

**Concise Explanatory Statement
2015-16 Migratory Waterfowl Seasons and Regulations**

Rules amended as part of this rulemaking:

WAC 232-28-436	Migratory Waterfowl Seasons and Regulations
WAC 232-12-289	Official hunting hours for game birds—Migratory game birds, upland birds, and wild turkeys

Rules repealed as part of this rulemaking:

WAC 232-16-790	Hayton Game Reserve (Skagit County)
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1. Background/Summary of Project:

The current rulemaking project was initiated in May 2015. Proposed rulemaking documents were sent to approximately 9,000 organizations and individuals in June 2015 for their review and consideration, and posted on the WDFW website for written comments to be submitted online to WDFW during the comment period. In addition, these proposals were presented to the WDFW Waterfowl Advisory Group on August 1, 2015. These organizations and individuals were also informed of the opportunity to provide public testimony at the August 7-8 Commission meeting in Olympia.

Migratory waterfowl season frameworks are established annually through ongoing interagency management programs involving U.S. Fish and Wildlife Service (USFWS) and flyway organizations, including input from Canada, Russia, and Mexico. Federal frameworks for fall and winter waterfowl seasons are established in late July each year, and include maximum bag limits, season lengths, season timing, and other regulations. Pacific Flyway season frameworks follow harvest strategies and management plans that have been developed cooperatively by USFWS and the Pacific Flyway Council. All states adopt waterfowl seasons within federal frameworks, and in many cases are more restrictive to address regional conservation needs. The Washington Fish and Wildlife Commission considers rulemaking actions related to migratory waterfowl seasons and regulations each year at its August meetings, following establishment of federal frameworks in late July.

2. Reasons for rulemaking:

Amendments to WAC 232-28-436 Migratory Waterfowl Seasons and Regulations establish annual waterfowl seasons and regulations to provide recreational opportunity, control waterfowl damage, and conserve the waterfowl resources of Washington. Amendments to WAC 232-12-289 Official hunting hours for game birds—Migratory game birds, upland birds, and wild turkeys are required for consistency with migratory waterfowl seasons and regulations proposed in WAC 232-28-436, regarding goose hunting hours in southwest Washington during February and March. Repeal of WAC

232-16-790 Hayton Game Reserve (Skagit County) is required in response to a request from the owner of the game reserve property, because an agreement to keep the property in game reserve status is no longer active.

3. Differences between the text of the proposed rule and the rule as adopted:

WAC 232-28-436 Migratory Waterfowl Seasons and Regulations:

The daily bag and possession limits for canvasback were increased based on new information on population status and federal guidelines, which allow for increased recreational opportunity on this species in 2015-16.

White-fronted geese were included in the bag limits for the Oct. 17, 2015 - Jan. 31, 2016 season for snow, Ross', and blue geese in Goose Management Area 1, because the current 3-year average for Pacific white-fronted geese is 565,403, above the flyway objective of 300,000.

For Goose Management Areas 2A and 2B seasons, the testing requirements were changed to apply only to new hunters and those who did not maintain a valid 2014-15 authorization, because of licensing limitations to require retesting of all hunters in 2015-16.

For Goose Management Areas 2A and 2B seasons, requirements were clarified for hunters to comply with the directions of authorized department personnel related to the collection of goose subspecies information and invalidate authorizations for noncompliance, to satisfy requirements to provide harvest information to the U.S. Fish and Wildlife Service.

For Goose Management Areas 2A and 2B seasons, the penalty for taking one dusky Canada goose was reduced from a misdemeanor to an infraction and other penalties were explicitly detailed in rule language to recognize the difficulties in distinguishing Canada goose subspecies and improve rule enforcement capabilities.

WAC 232-12-289 Official hunting hours for game birds—Migratory game birds, upland birds, and wild turkeys

The hunting hour table ending dates were standardized to March 10 to conform to federal framework ending dates. February and March hunting hours were corrected to conform to leap year dates and daylight savings times.

4. Public comments and WDFW response to comments

WAC 232-28-436 Migratory Waterfowl Seasons and Regulations:

Summary of Public Written Comments Received During Official Comment Period:

A total of 11 individuals commented to WDFW on these proposed rule changes during the official comment period. Six of the individuals had comments that were within the scope of the regulation proposals. One of the comments was generally supportive of all proposals, one supported the brant season change in Skagit County, one supported the additional proposed goose hunting opportunity in Area 2B, and one supported keeping the goose bag limit at 4 in all areas. Of those opposed, one of the comments requested longer seasons for waterfowl, two asked for more days in September and early October, one asked for more days in February and March, and two asked for higher bag limits (mergansers and scaup). One comment opposed the elimination of the Master Hunter late goose season in Goose Management Area 2A, another opposed inclusion of Grays Harbor in Goose Management Area 2B, and another requested Whatcom County brant counts be combined with those in Skagit County for the season closure threshold. Of those comments that were not in the scope of the proposed changes, most were requesting clarification on existing regulations, and one requested earlier adoption of seasons.

Summary of Public Testimony Received During the August 7-8 Commission Meeting:

A total of 5 individuals commented on these proposed rule changes during the August 8 Commission meeting. The chair of the WDFW Waterfowl Advisory Group (WAG) stated that the group was supportive of season proposals, but had recommended that the department evaluate for 2016-17 opening the brant season in Whatcom County and establishing 8-10 season days for brant with a daily bag limit of 2 and a 6 season limit. Three other individuals were supportive of proposed changes to SW goose seasons. One individual recommended shifting more goose season days in Grays Harbor to February and March, and another asked to provide more late season goose hunting days in the Skagit, Snohomish, and Whatcom county area. One individual requested removing goldeneyes from the western Washington sea duck permit. One individual was concerned about the removal of eelgrass from Willapa Bay, which is not in the scope of the proposed rule changes.

WDFW response to Public Comments:

Migratory waterfowl seasons are set cooperatively among the Pacific Flyway Council states and the U.S. Fish and Wildlife Service. In most cases, WDFW has adopted the maximum season length (107 days) and bag limits allowed under federal frameworks. Timing of proposed seasons follows guidelines established in the 2015-2021 WDFW Game Management Plan.

Goose seasons in Area 2A and 2B are being restructured to reduce depredation concerns and operational costs, conserve dusky Canada geese, and provide more recreational opportunity for all hunters. The goose season in Grays Harbor County was extended into early March, but cannot be extended past March 10 because of federal regulations.

Brant season changes are being proposed to support hunter retention, provide biological data collection, recognize winter distribution shifts to Alaska, and conserve Western High Arctic brant occurring in Skagit County. The season closure index should continue to be tied to the existing hunt area in Skagit County, because of the presence of Western High Arctic brant in Skagit County and not Whatcom County. WDFW does not consider Whatcom County to be an area that can sustain a brant hunting season based on past seasons and configuration of small bays in that county. WDFW will evaluate brant season changes proposed by the WAG before their next meeting.

WDFW will continue to evaluate later goose seasons in north Puget Sound depending on snow goose population trends, which have been stable recently.

Goldeneyes are included in the sea duck permit because of the need for harvest data for Barrow's goldeneye, which are present in Puget Sound at low population levels.

Seasons for 2016-17 will be adopted in March / April of 2016.

WAC 232-12-289 Official hunting hours for game birds—Migratory game birds, upland birds, and wild turkeys

Summary of Public Written Comments Received During Official Comment Period:
No comments received.

Summary of Public Testimony Received During the August 7-8 Commission Meeting:
One individual testified in support of proposed changes to goose hunting hours in Goose Management Areas 2A and 2B.

WDFW response to Public Comments:
Goose seasons in Area 2A and 2B are being restructured to reduce depredation concerns and operational costs, conserve dusky Canada geese, and provide more recreational opportunity for all hunters.

WAC 232-16-790 Hayton Game Reserve (Skagit County)

No comments received.