modern; change the number of permits from seven to nine. Rationale: This change corrects an error in the initial filing, the changes originally submitted for inclusion in the initial filing to increase modern firearm, antlered special permit opportunity in GMU 284 were not added.
- Change: Under the antlerless category for GMUs 101 – 121 to include Sherman, Kelly Hill, Douglas, Aladdin, Selkirk, 49 Degrees North, and Huckleberry; remove all antlerless permits. Rationale: This change eliminates antlerless special permits for white-tailed deer in GMUs 101 – 121 in response to increasing public concern about the white-tailed deer population in those GMUs.
- Change: Under the 2nd deer category for Colville River (Deer Area 1035), white-tailed, antlerless; remove all permits. Rationale: This change eliminates second deer antlerless special permits for white-tailed deer in Deer Area 1035 in response to increasing public concern about the white-tailed deer population in GMUs 101 – 121.
- Change: Under the Youth category for Green River (GMU 485); change the season dates from Nov. 9-15 to Nov. 2-8. Rationale: Season dates and permit number are negotiated annually with the Muckleshoot Indian Tribe and Tacoma Water. Proposed changes are a reflection of those

negotiations, which consider managing hunter access, hunt quality, and management of the resource.

- Change: Under the senior 65+ category for GMUs 101-121 to include Sherman, Kelly Hill, Douglas, Aladdin, Selkirk, 49 Degrees North, and Huckleberry; remove all antlerless white-tailed deer permits. Rationale: This change eliminates senior 65+ special permits for white-tailed deer in GMUs 101 – 121 in response to increasing public concern about the white-tailed deer population in those GMUs.

Comments received during the official public comment period including testimony received at the public hearing:

Supporting Comments:

There were six comments in support of the proposal. Two supported reductions in opportunity, three supported or advocated for increased opportunity, and one had no associated comment.

Opposing, Neutral, and Other Comments:

There were 23 comments in opposition to the proposal. Twelve comments advocated for reducing antlerless permits or all permit opportunity—areas of focus were District 6 (Okanogan/Methow) and District 1 (northeast Washington). Conversely, nine comments advocated for more permits or no permit reductions, but there was no common theme with regard to area of interest among the comments. The other two comments were unrelated to the proposals.

We received public testimony from 14 individuals at the March meeting. The common theme associated with that testimony related to concerns about the declining white-tailed deer populations in District 1. Several of those that testified advocated for reduced antlerless harvest and implementation of antler-point restrictions although those sentiments were not expressed universally. One person advocated for eliminating all seasons for both mule deer and white-tailed deer for several years until populations had recovered.

Agency consideration pertaining to comments:

One of the main themes of the comments was a reduction of antlerless permit opportunity in District 1. The department took these comments seriously and made recommended adjustments in District 1. The second common theme was the reduction of antlerless permit opportunities in District 6. District 6 has had more than a half million acres of prime mule deer winter range burn within the past four years, in addition to experiencing some of the driest and hottest summers on record. These events have reduced habitat quality and subsequently, the ability of this landscape to support mule deer as evidenced by recent declines in December fawn:doe ratios and over-winter fawn survival. Most recent estimates of abundance indicate a population of 10,000-15,000 does in the western portion of District 6, yet antlerless harvest has averaged just 357 deer in 2016 and 2017. As such, it is unlikely reductions in antlerless harvest will have any effect on the performance of this deer herd. Instead, the department anticipates lower productivity and recruitment rates until habitat has recovered, and a slightly depressed deer population would be expected to speed up that recovery. The department will move forward with the recommendations, which includes the recommended adjustments, to the Fish and Wildlife Commission.

WAC 220-415-040 Elk area descriptions.

Reasons for adopting these rules:

The purpose of the proposal is to adjust the boundaries of Elk Area 6054, such that harvest is focused in areas where conflicts are most frequent.

Differences between the proposed rule and the rule as adopted:

- Change: For elk area no. 6054 Puyallup River (Pierce County); the south and southwest boundary of the elk area will follow the Nisqually River instead of State Route 706, Highway 7, and Alder Lake Park Road. Rationale: We identified an issue where Alder Lake Park Road was

also referred to by a different name on available road maps. This change avoids potential confusion regarding the boundary and simplifies the boundary description for hunters.

Comments received during the official public comment period including testimony received at the public hearing:

Supporting Comments:

There were no supporting comments.

Opposing, Neutral, and Other Comments:

There were no opposing comments and two (2) neutral comments.

There was no public testimony at the March Fish and Wildlife Commission meeting pertaining to this rule proposal.

Agency consideration pertaining to comments:

No opposing comments were received.

WAC 220-415-050 2018-2020 Elk general season and definitions.

Reasons for adopting these rules:

The purpose of the proposal is to increase opportunities in some areas to assist with efforts to mitigate elk damage. The proposal also corrects typographical errors associated with season dates for the Western Washington and Elk Area 3722 general elk modern firearm seasons.

Differences between the proposed rule and the rule as adopted:

- Change: Under early archery general elk seasons for Eastern Washington in GMUs 328, 329, 336, 340, 352, 356, and 364; update the season dates under 2019 dates to be Sept. 14-19 and leave 2020 dates blank. Rationale: Population surveys for the Yakima elk herd were completed recently and indicate that the population remains at levels similar to those observed in 2017 and is ~1,000 elk below objective. However, the number of cows in the population is near objective. In addition, harvest estimates for the 2018 season indicate the early archery season only accounted for ~60 of the 300-400 cows harvested in 2018. Collectively, this indicates the population should be able to sustain the level of cow harvest that occurs during the early archery season. That said, biologists are concerned about a delayed winter mortality event given the 2019 winter conditions and are cautious about committing to an early archery season in 2020. Population surveys for the Colockum herd had not been completed at the time this document was prepared. However, given the Colockum herd was still within objective in 2018, biologists felt confident in offering this opportunity for the 2019 season and adjusting the recommendation in 2020 if pending survey results indicated a change was warranted.
- Change: Under early archery general elk seasons for Western Washington; change the legal elk for GMU 663 from 3 pt. min. to 3 pt. min. or antlerless. Rationale: The legal elk for all other general seasons including modern firearm is 3 pt. min or antlerless to address damage issues in the eastern portion of GMU 663. Changing the legal elk for the early archery season was inadvertently missed.
- Change: Under early archery general elk seasons for Eastern Washington in GMUs 328, 329, 336, 340, 352, 356, and 364; update the season dates under the 2019 dates to be Sept. 14-19 and leave 2020 dates blank. Rationale: The Blue Mountains elk herd is below objective for the third straight year with lower than normal calk recruitment rates.

Comments received during the official public comment period including testimony received at the public hearing:

Supporting Comments:

There were six comments in support of the proposal. There was no common theme to the support comments.

Opposing, Neutral, and Other Comments:

There were 17 comments in opposition to the proposal. There was only one common theme, which was opposition to the removal of archery, antlerless opportunity in the 300 series GMUs.

There were seven comments that were neutral. Despite the neutral stance, one comment advocated for creating antlerless permit opportunities for archery hunters in 300 series GMUs if general season opportunities were removed. We also received two emails that were opposed to general archery, antlerless opportunity and advocated for archery permit seasons in 300 series GMUs.

We received public testimony from two individuals at the March meeting. Both were generally related to elk management in northeast Washington and not directly related to the rule proposal.

Agency consideration pertaining to comments:

The main theme of comments was associated with the removal of archery, antlerless opportunity in the 300 series GMUs. These concerns were also the main theme of comments received during development of the current 3-year package in 2018. The department took these comments seriously and made recommended adjustments, which included offering archery, antlerless opportunities for the 2018 season. However, with the most current survey data indicating the Yakima herd was below objective and the Colockum herd was at the lower end of our objective, we also committed to using 2018 harvest data and 2019 survey results to inform decisions for the 2019 and 2020 seasons.

Survey results from 2019 indicate the Yakima herd remains below objective and calf recruitment rates remain well below historical levels. However, the number of cows in the population is very near objective, antlerless harvest has been reduced substantially in recent years, and antlerless harvest during the early archery season only accounted for ~60 of the 300-400 antlerless elk harvested throughout the herd area. However, given the current winter conditions, biologists are concerned a delayed winter mortality event may occur.

Surveys in the Colockum had not occurred at the time this proposal was developed. The herd was at objective in 2018, calf recruitment rates are expected to be at adequate levels, antlerless harvest has been reduced substantially in recent years, and antlerless harvest during general archery seasons has been reduced by approximately 155 elk. However, given the current winter conditions, biologists are concerned a delayed winter mortality event may occur.

The department has made recommended adjustments to offer archery, antlerless opportunities for the 2019 season in 300 series GMUs and to use future harvest and survey data to determine whether those opportunities will occur in 2020. The department will move forward with the recommendation, which includes the recommended adjustment, to the Fish and Wildlife Commission.

WAC 220-415-060 Elk special permits.

Reasons for adopting these rules:

The purpose of this proposal is to retain elk special permit hunting opportunity for 2019. The purpose is also to balance the elk hunting opportunity between user groups. The proposal also increases elk hunting opportunity when elk populations allow, and reduces elk hunting opportunity when declining elk numbers warrant a change.

Differences between the proposed rule and the rule as adopted:

- Change: Under the bulls category; update the legal hunt boundary for Alkali, muzzleloader (EM), to include GMU 334. Rationale: We have expanded the legal boundary for several permits in the quality bull and bull categories to include GMU 334, and inadvertently missed this one.
- Change: Under the hunters with disabilities category; update the legal hunt boundary for Alkali, (EF, EM, EA), to include GMU 334. Rationale: We have expanded the legal boundary for several permits to include GMU 334, and inadvertently missed this one.

Comments received during the official public comment period including testimony received at the public hearing:

Supporting Comments:

There were five comments in support of the proposal. There was no common theme to the support comments.

Opposing, Neutral, and Other Comments:

There were 18 comments in opposition to the proposal. There was only one common theme (10 comments), which was opposition to a reduction in permits. The secondary theme was associated with five comments that advocated for reducing permits even further.

There were nine comments that were neutral, with no identifiable central theme, but three advocated for a reduction of permits.

We received public testimony from two individuals at the March meeting. Both were generally related to elk management in northeast Washington and not directly related to the rule proposal.

Agency consideration pertaining to comments:

The main theme of the comments centered on opposition to a reduction in permits or were advocating for further reductions. Initial recommendations included reductions in bull permits in the Blue Mountains, Colockum, and Yakima elk herd areas in response to declining bull numbers and lower than normal calf recruitment rates in recent years. Surveys for 2019 had not been completed in the Colockum and Blue Mountains at the time this proposal was developed.

Surveys in the Yakima indicated bull numbers had declined for a third straight year, are approximately 50-55% lower than observed in 2016, and that the department is not likely to meet our objective of maintaining bull survival rates of at least 50% and a post-hunt bull:cow ratio of 12-20 bulls per 100 cows without a substantial reduction in bull permits. As such, the department has proposed recommended adjustments that include further reductions in bull permits for GMUs in the Yakima elk herd area. Other recommended adjustments are a reflection of updates to allocation formulas that were made after harvest data for the 2018 season became available or administrative changes to season dates.

Field staff are making hunting season recommendations they feel will maximize hunting opportunity without having a negative impact on the elk populations. The department will move forward with the recommendations, which include the recommended adjustments, to the Fish and Wildlife Commission.

WAC 220-415-070 2019 Moose seasons, permit quotas, and areas.

Reasons for adopting these rules:

The purpose of the proposal is for the adjustment of moose permit limits to reflect population changes and recent harvest. The proposal provides for population abundance estimates and document of recent past harvest.

Differences between the proposed rule and the rule as adopted:

None.

Comments received during the official public comment period including testimony received at the public hearing:

Supporting Comments:

There were two comments in support of this proposal.

Opposing, Neutral, and Other Comments:

There were three neutral comments and six comments opposed to this proposal.

A sentiment frequently expressed among respondents regardless of their self-categorization was that moose populations are now declining – with predators most often mentioned as the cause – and therefore the department should reduce (or eliminate entirely) draw permits, particularly on the antlerless segment of the population. One respondent suggested creating a new moose permit unit for GMU 105. One respondent favored increasing the proportion of antlerless tags provided to youth hunters (youth hunts for moose had been greatly reduced in the previous three-year package).

At the March Commission meeting in Spokane, there was an additional verbal comment provided by a hunting guide who also expressed concern about the level of predation on moose. This individual also recommended a regulation prohibiting taking of calves among antlerless moose.

Agency consideration pertaining to comments:

The department concurs that the moose population in northeastern Washington is currently in decline, and agrees that predators are part of the story in this decline. The department's interpretation is that moose increased during the early years of the 2000s beyond the long-capacity of habitat to support the population. Moose on northeastern Washington are generally in poor body condition, resulting in low pregnancy rates. Calf survival is also low, both where wolf packs are present, and also where wolf packs are absent. Mild winters have also facilitated high survival of ticks, which also benefit from high moose densities. Thus, the department's view is that a decline in the moose population is unavoidable. Further, the department's view is that attempts to maintain the recently-documented high densities of moose in northeastern Washington are more likely to result in a lower long-term equilibrium than assisting the decline with hunter harvest. For the time being, therefore, the department continues to recommend permit levels similar to recent years, with only minor geographic rebalancing in response to local understanding of moose abundance.

WAC 220-415-120 2019 Bighorn sheep season.

Reasons for adopting these rules:

Purpose of the proposal and the anticipated effect would be the adjustment of bighorn sheep hunt permit limits to reflect population changes and recent harvest.

The differences between the proposed rule and the rule as adopted reflects the population abundance estimates and document of recent past harvest.

Differences between the proposed rule and the rule as adopted:

- Change: Reinstate Cleman Mountain B adult ewe only hunts (10 permits). Change the number of permits for Cleman Mountain C adult ewe only hunts from one (1) back to eight (8). Reinstate Cleman Mountain D adult ewe only (youth hunter) hunts (2 permits). Rationale: The reduction in bighorn sheep ewe permits in the Cleman Mountain population in the original 2019 season proposals was premised on the department's ability to capture and translocate a number of animals out of state. Due to mild winter conditions, the department was unable to capture and translocate ewes this year, but the Cleman Mountain herd remains at a higher level than the department deems prudent and should be reduced. Thus, we propose offering the same number of bighorn ewe permits as in 2017.
- Change: Suspend bighorn sheep permits for the Mt. Hull herd; one (1) ram permit, one (1) ewe permit, and one (1) ewe youth only permit. Rationale: Pneumonia has recently been detected in this herd. We don't yet know the magnitude of mortality but the department recommends against issuing permits when the future of this herd is uncertain.

Comments received during the official public comment period including testimony received at the public hearing:

Supporting Comments:

There were three comments in support of this proposal.

Opposing, Neutral, and Other Comments:

There was one neutral comments and one comment opposed to this proposal.

One respondent opposed any reduction of sheep hunting opportunity to benefit recovery of predators. (There are no reductions of sheep hunting opportunity recommended this year, nor is supporting predator populations a rationale for altering sheep hunting opportunity). Other respondents supported including youth opportunities (but misunderstood the recommendation, thinking that hunting was being used to cull sick individuals, whereas it is being used to reduce herd size to the point where WDFW biologists can identify and cull animals shedding the pathogen of concern).

Agency consideration pertaining to comments:

Washington Department of Fish and Wildlife revised permit numbers in the Selah Butte, Umtanum, Cleman, Quilomene, and Vulcan Mountain bighorn sheep herds. The Vulcan Mountain bighorn population in Ferry County, albeit small, appears to be growing and now has a good number of mature rams. Along with co-managers Confederated Colville Tribes, WDFW recommends resuming limited hunting of rams. The population of bighorn sheep in the Yakima Canyon ("Umtanum" and "Selah" hunt units) continues to decline from a series of lamb recruitment failures subsequent to the pneumonia die-off of 2009-10. The department plans to capture, test, and remove animals likely to be the source of the continued pathogen spread. Success in this effort is much more likely if the herd is first reduced (and that reduction may, in part, help remove the pathogen spreaders). Thus, a substantial, temporary increase in permits (primarily for ewes) is proposed to reduce the population to a size where spreaders can be found and selectively removed.

WAC 220-415-130 2019 Mountain goat seasons and permit quotas.

Reasons for adopting these rules:

The purpose of the proposal and the anticipated effect would be the adjustment of mountain goat hunt permit limits to reflect population changes and recent harvest.

The proposal provides for population abundance estimates and document of recent past harvest.

Differences between the proposed rule and the rule as adopted:

None.

Comments received during the official public comment period including testimony received at the public hearing:

Supporting Comments:

Five comments were received online. Two respondents characterized their responses as neutral and three as opposed.

Opposing, Neutral, and Other Comments:

Three respondents favored increasing mountain goat hunting opportunity above the department's recommendation. Two of these included no geographic suggestions; one suggested retaining the Olympia Mountains conflict reduction hunt. Two respondents suggested changing mountain goat permits from either sex (albeit with a strong recommendation and educational component to encourage taking billies) to billy-only.

Agency consideration pertaining to comments:

Mountain goat populations are sensitive to over-harvest; the six-year Game Management Plan lays out harvest guidelines that the department generally adheres to. Reductions in harvest opportunity respond to fluctuations in mountain goat populations as documented through rigorous bi-annual surveys (whether or not the fluctuations are related to hunter harvest), as well as to the proportion of hunter harvest made up by nannies (females).

There is consensus that recreational harvest of nanny (female) mountain goats is much more likely to lead to population problems than harvest of billies (males). The department has considered recommending the mountain goat permits be valid only for male mountain goats. At the present time, the systems the department has put in place to minimize the probability of population decline appear adequate to prevent population declines even in the face of modest levels of female harvest.

WAC 220-416-060 2019-2020 Migratory waterfowl seasons and regulations.

Reasons for adopting these rules:

The proposal amends WAC 220-416-060 2018-19 Migratory waterfowl seasons and regulations to specify legal season dates, bag limits for the 2019-20 season. This rule establishes waterfowl seasons and regulations to provide recreational opportunity, control waterfowl damage, and conserve the waterfowl resources of Washington.

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.

Differences between the proposed rule and the rule as adopted:

- Change: The addition of a Veterans and Active Military Personnel hunting date to occur February 1, 2020 for duck seasons. Rationale: Under the John D. Dingell, Jr. Conservation, Management, and Recreation Act (S.47) signed March 12, 2019.
- Change: The addition of a Veterans and Active Military Personnel hunting date to occur February 1, 2020 for duck seasons. And, change of special youth days for goose seasons to Sept. 21, 2019 and Feb. 1, 2020 in Western Washington, and Sept. 28, 2019 and Feb. 1, 2020 in Eastern Washington. Rationale: No state may allow more than 107-days for any one migratory gamebird species. Washington State already maximizes these days by allowing a 105-day regular season and two youth hunting days. No additional youth days may be added, however, with the option of a special Veterans and Active Military Personnel hunting date, this allowed the opportunity to split the current Youth days to allow for both an early season and a later season opportunity, which allows more possible waterfowl species and hunting styles to be taught to youth waterfowl hunters.
- Change: Possession limit description adjustments. Rationale: Changes required to specify single-day bag limit possession limits for waterfowl species to be allowable during the new Feb. 1 Youth, Veterans and Active Military Personnel hunting day.
- Change: Addition of a Veterans and Active Military Personnel hunting date to occur February 1, 2020 for goose seasons. Rationale: Under the John D. Dingell, Jr. Conservation, Management, and Recreation Act (S.47) signed March 12, 2019, Subtitle E, Section 4001 amends Section 3 of 16 U.S. Code § 704 of the Migratory Bird Treaty Act to allow for the option of special hunting dates for Veterans (as defined by Section 101 of title 38, United States Code) and Active Military Personnel.
- Change: Date adjustments; daily bag limit adjustment for the Feb. 1 Youth, Veterans and Active Military Personnel Day; date adjustments to white goose season in GMA 1; and an addition of Feb. 1, 2020, as an allowable brant hunting date. Rationale: Changes required to allow the full potential waterfowl species list to be allowable during the new Feb. 1 Youth, Veterans and Active Military Personnel Day.
- Change: September goose seasons in Goose Management Area 2 – Coast and Inland changed to Sept. 7-15, 2019. Rationale: A traditional necessary shift to avoid conflict with Labor Day weekend activities.
- Change: Date adjustments to the third segment of goose seasons in Goose Management Area 2 – Coast to Feb. 8-22, 2020. Rationale: Changes required to minimize conflict between regular goose season in GMA 2- Coast and to allow the full potential waterfowl species list to be allowable during the new Feb. 1 Youth, Veterans and Active Military Personnel Day.

- Change: Adjustment to extended falconry season dates and allowable species. Rationale: Changes required to account for new Feb. 1 Youth, Veterans and Active Military Personnel hunting day.

Comments received during the official public comment period including testimony received at the public hearing:

Supporting Comments:

Thirty-six comments generally agreed with the proposal. Five comments supported the shift in white goose hunting days in Goose Management Area 4. Several comments asked for season dates to be shifted later, but this ignores the federal framework mandate of duck seasons closing the last weekend in January. Several comments raised concern over shooting ethics, but did not specify if this related to a specific site. Other comments either related to items related to other WACs not opened during this regulatory cycle or related to changes that must occur through the federal frameworks.

Opposing, Neutral, and Other Comments:

There were fifty-eight opposing comments submitted for this WAC proposal. Thirty-eight of the provided comments were related to the decrease in the northern pintail bag-limit to 1-bird per day. This change is mandated by federal framework as it pertains to the National Harvest Strategy from the U.S. Fish and Wildlife Service based upon the northern pintail population falling below the necessary population estimate. Four comments opposed the season date structure asking for dates to be shifted later. This is impossible due to the federal framework requirement of duck seasons ending the last weekend of January. Four comments opposed the shift of white goose harvest days, but generally did not provide specifics over the concern. Twenty-two comments submitted took a neutral stance on the proposed recommendations, but available comments provided comment for topics not opened in this WAC.

Agency consideration pertaining to comments:

Proposed changes to the duck seasons are consistent with federal framework mandates for the 2019-2020 season. The shift in dates for white goose in Goose Management Area 4 is consistent with movements of this species through the area in an attempt to increase total harvest.

WAC 220-416-110 Use of game birds for training dogs, field trials – Marking requirements.

Reasons for adopting these rules:

The proposed change clarifies that only one method is required for marking game birds, and adds an additional method option, which is nasal scarring caused by an anti-pecking device. In addition, the proposal adjusts the ordering of existing options for marking non-waterfowl game birds.

The proposal provides clarity so that the WAC is not misinterpreted to mean that game birds must be marked by all methods. This proposed change will also improve compliance in marking requirements. The proposal to adjust the order of the listed marking requirements is intended to emphasize less invasive methods.

Differences between the proposed rule and the rule as adopted:

None.

Comments received during the official public comment period including testimony received at the public hearing:

Supporting Comments:

There were two comments received in support of the proposed changes. One commenter stated “Looks good” and the other stated “This is a reasonable solution to a problem. I fully support this change”.

Opposing, Neutral, and Other Comments:

None.

Agency consideration pertaining to comments:

No opposing comments were received.

WAC 220-430-010 Game farm license provisions.**Reasons for adopting these rules:**

The proposed changes clarify that a game farm license is required to sell species listed in subsection 2 (game birds and waterfowl). Also, the proposed changes clarify that a current, valid license is required to continue to possess, propagate, sell and transfer wildlife that was lawfully possessed on January 1, 1992. Lastly, the proposed changes add conditions for revocation or denial of a game farm's license and grounds for prosecution under existing RCW.

The proposed changes support game farm license holders by emphasizing that certain species cannot be sold without a game farm license. This is intended to reduce confusion and to ensure that unlicensed individuals are not selling these species.

In addition, the proposed changes provide clarity regarding license requirements to game farm license holders who maintain species that were lawfully possessed prior to January 1, 1992.

The proposed changes also provide the department with the necessary tools to ensure that game farm license holders are compliant with the game farm license provisions.

Differences between the proposed rule and the rule as adopted:

- Change: Added language under sub-section (2) to clarify that a game farm license does not authorize the licensee to purchase, possess, propagate, sell or transfer deleterious exotic wildlife. *Game farms licensed on or after January 1, 1992, may purchase, possess, propagate, sell or transfer the following wildlife, except species designated as deleterious exotic wildlife: (((a))) Game birds - Pheasant, of the genus Phasianus; gray partridge of the genus Perdix; chukar of the genus Alectoris; quail of the genus Colinus, Callipepla, and Oreortyx; waterfowl of the family Anatidae.* Rationale: This adjustment aligns WAC 220-430-010 with WAC 220-640-200 by providing consistency in treatment of deleterious exotic wildlife species (e.g. mute swan).

Comments received during the official public comment period and as testimony received at the public hearing:**Supporting Comments:**

There were four comments received in support of the proposed changes. One of the four further suggested we clarify language regarding deleterious wildlife.

Opposing, Neutral, and Other Comments:

There was one comment received in opposition of the proposed changes. This commenter stated they opposed further regulations and/or the state dictating who is eligible to own and raise game birds for profit.

Agency consideration pertaining to comments:

The theme of the opposing comment centers on a misconception that the regulations are being more restrictive. The proposed changes actually clarify the intent of the original language and further provides criteria related to revoking or denying a permit and guidance for an appeal. The addition of deleterious game birds and waterfowl provides consistency between this rule and WAC 220-640-200. The proposed changes will support game farm license holders and increase compliance with game farm license provisions (WAC 220-430-010).

WAC 220-450-010 Criteria for planting aquatic plants and releasing wildlife.

Reasons for adopting these rules:

The proposed change clarifies that game birds released for dog training and hunting pursuant to WAC 220-416-110 do not need to be purchased. Instead, game birds simply need to be acquired from certain facilities. These facilities include a department facility, a state- or federally-licensed game farm facility that has been inspected by a certified veterinarian within the past twelve months, or a facility with current National Poultry Improvement Plan certification.

The proposed change simplifies requirements for obtaining game birds for dog training and hunting pursuant to WAC 220-416-110. The change will also seek to ensure that game birds are acquired from facilities that undergo appropriate inspections and follow appropriate guidelines to reduce the risk of disease transmission.

Differences between the proposed rule and the rule as adopted:

None.

Comments received during the official public comment period and as testimony received at the public hearing:

Supporting Comments:

There were four comments received in support of the proposal. The common theme of the supporting comments was the proposed changes provide clarity, common sense guidance, and ensure health of bird populations.

Opposing, Neutral, and Other Comments:

None.

Agency consideration pertaining to comments:

No opposing comments were received.