

Concise Explanatory Statement

2016-2017 Hunting Regulations

Rules amended as part of this rulemaking:

WAC 232-28-357 2015-2017 Deer general seasons and definitions.

1. Background/Summary of Project:

The current rulemaking project was initiated on December 2, 2015. The Department conducted an extensive public involvement process to develop the 2015-2017 hunting season recommendations.

The Department posted draft rules on the WDFW website for a 30-day review and comment period. The first comment period was before the March 18-19 Fish and Wildlife Commission meeting. The department also reviewed and discussed proposed rules with the Game Management Advisory Committee in early March and collected public testimony at the March 18-19 Commission meeting and hearing. Through these actions, the Department learned about concerns and developed proposed rule changes.

Due to the 2015 blue tongue outbreak that resulted in large numbers of deer dying, the April proposed rule reduced antlerless harvest for youth, senior, and hunters with disabilities, a major source of antlerless mortality. After the Fish and Wildlife Commission received public comments and a presentation of the issue by Department staff, WAC 232-28-357 (Deer general season and definitions) was passed on April 8, 2016. Following that meeting, Department staff continued discussions about the potential impacts of blue tongue on white-tailed deer populations in northeastern Washington. With additional discussions about the potential effects of blue tongue, the Department identified a more conservative approach and requested that the Commission amend their April 8 motion by reducing antlerless deer hunting opportunity for archery and muzzleloader hunters in several Game Management Units in northeastern Washington. The change would revert the archery and muzzleloader hunts back to the regulations

that were placed during the 2014 hunting season and would reduce antlerless white-tailed deer harvest as a precautionary measure in response to the 2015 blue tongue outbreak.

2. Reasons for Rulemaking

The department needed to retain general deer hunting opportunities for 2016, balance the hunting opportunity between user groups, provide clarification to the rule, provide an increase and/or reduction to recreational opportunities when deer population warrants change, and mitigate wildlife conflicts, while maintaining sustainable game animal populations across the state.

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

General Note: Minor technical changes were made throughout the proposed rules to adjust grammar and formatting concerns.

WAC 232-28-357 2015-2017 Deer general seasons and definitions.

Change: Under Modern Firearm, Eastern Washington White-tailed Deer, Hunters 65 and Over, Disabled, or Youth General Seasons: move GMUs 101, 105, 108, 111, 113, 117, and 121 to a new line with the Legal Deer being Any White-tailed Deer with the dates Oct. 20-23 for 2016 and Oct. 19-22 for 2017.

Under Modern Firearm, Eastern Washington White-tailed Deer, Hunters 65 and Over, and Disabled General Seasons: delete the entire line.

Under Modern Firearm, Eastern Washington White-tailed Deer, Youth General Seasons: delete the entire line.

Rationale: All of these changes are proposed in response to the white-tailed deer population in these GMUs experiencing a hemorrhagic disease outbreak in late

summer-early fall. The recommended adjustment is a more conservative season structure directed at antlerless hunting opportunity because the antlerless portion of the population has direct influence over population growth or decline.

Supplemental CR-102 Recommended Adjustment

Change: Under Early Archery General, Eastern Washington White-tailed Deer, Sept. 1-30, 2016 and Sept. 1-29, 2017, change the Legal Deer in GMUs 101, 105, 108, 111, 113, 117, and 121 from “Any white-tailed deer” to “White-tailed, any buck”.

Under Late Archery General, Eastern Washington White-tailed Deer, change the dates and Legal Deer from “Nov. 23-Dec. 15, 2016 and Nov. 22-Dec. 15, 2017 Any white-tailed deer” to “Nov. 23-Dec. 9, 2016 and Nov. 22-Dec. 9, 2017 White-tailed any buck; and Dec. 10-15, 2016 and Dec. 10- 15, 2017 Any white-tailed deer” in GMUs 105, 108, 117, and 121.

Under Early Muzzleloader, Eastern Washington White-tailed Deer, Oct. 1-9, 2016 and Sept. 30- Oct. 8, 2017, change the Legal Deer in GMUs 101, 105, 108, 111, 113, 117, and 121 from “Any white-tailed deer” to “White-tailed, any buck”.

Rationale: All of these changes are proposed in response to the white-tailed deer population in these GMUs experiencing a hemorrhagic disease outbreak in late summer-early fall. The recommended adjustment is a more conservative season structure directed at antlerless hunting opportunity because the antlerless portion of the population has direct influence over population growth or decline.

4. Summary of Public Comments Received during Official Comment Period and WDFW Response for amended rules:

February 3, 2016 - WSR 16-04-126 Filing

WAC 232-28-357 2015-2017 Deer general seasons and definitions.

Supporting Comments:

Of the 173 comments received, 28 were in support of the proposed changes to WAC 232-28-357 as they stand.

Opposing and Other Comments:

There were 17 comments that were opposed to the deer general season recommendations. The most frequent theme among those writing in opposition to the changes in this WAC expressed concerns about not enough late season opportunity, too much opportunity being offered, not agreeing with consistency between mule deer and white-tailed deer seasons, and not agreeing with the calendar date adjustments that happen every year which influence season length.

There were 128 comments expressing concerns about issues that were not part of this public process. Those included: suggestions that were outside the authority of the Department and the Fish and Wildlife Commission, suggestions that asked for something that already existed, and suggestions that were under the purview of federal treaties. Additional suggestions called for substantial changes in hunting season structures which are typically done through an extensive public process every 3 years. That next public process will take place in 2017 in preparation for the 2018-2020 hunting seasons.

Agency Response: The minimal changes being proposed are intended to provide sustainable hunting season opportunities without having a negative impact on the wildlife resource. The opposing comments were typically recommending changes that would undo management actions that are necessary for sustaining hunting seasons and maintaining healthy deer populations. None of the comments received on this WAC required changes to the recommendations being made to the Fish and Wildlife Commission.

May 4, 2016 – WSR 16-10-120 Filing

WAC 232-28-357 2015-2017 Deer general seasons and definitions.

Supporting Comments:

Of the 59 comments received, 17 were in support of the proposed changes to WAC 232-28-357 to the muzzleloader and archery antlerless white-tailed deer seasons in Game Management Units (GMUs) 101 – 121. Those that supported the proposed changes were concerned about the long-term health of the deer population.

Opposing and Other Comments:

There were ten comments that were opposed to the proposed changes. These comments included concerns over economic impacts to the local economies as well as stating that deer populations were not reduced enough to be concerned. Some comments showed concern about the changes happening too late in the year.

There were thirty-two other comments received, but these comments were related to a variety of subjects other than the antlerless white-tailed deer seasons proposed in the Supplemental 102, including elk hunting seasons, multi-season permits, 4-point deer regulations, and road-kill salvage.

Agency Response:

The agency considered public comments and presented the proposed rules that were included as part of the Supplemental 102. Supporting comments were consistent with the objective of the proposed rule. While some of the opposing comments pointed to healthy populations, the Department considered that there were many areas within GMUs 101-121 where the effects of bluetongue were more severe than others and the overall impacts were not well understood. Since seasons are typically set by GMU, the Department did not want to complicate the

hunting rules by addressing areas smaller than a GMU. The more restrictive seasons were proposed as a conservative management approach.

The Department considered concerns over economic impacts including any effect on business vendors who support hunting activity; however, since there were still general season hunting opportunities in each GMU for every weapon type, the additional restrictions on antlerless deer were not seen as a major economic impact.

In order to address concerns about the timing of the rule change, the Department will focus outreach efforts using a variety of methods, including using the WDFW website, news releases, contacting local media sources, and sending emails to hunters who have hunted these GMUs in recent years and who have provided the Department an email address.