

Equipment Requirements

232-12-047, 232-12-052, and 232-12-054

TABLE OF CONTENTS

	<u>Page</u>
Summary Sheet	1
WAC 232-12-047.....	3
WAC 232-12-052.....	6
WAC 232-12-054.....	7
Final Recommended Adjustments	11
CR102	12

Summary Sheet

Meeting dates: April 9-10, 2015
Agenda item: Equipment Requirements – Rule Briefing and Public Hearing
Presenter(s): Jerry Nelson, Ph.D., Deer and Elk Section Manager, Wildlife Program

Background:

Staff will brief the Commission on rule changes proposed for WAC 232-12-047 Unlawful Methods for Hunting-Firearms, WAC 232-12-054 Archery Requirements, and creation of newly proposed WAC 232-12-052 Crossbow Requirements.

A variety of equipment issues were proposed by the public and were part of the scoping, surveys, and public meetings conducted during the three-year hunting season public process.

- The majority of the opinions expressed by hunters were in favor of allowing the use of crossbows to hunt big game during modern firearm season as well as turkeys during spring and fall seasons.
- The majority of archery hunters that participated in the process favored allowing the use of mechanical broadheads. The Washington State Bowhunters (WSB) and the Washington State Archery Association are in favor the proposed change; and the Traditional Bowhunters of Washington are opposed to the proposed change.
- In terms of rule clarification, we are proposing the requirements for firearms, archery equipment, and crossbows be separated in a more straightforward fashion and also propose the creation of a new crossbow requirement rule. We are also proposing moving the weapon requirements for turkey hunting from the small game rule to the firearm rule.

None of the proposed rule changes are anticipated to have any wildlife resource impacts.

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

- Allowing the use of crossbows for big game hunting during modern firearm season and for turkey hunting.
 - Allowing the use of mechanical broadheads by archery hunters and crossbow hunters.
 - Making a clearer separation between the requirement rules for firearms, archery, and crossbows.
-

Public involvement process used and what you learned:

The Department conducted an extensive public involvement process to develop the 2015-2017 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 2015-2017 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. Four 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):

Amend WAC 232-12-047, 232-12-052, and 232-12-054 as proposed.

Draft motion language:

I move to amend WAC 232-12-047, 232-12-052, and 232-12-054 as proposed.

Justification for Commission action:

To provide opportunities to hunters, consistent with achieving management objectives.

Communications plan:

WDFW Website
News Releases
Hunting Pamphlet

AMENDATORY SECTION (Amending WSR 14-10-019, filed 4/25/14, effective 5/26/14)

WAC 232-12-047 Unlawful methods for hunting—Firearms. (1) It is unlawful to hunt any big game with:

(a) A fully automatic firearm.

(b) A centerfire cartridge less than 22 caliber for cougar.

(c) A centerfire cartridge less than 24 caliber for any other big game.

(d) A shotgun, provided that a 20 gauge, or larger shotgun, using shells loaded with slugs or buckshot size #1 or larger, may be used to hunt deer, bear, and cougar.

(e) A shotgun for any other big game, except that a 12 gauge or 10 gauge shotgun using slugs may be used.

(f) A handgun during a modern firearm season that does not meet the following criteria: Have a minimum barrel length of four inches, per manufacturer's specification, and fire a centerfire cartridge.

(g) Any rimfire cartridge.

(2) It is unlawful to hunt game birds with a shotgun capable of holding more than three shells.

(3) It is unlawful to hunt game birds or game animals, except bullfrogs, in a manner other than with a firearm, a bow and arrow, a crossbow, or by falconry (~~, except in those designated areas where crossbows are allowed.~~

~~(4) Rules pertaining to crossbows:~~

~~(a) It is unlawful to hunt big game animals with a crossbow with a draw weight less than 125 pounds and a trigger safety that does not work properly.~~

~~(b) It is unlawful to hunt big game animals with any arrow or bolt weighing less than 350 grains.~~

~~(c) It is unlawful to hunt big game animals with any arrow or bolt that does not have a sharp broadhead and the broadhead blade or blades are less than seven eighths inch wide.~~

~~(d) It is unlawful to hunt big game animals with a broadhead blade unless the broadhead is unbarbed and completely closed at the back end of the blade or blades by a smooth, unbroken surface starting at maximum blade width and forming a smooth line toward the feather end of the shaft, and such line does not angle toward the point.~~

~~(e) It is unlawful to hunt big game animals with a retractable broadhead)) .~~

~~((5))~~ (4) It is unlawful to hunt game animals or game birds with a shotgun larger than 10 gauge.

~~((6))~~ (5) It is unlawful to hunt game birds with a rifle or handgun, with the exception of blue grouse, spruce grouse and ruffed grouse.

(6) It is unlawful to hunt turkey with a weapon other than shotgun shooting #4 or smaller shot, bow and arrow, crossbow, or muzzle-loading shotgun shooting #4 or smaller shot.

(7) A violation of this section is punishable under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted. [Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 14-10-019 (Order 14-95), § 232-12-047, filed 4/25/14, effective 5/26/14. Statutory Authority: RCW 77.12.047. WSR 12-11-005 (Order 12-70), § 232-12-047, filed 5/2/12, effective 6/2/12. 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. WSR 10-10-061 (Order 10-94), § 232-12-047, 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. WSR 09-09-083 (Order 09-53), § 232-12-047, filed 4/15/09, effective 5/16/09. Statutory Authority: RCW 77.12.047 and 77.12.020. WSR 04-11-036 (Order 04-98), § 232-12-047, filed 5/12/04, effective 6/12/04. Statutory Author-

ity: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. WSR 00-11-137 (Order 00-50), § 232-12-047, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.040. WSR 98-10-006 (Order 98-53), § 232-12-047, filed 4/22/98, effective 5/23/98; WSR 90-14-108 (Order 449), § 232-12-047, filed 7/5/90, effective 8/5/90; WSR 83-01-006 (Order 198), § 232-12-047, filed 12/2/82; WSR 82-04-034 (Order 177), § 232-12-047, filed 1/28/82; WSR 81-22-002 (Order 174), § 232-12-047, filed 10/22/81; WSR 81-12-029 (Order 165), § 232-12-047, filed 6/1/81. Formerly WAC 232-12-130.]

NEW SECTION

WAC 232-12-052 Crossbow requirements. (1) The following provisions apply to hunting with a crossbow:

(a) It is unlawful to hunt big game with a crossbow outside of a modern firearm season.

(b) It is unlawful to hunt big game animals with a crossbow with a draw weight less than 125 pounds and a trigger safety that does not work properly.

(c) It is unlawful to hunt big game animals with any arrow or bolt weighing less than 350 grains.

(d) It is unlawful to hunt big game animals with any arrow or bolt that does not have a sharp broadhead and the broadhead blade or blades are less than seven-eighths inch wide.

(e) It is unlawful to hunt big game animals with a broadhead blade unless the broadhead is unbarbed.

(f) It is unlawful to discharge a crossbow from a vehicle or from, across, or along the maintained portion of a public highway.

(g) It is unlawful to hunt wildlife with a crossbow during an archery season.

(2) A violation of this section is punishable under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted.

[]

AMENDATORY SECTION (Amending WSR 14-10-019, filed 4/25/14, effective 5/26/14)

WAC 232-12-054 Archery requirements. (1) The following (~~rules~~) provisions apply to all archery hunting seasons:

(a) It is unlawful for any person to carry or have in his possession any firearm while archery hunting in the field during an archery season specified for that area, except for modern handguns carried for personal protection. Modern handguns cannot be used to hunt big game

or dispatch wounded big game during an archery big game hunting season.

(b) It is unlawful to have any electrical equipment or electric device(s), except for illuminated nocks, attached to the bow or arrow while hunting.

(c) It is unlawful to discharge a bow (~~or crossbow~~) from a vehicle or from, across, or along the maintained portion of a public highway.

(d) It is unlawful to use any device secured to or supported by the bow for the purpose of maintaining the bow at full draw or in a firing position.

~~(e) ((It is unlawful to hunt wildlife with a crossbow during an archery season.~~

~~(f))~~ It is unlawful to hunt big game animals with any arrow or bolt that does not have a sharp broadhead, or with a broadhead blade or blades that are less than seven-eighths of an inch wide.

~~((g)) (f) It is unlawful to hunt big game animals with a broadhead blade unless the broadhead is unbarbed~~ ((and completely closed at the back end of the blade or blades by a smooth, unbroken surface starting at maximum blade width and forming a smooth line toward the

~~feather end of the shaft. The smooth line must not angle toward the point.~~

~~(h) It is unlawful to hunt big game animals with a retractable broadhead).~~

~~((i))~~ ~~(g)~~ ~~(f)~~ It is unlawful to hunt wildlife with any bow equipped with a scope.

(2) The following ~~((rules))~~ provisions apply to long bow, recurve bow and compound bow archery equipment:

(a) It is unlawful for any person to hunt big game animals with a bow that does not produce a minimum of 40 pounds of pull measured at twenty-eight inches or at full draw.

(b) It is unlawful to hunt big game animals with any arrow measuring less than 20 inches in length or weighing less than 6 grains per pound of draw weight with a minimum arrow weight of 300 grains.

(3) A violation of this section is punishable under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted. [Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 14-10-019 (Order 14-95), § 232-12-054, filed 4/25/14, effective 5/26/14; WSR 13-11-078 (Order 13-94), § 232-12-054, filed 5/16/13, effective 6/16/13. Statutory Authority: RCW 77.12.047. WSR 12-11-005 (Order 12-70), § 232-12-054, filed 5/2/12, effective 6/2/12. Statutory Authori-

ty: 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. WSR 10-10-061 (Order 10-94), § 232-12-054, 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. WSR 09-09-083 (Order 09-53), § 232-12-054, filed 4/15/09, effective 5/16/09. Statutory Authority: RCW 77.12.047. WSR 06-11-032 (Order 06-92), § 232-12-054, filed 5/8/06, effective 6/8/06. Statutory Authority: RCW 77.12.047 and 77.12.020. WSR 04-11-036 (Order 04-98), § 232-12-054, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.047. WSR 03-13-047 (Order 03-129), § 232-12-054, filed 6/12/03, effective 7/13/03; WSR 01-17-068 (Order 01-167), § 232-12-054, filed 8/15/01, effective 9/15/01. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. WSR 00-11-137 (Order 00-50), § 232-12-054, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.040. WSR 90-03-092 (Order 427), § 232-12-054, filed 1/24/90, effective 2/24/90; WSR 88-13-012 (Order 310), § 232-12-054, filed 6/6/88; WSR 81-12-029 (Order 165), § 232-12-054, filed 6/1/81. Formerly WAC 232-12-140.]

FINAL RECOMMENDED ADJUSTMENTS

The "following adjustments are proposed since the Code Reviser (CR-102) filing and are already included in your notebook language. These adjustments reflect any floor changes and additional supplemental recommended adjustments as a result of public testimony received at the March 20-21, 2015 Fish and Wildlife Commission meeting in Moses Lake.

Page 8

- Delete the remainder of section (f) as it currently stands; “It is unlawful to hunt big game animals with a broadhead blade unless the broadhead is unbarbed”, and re-letter section (1). This change clarifies the proposed change allowing mechanical broadheads to be used for archery hunting big game.



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington Department of Fish and Wildlife

- Preproposal Statement of Inquiry was filed as WSR 14-24-118 filed 12/3/14; 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).

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

Title of rule and other identifying information:

WAC 232-12-052 Crossbow requirements
 WAC 232-12-047 Unlawful methods for hunting
 WAC 232-12-054 Archery requirements – Archery special use permits
 WAC 232-28-331 Game management units (GMUs) boundary descriptions—Region one
 WAC 232-28-335 Game management units (GMUs) boundary descriptions—Region five
 WAC 232-12-021 Importation and retention of dead nonresident wildlife

Hearing location(s):

Civic Center
 411 South Balsam Street
 Moses Lake, WA 98837

Date: March 20-21, 2015 Time: 8:00 AM

Submit written comments to:

Name: Wildlife Program Commission Meeting Public Comments
 Address: 600 Capitol Way North
 Olympia, WA 98501
 e-mail wildthing@dfw.wa.gov
 fax (360) 902-2162 by (date) 2/24/15

Assistance for persons with disabilities: Contact

Tami Lininger by March 1, 2015

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

Date of intended adoption: On or after April 9, 2015

(Note: This is NOT the effective date)

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: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150 and 77.12.240.

Statute being implemented: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150 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:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: February 02, 2015

TIME: 1:48 PM

WSR 15-04-086

DATE

February 2, 2015

NAME (type or print)

Joanna Eide

SIGNATURE

TITLE

Rules Coordinator

(COMPLETE REVERSE SIDE)

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

When filing the permanent rule-making order (CR-103P), the WAC sections containing rule amendments will be consolidated into two or three Order Typing Service (OTS) documents.

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..... Nate Pamplin	Natural Resource Building	(360) 902-2515
Implementation....Nate Pamplin	Natural Resource Building	(360) 902-2515
Enforcement..... Steven Crown	Natural Resource Building	(360) 902-2373

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal 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 apply to recreational hunting and do not affect 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: This proposal does not involve hydraulics.

ATTACHMENT A

Title of rule and other identifying information:

Amendment to WAC 232-12 047, Unlawful methods for hunting
New Section WAC 232-12-052, Crossbow requirements
Amendment to WAC 232-12-054, Archery requirements
Amendment to WAC 232-12-021, Importation and retention of dead nonresident wildlife
Amendment to 232-28-331, Game Management Unit Boundary Descriptions, Region 1
Amendment to 232-28-335, Game Management Unit Boundary Descriptions, Region 6

(WAC 232-12 047 Unlawful methods for hunting)

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

The purposes of these proposals are five-fold. They remove language pertaining to archery and crossbow requirements that were in a modern firearm WAC. They consolidate the archery requirements in the existing archery requirements WAC. They remove crossbow requirements from the archery and modern firearm WACS and consolidate those requirements in a new crossbow requirement WAC. They allow the hunting of big game and turkeys with a crossbow. They remove the mechanical broadhead restriction from the archery requirement WAC.

Reasons supporting proposal:

Most of the proposal language is rule clarification and consolidation.

In addition, allowing crossbows for big game and turkey and allowing mechanical broadheads are not seen by the Department as a natural resource issue but rather an equipment selection choice by hunters. Restricting those choices doesn't seem to be necessary to sustain hunting seasons and sustain the wildlife populations in question.

(WAC 232-12-052 Crossbow requirements)

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

The purposes of these proposals are five-fold. They remove language pertaining to archery and crossbow requirements that were in a modern firearm WAC. They consolidate the archery requirements in the existing archery requirements WAC. They remove crossbow requirements from the archery and modern firearm WACS and consolidate those requirements in a new crossbow requirement WAC. They allow the hunting of big game and turkeys with a crossbow. They remove the mechanical broadhead restriction from the archery requirement WAC.

Reasons supporting proposal:

Most of the proposal language is rule clarification and consolidation.

In addition, allowing crossbows for big game and turkey and allowing mechanical broadheads are not seen by the Department as a natural resource issue but rather an equipment selection choice by hunters. Restricting those choices doesn't seem to be necessary to sustain hunting seasons and sustain the wildlife populations in question.

(WAC 232-12-054 Archery requirements)

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

The purposes of these proposals are five-fold. They remove language pertaining to archery and crossbow requirements that were in a modern firearm WAC. They consolidate the archery requirements in the existing archery requirements WAC. They remove crossbow requirements from the archery and modern firearm WACS and consolidate those requirements in a new crossbow requirement WAC. They allow the hunting of big game and turkeys with a crossbow. They remove the mechanical broadhead restriction from the archery requirement WAC.

Reasons supporting proposal:

Most of the proposal language is rule clarification and consolidation.

In addition, allowing crossbows for big game and turkey and allowing mechanical broadheads are not seen by the Department as a natural resource issue but rather an equipment selection choice by hunters. Restricting those choices doesn't seem to be necessary to sustain hunting seasons and sustain the wildlife populations in question.

(WAC 232-12-021 Importation and retention of dead nonresident wildlife.)

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

The purpose of the proposal would add Iowa to the list of states and provinces requiring additional processing of deer, elk, and moose carcasses before they can be brought into Washington. The states and provinces listed in the WAC have confirmed chronic wasting disease (CWD) in their wild, free-ranging populations of cervids.

Reasons supporting proposal:

The proposal reduces the risk of CWD being imported into Washington state via carcasses of animals harvested in other states. Reducing disease risk helps in sustaining deer, elk, and moose populations and hunting opportunities in Washington.

(232-28-331 Game Management Unit Boundary Descriptions, Region 1)

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

The proposed changes to the Game Management Unit Boundary Descriptions Region 1 will better clarify the boundary between two GMUs which has proved to be problematic in recent history for hunters and Enforcement.

Reasons supporting proposal:

The reasons for supporting the proposal are to provide opportunities to hunters, consistent with achieving management objectives and to address and prevent wildlife conflict problems using hunters. An additional reason to support the proposal is to avoid unintended confusion over GMU boundaries.

(232-28-335 Game Management Unit Boundary Descriptions, Region 6)

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

The proposed changes to the Game Management Unit Boundary Descriptions in Region 5 are related to the new Elk Area proposed in GMU 522 which creates a new Quality elk opportunity. The boundary between GMU 522 and GMU 524 needs to be adjusted to accommodate the addition of the new Elk Area.

Reasons supporting proposal:

The reasons for supporting the proposal are to provide opportunities to hunters, consistent with achieving management objectives and to address and prevent wildlife conflict problems using hunters.