

Landowner Hunting Permits – Briefing and Public Hearing

WAC 220-412-100

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Fish and Wildlife Commission Presentation Summary Sheet

Meeting date:

March 18, 2022

Agenda item:

Landowner Hunting Permits - Briefing and Public Hearing

Presenter(s):

Ciera Strickland, Private Lands Access Program Manager

Background summary:

Department staff will brief the commission on:

- WAC 220-412-100 Landowner hunting permits.

Staff proposes slight changes to season dates for a single property enrolled in the Landowner Hunting Permit Program (LHP). Staff also proposes slight adjustments to wording in the standard operating procedure for the LHP Program that identifies discrepancies between the WAC language and Commission Policy C-6002.

Staff recommendation:

Briefing and public hearing only.

Policy issue(s) and expected outcome:

Briefing and public hearing only.

Fiscal impacts of agency implementation:

None.

Public involvement process used and what you learned:

On February 1, 2022, WDFW filed a CR-102, initiating public comment. The public was asked to provide input on the 2022 hunting season proposed changes via the department's website. Public comment period remains open through the Fish and Wildlife Commission Meeting on March 18, 2022, closing on March 19, 2022. The department has emailed over 40,000 subscribers notifying them of the website survey and encouraging them to participate. Also, the department issued a news release and postings on social media.

In preparation for this meeting, notification was made to individuals and organizations informing them of the opportunity to provide comments on the proposed regulation amendments. Additionally, these individuals and organizations were informed of the opportunity to provide verbal testimony at the upcoming March 18, 2022, commission meeting online.

Action requested and/or proposed next steps:

Department staff will hear and consider public comment. On April 18, 2022, department staff will present recommendations and seek adoption.

Draft motion language:

Briefing and public hearing only.

Post decision communications plan:

Briefing and public hearing only.

Form revised 1-20-21

AMENDATORY SECTION (Amending WSR 21-14-022, filed 6/28/21, effective 7/29/21)

WAC 220-412-100 Landowner hunting permits. (1) A landowner may enter into a contract with the department and establish boundaries and other requirements for hunter access consistent with commission policy.

(2) It is unlawful to participate in a landowner hunting permit (LHP) hunt without a landowner LHP permit from the landowner **or** a public LHP permit from the department for the species covered under the landowner's contract and possess an unfilled tag for said species. A violation of this section is punishable under RCW 77.15.410.

(3) **Acceptance Guidelines**

(a) LHP contracts must provide one or both of the hunting opportunities listed below for the public via landowner permits and public permits:

- Hunting opportunity that otherwise would not exist.
- Hunting opportunity that helps resolve chronic crop damage problems that have been documented by WDFW.

(b) WDFW may deny LHP applications that do not provide substantial public access benefit beyond the allotted WDFW public permit opportunity.

- For the purposes of this program, "substantial public benefit" will be defined as access for the general public to the property outside of the designated LHP permit season, for any of the following activities: General season or special permit hunting access for deer, elk, bear, cougar, sheep, goat, moose, upland game birds, turkey, waterfowl, dove or other nonhunting activities such as wildlife viewing or fishing. At a minimum, the LHP property should attempt to allow access for at least two types of recreational opportunity outside of the designated LHP permit seasons for deer and elk. Each LHP agreement must demonstrate a substantial public benefit to the citizens of the state and the wildlife resources of the area. For further information regarding public benefit, please refer to the standard operating procedure.

(c) Lands in a single LHP must have a minimum huntable acreage of 1,000 acres.

- Lands that are contiguous can span GMU boundaries.
- Lands that are not contiguous have to reside within the same GMU.

(d) Only 2 LHP contracts will be active at the same time in each WDFW district (Appendix B). If an LHP crosses district boundaries, the LHP will be considered to be in the district containing the majority of the land and/or hunting opportunity.

(e) WDFW will prioritize LHP applications that score the highest using the scoring matrix (Criteria - Appendix D in the standard operating procedure). In addition to LHP hunts, "no-fee" general public access opportunity is strongly encouraged (e.g., general deer, elk, turkey, upland hunting, or other opportunities as stated in (b) of this subsection). Special accommodations for hunters with disabilities, youth, seniors, and designated master hunters are also strongly encouraged, as well as "no-fee" access for special permit holders (e.g., elk, bear, moose and bighorn sheep).

(f) To ensure predictability for landowners, hunters, and WDFW, all landowners who enter into an LHP contract in April are required to abide by the conditions of the LHP contract for the term of the contract. Any changes in property ownership, total acreage or management practices on the land(s) enrolled in the LHP will require an amendment to the contract. WDFW reserves the right to alter conditions to the contract if an amendment is required. It is the responsibility of the landowner to inform the proper WDFW regional

staff of any changes. Not providing accurate information may result in the termination of the contract.

(g) Landowners may only be involved in one LHP statewide.

(4) **Program Guidelines**

(a) Policy C-6002 divides hunting on LHP cooperator lands into public and landowner permit opportunities. Public opportunity is defined as permits that are drawn through the WDFW permit drawing system or are drawn through a public raffle. Landowner opportunity is defined as those permits allocated to and distributed by the LHP cooperator(s).

(b) No LHP permits for elk will be issued in those GMUs where branch-antlered bull elk hunting is by quality or bull elk special permits only.

(c) No LHP permits for deer will be issued in those GMUs where antlered deer hunting is by quality or buck deer special permits only.

(d) Landowners may sell access associated with the landowner ~~((LHP))~~ portion of the permits, but then ~~((may be required to))~~ must waive the right to all claims for wildlife damage that may occur on their lands. Selling access may also affect landowner liability as described in RCW 4.24.200 and 4.24.210. It is the responsibility of the landowner to ensure they are protected against liability claims.

(e) WDFW will draw permits for public hunting opportunity through the licensing permit drawing system or through a public raffle. Public raffles must be conducted according to state laws and regulations including, but not limited to, WAC 220-412-050 and as outlined in the commission policy C-6002.

(f) Access to LHP property and associated hunting will be free of charge for individuals who draw a public LHP permit. Hunting opportunity (i.e., location, length of time, season of the hunt and hunting area) must be equivalent for public permit holders and landowner permit holders. Landowners not meeting this requirement will have their LHP contract voided. Landowners in an LHP may be required to provide evidence verifying equitability between both the public and landowner permits.

(g) Lands in an LHP contract will be identified on the WDFW website, along with other private and public hunting lands. The cooperators or WDFW may create additional detailed maps to better inform the public. Any additional maps or materials may also be posted on the WDFW website.

(h) LHP boundaries will be posted with WDFW approved signs in accordance with boundary posting requirements section of the standard operating procedure.

(i) LHP properties may not have fences that alter or prevent the natural movement of wildlife.

(j) All LHP permits are only valid within the identified LHP property boundaries. Any wildlife harvested outside the boundaries of the LHP using an LHP permit will be considered a "closed season" violation. LHP permits are not valid on private or public in-holdings that are not included in the LHP contract.

(k) Any cost to implement the program, other than costs typically covered by WDFW (e.g., WDFW staff time and LHP signage), will be the responsibility of the landowner.

(l) Damage prevention permits authorized under WAC 220-440-060 will be issued to LHP cooperators only if WDFW deems it necessary to control damage.

(m) All LHP contracts will be tied to the three-year season setting cycle.

(n) LHP permits will be allocated annually. WDFW regional staff will provide permit recommendations to the private lands section manager by November of each year.

(o) A cooperator who does not comply with their LHP contract may have their contract voided by the department. If their contract is voided, they will not be able to reapply until the next application

cycle and forfeit any remaining permits to WDFW. If a contract is voided, the LHP property may be enrolled in another WDFW access program without having to wait until the next LHP application cycle.

(p) WDFW at its discretion may deny any LHP application for biological or social reasons.

(q) LHPs shall not be authorized in areas where other access opportunities may be jeopardized.

(r) Due to the limited availability of habitat funding, LHP properties will not be prioritized for any funding available to the private lands access program for the purposes of habitat enhancement, restoration or other habitat related activities. This does not include federal programs, where WDFW staff provide technical assistance.

Annual reports (Appendix C) will be required for all LHP properties. The annual report form will be mailed to the landowners with their LHP permits each year. Reports are due back to the private lands section manager no later than May 1st of the following year. Failing to mail/send completed annual reports may result in a delay in issuing permits the following hunting season. Chronic failure to submit reports will lead to voiding of the LHP contract.

(5)(a) **Buckrun**

(i) Buckrun is located in Grant County, near the town of Wilson Creek.

(ii) Hunting on Buckrun is managed for a quality experience by scheduling hunt dates and keeping the number of hunters in the field low. Hunters with limited flexibility for hunt dates may experience scheduling problems. Hunters can generally expect one-day hunts during the permit seasons with written authorization from the Buckrun manager. All hunters must check in and out with the landowner or their designee on hunt day. Hunts are scheduled on a first-come basis by calling 509-345-2577 in advance.

(b) Buckrun landowner hunting permits

(i) Buckrun's manager will distribute Buckrun's landowner hunting permits. Buckrun may charge an access fee for these permits, but not for winning raffle permits. Only hunters possessing a modern firearm deer tag are eligible for permits on Buckrun's properties. Contact the manager at 509-345-2577 for additional information.

(ii) Deer Seasons for the landowner portion of LHP permits:

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Buckrun	10	Sept. 1 - Dec. 31	Antlerless Mule Deer or any White-tailed Deer	Buckrun
Buckrun	30	Sept. 1 - Dec. 31	Any deer	Buckrun
Buckrun Raffle	10	Oct. 25 - Dec. 31	Any deer	Buckrun

(c) Buckrun public hunting permits

(i) Hunters must apply to the Washington department of fish and wildlife for Buckrun's special hunting permits. Only hunters possessing a modern firearm deer tag are eligible for these special permits. All hunters must check in and out with the landowner or their designee. Hunts must be scheduled in advance by calling 509-345-2577.

(ii) Deer Seasons for the public portion of the LHP permits:

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Buckrun	10	Sept. 1 - Dec. 31	Antlerless	Buckrun

(6)(a) Silver Dollar Association

The Silver Dollar Association is located in Yakima and Benton counties, on the western edge of the Hanford Reservation.

(b) Silver Dollar Association landowner hunting permits

(i) The Silver Dollar Association's manager will distribute the association's landowner hunting permits. The association may charge an access fee for these permits.

(ii) Elk Seasons for the landowner portion of the LHP permits:

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Silver Dollar	24	Aug. 1 - March 31	Any Elk	Silver Dollar
Silver Dollar	8	Aug. 1 - March 31	Antlerless	Silver Dollar

(c) Silver Dollar Association public hunting permits

(i) Hunters must apply to the department for the Silver Dollar Association's special hunting permits.

(ii) Elk Seasons for the public portion of the LHP permits:

Hunt Name	Permit Number	Weapon/Tag	Permit Season	Special Restrictions	Boundary Description
Silver Dollar	8	EF	Aug. 1 - March 31	Youth Only, Any Elk	Silver Dollar
Silver Dollar Antlerless Elk	6	EF	Aug. 1 - March 31	Youth Only, Antlerless Elk Only	Silver Dollar
Silver Dollar Antlerless Elk	2	EF	Aug. 1 - March 31	Persons of Disability Only, Antlerless Elk Only	Silver Dollar

(7)(a) **Blackrock Ranches**

Blackrock Ranches is located in Yakima County west of the Hanford Reservation.

(b) **Blackrock Ranches landowner hunting permits**

(i) Blackrock Ranches' manager will distribute the ranches' landowner hunting permits. Blackrock Ranches may charge an access fee for these permits.

(ii) **Elk Seasons for the landowner portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Blackrock Ranches	8	Aug. 1 - March 31	Any Elk	Blackrock Ranches
Blackrock Ranches	2	Aug. 1 - March 31	Antlerless	Blackrock Ranches

(c) **Blackrock Ranches public hunting permits**

(i) Hunters must apply to the department for Blackrock Ranches' special hunting permits. To apply, hunters must have an eastside elk tag.

(ii) **Elk Seasons for the public portion of the LHP permits:**

Hunt Name	Permit Number	Weapon/Tag	Permit Season	Special Restrictions	Boundary Description
Blackrock Ranches	2	EF	Aug. 1 - March 31	Any Elk	Blackrock Ranches

Hunt Name	Permit Number	Weapon/Tag	Permit Season	Special Restrictions	Boundary Description
Blackrock Ranches	1	EF	Aug. 1 - March 31	Antlerless Only	Blackrock Ranches
Blackrock Ranches	1	EF	Aug. 1 - March 31	Youth Only, Any Elk	Blackrock Ranches
Blackrock Ranches	1	EF	Aug. 1 - March 31	Youth Only, Antlerless Only	Blackrock Ranches

(8)(a) Columbia Plateau Wildlife Management Association

(i) The Columbia Plateau Wildlife Management Association (CPWMA) landowner hunting permit area is located in Spokane County (GMU 130) near Turnbull National Wildlife Refuge.

(ii) Landowner permit hunts are primarily small ranch hunts but are managed for a quality experience by keeping the number of hunters in the field low.

(b) Columbia Plateau Wildlife Management Association landowner hunting permits

(i) CPWMA's manager will distribute the association's landowner hunting permits. CPWMA will not charge an access fee for raffle permit winners. Only hunters possessing an elk tag are eligible for permits on CPWMA's properties. All successfully drawn permit applicants must have written authorization from CPWMA's manager and must check in and out with CPWMA's designee at the beginning and ending of the scheduled hunting dates. Successful applicants will receive a packet of information with forms to complete and a map showing the hunt area. These applicants must complete the forms and return them before

September 30. Applicants should see CPWMA's website at www.cpwma.org or contact the hunt manager at 509-263-4616. Holders of landowner permits selected through raffle, including 9 antlerless elk and 2 any elk permits, are eligible to purchase second elk tags that may only be used on lands included in the CPWMA LHP.

(ii) Elk Seasons for the landowner portion of the LHP permits:

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
CPWMA	1	Jan. 1 - Mar. 31	Antlerless	CPWMA
CPWMA	1	Jan. 1 - Mar. 31	Any Bull	CPWMA
CPWMA Raffle 1	3	Jan. 1-31	Antlerless	CPWMA
CPWMA Raffle 2	3	Feb. 1-28	Antlerless	CPWMA
CPWMA Raffle 3	3	Mar. 1-31	Antlerless	CPWMA
CPWMA Raffle 4	2	Jan. 1 - Mar. 31	Any Bull	CPWMA

(c) Columbia Plateau Wildlife Management Association public

hunting permits

(i) Hunters must apply to the department for CPWMA's special hunting permits. All successfully drawn permit applicants must have written authorization from CPWMA's manager and must check in and out with CPWMA's designee at the beginning and ending of the scheduled hunting dates. Successful applicants will receive a packet of required information with forms to complete and a map showing the hunt area. These applicants must complete the forms and return them before

September 30. Applicants should see CPWMA's website at www.cpwma.org or contact the hunt manager at 509-263-4616.

(ii) **Elk Seasons for the public portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
CPWMA 1	1	Jan. 1 - Mar. 31	Any Bull	CPWMA

(9)(a) **Centralia Mine**

(i) Centralia Mine landowner hunting permit area is located in Lewis and Thurston counties (GMU 667) on the Centralia Mine near Centralia.

(ii) The Centralia Mine is owned by TransAlta and is a federally mandated, closed access area. Hunters must be escorted by TranAlta employees to access the property. Public hunters that are drawn for permits are escorted to huntable areas on the mine by employees with TransAlta that volunteer their time.

(b) **Centralia Mine landowner hunting permits**

(i) TransAlta staff will distribute the Centralia Mine landowner hunting permits including to TransAlta staff that volunteer as guides for state disabled, senior and youth permit elk hunts. TransAlta volunteers using their permits will attempt to target limping cows to assist with Treponeme Associated Hoof Disease control.

(ii) **Elk Seasons for the landowner portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Centralia Mine	5	Sept. 1 - Dec. 31	Antlerless	Centralia Mine

(c) **Centralia Mine public hunting permits**

(i) Hunters must apply to the department for Centralia Mine special hunting permits. To apply, hunters must have the required license/transport tag who are 65 years and older at some point during the license year for the senior hunts or be registered with the department as a hunter with a disability for the disabled hunts or meet the qualifications for youth hunting for the youth hunt. Successful applicants will be contacted by TransAlta to arrange their hunt date and will receive a packet of logistical information from TransAlta about the hunt.

(ii) **Elk Seasons for the public portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Centralia Mine	5	Sept. ((4-12)) <u>3-11</u> *	Senior only, Antlerless	Centralia Mine
Centralia Mine	5	Sept. ((18-26)) <u>17-25</u> *	Disabled only, Antlerless	Centralia Mine
Centralia Mine	1	Oct. ((2-10)) <u>1-9</u> *	Youth only, Any Bull	Centralia Mine

*Individuals selected for these hunts will be granted a single weekend within the listed time frame. Coordination with the hunt manager is required when selecting specific weekend dates.

[Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240. WSR 21-14-022 (Order 21-61), § 220-412-100, filed 6/28/21, effective 7/29/21; WSR 20-12-080 (Order 20-76), § 220-412-100, filed 6/1/20, effective 7/2/20. Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520.

WSR 19-10-011 (Order 19-79), § 220-412-100, filed 4/19/19, effective 5/20/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.020, 77.12.040, 77.12.047, 77.12.150, 77.12.210, 77.12.240, 77.12.320, 77.12.570, 77.12.800, 77.15.245, 77.32.007, 77.32.050, 77.32.070, 77.32.090, 77.32.370, and 77.32.530. WSR 18-11-061 (Order 18-76), § 220-412-100, filed 5/11/18, effective 6/11/18. 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. WSR 17-10-076 (Order 17-10), amended and recodified as § 220-412-100, filed 5/3/17, effective 6/3/17. 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, § 232-28-296, filed 5/31/16, effective 7/1/16. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-031 (Order 15-94), § 232-28-296, filed 4/28/15, effective 5/29/15. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 14-10-019 (Order 14-95), § 232-28-296, filed 4/25/14, effective 5/26/14; WSR 13-11-078 (Order 13-94), § 232-28-296, filed 5/16/13, effective 6/16/13. Statutory Authority: RCW 77.12.047. WSR 12-11-005 (Order 12-70), § 232-28-296, filed 5/2/12, effective 6/2/12.]



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 01, 2022

TIME: 12:43 PM

WSR 22-04-103

Agency: Washington Department of Fish and Wildlife (WDFW)

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 21-24-092 on November 30, 2021 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject)

WAC 220-412-100 Landowner hunting permits.

WAC 220-415-020 2021-2023 Deer general seasons and definitions.

WAC 220-415-030 2021 Deer special permits.

WAC 220-415-040 Elk area descriptions.

WAC 220-415-050 2021-2023 Elk general seasons and definitions.

WAC 220-415-060 2021 Elk special permits.

WAC 220-415-070 2021 Moose seasons, permit quotas, and areas.

WAC 220-415-120 2021 Bighorn sheep seasons, permit quotas, and areas.

WAC 220-415-130 2021 Mountain goat seasons, permit quotas, and areas.

WAC 220-416-060 2021-2022 Migratory gamebird seasons and regulations.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
March 18, 2022	8:00 a.m.	Webinar	This meeting will take place by webinar. The public may participate in the meeting. Registration is required to testify at the public hearing. Registration deadlines and registration forms are available at http://wdfw.wa.gov/about/commission/meetings or contact the Commission office at (360) 902-2267.

Date of intended adoption: April 8, 2022 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Wildlife Program

Address: PO Box 43200, Olympia WA. 98504

Email: 2022HuntingSeason102@PublicInput.com

Fax: Voicemail Public Comment: 855-925-2801 project code 2331

Other: <https://publicinput.com/2022HuntingSeason102>

By (date) March 19, 2022

Assistance for persons with disabilities:

Contact Title VI/ADA Compliance Coordinator

Phone: 360-902-2349, TTY (711)

Fax:

TTY:

Email: Title6@dfw.wa.gov

Other: <https://wdfw.wa.gov/accessibility/requests-accommodation>

By (date) March 19, 2022

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

WAC 220-412-100 Landowner hunting permits.

The purpose of this proposal is to recommend for adoption slight changes to permit allocations and season dates for properties enrolled in the Landowner Hunting Permit Program. In addition, staff proposes wording changes to the WAC that addresses identified discrepancies between the WAC language and Commission Policy C-6002. Proposed changes will align and re-establish the language in the Commission Policy if adopted.

WAC 220-415-020 2021-2023 Deer general seasons and definitions.

The Department sets deer general seasons in accordance with the Department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012. Proposals for major changes to general seasons are considered at a three-year cycle (most recently completed in 2021). Minor proposed changes are considered on an annual basis or due to emerging needs. Proposed changes for 2022 include:

1. A change to black-tailed deer early archery 2022 general season dates is proposed to fix an error in the 2021-2023 season setting process that inadvertently lengthened the early archery season and created overlap with elk muzzleloader special permits in the same hunt areas. The change avoids season overlap and potential conflict among different weapon-type hunters in the same hunt area, minimal other effects are anticipated.
2. A change in the list of GMUs for western Washington black-tailed deer early muzzleloader season is proposed to fix a minor error (GMUs listed out of order). This change clarifies open GMUs and no effects are anticipated.
3. A change in the 2022 and 2023 late archery mule deer general season for GMUs 209, 215, 233, 243, 250 is proposed to fix an error in the 2021-2023 3-year season setting process which had inadvertently shortened the season without public input. This change is anticipated to restore season length and hunting opportunity to previous levels.

WAC 220-415-030 2022 Deer special permits.

The primary purpose of this proposal is to retain deer special permit opportunity in 2022 in accordance with the Department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012. Changes to deer special permit availability (i.e., permit dates, permit levels) are proposed to balance hunting opportunity among user groups with deer population status (i.e., increased hunting opportunities when populations allow, reduced opportunities when declining numbers warrant reduction), and to retain consistency in season timing (e.g., open/close day of week). Notable proposed changes include:

1. Reductions in permits in the antlerless, youth, 2nd deer, and hunter with disability categories are proposed to assist population recovery of white-tailed deer and mule deer. These changes are proposed in response to hemorrhagic disease outbreaks in eastern Washington during late summer of 2021, which reduced local population abundance. Reductions in Region 2 are also warranted due to concern over poor population productivity. Anticipated effects are a reduction in white-tailed deer and mule deer special permit hunting opportunity, in units/hunts where outbreaks occurred, to facilitate population rebound.
2. Reductions in permits in the quality and buck categories are proposed to balance hunter opportunity with population status (i.e., the number of bucks on the landscape) for white-tailed deer and mule deer. These changes are proposed in response to hemorrhagic disease outbreaks in eastern Washington during late summer of 2021, which reduced local population abundance. Anticipated effects are a reduction in white-tailed deer and mule deer special permit hunting opportunity in units/hunts where outbreaks occurred.
3. Moving Skokomish Quality deer permit opportunity to the Buck category; reductions in permit numbers in Buck, Antlerless, Senior, and Hunter with Disability categories in GMU 636 in response to harvest trends that indicate population decline in the unit. Anticipated effects are a reduced permit draw opportunity in GMU 636.
4. Reductions in Antlerless deer permits in North River (GMU 658), Minot Peak (GMU 660), Capitol Peak (GMU 663), and Williams Creek (GMU 673) and reductions in Youth, 65+ Senior, and Hunters with Disabilities permit levels for North River (GMU 658) and Capitol Peak (GMU 663) in response to harvest trends (i.e., total harvest, success, ratio of bucks to antlerless animals harvested) that indicate potential population decline, motivating conservative target harvest levels.

WAC 220-415-040 Elk area descriptions.

1. An elk area (3911) boundary change is proposed to exclude an area of non-agricultural land. Under the current boundary, elk in the unincorporated WDFW property are frequently pressured onto neighboring private property by hunting activity, occasionally creating conflict with landowners. Neighboring landowners have requested the change as they believe elk are being pressured onto private crop fields. A new boundary fence may be constructed in the near future in cooperation with the irrigation district. Anticipated effects are the reduction in neighboring private landowner conflict with elk, other effects are anticipated to be minimal.
2. An elk area (1054) is proposed in GMU 154. WDFW anticipates a better ability to mitigate elk damage in GMU 154 by concentrating hunting activity where damage is most prevalent, while preventing additional harvest of antlerless elk in other areas of GMU 154 where population growth is a priority.

WAC 220-415-050 2021-2023 Elk general seasons and definitions.

The Department sets elk general seasons in accordance with the Department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012. Proposals for major

changes to general seasons are considered at a three-year cycle (most recently completed in 2021). Minor proposed changes are considered on an annual basis or due to emerging needs. Proposed changes for 2022 include:

1. A change to the eastern Washington archery and muzzleloader general season open GMUs is proposed to exclude deer area 5382. This change is anticipated to eliminate overlap between elk general season hunters and deer special permit holders in deer area 5382, thereby maintaining hunt quality for deer special permit holders and minimizing potential conflict between elk general season hunters and deer special permit hunters. A minor reduction in open hunt area for general season elk hunters is anticipated (i.e., Deer Area 5382).

WAC 220-415-060 2022 Elk special permits.

The primary purpose of this proposal is to retain elk special permit opportunity in 2022 in accordance with the Department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012. Specific changes to elk special permit availability (i.e., permit dates, permit levels) are proposed to balance hunting opportunity among user groups against elk population status (i.e., increased hunting opportunities when populations allow, reduced opportunities when declining numbers warrant reduction), to retain consistency in season timing (e.g., open/close day of week), or to avoid overlap among big game special permits and general seasons (e.g., overlap of seasons with different legal weapon types). Notable proposed changes include:

1. Reduction in permit levels for Quality Elk permits in some of the Blue Mountains elk herd area (Blue Creek, Tucannon, Wenaha East, Mountain View, Peola) in response to reduced elk abundance in this population. Anticipated effects are a reduction in draw opportunity for the above hunts.
2. Elimination of the Mt. Adams 'quality' elk special permit hunt is proposed. This permit opportunity has declined in quality (i.e., hunter success, satisfaction) and has caused conflict among hunters of different weapon types due to overlapping deer general seasons. Anticipated effects are a reduction in quality draw opportunity (5 permits).
3. Elimination of the Carlton and West Goat Rocks special permit hunts is proposed. This permit opportunity has declined in quality (i.e., hunter success, satisfaction) and is sensitive to land closures (e.g., because of wildfire) because of the restricted hunt areas. The Department is proposing to offset the loss of Quality Elk opportunity in this area by increasing permit opportunity in the South Rainier and Packwood hunts, which offer more flexibility to an individual hunter in hunt area. Anticipated effects are a decreased Quality Bull permit opportunity (reduction in 10 permits), albeit offset by an increase in permit opportunity within the same area (i.e., South Rainier and Packwood hunts).
4. Increased permit levels for Skokomish Bull elk permits. Anticipated effects are an increase in Bull Elk permit opportunity.
5. Reduction of permit levels for Antlerless elk permits in the Mount St Helens elk herd area (Winston, Coweeman, Lewis River, Washougal, Siouxon, Wind River, West Klickitat) in response to population declines. Anticipated effects are a reduction in Antlerless elk permit opportunity.
6. Elimination of the Forks 65+ Senior antlerless elk special permit is proposed. The hunt is designed to address conflict elk, but the number of hunters has created crowding and associated landowner complaints. Anticipated effects are a reduction (by 10 permits) of 65+ Senior Antlerless elk special permit draw opportunity.
7. New "incentive" special permits are proposed that are associated with the Department's pilot program to incentivize the harvest of elk that display signs of treponeme-associated hoof disease. Anticipated effects are an additional permit opportunity (19 permits) for hunters that participated in the Department's Elk Hoof Disease Incentive program (<https://wdfw.wa.gov/species-habitats/diseases/elk-hoof/incentive-permits>).

WAC 220-415-070 2022 Moose seasons, permit quotas, and areas.

1. A change is proposed to exclude Parker Lake from hunt area 49 Degrees North. The excluded area is undergoing a large-scale timber harvest that will negatively impact hunt quality. The excluded area will likely be restored in the future. No substantial impact to harvest opportunity is anticipated.
2. A change to the hunt area of the Hangman and Cheney B hunts that expands the hunt area to include GMU 139 is proposed. Anticipated effects are expanded hunting opportunity while assisting the Department in addressing moose that occasionally cause conflict.

WAC 220-415-120 2022 Bighorn sheep seasons, permit quotas, and areas.

1. Changes to bighorn sheep permit availability (i.e., permit levels) are proposed to balance hunting opportunity with population status. Elimination of Selah Butte and Umtanum (Yakima bighorn herd) adult ewe, juvenile ram, and youth permits are proposed due to a recent outbreak of bighorn sheep pneumonia. Anticipated effects are a reduction in special permit hunting opportunity for bighorn sheep in the two hunt areas.
2. An adjustment of hunt dates is proposed that increase or maintain the number of open days for some hunts. The anticipated effect of this proposal is a maintenance or increase in hunt opportunity as measured by hunting days.
3. Modification of the hunt area for the Mountain View – Black Butte hunt is proposed to increase the hunt area to include GMUs 186 and portions of GMU 181. Anticipated effects are expanded hunting area for this permit, otherwise no effects are anticipated.

WAC 220-415-130 2022 Mountain goat seasons, permit quotas, and areas.

1. A one-permit reduction in mountain goat permit availability of the Goat Rocks East hunt is proposed to balance hunting opportunity with population status. The anticipated effect of this proposal is a minor reduction in mountain goat special permit opportunity.
2. Suspension of "conflict reduction special permits" are proposed. These permits are in association with a depopulation effort on the Olympic Peninsula. In summer 2022, aerial removal efforts will continue in the current hunt areas. As a result, few, if any, mountain goats are anticipated to remain in the hunt area and hunting opportunity will be poor quality. This change is anticipated to avoid poor hunt quality, at the expense of reduced mountain goat draw opportunity. Future permit opportunity may be reinstated after the aerial removal has concluded if mountain goats remain in accessible locations in the hunt area.

WAC 220-416-060 2021-2022 Migratory gamebird seasons and regulations.

Migratory game bird 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 migratory game bird seasons and regulations to provide recreational opportunity, control waterfowl damage, and conserve the migratory game bird resources of Washington.

The proposed changes, if adopted, will:

1. Adjust season dates relative to 2022-2023 calendar dates;
2. Maintain the "liberal regulatory alternative" as prescribed by the Western Mallard Adaptive Harvest Management Protocol for season length and bag-limit for ducks (107 days, up to 7 duck bag-limit, including no more than 2 female mallards);
3. Maintain one-pintail per day bag-limit and associated possession limit per the USFWS Northern Pintail Harvest Strategy;
4. Maintain two-scaup per day bag-limit and associated possession limits, while maintaining an 86-day season length per the optimal regulatory alternative described in AHM protocol;
5. Evaluate sea duck harvest estimates in relation to the most recent PSAMP aerial survey results for consistency with the WDFW sea duck management strategies of less than 5% of the winter index.
6. Decrease the Canada goose (including cackling geese) daily bag-limit in Goose Management Area 2-Coast and Goose Management Area 2-Inland to three Canada geese per day bag-limit and associated possession limits during the regular season;
7. The brant season in Skagit County will start closed as the most recent 3-year winter index has fallen below 3,000 brant;
8. Adjusts the nine-day band-tailed pigeon season dates to start and end on a weekend, and;
9. Clarifies that mandatory harvest reporting information must be recorded within the designated spaces provided on the harvest record card.

Reasons supporting proposal:

WAC 220-412-100 Landowner hunting permits.

The proposal, if adopted, would adjust the Landowner Hunting Permit WAC to reflect the new proposed permit allocations and season dates for the enrolled properties in the Landowner Hunting Permit Program. Date changes and permit allocations are proposed to allow opportunities where populations can handle increased recreational hunting. In addition, proposed adjustments to wording would align language between the WAC and Commission Policy C-6002. In reviewing the WAC and Policy language, staff realized that there were some discrepancies that could prompt confusion. The Landowner Hunting Permit Program is currently outlined in Commission Policy C-6002. Portions of the language in the current version of the WAC deviates from the language within the Commission Policy and may create confusion among the public and enrolled landowners. Aligning and re-establishing the language to be consistent with the Commission Policy should provide the necessary clarity and minimize the potential for confusion among the public and enrolled landowners.

WAC 220-415-020 2021-2023 Deer general seasons and definitions.

This proposal, if adopted, would provide clarity in the WAC to further the Department's mandate to provide sustainable recreational hunting opportunities. Date changes are proposed to avoid overlap of hunters of different species/weapon types, avoiding potential hunter dissatisfaction and conflict; or to restore season length to previous levels (i.e., levels set during the preceding 3-year cycle). Proposed changes to the GMU list for western Washington black-tailed deer early muzzleloader season is proposed to clarify open units, but no change in open units are proposed.

WAC 220-415-030 2021 Deer special permits.

This proposal, if adopted, would provide special permit deer hunting opportunities at levels that avoid overharvest to maintain sustainable general deer hunting season opportunities in 2022 and in the future. The proposal would help address deer agricultural damage problems and provides for deer population control when needed. Reductions in permit levels in Region 1 and Region 2 in the antlerless, youth, 2nd deer, and hunter with disability categories are proposed to assist population recovery of white-tailed deer and mule deer. These changes are proposed in response to hemorrhagic disease outbreaks in eastern Washington during late summer of 2021, which reduced local population abundance. Reductions in Region 2 are also warranted due to concern over poor population productivity. Reductions in Regions 1 and Region 2 Quality or Buck category permit levels are in response to the hemorrhagic disease outbreaks that occurred in late summer 2021, which

reduced deer abundance. Reductions are warranted to assist population recovery and to maintain hunt quality (e.g., success, satisfaction). Reductions in permit levels in GMU 636s, 658, 660, 663, and 673 are in response to harvest trends that indicate potential population decline, warranting conservative harvest levels. Inversely, permit increases are in response to harvest statistics that indicate populations that can sustain increased harvest levels or in an effort to address wildlife-landowner conflict issues.

WAC 220-415-040 Elk area descriptions.

The proposed boundary change to elk area 3911, if adopted, would allow for continued wildlife-conflict mitigation while addressing concerns from neighboring landowners. The proposed elk area 1054 would help address elk agricultural damage by concentrating harvest pressure where damage is most common, while avoiding harvest of antlerless elk in areas where population growth is desired.

WAC 220-415-050 2021-2023 Elk general seasons and definitions.

The proposed, if adopted, would eliminate overlap between elk general season hunters and deer special permit holders in deer area 5382, thereby maintaining hunt quality for deer special permit holders and minimizing potential conflict between elk general season hunters and deer special permit hunters.

WAC 220-415-060 2021 Elk special permits.

This proposal, if adopted, would provide special permit elk hunting opportunities at levels that avoid overharvest to maintain sustainable general elk hunting season opportunities in 2021 and in the future. The proposal would help address elk agricultural damage problems and provides for elk population control when needed. Reductions in permit levels in the Blue Mountains elk herd area (Blue Creek, Tucannon, Wenaha East, Mountain View, Peola) in the Quality and Antlerless categories are in response to reduced population abundance (population estimate was ~35% below objective in 2021). The proposed elimination of the Mt. Adams, Carlton, and West Goat Rocks 'quality' elk special permit hunt is in response to a decline in hunt quality and negative hunter feedback regarding hunt satisfaction. Reduction of permit levels for Antlerless elk permits in the Mount St Helens elk herd area (Winston, Coweeman, Lewis River, Washougal, Siouxon, Wind River, West Klickitat) are proposed because of a documented population decline in the last decade and conservative antlerless harvest is warranted until population surveys indicate increased abundance. The proposed elimination of the Forks 65+ Senior antlerless elk special permit is in an effort to mitigate hunter crowding and associated landowner complaints. The new "incentive" special permits are associated with the Department's pilot program to incentivize the harvest of elk that display signs of treponeme-associated hoof disease. This program is designed to reduce the prevalence of elk hoof disease in western Washington. The proposed 2022 incentive permits, if adopted, would be awarded via random draw to eligible hunters that participated in the program during the 2021 elk hunting seasons.

WAC 220-415-070 2021 Moose seasons, permit quotas, and areas.

In accordance with the Department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012, this proposal, if adopted, would provide special permit moose hunting opportunities at levels that avoid overharvest to maintain sustainable general moose hunting season opportunities in 2021 and in the future. Exclusion of Parker Lake from hunt area 49 Degrees North is due to a large-scale timber harvest operation, which will disturb moose from that area and could result in poor hunt quality for this once-in-a-lifetime hunt. An expanded hunt area in Hangman and Cheney B permit hunts is warranted due to a growing moose population in GMU 139 and a need to help address occasional human-moose conflict.

WAC 220-415-120 2021 Bighorn sheep seasons, permit quotas, and areas.

In accordance with the Department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012, this proposal, if adopted, would provide special permit bighorn hunting opportunities at levels that avoid overharvest to maintain sustainable general bighorn hunting season opportunities in 2021 and in the future. The proposed elimination of Selah Butte and Umtanum (Yakima bighorn herd) adult ewe, juvenile ram, and youth permits are due to a recent outbreak of bighorn sheep pneumonia. These permits were created in 2019 and modified in 2020 to assist in population reduction as part of a new novel effort to eliminate *Mycoplasma ovipneumoniae*, the pathogen that causes pneumonia. Unfortunately, an outbreak of pneumonia occurred in 2021 and management efforts must be put on hold until the impact of the outbreak are understood.

WAC 220-415-130 2021 Mountain goat seasons, permit quotas, and areas.

In accordance with the Department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012, this proposal, if adopted, would provide special permit mountain goat hunting opportunities at levels that avoid overharvest to maintain sustainable general mountain goat hunting season opportunities in 2021 and in the future. A reduction of the Goat Rocks East mountain goat permit hunt is warranted due to concerns of population decline. The "conflict reduction special permits" were originally created to assist a mountain goat depopulation effort on the Olympic Peninsula. In summer 2022, aerial removal efforts will continue in the current hunt areas and few, if any, mountain goats are anticipated to remain in the hunt area, resulting in poor quality hunting opportunity. Future permit opportunity may be reinstated after the aerial removal has concluded if mountain goats remain in accessible locations in the hunt area.

WAC 220-416-060 2021-2022 Migratory gamebird seasons and regulations.

Migratory gamebird season frameworks are established through ongoing interagency management programs involving U.S. Fish and Wildlife Service (USFWS) and flyway organizations, including input from Canada, Russia, and Mexico. Federal frameworks include maximum bag limits, season lengths, season timing, and other regulations. Pacific Flyway season frameworks follow harvest strategies and management plans that have been developed cooperatively by USFWS and the Pacific Flyway Council. All states adopt waterfowl seasons within federal frameworks, and in many cases, they are more restrictive to address regional conservation needs. Management agencies utilize Adaptive Harvest Management (AHM) to establish duck season frameworks. AHM relies on 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 managed separately from the eastern flyways, as part of the models developed for western mallard AHM. Western mallard AHM uses results from breeding surveys and other information from western areas rather than from the Canadian prairies, recognizing differences in Pacific Flyway breeding areas. The season packages proposed for western mallard AHM are the same as developed under mid-continent mallard AHM (liberal, moderate, and restrictive), although different models are used to prescribe annual packages. No surveys of the breeding waterfowl were conducted due to COVID-19 and travel restrictions, however assessments of duck populations based on the most recent trends recommended status quo in season dates and bag-limit structure to those offered during the 2021-22 migratory gamebird seasons. Northern pintail status remained below population objective, maintaining a daily bag limit of one pintail per the USFWS Northern Pintail Harvest Strategy. Additionally, based on the most recent scaup status, the optimal regulatory alternative described in AHM protocol, requires a restrictive regulatory alternative, maintaining the daily bag limit to two scaup per day, but maintains the 86-day season length. Since June 2013, prescriptive guidelines inform sea duck harvest strategies with harvest rate targets of less than 5% or less of the winter index as measured by aerial surveys (PSAMP) conducted by WDFW. Updated information from this aerial survey will be available in late-February for current assessment of harvest rates. The Pacific Flyway Council's management plan for cackling goose (*Branta hutchinsii minima*) directs impacted states to implement regulatory actions to regain the population objective, when the 3-year average population index falls below 225,000 geese. The most recent 3-year average for this population is 206,763 prompting Washington, Oregon and Alaska to recommend reduced bag limits in high harvest regions of the Pacific Flyway to regain the objective. In Washington, Goose Management Area 2-Coast and Goose Management Area 2-Inland account for the highest harvest of cackling goose (*B. h. minima*). The mandatory harvest report cards provide improved estimates of total harvest for species and harvest effort in discrete or limited zones of Washington, where traditional methods are not capable of producing reliable or precise estimates of harvest. Harvest record cards are designed to improve how harvest reporting information is recorded and for the enforcement of the harvest restrictions in these specific cases. Specifying harvest must be recorded in the designated spaces on the card clarifies intent and reduces potential confusion by users.

Statutory authority for adoption: RCWs 77.04.012, 77.04.055, 77.12.047, and 77.12.240

Statute being implemented: RCWs 77.04.012, 77.04.055, 77.12.047, and 77.12.240

Is rule necessary because of a:

- Federal Law? Yes No
- Federal Court Decision? Yes No
- State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None.

Name of proponent: (person or organization) Washington Department of Fish and Wildlife Private Public Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Eric Gardner	1111 Washington St. SE Olympia, WA. 98501	360-902-2515
Implementation:	Eric Gardner	1111 Washington St. SE Olympia, WA. 98501	360-902-2515

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

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:
- TTY:
- Email:
- Other:

No: Please explain: This proposal does not require a cost benefit analysis under RCW 34.05.328.

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(4).

Explanation of exemptions, if necessary: Proposed rule does not affect small businesses.

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Date: February 1, 2022

Name: Annie Szvetecz

Title: Agency Rule Coordinator

Signature:

