

**Concise Explanatory Statement for
2020 Game Season Setting**

Rules amended as part of this rulemaking:

WAC 220-410-050 Game management units (GMUs) boundary descriptions—Region five and WAC 220-410-060 Game management units (GMUs) boundary descriptions—Region six.

Background/Summary of Project:

The adopted proposal corrected errors in the boundary descriptions for game management units 506 and 673.

Reasons for adopting the rule:

The Commission adopted this rule to clarify boundaries, spelling, and language.

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

None.

Public comments, response to comments, and consideration of comments:

Supporting Comments:

The department received eight comments in support of the proposal.

Opposing, Neutral, and Other Comments:

The department received one comment in opposition to the proposal, which expressed a sentiment that the number of GMUs was excessive.

The department received ten neutral comments.

Fish and Wildlife Commission Hearing, Public Comments:

No public testimony in support of this proposal was received at the March Commission meeting and the Department only received 1 letter during the extended open comment period that expressed support.

The department received no additional opposing or neutral comments during public testimony at the March Commission meeting or during the extended comment period.

Direction and Rationale:

The Commission adopted the rule as originally proposed. This change represented a minor adjustment to the boundary that would have little to no effect on hunters.

WAC 220-412-050 Landowner raffle hunts.

Background/Summary of Project: The adopted proposal changes and aligns reporting requirements to match the direction of WAC 220-412-100.

Reasons for adopting the rule:

The Commission adopted this rule so that reporting requirements align with WAC 220-412-100. It also allows for clarity and program consistency.

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

None.

Public comments, response to comments, and consideration of comments:

We received 147 total comments on this proposed rule change. All comments relating to this rule were received through our online survey.

Written Supporting Comments:

Forty-six percent of the respondents indicated that they were in favor of the proposed changes. Of those that generally agreed, one individual provided written comment that suggested that under this WAC, advertising of any raffle hunts should be required.

Written Opposing, Neutral, and Other Comments:

Eleven percent of the respondents indicated an opposing position on the rule. Of those two provided written comment. One individual simply stated that they were opposed to all landowner raffle hunts. The other individual stated their opposition to Landowner Raffle hunts and associated this practice with the privatization of wildlife. Forty-three percent of the respondents indicated a neutral position on the rule. Of those two provided written comment. One individual stated that they opposed all landowner permits and that landowners should not be able to manage/sell access to a public resource such as wildlife. The other individual stated that more background information would have been helpful.

Fish and Wildlife Commission Hearing, Public Comments:

No other public comments were received during the Commission Hearing.

Rationale-Agency Action Regarding Comments:

The Commission adopted the rule as originally proposed. Those who provided comment who demonstrated opposition made general statements regarding their opposition to landowner raffle hunts and the privatization of wildlife. Neither comment directly related to the specific change recommended to the rule and therefore were not used in the decision to obstruct this rule from moving forward. The agency believes that with the adopted changes landowner's operating raffle hunts will be able to provide better opportunities to the general public that otherwise wouldn't exist and/or allow the agency to better address conflict issues utilizing public hunters.

Those who provided comments who demonstrated a neutral position made general statements regarding opposition to landowners receiving permits and that the managing and selling of access for a public resource should not be allowed. The second comment was general and simply stated more background information would have been helpful. Neither comment directly related to the specific change being recommended to the rule and therefore were not used in the decision to obstruct this rule from moving forward. The agency

believes that the adopted changes will provide a valuable opportunity to the general public. Even though landowners receive permits, the agency also receives permits that are disseminated to the general public. The new operating procedures also strongly advocates for additional public access opportunity which provides further benefits to the general public.

Those who provided comments who demonstrated support for the changes simply made one suggestion that advertising should be required for landowners who perform raffles. This will be taken into consideration in the future but since it does not directly relate to the specific change being recommended, it will not be implemented at this time. Under the new operating procedures, information regarding the opportunities are placed in the hunting regulations and on the WDFW Private Lands website.

WAC 220-412-070 Big game and wild turkey auction, raffle, and special incentive permits.

Background/Summary of Project:

The adopted proposal added game management unit (GMU) 186 and portions of GMU 181 (south of the line made by starting at Montgomery Ridge Road and Highway 129, to the Sherry Grade Road, to the Couse Creek Road, to the Snake River) to the legal hunt area for the Rocky Mountain Bighorn Sheep Raffle Permit.

Reasons for adopting the rule:

The Commission adopted this rule because population surveys conducted by department staff indicated bighorn sheep populations, specifically the number of mature rams, had increased in these areas, which warranted an expansion of the hunt area.

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

None.

Public comments, response to comments, and consideration of comments:

Supporting Comments:

The department received three comments in support of the proposal. One respondent advocated for limiting the number of raffle tickets a person could purchase, one advocated for more special permit opportunities instead of auction/raffle permits, and one expressed general support for the program.

Opposing, Neutral, and Other Comments:

The department received four comments in opposition to the proposal. Three comments were opposed to the auction/raffle concept and one respondent preferred an increase in standard special permits rather than having auction/raffle permits.

Fish and Wildlife Commission Hearing, Public Comments:

The department received no additional comments during public testimony at the March Commission meeting or during the extended comment period.

Direction and Rationale:

The Commission adopted the rule as proposed. The theme of most comments centered around not offering these types of permits. The primary intent of having auction and raffle permit opportunities was to generate revenue that could in turn be used for the conservation

and management of those species. The department had always been transparent with the public about why they offered these limited opportunities.

WAC 220-412-090 Multiple season big game permits.

Background/Summary of Project:

The department had been offering a limited number of multiple season big game permits since 2008, which allowed successful applicants to hunt deer and elk during modern firearm, archery, and muzzleloader general seasons. The adopted proposal, proposed by the department's Licensing Division, clarified the language and reduced hunter confusion regarding this rule and the opportunity it provided.

Reasons for adopting the rule:

The Commission adopted this rule because it clarified language, reduced hunter confusion, and did not change any opportunity for hunters. Main points of clarification included:

- Changed the name from multiple season big game permits to multi-season deer and elk tags because they were only available for those two big game species.
- Changed the language in the rule and in the title from permit to tags because these are not permits.
- Changed language in the rule to clarify applicants must purchase an application, not a permit.
- Added language to clarify drawings will be conducted in April.
- Modified language to clarify that tags not purchased by August 1 may be made available to unsuccessful applicants at the discretion of the department.

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

None.

Public comments, response to comments, and consideration of comments:

Supporting Comments:

The department received three comments in support of this proposal. One comment advocated for not limiting the number of multi-season tags, one was opposed to leftover tags being sold at the discretion of the department, and one comment expressed general support.

Opposing, Neutral, and Other Comments:

The department received seven comments in opposition to the proposal. Six comments advocated for eliminating these opportunities or substantially reducing the number issued and one comment was opposed to leftover tags being sold at the discretion of the department.

The department received two neutral comments. Although neutral, both advocated for eliminating these opportunities.

Fish and Wildlife Commission Hearing, Public Comments:

The department received no additional comments during public testimony at the March Commission meeting or during the extended comment period.

Direction and Rationale:

The Commission adopted the rule as proposed. The changes were purely administrative in nature and did not change the intent of the rule. The main theme of comments received was related to eliminating multi-season tags, which the department did not consider. The department had been transparent regarding the fact these tags were created with the primary intent of increasing revenue. They also enabled the department to fulfill the desire commonly expressed by hunters that wished to have the opportunity to hunt deer and elk during all three general seasons, but to do it in a way that did not negatively affect the resource.

WAC 220-412-100 Landowner hunting permits.**Background/Summary of Project:**

The adopted proposal allowed for better program management, landowner reporting and consistency in program implementation across the state. The changes have resulted from numerous conversations between landowners, the public, and from internal staff over the past year. Staff believed that with these changes, the program will support more access opportunities for the general public while also aiding participating landowners in an effort to manage hunters and wildlife on their properties.

Reasons for adopting the rule:

The Commission adopted this rule to allow for better program management, landowner reporting, and consistency in program implementation across the state.

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

None.

Public comments, response to comments, and consideration of comments:

We received 139 total comments on this proposed rule change. All comments relating to this rule were received through our online survey.

Written Supporting Comments:

Thirty-eight percent of the respondents indicated that they were in favor of the proposed changes. Of those that generally agreed, two individuals provided written comment. Both respondents were in favor of the revisions and gave praise to WDFW for acting.

Written Opposing, Neutral, and Other Comments:

Nine percent of the respondents indicated an opposing position on the rule. Of those, two provided written comment. One individual simply stated that they were opposed to any form of fee hunting. The other individual stated that this program should be abolished due to too many special interests at the landowner level.

Fifty-three percent of the respondents indicated a neutral position on the rule. Of those, one provided written comment. This individual stated that there have been many misrepresentations by landowners who give their permits to friends and family. This individual also stated that permits should be prioritized to public hunters based upon their proximity to the hunting location.

Fish and Wildlife Commission Hearing, Public Comments:

No other public comments were received during the commission hearing.

Rationale-Agency Action Regarding Comments:

Those who provided comment in opposition were general regarding their opposition to all types of fee hunting. Some stated that the program should be abolished due to too many special interests at the landowner level. Regarding the latter comment, WDFW recognized that this was a public concern and believes that the new requirements under the rule should alleviate these issues moving forward.

Out of those who provided comment taking a neutral position, there was one general statement made regarding opposition to permits being only given to friends and family of the landowner. It was also stated that permits should be given to hunters in close proximity to the LHP property rather than those hunters who are further away. Under the current system, many of the allocated WDFW permits are raffled or draw permits through the WDFW Licensing system. We think prioritizing location preference creates an unfair advantage.

Those who demonstrated support for the rule changes provided comment and praised WDFW for taking action and revising this program.

WAC 220-413-180 Special closures and firearm restriction areas.**Background/Summary of Project:**

The adopted proposal removed the reference to “wooden towers” from the description for the Columbia River Restricted Hunting Area. Corrections were also made to the spelling of Newberry (from Newbury) Hill Road for the Firearm Restriction Area in Kitsap County.

Also, the proposal removed Kittitas County and the associated reference to GMU 334 from the list of Firearm Restriction Areas. This closure and GMU 334 were originally established to provide for consistency with existing Kittitas County Code that limits the use of high-powered firearms during deer and elk hunting seasons. Through the years, the department had received several requests from county commissioners, representatives of the field and stream club, and other constituents to address concerns related to the Firearm Restricted Area that was defined by the boundary of GMU 334.

Reasons for adopting the rule:

The Commission adopted this rule because the “wooden towers” referenced in the Columbia River Restricted Hunting Area boundary description had been torn down recently. As such, they could no longer be used as a discernable landmark to describe the boundary. Correcting the spelling of Newberry Hill Road eliminated confusion for hunters.

Regarding the deletion of reference to GMU 334 as a Firearm Restricted Area, it had become increasingly difficult for the department to define a GMU which only covered a firearm closure identified by county code, while at the same time meeting their management needs. The county closure areas encompassed a good portion of GMU 334; however, there were areas outside of the county closure where the department’s rule unintentionally extended the closure because of GMU boundary description.

Other concerns the department had received were related to the fact this rule had also unintentionally prevented the use of centerfire varmint calibers during the deer and elk

seasons, which limited the ability of livestock producers to control nuisance wildlife species while utilizing their hunting licenses out of expedience.

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

Proposed to remove Kittitas County and associated reference to GMU 334 from the list of Firearm Restriction Areas.

Public comments, response to comments, and consideration of comments:

Supporting Comments:

The department received no comments in support of the proposal.

Opposing, Neutral, and Other Comments:

The department received one comment in opposition to the proposal with the respondent advocating that the rule should read “the Hanford Town Site”.

The department received one neutral comments. Although neutral, the respondent advocated for clearly marking the Columbia River Restricted Hunting Area boundary.

Fish and Wildlife Commission Hearing, Public Comments:

No public testimony in support of this proposal was received at the March Commission meeting and the department only received one letter during the extended open comment period that expressed support.

The department received no additional opposing or neutral comments during public testimony at the March Commission meeting or during the extended comment period.

Direction and Rationale:

The Commission adopted the rule as proposed. The proposed deletion of the reference to the “wooden towers” was made following consultation with local wildlife biologists, local fish biologists, and local law enforcement officers. All agreed this was the simplest change to make in response to the wooden towers being torn down and the boundary was still readily discernable because the power lines would remain.

The proposed deletion of Kittitas County, with reference to GMU 334, was also made following consultation with local wildlife biologists, local law enforcement officers, and other local constituents. They all agreed it would reduce confusion for both landowners and hunters if the department did not establish Firearm Restriction Areas that were intended to reflect those already identified in County code.

WAC 220-415-020 2018-2020 Deer general seasons and definitions.

Background/Summary of Project:

In general, the adopted proposal provided recreational deer hunting opportunities and protected deer from overharvest. It also helped address deer agricultural damage problems and provided for deer population control when needed.

The adopted proposal represented the 3rd year of the 2018-2020 season setting package that was adopted in 2018. As such, it only included minor adjustments to deer general seasons.

Reasons for adopting the rule:

The Commission adopted this rule because the changes were minor and had little effect on hunter opportunity.

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

None.

Public comments, response to comments, and consideration of comments:**Supporting Comments:**

The department received 15 comments in support of the proposal. Respondents advocated for predator management, antler-point restrictions for white-tailed deer in northeast Washington, more opportunity for senior hunters, no antlerless harvest in northeast Washington, no antlerless harvest or no 2nd deer permits, increasing 2nd deer permits, antler-point restrictions for black-tailed deer, shorter archery seasons, and decreasing harvest in Klickitat County.

Opposing, Neutral, and Other Comments:

The department received 18 comments in opposition to the proposal. Respondents advocated for predator management, antler-point restrictions in northeast Washington, reducing tribal harvest, no antlerless harvest in northeast Washington, managing all mule deer harvest with special permits, late-buck seasons in King and Snohomish counties, no antlerless harvest in Okanogan County, increasing opportunity because there are too many deer, antler-point restrictions for black-tailed deer, no antlerless opportunity for black-tailed deer, abolishing the 3-pt rule for mule deer, and having an eastside and westside tag for deer, similar to what the department does for elk.

The department received two neutral comments. Although neutral, one respondent advocated for predator management and the other for decreasing antlerless harvest.

The department received one email that expressed concern about mule deer populations in Chelan and Okanogan counties. The sender advocated for removing antler-point restrictions for mule deer and limiting all opportunities for mule deer using the special permit system.

The department received four emails that were related to deer in northeast Washington. Two emails advocated for antler-point restrictions, while two others were opposed. Two emails advocated for no antlerless harvest, while one also advocated for limited special permits for youth, disabled, and senior hunters for Any Buck.

Fish and Wildlife Commission Hearing, Public Comments:

The department received six comments during public testimony at the March Commission meeting and three comments during the extended comment period that expressed support for having no antlerless seasons for white-tailed deer in northeast Washington. The department also received one comment during public testimony and five comments during the extended comment period that were in support of the proposal because the proposal did not include a recommendation to reinstate antler-point restrictions for white-tailed deer in northeast Washington.

The department received eight opposing comments during public testimony at the March Commission meeting and three opposing comments during the extended comment period because the proposal did not include a recommendation to reinstate antler-point restrictions

for white-tailed deer in northeast Washington. One other opposing comment advocated for reducing opportunities to harvest antlerless mule deer.

Lastly, the department received numerous comments during public testimony and four comments during the extended comment period that expressed a general concern about recent declines in deer numbers.

Direction and Rationale:

The Commission adopted the rule as proposed. Common themes of public comment received included decreasing antlerless harvest, predator management, and antler-point restrictions for white-tailed deer in northeast Washington. The department had already liberalized bear seasons in eastern Washington and adopted changes to recreational cougar seasons that would increase opportunities to harvest cougars. They had also substantially reduced opportunities to harvest antlerless mule deer and white-tailed deer to help populations recover from recent declines that were associated with severe drought conditions in 2015 and severe winters conditions in 2016-2017. Although antler-point restrictions have not been shown to have any biological effect, beyond increasing the survival of bucks ≤ 2.5 years old, the department recognized they had become increasingly popular among some hunters in Washington, as well as throughout the U.S. However, they were not universally supported by hunters in Washington and their consideration needed to include an extensive outreach process. As such, the department committed to considering antler-point restrictions in concert with the 2021-2023 season setting process.

The department did not consider other comments that advocated for changes in opportunities that were specific to user groups (e.g., youth, senior, etc.) or GMUs because the proposal already attempted to maximize recreational opportunities for each user group in each GMU, but in a way that did not negatively affect the resource and balanced opportunity amongst user groups.

WAC 220-415-030 2019 Deer special permits.

Background/Summary of Project:

The adopted proposal helped retain special permit deer hunting opportunities for 2020. It also balanced hunting opportunities between user groups, increased opportunities when deer populations allowed, and reduced opportunities when declining deer numbers warranted a change. Lastly, it added language that clarified the bag limit was one deer, except where otherwise permitted by department rule, even if permits were drawn for more than one deer hunt category.

Reasons for adopting the rule:

The Commission adopted this rule because it provided recreational deer hunting opportunities and protected deer from overharvest. The rule also maintained sustainable deer special permit hunting season opportunities for 2020, helped address deer agricultural damage problems, and provided for deer population control when needed.

In addition, situations had occurred in the past that involved hunters who had successfully drawn a permit in more than one hunt category for the same species. Because the past rule language did not specify a bag limit, some hunters interpreted this to mean they could shoot one deer per permit or one deer in addition to their general season harvest, which was incorrect. The amended rule reduced confusion for hunters.

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

In game management units where all opportunity was limited to special permits, the department allocated that opportunity among the three user groups (modern firearm, archery, and muzzleloader). Harvest data (hunter numbers, harvest, etc.) for 2019 were needed before this exercise could be completed but were not available until after the filing of the CR-102.

Season dates were also adjusted for several hunts because they were originally intended to either overlap or avoid overlap with general season dates for a respective weapon type, but department staff inadvertently forgot to propose those changes when the CR-102 was filed.

Public comments, response to comments, and consideration of comments:**Supporting Comments:**

The department received six comments in support of the proposal. Two comments advocated for changing the season dates for modern firearm in GMU 290, 1 advocated for abolishing the point system, 1 advocated for predator management, and 1 advocated for changing the season dates for buck hunts in the Palouse.

Opposing, Neutral, and Other Comments:

The department received 16 comments in opposition of the proposal. Four comments advocated for predator management, four advocated for more opportunity for archery hunters, two advocated for additional reductions in antlerless permits, two advocated for more muzzleloader permits, two advocated for a new permit system, one advocated for 5-point antler point restrictions for white-tailed deer, one advocated for closing all deer seasons, 1 advocated for less tribal harvest, and one advocated for not allowing hunters to be drawn for permits in multiple categories.

The department received no neutral comments related to this proposal.

The department received 1 email that expressed concern about mule deer populations in Chelan and Okanogan counties. The sender advocated for removing antler-point restrictions for mule deer and limiting all opportunities for mule deer using the special permit system.

The department received four emails that were related to deer in northeast Washington. Two emails advocated for antler-point restrictions, while two others were opposed. Two emails advocated for no antlerless harvest, while 1 also advocated for limited special permits for youth, disabled, and senior hunters for Any Buck.

Fish and Wildlife Commission Hearing, Public Comments:

The department received no additional supporting comments during public testimony at the March Commission meeting or during the extended comment period that were specifically related to Deer Special Permits. Instead, comments were about deer management in general and were summarized in association with Deer General Seasons.

The department received no additional opposing or neutral comments during public testimony at the March Commission meeting or during the extended comment period that were specifically related to Deer Special Permits. Instead, comments were about deer management in general and were summarized in association with Deer General Seasons.

Direction and Rationale:

The Commission adopted the rule as proposed. The only common themes associated with comments the department received were related to predator management and, in general, increasing opportunities. The department had already liberalized bear seasons in eastern Washington and adopted changes to recreational cougar seasons that could increase opportunities to harvest cougars. We had also already reduced opportunities to harvest antlerless mule deer and white-tailed deer to help populations recover from recent declines that were associated with severe drought conditions in 2015 and severe winters conditions in 2016-2017. The department would continue to implement those reduced opportunities until populations had recovered.

The department did not consider other comments that advocated for changes in opportunities that were specific to user groups (e.g., youth, senior, etc.) or GMUs because the proposal already attempted to maximize recreational opportunities for each user group in each GMU, but in a way that did not negatively affect the resource and balanced opportunity amongst user groups.

WAC 220-415-040 Elk area descriptions.**Background/Summary of Project:**

The adopted proposal eliminated Elk Area No. 1011 (Columbia County), Elk Area No. 1012 (Asotin County), and Elk Area No. 1082 (Asotin County).

Reasons for adopting the rule:

The Commission adopted this rule because all three elk areas were created to address issues related to elk causing damage to agricultural crops. Damage issues in all three areas had declined subsequent to substantial declines in elk numbers. As such, these elk areas were no longer needed and there was not an anticipated need in the foreseeable future.

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

None.

Public comments, response to comments, and consideration of comments:**Supporting Comments:**

The department received no comments in support of the proposal.

Opposing, Neutral, and Other Comments:

The department received 1 comment in opposition to the proposal, which advocated for keeping the Elk Areas.

The department received one neutral comment. Although neutral the respondent supported the removal of these Elk Areas and advocated for removing even more.

Fish and Wildlife Commission Hearing, Public Comments:

No public testimony in support of this proposal was received at the March Commission meeting and the department only received one letter during the extended open comment period that expressed support.

The department received no additional opposing or neutral comments during public testimony at the March Commission meeting or during the extended comment period.

Direction and Rationale:

The Commission adopted the rule as proposed. Elk damage issues associated with these Elk Areas had declined subsequent to substantial declines in elk numbers. Moreover, Elk Area 1011 and Elk Area 1012 had not been used since 2008 and were redundant to an existing larger Elk Area.

WAC 220-415-050 2018-2020 Elk general seasons and definitions.**Background/Summary of Project:**

In general, the adopted proposal retained general season elk hunting opportunities for 2020. It also balanced hunting opportunities between user groups, increased opportunities when elk populations allowed, and reduced opportunities when declining elk numbers warranted a change.

This proposal represented the third year of the 2018-2020 season setting package that was adopted in 2018. As such, with exception to the Colockum and Yakima elk herds, the proposal included minor adjustments to elk general seasons. The department postponed the development of recommendations to the Commission for the Colockum and Yakima elk herds until 2019 harvest data and 2020 survey results were available in March. After data were available, the department made changes to opportunities for archery hunters to harvest antlerless elk during elk general seasons with the intent of promoting population stability or growth in the Colockum and Yakima elk herds. More specifically, the department proposed changes to general archery seasons with the objective of harvesting no more than 100 antlerless elk in the Colockum and no more than 150 antlerless elk the Yakima herd, to include elk harvested during special permit seasons and in association with efforts to mitigate conflict issues.

Reasons for adopting the rule:

The Commission adopted this rule because it provided recreational elk hunting opportunities, helped address elk agricultural damage problems, and provided elk population control when needed.

Population surveys had indicated the Colockum elk herd declined by an additional 300-400 elk from spring 2019 to spring 2020 and was 18% below objective. Antlerless harvest had averaged 327 elk during the 2018 and 2019 hunting seasons. Without a substantial reduction in the harvest of antlerless elk during the 2020 season, the Colockum elk herd was likely to experience further declines.

The Yakima herd was approximately 14% below objective when the department conducted population surveys in spring 2019. They were not able to conduct a population survey to estimate abundance in 2020 because mild winter conditions prevented elk from concentrating on traditional winter range. However, the department classified approximately 4,000 elk on feed sites throughout winter and estimated the calf:cow ratio to be 19:100. The only other time calf:cow ratios have been documented this low for the Yakima herd was following the severe winter of 2016/2017. Although the department was not able to estimate abundance, it is likely the Yakima herd declined again in 2020 with calf:cow ratios this low, or at best, remained stable. Antlerless harvest averaged 275 elk during the 2018 and 2019 hunting seasons. Without a reduction in the harvest of antlerless elk during the 2020 season, the Yakima herd was likely to experience further declines.

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

To promote population stability or growth in the Colockum and Yakima elk herds, the department proposed the following changes:

- Eliminate opportunities to harvest antlerless elk during early and late general archery seasons in GMUs 328 and 329.
- Eliminate all opportunities to harvest antlerless elk during early and late general archery seasons in GMUs 336, 340, 342, 346, 352, 356, 364, and Elk Area 3681.

Public comments, response to comments, and consideration of comments:**Supporting Comments:**

There were 16 comments in support of the proposal, with most comments being related to proposals for the Colockum and Yakima elk herds. Seven comments expressed an understanding of the need to reduce antlerless harvest and were supportive, but perspectives on how to reduce antlerless harvest differed and included:

- 1) Only allowing antlerless harvest through special permit seasons for all user groups.
- 2) Reducing antlerless harvest for modern firearm hunters.
- 3) Reducing antlerless harvest for archery hunters.

Other comments in support of the proposal and related to the Colockum and Yakima elk herds were related to concerns that tribal hunting (two comments) and predators (two comments) were factors negatively affecting these herds and should be addressed by the department.

Lastly, 1 comment supported the reduction of permits in the Mount St. Helens elk herd area and one comment advocated for including GMU 663 (Capitol Peak) to the list of areas open during the late general muzzleloader season in western Washington. Three other comments were unrelated to the proposal.

Opposing, Neutral, and Other Comments:

There were 28 comments in opposition to the proposal, with most comments being related to proposals for the Colockum and Yakima elk herds. Although in opposition of the proposal, seven comments indicated general support for reductions in antlerless harvest, while another four comments advocated for no antlerless harvest or further reductions. Four comments were opposed to reductions in opportunities for archery hunters, three comments advocated for permit only opportunities for antlerless elk, one comment advocated for not reducing special permits for muzzleloader hunters, and one comment advocated for a season that was only for archery hunters using primitive bows. Other comments in opposition of the proposal were related to concerns that tribal hunting (three comments) and predators (six comments) were factors negatively affecting these herds. Three comments were related to abolishing spike or true-spike rules.

There were five neutral comments. Although their stance was neutral, one was generally supportive of reducing antlerless harvest, while three were concerned about the effects of tribal harvest and one advocated for the department to consider predator management actions.

The department also received one email that expressed concern about current status of the Colockum and Yakima elk herds. More specifically, they advocated for removing all

antlerless harvest, not having other seasons overlap the Quality bull hunts, eliminating “true-spike”, and consider closing both areas to all elk hunting.

Lastly, the department met with representatives from Washington State Bowhunters, the Washington State Archery Association, and Traditional Bowhunters of Washington to discuss proposals for the Colockum and Yakima elk herds. All three groups expressed strong values associated with providing general season opportunities for archery hunters to harvest antlerless elk.

Fish and Wildlife Commission Hearing, Public Comments:

No public testimony in support of this proposal was received at the March Commission meeting and we only received one letter during the extended open comment period that expressed support.

The department received one comment during public testimony at the March Commission meeting and two comments during the extended comment period that were in opposition to this proposal because they were opposed to eliminating opportunities to harvest antlerless elk in the Colockum and Yakima elk herd areas during the general archery seasons.

The department also received one comment during the extended comment period that expressed opposition to changing the dates for Master Hunter seasons in GMU 371, while one other comment advocated for having different seasons for each weapon type during seasons only open to Master Hunters in GMU 371 and Elk Area 3911. Lastly, one additional comment in opposition to the proposal advocated for allowing elk to expand into agricultural areas.

Direction and Rationale:

Although there was opposition to the proposal, the Commission adopted the rule as proposed because without substantial reductions in antlerless harvest, the department anticipated both the Colockum and Yakima elk herds would continue to decline. The most common themes from other comments received included advocating for predator management and reducing tribal harvest. The department had already liberalized bear seasons in eastern Washington and adopted changes to recreational cougar seasons that could increase opportunities to harvest cougars. Moreover, the predator-prey guidelines outlined in the Game Management Plan clearly indicate the department must attempt to address declining trends for an “at-risk” ungulate population through harvest prior to considering predator management actions. Although the department attempts to work collaboratively with the 24 tribes that have off-reservation hunting rights, they set their own hunting regulations for their tribal members.

The department did not consider eliminating “true-spike” regulations because the department was not able to meet their bull escapement objectives without a “true-spike” regulation. The department also did not consider the comments that related to Master Hunter seasons in GMU 371 and Elk Area 3911 because those opportunities were established with the explicit intent of mitigating elk damage issues rather than maximizing hunter satisfaction or hunt quality. Lastly, the department did not consider the recommendation of allowing elk to expand into agricultural areas because it was inconsistent with legislative mandates and established policies.

The department did not consider other comments that advocated for changes in opportunities that were specific to user groups (e.g., youth, senior, etc.) or GMUs because the proposal already attempted to maximize recreational opportunities for each user group in each GMU, but in a way that did not negatively affect the resource and balanced opportunity amongst user groups.

WAC 220-415-060 2019 Elk special permits.

Background/Summary of Project:

The adopted proposal retained elk special permit hunting opportunities for 2020. It also balanced elk hunting opportunities between user groups, increased elk hunting opportunities when elk populations allowed, and reduced opportunities when declining elk numbers warranted a change. Lastly, it added language that clarified the bag limit was one elk, except where otherwise allowed by the department rule, even if permits were drawn for more than one elk hunt category.

The department postponed the development of recommendations to the commission for the Colockum and Yakima elk herds until 2019 harvest data and 2020 survey results were available in March. After data were available, the department proposed changes to special permit opportunities with the intent of promoting population stability or growth in the Colockum and Yakima elk herds, in addition to offsetting some of the opportunity that was lost by the elimination of general season opportunities for archery hunters to harvest antlerless elk. More specifically, the department proposed recommendations with the objective of harvesting no more than 100 antlerless elk in the Colockum and no more than 150 antlerless elk the Yakima herd, to include elk harvested during general seasons and in association with efforts to mitigate conflict issues.

Reasons for adopting the rule:

The Commission adopted this rule because it provided recreational elk hunting opportunities and protected elk from overharvest, maintained sustainable elk special permit hunting opportunities for 2020, helped address elk agricultural damage problems, and provided for elk population control when needed.

Because the rule language did not specify a bag limit, some hunters interpreted this to mean they could shoot one elk per permit or one elk in addition to their general season harvest, which was incorrect. Amending this rule clarified the rule and avoided confusion in the future.

Population surveys indicated the Colockum elk herd declined by an additional 300-400 elk from spring 2019 to spring 2020 and was 18% below objective. Antlerless harvest averaged 327 elk during the 2018 and 2019 hunting seasons. Without a substantial reduction in the harvest of antlerless elk during the 2020 season, it was likely the Colockum elk herd would have experienced further declines.

The Yakima herd was approximately 14% below objective when the department conducted population surveys in spring 2019. They were not able to conduct a population survey to estimate abundance in 2020 because mild winter conditions prevented elk from concentrating on traditional winter range. However, the department classified approximately 4,000 elk on feed sites throughout winter and estimated the calf:cow ratio to be 19:100. The only other time calf:cow ratios had been documented this low for the Yakima herd was

following the severe winter of 2016/2017. Although the department was not able to estimate abundance, it is likely the Yakima herd declined again in 2020 with calf:cow ratios this low, or at best, remained stable. Antlerless harvest averaged 275 elk during the 2018 and 2019 hunting seasons. Without a reduction in the harvest of antlerless elk during the 2020 season, it is likely the Yakima herd would have experienced further declines.

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

In game management units where all opportunity is limited to special permits, the department allocated that permit opportunity among the three user groups (modern firearm, archery, and muzzleloader). Harvest data (hunter numbers, harvest, est.) for 2019 were needed before this exercise could be completed but were not available until after the filing of the CR-102.

To promote population stability or growth in the Colockum herd, the department proposed the following changes:

- Offer 75 archery special permits for antlerless elk during a season that will overlap the early general season.
- Offer 20 archery special permits for antlerless elk during a season that will overlap the late general season.
- Reduce the number of modern firearm special permits for antlerless elk from 85 to 45.
- Reduce the number of muzzleloader special permits for antlerless elk from 60 to 30.
- Eliminate special permit opportunities to harvest antlerless elk for Youth (30), Senior (65+, 15 permits), and Hunters w/ Disabilities (10 permits).

To promote population stability or growth in the Yakima herd, the department proposed the following changes:

- Offer 280 archery special permits for antlerless elk during a season that will overlap the early general season.
- Offer 110 archery special permits for antlerless elk during a season that will overlap the late general season.
- Reduce the number of modern firearm special permits for antlerless elk from 170 to 75.
- Reduce the number of muzzleloader special permits for antlerless elk from 100 to 60.
- Reduce the number of special permits for Youth hunters to harvest antlerless elk in the core area from 50 to 26 and add 30 Youth permits in GMU 371.
- Reduce the number of special permits for Senior (65+) hunters to harvest antlerless elk in the core area from 30 to 21.
- Reduce the number of special permits for Hunters w/ Disabilities to harvest antlerless elk in the core area from 20 to 11.

Public comments, response to comments, and consideration of comments:

Supporting Comments:

The department received nine comments in support of the proposal. Two comments expressed general support, two advocated for replacing archery general seasons with special permits, one advocated for longer youth seasons in the Yakima herd, one advocated for

more opportunity for senior hunters in GMU 560, one advocated for less tribal harvest, one advocated for predator management, and one advocated for less archery opportunity.

Opposing, Neutral, and Other Comments:

The department received 23 comments in opposition to the proposal. Five comments advocated for predator management, five expressed opposition to a reduction in permit numbers, three advocated for a reduction in tribal harvest, two advocated against a reduction of bull permits in the Blue Mountains, two expressed general support for the proposal, two were opposed to reductions in opportunities for archery hunters, one advocated for removing all special permits, one advocated for more youth permits, one expressed opposition to reducing special permits for senior hunters, one supported further reductions in antlerless opportunities, one advocated for more opportunity for archery hunters that use traditional equipment, one advocated for more antlerless permits in GMUs 513 and 516, and one thought there were too many special permits for antlerless elk in GMU 648.

The department received three neutral comments. Although their position was neutral, two comments advocated for predator management and one comment advocated for more youth permits.

The department also received one email that expressed concern about current status of the Colockum and Yakima elk herds. More specifically, they advocated for removing all antlerless harvest, not having other seasons overlap the Quality bull hunts, eliminating “true-spike”, and consider closing both areas to all elk hunting.

Lastly, the department met with representatives from Washington State Bowhunters, the Washington State Archery Association, and Traditional Bowhunters of Washington to discuss proposals for the Colockum and Yakima elk herds. All three groups expressed strong values associated with providing general season opportunities for archery hunters to harvest antlerless elk.

Fish and Wildlife Commission Hearing, Public Comments:

No public testimony in support of this proposal was received at the March Commission meeting, while two comments were received during the extended open comment period that expressed support. One comment expressed general support, while the other comment expressed support for youth permits in GMU 371.

The department received no additional opposing comments during public testimony at the March Commission meeting. We received one comment during the extended comment period that advocated for antlerless permits in GMU 653, but the constituent did not indicate whether they were supportive of or opposed to the proposal.

Direction and Rationale:

The Commission adopted the rule as proposed, which also included a recommended adjustment that added special permit opportunities for archery hunters to harvest antlerless elk in the Colockum and Yakima elk herd areas to offset some of the opportunity that was lost with the elimination of general archery seasons. The most common themes from comments received included advocating for predator management, opposition to reductions in opportunity, and reducing tribal harvest.

Although opposition to a reduction in opportunities was a central theme, those reductions are necessary given the current status of the Colockum (18% below objective), Yakima (14% below objective), Blue Mountains (16% below objective), and Mount St. Helens (30-35% decline in 2019) elk herds. The department had already liberalized bear seasons in eastern Washington and adopted changes to recreational cougar seasons that could increase opportunities to harvest cougars. Moreover, the predator-prey guidelines outlined in the Game Management Plan clearly indicate the department must attempt to address declining trends for an “at-risk” ungulate population through harvest prior to considering predator management actions. Although the department attempts to work collaboratively with the 24 tribes that have off-reservation hunting rights, they set their own hunting regulations for their tribal members.

The department did not consider other comments that advocated for changes in opportunities that were specific to user groups (e.g., youth, senior, etc.) or GMUs (e.g., antlerless permits in GMU 653) because the proposal already attempted to maximize recreational opportunities for each user group in each GMU, but in a way that did not negatively affect the resource and balanced opportunity amongst user groups.

WAC 220-415-070 2019 Moose seasons, permit quotas, and areas.

Background/Summary of Project:

The adopted proposal added language that clarified the bag limit was one moose, except where otherwise allowed by department rule, even if permits were drawn for more than one moose hunt category. It also adjusted moose hunt permit limits to reflect population changes and recent harvest.

Reasons for adopting the rule:

The Commission adopted this rule to clarify meaning and avoid confusion in the future.

Permits for ‘Any Antlered Bull Moose’ in Spokane West A increased because surveys showed a good bull to cow ratio. Permits for ‘Antlerless Only’ were reduced in Mt. Spokane South B, Mt. Spokane North B, and Mica Peak because surveys indicated calf recruitment rates and the overall number of moose were lower than normal.

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

None.

Public comments, response to comments, and consideration of comments:

Supporting Comments:

The department received ten comments in support of the proposal. Seven comments advocated for predator management, one comment expressed general support of the proposal, and one comment advocated for not allowing hunters to draw a permit in more than one permit category.

Opposing, Neutral, and Other Comments:

The department received 11 comments in opposition to the proposal. Six comments advocated for no antlerless moose permits, three advocated for predator management, one advocated for reductions in all moose permits, and one advocated for more youth permits.

The department received two neutral comments, both of which advocated for predator management.

Fish and Wildlife Commission Hearing, Public Comments:

The department received no additional supporting comments during public testimony at the March Commission meeting and received one additional comment in support of the proposal during the extended comment period. The department received no additional opposing or neutral comments during public testimony at the March Commission meeting or during the extended comment period.

Direction and Rationale:

The Commission adopted the rule as proposed. Although the central themes of comments were associated with predator management and reducing antlerless permits further, the department has already liberalized bear seasons in eastern Washington and adopted changes to recreational cougar seasons that could increase opportunities to harvest cougars. Moreover, in response to recent declines in moose populations in some areas, the department had substantially reduced antlerless moose permits in 2018.

The department did not consider other comments that advocated for changes in opportunities that were specific to user groups (e.g., youth, senior, etc.) or GMUs because the proposal already attempted to maximize recreational opportunities for each user group in each GMU, but in a way that did not negatively affect the resource and balanced opportunity amongst user groups.

WAC 220-415-120 2019 Bighorn sheep seasons and permit quotas.

Background/Summary of Project:

The adopted proposal added language that clarified the bag limit was one bighorn sheep, except where otherwise allowed by department rule, even if permits were drawn for more than one bighorn sheep category. It also adjusted bighorn sheep hunt permit limits to reflect population changes and recent harvest. Lastly, the proposal created separate permit opportunities for adult ewes and juvenile rams in the Selah Butte, Mount Baldy, and Umtanum hunt areas (collectively referred to as the Yakima Canyon herd).

Reasons for adopting the rule:

The Commission adopted this rule because the current language indicated the bag limit was one bighorn ram, except in designated adult ewe hunts the limit was one bighorn adult ewe, some hunters interpreted this to mean one sheep per permit, which was incorrect. The adopted rule clarified meaning and helped avoid confusion in the future.

The department established unique permit opportunities for adult ewes and juvenile rams for the Yakima Canyon herd in association with their efforts to reduce the size of the herd and eliminate *Mycoplasma ovipneumoniae* (M. Ovi.). The department first implemented these permits during the 2019 season with the special restriction identified as an adult ewe or juvenile ram, but most resulting harvest consisted of rams, including rams that were not juveniles. As such, very few ewes were harvested as intended, which called for the rule change.

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

None.

Public comments, response to comments, and consideration of comments:**Supporting Comments:**

The department received one comment in support of the proposal, which advocated for not allowing hunters to draw a permit in more than one category.

Opposing, Neutral, and Other Comments:

The department received four comments in opposition to the proposal. Two comments did not agree with the disease management approach in the Yakima Canyon herd, one advocated for more permits in Asotin Creek, and one advocated for predator management.

Of the four neutral comments received, two advocated for predator management, one advocated for stricter enforcement of the juvenile ram permits, and one advocated for permits in the Grande Ronde.

Fish and Wildlife Commission Hearing, Public Comments:

The department received no additional supporting comments during public testimony at the March Commission meeting and received one additional comment in support of the proposal during the extended comment period. The department received no additional opposing or neutral comments during public testimony at the March Commission meeting or during the extended comment period.

Direction and Rationale:

The Commission adopted the rule as originally proposed. The department did not consider the recommendations received from public comment because permit quotas presented in the proposal were developed using the most recent survey data, were reflective of the current status of each herd, and were developed within the management framework outlined in the game management plan. Permit quotas in the Yakima Canyon herd were developed with the explicit intent of reducing herd size so the department could implement a “test and cull” management strategy that had been successful at eradicating M. Ovi in other bighorn sheep herds. This management approach had also already gone through an extensive public review process in concert with the 2018-2020 season setting process and was generally supported by the public at that time.

The department did not consider other comments that advocated for changes in opportunities that were specific to user groups (e.g., youth, senior, etc.) or GMUs because the proposal already attempted to maximize recreational opportunities for each user group in each GMU, but in a way that did not negatively affect the resource and balanced opportunity amongst user groups.

WAC 220-415-130 2019 Mountain goat seasons and permit quotas.**Background/Summary of Project:**

The adopted proposal added language that clarified the bag limit was one mountain goat, except where otherwise permitted by department rule, even if permits were drawn for more than one goat hunt category. It also adjusted mountain goat hunt permit limits to reflect population changes and recent harvest.

Reasons for adopting the rule:

The Commission adopted this rule because the existing language stated the bag limit was one adult goat of either sex with horns four inches or longer, and some hunters interpreted this to mean one adult goat per permit, which was incorrect. Adoption clarified the rule and avoided confusion in the future.

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

None.

Public comments, response to comments, and consideration of comments;**Supporting Comments:**

The department received three comments in support of the proposal. One respondent advocated for more permits, one advocated for predator management, and one advocated for not allowing hunters to draw a permit in more than one category.

Opposing, Neutral, and Other Comments:

The department received two comments in opposition to the proposal. One respondent advocated for more permits, while the other advocated for predator management.

The single neutral comment received advocated for predator management.

Fish and Wildlife Commission Hearing, Public Comments:

No public testimony in support of this proposal was received at the March Commission meeting and the department only received one letter during the extended open comment period that expressed support. The department received no additional opposing or neutral comments during public testimony at the March Commission meeting or during the extended comment period.

Direction and Rationale:

The Commission adopted the rule as originally proposed. Proposed adjustments to mountain goat permit quotas were minor, based on most recent survey data, and within the management framework identified in the game management plan. The department did not consider recommendation related to predator management because they had already liberalized bear seasons and adopted changes to recreational cougar seasons that could result in higher cougar harvest.

WAC 220-416-010 2018-2019, 2019-2020, 2020-2021 Small game and other wildlife seasons and regulations.

Background/Summary of Project:

The adopted proposal increased the number of hunter education incentive turkey permits from two to four.

Reasons for adopting the rule:

This change increases the incentive for hunter education instructors without harm to turkey populations.

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

None.

Public comments, response to comments, and consideration of comments:

Written Supporting Comments:

There were 139 comments submitted for this WAC proposal. Ninety-two comments generally agreed with the proposal.

Written Opposing, Neutral, and Other Comments:

There were 11 opposing comments submitted for this WAC proposal. Several made mention of the perspective that turkey should be considered a nuisance species. Several comments were not clear on the actual incentive being offered with these two additional permits. Thirty-six comments submitted took a neutral stance on the proposed recommendations, but available comments provided comment for topics not opened in this WAC.

Fish and Wildlife Commission Hearing, Public Comments:

None.

Rationale-Agency Action Regarding Comments:

The adopted rule added two permits as an incentive to hunter education instructors and does not pose any impact to overall turkey hunting seasons.

WAC 220-416-040 Hunting predatory birds.

Background/Summary of Project:

The purpose of this proposal is to remove the depredation language from WAC 220-416-040, pertaining to killing crows and magpies depredating crops and damaging private property. This language already exists in WAC 220-440-060.

Reasons for adopting the rule:

The Commission adopted this rule to clarify the language, align them with the federal rule and remove redundant language.

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

None.

Public comments, response to comments, and consideration of comments:

Written Supporting Comments:

We received 133 online comments. Ninety one percent (69) of the non-neutral respondents said that they generally agree with the rule change.

Written Opposing, Neutral, and Other Comments:

We received 133 online comments. Ten percent (seven) of the non-neutral respondents generally did not agree with the rule change. Only two provided written comment that did not apply to the proposed rule changes. One suggested a change to the rule pertaining to eurasian collared dove and the other suggested more predator control in general. Forty-three percent of all the respondents (57) remained neutral on this issue.

Fish and Wildlife Commission Hearing, Public Comments:

We received no oral public comment on this rule during the commission meeting.

Rationale-Agency Action Regarding Comments:

None of the comments received in opposition pertained directly to the suggested rule changes.

WAC 220-416-060 2019-2020 Migratory waterfowl seasons and regulations.**Background/Summary of Project:**

Migratory waterfowl season frameworks are established 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 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, they are more restrictive to address regional conservation needs.

Key components of this timeline, included:

- April 13, 2019 – Gathered recommendations from the Waterfowl Advisory Group for potential considerations to the 2020-2021 migratory game bird seasons and regulations.
- August 19, 2019 – Courtesy notice given to the other Pacific Flyway Study Committee members and federal partners regarding the intent to shift more days to the late season segment for white geese in the Columbia Basin.
- August 23, 2019 – Pacific Flyway Council adopts recommendation packet with 2020-2021 season regulation recommendations to be presented to the USFWS Service Regulations Committee.
- October 2019 – USFWS Service Regulations Committee considered and voted on all four Flyway Councils’ recommendations.
- February 20, 2020 – Public comment period closed.
- March 13, 2020 – Kennewick Commission meeting and public testimony.

Reasons for adopting the rule:

Migratory waterfowl and other gamebird (coot, dove, band-tailed pigeon, and snipe) seasons and regulations are developed based on cooperative management programs among states of the Pacific Flyway and the U.S. Fish and Wildlife Service, considering population status and other biological parameters. The rule establishes waterfowl seasons and regulations to provide recreational opportunity, control waterfowl damage, and conserve the migratory waterfowl resources of Washington.

The proposal amends the rule to specify legal season dates, and bag limits for the 2020-2021 season. Changes include:

- Adjust season dates relative to 2020-2021 calendar dates, including a shift of the mandatory two -day duck season closure to occur during the 10th and 11th day of the season, per WDFW Game Management Plan guidance.
- Maintain one-pintail per day bag-limit and associated possession limit per the USFWS Northern Pintail Harvest Strategy.

- Lowering scaup bag-limit to two-scaup per day and associated possession limits, while maintaining an 86-day season length per the optimal regulatory alternative described in AHM protocol.
- Shifting seven-days from the beginning of the first season segment to the beginning of the third season segment for white geese in Goose Management Area 4 (Columbia Basin): February 13 – March 3, 2020.
- Adding clarifying language for identification required of hunters participating during the veteran and active military special waterfowl hunting date: Feb. 6, 2020.

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

A shift the placement of the mandatory two-day duck season closure to days 10 and 11 of the duck season statewide. The two-day closure will occur Monday, October 26 and Tuesday October 27 during the 2020-21 season.

Rationale: The two -day duck season closure is what allows Washington to provide the special youth and special youth, veterans, and active military days without exceeding the 107-day season length allowed by the Migratory Bird Treaty Act. Placement of the two-day closure on days 10 and 11 of the duck season is consistent with guidance provided in the department’s current Game Management Plan that suggests 9-consecutive days should be placed at the beginning of the season before a closure, and the majority of allowable days later in the framework period.

The addition of description of required documents pertaining to Veterans and Active Military individuals participating in the Waterfowl Special Hunting Day on Saturday, February. 6, 2021 to read:

Active duty military includes members of the National Guard and Reserves on active duty (other than for training). Veterans must have served in the active military, naval, or air service, and discharged or released under Honorable conditions.

Hunters must have one of the following, or a copy of, during the hunt: DD214, Veteran Benefit Card, Retired Active Military I.D., or Active Duty I.D. card.

Rationale: This description was not available at the time of adoption last year, and further guidance has been received regarding the definition of Active duty military and veterans and the documents they would need as proof.

A shift of the seven-days to the beginning, not the end, of the third season segment in Goose Management Area 4 as a white-geese only season. The season dates will be: Feb. 13 – Mar. 3, 2021.

Rationale: Several concerns about conflicts with habitat practices that provide food for cranes creating baiting situations in regions where white-geese hunting would be occurring. This overlap becomes more direct as you approach March 10th. The department will work with public land wildlife management agencies to find a better solution before shifting days to the March 10th date.

Public comments, response to comments, and consideration of comments:**Written Supporting Comments:**

There were 129 comments submitted for this WAC proposal. Fifty-four comments generally agreed with the proposal. Two comments requested modification to the waterfowl pamphlet related to goose seasons descriptions but were supportive of the changes.

Written Opposing, Neutral, and Other Comments:

There were nine opposing comments submitted for this WAC proposal. Several comments were related to the maintained one-pintail per day and a decrease in bag-limit to two-scaup per day during the authorized 86-day scaup season. Several comments are requesting changes that are federal framework and not at the discretion of the department to adjust. Sixty-six comments submitted took a neutral stance on the proposed recommendations, but available comments provided comment for topics not opened in this WAC.

Fish and Wildlife Commission Hearing, Public Comments:

There were four public comments received during the Fish and Wildlife Commission Hearing. Three comments expressed concern about the placement of the two-day closure that allows for the youth, veteran, and active military special hunt days to occur. There was a desire to move the closure days earlier in the season structure. There was one comment that expressed concern about the timing of the new white-goose only opportunity in the Columbia Basin (Goose Management Area 4). There was a desire to place days in February rather than pushing any additional days up to the March 10 federal framework.

Rationale-Agency Action Regarding Comments:

Migratory waterfowl season frameworks are established 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 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, they are more restrictive to address regional conservation needs.

The comments related to desired bag-limit increases in pintail and scaup were not options given the status of the species and regulatory alternatives set under those species harvest strategies adopted by the USFWS and National Flyway Council.

The desire to shift of the two-day closure to earlier in the season was considered and aligned with guidance provided in the WDFW Game Management Plan.

The concern of shifting an extra week of white goose hunting into March in the Columbia Basin was considered and reconfigured to place the additional week at the beginning of the third goose hunting segment for white geese in Goose Management Area 4.

WAC 220-440-060 Killing wildlife causing private property damage.

Background/Summary of Project:

The adopted proposal made the necessary recommended changes to WAC 220-440-060 to align it with the federal rule pertaining to crows and magpies. The reason for the change is to make our rule consistent with the federal rule.

Reasons for adopting the rule:

The Commission adopted this rule to clarify and align them with the federal rule and remove redundant language in multiple rules.

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

None.

Public comments, response to comments, and consideration of comments:

Written Supporting Comments:

We received 135 online comments. Eighty-nine percent (75) of the non-neutral respondents said that they generally agree with the rule change.

Written Opposing, Neutral, and Other Comments:

We received 135 online comments. Eleven percent (nine) of the non-neutral respondents generally did not agree with the rule change. Only two provided written comment. One comment did not pertain to the proposed rule changes. One disagreed with the ability to kill wildlife causing property damage. Thirty-seven percent of all the respondents (51) remained neutral on this issue.

Fish and Wildlife Commission Hearing, Public Comments:

There were no oral comments on this rule at the wildlife commission meeting.

Rationale-Agency Action Regarding Comments:

One person disagreed with the premise of killing wildlife for property damage. This rule only applies to a small subset of wildlife and the rule change proposed actually decreases the likelihood of crows and magpies being killed by requiring the landowner to try non-lethal methods first.

Rules repealed as part of this rulemaking:

WAC 220-413-200 Reducing the spread of hoof disease—Unlawful transport of elk hooves.

Background/Summary of Project:

This rule was originally adopted in 2014 as an attempt to reduce the risk of inadvertently spreading the causative agents of treponeme associated hoof disease (TAHD) in elk. Since that time, however, TAHD has been confirmed throughout western Washington, east of the Cascade Mountains near the town of Trout Lake, and in the Blue Mountains of southeast Washington. Thus, it did not appear this rule had been effective at reducing the spread of TAHD. In addition, the department had encouraged hunters in eastern Washington to submit their hooves for inspection and was actively developing a proposal to incentive hunters to target limping elk in western Washington, but on the condition, the hunters would have to submit those hooves to the department for inspection. Having a rule that prevented the

transport of elk hooves, but then having programs that asked hunters to submit their hooves to the department would have been confusing for hunters.

Reasons for repealing the rule:

The Commission repealed this rule because continued expansion of this disease appeared to indicate past rules were ineffective at preventing disease expansion. Other reasons for repealing this rule were:

- For surveillance purposes, the department wanted to encourage elk hunters in eastern Washington to submit suspicious hooves.
- The past rule was not being enforced, but rather used by Enforcement Officers as an educational opportunity.
- The department had no scientific findings that supported the implementation of the past rule.
- The department was actively developing management strategies they intended to propose during the 2021-2023 season setting cycle, which would incentivize elk hunters in western Washington to target limping elk but would also require them to submit their hooves to the department for inspection.
- Neighboring states (Idaho and Oregon), where TAHD had been detected, did not have a similar rule.

Although the department abolished this rule, they still intended to encourage hunters to leave hooves from the elk they harvested on site.

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

None.

Public comments, response to comments, and consideration of comments:

Supporting Comments:

There were eight comments in support of the proposal, however, six of those comments were not directly related to the proposal itself. Instead, the respondents were primarily providing their personal thoughts related to the cause and management of hoof disease. The other two comments expressed support for using hunters as a tool to help manage the disease.

Opposing, Neutral, and Other Comments:

There were five comments in opposition to the proposal, but none were directly related to the proposal itself. Responses included: hunters should follow the rules, increase elk permits, no late archery hunts, it won't do any good, and stop spraying herbicides.

There was one neutral comment that expressed a desire to eradicate hoof disease, but the respondent didn't know how they felt about abolishing this rule.

Fish and Wildlife Commission Hearing, Public Comments:

No public testimony in support of this proposal was received at the March Commission meeting and we only received one letter during the extended open comment period that expressed support.

The department received no additional opposing or neutral comments during public testimony at the March Commission meeting or during the extended comment period.

Direction and Rationale:

The Commission decided to repeal this rule. With the continued spread of hoof disease throughout western Washington and to parts of eastern Washington, it did not appear this rule had been effective at minimizing the spread of this disease. In addition, the department planned to strongly encourage hunters in eastern Washington to submit their hooves for surveillance purposes and hoped to develop strategies that would incentives hunters in western Washington to target limping elk but would require they submit their hooves for inspection. Having this rule in effect, while simultaneously requesting that many hunters submit their hooves for inspection would have been confusing for hunters.