

**5. LANDOWNER HUNTING PERMITS – RULE BRIEFING AND PUBLIC HEARING**

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## “GREEN SHEET”

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**Meeting:** March 9-10, 2012

**Agenda Item 5:** Landowner Hunting Permits– **Rule Briefing and Public Hearing**

**Prepared By:** Dave Ware

**Presented By:** Dave Ware, Game Division Manager, Wildlife Program  
Kevin Robinette, Region One Program Manager, Wildlife Program

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### **Background:**

The Landowner Hunting Permit (LHP) program, WAC 232-28-296, is primarily designed to increase hunter access to private lands. The program is also used to help address chronic deer and elk damage issues. When the Commission’s Hunter Access Policy C6002 was developed, the intent was to create several options and incentives for landowners to allow recreational access to the public. The LHP program was specifically designed to allow landowners to directly recover the cost of providing public access rather than having the Department function as an intermediary. The guidelines in place allow for customized seasons and a split of permits (hunting opportunity) between the landowner and the public (through the Department).

The Department recommends adding two new LHP cooperators in 2012: one in Walla Walla County – ZMI Ranch, and another in Spokane County - Columbia Plateau Wildlife Management Association (CPWMA). The ZMI Ranch offers hunting opportunities for white-tailed deer and mule deer, and the CPWMA is a consortium of landowners and managers who offer elk hunting opportunity adjacent to the Turnbull Refuge.

### ZMI Ranch LHP

Landowner Permits: two antlerless deer permits and six buck permits (three point minimum). ZMI Ranch plans to charge an access fee for these permits.

Special Hunt Permits: two antlerless deer permits and two buck permits (three 3 point minimum). These permits will be offered through the Department’s special permit drawing and will not require an access fee.

### CPWMA LHP

Landowner Permits: 15 antlerless elk permits and two bull permits will be raffled by the managers and no additional access fees will be charged.

Special Hunt Permits: 15 antlerless elk permits and one bull permit will be offered through the Department’s special permit drawing and will not be subject to an access fee.

There are additional adjustments to permit levels and opportunity with existing cooperators at their request. The opportunity shared between the landowner and the public (through WDFW) for deer and elk hunting opportunity is within the guidelines established in Commission Policy C6002.

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

- Adding new landowners and cooperators who fit within the Commission's policy.
  - Modifying permit and harvest levels consistent with Department objectives and landowner desires.
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**Public involvement process used and what you learned:**

Several individuals commented on the CPWMA LHP during the Selkirk Elk Herd Plan public meeting in Spokane. Their concerns were not directly related to the merits of the LHP, but were more related to the loss of late general elk season opportunity for Master Hunters.

The Department conducted an extensive public involvement process to develop the 2012-2014 hunting season recommendations. In early August, an email was sent to over 50,000 hunters announcing that the Department was beginning the development of the 2012-2014 hunting season package. The email also informed them of the opportunity to provide their comments via an online issue scoping survey and invited them to attend one of the public meetings being held statewide. Six public meetings were held with approximately 150 people in attendance, and nearly 4,000 responses were received on the scoping survey. In February, a postcard was mailed to approximately 600 organizations and individuals informing them of the opportunity to provide comments on the proposed regulations. These organizations and individuals were also informed of the opportunity to provide public testimony at the March Commission Meeting in Moses Lake.

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

Take public comment. Adoption is planned for the April 13-14, 2012 Commission Meeting.

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**Draft motion language:**

NA

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**Justification for Commission action:**

These changes meet the approved criteria established by OFM as a result of the Governor's Executive Order 11-03 Extending Executive Order 10-06 Suspending Non-critical Rule Development and Adoption by satisfying the following condition:

- Beneficial to or requested or supported by the regulated entities, local governments, or small businesses that it affects.
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**Communications plan:**

WDFW Website  
News Releases  
Hunting Pamphlet

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NEW SECTION

**WAC 232-28-296 Landowner hunting permits.** A landowner may enter into a contract with the department and establish boundaries and other requirements for hunter access consistent with commission policy.

It is unlawful for hunters to participate in landowner-permit hunts unless the hunters possess both an access permit from the landowner and a hunting permit from the department for the species covered under landowner's contract. A violation of this section is punishable under RCW 77.15.410.

(1) **Buckrun**

Buckrun is located in Grant County, near the town of Wilson Creek. 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 on hunt day. Hunts will be scheduled on a first come basis by calling 509-345-2577 in advance.

**Deer**

**Buckrun Landowner Hunting Permits**

The manager of Buckrun will distribute these hunting permits. An  
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access fee may be charged in order to utilize these permits. No access fee will be charged for the raffle permit winners. Only hunters possessing a modern firearm deer tag are eligible for permits on Buckrun properties. Contact the manager at 509-345-2577 for additional information.

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. 26 - Dec. 31	Any deer	Buckrun

## Deer

### Buckrun Special Hunting Permits

Hunters apply to the Washington department of fish and wildlife for these permits. Only hunters possessing a modern firearm deer tag are eligible for Buckrun special permits. All hunters must check in and out. Schedule hunts in advance by calling 509-345-2577.

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Buckrun	10	Sept. 1 - Dec. 31	Antlerless Mule Deer or any White-tailed Deer	Buckrun

### (2) Silver Dollar Association

The Silver Dollar Association is located in Yakima and Benton counties, on the western edge of the Hanford Reservation. A legal description of the property is in the contract between the Silver Dollar Association and the department.

### Silver Dollar Association Landowner Hunting Permits

The manager of the Silver Dollar Association will distribute these hunting permits. An access fee may be charged in order to utilize these permits.

**Elk**

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

**Silver Dollar Special Hunting Permits**

Hunters apply to the Washington department of fish and wildlife for these permits. The landowners have requested changing the application criteria to eastside elk tags only.

**Elk**

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

**(3) Blackrock Ranches**

Blackrock Ranches is located in Yakima County, west of the Hanford Reservation. A legal description of the property is in the contract between Blackrock Ranches and the department.

**Blackrock Ranches Landowner Hunting Permits**

The manager of Blackrock Ranches will distribute these hunting permits. An access fee may be charged in order to utilize these permits.

**Elk**

<b>Hunt Name</b>	<b>Quota</b>	<b>Access Season</b>	<b>Special Restrictions</b>	<b>Boundary Description</b>
Blackrock Ranches	6	Aug. 1 - March 31	Any Elk	Blackrock Ranches
Blackrock Ranches	<u>42</u>	Aug. 1 - March 31	Antlerless	Blackrock Ranches

**Blackrock Ranches Special Hunting Permits**

Hunters apply to the Washington department of fish and wildlife for these permits. The landowners have requested changing the application criteria to eastside elk tags only.

**Elk**

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Blackrock Ranches	1	Aug. 1 - March 31	Any Elk	Blackrock Ranches
Blackrock Ranches	<u>21</u>	Aug. 1 - March 31	Antlerless Only	Blackrock Ranches
Blackrock Ranches	1	Aug. 1 - March 31	Youth Only, Any Elk	Blackrock Ranches
Blackrock Ranches	<u>21</u>	Aug. 1 - March 31	Youth Only, Antlerless Only	Blackrock Ranches

(4) **Pine Mountain Ranch**

The Pine Mountain Ranch is located in Yakima County, 14 miles west of Yakima. A legal description of the property is in the contract between the Pine Mountain Ranch and the department.

**Pine Mountain Ranch Landowner Hunting Permits**

The manager of the Pine Mountain Ranch will distribute these hunting permits. An access fee may be charged in order to utilize these permits.

**Deer**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Pine Mountain Ranch	2	Nov. 5 - Dec. 31	Any Buck	Pine Mountain Ranch

**Elk**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Pine Mountain Ranch	1	Nov. 5 - Dec. 31	Any Bull	Pine Mountain Ranch
Pine Mountain Ranch	2	August 1 - Nov. 4	Antlerless	Pine Mountain Ranch

**Pine Mountain Ranch Special Hunting Permits**

Hunters apply to Washington department of fish and wildlife for these permits.

**Deer**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Pine Mountain Ranch	2	Nov. <u>2-5</u> - Dec. 31	Youth Only, Any Buck	Pine Mountain Ranch

**Elk**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Pine Mountain Ranch	1	Nov. <u>2-5</u> - Dec. 31	Youth Only, Any Bull	Pine Mountain Ranch
Pine Mountain Ranch	2	Aug. 1 - Nov. 4	Antlerless	Pine Mountain Ranch

(5) **Grande Ronde Vista**

The Grande Ronde Vista is located in Asotin County (GMU 172), south of Asotin. A legal description of the property is in the contract between the Grande Ronde Vista and the department.

**Grande Ronde Vista Landowner Hunting Permits**

The manager of the Grande Ronde Vista will distribute these hunting permits. An access fee may be charged in order to utilize these permits.

**Deer**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Grande Ronde Vista A	4	Oct. 13-16	Mule Deer, 3 pt. min	Grande Ronde Vista
Grande Ronde Vista	2	Nov. 12-16	Mule Deer, 3 pt. min	Grande Ronde Vista
Grande Ronde Vista East B	1	Nov. 16-19	White-tailed, 3 pt. min	Grande Ronde Vista

**Elk**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
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Grande Ronde Vista A	2	Sept. 17-21	Any Bull	Grande Ronde Vista
Grande Ronde Vista B	1	Oct. 22-25	Any Bull	Grande Ronde Vista
Grande Ronde Vista C	1	Nov. 5-8	Any Bull	Grande Ronde Vista
Grande Ronde Vista D	4	Oct. 27-30	Spike Only	Grande Ronde Vista
Grande Ronde Vista E	8	Sept. 27-30	Antlerless Only	Grande Ronde Vista
Grande Ronde Vista F	2	Oct. 27-30	Antlerless Only	Grande Ronde Vista
Grande Ronde Vista G	6	Nov. 22-25	Antlerless Only	Grande Ronde Vista
Grande Ronde Vista H				

### Grande Ronde Vista Special Hunting Permits

Hunters apply to Washington department of fish and wildlife for these permits. Hunters need an Eastside Elk tag to apply for the elk permits.

#### Deer

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Grande Ronde Vista A	1	Oct. 17-21	Mule Deer, 3 pt. min	Grande Ronde Vista
Grande Ronde Vista B	1	Nov. 17-21	Mule Deer, 3 pt. min	Grande Ronde Vista
Grande Ronde Vista C	1	Nov. 26 - Dec. 2	Whitetail, 3 pt. min	Grande Ronde Vista

#### Elk

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Grande Ronde Vista A	2	Sept. 22-26	Any Bull	Grande Ronde Vista
Grande Ronde Vista B	1	Nov. 9-12	Any Bull	Grande Ronde Vista
Grande Ronde Vista C	1	Oct. 31 - Nov. 4	Spike Only	Grande Ronde Vista
Grande Ronde Vista D	4	Oct. 5-8	Antlerless Only	Grande Ronde Vista
Grande Ronde Vista E	2	Oct. 31 - Nov. 4	Antlerless Only	Grande Ronde Vista
Grande Ronde Vista F	2	Nov. 29 - Dec. 2	Antlerless Only	Grande Ronde Vista

(6) ZMI Ranch

ZMI Ranch is located in northern Walla Walla County near Lyons Ferry (GMU 149).

## Deer

### ZMI Landowner Hunting Permits

The manager of ZMI Ranch will distribute these hunting permits. An access fee may be charged in order to utilize these permits.

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
ZMI A	2	Oct. 22-28	Antlerless, Mule Deer or White-tailed Deer	ZMI
ZMI B	2	Oct. 22-28	3 pt. min	ZMI
ZMI C	4	Nov. 17 - Dec. 9	3 pt. min	ZMI

## Deer

### ZMI Special Hunting Permits

Hunters apply to the Washington department of fish and wildlife for these permits. Only hunters possessing a modern firearm deer tag are eligible for ZMI special permits. All hunters must check in and out and have them provided a scheduled time by the manager.

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
ZMI A	2	Oct. 8-12	Antlerless, Mule Deer or White-tailed Deer	ZMI
ZMI B	2	Nov. 2-5	3 pt. min	ZMI

### (7) Columbia Plateau Wildlife Management Association

The Columbia Plateau Wildlife Management Association (CPWMA) LHP is located in Spokane County (GMU 130), near Turnbull National Wildlife Refuge. Hunting is primarily a damage hunt but managed for a quality experience by keeping the number of hunters in the field low. A legal description of the property is in the contract between the CPWMA and the department.

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**Columbia Plateau Wildlife Management Association Landowner Hunting Permits**

The manager of the CPWMA will distribute these hunting permits. No access fee will be charged for the raffle permit winners. Only hunters possessing an elk tag are eligible for permits on CPWMA properties. All successfully drawn permit applicants must have written authorization from the CPWMA manager and must check in and out at the beginning and ending of the scheduled dates. Successful applicants will receive a packet of required information with forms to fill out and a map showing the hunt area. Information must be filled out and returned prior to Sept 30. Applicants may contact the hunt manager at ~~509-235-8526~~ 509-263-4616.

**Elk**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
CPWMA	2	<del>Dec. 9 - Feb. 28</del> <u>Jan 1-Mar 31</u>	Antlerless	CPWMA
CPWMA Raffle 1	<u>32</u>	<del>Dec. 9-31</del> <u>Jan 1-15</u>	Antlerless	CPWMA
CPWMA Raffle 2	<u>32</u>	Jan. <del>1-16</del> <u>1-31</u>	Antlerless	CPWMA
CPWMA Raffle 3	<u>23</u>	<del>Jan. 17-31</del> <u>Feb 1-14</u>	Antlerless	CPWMA
CPWMA Raffle 4	2	Feb. <del>1-14</del> <u>15-28</u>	Antlerless	CPWMA
CPWMA Raffle 5	<u>32</u>	<del>Feb. 15-28</del> <u>Mar 1-15</u>	Antlerless	CPWMA
CPWMA Raffle 6	<u>42</u>	<del>Dec. 9-31</del> <u>Mar 16-31</u>	<del>Any bull</del> <u>Antlerless</u>	CPWMA
CPWMA Raffle 7	<u>42</u>	Jan. 1-31	Any bull	CPWMA

**Columbia Plateau Wildlife Management Association Special Hunting Permits**

Hunters apply to the Washington department of fish and wildlife for these permits. All successfully drawn permit applicants must have written authorization from the CPWMA manager and must check in and out at the beginning and ending of the scheduled dates. Successful

applicants will receive a packet of required information with forms to fill out and a map showing the hunt area. Information must be filled out and returned prior to Sept 30. Applicants may contact the hunt manager at ~~509-235-8526~~509-263-4616.

<b>Hunt Name</b>	<b>Quota</b>	<b>Access Season</b>	<b>Special Restrictions</b>	<b>Boundary Description</b>
CPWMA 1	<u>53</u>	<del>Dec. 9-31</del> <u>Jan 1-15</u>	Antlerless	CPWMA
CPWMA 2	2	Jan. <del>1-16</del> <u>1-31</u>	Antlerless	CPWMA
CPWMA 3	3	<del>Jan. 17-31</del> <u>Feb 1-14</u>	Antlerless	CPWMA
CPWMA 4	2	Feb. <del>1-14</del> <u>15-28</u>	Antlerless	CPWMA
CPWMA 5	3	<del>Feb. 15-28</del> <u>Mar 1-15</u>	Antlerless	CPWMA
CPWMA 6	<u>42</u>	<del>Jan. 1-31</del> <u>Mar 16-31</u>	<del>Any bull</del> <u>Antlerless</u>	CPWMA
<u>CPWMA 7</u>	<u>1</u>	<u>Jan 1-31</u>	<u>Any Bull</u>	<u>CPWMA</u>

[ ]

**WAC 232-28-296 Landowner hunting permits.**

**RECOMMENDED ADJUSTMENTS**

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

**Page 4**

- Change the number of antlerless elk permits that the Blackrock Ranches LHP provides from 4 to 2. The landowner requested this change based on their management needs and ability to accommodate the hunters.
- Change the number of permits that WDFW draws for the Blackrock Ranches LHP for antlerless elk from 2 to 1 in two locations in the table. The landowner requested this change based on their management needs and ability to accommodate the hunters.

**Page 5**

- Change the November start dates for the Pine Mountain Ranch LHP for deer and elk from November 2 to November 5 in two locations in the table. This corrects a previous error.

**Page 8**

- Change the number of permits and season dates for the Columbia Plateau Wildlife Management Association LHP for elk to:

<b>Hunt Name</b>	<b>Quota</b>	<b>Access Season</b>	<b>Special Restrictions</b>	<b>Boundary Description</b>
CPWMA	2	Jan 1-Mar 31	Antlerless	CPWMA
CPWMA Raffle 1	2	Jan 1-15	Antlerless	CPWMA
CPWMA Raffle 2	2	Jan. 16-31	Antlerless	CPWMA
CPWMA Raffle 3	3	Feb 1-14	Antlerless	CPWMA
CPWMA Raffle 4	2	Feb. 15-28	Antlerless	CPWMA
CPWMA Raffle 5	2	Mar 1-15	Antlerless	CPWMA

CPWMA Raffle 6	2	Mar 16-31	Antlerless	CPWMA
CPWMA Raffle 7	2	Jan. 1-31	Any bull	CPWMA

The landowner requested these changes based on WDFW’s recommended reinstatement of the December Master Hunter hunt in this area; their management needs; and ability to accommodate the LHP hunters.

- The landowner’s phone number has also changed. This change reflects the new contact number.

**Page 9**

- Change the number of permits and season dates for the Columbia Plateau Wildlife Management Association LHP for elk to:

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
CPWMA 1	3	Jan 1-15	Antlerless	CPWMA
CPWMA 2	2	Jan. 16-31	Antlerless	CPWMA
CPWMA 3	3	Feb 1-14	Antlerless	CPWMA
CPWMA 4	2	Feb. 15-28	Antlerless	CPWMA
CPWMA 5	3	Mar 1-15	Antlerless	CPWMA
CPWMA 6	2	Mar 16-31	Antlerless	CPWMA
CPWMA 7	1	Jan 1-31	Any Bull	CPWMA

The landowner requested these changes based on WDFW’s recommended reinstatement of the December Master Hunter hunt in this area, their management needs, and ability to accommodate the LHP hunters.

- The landowner’s phone number has also changed. This change reflects the new contact number.

SUMMARY OF WRITTEN PUBLIC INPUT

WAC 232-28-296 “Landowner Hunting Permits”

COMMENTS	AGENCY RESPONSE
<p>The Columbia Plateau Wildlife Management Association’s a reputable non-profit organization, and our proposal for an LHP is to provide access for hunters to private property in the area around Cheney, Washington, while helping property owners’ manage hunter access and mitigate wildlife damage to their property. This will also help coordinate the harvest of elk in the area around the Turnbull Refuge. We will not charge an access fee during the general seasons or for those who draw a permit from the Department or win our raffles. (Two property owners also wrote in support of the LHP).</p>	<p>Thank you for your comments. The Commission developed a policy for private lands access that included the Landowner Hunting Permit program. As long as your organization fits the criteria for inclusion, then you are eligible for the hunts. The recommendation for your proposal is included in the Department’s proposals.</p>
<p>Auctions or raffles of elk permits to the highest bidder should not be allowed. I do not support the LHP near Turnbull. It should not have resulted in the loss of the December Master Hunter general season hunt.</p>	<p>The LHP program has been established and adopted by the Fish and Wildlife Commission to promote hunter access. As long as the proponents meet the Commission’s guidelines then they can be considered for inclusion in the program. While associated by geographic area and elk management issues, this LHP proposal is not connected with the Department’s recommendations for Master Hunter hunts.</p>

REPEALER

The following sections of the Washington Administrative Code are repealed:

- |                |   |
|----------------|---|
| WAC 232-28-272 | 2009 Black bear and 2009-2010, 2010-2011, and 2011-2012 Cougar hunting seasons and regulations. |
| WAC 232-28-287 | 2009-2010, 2010-2011, and 2011-2012 Cougar permit seasons and regulations.                      |
| WAC 232-28-295 | Landowner hunting permits.  |
| WAC 232-28-351 | 2009-2011 Deer general seasons and definitions.   |
| WAC 232-28-352 | 2009-2011 Elk general seasons and definitions.  |
| WAC 232-28-355 | 2011 Deer special permits.  |
| WAC 232-28-356 | 2011 Elk special permits.   |





# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)  
Do NOT use for expedited rule making

Agency: Department of Fish and Wildlife

- Preproposal Statement of Inquiry was filed as WSR 11-24-102 on 12-07-11 ; or
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR \_\_\_\_\_

Title of rule and other identifying information: (Describe Subject)  
Hunting Seasons and Regulations – See Attachment A

Hearing location(s):  
Moses Lake City Hall  
321 S. Balsam  
Moses Lake, WA 98837  
(509) 764-3701

Date: March 9-10, 2012 Time: 8:30 a.m.

Date of intended adoption: April 13-14, 2012  
(Note: This is NOT the effective date)

**Submit written comments to:**

Name: Wildlife Program Commission Meeting Public Comments  
Address: 600 Capitol Way North, Olympia WA 98501-1091  
e-mail [Wildthing@dfw.wa.gov](mailto:Wildthing@dfw.wa.gov)  
fax (360) 902-2162

By: Tuesday, February 21, 2012

**Assistance for persons with disabilities:**

Contact: Tami Lininger by March 5, 2012

TTY (800) 833-6388 or (360) 902-2267

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

See Attachment A

**Reasons supporting proposal:**

See Attachment A

Statutory authority for adoption: 77.12.047

Statute being implemented: 77.12.047

**Is rule necessary because of a:**

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

If yes, CITATION:  
CFR Part 20.21

DATE  
February 1, 2012

NAME  
Lori Preuss

SIGNATURE  
*Lori Preuss*

TITLE  
Rules Coordinator

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: February 01, 2012  
TIME: 11:43 AM

WSR 12-04-098

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

None

**Name of proponent:** (person or organization)

Washington Fish and Wildlife Commission

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Nate Pamplin	Natural Resources Building, Olympia	(306) 902-2693
Implementation....Nate Pamplin	Natural Resources Building, Olympia	(360) 902-2693
Enforcement.....Bruce Bjork	Natural Resources Building, Olympia	(360) 902-2373

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.  
These rules do not directly regulate small business.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No: Please explain: Not hydraulics rules.

# **ATTACHMENT A**

## **WAC 232-12-047 Unlawful methods for hunting.**

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** This proposed amendment is intended to further the discussion on what should be allowed for crossbow use during modern firearm seasons.

**Reasons supporting proposal:** This proposal facilitates public discussion of new technologies and consideration of acceptable fair chase and ethical standards for hunting.

## **WAC 232-12-054 Archery requirements - Archery special use permits.**

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** This proposed amendment is intended to further the discussion on allowing illuminated nocks for archery equipment.

**Reasons supporting proposal:** This proposal facilitates public discussion of new technologies and consideration of acceptable fair chase and ethical standards for hunting.

## **WAC 232-12-063 Hunting at night – regulations – penalties.**

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** This proposal would clarify how a hunter can hunt small game and unclassified wildlife at night and would complement existing night hunting rules.

**Reasons supporting proposal:** The proposal would provide greater certainty for officers in determining whether a hunter is lawfully hunting at night.

## **WAC 232-12-243 Public safety cougar removals.**

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of the proposed WAC amendment is to identify when public safety cougar removals are warranted for the protection of public safety and private property. The proposed WAC changes remove the use of “cougar sighting events” or “nuisance behavior” to trigger a public safety cougar removal. The proposed WAC also renames the program from “cougar management removal” to “public safety cougar removal.”

**Reasons supporting proposal:** This proposal better aligns the WAC language and actions with the terms used in the RCW authority.

## **WAC 232-12-257 Use of decoys and calls.**

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** This proposed amendment is intended to further the discussion on the use of electronic technology for waterfowl hunting.

**Reasons supporting proposal:** This proposal facilitates public discussion of new technologies and consideration of acceptable fair chase and ethical standards for hunting.

## **WAC 232-12-264 Baiting of game birds – Unlawful.**

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** This proposed amendment is intended to clarify the existing rule on baiting of game birds, and align the rule with current federal regulations on baiting of migratory game birds.

**Reasons supporting proposal:** This amendment was requested by the Washington Fish and Wildlife Commission, subsequent to a Commission presentation in September 2009, to facilitate consistent enforcement of state and federal baiting rules by the Department and U.S. Fish and Wildlife Service.

**WAC 232-28-273 2012-2014 Moose, bighorn sheep, and mountain goat seasons and permit quotas.**

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The proposed WAC changes amend seasons for moose, bighorn sheep, and mountain goat. Winter surveys indicate moose populations are stable. The Department recommends minor permit level adjustments based on recent survey results. The Department also recommends redefining Mt. Spokane moose hunts in GMU 124 into two moose areas, Mt. Spokane North and Mt. Spokane South, and increasing permit levels slightly in those areas to control population levels. Based on the recommendation, statewide permit levels would change from 140 to 152. The anticipated effect is stable moose populations in core areas with more control on moose population growth in areas surrounding Spokane. Hunter opportunity will increase slightly.

All bighorn sheep populations that we are currently hunting either meet or exceed total population objectives. However the number of adult rams fluctuates and we are recommending reductions in ram harvest for several units consistent with the population thresholds in the Game Management Plan (2008). Based on the recommendation, statewide permit levels would change from 41 to 31. The anticipated effect is stable bighorn sheep populations in all hunted areas. Hunter opportunity will decrease slightly.

Mountain goat populations are managed for stable-to-increasing populations in all hunted areas. Changes in permit levels are based on annual survey counts and tend to be conservative, given the sensitivity of goats to overharvesting. The Department recommends status quo delegated authority for existing hunt area permit levels, plus the addition of two hunt areas each with 1 permit. Under that authority the Department will be rotating and reducing hunting pressure in the goat units surrounding Mt. Baker, based on recent survey results. With the delegated authority, statewide permit levels would change from 15 to 17. The anticipated effect is stable mountain goat populations in all hunted areas. Hunter opportunity will increase slightly.

**Reasons supporting proposal:** This proposal incorporates permit level changes based on the population thresholds and criteria in the Game Management Plan (2008).

**WAC 232-28-286 2013, 2014, and 2015 Spring black bear seasons and regulations.**

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The proposed rule amendments establish the 2013, 2014, and 2015 spring black bear seasons. The purpose is to: 1) reduce tree damage by bears in western Washington; 2) disperse harvest geographically and reduce female harvest in southeastern Washington; and 3) reduce nuisance and damage activity in northeastern Washington, while maintaining long-term sustainable populations in each Black Bear Management Unit (BBMU) --except Puget Sound and Columbia Basin BBMUs. The anticipated effects of the rule are continued recreational harvest opportunities similar to 2009-2011 levels and long-term sustainable bear populations.

**Reasons supporting proposal:** Spring bear opportunity is provided to address management needs rather than solely for the purpose of providing recreational opportunity. This is due to the public's sensitivity to hunting bears while adult females are accompanied by the young of the year. The Department did not receive any requests for additional spring bear harvest to address the management needs listed above, except for additional bear harvest in northeastern Washington to address nuisance bear issues. Based on the population thresholds outlined in the Game Management Plan, hunting may be impacting the bear population in northeastern Washington; that is, the "median age of harvested females" indicator suggests bear harvest may be impacting the regional bear population. As such, any additional spring bear harvest in the area would require equivalent reductions to fall bear harvest to offset any additional population impacts. During the scoping phase of this WAC, survey data indicated

respondents preferred status quo spring seasons rather than adding harvest opportunity in the spring coupled with reductions in the fall season.

**WAC 232-28-288 2012-2014 Fall black bear hunting seasons and regulations.**

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The proposed rule establishes the 2012, 2013, and 2014 fall black bear seasons. The purpose is to provide recreational harvest opportunities for black bear, while maintaining long-term sustainable populations in each BBMU --except Puget Sound and Columbia Basin BBMUs. The anticipated effects of the rule are to maintain recreational harvest trends similar to 2009-2011 levels. The anticipated effect to the bear population is a long-term sustainable bear populations statewide.

**Reasons supporting proposal:** The parameters used as population indicators by the Department to evaluate the impacts of hunting on the bear populations are either stable or trending in the right direction. Therefore, no significant changes are recommended at this time.

**WAC 232-28-296 Landowner hunting permits.**

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of this proposal is to expand the number of special hunting opportunities available on private lands for hunters. The recommended changes would add two additional cooperators in eastern Washington.

**Reasons supporting proposal:** The Fish and Wildlife Commission developed a policy to expand the private lands available for hunting to the general public several years ago. One of the programs that was authorized under their authority is the Landowner Hunting Permit program. This program encourages landowners to provide opportunity to the general hunter in exchange for customized hunting seasons and the ability to generate funding to offset the cost of providing public access.

**WAC 232-28-297 2012-2013, 2013-2014, and 2014-2015 Cougar hunting seasons and regulations.**

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of the proposal is to establish the 2012-2013, 2013-2014, and 2014-2015 cougar hunting seasons. The proposal establishes hunt areas and associated harvest guidelines for the entire state (except Columbia Basin and Puget Sound Cougar Management Units). The harvest guideline represents a sustainable 12-16 percent harvest rate for each hunt area. The anticipated effects to the cougar population are to maintain a stable population and to maintain an adequate age structure for cougar populations equally distributed across the state.

**Reasons supporting proposal:** Recently published studies suggest that a 12-16 percent harvest rate of a local cougar population is the maximum harvest rate that still has a high probability for maintaining a stable cougar population along with stable adult male territorial behavior. Harvest rates in excess of 16 percent can result in declines in core populations of breeding females, and excessive male harvest rates result in the loss of adult male territorial behavioral, which acts as a regulatory mechanism for local male cougar numbers.

**WAC 232-28-337 Deer and elk area descriptions.**

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The proposed language eliminates one elk area and creates three new deer areas. Deer and elk areas help direct hunters when a scale smaller than the Game Management Unit (GMU) is needed. Deer and elk areas help staff deal with wildlife damage problems.

**Reasons supporting proposal:** The proposed language allows the Commission to distribute hunters more favorably during quality hunts. Proposed language also helps delineate when state authorized deer

hunting is and is not allowed at a smaller scale within the GMU. Proposed language eliminates an elk area that is associated with a special permit elk hunt that is no longer being conducted.

**WAC 232-28-342 2012-13, 2013-14, 2014-15 Small game seasons.**

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** This amendment proposes calendar date adjustments to most small game seasons, expands the wild turkey season in eastern Washington, reinstates the September Canada goose season in eastern Washington, and shifts the crow season one month earlier.

**Reasons supporting proposal:** This proposal provides for the continuation of hunting seasons on small game species to provide recreational opportunity and depredation control.

**WAC 232-28-357 2012-2014 Deer general seasons and definitions.**

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of this proposal is to retain general season deer hunting opportunity, balance the hunting opportunity between user groups, increase opportunity when deer populations allow, and reduce opportunity when declining deer numbers warrant a change. The proposal would repeal the old deer general seasons for 2009-2011 and adopt the new deer seasons for 2012-2014.

**Reasons supporting proposal:** This proposal provides recreational deer hunting opportunity and protects deer from overharvest. The proposal would maintain sustainable general deer hunting season opportunities for 2012 through 2014. The proposal helps address deer damage problems and provides for deer population control when needed.

**WAC 232-28-358 2012-2014 Elk general seasons and definitions.**

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of this proposal is to retain general season elk hunting opportunity, balance the hunting opportunity between user groups, increase opportunity when elk populations allow, and reduce opportunity when declining elk numbers warrant a change. The proposal would repeal the old elk general seasons for 2009-2011 and adopt the new elk seasons for 2012-2014.

**Reasons supporting proposal:** This proposal provides recreational elk hunting opportunity and protects elk from overharvest. The proposal would maintain sustainable general elk hunting season opportunities for 2012 through 2014. The proposal helps address elk damage problems and provides for elk population control when needed.

**WAC 232-28-359 2012 Deer special permits.**

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of this proposal is to retain special permit deer hunting opportunity that is above and beyond what is offered for general seasons. The proposal would repeal the old deer special permit seasons for 2011 and adopt the new deer special permit seasons for 2012. The proposal adjusts special permits for deer for 2012 in response to deer population changes and damage complaints. The proposal would help reduce or minimize agricultural damage and provides for population control of deer where needed.

**Reasons supporting proposal:** The proposal continues to provide recreational deer hunting opportunity while protecting deer from overharvest and helps minimize deer agricultural damage.

**WAC 232-28-360 2012 Elk special permits.**

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of this proposal is to retain special permit elk hunting opportunity that is above and beyond what is offered for general seasons. The proposal would repeal the old elk special permit seasons for 2011

and adopt the new elk special permit seasons for 2012. The proposal adjusts special permits for elk for 2012 in response to elk population changes and damage complaints. The proposal would help reduce or minimize agricultural damage and provides for population control of elk where needed.

**Reasons supporting proposal:** The proposal continues to provide recreational elk hunting opportunity while protecting elk from overharvest and helps minimize elk agricultural damage.

**WAC Sections Proposed for Repeal:**

WAC 232-28-272	2009 Black bear and 2009-2010, 2010-2011, and 2011-2012 Cougar hunting seasons and regulations.
WAC 232-28-287	2009-2010, 2010-2011, and 2011-2012 Cougar permit seasons and regulations.
WAC 232-28-295	Landowner hunting permits.
WAC 232-28-351	2009-2011 Deer general seasons and definitions.
WAC 232-28-352	2009-2011 Elk general seasons and definitions.
WAC 232-28-355	2011 Deer special permits.
WAC 232-28-356	2011 Elk special permits.