

Concise Explanatory Statement

Bighorn Sheep, Moose and Mountain Goat

WAC 232-12-284 Bighorn sheep - Marking requirements

Written Comments Received During Official Comment Period:

Supporting Comments:

Twelve of the 19 comments received approved of making this revision to the rule, generally without further comment. One comment that was received noted that if we allowed citizens encountering such bighorn heads to retain them, there might quickly become many more of them.

Opposing and other comments:

Two of the 19 comments received favored making no changes to this regulation. Four of the 19 comments opposed this change, and would prefer to see it made easier for citizens to keep bighorns heads found in the field. One view was that precluding keeping these heads is “the kind of mentality” (that is) ”what's wrong with America today. Because someone might do something illegal is no reason to punish everyone else.” Others simply felt that there was no harm in allowing citizens to retain these animal parts.

One commenter objected to the practice WDFW has adopted of providing a few marked heads from animals (known to have died from natural causes) to independent wildlife advocacy organizations for the purpose of auctioning to interested individuals, with the majority of those proceeds being returned to the Department for use in bighorn conservation and management

Direction and Rationale:

It is likely that the majority of citizens wishing to retain such a head for personal use would not consider poaching an animal in order to procure one, and most would never sell their head. Unfortunately, poaching remains a concern for bighorn conservation, and the heads have considerable value (as evidenced by the fact that they typically garner > \$1,000 each for department bighorn activities when sold in the context of a sanctioned and controlled auction). Sometimes it is necessary to prohibit activities some people would like to engage in, in order to minimize the risk to a public resource. WDFW takes the view that prohibiting a very few lucky individuals from retaining a bighorn head found afield is an acceptable cost to pay for lessening incentives others might have to kill these rare animals illegally.

As currently implemented, organizations interested in auctioning or raffling heads for conservation revenue must show evidence that they are engaged in wildlife advocacy work,

agree to contractual language with WDFW, and remit all but legitimate costs and/or administrative expenses to WDFW. Successful auction bidders are provided a written permit from the Department authorizing their private retention of these permanently marked heads, and are prohibited from selling or profiting from these heads thereafter. All net proceeds are deposited in dedicated funds that can be used only for bighorn conservation and management (and are not used for other species, nor are they used for salary or overhead).

Public Testimony Received During March 20-21 Commission Meeting:

Public testimony was not provided.

Changes, if any, from the text of the proposed rule and reasons for difference:

None

WAC 232-28-273 2015-2017 Moose seasons, permit quotas, and areas

Written Comments Received During Official Comment Period:

Supporting Comments:

Twenty-nine of 66 comments were supportive of the proposal to generally increase the number of moose permits, without offering further suggestions or critiques. Two individuals specifically noted that they approved of the proposal to split some hunting seasons into 2 separate, non-overlapping seasons. Five additional commenters were supportive of the increase in moose permits generally, but opposed the reduction in some season lengths from 2 to 1 month (i.e., splitting seasons by date).

Opposing and other comments:

A total of 12 commentators opposed increasing the number of moose permits, for a variety of reasons. One commentator thought that instead of increasing moose off-take by hunters, the Department should allow wolves to reduce the moose population. One commenter would prefer to see moose relocated than hunted (particularly to the Blue Mountains, or to areas west of the Cascades) if populations are considered too high. Five commenters opposed increasing moose permits out of concern that wolves are removing too many moose to allow an increased harvest. Four commenters preferred retaining the current moose permit numbers, seasons, and units, but without explaining why they opposed a change. One commenter opposed moose hunting generally.

In addition, a number of other issues that did not relate directly to the changes being proposed in WAC 232-28-273 were raised. One commenter expressed concern that proposed changes in moose permit levels affect the existing once-per-lifetime harvest restrictions. The number of

moose permits allocated to youth hunters generated mixed opinions: one commenter viewed the proportion of permits allocated to youth as excessive, whereas 3 commenters preferred to see a higher proportion than currently. Two commenters (including one above) urged a higher number of permits allocated to over-65-year –old hunters. One commenter suggested restricting non-resident hunters to a specially allocated proportion of all moose permits, concerned that Washington residents are being unfairly treated. (Currently, moose draw permits make no distinction as to residency, although permit fees are higher for non-residents). One commenter expressed displeasure at the recent increase in permit fees (a few years ago). One commenter expressed concern that the proposed regulation revisions would affect the once-in-a-lifetime nature of moose hunts (for those taken under the “any moose” category). Two commenters preferred to see the number of hunt choices available reduced from 4 to 2, and one commenter thought only 1st choice hunts should be submitted.

Direction and Rationale:

The Department proposes to retain its proposal of splitting moose seasons into 2, separate, month-long seasons in GMUs 108, 111, 117, and 121. The department’s primary rationale is that by providing an additional menu of hunt choices, applicants will compete with one another less than currently for each available permit. Some hunters may prioritize applying for the opportunity to hunt during the rut in October, when weather may be better and moose will not have already been subject to any of the current year’s hunting pressure. Other hunters may prefer to apply for the opportunity to hunt during November, when moose often become more visible due to deciduous leaf-fall and snow cover on the ground as typical at higher elevation for that month. The Department recognizes that this requires a reduction in the length of the moose season, but given recent hunt success overall (~ 90-95%), the mean number of hunting days that successful hunters have required to bag their moose (4-5 days in most recent years), we believe that a 30-day season remains reasonable.

The Department agrees with the comment that care should be exercised in increasing moose permits levels given the additional pressure they face of living with wolves. The Department has looked carefully at all available data regarding moose population trends, and the likely effects of increasing permit levels. Two moose hunting units including Selkirk and Kettle Range – East Okanogan (GMUs 113 and 101, 105, 204 respectively) are recommended for no increase in permits because we know the least about moose populations in these areas. To date, all available data continue to suggest that increasing hunting opportunity at the levels we are proposing is consistent with our overall goal of managing for a healthy moose population and a sustainable yield.

Public Testimony Received During March 20-21 Commission Meeting:

Supporting Comments:

Two individuals spoke in favor of increasing the number of permits; one individual spoke favorably of splitting moose units geographically. One individual noted that hunting pressure is not an issue. One individual noted that we have a healthy and successful moose program.

Opposing and other comments:

Three individuals opposed the change in some moose hunting units from a single season 60-day hunt, to 2 separate, month-long units. Two of them noted that it is unequitable to reduce season length in some, but not other units. One individual indicated that he had been unsuccessful in obtaining clarity from the Department on the rationale for the new, split-season proposal. These 3 individuals took the view that, with such a rare opportunity, the full 60-days should be provided to permitted hunters, allowing them the maximum amount of time to find and select a particular individual moose for harvest.

One individual expressed caution about increasing permits in the face of uncertainty about the effects of wolves on moose. He asked that the Department be sure that, in increasing permit levels, it would not lead to declines, and that we be selective in which moose hunting units were proposed for increases.

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Changes, if any, from the text of the proposed rule and reasons for difference:

The hunt named “Mica Peak A”, which is an any moose permit for GMUs 127 and 130 should be renamed “Hangman”. This is the name previously used for this hunt. Retaining this name will reduce hunter confusion.

The hunt named “Mica Peak B”, which is an antlerless only moose permit for GMU 127 only should be renamed “Mica Peak” (the name of the GMU). There is no longer a need to distinguish Mica Peak A from B if we retain the “Hangman” name for the older, combined GMU hunt area.

WAC 232-28-283 Big game and wild turkey auction, raffle, and special incentive permits

Written Comments Received During Official Comment Period:

Supporting comments:

Fifteen of the 23 comments received expressed general support for the changes proposed to the bighorn sheep and mountain goat auction/raffle regulations proposed herein.

Opposing and other comments:

No comments were received that directly opposed the proposed change being recommended.

Concern was expressed by one commenter that notification to the public regarding which bighorn sheep and mountain goat herds would be available to winners of auctions and raffles would be insufficient, incomplete, or not timely. Opposition was expressed by four commenters generally by to the concept of having auction and/or raffle permits (with unlimited purchase of raffle tickets allowed), which most often (albeit not invariably) go to persons willing to spend more money than do most hunters. Some members of the public are concerned that the number of these special opportunities is too large, and disproportionate to the number of special draw permits provided by random draw only. One commenter expressed the view that bighorn sheep should be removed from the list of species included in some of the multi-species raffles.

Direction and rationale:

The Department intends to move forward with making this recommendation to the Commission, taking into account the concern raised by the public. Biologists both in the field and at headquarters in Olympia will know as soon as each hunting season ends (31 December at the latest) how many auction/raffle permits were used in each herd that season. That knowledge will be used directly to determine which herds would be available to such permit holders during the following year. WDFW would immediately post this information on its website, and also provide

it via email to any organizations providing WDFW a service by hosting a raffle. Posting such information no later than 31 January of each year should allow sufficient time for any persons interested in purchasing raffle tickets or bidding in an auction to understand which herds would be open to the winner the following autumn. This information will also be included in the Big Game Hunting regulations pamphlet, which is published in spring.

WDFW believes that the auction/raffle program at its current level remains an effective way to maintain high interest in these species and provide funding that benefits all. Bighorn sheep face great challenges in Washington, largely because most herds live in close proximity to people, and because they are vulnerable to devastating diseases transmitted by domestic sheep and goats. Mountain goats remain fairly rare, and considerably fewer in number than their estimated abundance approximately 50 years ago. Moose are also in high demand. Because of their beauty, appeal, and rarity, these species sheep have much greater capability than most species to support their own conservation, through carefully controlled sale, auction, and/or raffle of unique opportunities. Thus, in carefully controlled circumstances, WDFW chooses to take advantage of the great interest some people have in obtaining the rare opportunity to legally hunt these species to support conservation and management activities. This serves the management of these three species while husbanding financial resources for other deserving species with less ability to help fund their own conservation. Funds generated by auctions and raffles for each species are used solely for conservation and management of that species. The total number of auction and raffle tags for all species is limited by legislation.

Public Testimony Received During March 20-21 Commission Meeting:

Public testimony was not provided.

Changes, if any, from the text of the proposed rule and reasons for difference:

Text referring to the area in which California bighorns herds are part of this raffle permit reads “For bighorn sheep, any bighorn herd located south of US Highway 2 and west of Interstate 82.” Replace this text with: “For bighorn sheep, any bighorn herd located south of US Highway 2 in Chelan County and west of the Columbia River in Kittitas and Yakima Counties.” There is no substantive change; rather, this latter boundary description is more precise and easier to interpret on the ground

WAC 232-28-622 2015-2017 Big horn sheep seasons and permit quotas

Written Comments Received During Official Comment Period:

Supporting Comments:

The proposal for a new bighorn hunt for disabled persons ('hunt coordinated', for specifically identified individual animals in the Chelan Butte herd) received clear support from 19 of the 42 commenters. Some of these specifically praised the concept of providing specific opportunities for disabled hunters; others voiced a general approval.

Opposing and Other Comments:

The proposal for a new bighorn hunt for disabled persons was clearly opposed by 7 of the 42 commenters. Some were general in their opposition, but most opposing comments felt that all hunters should be provided an equal opportunity to obtain these coveted permits. A few objected to the proposal with the rationale that this could set a precedent in which other special user groups would ask for separate hunt categories for bighorns. The remaining commenters made various other points. One commenter expressed concern about who would select the specific animals subject to the disabled, HC hunt in Chelan Butte, and that the Department would require a specific guide.

Concern was expressed by one commenter about the decline in the Quillomene bighorn sheep herd, and skepticism was expressed that reducing the ram off-take limit from 3 to 2 would solve this problem. A suggestion was received that permit levels in Chelan Butte remain too low, and that the herd is too large. A similar suggestion was received regarding the Swakane bighorn sheep herd. A suggestion was received to increase permit levels along the Okanogan River, and that 26 permits statewide is too conservative. One commenter suggested the WDFW use hunters to remove animals when culling is required for pneumonia reduction. One commenter encouraged WDFW to pressure USFS to stop domestic sheep grazing so as to provide more habitat for bighorns.

Direction and Rationale:

The concern that providing a special category of bighorn hunts for disabled hunter is legitimate and shared by the Department. In this case, however, we have an unusual situation: First, a few older rams that are unlikely to be selected by hunters; second, an increasing population with no current options for reducing growth rate beyond ewe permits, and third, a herd that is easily accessible by vehicle. This, combined with the frequently voiced desire for opportunities for disabled hunters when possible, led the Department to recommend these 'hunter-coordinated' permits. It is possible similar permits for the Chelan Butte herd could be offered in the future, but if so, for only another year or two at most. The season dates for these hunter-coordinated (HC) hunts in Chelan Butte were selected to avoid overlap with the existing special draw hunt, in recognition of the relatively small and compact hunting area. We do not anticipate offering special category bighorn hunts except for specifically tailored situation in the future. Biologists at the Wenatchee field office will be in close communication with holders of these permits, and will provide guidance in selecting animals that will be legal for this hunt (all of which are ear-tagged). Guiding will not be required.

The Department also shares the commenter's concern for the Quillomene bighorn sheep herd, and we are currently unsure why it has recently declined. We are exploring options to find out more about this herd, and have considered augmenting it with animals from the Cleman bighorn sheep herd (although have not yet made a final decision to implement this strategy). However, the reduction in ram permit numbers was suggested as a possible remedy to this decline. Rather, the number of ram permit suggested follows our best estimate of the number of mature rams in the herd, and attempts to provide a quality hunting experience while maintaining an adequate number of mature rams in the herd to ensure normal breeding structure.

WDFW agrees with the commenter's points that the Chelan Butte and Swakane herds have grown. We considered increasing the number of special draw permits for bighorn sheep in Chelan Butte for 2015, in recognition of the increase. However, we are proposing waiting until hunting season 2016 to increase permit levels because of the difficulty we currently face with the way in which auction/raffle bighorn hunts are allocated (see the proposal for revising WAC 232-28-283). If the issues raised by the current "2 or more draw permit" system within 232-28-283 are resolved, the Department will have the needed flexibility to provide additional hunting opportunity in the Chelan Butte herd while still maintaining both a quality hunting experience and normal breeding structure among the adult male segment. We anticipate having similar options in 2016 for the Swakane herd. The Department also plans to explore the feasibility of developing a live-trapping operation in Chelan Butte. If successful, this would facilitate us moving excess animals from this relatively small area to other bighorn herds, where and when that is feasible, without the expense and risk of helicopter-based capture.

The Department also agrees with the commenter's view of the Mt. Hull herd, between Tonasket and Oroville. This herd is currently at record high levels. In response, in 2014, hunters legally removed 5 rams and 2 ewes, the most ever. Members of our co-managers, the Colville Confederated Tribes, also retain hunting rights for this herd. However, many other bighorn herds in Washington are depressed because of disease, or have declined for other factors. Our permit levels reflect guidelines in the Game Management Plan.

Public Testimony Received During March 20-21 Commission Meeting:

Public testimony was not provided.

Changes, if any, from the text of the proposed rule and reasons for difference:

We recommend that instead of a creating a single new category "Disabled bighorn sheep", creating two new categories "Disabled bighorn sheep ram", and "Disabled bighorn sheep ewe".
Background and rationale:

- A new type of bighorn sheep hunt, for which only eligible disabled hunters may apply, was proposed, under which there would be 2 ewe and 1 ram permit in the Chelan Butte bighorn hunt area. No change is being made to this recommendation. Because there has not previously been a "disabled-only bighorn sheep hunt" category, a new category

(“disabled bighorn”) was proposed in the draft recommendations before the Commission in March 2015.

- Currently, hunts of ram bighorn sheep are covered under the once-in-a-lifetime prohibition (successful ram hunters are not allowed to apply subsequently for ram hunts), whereas hunts of ewe bighorn sheep are not. We recommend no changes to this regulation.

It was subsequently discovered by our Licensing Division that it would not be possible to make the distinction between disabled hunters of sheep without differentiation hunt types “disabled bighorn ram” and “disabled bighorn ewe”. Thus, to remain consistent with our existing lifetime restriction of ram vs. ewe hunts, we recommend that 2 new disabled categories be created.

WAC 232-28-623 Mountain goat seasons

Written Comments Received During Official Comment Period:

Supporting Comments:

Of a total of 31 comment received, twelve supported the package or proposals with no reservations, suggestions, or revisions. There were no comments in specific opposition to the recommendation that in-person inspection of harvested mountain goats become mandatory and one comment specifically supporting this change. Similarly, there were no comments in specific opposition to the recommendation that mountain goat seasons be extended to from an ending date of October 31 to November 30, and one comment specifically supporting this change.

Opposing and Other comments:

Four commenters opposed the proposal to create a separate category for the “conflict-reduction” hunt on the Olympia Peninsula. In two cases, the view was expressed that all goat hunters should be exposed to the risk of losing points if unsuccessful in a hunt. In one case, the commenter proposed increasing the season length as an alternative. The remaining commenter objected to this recommendation and viewed the new category as a means for WDFW to raise additional revenue. Two commenters opposed all changes without being specific.

Some commenters, while not opposing any other specific recommendations, suggested preferred increases or decrease in mountain goat permits for specific areas. One commenter suggested increasing permits in Goat Rocks (currently WDFW is proposing increasing permits from 3 to 5). Other commenters proposed increases (or hunts where none are currently authorized) in Mt. Margaret, Castle Mountain, Gardner, Peaches, and Darrington units (WDFW is proposing a new hunt in near Darrington). One commenter opposed the only permit reduction currently being recommended (Blazed Ridge hunt, from 1 to zero). One commenter opposed the proposed

increase in permits for the Lincoln Peak hunt area. Two commenters proposed increasing the number of mountain goat permits generally. A suggestion was also made that the once-per-lifetime restriction be applied to all hunters; including those having successfully harvested a mountain goat prior to 1999 (current WAC restricts all mountain goat permits to only those who have not harvested a mountain goat in Washington after 1998).

Direction and Rationale:

During the inaugural season for the Brothers and Mt. Washington mountain goat hunts on the Olympic Peninsula in 2014, hunter success was much lower than in other mountain goat hunts. We suspect this is because these are smaller populations than are typically the case. Because we wish to encourage applicants for this conflict reduction hunt (which differs in its intent and difficulty from other mountain goat hunts), the Department wishes to avoid penalizing any unsuccessful hunters by setting their points for subsequent applications for other mountain goat hunts back to zero. WDFW views this as a specific and unusual case, and does not anticipate restoring points to unsuccessful hunters for other highly sought hunts (e.g., for other species).

Elsewhere, where off-take limits have been reduced, it is because recent survey results have indicated that the population has declined, or that movement of animals to other areas has made this unit no longer a safe one to harvest at the existing (i.e., earlier) level. WDFW uses the harvest management system outlined in the Game Management Plan as guidance, and conducts careful aerial surveys of mountain goat populations every two years. WDFW provides for permits that limited off-take to no more than 4% of the estimated mountain goat population. In addition, goat populations must be at least 100 individuals. Recent surveys have documented an increased mountain goat population south of Darrington, sufficient to re-establish a modest hunting season in that area (as per the Game Management Plan guidelines). It is true that other states manage mountain goat harvest less conservatively than Washington, but WDFW currently does not see science supporting the sustainability of higher off-take levels than we currently provide.

We also considered changing the current WAC's exception to the once-per-lifetime restriction for hunters having harvested a mountain goat prior to 1998, because we agree with the commentator that there is no policy-based or logical reason that those harvesting a mountain goat prior to 1999 should be exempt from the once-per-lifetime restriction facing other hunters. Unfortunately, WDFW record-keeping was incomplete during earlier years, and our systems have no way to confirm the identity of hunters having taken a mountain goat prior to 1999. Thus, we can only institute the once-per-lifetime restriction for hunts occurring from 1999 on.

Public Testimony Received During March 20-21 Commission Meeting:

Public testimony was not provided.

Changes, if any, from the text of the proposed rule and reasons for difference:

Text providing the legal description of the newly recommended Boulder River North 4-8a mountain goat hunt unit reads: “That area within the Boulder River Wilderness of the Mount Baker Snoqualmie National Forest beginning at the Boulder River trailhead on USFS Rd 2010 (to Boulder Falls), westward to the USFS boundary, thence southward along the USFS boundary, following the wilderness boundary until Windy Creek, eastward across Windy Pass to the headwaters of the unnamed tributary of Copper Creek; eastward down the tributary of Copper Creek to Copper Creek and the Boulder River Wilderness boundary, then northward and westward along the wilderness boundary to the Boulder River trailhead on USFS Rd 2010, the point of beginning.” Replace with the following: “That area within the Boulder River Wilderness of the Mount Baker Snoqualmie National Forest, beginning at the Boulder River trailhead on US Forest Service(USFS) road 2010 (to Boulder Falls), the East along the USFS Boulder River Wilderness boundary to Squire Creek, then Southward along the Squire Creek to Squire Creek Pass, then Southwest up Squire Creek Pass to the Headwaters of Copper Creek, then Southeast down Copper Creek to the unnamed tributary to Copper Creek which heads East up to Windy Pass, then East up said tributary to its headwaters in Windy Pass, then East across Windy Pass to the Headwaters of Windy Creek, then East down Windy Creek to the USFS Boulder River Wilderness boundary, then North along the USFS Boulder River Wilderness boundary to Boulder River trailhead on USFS road 2010 and the point of the beginning.” This revision reduces the size of the Boulder River North mountain goat hunt area, in response to USFS concerns.