

Concise Explanatory Statement (CES)

Concise Explanatory Statement for 3-year Season Setting

Rules amended as part of this rulemaking:

WAC 220-410-010 Game management units (GMUs) boundary description – Region one.
WAC 220-410-040 Game management units (GMUs) boundary description – Region four.
WAC 220-410-050 Game management units (GMUs) boundary description – Region five.
WAC 220-410-016 Game management units (GMUs) boundary description – Region six.
WAC 220-411-140 Lake Terrell Game Reserve.
WAC 220-411-210 Stratford Game Reserve.
WAC 220-412-070 Big game and wild turkey auction, raffle, and special incentive permits.
WAC 220-412-080 Special hunting season permits.
WAC 220-412-100 Landowner hunting permits.
WAC 220-415-010 Deer area description.
WAC 220-415-040 Elk area description.
WAC 220-415-020 2021-2023 Deer general seasons and definitions.
WAC 220-415-030 2021 Deer special permits.
WAC 220-415-050 2021-2023 Elk general seasons and definitions.
WAC 220-415-060 2021 Elk special permits.
WAC 220-415-070 2021 Moose seasons, permit quotas, and areas.
WAC 220-415-090 Fall black bear hunting seasons and regulations.
WAC 220-415-120 2021 Bighorn sheep seasons, permit quotas, and areas.
WAC 220-415-130 2021 Mountain goat seasons, permit quotas, and areas.
WAC 220-416-010 Small game and other wildlife seasons and regulations.
WAC 220-416-060 2020-2021 Migratory gamebird seasons and regulations.
WAC 220-416-070 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures.
WAC 220-416-080 Lynch Cove and Union River hunting area restrictions.
WAC 220-417-010 Trapping seasons and regulations.

Rules repealed as part of this rulemaking:

N/A

Rules created as part of this rulemaking:

N/A

1. Background/Summary of Project:

As mandated by the Washington State Legislature (RCW 77.04.012), "... the Washington Department of Fish and Wildlife (Department or WDFW)] shall preserve, protect, perpetuate, and manage the wildlife..."; "the Department shall conserve the wildlife... in a manner that does not impair the resource..."; and "The commission shall attempt to maximize the public recreational... hunting opportunities of all citizens, including juvenile, disabled, and senior citizens." It is this mandate that sets the overall policy and direction for managing hunted wildlife in the state of Washington. Hunters and hunting play a significant role in the conservation and management of Washington's wildlife.

In 2015, WDFW issued a revised Game Management Plan (GMP), which guides WDFW's management of hunted wildlife. The focus is on the scientific management of game populations, harvest management, and other significant factors affecting game populations. An Environmental Impact Statement (EIS) for a prior version of the GMP was completed on November 27, 2002, after public review of draft and supplemental EIS documents. The Washington Fish and Wildlife Commission formally adopted that version of the GMP on December 7, 2002. That comprehensive process facilitated public discussion and

understanding, while cooperatively developing the priority strategies. Public comment and a supplemental EIS were used to update the GMP for 2015-21 and that GMP has been extended through June of 2023.

The overall goals expressed by WDFW in the GMP are to protect, sustain, and manage hunted wildlife; provide stable, regulated recreational hunting opportunity to all citizens; protect and enhance wildlife habitat; and minimize adverse impacts to residents, other wildlife, and the environment.

The statewide management goals in the GMP for game species are specifically tailored to each species and to populations in Washington State. Science and the professional judgment of biologists is the foundation for all objectives and strategies identified in the GMP. Chapter two of the GMP focuses on the science and management of hunted species and lays out how those populations will be monitored to ensure perpetuation of these species long term.

The Washington Fish and Wildlife Commission (FWC) is the supervising authority for WDFW. It consists of nine governor-appointed members serving six-year terms, holding meetings and hearings and offering opportunities for the public to comment on fish and wildlife issues. Four commissioners form a Wildlife Committee that regularly meets with WDFW's Wildlife Program staff. The FWC generally adopts major hunting seasons in three-year cycles, and minor adjustments may be made annually. Migratory waterfowl seasons are adjusted annually in coordination with U.S. Fish and Wildlife Service and the Pacific Flyway Council.

On November 18, 2020, WDFW filed a CR-101 with the Office of Code Reviser to notify the public that it was considering rule changes for bighorn sheep, boundaries, deer, elk, equipment, mountain goat, waterfowl, licensing, small game, and other related rule changes as needed. On January 7, 2021, WDFW staff met with the FWC's Wildlife Committee to review and discuss alternatives for white-tailed deer hunting seasons in northeast Washington. On February 10, 2021, WDFW filed a CR-102 noticing proposed rule amendments to WACs that govern several different hunting seasons, as well as possible changes to some geographic areas identified in hunting rules and an assortment of other potential amendments to various hunting-related WACs. Written comments on the proposed amendments were to be submitted by March 4, 2021. On March 26 and 27, 2021, the FWC heard WDFW staff presentations that summarized written public comments and explained the rationale for the proposed amendments, and also heard oral public comments. On April 9, 2021 the FWC made its decision to approve WDFW staff's recommendation to amend the rules identified herein.

Below is additional background information related to each of the WAC amendments adopted in this consolidated rule making process:

Game management units (GMUs) boundaries

The Department uses Game Management Units (GMUs) to distribute harvest of big game species and to ensure harvest levels align with the status of local populations. This ensures the Department's long-term conservation goals are achieved. At times, adjustments to hunt area boundaries are needed. Reasons for needing to adjust boundaries vary, but are most commonly associated with reducing hunter confusion, addressing enforcement concerns, or changes in the abundance and distribution of local big game populations. Several minor amendments are made to four GMU boundary descriptions, as described below.

WAC 220-410-010 Game management units (GMUs) boundary description – Region one.

- Making a minor adjustment to the boundary description for GMUs 175 (Lick Creek) and 178 (Peola) to clarify the boundary followed the elk drift fence to where it meets the section line, rather than where the fence ends.

WAC 220-410-040 Game management units (GMUs) boundary description – Region four.

Specific amendments include:

- Establishing Henry Island (GMU 423) and Stuart Island (GMU 424) in the Puget Sound as standalone GMUs, rather than including them as part of GMU 410 (Islands).
- Making a minor adjustment to the boundary description for GMUs 407 (North Sound) and 454 (Issaquah) to establish a more easily identified boundary.

WAC 220-410-050 Game management units (GMUs) boundary description – Region five.

Specific amendments include:

- Making a minor adjustment to the boundary description for GMUs 568 (Washougal) and 572 (Siouxon) to establish a more easily identified boundary.
- Adding that portion of GMU 554 (Yale) that is north of State Route 503 to GMU 556 (Toutle).
- Formally adopting a change to the boundary description for GMUs 506 (Willapa Hills) and 673 (Williams Creek) that was implemented as an emergency rule on September 1, 2020.

WAC 220-410-016 Game management units (GMUs) boundary description – Region six.

- This specific amendment formally adopts a change to the boundary description for GMUs 506 (Willapa Hills) and 673 (Williams Creek) that was implemented as an emergency rule on September 1, 2020.

Game Reserves

Game Reserves are defined (RCW 77.08.010) as “a closed area where hunting for all wild animals and wild birds is prohibited”. In producing better map products to help hunters understand the areas closed to hunting, minor errors were found in the legal boundary description provided in this rule compared to maps displaying the intended closure boundary. Technical adjustments are made to two game reserve descriptions (**WAC 220-411-140 Lake Terrell Game Reserve, and WAC 220-411-210 Stratford Game Reserve**) by correcting references to “section-portions” under the area description to align intent with legal description. These technical adjustments do not change how users have understood or interacted with the Game Reserves’ boundaries.

Special Permit Hunting Seasons

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

The adopted amendments to WAC 220-412-070 are limited to the moose raffle permits. The Department established auction and raffle permits to generate revenue that is used for the management and benefit of that species. The number of permits offered is extremely limited for all species. The Department offers 1 auction permit and two raffle permits for moose. As such, the number of moose harvested under auction and raffle permits do not have the potential to negatively affect moose populations. Additional background information related to the Washington State moose population and its management is presented below under the moose special permit hunting season. The amendments to WAC 220-412-070 change the bag limit for auction and raffle moose permits from one moose of either sex to one bull moose, and also expands the hunt area for moose raffle permits to include any open moose unit, instead of being limited to GMUs 101-121 and 204.

WAC 220-412-080 Special hunting season permits.

The two amendments to WAC 220-412-080 are administrative in nature. For each special hunting season permit category a hunter accrues a single preference point for each year they apply. Those points

accumulate through time until they are successfully drawn, at which point their points go back to zero. The more points a hunter has within a given special permit category, the more likely they are to be drawn. One of the adopted amendments allows successful applicants for all big game special permits to return their permit to WDFW for any reason two weeks before the opening day of the season and to have their preference points restored. Prior to this amendment, WDFW only allowed hunters to return their permits and have their preference points restored under specific circumstances.

The second amendment adopted removes the once-in-a-lifetime restriction for hunters that participate in mountain goat conflict reduction hunts.

WAC 220-412-100 Landowner hunting permits.

The Landowner Hunting Permit (LHP) program began as a way to provide public access to larger private land parcels that were otherwise inaccessible by the general public. It was also a new way to incentivize landowners while also serving as a way to mitigate conflict in certain cases. There have never been more than seven properties in the LHP program statewide; currently, there are five being enrolled.

In 2018, program staff requested from the Commission to commence with a revision of the LHP Program. That revision was completed in late 2019 and the first application period under the revised program was completed in Aug. 2020.

The properties being enrolled are the successful applicants during the 2021-2023 application period. All LHP properties/landowners reapplied to the program following the revision that occurred during 2018-2019.

WDFW received a total of six applications, five of which were proposed for admittance into the LHP Program. These five selected properties will be listed in the WAC and will be enrolled into the LHP Program for the 2021-2023 hunting seasons. After the WAC amendment to WAC 220-412-100 becomes effective, new contracts will be drafted, landowner signatures acquired, and documents will be finalized by WDFW staff. The 2021-2023 seasons will involve continued assessment and monitoring of the revisions made in 2019. Further revisions may be required as we continue to monitor program success.

Species-Specific Management Areas, Deer and Elk

The Department uses Elk and Deer Areas to concentrate harvest in localized areas where there is a need to reduce local populations. Most commonly, this need is related to mitigating elk and deer conflicts with agricultural producers or other private landowners. At times, adjustments to hunt area boundaries are needed. The potential reasons for needing to adjust boundaries vary, but are most commonly associated with reducing hunter confusion, addressing enforcement concerns, or changes in the abundance and distribution of local big game populations.

WAC 220-415-010 Deer area description, Specific amendments include:

- Eliminating Deer Area 1021-Clarkston (Asotin Co.).
- Eliminating Deer Area 1040 (4-O Ranch Wildlife Area).

WAC 220-415-040 Elk area description, Specific amendments include:

- Eliminating Elk Area 1040 (4-O Ranch Wildlife Area).
- Making a minor adjustment to the boundary description for Elk Area 2032 (Malaga).
- Shifting Elk Area 5066 (Norway Pass) from GMU 524 (Margaret) to GMU 522 (Loo-Wit).

- Establishing Elk Area 6030 Joyce (Clallam County) in GMU 603 (Pysht) near the town of Joyce.

Deer Hunting Seasons – General and Special Permit

Black-tailed deer, mule deer, and white-tailed deer are all native to the state of Washington. The total deer population in the state numbers approximately 300,000. The goal of deer population management is to maintain relatively stable populations within the limitations of available habitat, landowner tolerance, accounting for extreme weather events (i.e., summer and fall drought, catastrophic fire, protracted winters with deep snow). Recreation management for deer is directly tied to population management. The recreation goal for deer is to maintain or increase hunting opportunity. An additional goal is to be responsive to landowner conflicts which sometimes involves recreational hunting seasons. The specific statewide management goals for deer are:

- Preserve, protect, perpetuate, and manage deer and their habitat to ensure sustainable populations.
- Manage deer for a variety of recreational, educational, and aesthetic purposes including hunting, scientific study, cultural, subsistence, and ceremonial uses by Native Americans, wildlife viewing, and photography.
- Manage statewide deer populations for a sustainable annual harvest.

Deer are hunted in Washington from September through December with special permit opportunities extending into March. State regulations provide for archery, muzzleloader, and modern rifle seasons. In recent years Washington's deer harvest has been evenly distributed with black-tailed deer, mule deer, and white-tailed deer each making up approximately one third of the harvest.

White-tailed Deer

White-tailed deer population levels are closely tied to severe winter events and land-use practices. White-tailed deer have the highest potential maximum rate of increase of all North American ungulates due to the type of habitat they occupy, their age at first reproduction when on a high nutritional plane, and their ability to successfully recruit twins into the population (McCullough 1987); however, in some of the western states where hard mast is not a component of forage, that full potential may not be realized.

For management purposes, WDFW formally recognizes and manages white-tailed deer in six management zones. White-tailed deer are surveyed in summer to determine pre-hunting season fawn and buck ratios and infrequently again in spring to determine recruitment – those fawns that survived their first 10 or 11 months and will likely reach their first birthday alive. However, age ratios and sex ratios by themselves are inadequate to detect population growth or decline (Caughley 1977). WDFW does not currently have a viable approach for estimating abundance within each management zone. As such, WDFW primarily uses harvest data as an index to population trend. In recent years, white-tailed deer populations have steadily declined in five zones and have been relatively stable in one zone.

Most white-tailed deer populations in Washington are harvested under a liberal hunting season structure. However, WDFW substantially reduced opportunities to harvest antlerless white-tailed deer in response to recent declines with the objective of promoting population growth and recovery.

Caughley, G. 1977. Analysis of vertebrate populations. John Wiley and Sons, London. 234 pp.

McCullough, D. R. 1987. The theory and management of *Odocoileus* populations. Pages 535-549 in C. M. Wemmer, ed. Biology and management of the Cervidae. Smithsonian Institution, Front Royal, VA.

Mule Deer

Mule deer population levels are closely tied to severe winter events and severe drought, and they are susceptible to over-harvest. The variety of hunting seasons WDFW offers for mule deer, attempts to address this susceptibility while still offering general season hunting opportunity. For management purposes, WDFW formally identifies and manages mule deer across seven management zones.

Depending on the management zone, WDFW conducts composition surveys from the air and on the ground to index buck, doe, and fawn ratios. Also dependent of the zone, surveys are conducted in the spring, summer, early fall (pre-hunt), or early winter (post-hunt) before deer shed their antlers. Population estimates are also derived for some mule deer subpopulations using a visibility bias model developed in Idaho (Samuel et al. 1987, Ackerman 1988). However, surveys to derive population estimates only occur every 3-5 years. As such, the Department primarily uses harvest data to index population trend. Mule deer populations across all management zones declined substantially in 2015 and 2016 but have subsequently increased or remained stable from 2017-2020.

Eastern Washington mule deer seasons have been much more restrictive since 1997. Some of the restrictive measures include a three-point minimum restriction for all mule deer in eastern Washington and a shortened deer hunting season for most hunters. As a result of the more restrictive general season opportunities for mule deer, a very successful late season special permit opportunity is now being offered in most areas where mule deer are a priority big game species. Antlerless mule deer hunting opportunities are offered mostly by special permit only.

Ackerman, B. B. 1988. Visibility bias of mule deer aerial survey procedures in southeast Idaho. Dissertation, University of Idaho, Moscow, ID, USA. 106 pp.

Samuel, M. D., E. O. Garton, M. W. Schlegel, and R. G. Carson. 1987. Visibility bias during aerial surveys of elk in north-central Idaho. *J. Wild. Manage.* 51:622-630.

Black-tailed Deer

Of the three types of deer hunted in Washington, black-tailed deer have historically provided the highest number of deer harvested. Black-tailed deer habitat has been reduced in western Washington due to human encroachment, a reduction in timber harvest, and the natural progression of aging timber stands (succession). Because of their habitat and the difficulties involved with surveying them, there are still many unknowns about black-tailed deer population dynamics.

For management purposes, WDFW formally recognizes and manages black-tailed deer across five management zones. Given the habitats they occupy and their secretive behavior, it is very difficult to survey black-tailed deer using traditional methods. As such, WDFW does not conduct surveys for black-tailed deer and primarily uses harvest data as an index to population trend. Although annual harvest estimates indicate black-tailed deer numbers are relatively static, populations declined in all five management zones in 2016. However, populations steadily increased 2017-2020 and have returned to historical levels.

WAC 220-415-020 2021-2023 Deer general seasons and definitions, Specific amendments include:

- Adjusting season dates to align with the calendar year.
- Changing season dates for the late white-tailed deer season in GMUs 105- 121 to a nine-day season with season dates of November 11-19.
- Reducing general season opportunities to harvest antlerless white-tailed deer and antlerless mule deer in GMUs 127-142 to promote population increases.

- Reducing general season opportunities to harvest antlerless mule deer in GMUs 127-142 to promote population increases.
- Reducing general season opportunities to harvest antlerless white-tailed deer in GMU 124 (Mount Spokane) to promote population increases.
- Increasing opportunities to harvest antlerless white-tailed deer during general muzzleloader seasons in GMUs 247 (Entiat), 254 (Saint Andrews), 262 (Withrow), 266 (Badger), and 269 (Moses Coulee).
- Eliminating opportunities to harvest antlerless mule deer during the early general archery season in GMUs 382 (East Klickitat) and 388 (Grayback).

WAC 220-415-030 2021 Deer special permits, Specific amendments include:

- Adjusting season dates to align with the calendar year.
- Adding a special permit opportunity for modern firearm hunters in GMU 136 (Harrington) in the Quality permit category.
- Establishing special permit opportunities for antlerless deer in GMUs 127-142 to offset some of the opportunity lost by reducing general season opportunities.
- Increasing the number of special permits for antlerless black-tailed deer on Puget Sound islands and standardizing season dates of August 1-December 31 for Any Weapon to assist with reducing deer numbers.
- Adding a special permit opportunity in the Youth category for black-tailed deer in GMU 485 (Green River).

Elk Hunting Seasons – General and Special Permit

Both Roosevelt elk (*C. e. roosevelti*) and Rocky Mountain elk (*C. e. nelsoni*) are native to Washington (Murie 1951, Bryant and Maser 1982, Spalding 1992). For management purposes, WDFW formally recognizes and manages elk across ten elk herds. Most recent estimates of abundance indicate 45,000-55,000 elk statewide.

The Department has developed or is updating management plans for each of the ten elk herds in the state. Herd plans specifically address the unique conservation challenges that face each herd. Elk herd plans, which come under the overall management guidance of the GMP also facilitate cooperative management with tribes.

The statewide management goals for elk are:

- Preserve, protect, perpetuate, and manage elk and their habitat to ensure sustainable populations.
- Manage elk for a variety of recreational, educational, and aesthetic purposes including hunting, scientific study, subsistence, cultural and ceremonial uses by Native Americans, wildlife viewing, and photography.
- Manage elk populations for a sustainable annual harvest.

In Washington, elk are hunted from August through December with some special permit hunts to address agricultural damage taking place as late as March. Non-recreational lethal removals to mitigate wildlife conflict can happen year-round. Hunting seasons for archery, muzzleloader, and modern firearms are currently available to both resident and non-resident hunters. There are currently no quotas on the number of general elk season licenses sold. Hunters are required to choose one weapon type and declare whether they will hunt east side or west side elk. For most of eastern Washington, general hunting seasons allow spike-only bull harvest and special permit opportunities allow the harvest of branch-antlered bulls. Currently, “any bull” harvest is allowed for general season in northeastern Washington. West side elk hunting regulations usually include 3-point minimum antler restrictions. Some western Washington GMUs can only be hunted under limited-entry, special permits. Some “any elk” hunting opportunities exist in parts of south-central and southwest Washington where expansion of elk populations is discouraged. Hunting seasons are designed with the objective of limiting extreme fluctuations in sustainable harvests from year to year.

Elk populations are assessed for a variety of characteristics, often including herd composition and population size (Lancia et al. 1996, 2000). Herd composition is an estimate of the proportions of various age and sex classes occurring in the population such as the number of calves per 100 cows, the number of bulls per 100 cows, or the number of spike bulls per total bulls. Age and sex class data alone are not adequate for population management (Caughley 1974, 1977). Data are collected using a variety of techniques, depending on information needs and local conditions. Common tools used to assess elk populations include:

- Surveys conducted by personnel on the ground.
- Aerial surveys with and without visibility (sight ability) corrections (Samuel et al. 1987).
- Mark-resight population estimates from air or ground surveys where a known number of animals are marked, and then subsequent surveys are conducted, and the number of marked and unmarked animals observed. Those data are then used in statistical models to estimate the population as well as a measure of the precision.

WAC 220-415-050 2021-2023 Elk general seasons and definitions, Specific amendments include:

- Increasing opportunity in Game Management Units (GMUs) 249 (Alpine) and 251 (Mission) during general archery and muzzleloader elk seasons.
- Increasing opportunity in GMUs 272 (Beezley), 278 (Wahluke), 284 (Ritzville), 382 (East Klickitat) and 379 (Ringold) during general archery and muzzleloader elk seasons.
- Limiting the Master Hunter season in GMU 371 (Alkali) to the month of August and increasing opportunity in GMU 371 during general archery elk seasons.
- Removing the “True Spike Bull” restriction during general archery seasons in GMUs 328 (Naneum), 329 (Quilomene), 334 (Ellensburg), and 335 (Teanaway).
- Changing the legal elk in GMU 448 (Stillaquamish) during general elk seasons from Any Elk to 3-pt. minimum.
- Modifying season dates for late general archery and muzzleloader seasons in GMU 407 (North Sound).
- Eliminating the late general muzzleloader elk season in GMU 578 (West Klickitat).

WAC 220-415-060 2021 Elk special permits, Specific amendments include:

- Establishing special permit opportunities for Master Hunters in 500 and 600 series GMUs to harvest elk displaying clinical signs of elk hoof disease such as limping, lameness, or hoof abnormalities.
- Establishing special permit opportunities in Elk Area 2033 (Peshastin) for antlerless and antlered elk to assist with mitigating elk damage complaints.
- Modifying the hunt area for special permits in Elk Area 4941 (Skagit River) to include all of GMU 437 (Sauk).
- Establishing special permit opportunities for muzzleloader hunters in GMU 578 (West Klickitat) to offset some of the opportunity lost with the elimination of the late general season.
- Shifting special permits for bulls in GMU 371 (Alkali) from the Bull special permit category to the Quality category.
- Establishing special permit opportunities for antlerless elk in the Yakima elk herd area for archery hunters in the Youth and 65 and Older special permit categories.
- Establishing special permit opportunities for archery hunters to harvest antlerless elk in the Colockum and Yakima elk herd areas and removing opportunities in the Colockum herd area within the Youth, Hunters 65 Years or Older, and Hunters with Disabilities categories.

Moose Hunting Seasons

WAC 220-415-070 2021 Moose seasons, permit quotas, and areas.

Although moose are frequently observed throughout eastern Washington, they occur primarily in the northeastern counties of Ferry, Pend Oreille, Stevens, and Spokane. The number of moose in Washington increased from about 60 in 1972, to an estimated 850-1,000 in 2002 (Poelker 1972, Base et al. 2006), and from 2014-2016 WDFW estimated 5,169 moose (95% CI = 3,510-7,034) in northeast Washington (Oyster et al. 2018). This increase was the result of both increased moose density in prime habitats and colonization of moose into new areas. However, by 2013, it was believed moose populations in Washington may have started to decline in some areas.

In response to concern about potential declines and the effects predation may be having on moose populations WDFW conducted a study of moose demography in GMUs 117 (49 Degrees North) and 124 (Mount Spokane), 2014–2018. Research findings indicated moose populations were declining in both study areas and at similar rates (~10-13%), despite the fact no gray wolf (*Canis lupus*) packs were known to occur in GMU 124 (Harris et al. in prep). Ultimately, declines were caused by combined and interacting top-down (i.e., predators) and bottom-up (e.g., habitat, nutritional stress, etc.) effects. In response to these findings, WDFW began to substantially reduce the number of antlerless moose permits that were available to hunters in 2018.

Moose hunting in Washington began in 1977 with three permits in the Selkirk Mountains. Since then, as moose populations increased and expanded, the number of permits increased accordingly. Currently, moose hunts are by permit only, and if drawn, it is a once-in-a-lifetime opportunity (except antlerless hunts). Moose hunts are either “any bull” or “antlerless only”. Hunters typically see several moose/day and harvest success has been high (typically >75%). All moose hunters are required to report their hunting activities online, regardless of whether they harvest a moose or not. Although the number of moose harvested is low, the demand for special permits is high. In 2020, 29,303 hunters applied for one of the 140 special permits that were available.

In recent years, the Department had conducted aerial surveys of moose in selected areas annually. Surveys have typically been conducted during early winter (prior to antler drop by bulls), with the data being used to estimate calf recruitment, sex ratio, and population trend. In addition to surveys, the Department monitors trends in harvest data, including number of hunters, total harvest, days hunted/kill, harvest success, moose seen while hunting, antler spread (if harvested a bull), and age of harvested moose.

The statewide goals for moose are:

- Preserve, protect, perpetuate, and manage moose and their habitats to ensure healthy, productive populations.
- Manage moose for a variety of recreational, educational, and aesthetic purposes including hunting, scientific study, cultural and ceremonial uses by Native Americans, wildlife viewing, and photography.
- Manage statewide moose populations for a sustained yield.
- Manage moose populations with a rigorous, data-based system.

Rule amendments include:

- Increasing bull moose permits in GMU 108.
- Reducing bull moose permits in GMUs 117 and 121.
- Eliminating the Hunter Education Instructor incentive permit for one antlerless moose.
- Administrative changes to remove hunt notes that were not needed.

Base, D.L., S. Zender, and D. Martorello. 2006. History, status, and hunter harvest of moose in Washington state. *Alces* 42:111-114.

Harris, R. B., J. Goerz, J. Oyster, R. C. Cook, K. Mansfield, M. Atamian, C. Lowe, A. Prince, and B. Y. Turnock. In prep. Bottom-up and top-down factors contribute to reversing a moose population increase in northeastern Washington. *Alces*. In prep.

Oyster, J. H., I. N. Keren, S. J. K. Hansen, and R. B. Harris. 2018. Hierarchical mark-recapture distance sampling to estimate moose abundance. *The Journal of Wildlife Management* 82:1668-1679.

Poelker, R. J. 1972. The Shiras moose in Washington. Technical Report. Washington Department of Fish and Wildlife, Olympia, Washington.

Black Bear General/Fall Hunting Season

WAC 220-415-090 Fall black bear hunting seasons and regulations.

Washington State has an abundant black bear (*Ursus americanus*) population, however, currently there is no formal population estimate of black bear in Washington (WDFW 2015). Several research projects have estimated abundance and population density at local levels (Poelker and Hartwell 1973; Lindzey et al. 1986; Rice et al. 2001; and Beausoleil et al. 2012). Black bear occupies all forested areas of Washington, which translates to 48% of the land area throughout Washington (WDFW 2020). For management purposes, the state is divided into nine black bear management units (BBMUs) consisting of

the Olympic Peninsula or Coastal, Puget Sound, North Cascades, South Cascades, Okanogan, East Cascades, Northeast, Blue Mountains, and Columbia Basin units. Harvest levels vary between BBMU depending on hunter effort, local population size, and habitat conditions (WDFW 2015). WDFW uses median age of males and females, and the percentage of females from hunter harvest (Beecham and Rohlman 1994) as general indicators of harvest impact, to evaluate harvest management objectives, and monitor trends within the nine BMMUs. To maintain stable bear populations, modifications to harvest levels are made when deemed necessary.

Washington implements a two-bear/license year harvest limit for bears and does not have a mandatory sealing requirement for fall harvest. Tags can be purchased over the counter and there is no limit on the number of licenses that can be sold. The Department provides a total of 183 hunt-days for spring and fall recreational hunting opportunity for black bears and roughly 60,000 licenses are sold annually. During 2020-2021 785 second bear tags were sold. Over the past ten years, Washington's average annual black bear mortality was 1,771. The average fall harvest over the past five years was 1,556 and spring was 114. The previous five-year average was 1,499 and 74, respectively. Typically, the highest percentage of bear harvest from the fall general hunt takes place in the Northeast BBMU and the least from Blue Mountains BBMU (excluding the Columbia Basin BBMU). However, when harvest numbers are compared to the amount of black bear habitat (known as harvest density), the Blue Mountains BBMU has the highest harvest density compared to the South Cascades BBMU which has the lowest. When viewed by mortality type at a statewide level over the past ten years, most bear mortality occurs in fall hunting season (85%), followed by timber removals (7%), and spring permit hunts (5%). (Status and Trends, WDFW 2019; see also Status and Trends, WDFW 2020)

Hunters may use any lawful big game modern firearm, archery or muzzleloader equipment when hunting black bears. The recreational hunting of bears with the aid of dogs and bait has been prohibited in Washington for over two decades (RCW 77.15.245).

Department collects hunt statistics via online reporting. Currently, the reporting rate is about 65% and the Department collects the number of harvests, sex of harvests, number of days hunted, and GMUs hunted to calculate hunter success. Since 2018, hunters that choose to hunt in GMUs located in grizzly bear recovery areas as identified by the Department must successfully complete an annual online bear identification test and score 80% or higher. Although not currently prohibited by law, the Department urges hunters not to shoot cubs or a female with cubs.

As discussed in the GMP, WDFW currently manages black bear harvest by monitoring age and sex of bears harvested as an indicator of harvest impact. The premise of this method is based on the vulnerability of different sex and age classes of black bears (Beecham and Rohlman 1994). If the ages of harvested bears decline and percentage of females in the harvested population increases, then the harvest impact on the bear population is likely increasing. A drawback of this method is that sex and age data alone are not necessarily accurate measures of population status. To improve upon this, WDFW has begun a multi-year effort to gather bear densities across the state. This strategy is explained further in the GMP and in Welfelt et al. (2019). The information gathered will inform WDFW's future management efforts and is likely to be incorporated in future versions of the Game Management Plan.

The amendments to WAC 220-415-090 change the season dates listed in the WAC. In updating the fall black bear season and regulation from 2020, WDFW staff proposed changes to align season dates to a standard time-period on the calendar. Aligning season dates sets the season for the appropriate dates for the calendar year and standardizes the opening and closing dates without reference to a specific calendar year. Further amendments clearly identify three game management units that are closed for fall black bear hunting. These units will remain closed to bear hunting but are identified in a stand-alone sentence. These units contain either watersheds or monument areas which are closed to public access, closed to hunting, or only allow limited hunting opportunity by permit for species other than bear.

Beausoleil, R.A., W.A. Michalis, and B.T. Maletzke. 2012. Black bear research in Capitol State Forest-Final Report. Washington Department of Fish and Wildlife, Olympia, WA, USA.

Beecham, J. J., and J. Rohlman. 1994. A shadow in the forest: Idaho's black bear. University of Idaho Press, Moscow, Idaho, USA.

Lindzey, F.G., K.R. Barber, R.D. Peters, and E.C. Meslow. 1986. Responses of a black bear population to a changing environment. International Conference for Bear Research and Management. 6:57-63.

Poelker, R.J. and H. D. Hartwell. 1973. Black bear of Washington. Bulletin 14. Washington State Game Department, Olympia, WA USA.

Rice, C. G., J. Rohlman, J. Beecham, and S. Pozzanghera. 2001. Power analysis of bait station surveys in Idaho and Washington. *Ursus* 12:227-236.

Washington Department of Fish and Wildlife. 2015. Game management plan: July 2015 – June 2021. Olympia, WA, USA.

Washington Department of Fish and Wildlife. 2019. 2019 Game Status and Trend Report. Wildlife Program, Washington Department of Fish and Wildlife Olympia, WA, USA.

Washington Department of Fish and Wildlife. 2020. 2020 Game Status and Trend Report. Wildlife Program, Washington Department of Fish and Wildlife Olympia, WA, USA.

Welfelt, L. S., R. A. Beausoleil, and R. B. Wielgus. 2019. Factors associated with black bear density and implications for management. *Journal of Wildlife Management* 83:1527- 1539.

Big Horn Sheep Hunting Season

WAC 220-415-120 2021 Bighorn sheep seasons, permit quotas, and areas.

Washington State has approximately 1,600 bighorn sheep distributed across 17 identified herds, exclusive of those managed by tribal governments. Of these, WDFW categorizes sheep in 11 herds as 'California bighorns' and six as 'Rocky Mountain bighorns'. Although predators may be locally important limiting factors during some years and for some herds, the overwhelming management concern for bighorns in Washington is mortality and poor lamb recruitment caused by pneumonia. Four herds (Yakima Canyon, Mt. Hull, Cleman Mountain, and Hells Canyon) are currently, or have recently been, affected by pneumonia outbreaks associated *Mycoplasma ovipneumonia* (*M. ovi*).

In Washington, most hunting is of mature rams. Therefore, harvest thresholds are based on total population size, sex structure, and the number of mature rams in a herd (Table 1). Hunting opportunity for rams is allocated by permit drawing and is a once-in-a-lifetime opportunity (except for raffle and auction permit holders, and ewe hunts). While the number of bighorn sheep harvested is low, there is significant interest in participating in the bighorn sheep special permit hunting season. WDFW uses a lottery draw process to issue permits to selected hunters. In 2020, WDFW offered 98 permits and 20,557 hunters applied for those permits.

Table 1. Permit levels for all bighorn sheep herds.

Permit level is...	...when the herd has...			
	Population	Ram:ewe	Number rams with...	
	Size ^a	ratio	$\geq \frac{1}{2}$ curl ^b	$\geq \frac{3}{4}$ curl ^c
20% of the mature rams ^d	≥ 50	>50:100	8	2
15% of the mature rams ^d	≥ 50	25-50:100	8	2
10% of the mature rams ^d	≥ 50	<25:100	8	2

^a Total population size, excluding lambs. Population must be stable or increasing.
^b Used as a measure of >3-year-old rams.
^c Used as a measure of >6-year-old rams.
^d Rams $\geq \frac{1}{2}$ curl.

The Department has generally surveyed each herd annually, using either aerial or ground surveys. Surveys typically are conducted during winter when animals are concentrated, and data are used to estimate population size, lamb recruitment, sex ratio, and percentage of mature rams in the population. In addition to surveys, individuals from selected herds are screened for disease and parasites during winter captures or feeding operations.

The statewide goals for bighorn sheep are:

- Preserve, protect, perpetuate, and manage bighorn sheep and their habitats to ensure healthy, productive populations.
- Manage bighorn sheep for a variety of recreational, educational and aesthetic purposes including hunting, scientific study, cultural and ceremonial uses by Native Americans, wildlife viewing, and photography.
- Manage statewide bighorn sheep populations for a sustained yield.

Rule amendments include:

- Reducing the number of bighorn ram permits in the Yakima Canyon herd.
- Reducing the number of bighorn ram permits in the Cleman Mountain herd.
- Establishing new hunts for bighorn rams in the Wenaha and Mountain View sub-herd areas in the Blue Mountains.
- Clarifying the criteria used to define a juvenile ram.
- Administrative changes to clarify permits within the Youth and Hunters with Disabilities categories and to remove hunt notes that were not needed.

Mountain Goat Hunting Season

WAC 220-415-130 2021 Mountain goat seasons, permit quotas, and areas.

Mountain goats in Washington were estimated to number approximately 2,800 goats in 2008 (Rice, 2012). No efforts have been made since then to generate a comprehensive statewide estimate, but current population levels are thought to be similar. Mountain goat populations are sensitive to over-harvest (Hamel et al. 2006, Festa-Bianchet and Côté 2008); goats have a low reproductive potential, extended parental care, low juvenile survival, and relatively old age of sexual maturity. As a result, harvest levels for mountain goats should be restricted to levels that do not exceed recruitment (Rice and Gay 2010).

For management purposes, WDFW formally recognizes 14 mountain goat hunt areas and restricts harvest opportunities to those areas. Currently, mountain goat hunting is a once-in-a-lifetime opportunity. Hunters

may harvest any adult goat with horns >4 inches. Hunters are urged not to harvest a nanny. To ensure sustainable harvest levels, modifications to permit levels are considered on an annual basis. During the 2020 season, 22 permits were issued in 12 goat hunt areas. While the number of mountain goats harvested is low, there is significant interest in participating in the mountain goat special permit hunting season. WDFW uses a lottery draw process to issue permits to selected hunters. In 2020, 14,961 hunters applied for a mountain goat permit.

As discussed in the GMP, WDFW currently manages mountain goat harvest by attempting to survey populations bi-annually and only providing recreational harvest opportunities in hunt areas with a population estimate of >100 goats. In addition, permit levels are not to exceed 4% of the estimated population that was aged one-year-old or older.

Rule amendments include:

- Reinstating the mountain goat conflict reduction special permits in the Olympic Mountains and establishing a bag limit of two mountain goats of any sex or age to assist with efforts to remove mountain goats from this range.
- Reducing the number of permits in the Naches Pass, Bumping River, and Goat Rocks West hunt areas.
- Establishing an opening season date of September 1 for all weapon types.
- Administrative changes to hunt area descriptions to make them consistent.

Festa-Bianchet, M. and S. Côté. 2008. Mountain goats: ecology, behavior, and conservation of an alpine ungulate. Island Press, Washington D.C., USA.

Hamel, S, S. D. Côté, K. G. Smith, and M. Festa-Bianchet. 2006. Population dynamics and harvest potential of mountain goat herds in Alberta. *Journal of Wildlife Management* 70(4):1044-1053.

Rice, C.G. 2012. Status of mountain goats in Washington. *Proceedings of the Northern Wild Sheep and Goat Council* 18:64-70.

Rice, C.G. and D. Gay. 2010. Effects of mountain goat harvest on historic and contemporary populations. *Northwest Naturalist* 91:40-57.

Small Game Hunting Seasons

WAC 220-416-010 Small game and other wildlife seasons and regulations.

The small game and other wildlife seasons and regulations rule defines the adopted seasons dates, length, bag and possession limits, license requirements for hunting small game, upland and resident game bird species including forest grouse, chukar, wild turkey, and a variety of game mammal species. Providing regulated hunting seasons for small game, upland and resident game birds has offered resident and non-resident hunters, senior and youth hunters, veteran, and new hunters a variety of opportunities throughout most of the year. The rule also provides regulations for bird dog training. WDFW manages many of these species using hunter effort, hunter harvest, species surveys, or a combination of these data sources. In many cases these species may be harvested during a variety of seasons using different methods of harvest. For example: turkey hunting is open to shotgun, archery, and crossbow hunting during the spring and fall seasons. Dogs, baiting, electronic decoys, and electronic calls are not legal in Washington for turkey hunting. Non-electronic turkey decoys are permitted. In 2006, the Fish and Wildlife Commission adopted a regulation permitting falconers to hunt turkeys during the fall and winter (WDFW 2019).

As discussed in the GMP (WDFW 2015), WDFW currently manages small game, furbearers, upland and resident game birds under three overarching goals:

1. Preserve, protect, perpetuate, and manage species and their habitats to ensure healthy, productive populations.
2. Manage for a variety of recreational, educational and aesthetic purposes including hunting, scientific study, wildlife viewing cultural and ceremonial uses by Native Americans, and photography.
3. Manage statewide populations for a sustained harvest.

The amendments to WAC 220-416-010 are to update the fall small game, furbearer, unclassified, resident, and upland game bird seasons and regulations from 2020. Additionally, to provide a more user-friendly format, the information being presented in table form rather than long text.

Amendments include:

- Convert the list of species and their associated regulations into a table for each species or group of species.
- Adjust season dates to align with the appropriate years: 2021-2022, 2022-2023, 2023-2024
- Expansion of youth spring turkey from one weekend to one week and extend fall chukar seasons until the end of January.
- Geographic expansion of bird-dog training by adding an area in Region 2: Martha Lakes Access Area
- Increase in turkey bag limits by allowing a harvest of 4 during fall season (with area restrictions) and 3 for spring season (with area restrictions).
- Identifying dusky and sooty grouse in place of “blue grouse”.
- Clarifying that falconers must have a valid falconers permit and a valid hunting license for species begin hunted.
- Delaying the opening of grouse season by two weeks (September 15 versus September 1) to protect grouse hens and hens with broods.

Washington Department of Fish and Wildlife. 2015. Game management plan: July 2015 – June 2021. Olympia, WA, USA.

Washington Department of Fish and Wildlife. 2019. 2019 Game Status and Trend Report. Pages 345-371. Wildlife Program, Washington Department of Fish and Wildlife, Olympia, WA, USA.

Migratory Gamebirds - Hunting Seasons and Geographic Restrictions

WAC 220-416-060 2020-2021 Migratory gamebird seasons and regulations.

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 include:

- February 2020 – Courtesy notice given to the other Pacific Flyway Study Committee members and federal partners regarding the intent to increase the daily bag limit for white geese statewide and to adjust the boundary of Goose Management Area 1.
- April 21 and May 5, 2020 – Gathered recommendations from the Waterfowl Advisory Group for potential considerations to the 2021-2022 migratory game bird seasons and regulations through virtual office hours.
- August 28, 2020 – Pacific Flyway Council adopts recommendation packet with 2021-2022 season regulation recommendations to be presented to the USFWS Service Regulations Committee.
- September 1, 2020 – WDFW held a virtual public meeting regarding migratory gamebird proposals being scoped and considered for the 3-year season setting process.
- October 2020 – USFWS Service Regulations Committee considered and voted on all four Flyway Councils’ recommendations.
- February 2021 – WDFW files CR-102 with proposed amendments to WAC 220-416-060 that considered the status of the migratory game bird species and regulatory alternatives set under those species harvest strategies adopted by the USFWS and National Flyway Council.
- March 4, 2021 – Public written comment period for WDFW’s proposed amendments closed.
- March 26, 2021 – Commission briefing virtual meeting and public testimony.
- April 9, 2021 – Commission vote to adopt proposed amendments.

WAC 220-416-070 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures.

Waterfowl Closures prohibit the hunting of migratory waterfowl, coot, and snipe within defined sections of the Columbia, Snake, and Yakima rivers. Each river segment identified had different rationale at the time of initial consideration. The primary purpose of the adopted rule amendment to WAC 220-416-070 is to update closures to reflect current management considerations along the Columbia, Snake, and Yakima rivers.

Specifically, under subsection 4, the “Wooden Tower” referenced as a visual marker for the old Hanford townsite was taken down and no longer serves as a reference point from the river, and eliminating subsection 7, a 4-mile stretch of the Yakima River that is bordered by adjacent Game Reserves to the west and east of this closure. This would now allow waterfowl, coot, and snipe hunting during approved season dates on this stretch of the Yakima River.

WAC 220-416-080 Lynch Cove and Union River hunting area restrictions.

During the 3-year season setting scoping process, respondents supported the idea of Regulated Access Areas on public lands to balance waterfowl conservation, habitat management, and waterfowl hunter opportunities and experience on public lands.

The primary purpose of the adopted rule amendment to WAC 220-416-080 is to provide specification of current management restrictions for waterfowl, coot, and snipe hunting access consistent with WDFW WAC 220-500-040 Regulating public access, that prompts the Department to encourage safety, to increase wildlife use in order to improve hunter success or manage wildlife viewing opportunities.

Furbearer Trapping Seasons

WAC 220-417-010 Trapping seasons and regulations.

In Washington, there are approximately 31 mid-to-small sized mammals or mammal groups that can be hunted or trapped. Of these, five species are classified as game species (including three cross-classified as furbearers) that can be hunted (RCW 77.12.020; WAC 220-416-010). Eleven of the 31 species or groups are classified as furbearers (indicating that their hide has a commercial value in the fur industry). These 11 species can be trapped but not hunted unless seasons have been established (i.e., three species cross-classified as game species). The remaining species or species groups are “unclassified,” and can be trapped or hunted year-around. (WDFW 2015)

A combination of hunting and trapping seasons are provided for small game and furbearing animals, respectively. The trapping season for furbearers occurs during the winter months. Unclassified wildlife can be hunted or trapped year-around (with appropriate license), and no bag limits are set. Harvest pressure is low for many of these animals, as there is little to no documented harvest for 12 of the 16 species or groups. Those that are harvested or trapped are often associated with human-wildlife conflict and lethal take is a mitigating tool for property damage or nuisance activities. Coyotes may be the most hunted unclassified species and much of this harvest is with the intention of harvesting fur. (WDFW 2015)

The abundance of individual small game animals, furbearers, and unclassified wildlife is largely unknown. However, because these animals typically have high population growth rates and often experience compensatory mortality, the risk of over-exploitation is low. Biological data on individual species populations are limited and concern regarding harvest effects on some populations exists. With changes that occurred to Washington’s trapping regulations in 2000 that made harvest of some furbearers impractical or difficult, harvest numbers which were the primary indicator of population trends became less useful. While statewide population of the furbearer animals are not believed to be at risk, declines may have occurred in some geographic areas. Examples include marten in the Coastal Range and Olympics and river otter in parts of eastern Washington. (WDFW 2015)

As discussed in the GMP (WDFW 2015), WDFW currently manages small game, furbearers, upland and resident game birds under three overarching goals:

1. Preserve, protect, perpetuate, and manage species and their habitats to ensure healthy, productive populations.
2. Manage for a variety of recreational, educational and aesthetic purposes including hunting, scientific study, wildlife viewing cultural and ceremonial uses by Native Americans, and photography.
3. Manage statewide populations for a sustained harvest.

The amendments to WAC 220-417-010:

- Clarify license requirements by adding language stating a trapping license is required in addition to passing the Washington state trapper education exam.
- Change the season dates for marten trapping and adjust areas where marten may be trapped to provide protection for the remnant population of marten on the Olympic Peninsula.

2. Reasons for adopting the rule amendments:

As noted in the background section above, the Washington Legislature has directed that WDFW provide the State's citizens with sustainable recreational hunting opportunities. The specific reasons for adopting each rule amendment are explained below.

WAC 220-410-010 Game management units (GMUs) boundary description – Region one.

The elk fence that served as the boundary for GMUs 175 and 178 was extended by one mile and within 100 feet of the Section line. As such, the boundary description was updated to reflect this change and to clarify that the legal boundary ended at the Section line and not where the elk fence ended.

WAC 220-410-040 Game management units (GMUs) boundary description – Region four.

Establishing Henry Island (GMU 423) and Stuart Island (GMU 424) in the Puget Sound as standalone GMUs, rather than including them as part of GMU 410 (Islands).

Historically, Stuart Island and Henry Island had been included with GMU 410 which included all islands in San Juan and Skagit counties except Orcas, San Juan, Lopez, Shaw, Blakely, Decatur, and Cypress islands. Often hunters were confused about which islands were included under the description of GMU 410 (Islands) and would report their harvest incorrectly. Stuart and Henry islands represent two of the larger islands in the Puget Sound that were not standalone GMUs. This amendment would lessen hunter confusion and improve harvest estimates. When presented to the public for initial comment, 62% of the ~1,100 respondents indicated support for this amendment.

Making a minor adjustment to the boundary description for GMUs 407 (North Sound) and 454 (Issaquah) to establish a more easily identified boundary.

Prior to this amendment being adopted, the boundary description for GMU 407 was defined by traveling south from the town of Monroe on State Route (SR) 203 to NE Woodinville-Duvall Road at the town of Duvall; West on NE Woodinville-Duvall Road to the Snohomish River and then north down the Snohomish River. That boundary description resulted in a very narrow portion of GMU 407 that was bordered to the east by GMU 460 (Snoqualmie) and to the west by GMU 454 (Issaquah). This small area of GMU 407 caused confusion and frequent enforcement issues. When presented to the public for initial comment, 81% of the ~1,100 respondents indicated support for this amendment.

WAC 220-410-050 Game management units (GMUs) boundary description – Region five.

Making a minor adjustment to the boundary description for GMUs 568 (Washougal) and 572 (Siouxon) to establish a more easily identified boundary.

Prior to this amendment being adopted, the boundary description language was unclear because there was confusion about road names at the point where NE Healy Road crossed Canyon Creek. This amendment represented a minor adjustment to the boundary description. Instead of the boundary following NE Healy Road to National Forest (NF) Road 54 from the point where NE Healy Road crosses Canyon Creek the boundary would continue approximately 1.4 miles upstream until NF Road 54 crosses Canyon Creek. This resulted in approximately 75 acres being removed from GMU 572 (Siouxon) and added to GMU 568 (Washougal). When presented to the public for initial comment, 77% of the ~1,200 respondents indicated support for this amendment.

Adding that portion of GMU 554 (Yale) that is north of State Route 503 to GMU 556 (Toutle).

GMU 554 (Yale) is a firearm restriction area (FRA), even though the area north of State Route 503, which represents approximately 6,400 acres, is almost entirely forested. A large proportion of this area is also public land owned by the Department of Natural Resources. Because of these facts many hunters unintentionally hunted in the area not realizing they were in an FRA, which has resulted in a longstanding enforcement issue. This adopted amendment alleviated this confusion and appropriately removed a large tract of mostly forested public land from an FRA. When presented to the public for initial comment, 79% of the ~1,200 respondents indicated support for this amendment.

Formally adopting a change to the boundary description for GMUs 506 (Willapa Hills) and 673 (Williams Creek) that was implemented as an emergency rule on September 1, 2020.

The amendments to the boundary descriptions for GMUs 506 (Willapa Hills) and 673 (Williams Creek) that were presented to and adopted by the Commission in 2020 were done so in error. As such, WDFW implemented an emergency rule on September 1, 2020 that nullified those amendments and reverted the boundary description back to its original language. This adopted amendment formalized that emergency rule.

WAC 220-410-016 Game management units (GMUs) boundary description – Region six.

The amendments to the boundary descriptions for GMUs 506 (Willapa Hills) and 673 (Williams Creek) that were presented to and adopted by the Commission in 2020 were done so in error. As such, WDFW implemented an emergency rule on September 1, 2020 that nullified those amendments and reverted the boundary description back to its original language. This adopted amendment formalized that emergency rule.

WAC 220-411-140 Lake Terrell Game Reserve.

Technical adjustments are made to WAC 220-411-140 by correcting references to “section-portions” under the area description to align intent with legal description. These technical adjustments do not change how users have understood or interacted with the Game Reserves’ boundaries. This will provide clarity and allow the Department to produce accurate maps to assist users.

WAC 220-411-210 Stratford Game Reserve.

Technical adjustments are made to WAC 220-411-210 by correcting references to “section-portions” under the area description to align intent with legal description. These technical adjustments do not change how users have understood or interacted with the Game Reserves’ boundaries. This will provide clarity and allow the Department to produce accurate maps to assist users.

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

The purpose of this amendment was to change the bag limit for auction and raffle moose permits from one moose of either sex to one bull moose, as well as to expand the hunt area for moose raffle permits to include any open moose unit, instead of being limited to GMUs 101-121 and 204.

Moose populations in some GMUs had declined in recent years. In response to those declines, the Department had substantially reduced opportunities to harvest antlerless moose in 2018. Reducing opportunities for auction and raffle permit holders was consistent with previous reductions and only reduced the potential for future antlerless harvest as nearly all auction and raffle permit holders harvest bulls. Amendments to adjust the hunt areas associated with the raffle permits were supported because there was no clear justification for why raffle permit holders should be limited to GMUs 101-121 and 204.

WAC 220-412-080 Special hunting season permits.

Allowing successful applicants for all big game special permits to return their permit to the Department for any reason two weeks prior to the opening day of the season and to have their points restored.

Every year the Department receives multiple requests from hunters who have drawn a special permit, or multiple special permits, and were unable to go on their hunt for reasons that were beyond their control. Previously, WDFW only offered point restoration to hunters under certain circumstances (e.g., medical, death, moved, etc.) and did not attempt to reissue the permit. Losing their points reduced a hunter's chances of drawing in the future. This amendment allowed hunters to return their permits and have their points restored regardless of the reason if they did so two weeks before the season was scheduled to open. This amendment also simplified the process for returning permits and reduced situations where hunters were unable to participate in a hunt but lost their preference points within that specific hunt category. When presented to the public for initial comment, 87% of the ~1,300 respondents indicated support for this amendment.

Providing an exception to the once-in-a-lifetime restriction for hunters that participate in mountain goat conflict reduction hunts.

Following an increase in conflicts between humans and mountain goats in the Olympic Mountains, the Department had established special permit opportunities that were designed to reduce goat numbers in areas where those conflicts occurred. These permit opportunities were not available in 2018 and 2019 to avoid conflicts with efforts to capture and translocate goats from the Olympic Mountains to the North Cascade Mountains. This amendment reinstated these permits to assist with efforts to lethally remove goats that remained on the Olympic Peninsula following the final translocation effort in 2020. Biologists believed less than 100 mountain goats remained within the associated hunt area. Success rates were expected to be low, with the ultimate objective of completely removing mountain goats from this area, rather than provide recreational opportunity. Thus, there was not a strong justification for excluding hunters who had previously harvested a mountain goat.

WAC 220-412-100 Landowner hunting permits.

The majority of the proposed changes and/or corrections provide clarity and correctness. During the review process, it was determined that some of the initially proposed language was rather restrictive on enrolled landowners. The purpose of the program is to provide benefits to both the public and the landowner. Some of the language within WAC 220-412-100, and thus, the Standard Operating Procedure, could have resulted in restrictions on the landowners and had an impact on their livelihoods, such as agricultural production and/or harvest. In other cases, it was determined that there was the potential for an increased safety risk to the public who may have been accessing these lands. Lastly, there was also one instance where land use and/or property restrictions would have made it impossible to allow for the requirements as worded in the previous versions of the WAC/SOP. These changes will allow the current enrollees to still allow access as defined under the "substantial public benefit" but also maintaining minimal impacts to their livelihoods. These changes will be monitored and assessed during the 2021-2023 seasons and appropriate adjustments will be made and brought forward to the Commission as needed.

WAC 220-415-010 Deer area description.

Eliminating Deer Area 1021-Clarkston (Asotin Co.).

Deer Area 1021 was initially created to assist with mitigating damage complaints caused by resident mule deer near the city of Clarkston. The number of complaints had declined to levels that no longer required a need for this Deer Area. Moreover, preliminary findings from the Department's efforts to radio-collar mule deer in the foothills of the Blue Mountains had indicated some of the mule deer within Deer Area 1021 moved into this area during winter but migrated back to summer range. As such, the late antlerless opportunities associated with Deer Area 1021 were likely targeting migratory mule deer more so than residents, which was not the intent. When presented to the public for initial comment, 76% of the ~1,300 respondents indicated support for this amendment.

Eliminating Deer Area 1040 (4-O Ranch Wildlife Area).

Deer Area 1040 is the area in Game Management Unit 172 (Mountain View) that is associated with lands managed by WDFW as the 4-O Ranch Wildlife Area Unit. Since 2014, the Department had provided limited special permit opportunities within the Deer Area and excluded general season opportunities with the intent of providing a quality hunting experience. However, because Deer Area 1040 was within the ceded area of the Nez Perce Tribe, tribal hunters also pursued deer in this area. To ensure opportunities to access this area and hunt deer are similar for state and tribal hunters, the adopted amendment eliminated Deer Area 1040, which opened this area during general deer seasons. When presented to the public for initial comment, 84% of the ~1,200 respondents indicated support for this amendment.

WAC 220-415-040 Elk area description.

Eliminating Elk Area 1040 (4-O Ranch Wildlife Area).

Elk Area 1040 was the area in Game Management Unit 172 (Mountain View) that was associated with lands managed by the Department as the 4-O Ranch Wildlife Area Unit. Since 2014, the Department had provided limited special permit opportunities within the Elk Area and excluded general season opportunities with the intent of providing a quality hunting experience. However, because Elk Area 1040 is within the ceded area of the Nez Perce Tribe, tribal hunters also pursued elk in this area. This amendment ensured opportunities to access this area and hunt elk were similar for state and tribal hunters. When presented to the public for initial comment, 83% of the ~1,000 respondents indicated support for this amendment.

Making a minor adjustment to the boundary description for Elk Area 2032 (Malaga).

The previous boundary description for Elk Area 2032 followed Moses Carr Road beyond a point where this road had been closed and no longer existed, and therefore was no longer a relevant reference point. The adopted amendment improved clarity of the boundary and addressed enforcement concerns by realigning the boundary along section lines. This amendment only increased the size of Elk Area 2032 by approximately 130 acres.

Shifting Elk Area 5066 (Norway Pass) from GMU 524 (Margaret) to GMU 522 (Loo-Wit).

Elk Area 5066 represented the eastern portion of GMU 524 (Margaret) and opportunities to hunt elk in this Elk Area were limited to special permit opportunities. Hunters could hunt in GMU 524 during general elk seasons, but not within Elk Area 5066. This caused confusion for some hunters as Enforcement Officers routinely made contacts with elk hunters in Elk Area 5066 that did not have an elk special permit and did not realize that portion of GMU 524 was not open to general season elk hunters. This amendment would assist with clarifying the rule for hunters and enforcement of elk hunting regulations in Elk Area 5066. When presented to the public for initial comment, 58% of the ~1,200 respondents indicated support for this amendment.

Establishing Elk Area 6030 Joyce (Clallam County) in GMU 603 (Pysht) near the town of Joyce.

Conflicts with elk in the Joyce had been increasing during the previous five years. There were no established seasons in GMU 603 that allowed antlerless harvest. The creation of a new Elk Area and offering limited opportunities to harvest antlerless elk within that area would assist WDFW with addressing conflicts, while also maintaining their current management objective of promoting population growth in other parts of the GMU. When presented to the public for initial comment, 83% of the ~1,100 respondents indicated support for this amendment.

WAC 220-415-020 2021-2023 Deer general seasons and definitions.

The primary purpose of this rule is to retain general season deer hunting opportunities for 2021-2023. It also provides opportunities in accordance with the status of deer populations and attempts to balance hunting opportunity among user groups. The reasons for particular amendments are set forth more fully below.

Adjusting season dates to align with the calendar year:

Season dates had to be adjusted to align with a calendar year to ensure seasons occurred during preferred days (e.g., most open on a Saturday).

Changing season dates for the late white-tailed deer season in GMUs 105- 121 to a nine-day season with season dates of November 11-19:

Some white-tailed deer hunters had strongly advocated for reinstating a 4-pt minimum antler-point restriction (APR) for white-tailed deer, with the intent of managing for more mature bucks in northeast Washington after WDFW had abolished the rule in 2015. The Department committed to considering APRs while developing proposals for the 2021-2023 seasons. WDFW initiated this consideration by partnering with Washington State University to summarize the opinions of deer hunters on the management of white-tailed deer. WDFW specifically targeted white-tailed deer hunters for that survey. It was clear from this initial survey that a substantial portion of the ~13,000 white-tailed deer hunters that responded to the survey were unsatisfied with their opportunities that related to seeing and harvesting mature white-tailed deer bucks, but they were strongly opposed to any restrictions that would need to be implemented to increase the number of mature bucks in the population. Based on those findings, WDFW's proposal that went out for public comment during the summer of 2020 included the following options:

- No change (retain current Any Buck seasons) 36%.
- 2-pt. APR with exemption for youth, senior, disabled 17%.
- 3-pt. APR with exemption for youth, senior, disabled 29%.
- 4-pt. APR with exemption for youth, senior, disabled 20%.

Although WDFW provided these four options, they also clearly stated their recommendation to the Commission would be Option 1 (No change) since there was such strong opposition in the WSU survey. WDFW also retained the APR options in their survey to uphold their commitment that they would consider them in concert with the 2021-2023 season setting process. The percentages provided next to the bulleted options above represented the proportion of respondents that indicated support. Although 'No change' was the preferred option, 64% of the ~1,400 respondents were supportive of at least some level of APR, which indicated most respondents were interested in managing for more mature white-tailed deer bucks. WDFW considered several options and believed the shortened nine-day season with hard calendar dates of November 11-19 was the most amenable because it was the smallest change from status quo. WDFW presented this proposal fully acknowledging it would result in only minor changes to buck harvest. One of the primary reasons for making that decision was because WDFW did not feel they had requested explicit input from hunters regarding all available options. The only option WDFW specifically asked about in the WSU survey, beyond asking hunters if they supported a general management approach, was APRs (e.g., should it be implemented district-wide or in select GMUs, which GMUs, should there be alternative seasons for youth, etc.). As such, WDFW felt they needed to gather more input from hunters before considering other options that represented a substantial change from status quo.

Reducing general season opportunities to harvest antlerless white-tailed deer in GMUs 127-142 to promote population increases:

As indicated by trends in general season harvest, white-tailed deer numbers in the Palouse White-tailed Deer Management Zone had substantially declined in recent years and had fallen more than 25% below the ten-year average harvest in 2019. This trend was driven predominately by declines in the white-tailed deer population in GMUs 127 – 142. If harvest levels were similar in 2020, harvest would have declined more than 25% below the ten-year average in two consecutive years, which would meet the criteria of an "At-Risk" ungulate population. The observed decline began with the 2015 Blue Tongue outbreak and had been further exasperated by several smaller hemorrhagic disease events and multiple hard winters. A more rapid recovery would not be achieved through a reduction in antlerless permits alone because over

70% of the antlerless harvest in those GMUs occurred during the general season. Substantial reductions in general season antlerless harvest in GMUs 127-142 were needed for this population to recover more quickly. At the time, muzzleloader and archery hunters were responsible for ~35% of the general season antlerless harvest, with Youth coming in a close second at ~31%. Senior (≥ 65 yrs old) and Disabled hunters took ~19% and ~16% respectively. When presented to the public for initial comment, 82% of the ~1,400 respondents indicated support for reductions in opportunities to harvest antlerless deer.

Reducing general season opportunities to harvest antlerless mule deer in GMUs 127-142 to promote population increases:

GMUs 127-142 represented the eastern third of the Columbia Plateau Mule Deer Management Zone where harvest data indicated mule deer numbers across the zone had begun to recover following declines that occurred 2015-2017. However, trends in harvest for GMUs 127-142 indicated mule deer populations had not fully recovered in the eastern portion of the zone. A substantial reduction in damage complaints associated with mule deer also indicated populations remained below historical levels. A reduction in opportunities to harvest antlerless mule deer was needed to ensure WDFW continued to promote the growth of mule deer populations throughout the Columbia Plateau Mule Deer Management Zone. When presented to the public for initial comment, 73% of the ~1,400 respondents indicated support for this proposal.

Reducing general season opportunities to harvest antlerless white-tailed deer in GMU 124 (Mount Spokane) to promote population increases:

As indicated by trends in general season harvest, white-tailed deer numbers in GMU 124 (Mount Spokane) had substantially declined in recent years and fell more than 25% below the ten-year average harvest in 2019. If harvest levels were similar in 2020, harvest would have declined more than 25% below the ten-year average in two consecutive years, which would meet the criteria of an “At-Risk” ungulate population. The observed decline began with the 2015 Blue Tongue outbreak and had been further exasperated by several smaller hemorrhagic disease events and multiple hard winters. A more rapid recovery could not be accomplished through a reduction in antlerless permits alone because ~75% of the antlerless harvest in GMU 124 occurred during the general season. Substantial reductions in general season antlerless harvest opportunities were needed for this population to recover more quickly. At the time, archery and muzzleloader hunters were responsible for ~34% of the general season antlerless harvest, with Youth coming in a close second at ~30%. Senior (≥ 65 yrs old) and Disabled hunters took ~18% and ~17% respectively. When presented to the public for initial comment, 77% of the ~1,300 respondents indicated support for reductions in opportunities to harvest antlerless deer.

Increasing opportunities to harvest antlerless white-tailed deer during general muzzleloader seasons in GMUs 247 (Entiat), 254 (Saint Andrews), 262 (Withrow), 266 (Badger), and 269 (Moses Coulee):

At the time, GMUs 247 (Entiat), 254 (Saint Andrews), 262 (Withrow), 266 (Badger), and 269 (Moses Coulee) were not open during early general muzzleloader seasons for any buck white-tailed deer, but there was no biological justification for them not being open. White-tailed deer numbers are very low in these GMUs because white-tailed deer habitat is limited. As such, the Department does not manage white-tailed deer in these GMUs with the objective of maintaining or promoting expansion of white-tailed deer populations. Instead, the Department provides liberal opportunities during general modern firearm, archery, and muzzleloader seasons and this amendment is consistent with that management approach. Opening these GMUs would increase opportunity and make opportunity among weapon types more consistent in GMUs with similar white-tailed deer populations. When presented to the public for initial comment, 66% of the ~1,300 respondents indicated support for this proposal.

Eliminating opportunities to harvest antlerless mule deer during the early general archery season in GMUs 382 (East Klickitat) and 388 (Grayback):

As indicated by trends in harvest, mule deer numbers in the East Columbia Gorge Mule Deer Management Zone (GMUs 382 and 388) had substantially declined over the past decade and met the criteria of an “At-Risk” ungulate population because harvest had dropped more than 25% below the ten-year average for at least two consecutive years. The Department had removed all other opportunities to

harvest antlerless mule deer in GMUs Units 382 (East Klickitat) and 388 (Grayback), so this amendment was consistent with past recommendations. When presented to the public for initial comment, 77% of the ~1,300 respondents indicated support for this proposal.

WAC 220-415-030 2021 Deer special permits.

Adjusting season dates to align with the calendar year:

Season dates had to be adjusted to align with a calendar year to ensure seasons occurred during preferred days (e.g., most open on a Saturday).

Adding a special permit opportunity for modern firearm hunters in GMU 136 (Harrington) in the Quality permit category:

At the time, estimates of buck to doe ratios in GMU 136 indicated this limited special permit opportunity was sustainable. In addition, it increased hunter opportunity.

Establishing special permit opportunities for antlerless deer in GMUs 127-142 to offset some of the opportunity lost by reducing general season opportunities

See above under WAC 220-415-020 for reasons supporting a reduction in general season opportunities to harvest antlerless white-tailed deer. WDFW was supportive of offering limited special permit opportunities to harvest antlerless deer to offset some of the opportunity lost during general seasons because they anticipated proposed amendments would result in at least a 70% reduction in antlerless harvest. The elimination of all opportunities to harvest antlerless deer was not needed to promote population increases.

Increasing the number of special permits for antlerless black-tailed deer on Puget Sound islands and standardizing season dates of August 1-December 31 for Any Weapon to assist with reducing deer numbers. Adding a special permit opportunity in the Youth category for black-tailed deer in GMU 485 (Green River):

Black-tailed deer populations in GMUs 411 (Orcas Island), 412 (Shaw Island), 413 (San Juan Island), 414 (Lopez Island), 415 (Blakely Island), and 420 (Whidbey Island) were at levels that warranted a reduction. Controlling deer numbers on Puget Sound islands had been a long-standing management challenge for the Department because they are dominated by privately owned lands, which made facilitating hunter access extremely difficult. This amendment was modeled after the approach WDFW had implemented in GMU 422 (Vashon Island), which increased opportunity through a longer season and allowed more flexibility to hunters relative to the weapon type they could use. When presented to the public for initial comment, 83% of the ~1,300 respondents indicated support for this proposal.

Adding a special permit opportunity in the Youth category for black-tailed deer in GMU 485 (Green River).

Special permit opportunities for youth hunters and hunters with disabilities for black-tailed deer in GMU 485 alternate each year. In 2020, the special permit opportunity was offered in the Hunter with Disabilities category, so it was offered in the youth category in 2021. These special permit opportunities support the agency mandate at RCW 77.04.012 to maximize hunting opportunities for youth and disabled hunters.

WAC 220-415-050 2021-2023 Elk general seasons and definitions.

Increasing opportunity in Game Management Units (GMUs) 249 (Alpine) and 251 (Mission) during general archery and muzzleloader elk seasons.

The Colockum elk herd area consisted of GMUs 249, 251, 328, 329, 330, 334, and 335. At the time, the only general archery season available in GMUs 249 and 251 was in GMU 249 during the early general archery season for any elk. The only early general muzzleloader season available was associated with Elk Area 2051 (Tronsen) for a "True Spike" bull. Elk Area 2051 (Page 45 in 2020 Hunting Pamphlet) included most of GMU 251 and a portion of GMU 249. It was originally created to assist with mitigating

elk damage complaints, but that need no longer existed. The amendments provided more opportunity, standardized opportunity within the Colockum elk herd area, and did not present a resource concern. When presented to the public for initial comment, 63% of the ~1,200 respondents indicated support for this proposal.

Increasing opportunity in GMUs 272 (Beezley), 278 (Wahluke), 284 (Ritzville), 382 (East Klickitat) and 379 (Ringold) during general archery and muzzleloader elk seasons.

Elk numbers in GMUs 272, 278, 284, 290, 379, and 382 were extremely low because WDFW maintains liberal harvest opportunities for elk with the intent of keeping elk populations suppressed because of the potential conflict with agriculture. The amendments established general season opportunities that were consistent with other general elk season opportunities in GMUs where WDFW's intent was to maintain low densities of elk. When presented to the public for initial comment, 60-70% of the ~1,100 respondents indicated support for these proposals.

Limiting the Master Hunter season in GMU 371 (Alkali) to the month of August and increasing opportunity in GMU 371 during general archery elk seasons.

Nearly all of GMU 371 is comprised of public lands associated with the Yakima Training Center. WDFW historically offered liberal general season opportunities for Master Hunters to harvest antlerless elk to assist with mitigating elk damage complaints on neighboring private lands. As recently as 2019 the season dates associated with this hunt were Aug. 1–Jan. 20 but were shortened to Aug. 1–Oct. 15 for the 2020 season. The need to mitigate elk conflict issues still existed but given this GMU is mostly public land WDFW felt they could use general elk hunters to mitigate elk conflicts just as effectively as they did with Master Hunters. Moreover, because of the status of the Yakima and Colockum elk herds (both below management objective), WDFW had to substantially reduce general elk hunter opportunities, and this amendment had the potential to replace some of that lost opportunity.

Removing the “True Spike Bull” restriction during general archery seasons in GMUs 328 (Naneum), 329 (Quilomene), 334 (Ellensburg), and 335 (Teanaway).

To increase the survival of yearling bulls, harvest of bulls during general modern firearm, archery, and muzzleloader seasons had been limited to “True Spike” bulls in the core Colockum elk herd area (GMUs 328, 329, 334, and 335) since 2009. Since that time, yearling bull survival had increased and consistently met WDFW's management objective. WDFW anticipated removing this restriction during general archery seasons would result in only modest effects on yearling bull survival. Moreover, archery hunters no longer had opportunities to harvest antlerless elk during general archery seasons in GMUs 328 and 329. Although WDFW replaced some of that lost opportunity with special permit opportunities beginning during the 2020 season, concerns related to equity remained. When presented to the public for initial comment, 71% of the ~1,200 respondents indicated support for this proposal.

Changing the legal elk in GMU 448 (Stillaquamish) during general elk seasons from Any Elk to 3-pt. minimum.

A legal elk during general modern firearm, archery, and muzzleloader seasons in GMU 448 had been Any Elk for many years because the Department's intent was to keep elk numbers low to minimize the potential for conflict with private landowners. However, a substantial portion of this GMU is forested public land and elk numbers could potentially increase in those areas without increasing conflict. Providing opportunities to harvest antlerless elk would still be considered to mitigate conflicts when appropriate but would be limited to the areas where conflicts occur. When presented to the public for initial comment, 52% of the ~1,000 respondents indicated support for this proposal.

Modifying season dates for late general archery and muzzleloader seasons in GMU 407 (North Sound).

The late general archery (November 25–January 20; 57 days) and general muzzleloader seasons (November 25–December 15; 21 days) in GMU 407 for Any Elk currently overlapped and occurred for an extended period to assist with elk damage complaints. Elk damage complaints had declined so there was no longer a need for such lengthy seasons. WDFW had also received feedback from hunters expressing concerns they had about hunter crowding and overlapping seasons. The amendments

simplified the hunting regulations because season dates would be the same as those established for other western Washington GMUs, decreased the potential for hunter safety issues that potentially existed with the current overlap of hunting methods, and potentially increased the quality of the hunt experience for users of each hunting method by reducing the number of hunters in the field during each period. When presented to the public for initial comment, 62% of the ~900 respondents indicated support for this proposal.

Eliminating the late general muzzleloader elk season in GMU 578 (West Klickitat).

The general season opportunity for hunters to harvest antlerless elk during the late general muzzleloader season in GMU 578 was first established during the 2018 season. Prior to that, opportunities were limited to WDFW's special permit system. This change was made in 2018 to assist with WDFW's efforts to mitigate damage complaints. However, this general season opportunity resulted in much more antlerless harvest than was anticipated and at levels that were not sustainable. Antlerless harvest averaged 41 elk 2015-2017 but increased to 95 in 2018 and 69 in 2019. When presented to the public for initial comment, 70% of the ~1,100 respondents indicated support for this proposal.

WAC 220-415-060 2021 Elk special permits.

Establishing special permit opportunities for Master Hunters in 500 and 600 series GMUs to harvest elk displaying clinical signs of elk hoof disease such as limping, lameness, or hoof abnormalities.

With no treatments or vaccines available, efforts to reduce the prevalence and distribution of elk hoof disease were limited to lethally removing diseased elk. The amendment is related to WDFW's effort to develop a program that could be used to evaluate the potential for using hunters as a tool to assist with managing this disease. Importantly, the goal of this program was to increase the proportion of diseased elk within total harvest, but total harvest was not expected to increase. This program will be evaluated on an annual basis, and if warranted, discontinued before the 2023 hunting season. The two main components of this program included:

- **Incentivizing Elk Hunters to Harvest Diseased Elk:** The Department would create a special incentive permit drawing for hunters that harvested an elk with hoof disease. This drawing would be similar to permits offered to incentivize hunters to submit their harvest report early. The specific opportunities (season date, number of permits, hunt area, etc.) would be determined by September 1, 2021, but WDFW planned to offer multiple permits to create a legitimate incentive. Any hunter (except Hoof Disease special permit) could participate by submitting hooves from their elk harvest at a WDFW collection location. Hunters that submitted a hoof set with at least one hoof indicating a deformity entered the drawing.
- **Hoof Disease Special Permits:** The amendment created special permits within the Master Hunter special permit category that provided an opportunity to harvest diseased elk that were not identified as a legal elk during most general seasons (e.g., antlerless elk) or may otherwise not be targeted. If a Master Hunter successfully harvested a diseased elk under this special permit as their first elk, they would be issued an additional permit that would allow them to harvest a second elk during the established permit season. WDFW would require permitted Master Hunters to submit all four hooves from their harvest to evaluate the effectiveness of this permit opportunity.

Establishing special permit opportunities in Elk Area 2033 (Peshastin) for antlerless and antlered elk to assist with mitigating elk damage complaints.

Elk Area 2033 is in GMU 251 (Mission) southeast of Leavenworth, WA. It was originally created to assist with mitigating elk damage complaints. WDFW had not offered harvest opportunities in this Elk Area for several years, but conflicts with elk had increased to levels that warranted a reduction in the number of elk using this area, to include antlered elk. When presented to the public for initial comment, 71% of the ~1,200 respondents indicated support for this proposal.

Modifying the hunt area for special permits in Elk Area 4941 (Skagit River) to include all of GMU 437 (Sauk).

Elk Area 4941 is in the Skagit River Valley and represented the most northerly portions of GMU 437. It was originally created to assist with mitigating elk damage complaints, which included special permit opportunities for both antlered and antlerless elk. With exception to Elk Area 4941, GMU 437 had been closed during both general and special permit elk seasons for more than two decades. Most of the elk in GMU 437 occurred within Elk Area 4941, but they occurred in other parts of the GMU and at levels that could sustain limited special permit opportunities. WDFW would continue to mitigate elk damage complaints using antlerless harvest opportunities when deemed appropriate, but those opportunities would be facilitated through the issuance of landowner or Master Hunter permits. When presented to the public for initial comment, 80% of the ~900 respondents indicated support for this proposal.

Establishing special permit opportunities for muzzleloader hunters in GMU 578 (West Klickitat) to offset some of the opportunity lost with the elimination of the late general season.

Offering limited special permit opportunities for muzzleloader hunters in GMU 578 offset some of the opportunity lost by eliminating the general muzzleloader season, while also providing opportunity that was sustainable.

Shifting special permits for bulls in GMU 371 (Alkali) from the Bull special permit category to the Quality category.

When special permit opportunities were first established for GMU 371, there were only small numbers of elk within the GMU. Elk numbers had substantially increased in recent years resulting in a much higher quality experience for hunters. As such, these permits now met the criteria for the Quality special permit category.

Establishing special permit opportunities for antlerless elk in the Yakima elk herd area for archery hunters in the Youth and 65 and Older special permit categories.

When WDFW removed all general season opportunities for archery hunters to harvest antlerless elk in 2020, we replaced some of that lost opportunity with special permits. However, we inadvertently failed to establish opportunities for archery hunters in the Youth and 65 Years or Older special permit categories. This amendment established those opportunities.

Establishing special permit opportunities for archery hunters to harvest antlerless elk in the Colockum and Yakima elk herd areas and removing opportunities in the Colockum herd area within the Youth, Hunters 65 Years or Older, and Hunters with Disabilities categories.

These amendments were presented to and adopted by the Commission in April 2020. The permits were issued during the 2020 hunting season and the hunts occurred. However, due to a clerical error, these amendments were not filed with the CR-103 in 2020. As such, they represent an administrative change to correct this error.

WAC 220-415-070 2021 Moose seasons, permit quotas, and areas.

Increasing bull moose permits in GMU 108.

Aerial survey results in 2019 indicated a high bull to cow ratio and the average antler spread of bulls harvested in GMU 108 indicated most bulls being harvested were mature bulls. As such, biologists felt the population could likely sustain more bull harvest.

Reducing cow moose permits in GMUs 117 and 121.

Recent studies of moose in GMU 117 had indicated populations were declining with very low calf recruitment rates and that cows were experiencing nutritional limitations. It is believed similar trends were occurring in GMU 121 as well. Even though populations were declining, the WDFW retained antlerless permit numbers at similar levels in hopes of lowering the population and increasing forage availability, which would result in subsequent improvement in cow body condition and calf recruitment. Although no formal abundance estimates were available, hunters had been expressing

difficulty in finding moose, which biologists believed may have indicated moose populations in GMUs 117 and 121 may have declined further. As such, WDFW believed it was prudent to reduce antlerless harvest until surveys could be conducted to assess current status of the population.

Eliminating the Hunter Education Instructor incentive permit for one antlerless moose.

Moose populations in some GMUs had declined in recent years. In response to those declines, the Department substantially reduced opportunities to harvest antlerless moose in 2018. Eliminating the Hunter Education Instructor incentive permit addressed concerns that it was inequitable to retain antlerless moose permits for hunter education instructors when other antlerless moose permits had been substantially reduced.

Administrative changes to remove hunt notes that were not needed.

These were simple administrative changes that did not change opportunity or hunt area boundaries.

WAC 220-415-090 Fall black bear hunting seasons and regulations.

The specific reasons for the amendments to WAC 220-415-090 are:

- Provide a fall black bear recreational and regulated hunting opportunity for future seasons.
- Standardize season dates for consistency.
- Clarify language associated with game management units that are closed for all black bear hunting. These units will remain closed to bear hunting but are identified in a stand-alone sentence. These units contain either watersheds or monument areas which are closed to public access, closed to hunting, or only allow limited hunting opportunity by permit for species other than bear.

WAC 220-415-120 2021 Bighorn sheep seasons, permit quotas, and areas.

Reducing the number of bighorn ram permits in the Yakima Canyon herd.

The Yakima Canyon bighorn sheep herd had declined to ~120 bighorn sheep. Most recently, those declines had been associated with the Department's efforts to reduce the herd, but those declines were also associated with the establishment of M.ovi within the herd and chronically depressed lamb survival because of M.ovi. With a very small number of yearling rams being recruited, permits for adult rams were reduced accordingly.

Reducing the number of bighorn ram permits in the Cleman Mountain herd.

An M.ovi outbreak occurred in the Cleman Mountain herd during fall 2020. As has occurred with other outbreaks, WDFW anticipated a potential reduction in this herd, although it was difficult to predict how large the die-off event would be. In response to the outbreak, WDFW had implemented an emergency rule to allow the harvest of five additional rams in fall 2020. Reduction in ram permits were warranted until the Department was better able to assess how large the die-off was.

Establishing new hunts for bighorn rams in the Wenaha and Mountain View sub-herd areas in the Blue Mountains.

Bighorn sheep herds in the Blue Mountains had started to recover after M.ovi was cleared from those populations. Numbers within the Wenaha and Mountain View sub-herds had increased to levels that could sustain limited ram harvest.

Clarifying the criteria used to define a juvenile ram.

Some rams harvested under juvenile ram permits were adults. When this occurred, hunters cited a misunderstanding of the criteria used in the field to determine if a ram was a juvenile. The intent of this amendment was to reduce that misunderstanding.

Administrative changes to clarify permits within the Youth and Hunters with Disabilities categories and to remove hunt notes that were not needed.

These amendments were simple administrative changes that clarified the opportunities that were available for youth hunters and hunters with disabilities.

WAC 220-415-130 2021 Mountain goat seasons, permit quotas, and areas.

Reinstating the mountain goat conflict reduction special permits in the Olympic Mountains and establishing a bag limit of two mountain goats of any sex or age to assist with efforts to remove mountain goats from this range.

Following an increase in conflicts between humans and mountain goats in the Olympic Mountains, the Department created special permit opportunities that were designed to reduce goat numbers in areas where those conflicts occurred. This amendment reinstated these permits to assist with efforts to lethally remove mountain goats that remain following efforts to translocate goats from the Olympic Peninsula to the North Cascades. When presented to hunters for initial review, 81% of the ~1,400 respondents indicated support for this proposal.

Reducing the number of permits in the Naches Pass, Bumping River, and Goat Rocks West hunt areas.

Aerial surveys of mountain goats in the Naches Pass, Bumping River, and Goat Rocks West hunt areas in 2020 indicated a decline in the number of goats observed and resulting abundance estimates. This amendment reduced special permits accordingly.

Establishing an opening season date of September 1 for all weapon types.

Having a clause that allowed permit holders that used archery equipment to start hunting September 1 caused confusion in some instances. The Department originally proposed to establish a standard opening date of September 15. However, when presented to hunters for initial comment, only 51% of the ~1,500 respondents were in support of the proposal. We received comments in opposition to shortening the season for archery hunters. We adjusted our proposal in response to that feedback and believe a standard opening date of September 1 achieves the same goal of reducing confusion without reducing opportunity.

Administrative changes to hunt area descriptions to make them consistent.

These were simple administrative changes that did not change the hunt area boundaries.

WAC 220-416-010 Small game and other wildlife seasons and regulations.

The specific reasons for the amendments to WAC 220-416-010, as adopted by the FWC on April 9, 2021, are:

- Provide a fall recreational and regulated hunting opportunity during the 2021-22, 2022-23, 2023-24 seasons.
- Standardize season dates for consistency with each calendar year.
- Provide increased opportunities where feasible.
- Restrict regulations where needed to ensure viable populations of species (e.g. grouse).
- Display information in table format to provide a user-friendly presentation.

WAC 220-416-060 2020-2021 Migratory gamebird seasons and regulations.

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. Management agencies utilize Adaptive Harvest Management (AHM) to establish duck season frameworks. AHM relies on annual survey information and population models to prescribe optimal regulation packages each year. The population of ducks in the western part of North America is managed separately from the eastern flyways, as part of the models developed for western mallard AHM. Western mallard AHM uses results from breeding surveys and other information from western areas rather than from the Canadian prairies, recognizing differences in Pacific Flyway breeding areas. The season packages proposed for western mallard AHM are the same as developed under mid-continent mallard AHM (liberal, moderate, and restrictive), although different models are used to prescribe annual packages. No surveys of the breeding waterfowl were conducted due to COVID-19 and travel restrictions, however assessments of duck populations based on the most recent trends recommended status quo in season dates and bag-limit structure to those offered during the 2020-21 migratory gamebird seasons. Northern pintail status remained below population objective, maintaining a daily bag limit of one pintail per the USFWS Northern Pintail Harvest Strategy. Additionally, based on the most recent scaup status, the optimal regulatory alternative described in AHM protocol, requires a restrictive regulatory alternative, maintaining the daily bag limit to two scaup per day, but maintains the 86-day season length. Goose seasons and regulations follow management strategies developed and adopted by the Pacific Flyway Council and specified in Pacific Flyway Management Plans for each goose population (<http://www.pacificflyway.gov/Management.asp>). Goose seasons and regulations may be considered separately within the six Goose Management Areas that are identified and defined within federal frameworks, to address regional differences in goose species composition and timing of use in that region.

The rule amendment also adjusts the boundaries of Goose Management Area 1 to include Skagit and Whatcom counties, and that portion of Snohomish county west of Interstate 5. All regions previously within GMA1 will be part of Goose Management Area 3. These Goose Management Area boundaries have been amended to address recent winter flock increases in the Wrangel Island population of Lesser Snow Geese and to differentiate areas of western Washington that present an opportunity to address agricultural depredation concerns in February (Goose Management Area 1) versus those areas where low flock sizes of snow geese are present in February (Goose Management Area 3)

Bag limits on white geese (snow, Ross', blue phased) have been increased because the Wrangel Island population of Lesser Snow Geese are significantly above the overall population objective and the Fraser-Skagit winter flock objective (http://www.pacificflyway.gov/Documents/Wilsg_plan.pdf), having now expanded winter range into the Columbia Basin, a region previously used briefly during migration period only. Following harvest strategies outlined in the Pacific Flyway Management Plan for this population, adjustments to daily bag-limit is the only mechanism remaining that can influence increasing total harvest. This includes increased bag limits in all Goose Management Areas to 10 white geese per day bag-limit and associated possession limits, and to 20 white geese per day bag-limit and associated possession limits during white goose-only season segments (GMA1 and GMA4).

WAC 220-416-070 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures.

Amendments to WAC 220-416-070 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures update closures to reflect current management considerations, including: the "Wooden Tower" referenced as a visual marker for the old Hanford townsite was taken down and no longer serves as a

reference point from the river, and the 4-miles of the Yakima River closed under Section 7, is between two neighboring Game Reserves to the west and east making river segment closure redundant.

WAC 220-416-080 Lynch Cove and Union River hunting area restrictions.

The primary purpose of the adopted rule amendment to WAC 220-416-080 is to provide specification of current management restrictions for waterfowl, coot, and snipe hunting access consistent with WAC 220-500-040, which prompts the Department to encourage safety, to increase wildlife use to improve hunter success or manage wildlife viewing opportunities by regulating public access when appropriate to achieve those goals.

Several specific scenarios are highlighted in the proposed WAC 220-416-080 Regulated access area restriction for waterfowl, coot, and snipe hunting, where Department-managed lands currently relaying information and enforce these restrictions through posted notice (signs), but specifying these restrictions would provide greater clarity to users and reinvigorate the rationale behind those management considerations on particular units. The ten Regulated Access Areas outlined in WAC 220-416-080 are consistent with current management and considerations at these sites.

WAC 220-417-010 Trapping seasons and regulations.

Amendments to WAC 220-417-010 are intended to provide clear guidance on furbearer species legal to trap, when the season is open for trapping activity and the licensing requirements to participate in trapping. The marten trapping season geographical extent was revised by closing Clallam, Jefferson, Mason and Gray's Harbor counties because of the recent discovery of the Pacific Marten on the Olympic Peninsula and their similarity of appearance with the resident American Marten. This is essentially a conservation measure intended to protect the newly discovered Pacific Marten population, which may represent a remnant population of this species.

The rule amendment also adds language which clearly identifies that a valid Washington state trapper's license is required. Although implied, the prior language in WAC 220-417-010 did not explicitly state that a valid Washington state trapper's license is required. The intent with adjusting the language to include all levels of licensing and training requirements in the rule.

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

After reviewing public comment and further consideration, WDFW staff recommended that the FWC not move forward with several proposed WAC amendments, including the amendments that had been proposed to each of the following WACs:

- WAC 220-400-020 Classification of wild animals.
- WAC 220-413-060 Hunting restrictions.
- WAC 220-413-090 Field identification of wildlife –Evidence of sex –Definitions.
- WAC 220-414-010 Hunting equipment restrictions.
- WAC 220-414-020 Unlawful methods for hunting –Firearms.
- WAC 220-414-040 Nontoxic shot requirements.
- WAC 220-414-050 Shotgun shell restriction areas.
- WAC 220-414-060 Muzzleloading firearms.
- WAC 220-414-070 Archery requirements.
- WAC 220-414-090 Use of decoys and calls.
- WAC 220-414-100 Crossbow requirements.
- WAC 220-417-030 Wild animal trapping.

A few commenters raised concerns about whether some of the proposed WAC amendments did not fall within the SEPA categorical exemption WAC 197-11-835(6). In addition, some substantive questions and issues were raised. WDFW staff recommended that a subset of proposed WAC amendments, which are functionally discrete from the game season amendments that are the core of the 3-year package, be deferred in order to allow WDFW staff to address such issues further. The Fish and Wildlife Commission followed WDFW staff's recommendations and did not vote to adopt this subset of potential WAC amendments so that WDFW can give matters raised in public comment further consideration.

WAC 220-410-010 Game management units (GMUs) boundary description – Region one.

No difference between proposed amendment to WAC 220-410-010 in CR-102 and the amendment as adopted in CR-103.

WAC 220-410-040 Game management units (GMUs) boundary description – Region four.

No difference between proposed amendment to WAC 220-410-040 in CR-102 and the amendment as adopted in CR-103.

WAC 220-410-050 Game management units (GMUs) boundary description – Region five.

- Under GMU 522-LOO-WIT (located in Cowlitz and Skamania counties) WDFW did not adopt the proposed amendment and instead retained the current boundary description language.
- Under GMU 524-MARGARET (located in Cowlitz, Skamania, and Lewis counties) WDFW did not adopt the proposed amendment and instead retained the current boundary description language.

Rationale: Following the Fish and Wildlife Commission hearing on March 26 and 27, 2021, the Department received a considerable amount of feedback from the public expressing opposition to the amendment that would shift Elk Area 5066 from GMU 524 to GMU 522. In response to that feedback WDFW decided to retain the current boundary descriptions and committed to working with the public to identify an alternative solution to address hunter confusion and enforcement issues in Elk Area 5066.

WAC 220-410-016 Game management units (GMUs) boundary description – Region six.

No difference between proposed amendment to WAC 220-410-016 and the amendment as adopted.

WAC 220-411-140 Lake Terrell Game Reserve.

No difference between proposed WAC 220-411-140 amendment in CR-102 and amendment as adopted in CR-103.

WAC 220-411-210 Stratford Game Reserve.

No difference between proposed WAC 220-411-210 amendment in CR-102 and amendment as adopted in CR-103.

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

- Under (16) MOOSE RAFFLE PERMIT, changed Hunt Area from “Any open moose unit, and hunt areas identified by the department...” to GMUs 101 through 130 and GMU 204.

Rationale: This adjustment added more clarity regarding the GMUs that would be open to raffle permit holders and lessen hunter confusion.

WAC 220-412-080 Special hunting season permits.

No difference between proposed WAC 220-412-080 amendment and amendment as adopted.

WAC 220-412-100 Landowner hunting permits.

No difference between proposed WAC 220-412-100 amendment and amendment as adopted.

WAC 220-415-010 Deer area description.

No difference between proposed WAC 220-415-010 amendment and amendment as adopted.

WAC 220-415-040 Elk area description.

- Under Elk Area No. 5066 Norway Pass (Lewis and Skamania counties), change “That part of GMU 522...” to “That part of GMU 524...”.

Rationale: Following the Fish and Wildlife Commission hearing on March 26 and 27, 2021, the Department received a considerable amount of feedback from the public expressing opposition to the amendment that would shift Elk Area 5066 from GMU 524 to GMU 522. In response to that feedback WDFW decided to retain the current boundary descriptions and committed to working with the public to identify an alternative solution to address hunter confusion and enforcement issues in Elk Area 5066.

WAC 220-415-020 2021-2023 Deer general seasons and definitions.

- Under modern firearm late general seasons, for Eastern Washington white-tailed deer, we changed the season dates for Game Management Units (GMU) 105-121 from Nov. 11-19 to Nov. 6-19 in 2021 and Nov. 5-19 in 2022.

Rationale: The Department had initially proposed a standard nine-day modern firearm season with season dates of Nov. 11-19 in response to requests from some hunters to manage for more mature white-tailed bucks. However, we received 45 comments in opposition to this proposal and only 3 in support. This recommendation reverted the season dates for the late general modern firearm season back to what they were 2018-2020, with a closing date of Nov. 19 and an opening date on the Saturday that ensures the season included two full weekends.

- Under archery late general deer seasons for Eastern Washington white-tailed deer, we removed the reference to white-tailed deer under legal deer.

Rationale: In our original proposal, we intended to remove all references to deer species under legal deer, but inadvertently failed to delete this one.

- Under archery late general deer seasons for Eastern Washington white-tailed deer, we changed the legal deer in GMU 373 from 3-pt. min or antlerless to any deer.

Rationale: The initial amendment changed the season dates for the late general white-tailed deer season so it would overlap with the late general season for mule deer. As such, GMU 373 was included with those GMUs open during the late general mule deer season. However, the legal deer in those GMUs was 3-pt. min. or antlerless and the Department wanted the legal deer to remain Any Deer in GMU 373, so the rule was amended accordingly. Allowing the harvest of any deer was consistent with other seasons for white-tailed deer in GMU 373.

WAC 220-415-030 2021 Deer special permits.

- Under the quality deer, Chiwawa hunt choice, modern, the Department changed the permit numbers from 21 to 19.
- Under the quality deer, Desert hunt choice, modern, the Department changed the permit numbers from 18 to 19.
- Under the quality deer, Naneum hunt choice, modern, the Department changed the permit numbers from 15 to 14.
- Under the quality deer, Quilomene hunt choice, modern, the Department changed the permit numbers from 18 to 19.
- Under the quality deer, Teanaway hunt choice, modern, the Department changed the permit numbers from 27 to 26.
- Under the quality deer, Naneum hunt choice, archery, the Department changed the permit numbers from 6 to 7.
- Under the quality deer, Teanaway hunt choice, archery, the Department changed the permit numbers from 29 to 42.
- Under the quality deer, Teanaway hunt choice, muzzleloader, the Department changed the permit numbers from 1 to 3.
- Under the bucks, Ritzville hunt choice, Modern, the Department changed the permit numbers from 9 to 10.
- Under the bucks, Ritzville hunt choice, archery, the Department changed the permit numbers from 10 to 11.

Rationale: The Department uses an allocation formula to determine the number of special permits issued for these hunts. The information used in the allocation formula includes a harvest target identified by Department staff (e.g., 25 bucks), the proportion of deer licenses sold for each weapon type (modern firearm, archery, or muzzleloader) the previous year, and a 5-year average hunter success rate for each weapon type. The goal is to distribute harvest among the three weapon types such that the proportion of harvest for each weapon type is similar to the proportion of deer licenses sold (e.g., if 40% of deer licenses sold are modern firearm, modern firearm hunters should account for 40% of the harvest). The proposed permit numbers were adjusted after WDFW's analysis added harvest estimates for the 2020 season, which became available after the CR-102 was filed.

- Under the quality deer, Green River hunt choice, modern firearm, the Department changed the season dates to Nov. 13-19 and permit numbers to 5.
- Under the youth, Green River hunt choice, any, the Department changed the hunt dates to Nov. 13-19 and permit numbers to 5.

Rationale: These adjustments were made because WDFW received additional information from the Muckleshoot Indian Tribe and managers of the Green River Watershed after the CR-102 was filed.

WAC 220-415-040 Elk area descriptions.

- Under Elk Area No. 5066 Norway Pass (Lewis and Skamania counties), changed "that part of

GMU 522...” to “that part of GMU 524...”

Rationale: Following the Fish and Wildlife Commission hearing on March 26 and 27, 2021, the Department received a considerable amount of feedback from the public expressing opposition to the amendment that would shift Elk Area 5066 from GMU 524 to GMU 522. In response to that feedback WDFW decided to retain the current boundary descriptions and committed to working with the public to identify an alternative solution to address hunter confusion and enforcement issues in Elk Area 5066. ____

WAC 220-415-050 2021-2023 Elk general seasons and definitions.

- Under late archery general elk seasons, eastern Washington, added GMU 382, any elk.

Rationale: The intent of the Department’s original proposal was to open GMU 382 during both the early and late general archery seasons and that is how we presented it to the public. This adjustment corrects a clerical error that resulted in GMU 382 not being included in the original proposal.

WAC 220-415-060 2021 Elk special permits.

- Under Quality Elk, Blue Creek, EF, changed permits from 8 to 9.
- Under Quality Elk, Mountain View, EF, changed permits from 5 to 9.
- Under Quality Elk, Lick Creek, EF, changed permits from 2 to 1.
- Under Quality Elk, Colockum, EF, changed permits from 22 to 22.
- Under Quality Elk, Toutle, WF, changed permits from 27 to 31.
- Under Quality Elk, Blue Creek, EA, changed permits from 5 to 4.
- Under Quality Elk, Mountain View, EA, changed permits from 4 to 7.
- Under Quality Elk, Peaches Ridge, EA, changed permits from 10 to 9.
- Under Quality Elk, Observatory, EA, changed permits from 19 to 18.
- Under Quality Elk, Goose Prairie, EA, changed permits from 6 to 5.
- Under Quality Elk, Bethel, EA, changed permits from 7 to 8.
- Under Quality Elk, Rimrock, EA, changed permits from 20 to 18.
- Under Quality Elk, Cowiche, EA, changed permits from 6 to 4.
- Under Quality Elk, White River, WA, changed permits from 16 to 19.
- Under Quality Elk, Observatory, EM, changed permits from 6 to 5.
- Under Quality Elk, Rimrock, EM, changed permits from 4 to 5.
- Under Quality Elk, Cowiche, EM, changed permits from 2 to 1.
- Under Bulls, Observatory, EF, changed permits from 14 to 15.
- Under Bulls, Cowiche, EF, changed permits from 5 to 4.

- Under Bulls, Olympic, WF, changed permits from 5 to 8.
- Under Bulls, Skokomish, WF, changed permits from 2 to 4.
- Under Bulls, White River, WF, changed permits from 35 to 45.
- Under Bulls, Olympic, WA, changed permits from 1 to 4.
- Under Bulls, Skokomish, WA, changed permits from 1 to 3.
- Under Bulls, Olympic, WM, changed permits from 2 to 3.
- Under Bulls, White River, WM, changed permits from 7 to 9.

Rationale: The Department uses an allocation formula to determine the number of special permits issued for these hunts. The information used in the allocation formula includes a harvest target identified by Department staff (e.g., 25 bulls), the proportion of elk licenses sold for each weapon type (modern firearm, archery, or muzzleloader) the previous year, and a 5-year average hunter success rate for each weapon type. The goal is to distribute harvest among the three weapon types such that the proportion of harvest for each weapon type is similar to the proportion of elk licenses sold (e.g., if 40% of elk licenses sold are modern firearm, modern firearm hunters should account for 40% of the harvest). The proposed permit numbers were adjusted after WDFW's analysis added harvest estimates for the 2020 season, which became available after the CR-102 was filed.

- Under Quality Elk, Mountain View, EM, removed "except elk area 1040 and changed permits from 2 to 4.

Rationale: As described above, additional population information in the form of harvest estimates from 2020 became available after the CR-102 was published and WDFW staff used that information to amend recommended permit numbers using their allocation formula. Also, WDFW intended to remove all references to EA 1040 in our original proposal because this EA was being eliminated, but inadvertently missed this one.

- Under Antlerless elk, Colockum, EF, changed permits from 40 to 50.

Rationale: After harvest estimates became available it was determined that WDFW had likely met our objective of not harvesting more than 100 antlerless elk in the Colockum. As such, permits stayed at their current levels and this adjustment set permit levels the same as they were for the 2020 season.

- Under Antlerless elk, Green River, any to Nov. 13-19 and changed permits to 12.
- Under Quality Elk, Green River, WF, WA, WM, to Nov. 13-9 and permits to 10.

Rationale: These adjustments were made because WDFW received additional information from the Muckleshoot Indian Tribe and managers of the Green River Watershed after the CR-102 was filed.

- Under Hunters with Disabilities, changed Dayton to Marengo.

Rationale: This was an administrative adjustment for improved clarity. With the change, the Hunt Name is the same as the GMU name.

- Under Master, changed Region 5 Northwest to Region 5 Northwest—Hoof Disease.

- Under Master, changed Region 5 Southeast to Region 5 Southeast—Hoof Disease.
- Under Master, changed Region 6 Willapa Hills to Region 6 Willapa Hills—Hoof Disease.

Rationale: These changes were administrative adjustments to clarify those permits were being offered in association with WDFW's Elk Hoof Disease Incentive Program.

WAC 220-415-070 2021 Moose seasons, permit quotas, and areas.

No difference between proposed WAC 220-414-070 amendment and amendment as adopted.

WAC 220-415-090 Fall black bear hunting seasons and regulations.

- Under "Area Restrictions", changed GMU 450 and replaced with GMU 490.

Rationale: Typographic error. GMU 450 was included in error. GMU 490 is the correct GMU.

WAC 220-415-120 2021 Bighorn sheep seasons, permit quotas, and areas.

- Under Any ram, Selah Butte, changed permit season from Nov. 1-20 to Oct. 4-31 and changed permits from 2 to 4.
- Under Any ram, Umtanum, changed permit season from Oct. 1-31 to Oct. 4-31 and changed permits from 2 to 4.
- Under Adult ewe, Selah Butte North, changed Hunt Name to Selah Butte A, changed season dates to Sept 7-Oct. 3, changed Boundary Description to Sheep Unit 4, changed Special Restrictions to Adult ewe or Juvenile Ram, Any Legal Weapon, and changed the number of permits from 4 to 5.
- Under Adult ewe, Mount Baldy, changed Hunt Name to Selah Butte B, changed season dates to Nov. 1-21, changed Boundary Description to Sheep Unit 4, changed Special Restrictions to Adult ewe or Juvenile Ram, Any Legal Weapon, and changed the number of permits from 4 to 6.
- Under Adult ewe, Selah Butte South, changed Hunt Name to Selah Butte C, changed season dates to Nov. 22-Dec. 19, changed Boundary Description to Sheep Unit 4, changed Special Restrictions to Adult ewe or Juvenile Ram, Any Legal Weapon, and changed the number of permits from 4 to 6.
- Under Adult ewe, Umtanum North, changed Hunt Name to Umtanum A, changed season dates to Sept 7-Oct. 3, changed Boundary Description to Sheep Unit 5, and changed Special Restrictions to Adult ewe or Juvenile Ram, Any Legal Weapon.
- Under Adult ewe, Umtanum South A, changed Hunt Name to Umtanum B, changed season dates to Nov. 1-22, changed Boundary Description to Sheep Unit 5, changed Special Restrictions to Adult ewe or Juvenile Ram, Any Legal Weapon, and changed the number of permits from 5 to 6.
- Under Adult ewe, Umtanum South B, changed Hunt Name to Umtanum C, changed season dates to Nov. 22-Dec. 19, changed Boundary Description to Sheep Unit 5, changed Special Restrictions to Adult ewe or Juvenile Ram, Any Legal Weapon, and changed the number of permits from 5 to 6.
- Under Juvenile ram, Selah Butte North, changed hunt name to Selah Butte, changed season dates

to Sept. 7-Oct. 3, and changed boundary description to Sheep Unit 4.

- Under Juvenile ram, Mount Baldy, removed the special permit opportunity.
- Under Juvenile ram, Selah Butte South, removed the special permit opportunity.
- Under Juvenile ram, Umtanum North, changed hunt name to Umtanum, changed hunt dates to Sept. 7-Oct. 3, and changed boundary description to Sheep Unit 5.
- Under Juvenile ram, Umtanum South, removed the special permit opportunity.
- Under Youth, Selah Butte North, change Hunt Name to Selah Butte, change hunt dates to Nov. 1-Dec. 19, change Boundary Description to Sheep Unit 4, change Special Restrictions to Adult ewe or Juvenile Ram, Any Legal Weapon, and change the number of permits from 2 to 5.
- Under Youth, Mount Baldy, remove the special permit opportunity.
- Under Youth, Selah Butte South, remove the special permit opportunity.
- Under Youth, Umtanum North, change Hunt Name to Umtanum, change hunt dates to Sept. 7-Oct. 3, change Boundary Description to Sheep Unit 5, change Special Restrictions to Adult ewe or Juvenile Ram, Any Legal Weapon, and change number or permits from 1 to 5.
- Under Youth, Umtanum South, remove the special permit opportunity.

Rationale: All 18 adjustments were related to WDFW's test-and-remove efforts in the Yakima Canyon bighorn sheep herd. The objective of this disease management program was to capture most all sheep in the herd, test them for the pathogen that causes pneumonia, and lethally remove those that test positive, with the goal of removing the pathogen from the herd. The Department initiated efforts in February 2020 and was able to capture, mark, and test 80 bighorn. Herd size was estimated at 130-140 bighorn. It is believed up to as many as 64 bighorn sheep (22 ewes, 9 adult rams, 33 yearlings/lambs) remained that had not been captured and tested for the pathogen. The Department wants to reduce herd size to approximately 100 animals to increase probability of success and plans to encourage hunters to target sheep that have not been marked as already tested. Adjustments were also related to expanding hunt areas for ewes and juvenile rams and adjusting season dates to avoid overlap with Adult ram permits.

WAC 220-416-010 Small game and other wildlife seasons and regulations.

WDFW made the following adjustments after the CR-102 was filed and prior to adoption of the final rule.

- Under new Section (8) removed the proposed new subsection (b) which, if adopted, would have permitted the use of rimfire rifles from October 15-November 15 to hunt turkey.

Rationale: The Department had proposed to add a subsection to WAC220-414-010 that, if adopted, would have allowed the use of rimfire rifles to harvest turkey during a specified time-period. That proposed rule change was not adopted based on WDFW staff's recommendation, after receiving public comment and further review.

WAC 220-416-060 2020-2021 Migratory gamebird seasons and regulations.

No difference between proposed WAC 220-416-060 amendment in CR-102 and amendment as adopted in CR-103.

WAC 220-416-070 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures.

- Retitled this WAC to “Columbia and Snake River waterfowl, coot, and snipe closures.”

Rationale: The proposed rule removed the final river segment closure along the Yakima River, and necessitated the WAC title to reflect this change.

WAC 220-416-080 Lynch Cove and Union River hunting area restrictions.

No difference between proposed WAC 220-416-080 amendment in CR-102 and amendment as adopted in CR-103.

WAC 220-417-010 Trapping seasons and regulations.

WDFW made the following adjustments after the CR-102 was filed and prior to adoption of the final rule.

- Removed Eastern cottontail, Nuttall’s cottontail, and snowshoe hare as species legal to trap.
- Removed proposed season dates, bag and possession limits for trapping Eastern cottontail, Nuttall’s cottontail, and snowshoe hare.

Rationale: After further review and consideration of public comment the departmental staff recommended that the FWC not adopt the proposed addition of Eastern cottontail, Nuttall’s cottontail and snowshoe hare to the legal trapping season. WDFW staff plan to consider further issues raised in public comment and by individual Commissioners during the FWC briefing. The Department staff also recommended that the FWC not adopt proposed amendments that if adopted would have added these species as species legal to trap and therefore all references to seasons and bag limits have been omitted. The FWC followed WDFW staff’s recommendations and did not adopt these potential WAC amendments.

4. Public comments, response to comments, and consideration of comments.

WDFW reviewed and considered all the comments received for this rule proposal. Staff recommended that the FWC hold off on the adoption of some of the WAC amendments presented in the CR-102 for the 3-year hunting rule package. These include the following proposed-but-not-adopted amendments to WACs: WAC 220-400-020 Classification of wild animals; WAC 220-413-060 Hunting restrictions; WAC 220-413-090 Field identification of wildlife –Evidence of sex –Definitions; WAC 220-414-010 Hunting equipment restrictions; WAC 220-414-020 Unlawful methods for hunting –Firearms; WAC 220-414-040 Nontoxic shot requirements; WAC 220-414-050 Shotgun shell restriction areas; WAC 220-414-060 Muzzleloading firearms; WAC 220-414-070 Archery requirements; WAC 220-414-090 Use of decoys and calls; WAC 220-414-100 Crossbow requirements; and WAC 220-417-030 Wild animal trapping. WDFW appreciates the comments submitted by the public on the proposed WAC amendments that were not adopted, and WDFW intends to give further consideration to whether some or all of those possible WAC amendments may be proposed individually or as part of a group of proposed WAC amendments in the future. Because WDFW is not acting at this time on the not-adopted amendments and the various topics will be subject to further consideration, WDFW is not substantively responding to comments on the proposed-but-not-adopted amendments. Any subsequent proposed WAC amendments will be processed through CR-101 and CR-102 forms filed with the Office of the Code Reviser, and the public will be encouraged to further comment.

Commenters raised concerns about whether some of the proposed WAC amendments did not fall within the SEPA categorical exemption WAC 197-11-835(6) (e.g., amendments related to classification of some rabbit species, use of a leashed dog to trail wounded game, and some equipment-related amendments). As noted above, WDFW decided to postpone adoption to these proposed amendments (as well as other proposed amendments) in light of a variety of public comments received on the proposed rule amendments. Each of the several proposed WAC amendments that are not adopted at this time are

functionally discrete from the game season and geographic boundary amendments that are the core of the 3-year hunting rule package.

We received comments that expressed a general opposition to hunting. WDFW understands that some people strongly oppose hunting. However, WDFW's core statutory mandate is to promote recreational hunting consistent with conservation of the State's wildlife resources. Also, under the State's current budgetary structure, hunters contribute most of the funding that allows WDFW to manage wildlife species. In addition, hunting is an important tenant of the North American Model of Wildlife Conservation.

Responses to WAC-specific comments:

WAC 220-410-010 Game management units (GMUs) boundary description – Region one.

Of the 1,467 respondents to WDFW's online survey 58% (858) indicated they agreed with the proposed rule changes, 3% (38) disagreed, and 39% (571) were neutral. WDFW received 12 total comments and only one indicated opposition but did not specify why.

WAC 220-410-040 Game management units (GMUs) boundary description – Region four.

Of the 1,453 respondents to WDFW's online survey 52% (762) indicated they agreed with the proposed rule changes, 4% (52) disagreed, and 44% (640) were neutral. WDFW received 11 total comments on the proposed rule changes and none were in opposition to the amendment.

WAC 220-410-050 Game management units (GMUs) boundary description – Region five.

Of the 1,457 respondents to WDFW's online survey 51% (747) indicated they agreed with the proposed rule changes, 6% (81) disagreed, and 43% (629) were neutral. WDFW received 30 total comments on the proposed rule changes. Those that were opposed had several reasons. Comments and WDFW's responses are summarized below.

Comment: Moving a portion of GMU 554 to GMU 556 would result in a reduction in opportunity for hunters because GMU 556 is a special permit area for elk.

Although this is true, and the area associated with the proposed change would no longer be open to general season archery and muzzleloader elk hunters, the Department believes the opportunity lost would be minimal. On average, only 166 hunters reported hunting elk in GMU 554, 2015-2019, and reported harvesting just 10 elk. More than likely, an extremely small portion of that hunting activity occurred within the area associated with this proposal.

Comment: The Firearm Restriction Area (FRA) is needed to keep landowners safe.

If this proposed change results in an increase in concerns related to conflicts with private landowners or safety concerns, then we will work with our local law Enforcement Officers and landowners to address those concerns. However, we do not believe the proposed change will jeopardize the safety of private landowners.

Comment: Moving EA 5066 to GMU 522 would reduce opportunity for hunters that hunt game species, other than elk, in EA 5066.

Although Elk Area 5066 is currently open during general seasons for other game species, including black-tailed deer, black bear, cougar, and grouse, hunters are more than likely accessing the area to hunt black-tailed deer or black bears. From 2015-2019 the average number of hunters reporting they hunted in GMU 524 was just 187 hunters for black-tailed deer and 45 hunters for black-bear. It is likely only a small

portion of those hunters were hunting in Elk Area 5066. As such, the Department does not believe this proposed change would result in a substantial reduction in opportunity. However, following the Fish and Wildlife Commission hearing, the Department received a considerable amount of feedback from the public in opposition of this proposal. As such, WDFW staff proposed a supplemental recommended adjustment to retain the current boundary descriptions, which the FWC voted to adopt, and WDFW will continue outreach efforts with the public to identify an alternative solution to address hunter confusion and enforcement issues in Elk Area 5066.

WAC 220-410-016 Game management units (GMUs) boundary description – Region six.

Of the 1,421 respondents to WDFW’s online survey 50% (709) indicated they agreed with the proposed rule change, 4% (56) disagreed, and 46% (656) were neutral. WDFW received 6 total comments on the proposed rule change, and none were in opposition.

WAC 220-411-140 Lake Terrell Game Reserve.

We received 1,251 total responses on this proposed rule change through our online survey. Ninety-two percent (582) of the non-neutral online respondents indicated that they agreed with this rule change. Eight percent (50) of the non-neutral online respondents disagreed with the proposed rule. Forty-nine percent of all survey respondents were neutral or did not provide an answer.

Comment: Provide better maps to reflect the proposed change.

There is no “change” in this proposal, except for a technical adjustment in the legal description, not in the way hunters have understood or interacted with this closed area.

Game Reserves are defined (RCW 77.08.010) as “a closed area where hunting for all wild animals and wild birds is prohibited”. In producing better map products to help hunters understand the areas closed to hunting, errors were found in the legal description provided in this WAC compared to maps documents.

WAC 220-411-210 Stratford Game Reserve.

We received 1,242 total responses on this proposed rule change through our online survey. Ninety-one percent (575) of the non-neutral online respondents indicated that they agreed with this rule change. Nine percent (58) of the non-neutral online respondents disagreed with the proposed rule. Forty-nine percent of all survey respondents were neutral or did not provide an answer.

Comment: Request for better maps to reflect the proposed change.

There is no change in this proposal, except for a technical adjustment in the legal description, not in the way hunters have understood or interacted with this closed area.

Game Reserves are defined (RCW 77.08.010) as “a closed area where hunting for all wild animals and wild birds is prohibited”. In producing better map products to help hunters understand the areas closed to hunting, errors were found in the legal description provided in this WAC compared to maps documents.

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

Of the 2,156 respondents to WDFW’s online survey 64% (1,377) indicated they agreed

with the proposed rule changes, 14% (312) disagreed, and 22% (468) were neutral. WDFW received 206 total comments on the proposed rule changes. Those that were opposed had several reasons. Public comments and WDFW's responses are summarized below.

Comment: There are too many predators.

WDFW's Game Management Plan identifies guidelines to determine when a particular population meets the criteria of an "at-risk" ungulate population and whether carnivore management actions were needed to promote recovery. None of the moose populations currently meet that criteria. Moreover, recent findings from research conducted in GMUs 117 and 124 indicate poor calf survival and declining populations in both GMUs, despite the fact there were no documented wolf packs in GMU 124. Other findings from that research indicate adult female moose were in poor body condition, indicative of poor habitat conditions, and some moose were suffering from severe tick infestations. Thus, moose in these two areas were likely experiencing declines because of both top-down (predation) and bottom-up (habitat) effects. Lastly, WDFW had already liberalized bear and cougar hunting seasons in eastern Washington in response to concerns that carnivore populations are too high.

Comment: Opposed to auction/raffle permits in general.

Although WDFW understands why some are opposed to auction and raffle permits, we have always been extremely transparent that the intent of these permits is to generate revenue that is used solely for the purpose of managing big-game populations. It is an important fund source for the agency that contributes substantially to the work we do.

Comment: Don't remove antlerless opportunity.

We proposed to change the legal animal for auction and raffle moose permits from Any Moose to Any Bull in response to concerns about equitability, given that WDFW has substantially reduced opportunities for other hunters to harvest antlerless moose in recent years.

Comment: Don't expand the hunt area for raffle permits.

The hunt area for the raffle moose permits in previous years included GMUs 101-121 and 204, whereas the hunt area for the auction moose permit included all areas open to moose hunting. There was no strong biological justification for why the hunt areas differed and aligning the hunt areas provides more opportunity to those who draw a raffle permit.

WAC 220-412-080 Special hunting season permits.

Of the 1,553 respondents to WDFW's online survey 77% (1,202) indicated they agreed with the proposed rule changes, 9% (138) disagreed, and 14% (213) were neutral. WDFW received 267 total comments on the proposed rule changes. Those that were opposed had several reasons. Public comments and WDFW's responses are summarized below.

Comment: When a permit is turned in, WDFW should re-issue the permit to another hunter.

Re-issuing the permit was part of the proposal and is why hunters must turn in their permit no later than two weeks prior to their hunt being scheduled to open. Respondents were confused about the proposal.

Comment: Extend the deadline to more than two weeks.

WDFW staff consulted with their Licensing Division and Customer Service staff that will be responsible for processing these requests and they indicated two weeks was an ample amount of time to re-issue the permit to a new hunter. Although this may limit the amount of time a new hunter would have to plan for

the hunt, we anticipate most hunters that elect to turn in their permits will do so before the 2-week deadline. If that does not end up being the case, then we can extend this deadline in future years.

Comment: Opposed to removing the once-in-a-lifetime restriction for hunts on the Olympic Peninsula.

The primary objective of these hunts is not to provide a recreational hunting opportunity, but to assist with efforts to lethally remove mountain goats from the Olympic Peninsula. Less than 75 goats are thought to remain, and hunter success rates are expected to be extremely low, thus limiting the quality of this opportunity. Moreover, hunters are being encouraged to harvest any goat they encounter, so it would be unfair to apply the once-in-a-lifetime restriction in situations where a hunter may only have the opportunity to harvest a nanny or kid.

Comment: Hunters should only be allowed to turn in their permit for specific reasons.

This had been WDFW's policy for many years. Examples of reasons why hunters could turn in their permit and have their points restored included being relocated because of their job, medical reasons (with a doctor's note), death in the family, etc. We proposed this change in response to frequent requests from hunters to change our policy, allow hunters to turn in their permit for any reason, and reissue it to the next hunter.

WAC 220-412-100 Landowner hunting permits.

Comment: Concern over the privatization of wildlife.

WDFW Response: In many cases, the landowner portion of permits are auctioned or raffled off to members of the public or organizations that support local hunting opportunities. In the few instances where landowners choose to retain their portion, these tags help aid in wildlife conflict mitigation on these lands that otherwise would result in either damage claims to the Department or hours of WDFW staff time.

Comment: Waste of points if drawn for LHP opportunity.

WDFW Response: The LHP hunting opportunities operate the same way as any other special permit hunt. There is no guarantee or higher probability that any hunter will harvest an animal on these lands or any other public lands.

Comment: General disagreement with some of the language changes proposed.

WDFW Response: The proposed language changes within the LHP WAC and therefore, the Standard Operating Procedure have been carefully considered. WDFW staff believe that these changes will still result in a more efficient and better overall program for the public and the enrolled landowners. The previously used language would have forced many landowners to alter their land use/agricultural practices and in some cases, their livelihoods. It also put both the landowners and the Department at risk for allowing certain hunting opportunities during agricultural practices that could have posed safety risks for the public.

Comment: LHP program is abused and should be eliminated.

WDFW Response: From 2018-2019 the Commission supported an extensive review of the LHP Program. During this time, WDFW met with landowners, the public and internal staff and a thorough review of the program was completed in late 2019. The first application under the revised LHP program took place in August 2020 and staff are now proposing those applicants for approval by the Commission. WDFW staff believe that with these new revisions and the new requirements under the program, the LHP program can prove to be a valuable and appreciated access opportunity to the public.

Comment: Landowners only allowing friends and family to hunt on their lands.

WDFW Response: WDFW works with LHP landowners to ensure that adequate public access is being granted. If it is discovered that equal access (locations, times, duration etc.) is not being granted between the “landowner” and “public” portions of the permits, it is grounds for dismissal from the LHP program. The revisions made during the granted review process by the Commission from 2018-2019 allow WDFW more authority when assessing the level of access.

Comment: Payments to landowners.

WDFW Response: WDFW does not pay landowners enrolled in the LHP Program. The incentive for the LHP Program is the landowner portion of the permits. The only other incentive is under the new revised program, WDFW pays for signage to post the property when under the previous program guidance, landowners were responsible for paying for LHP signage. WDFW does pay landowners in certain hunting programs for access and/or habitat incentives or enhancement opportunities. WDFW staff are also competing with many private hunt clubs that pay more than WDFW can. Payments to landowners are to help ensure that access remains open to the general public, aid in mitigating costs associated with allowing public access and help with habitat enhancement and/or maintenance.

WAC 220-415-010 Deer area description.

Of the 1,911 respondents to WDFW’s online survey 66% (1,269) indicated they agreed with the proposed rule changes, 9% (168) disagreed, and 25% (474) were neutral. WDFW received 85 total comments on the proposed rule changes. Those that were opposed had several reasons. Public comments and WDFW’s responses are summarized below.

Comment: Tribal hunters are harvesting too many deer.

WDFW does not regulate tribal hunting. The 24 tribes that have off-reservation hunting rights in Washington set their own hunting regulations for their tribal members. Those tribes can allow members to hunt on open and unclaimed land within their ceded area or within an area proven to have been traditionally used by the tribe.

Comment: Eliminating DA 1040 would result in too many hunters on the 4-O Wildlife Area.

We agree that eliminating DA 1040 is likely to result in more hunters on the 4-O Wildlife Area, but the area is no longer being managed with the intent of providing a quality (e.g., low hunter densities, higher bull-to-cow ratios, etc.) hunting opportunity.

Comment: WDFW should eliminate all doe harvest.

WDFW regulates doe harvest relative to the status of deer populations and specific management objectives within a particular area. It is the primary tool used to manage population growth rates. For example, in some areas we have substantially reduced or eliminated opportunities to harvest antlerless deer with the objective of increasing the overall population. In other areas, we maintain modest levels of doe harvest to reduce conflict with private landowners.

Comment: DA 1021 should be retained because there are still a lot of deer in the area.

Although many deer still occur in the area, the number of damage complaints reported to our local biologists and conflict staff have declined and no longer occur at levels that warrant the need for additional opportunities within the area.

Comment: There are too many predators.

WDFW's Game Management Plan identifies guidelines to determine when a particular population meets the criteria of an "at-risk" ungulate population and whether carnivore management actions are needed to promote recovery. In some areas, populations meet that criteria and we have initiated efforts to determine if carnivore management actions are warranted. In addition, we have liberalized bear and cougar hunting seasons in eastern Washington in response to concerns that carnivore populations are too high.

Comment: All deer seasons should be by special permit only.

When surveyed, deer hunters in Washington clearly indicate a preference for WDFW to maintain general season opportunities to harvest deer. As such, we are not likely to consider special permit only opportunities unless there is a resource concern or if public opinion changes.

WAC 220-415-040 Elk area description.

Of the 1,786 respondents to WDFW's online survey 64% (1,145) indicated they agreed with the proposed rule changes, 12% (223) disagreed, and 23% (418). WDFW received 193 total comments on the proposed rule changes. Those that were opposed had several reasons. Public comments and WDFW's responses are summarized below.

Comment: Moving EA 5066 to GMU 522 would reduce opportunity for hunters that hunt game species, other than elk, in EA 5066.

Although Elk Area 5066 is currently open during general seasons for other game species, including black-tailed deer, black bear, cougar, and grouse, hunters are more than likely accessing the area to hunt black-tailed deer or black bears. From 2015-2019 the average number of hunters reporting that they hunted in GMU 524 was just 187 hunters for black-tailed deer and 45 hunters for black-bear. It is likely only a small portion of those hunters were hunting in Elk Area 5066. As such, the Department does not believe this proposed change would result in a substantial reduction in opportunity. However, following the Fish and Wildlife Commission hearing, the Department received a considerable amount of feedback from the public in opposition of this proposal. As such, we have proposed a supplemental recommended adjustment to retain the current boundary descriptions and will continue outreach efforts with the public to identify an alternative solution to address hunter confusion and enforcement issues in Elk Area 5066.

Comment: Eliminating EA 1040 would result in too many hunters on the 4-O Wildlife Area.

We agree that eliminating EA 1040 is likely to result in more hunters on the 4-O Wildlife Area, but the area is no longer being managed with the intent of providing a quality (e.g., low hunter densities, higher bull-to-cow ratios, etc.) hunting opportunity.

Comment: Tribal hunters are harvesting too many elk.

WDFW does not regulate tribal hunting. The 24 tribes that have off-reservation hunting rights in Washington set their own hunting regulations for their tribal members. Those tribes can allow members to hunt on open and unclaimed land within their ceded area or within an area proven to have been traditionally used by the tribe.

WAC 220-415-020 2021-2023 Deer general seasons and definitions.

Of the 1,861 respondents to WDFW's online survey 56% (1,051) indicated they agreed with the proposed rule changes, 23% (420) disagreed, and 21% (390) indicated they were neutral. WDFW received 407 total

comments on the proposed rule changes. Those that were opposed had several reasons. Public comments and WDFW's responses are summarized below.

Comment: There are too many predators.

WDFW's Game Management Plan identifies guidelines to determine when a particular population meets the criteria of an "at-risk" ungulate population and whether carnivore management actions are needed to promote recovery. In some areas, populations meet that criteria and we have initiated efforts to determine if carnivore management actions are warranted. In addition, we have liberalized bear and cougar hunting seasons in eastern Washington in response to concerns that carnivore populations are too high.

Comment: Implement a 4-pt. APR for white-tailed deer in NE Washington.

Although several respondents provided comment on this topic, proposed changes did not include a 4-pt. APR in northeast Washington. WDFW considered implementing a 4- pt. APR, but the proposal was not broadly supported. In early summer 2020, a survey of approximately 13,000 white-tailed deer hunters was conducted in collaboration with Washington State University and 70% of respondents indicated opposition to a 4-pt. APR. When we presented the option again in late summer while gathering input for the development of our proposals, only 20% of the 1,437 respondents indicated support. Lastly, we met with the Fish and Wildlife Commission's Wildlife Committee on January 7, 2021 to discuss a variety of options that could be implemented to manage for more mature white-tailed deer bucks, and they chose not to consider the option as part of the CR-102. This concern is also addressed in the reasoning section above (section 2).

Comment: Reduce or eliminate antlerless deer harvest in NE Washington.

With exception to harvest in response to damage complaints, WDFW removed all recreational opportunities to harvest antlerless white-tailed deer in GMUs 101-121 in 2019. Proposed changes for 2021-2023 include substantial reductions in the harvest of antlerless deer in GMU 124. Thus, we have already implemented this recommendation.

Comment: Opposed to reductions in antlerless harvest in GMU 124 and/or GMUs 127- 142.

WDFW regulates antlerless harvest relative to the status of deer populations and specific management objectives within a particular area. It is the primary tool used to manage population growth rates. Deer numbers have declined substantially in GMUs 124 and 127-142, so we are reducing opportunities to harvest antlerless deer with the objective of promoting an increase in deer numbers. Opportunities will increase after populations have recovered.

WAC 220-415-030 2021 Deer special permits.

Of the 1,820 respondents to WDFW's online survey 65% (1,189) indicated they agreed with the proposed rule changes, 11% (196) disagreed, and 24% (435) indicated they were neutral. WDFW received 150 total comments on the proposed rule changes. Those that were opposed had several reasons. Public comments and WDFW's responses are summarized below.

Comment: Expressed concerns about access to private property on islands.

WDFW agrees that access to private property is the main issue limiting our ability to control deer populations on islands in the Puget Sound. Our local District Wildlife Biologists, Private Lands Biologists, and Conflict Staff are continuously striving to identify creative ways to improve access and will continue to do so. All we can do in the meantime is provide as much opportunity as possible to assist with alleviating the issue.

Comment: There are too many predators.

WDFW's Game Management Plan identifies guidelines to determine when a particular population meets the criteria of an "at-risk" ungulate population and whether carnivore management actions are needed to promote recovery. In some areas, populations meet that criteria and we have initiated efforts to determine if carnivore management actions are warranted. In addition, we have liberalized bear and cougar hunting seasons in eastern Washington in response to concerns that carnivore populations are too high.

Comment: Opposed to reducing opportunity in GMUs 127-142.

WDFW regulates antlerless harvest relative to the status of deer populations and specific management objectives within a particular area. It is the primary tool used to manage population growth rates. Deer numbers have declined substantially in GMUs 127-142, so we are reducing opportunities to harvest antlerless deer with the objective of promoting an increase in deer numbers. Opportunities will increase after populations have recovered.

Comment: Should increase opportunities for youth, senior, and disabled hunters.

Providing opportunities for youth, senior, and disabled hunters is important to WDFW and to our efforts to recruit, retain, and reactivate hunters. Although we attempt to provide as much opportunity as possible for these groups, we also must be mindful of the status of a given population and balancing those opportunities with the opportunities for other user groups. As such, we increase opportunities when we can and decrease opportunities when harvest needs to be reduced.

Comment: Opposed to special permits in general.

Special permits allow the Department the ability to regulate hunting opportunities that are not sustainable using a general season format. Some examples include opportunities to harvest females, to hunt during the peak breeding season, and to hunt big-game species that occur in low numbers (e.g., bighorn sheep, moose, and mountain goats). Hunters consistently express a desire to have these types of opportunities and a special permit system allows WDFW to do that without having a negative effect on the population.

Comment: Should remove all opportunities to harvest antlerless deer.

WDFW regulates doe harvest relative to the status of deer populations and specific management objectives within a particular area. It is the primary tool used to manage population growth rates. For example, in some areas we have substantially reduced or eliminated opportunities to harvest antlerless deer with the objective of increasing the overall population. In other areas, we maintain modest levels of doe harvest to reduce conflict with private landowners.

WAC 220-415-050 2021-2023 Elk general seasons and definitions.

Of the 1,753 respondents to our online survey 68% (1,185) indicated they agreed with the proposed rule changes, 13% (236) disagreed, and 19% (334) indicated they were neutral. WDFW received 241 total comments on the proposed rule changes. Those that disagreed cited numerous reasons. Public comments and WDFW's response are provided below.

Comment: True-spike should be removed for all weapon types.

Recruitment of spikes into the branch-antlered class was too low and WDFW was consistently unable to meet our bull-to-cow objectives in the Colockum until we implemented the true-spike regulation. Ratios were consistently in the single digits. Removing the true-spike restriction for archery hunters is not likely to result in a substantially higher harvest of spike bulls, but that is not likely to be the cause for other weapons types, especially modern firearm. Moreover, WDFW removed the restriction to offset some of

the opportunity lost when we removed general season opportunities for archery hunters to harvest antlerless elk.

Comment: There are too many predators.

WDFW's Game Management Plan identifies guidelines to determine when a particular population meets the criteria of an "at-risk" ungulate population and whether carnivore management actions are needed to promote recovery. In some areas, populations meet that criteria and we have initiated efforts to determine if carnivore management actions are warranted. In addition, we have liberalized bear and cougar hunting seasons in eastern Washington in response to concerns that carnivore populations are too high.

Comment: Concerns about tribal hunting.

WDFW does not regulate tribal hunting. The 24 tribes that have off-reservation hunting rights in Washington set their own hunting regulations for their tribal members. Those tribes can allow members to hunt on open and unclaimed land within their ceded area or within an area proven to have been traditionally used by the tribe.

Comment: Opposed to reducing Master Hunter opportunities in GMU 371.

Master Hunter opportunities were established in GMU 371 to mitigate conflicts with private landowners that live adjacent to this area. WDFW believes we can continue to mitigate those conflicts mostly using general hunters. Establishing more opportunities for general hunters in GMU 371 will also offset some of the opportunity that has been lost since we have had to reduce opportunities given recent declines in the Colockum and Yakima elk herds.

Comment: Need to increase opportunity.

WDFW establishes opportunities that we believe are sustainable relative to the status of elk populations and maximize hunter opportunity. Our proposed changes are reflective of that policy.

Comment: Opposed to removing the general muzzleloader season in GMU 578.

The opportunities Master Hunters had to harvest antlerless elk in GMU 578 were historically limited to special permit opportunities. As concerns related to conflict with private landowners increased, WDFW shifted those opportunities to the late general season. However, that general season opportunity resulted in more cow harvest than was initially anticipated and at levels that was not sustainable. It is not our objective to substantially reduce elk numbers in GMU 578 which would likely happen if we retained the general season opportunity.

WAC 220-415-060 2021 Elk special permits.

Of the 1,715 respondents to WDFW's online survey 56% (955) indicated they agreed with the proposed rule changes, 22% (382) disagreed, and 22% (382) indicated they were neutral. WDFW received 221 total comments on the proposed rule changes. Those that disagreed cited numerous reasons. Public comments and WDFW's response are provided below.

Comment: Don't shift elk special permits in GMU 371 from the Bull category to Quality.

For special permits in the Quality elk special permit category, hunters can expect lower than average hunter densities, greater potential for success, or good hunt timing. The only opportunity to harvest branch-antlered bulls in GMU 371 is offered through WDFW's special permit system and the GMU will be closed during general seasons, except for the archery general season. Thus, hunters experience extremely low hunter densities. Also, when this special permit opportunity was first created, very few elk occurred in the GMU, but elk numbers have increased substantially, with nearly 1,000 elk observed

during a survey of the area in March 2021. Moreover, hunters experience high success rates and routinely harvest very large bulls.

Comment: Opposed to the Master Hunter elk hoof disease special permits.

Most comments received during the summer input period also indicated opposition to providing these special permit opportunities to Master Hunters, rather than to general hunters. The Elk Hoof Disease Incentive Program is being implemented as a pilot program with the objective of determining whether WDFW can issue special permits specifically for elk with hoof disease and know that it will result in the harvest of those elk, rather than healthy elk. To evaluate that program, WDFW will require hunters to submit their hooves for inspection, will be in frequent contact with the hunters before the season, and will work closely with the hunters after the season is over to evaluate the program and determine whether it worked or needs modified. We believe it will be easier to facilitate those aspects via the Master Hunter program because they have WDFW program oversight and existing communication channels. Moreover, we believe this type of opportunity aligns well with the original intent of the Master Hunter Program.

Comment: Don't reduce youth, senior, and disabled opportunities.

Providing opportunities for youth, senior, and disabled hunters is important to WDFW and to our efforts to recruit, retain, and reactivate hunters. Although we attempt to provide as much opportunity as possible for these groups, we also must be mindful of the status of a given population and balancing those opportunities with the opportunities for other user groups. As such, we increase opportunities when we can and decrease opportunities when harvest needs to be reduced.

Comment: Increase special permits.

Special permits allow the Department the ability to regulate hunting opportunities that are not sustainable using a general season format. Some examples include opportunities to harvest females, to hunt during the peak breeding season, and to hunt big-game species that occur in low numbers (e.g., bighorn sheep, moose, and mountain goats). Hunters consistently express a desire to have these types of opportunities and a special permit system allows WDFW to do that without having a negative effect on the population. As such, the number of special permits offered is directly related to the status of a given population and at levels WDFW believes are sustainable.

Comment: Concerns about tribal hunting.

WDFW does not regulate tribal hunting. The 24 tribes that have off-reservation hunting rights in Washington set their own hunting regulations for their tribal members. Those tribes can allow members to hunt on open and unclaimed land within their ceded area or within an area proven to have been traditionally used by the tribe.

WAC 220-415-070 2021 Moose seasons, permit quotas, and areas.

Of the 2,027 respondents to WDFW's online survey 68% (1,373) indicated they agreed with the proposed rule changes, 11% (219) indicated they disagreed, and 21% (435) indicated they were neutral. WDFW received 225 total comments on the proposed rule changes. Those that were opposed had several reasons. Public comments and WDFW's responses are summarized below.

Comment: There are too many predators.

WDFW's Game Management Plan identifies guidelines to determine when a particular population meets the criteria of an "at-risk" ungulate population and whether carnivore management actions are needed to promote recovery. None of our moose populations currently meet that criteria. Moreover, recent findings from research conducted in GMUs 117 and 124 from 2015-2018 indicated poor calf survival and

declining populations in both GMUs, despite the fact there were no documented wolf packs in GMU 124. Other findings from that research indicated adult female moose were in poor body condition, indicative of poor habitat conditions, and some moose were suffering from severe tick infestations. Thus, moose in these two areas are likely experiencing declines because of both top-down (predation) and bottom-up (habitat) effects. Lastly, we have liberalized bear and cougar hunting seasons in eastern Washington in response to concerns that carnivore populations are too high.

Comment: Antlerless permits should not be reduced.

Antlerless permits are being reduced in GMUs 117 and 121 because recent findings from research conducted in GMU 117 indicated moose populations were declining (see response to previous comment) and hunters have reported seeing fewer moose during their hunts since 2018, which indicates populations have likely declined even further.

Comment: The Hunter Education Instructor permit should not be removed.

The HEI permit is being removed in response to concerns about equitability, given that WDFW has substantially reduced opportunities for other hunters to harvest antlerless moose in recent years.

Comment: Moose should not be hunted.

Removing all moose hunts was not considered a viable option. Hunting is a big part of the North American Model of Wildlife Conservation and hunters contribute most of the funding that allows us to manage wildlife species. Hunting is a long-held tradition in this state and recreational hunting is a legitimate use of this natural resource. Moreover, WDFW has a statutory mandate to provide sustainable hunting opportunities.

Comment: WDFW needs to do more research and monitoring.

WDFW agrees there is always a need for more research and monitoring to improve on our knowledge of moose populations, but information we have indicates these seasons are sustainable and appropriate.

Comment: Bull moose permits should not be increased in GMU 108.

Bull moose permits in GMU 108 are being increased because hunters are reporting seeing many bull moose, most recent surveys indicated a high bull-to-cow ratio, and harvested bull moose have an above average antler-spread. Collectively, this information indicates there is a high than average number of bull moose in this population and that it can likely sustain more bull harvest.

WAC 220-415-090 Fall black bear hunting seasons and regulations.

The Department received 1,631 comments through our online survey.

- Agree 1234 (76%)
- Disagree 104 (6%)
- Neutral 293 (18%)

Reasons of those in support were:

- Overdue adjustment, make sense, support and no further questions.
- Request to expand season to align with deer and elk hunting.
- Request to expand methods to use hounds and bait.

Of the 1631 comments received, 104 (6%) opposed the rule change and 293 (18%) expressed a neutral position on the proposed changes.

Reasons by those opposed:

- Reduce bear hunting statewide – concern about overharvest.
- Bear season starts too early – concern is overlap during hiking and recreation season and limiting those opportunities.
- Desire to encourage wildlife viewing as recruitment, retention, and reactivation versus hunter.

Additional comments included:

- Monument areas were intended to allow hunting.
- Bear hunting should only be allowed for indigenous peoples.
- Concern that bear hunting would close in GMU 522 if Elk Area 5066 moves to GMU 522.

Comment: Encourage wildlife viewing rather than hunting for recruiting people to enjoy wildlife.

Black bears are a resource for all to enjoy through both consumptive and non-consumptive means. The Department manages the black bear population statewide for long term viability so that visitors and residents may enjoy the resources in both consumptive and non-consumptive uses.

Comment: A desire to reduce hunting due to concerns for overharvest.

The Department currently monitors black bear harvest annually and the Department uses age and sex of bears harvested as an indicator of harvest impact. If the percent females of hunter harvest increases and ages of harvested bears decline then harvest is likely having an impact on the bear population. Because male bears are preferred by hunters and are often more vulnerable to harvest, a large number of females in the harvest may suggest high hunting pressure. In addition, the Department monitors the age class of those bears harvested to ensure an appropriate distribution across the age classes. The Department evaluates harvest management objectives and monitor trends (over five- and ten-year periods) within nine BBMUs (see Status and Trends, WDFW 2019 and Status and Trends WDFW 2020). The five- and ten-year averages indicate harvest in all BBMUs are within range of the management objectives and that overharvesting is not occurring.

Comment: Concern for and against reducing bag limits, length of the season and season dates.

Fall hunts occur in all 149 GMUs, where bears occur, in all 6 Regions. In 2019, WDFW increased the bag limit of bears from 1 to 2 in eastern Washington and increased the season length up to 30 days in some areas to standardize fall general hunting season dates (August 1-November 15). Currently, the season begins in August (originally initiated for orchard damage issues) and the season closes in November to minimize disturbance and harvest of dened bears. No changes to bag limits or season dates were proposed. The Department continues to monitor harvest annually and reviews the five- and ten-year trends to determine if the BBMU's are within management objectives. The commission thoroughly discussed this issue in a public meeting. Through the upcoming Game Management Plan revision process the Department will further review current black bear management objectives and strategies.

Comment: Question if the rule would be open in the future.

The Department typically reviews hunting and trapping rules on a 3-year cycle and overarching game management on a six-year cycle, excluding any urgent or emergency issues. During each process the Department solicits input from the public; even when a rule is not proposed by the Department the public has an opportunity to request the Department consider changes.

WAC 220-415-120 2021 Bighorn sheep seasons, permit quotas, and areas.

Of the 1,933 respondents to WDFW's online survey 67% (1,303) indicated they agreed with the proposed rule changes, 9% (182) disagreed, and 23% (48) were neutral. WDFW received 122 total comments on the proposed rule changes. Those that were opposed had several reasons. Public comments and WDFW's responses are summarized below.

Comment: Opposed to hunting juvenile rams.

With exception to one special permit opportunity for Hunters with Disabilities, all special permits for juvenile rams occur in the Selah Butte and Umtanum herds and are associated with WDFW's efforts to reduce the population to 100 bighorn sheep or less. WDFW issues these permits in concert with efforts to implement a test-and-remove approach to eradicate the pathogen that causes the pneumonia that is plaguing these herds.

Comment: Tribal hunters are harvesting too many bighorn sheep.

WDFW does not regulate tribal hunting. The 24 tribes that have off-reservation hunting rights in Washington set their own hunting regulations for their tribal members. Those tribes can allow members to hunt on open and unclaimed land within their ceded area or within an area proven to have been traditionally used by the tribe.

Comment: There are too many predators.

WDFW's Game Management Plan identifies guidelines to determine when a particular population meets the criteria of an "at-risk" ungulate population and whether carnivore management actions are needed to promote recovery. Although some bighorn sheep herds meet that criteria, there are no indications they are being limited by predation. Instead, and in nearly every situation, the herds are below objective because of disease outbreaks.

Comment: WDFW needs to improve the criteria used to define a juvenile ram.

One of the proposed changes included modifying the language that identifies the criteria used to define a juvenile ram. We do not feel there are additional modifications that could be made that would reduce the likelihood of a hunter harvesting an older ram.

Comment: Opposed to hunting ewes.

Most special permit hunts for ewes occur in the Selah Butte and Umtanum herds and are associated with WDFW's efforts to reduce the population to 100 bighorn sheep or less. WDFW issues these permits in concert with efforts to implement a test-and-remove approach to eradicate the pathogen that causes the pneumonia that is plaguing these herds. Other special permit hunts for ewes only occur in bighorn sheep herds that are above population objective (Lincoln Cliffs, Chelan Butte, and Cleman Mt.).

Comment: Opposed to hunting all bighorn sheep.

Removing all bighorn sheep hunts was not considered a viable option. Hunting is a big part of the North American Model of Wildlife Conservation and hunters contribute most of the funding that allows us to manage wildlife species. Hunting is a long-held tradition in this state and recreational hunting is a legitimate use of this natural resource. Moreover, WDFW has a statutory mandate to provide sustainable hunting opportunities.

WAC 220-415-130 2021 Mountain goat seasons, permit quotas, and areas.

Of the 1,900 respondents to WDFW's online survey 61% (1,158) indicated they agreed with the proposed rule changes, 14% (258) disagreed, and 26% (486) were neutral. WDFW received 172 total comments on

the proposed rule changes. Those that were opposed had several reasons. Public comments and WDFW's responses are summarized below.

Comment: WDFW needs to improve their survey methodology.

Surveying mountain goats is difficult. In most areas, WDFW currently uses a sight ability model developed specifically for mountain goats in Washington to estimate abundance and is not aware of alternative methods that are cost-effective and would improve survey results. We do have plans to improve on our survey methodology in the Lake Chelan areas, however, where surveys have historical been conducted from a boat on Lake Chelan.

Comment: Increase goat hunting in other areas of Gifford Pinchot National Forest.

Mountain goat hunt areas are established in areas where a substantial number of goats are known to occur, and an established hunt area must have at least 100 goats before a special permit hunt can be established. At this time, WDFW is not aware of any additional areas within the Gifford Pinchot National Forest that would meet this criterion.

Comment: Open goat seasons earlier.

Goat seasons open on Sept. 1 and run through Nov. 30, so the season length is already incredibly liberal. Moreover, opening seasons earlier would make it more difficult for hunters to pack out their harvest before the meat spoils.

Comment: Use non-lethal alternatives to deal with conflicts.

WDFW is not proposing special permit hunts on the Olympic Peninsula in response to conflicts with goats. Hunts are being established to assist with efforts to remove all mountain goats from the Peninsula. Respondents were confused about the proposal.

Comment: Tribal hunters are harvesting too many goats.

WDFW does not regulate tribal hunting. The 24 tribes that have off-reservation hunting rights in Washington set their own hunting regulations for their tribal members. Those tribes can allow members to hunt on open and unclaimed land within their ceded area or within an area proven to have been traditionally used by the tribe.

WAC 220-416-010 Small game and other wildlife seasons and regulations.

The Department received a total of 1,553 comments through the online survey.

The majority (63%, 976) of the respondents agreed with the proposal primarily because of the increased youth opportunities and expanded turkey limits.

Ten percent (161) of the respondents disagreed and twenty-seven percent (416) were neutral with the proposal.

Concerns expressed by those opposed:

- Disagree with moving grouse opener to September 15.
- Longer seasons for various game birds (particularly pheasant and quail).
- Various suggestions on bag limits and possession for bobcat, fox, and turkey.

Other – Many respondents had mixed support and/or concern.

In addition, the Department received written correspondence expressing concerns about the proposal to add rimfire rifles as a legal means to harvest turkey.

The Department proceeded with the rule as proposed; except for allowing rimfire rifles for turkey harvest. The proposal to create a season for use of rimfire rifles for turkey hunting was removed.

The majority of respondents expressed support (63%, 976) or were neutral (27%, 416) for the proposed rule changes. However, there were several concerns noted and a few respondents indicated mixed concerns and support, stating too many different proposed changes. Several respondents indicated support for most of the proposed changes but concerns for a few others.

Comment: Disagree with moving grouse opener to September 15.

The Department is proposing September 15 as the opener to ensure recruitment of young. Harvest records indicate adult females are disproportionately harvested during the first two weeks of September, which in turn affects recruitment of young individuals into the population. Populations are indicating a decline therefore to ensure long-term viability the season opener is proposed to occur after the observed critical period.

Comment: Longer seasons for various game birds (particularly pheasant and quail).

The Department monitors game bird populations and indices and when feasible will expand seasons or increase bag limits when indices indicate favorable conditions for those types of management actions. Further the Department will begin the Game Management Plan revision this upcoming year and during that process the Department will review current management objectives and strategies for game birds.

Comment: Various suggestions on bag limits and possession for bobcat, fox, and turkey.

The Department monitors many wildlife species populations, harvest records, and other population indices. When feasible the Department will expand seasons or increase bag limits when indices indicate favorable conditions for those management actions. In addition, the Department will begin the Game Management Plan revision this upcoming year and during that process the Department will review current management objectives and strategies for furbearers and resident game birds.

Comment: Concern over rimfire rifle use for turkey hunting: hunter safety, wounding loss, ethics. This proposed amendment was removed.

WAC 220-416-060 2020-2021 Migratory gamebird seasons and regulations.

We received 1,281 total responses on this proposed rule change through our online survey.

Written Opposing, Neutral, and Other Comments:

Ninety-two percent of non-neutral online respondents agreed with the proposed rule. Eight percent (62) of the non-neutral online respondents disagreed with the proposed rule. Thirty-seven percent of all survey respondents were neutral or did not provide an answer.

Comment: Desire to raise the daily bag limit on Northern Pintail and scaup.

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.

Comment: Related to Goose Management Areas, including misunderstandings about the purpose, structure, and limitations that exist under federal frameworks, and the considerations around public land closures during season segments in February and March in relationship to agricultural depredation concerns.

Goose Management Areas are created to allow flexibility in application of harvest management to account for specific issues and topics, like in Goose Management Area 1 related to snow geese and Goose Management Area 2 to consider the closure of Dusky Canada goose. Public lands are closed during the latest season segments (February-March) to allow “push” from agricultural lands onto public lands to provide relief from agricultural depredations issues.

Comment: Detailed concerns related to sea duck harvest and perceived increases in hunter participation, efficiency, including concern over already limited-opportunity species like Harlequin Duck being negatively impacted over the long-term.

Concerns over recent increasing trends in sea duck hunter authorizations are being monitored and evaluated to ensure we maintain long-term harvest opportunity, as long as it does not impact this unique waterfowl resource. WDFW is in the early stages of evaluating the next Game Management Plan and of top priority is revisiting the harvest strategies around sea duck species.

Comment: Expressing the desire to not overlap youth waterfowl and pheasant hunting in September in western Washington.

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. Management agencies utilize Adaptive Harvest Management (AHM) to establish duck season frameworks. AHM relies on annual survey information and population models to prescribe optimal regulation packages each year. The population of ducks in the western part of North America is managed separately from the eastern flyways, as part of the models developed for western mallard AHM. Western mallard AHM uses results from breeding surveys and other information from western areas rather than from the Canadian prairies, recognizing differences in Pacific Flyway breeding areas. The season packages proposed for western mallard AHM are the same as developed under mid-continent mallard AHM (liberal, moderate, and restrictive), although different models are used to prescribe annual packages. No surveys of the breeding waterfowl were conducted due to COVID-19 and travel restrictions, however assessments of duck populations based on the most recent trends recommended status quo in season dates and bag-limit structure to those offered during the 2020-21 migratory gamebird seasons.

WAC 220-416-070 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures.

We received 1,244 total responses on this proposed rule change through our online survey. Ninety-one percent (631) of the non-neutral online respondents indicated that they agreed with this rule change. Nine percent (65) of the non-neutral online respondents disagreed with the proposed rule. Forty-four percent of all survey respondents were neutral or did not provide an answer.

Comment: Request for better maps to reflect the proposed change, and one referencing a section not proposed for change.

- Better map products will be available to assist migratory waterfowl, coot, and snipe hunters with these designations.

WAC 220-416-080 Lynch Cove and Union River hunting area restrictions.

We received 1,209 total responses on this proposed rule change through our online survey. Eighty-eight percent (429) of the non-neutral online respondents indicated that they agreed with this rule change. Twelve percent (60) of the non-neutral online respondents disagreed with the proposed rule. Sixty percent of all survey respondents were neutral or did not provide an answer.

Comment: Request for better maps to reflect the proposed change.

- Better map products will be available to assist migratory waterfowl, coot, and snipe hunters with these designations.

Comment: A misunderstanding that this proposals strives to solidify management that currently exists, not enact new restrictions for waterfowl, coot, and snipe hunting.

During the 3-year season setting process, respondents supported the idea of Regulated Access Areas on public lands to balance waterfowl conservation, habitat management, and waterfowl hunter opportunities and experience on public lands.

This amendment is consistent with WDFW WAC 220-500-040 Regulating public access, which prompts the Department to encourage safety, to increase wildlife use in order to improve hunter success, and to manage wildlife viewing opportunities. There were several cases, highlighted in the proposed WAC 220-416-080 Regulated access area restriction for waterfowl, coot, and snipe hunting, where Department-managed lands were left to rely and enforce use restrictions through posted notice (signs). Specifying these restrictions in WAC provides greater clarity to users and reinvigorates the rationale behind those management considerations on particular units.

The ten regulated access areas are consistent with current management and considerations at these sites. Better map products will be available to assist migratory waterfowl, coot, and snipe hunters with these designations.

WAC 220-417-010 Trapping seasons and regulations.

The Department received a total of 1,501 comments through the online survey.

There were nearly equal respondents that supported (45%, 676) or were neutral (46%, 685) of the proposed changes. The respondents that support the proposed changes expressed general support, supported the closure of marten trapping in the identified areas, requested consideration of expanding trapping methods to include leg hold and snare traps, and requested the Department to consider creating a Master Trapper program.

Written Opposing, Neutral, and Other Comments:

Nine percent (140) of respondents opposed the proposed rule changes and 46% (685) were neutral. Comments included a general opposition to trapping, and some supported trapping but opposed the closure of marten trapping.

A slight majority (46%) of respondents were neutral of the proposed changes. Nine percent opposed the changes while (45%) were supportive of the proposed changes. Public comments and WDFW's responses are summarized below:

Comment: Eliminate trapping, trapping is unnecessary.

The Department is delegated responsibility for preserving, protecting, perpetuating, and managing fish and wildlife in the lands and waters of the state. The Department is charged with conservation of fish and wildlife, while providing fishing, hunting, fish and wildlife viewing, and other outdoor recreational opportunities compatible with healthy, diverse, and sustainable fish and wildlife populations. This includes trapping (RCW 77.04.055(2) “The commission shall establish hunting, trapping, and fishing seasons and prescribe the time, place, manner, and methods that may be used to harvest or enjoy game fish and wildlife.”). Thus, trappers are among the citizens the Department serves through management of public resources. While trapping participation has indicated a decline in Washington since Initiative 713 passed; it remains an important activity to many Washingtonians.

Comment: Concern about the impact of trapping beaver on public lands.

The Department recognizes the ecological value of beavers and is fully committed to improving our knowledge and management of beavers. Over the past 3 years have invested in projects and programs which assist with beaver translocation and identifying suitable beaver habitat. We have an ongoing pilot program that enables translocation of beavers from human conflict situations to areas where they can be released for habitat restoration. We funded the development of a statewide beaver intrinsic potential habitat model to inform selection of beaver release sites. Most recently, we are funding a research project with Washington State University to develop a method for monitoring beavers and post-release survival. The Department is working with partners to study beaver dam analogs and develop beaver restoration projects.

Comment: Disagree with marten closures.

Because of the similarity of species and the recent detection of a remnant population of Pacific marten in the Olympic Peninsula the Department believes these closures are an appropriate conservation measure. In addition, trapping records submitted to the Department indicate martens have not been harvested since 1994, therefore, minimal impact to trappers is expected.

Comment: Expand trapping methods to include leg hold and snare style traps.

Washington currently has a law (77.15.194) in place which prohibits use or authorization of use of any steel-jawed leghold trap, neck snare, or other body-gripping trap to capture any mammal for recreation or commerce in fur. This law was adopted via voter initiative I-713.

Comment: Create a Master Trapper program.

This is a topic that the Department can consider during the Game Management Plan (GMP) revision process. A review of the value, need, and support for such a program will be necessary. Several key points of importance are to prevent any impact to other trappers, including certified Wildlife Control Operators. The Department will include this suggestion during the review for revisions of the GMP.

Comment: Request a bag limit on bobcat.

Placing a bag limit for trapping bobcat would be a significant change to the current operation, therefore the Department would consider this suggestion during the upcoming Game Management Plan revision.