

Petition: Baiting

WAC 220-414-030 Baiting for the purpose of hunting deer or elk

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Fish and Wildlife Commission Presentation Summary Sheet

Meeting date:

2/25/2022

Agenda item: Petition to change WAC 220-414-030 related to baiting for the purpose of hunting Deer and Elk.

Presenter(s): Anis Aoude, Game Division Manager

Background summary:

WDFW received a petition to amend WAC 220-414-030. The petitioner would like to see the following changes:

Make it unlawful to hunt for deer and elk while using any type of bait, scents, or attractants, either natural or artificial.

Staff recommendation:

Recommend denying the petition. The Department intends to address this WAC and other WACs related to Chronic Wasting Disease (CWD) management as outlined in the CWD plan. The Department would like to complete the human dimensions work outlined in the CWD plan prior to rule making that will substantially change rules related to hunting and other aspects of disease management related to CWD. The human dimension work has been initiated and is expected to take roughly 2 years to complete. Changing rules related to CWD prior to doing this work will create mistrust and pit user groups against each other.

Policy issue(s) and expected outcome:

If the petition is denied the department will work through the already outlined process to address this and other CWD related WACs. This process will include a Human Dimensions work that will take roughly 2 years to complete. Once completed the department will go through the appropriate rule making and public engagement process to address changes that are recommended in the CWD plan.

Fiscal impacts of agency implementation:

No fiscal impacts beyond the status quo.

Public involvement process used and what you learned:

- There was no public involvement process prior to the submission of this petition.
- A public involvement process will occur if rulemaking is initiated.

Action requested and/or proposed next steps:

If the petition is denied the department will work through the already outlined process to address this and other CWD related WACs. This process will include Human Dimensions work that will take roughly 2 years to complete. Once completed the department will go through the appropriate rule making and public engagement process and public to address changes that are recommended in the CWD plan.

Draft motion language:

I Move we deny the petition, provided the department addresses this WAC through a more rigorous public engagement process.

Post decision communications plan:

Communicate the outcome of the Commission's decision to the petitioner.

WAC 220-414-030

Baiting for the purposes of hunting deer or elk.

(1) For the purposes of this section: "Bait" is any substance that could serve as a lure, food, or attraction for deer or elk.

(2) Except as otherwise provided in this section, it is unlawful to hunt for deer and elk using any type of bait placed, exposed, deposited, distributed, scattered, or otherwise used for the purpose of attracting deer or elk with the intent to hunt them, if the volume of bait accessible to wildlife exceeds 10 gallons.

(3) Bait sites of an individual license holder cannot be placed within 200 yards from another known bait site or another bait site of the same license holder.

(4) Exceptions: Hunting on or over the following is not considered an unlawful use of bait while hunting deer or elk:

(a) Locally common agricultural and ranching practices including salt or mineral distribution, and feeding;

(b) Food that is available from undisturbed wild, volunteer, or planted vegetation; including fruit trees, orchards, vineyards, and food plots;

(c) Scents used for cover and attractant that are not consumed by animals;

(d) Naturally occurring mineral deposits;

(e) As authorized by a department permit issued to address a management objective; or

(f) Exceptions do not include accidental or intentional spills, dumping, or storage of agricultural produce, feed, or bait.

(5) A violation of this section is punishable as an infraction under RCW [77.15.160](#) if no animal has been shot or killed and RCW [77.15.410](#) Unlawful hunting of big game—Penalty, if an animal has been shot or killed.

[Statutory Authority: RCW [77.04.012](#), [77.04.013](#), [77.04.020](#), [77.04.055](#), and [77.12.047](#). WSR 17-05-112 (Order 17-04), recodified as § 220-414-030, filed 2/15/17, effective 3/18/17.

Statutory Authority:

RCW [77.04.012](#), [77.04.020](#), [77.04.055](#), [77.12.047](#), [77.12.150](#), [77.12.240](#), [77.12.800](#), [77.32.090](#), and [77.32.155](#). WSR 16-12-087, § 232-12-245, filed 5/31/16, effective 7/1/16.]
