

6. 2012-2014 MOOSE, BIGHORN SHEEP, AND MOUNTAIN GOAT SEASONS AND PERMIT QUOTAS – RULE BRIEFING AND PUBLIC HEARING

TABLE OF CONTENTS

	<u>Page</u>
Decision Page.....	<i>i</i>
WAC 232-28-273 2012-2014 Moose, bighorn sheep, and mountain goat seasons and permit quotas	1
Recommended Adjustments to WAC 232-28-273	11
Summary of Written Public Input.....	12
CR 102	13

“GREEN SHEET”

Meeting: March 9-10, 2012

Agenda Item 6: 2012-2014 Moose, bighorn sheep, and mountain goat seasons and permit quotas–
Rule Briefing and Public Hearing

Prepared By: Donny Martorello, Ph.D.

Presented By: Donny Martorello, Ph.D., Carnivore and Furbearer Section Manager, Wildlife Program

Background:

Department staff will brief the Commission on proposed WAC amendments to 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 re-defining 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 two areas to control population levels. Based on the recommendation, statewide permit levels would change from 140 to 152.

All bighorn sheep populations that currently are hunted either meet or exceed total population objectives. However, the number of adult rams fluctuates, and we are recommending slight 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 38.

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. Based on recent survey results, the Department recommends adding two new hunt areas, Methow North and South Lake Chelan, each with one permit. With those additions, the total statewide permit level increases from 15 to 17. With the proposed permit level of 17, the Department recommends status quo delegated authority for the Director to reduce permit levels as needed to protect from overharvesting specific areas. Under that authority the Department will be rotating permits and reducing harvest (by 2-3 goats) in the units surrounding Mt. Baker.

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

- Continued hunting of moose, bighorn sheep, and mountain goat through a permit-only system.
 - Adjust permit levels based on population thresholds in Game Management Plan.
-

Public involvement process used and what you learned:

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.

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

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

Draft motion language:

NA

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 conditions:

- Necessary to protect public health, safety, and welfare or necessary to avoid an immediate threat to the state's natural resources.
 - Beneficial to or requested or supported by the regulated entities, local governments, or small businesses that it affects.
-

Communications plan:

WDFW Website
News Releases
Hunting Pamphlet

AMENDATORY SECTION (Amending Order 11-86, filed 5/6/11, effective 6/6/11)

WAC 232-28-273 ((2009-2011)) 2012-2014 Moose, bighorn sheep, and mountain goat seasons and permit quotas. It is unlawful to fail to comply with the provisions of this section. A violation of species, sex, size, number, area, season, or eligibility requirements is punishable under RCW 77.15.410.

(1) **Moose Permit Hunts**

Who May Apply: Anyone may apply, EXCEPT those who harvested a moose previously in Washington state. An individual may only harvest one moose during their lifetime (except waived for antlerless only hunts, master hunter hunts, and raffle and auction hunts).

Bag Limit: One moose.

Weapon Restrictions: Permit holders may use any legal weapon.

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
Kettle Range/East Okanogan	Oct. 1 - Nov. 30	GMUs 101, 105, 204	Any Moose	((8)) <u>10</u>
Selkirk Mtns. A	Oct. 1 - Nov. 30	GMU 113	Any Moose	((17)) <u>15</u>
Selkirk Mtns. B ^d	Oct. 1 - Nov. 30	GMU 113	Antlerless Only	2
Mt. Spokane <u>South A</u>	Oct. 1 - Nov. 30	((GMU 124 east of Hwy 395)) <u>Moose Area 1</u>	Any Moose	((12)) <u>8</u>
Mt. Spokane <u>South B</u>	Oct. 1 - Nov. 30	((GMU 124 east of Hwy 395)) <u>Moose Area 1</u>	Antlerless Only	((14)) <u>8</u>
<u>Mt. Spokane North A</u>	<u>Oct. 1 - Nov. 30</u>	<u>Moose Area 2</u>	<u>Any Moose</u>	<u>8</u>
<u>Mt. Spokane North B</u>	<u>Oct. 1 - Nov. 30</u>	<u>Moose Area 2</u>	<u>Antlerless Only</u>	<u>7</u>
<u>Mt. Spokane North C^b</u>	<u>Oct. 1 - Nov. 30</u>	<u>Moose Area 2</u>	<u>Antlerless Only</u>	<u>1</u>

Mt. Spokane ^{HC}	Dec. 1 - Mar. 31	GMUs 124, 127, and 130 within Spokane County	Antlerless Only	20 ^{HC}
Mt. Spokane South - Youth Only ^a	Oct. 1 - Nov. 30	((GMU 124 east of Hwy 395)) <u>Moose Area 1</u>	Antlerless Only	((40)) <u>8</u>
<u>Mt. Spokane North - Youth Only^a</u>	<u>Oct. 1 - Nov. 30</u>	<u>Moose Area 2</u>	<u>Antlerless Only</u>	<u>8</u>
49 Degrees North A	Oct. 1 - Nov. 30	GMU 117	Any Moose	((22)) <u>21</u>
49 Degrees North B ^b	Oct. 1 - Nov. 30	GMU 117	Antlerless Only	3
49 Degrees North C ^c	Oct. 1 - Nov. 30	GMU 117	Antlerless Only	2
49 Degrees North Youth Only ^a	Oct. 1 - Nov. 30	GMU 117	Antlerless Only	2
Three Forks	Oct. 1 - Nov. 30	GMUs 108, 111	Any Moose	6
Hangman A	Oct. 1 - Nov. 30	GMUs 127, 130	Any Moose	7
Hangman B	Oct. 1 - Nov. 30	GMUs 127, 130	Antlerless Only	7
Huckleberry Range A	Oct. 1 - Nov. 30	GMUs 121, 124 west of Hwy 395	Any Moose	((6)) <u>7</u>
Huckleberry Range B ^c	Oct. 1 - Nov. 30	GMUs 121, 124 west of Hwy 395	Antlerless Only	2

^aApplicants must be eligible to purchase a youth moose permit application. Youth hunters must be accompanied by an adult during the hunt.

^bApplicants must possess a Disabled Hunter Permit.

^cApplicants must be eligible to purchase a 65 years of age or older permit application.

^dApplicants must be a certified hunter education instructor who meets program-defined eligibility criteria.

^{HC}This is a damage hunt administered by a WDFW designated hunt coordinator. Only master hunters may apply, and any weapon may be used. Successful applicants will be contacted on an as-needed basis to help with specific sites of nuisance moose activity in designated areas. Not all successful applicants will be contacted in any given year.

Moose Areas:

Moose Area 1: South Spokane Moose Area:

That portion of GMU 124 beginning at intersection of Blanchard Rd and Idaho-Washington state line: W on Blanchard Rd to Blanchard Creek Rd; SW on Blanchard Creek Rd to Tallman Rd; W on Tallman Rd to Elk Chattaroy Rd; SW on Elk Chattaroy Rd to Hwy 2; S on Hwy 2 to Hwy 395, S on Hwy 395 to Spokane River, E on Spokane River to Idaho-Washington state line, N on Idaho-Washington state line to Blanchard Rd and the point of beginning.

Moose Area 2: North Spokane Moose Area:

That portion of GMU 124 beginning at intersection of Blanchard Rd and Idaho-Washington state line: W on Blanchard Rd to Blanchard Creek Rd; SW on Blanchard Creek Rd to Tallman Rd; W on Tallman Rd to Elk Chattaroy Rd; SW on Elk Chattaroy Rd to Hwy 2; S on Hwy 2 to Hwy 395, N on Hwy 395 to Deer Park-Milan Rd, E on Deer Park-Milan Rd to Hwy 2, N on Hwy 2 to Idaho-Washington state line, S on Idaho-Washington state line to Blanchard Rd and the point of beginning.

(2) **Bighorn Sheep Permit Hunts**

Who May Apply: Anyone may apply, EXCEPT those who harvested a bighorn sheep previously in Washington state. An individual may only harvest one bighorn sheep during their lifetime (except waived for raffle and auction hunts, and ewe only hunts).

Bag Limit: One bighorn ram (except in designated adult ewe hunts, one bighorn adult ewe).

Hunt Name	Permit Season	Permit Hunt Boundary Description	Special Restrictions	Permits
Vulcan Mountain ((A))	Sept. 15 - Oct. 10	Sheep Unit 2	Any Legal Weapon	1

((Vulcan Mountain B^a	Oct. 1-10	Sheep Unit 2	Adult ewe only Any Legal Weapon	1))
Selah Butte	Nov. ((7)) <u>5</u> -30	Sheep Unit 4	Any Legal Weapon	((4)) <u>3</u>
Umtanum	Sept. 15 - Oct. 10	Sheep Unit 5	Any Legal Weapon	((4)) <u>2</u>
Cleman Mountain A	Sept. 15 - Oct. 10	Sheep Unit 7	Any Legal Weapon	3 <u>6</u>
Cleman Mountain B	Nov. ((7)) <u>5</u> -30	Sheep Unit 7	Any Legal Weapon	((3)) <u>26</u>
Mt. Hull A	Sept. 15 - Oct. 10	Sheep Unit 10	Any Legal Weapon	1
Mt. Hull B	Oct. 1-10	Sheep Unit 10	Adult ewe only Any Legal Weapon	1
Mt. Hull C ^b	Oct. 1-10	Sheep Unit 10	Adult ewe only Any Legal Weapon	1
Lincoln Cliffs	Sept. 15 - Oct. 10	Sheep Unit 12	Any Legal Weapon	1
Quilomene	Sept. 15 - Oct. 10	Sheep Unit 13	Any Legal Weapon	((4)) <u>3</u>
Swakane	Sept. 15 - Oct. 10	Sheep Unit 14	Any Legal Weapon	1
Tieton A	Sept. 15 - 30	Sheep Unit 15	Any Legal Weapon	((5)) <u>3</u>
Tieton B	((Oct. 1-14)) Nov. <u>5-30</u>	Sheep Unit 15	Any Legal Weapon	((5)) <u>3</u>
Manson	Nov. ((7)) <u>5</u> -30	Sheep Unit 16	Any Legal Weapon	2
Asotin	Sept. 15 - Oct. 10	Sheep Unit 17	Any Legal Weapon	2
Chelan Butte	Sept. 15 - Oct. 10	Sheep Unit 18	Any Legal Weapon	1
Sinlahekin	Sept. 15 - Oct. 10	Sheep Unit 19	Any Legal Weapon	1

^aApplicants must be eligible to purchase a 65 years of age or older permit application.

^bApplicants must be eligible to purchase a youth bighorn sheep permit application. Youth hunters must be accompanied by an adult during the hunt.

Bighorn Sheep Units:

Sheep Unit 2 Vulcan Mountain: Permit Area: Ferry County north of the Kettle River near Curlew.

Sheep Unit 4 Selah Butte: Permit Area: That part of Yakima and Kittitas counties between Ellensburg and Yakima east of the Yakima River and north of Selah Creek, west of Interstate 82 and south of

Interstate 90.

Sheep Unit 5 Umtanum: Permit Area: Those portions of Yakima and Kittitas counties west of the Yakima River, north of Wenas Creek, and east of USFS Road 1701 to Manastash Lake and its drainage; south and east along the South Fork Manastash Creek to Manastash Creek and the Yakima River.

Sheep Unit 7 Cleman Mountain: Permit Area: That part of Yakima County south of Wenas Creek and east of USFS Road 1701, north of Highway 410 and Highway 12 and west of the Yakima River.

Sheep Unit 10 Mt. Hull: Permit Area: That part of Okanogan County within the following described boundary: Beginning at Oroville; then south along U.S. Highway 97 to the Swanson's Mill Road (old Mt. Hull Road) near Lake Andrews; then east to the Dry Gulch Road; then north to the Oroville-Toroda Creek Road (Molson Grade Road); then west to Oroville and the point of beginning.

Sheep Unit 11 Wenaha Wilderness: Permit Area: That part of GMU 169 within Crooked Creek drainage.

Sheep Unit 12 Lincoln Cliffs: Permit Area: That part of Lincoln County north of Highway 2.

Sheep Unit 13 Quilomene: Permit Area: GMUs 329, 330, and 251 south of Colockum Creek.

Sheep Unit 14 Swakane: Permit Area: GMU 250.

Sheep Unit 15 Tieton: Permit Area: GMU 360.

Sheep Unit 16 Manson: Permit Area: Beginning at the mouth of Granite Falls Creek on the south shore of Lake Chelan, E across Lake

Chelan to Willow Point; NW along the shoreline of Lake Chelan to the mouth of Stink Creek; E along Stink Creek to the intersection with Green's Landing Road; along Green's Landing Road to Manson Boulevard; E on Manson Boulevard to Lower Joe Creek Road; NE on Lower Joe Creek Road to Grade Creek Road; NE on Grade Creek Road to US Forest Service Road 8210; NE on US Forest Service Road 8210 to intersection with US Forest Service Road 8020; W on US Forest Service Road 8020 to Fox Peak; NW along Sawtooth Ridge (Chelan-Okanogan County Line) to the Lake Chelan National Recreation Area boundary; S along the Lake Chelan National Recreation Area boundary to shore line of Lake Chelan; W across Lake Chelan to the mouth of Riddle Creek on the South Shore; SE along South Shore of Lake Chelan to the point of beginning.

Sheep Unit 17 Asotin: Permit Area: GMU 175.

Sheep Unit 18 Chelan Butte: Permit Area: Beginning at the intersection of State Hwy 971 and US Hwy 97A, S to the W shoreline of the Columbia River, N along the W shoreline of the Columbia River for 21 miles to the mouth of Antione Creek, W up Antione Creek to where it crosses Apple Acres Rd, W on Apple Acres Rd to the intersection with Washington Creek Rd (US Forest Service Rd 8135), N on Washington Creek Rd to its end and then follow Washington Creek, W on Washington Creek to where it crosses US Forest Service Rd 8010, S on US Forest Service Rd 8010 (transitions into Purtteman Creek Rd) to Purtteman Gulch, S into Purtteman Gulch to the N shoreline of Lake Chelan, S along the shoreline to the S shoreline of Lake Chelan to the mouth of First Creek, S up First Creek to the intersection of State Hwy 971 (Navarre Coulee Rd), S on State Hwy 971 to the point of beginning.

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Sheep Unit 19 Sinlahekin: Beginning at the eastern boundary of the Pasayten Wilderness border and the US-Canadian border; E on the US-Canadian border to the border station on Similkameen Rd (Co. Rd 4568); SE on the Similkameen Rd (Co. Rd 4568) to the Loomis-Oroville Rd (Co. Rd 9425); E on the Loomis-Oroville Rd (Co. Rd 9425) to US Hwy 97 in Oroville; S on US Hwy 97 to 12th Ave; W on 12th Ave (it curves S and changes to Old Highway 97); S on Old Highway 97 to US Hwy 97; S on US Hwy 97 to the South Pine Creek Rd (Co. Rd 9410); W on the South Pine Creek Rd (Co. Rd 9410) to Fish Lake Rd (Co. Rd 4290); W on Fish Lake Rd (Co. Rd 4290) to South Fish Lake Rd (Co. Rd 4282), along the south shore of Fish Lake; SW on South Fish Lake Rd (Co. Rd 4282), to the Sinlahekin Rd (Co. Rd 4015); SW on the Sinlahekin Rd (Co. Rd 4015), along the north shore of Conconully Lake, to the Salmon Creek North Fork Rd (Co. Rd 2361), at the town of Conconully; N on US Forest Service Rd 38 (Salmon Creek North Fork Rd, Co. Rd 2361) to US Forest Service Rd 3820; N on US Forest Service Rd 3820 over Lone Frank Pass, to US Forest Service Rd 39; N on US Forest Service Rd 39 to the US Forest Service Rd 300 at Long Swamp trailhead; W on the US Forest Service Rd 300 to US Forest Service Trail 342; N on US Forest Service Trail 342 to US Forest Service Trail 343; E on US Forest Service Trail 343 to US Forest Service Trail 341; E on US Forest Service Trail 341 to US Forest Service Trail 375; E on US Forest Service Trail 375 to the eastern boundary of the Pasayten Wilderness Area; N on the Pasayten Wilderness Area boundary to the US-Canadian border and the point of beginning.

(3) **Mountain Goat Permit Hunts**

Who May Apply: Anyone may apply, except those who harvested a

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mountain goat in Washington state after 1998. An individual may only harvest one mountain goat during their lifetime, except for those who harvested a goat prior to 1999. (Except waived for raffle and auction hunts.)

Bag Limit: One (1) adult goat of either sex with horns four (4) inches or longer. WDFW urges hunters to refrain from shooting nannies with kids.

Hunt Name	Permit Season ^b	Subpopulations Open to Hunting ^a	Special Restrictions	Permits ^a
Mt. Baker	Sept. 15 - Oct. 31	Chowder Ridge, Coleman Pinnacle, Lava Divide, Black Buttes, Lake Ann, SE Baker	Any Legal Weapon	7
North Lake Chelan	Sept. 15 - Oct. 31	Skookum Pass Mtn., Big Goat Creek	Any Legal Weapon	2
Naches Pass	Sept. 15 - Oct. 31	Fife's East, Fife's Peak, Crystal Mountain, Basin Lake	Any Legal Weapon	1
Bumping River	Sept. 15 - Oct. 31	Nelson Ridge, Cash Prairie, American Ridge, American Lake, Timber Wolf, Russell Ridge	Any Legal Weapon	1
Blazed Ridge	Sept. 15 - Oct. 31	Blowout Mtn., Blazed Ridge, Blazed North, Milk Creek, Rock Creek	Any Legal Weapon	1
Goat Rocks-Tieton River	Sept. 15 - Oct. 31	Chimney Rocks, Goat Lake, McCall Glacier, Gilbert Peak	Any Legal Weapon	3
<u>Methow North</u>	<u>Sept. 15 - Oct. 31</u>	<u>Abernathy Ridge</u>	<u>Any Legal Weapon</u>	<u>1</u>
<u>South Lake Chelan</u>	<u>Sept. 15 - Oct. 31</u>	<u>South Shore Lake Chelan</u>	<u>Any Legal Weapon</u>	<u>1</u>

^aMountain goat populations are managed as a collection of subpopulations, and the ideal harvest is distributed through all the subpopulations. The director is authorized to open or close subpopulations and reduce permit levels to protect from overharvesting specific areas.

The director is authorized by the commission to identify the hunt area as a condition of the hunt permit. Selected hunters will

receive a text description or map of their hunt area.

^bPermit hunters may start hunting September 1 with archery equipment.

[Statutory Authority: RCW 77.12.047. 11-11-013 (Order 11-86), § 232-28-273, filed 5/6/11, effective 6/6/11. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 77.32.070, 77.32.530. 10-10-061 (Order 10-94), § 232-28-273, filed 4/30/10, effective 5/31/10. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240. 09-09-083 (Order 09-53), § 232-28-273, filed 4/15/09, effective 5/16/09. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210. 08-09-090 (Order 08-78), § 232-28-273, filed 4/18/08, effective 5/19/08; 07-11-017 (Order 07-62), § 232-28-273, filed 5/3/07, effective 6/3/07. Statutory Authority: RCW 77.12.047. 06-11-032 (Order 06-92), § 232-28-273, filed 5/8/06, effective 6/8/06; 05-11-022 (Order 05-89), § 232-28-273, filed 5/10/05, effective 6/10/05. Statutory Authority: RCW 77.12.047 and 77.12.020. 04-11-036 (Order 04-98), § 232-28-273, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.047. 03-13-047 (Order 03-129), § 232-28-273, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 77.12.047, 77.12.655, 77.12.020. 02-11-069 (Order 02-98), § 232-28-273, filed 5/10/02, effective 6/10/02. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. 01-10-048 (Order 01-69), § 232-28-273, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-11-137 (Order 00-50), § 232-28-273, filed 5/23/00, effective

6/23/00. Statutory Authority: RCW 77.12.040. 99-10-102 (Order 99-40), § 232-28-273, filed 5/5/99, effective 6/5/99; 98-10-005 (Order 98-58), § 232-28-273, filed 4/22/98, effective 5/23/98.]

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

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 permit level for Cleman Mountain A from 3 to 6; change the permit level for Cleman Mountain B from 2 to 6. The reason is that recent surveys indicate the population has increased.

SUMMARY OF WRITTEN PUBLIC INPUT

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

COMMENTS	AGENCY RESPONSE
<p>I believe that the two California Bighorn Sheep tags included in the South-central and North-central raffles should now be returned to the general draw to help offset the reduction.</p>	<p>The Department is not recommending any reductions in general bighorn ram permits in Chelan or Okanogan Counties. The reduction in bighorn ram permits in south-central Washington were based on recent surveys where a rather large group of rams were not observed. In the most recent survey, the large group of rams was accounted for in the Clemans Herd. As such, the Department is recommending increasing the permit levels.</p>
<p>I was very pleased to see a goat tag added on the south shore of Lake Chelan, but a suggestion I have made to some of the bios in the past is why not move the season later in the year- say 11/1-12/31.</p>	<p>Thank you for your comment. The Department has generally set goat seasons for earlier in the fall, because later during the winter goats tend to migrate into areas of dense timber. In addition access tends to be more limited during the winter months.</p>
<p>I would like to see the Any Moose permit remain the same for GMU's 113 (17) & 117 (22). Add an additional 2 antlerless permits for youth in GMU 117 (2) & GMU 124 (10). Add additional 2 antlerless permits for seniors in GMU 117 (2) & GMU 121 (2). Add additional 2 antlerless permits for Disabled in GMU 117 (3).</p>	<p>Thank you for your comments. Moose permit number are set based on annual surveys and the status of moose populations. The Department is not proposing additional permits beyond our recommendation because the moose survey data does not support increases.</p>
<p>Why are you cutting ram sheep tags on Clemans and Tieton?</p>	<p>The reduction in bighorn ram permits in Clemans and Tieton were based on recent surveys where a rather large group of rams were not observed. In the most recent survey, the large group of rams was accounted for in the Clemans Herd. As such, the Department is recommending increasing the permit levels.</p>
<p>In the Naches Pass, Blazed Ridge and Bumping goat units, we have mature billies dying of old age. The three units I listed could easily handle an increase of permits by up to 2 per unit.</p>	<p>Permit levels for goats are set at 1-4 percent of the population for goat herds exceeding 100 animals (excluding kids). For herds just over 100 animals, the permit level is typically closer to 1 percent of the population. For herds of a few hundred animals, permit levels are typically closer to 4 percent of the population. These percentages also include tribal harvest when known.</p>



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
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.