

## **Concise Explanatory Statement Wildlife Program 2023 Season Setting**

### **Rules amended as part of this rulemaking:**

WAC 220-412-100	Landowner hunting permits.
WAC 220-415-030	2022 Deer special permits.
WAC 220-415-060	2022 Elk special permits.
WAC 220-415-070	2022 Moose seasons, permit quotas, and areas.
WAC 220-415-120	2022 Bighorn sheep seasons, permit quotas, and areas.
WAC 220-415-130	2022 Mountain goat seasons, permit quotas, and areas.
WAC 220-416-060	2022-2023 Migratory gamebird seasons and regulations.

### **1. Background/Summary of Project:**

#### **WAC 220-412-100 Landowner Hunting Permits.**

The Landowner Hunt Permits (LHP) program serves as a mechanism to provide public access to larger private land parcels that are otherwise inaccessible to the general public. It also serves as a way to incentivize landowners while helping mitigate human/wildlife conflict in some instances.

Historically, there have never been more than seven properties in the LHP program statewide. And there are five properties enrolled in the current three-year cycle, which ends in 2023. The next application opportunity begins in Spring 2023 for the 2024-2026 seasons. The 2020-2023 cycle was the first three-year cycle after the Department thoroughly revised the program in 2019. Washington Department of Fish and Wildlife (WDFW) is currently assessing and monitoring the changes made in 2019 and evaluating further potential modifications while monitoring program success.

#### **WAC 220-415-030 2022 Deer special permits.**

Black-tailed deer, mule deer, and white-tailed deer are all native to the state of Washington. 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. Rule change:

- Modification of hunt dates for numerous special permit opportunities. These are standard changes intended to align hunts with the calendar to ensure year-to-year consistency (e.g., open/close day of the week).
- A change the hunt name “Skagit” Quality deer hunt to “Diablo” for consistency with game management unit terminology and general season rules (WAC 220-410-040).
- A reduction in the Blue Creek, Dayton, and Peola “Antlerless” and Peola “Youth” special permit opportunities.
- An increase in the number of special permits for the Kitsap “antlerless”, Orcas, San Juan, Lopez, and Blakely “2nd Deer”, and Couse “Youth” special permit opportunities.
- The creation of Blue Creek and Dayton “Youth” special permit opportunities.
- A modification of the Tucannon (Youth) special permit opportunity’s special restrictions from “White-tailed Deer” to “Any Deer”.
- Reduction of the Desert “Quality” deer special hunt permit levels for early modern firearm, from 20 to 18, and late archery, from 10 to 9.
- A change to reduce the Green River “Hunters with Disabilities” permits from 5 to 2, while creating a Green River “Youth” special permit opportunity with 3 permits. This is a reduction of special permit opportunity under the “Hunters with Disabilities” category, compensated by the creation of “Youth” special permit opportunity.

### **WAC 220-415-060 2022 Elk special permits.**

Both Roosevelt elk and Rocky Mountain elk are native to Washington. For management purposes, WDFW formally recognizes and manages elk across ten elk herds. 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 Game Management Plan 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. Hunting seasons are designed with the objective of limiting extreme fluctuations in sustainable harvests from year to year. Rule change:

- Modification of hunt dates for numerous special permit opportunities. These are standard modifications intended to align hunts with the calendar to ensure year-to-year consistency (e.g., open/close day of the week).
- A reduction of the early season Mayview-Peola, Blue Creek, and Couse “Antlerless” special permit opportunities.
- Combining Turnbull “Antlerless” and Turnbull “Spike Only” special permit hunts in the “Youth” category. This change expands the special restrictions (i.e., legal animal for harvest) but retains the overall number of permit availability.
- Modification of Blue Creek, Tucannon, Wenaha East, Couse, Lick Creek, and Alkali “Quality” and/or “Bull” category special hunt permit levels. These hunt areas do not have general season opportunity so, to ensure adequate allocation among weapon types, proposed permit levels are determined from preceding license year hunter proportions across weapon types and five-year average harvest success rates by weapon type.
- Modification of Nooksack, Green River, Sauk, “Quality”, “Bull”, “Antlerless”, “Youth”, “65+ Senior”, “Hunters with Disabilities” and the Region 4 North “Master Hunter” special hunt permit levels. Changes to these hunts are determined by co-manager negotiations that occur in mid-winter. Except for proposed changes to the Green River hunt area, changes to these hunts were initially filed as “to be determined”. Between filing the CR102 and the rulemaking meeting on March 27<sup>th</sup>, WDFW and co-managers agreed to set the aforementioned special permits to 2022 license year levels.
- A reduction from 30 to 20 in the Region 6 “Master Hunter” permit level.

**WAC 220-415-070 2022 Moose seasons, permit quotas, and areas.**

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 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. A single change is made to WAC 220-415-070:

- Modification of WAC title language to reflect the appropriate license year (i.e., from 2022 to 2023).

### **WAC 220-415-120 2022 Bighorn sheep seasons, permit quotas, and areas.**

WDFW recognizes 17 identified bighorn sheep herds. Of these, WDFW categorizes sheep in 11 herds as ‘California bighorns’ and six as ‘Rocky Mountain bighorns’. The overwhelming management concern for bighorns in Washington is mortality and poor lamb recruitment caused by pneumonia.

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. 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.

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. Rule change:

- A reduction from two to zero permits for the Selah Butte and Umtanum bighorn sheep “Any Ram” special permit opportunities.
- An increase in the Cleman Mountain “Any Ram” special permit opportunity from 3 to 4 permits.
- A reduction from one to zero permits for the Wenaha bighorn sheep “Any Ram” special permit opportunity.
- A modification of hunt dates from Nov. 7-27 to Nov. 6-26 for the Cleman Mountain B bighorn sheep “Adult Ewe” special permit opportunity.

- A modification of hunt boundary description in the WAC table for the Lincoln Cliffs Whitestone Unit bighorn sheep “Adult Ewe” special permit opportunity.
- A deletion of the “Juvenile Ram” category text from the WAC table.
- A modification of hunt dates from Nov. 7-27 to Nov. 6-26 for the Cleman Mountain bighorn sheep “Youth” special permit opportunity.
- Modification to the hunt area descriptions in sections “r” and “s” to be more consistent with other hunt area designations.

**WAC 220-415-130 2022 Mountain goat seasons, permit quotas, and areas.**

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. Permitted 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 and informed by population survey data.

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. Rule change:

- A reduction of the Boulder River North hunt from one permit to no permits in 2023.
- A modification of the Goat Rocks West and Goat Rocks East hunt dates from September 1 – November 30 to proposed dates of October 1 – November 30.
- An increase from one to two permits in 2023 for the Mt Margaret Backcountry and Mt St Helens South hunt opportunities.

**WAC 220-416-060 2022-2023 Migratory gamebird seasons and regulations.**

Migratory game bird seasons and regulations are developed based on cooperative management programs among states of the Pacific Flyway and the U.S. Fish and Wildlife Service, considering population status and other biological parameters. The proposed rule revisions would modify Washington State’s migratory game bird seasons and regulations to continue to provide recreational opportunity, control waterfowl damage, and conserve the migratory game bird resources of Washington, consistent with federal frameworks. Rule change will:

- Adjust season dates relative to 2023-2024 calendar dates.
- Adjust season dates for white geese in Goose Management Area 4 to three season segments including: select days during Oct. 14-22, 2023, Nov. 10, 2023 – Jan. 28, 2024, and everyday Feb. 17 - Mar. 3, 2024.

## 2. **Reasons for adopting the rule:**

The overall purpose of these rule amendments is the continuing provision of sustainable recreational hunting opportunities and population management of covered wildlife species, in furtherance of RCW 77.04.012.

### **WAC 220-412-100 Landowner hunting permits.**

The adopted amendments to this WAC section address one landowner, the Centralia Mine. The primary purpose of this rule change is to move away from narrow harvest seasons that require annual adjustments to WAC 220-412-100, to broader season timeframes based on the landowner's staff availability. Additionally, due to the landscape conditions, the landowner's insurance requires that hunters only use rifles when hunting on the mine lands. The adopted change also adds this requirement not previously addressed in the rule.

### **WAC 220-415-030 2022 Deer special permits.**

Most permit levels are unchanged, but numerous special hunts require date changes to maintain consistent opening or closing hunt dates (e.g., aligning the opening calendar date with a Saturday). Some changes improve consistency in naming or title usage, or as part of long-standing agreements with advisory groups or tribal co-managers to set permit parameters like hunt category, hunt areas, and permit numbers. Other permit changes are a function of the population's status. For example, permits are typically reduced when population characteristics indicate a below-objective abundance or a decline in abundance or productivity, whereas permits are typically increased, expanded, or created in association with growing or above-objective populations or to offset reduced permit opportunity in other categories.

### **WAC 220-415-060 2022 Elk special permits.**

Most permit levels are unchanged, but numerous special hunts require date changes to maintain consistent opening or closing hunt dates (e.g., aligning the opening calendar date with a Saturday). Some changes are a function of the population's status, for example permits are often reduced when population characteristics indicate a below-objective abundance or a decline in abundance or productivity. Other changes are to improve hunter success by expanding special restrictions or as part of long-standing agreements with advisory groups or tribal co-managers to set permit parameters like hunt category, hunt areas, and permit numbers. Under the master hunter category, permit levels are increased or decreased as a function of increasing or decreasing elk-human conflict (e.g., agricultural depredation).

### **WAC 220-415-070 2022 Moose seasons, permit quotas, and areas.**

The single proposed change updates WAC title language to reflect the appropriate license year.

### **WAC 220-415-120 2022 Bighorn sheep seasons, permit quotas, and areas.**

Permit level changes are a function of the population's status, for example permits are reduced or eliminated when population characteristics indicate a below-objective abundance or a decline in abundance or productivity, whereas permits are typically increased, expanded, or created in association with growing or above-objective populations. Some changes are in accordance with co-manager or stakeholder negotiation, this permit alternates between Washington and Oregon every other year) to maintain open/close dates or to improve consistency in naming, title, or area descriptions. A minor change deletes hold-over text in the WAC of now defunct special hunt categories.

### **WAC 220-415-130 2022 Mountain goat seasons, permit quotas, and areas.**

Changes are a function of the population's status, for example permits are reduced or eliminated when population characteristics indicate a below-objective abundance or a decline in abundance or productivity, whereas permits are typically increased, expanded, or created in association with growing or above-objective populations. The Department is planning an aerial or ground mountain goat capture in the Goat Rocks Wilderness and surrounding area for September 2023. Overlapping hunting and capture operation activities will negatively impact both hunting and capture success. Therefore, the Department is shortening the hunt dates for the Goat Rocks West and Goat Rocks East special permits.

### **WAC 220-416-060 2022-2023 Migratory gamebird seasons and regulations.**

Migratory gamebird 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. This season package 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.

Surveys of the breeding waterfowl were conducted along traditional survey area transects in Alaska and Canada and were used in combination with aerial surveys conducted by crews in British Columbia, Washington, Oregon and California to help inform season dates and bag-limit structure for the 2023-2024 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.

White geese have continued to expand winter distribution in the Columbia Basin (Goose Management Area 4), with the first arrival of fall migrants now consistently occurring around mid-October across a broader region of Goose Management Area 4, an adjustment of dates within the federal allowance of three season segments will better align resource availability and hunter opportunity in this Goose Management Area.

Since June 2013, prescriptive guidelines inform sea duck harvest strategies with harvest rate targets of less than 5% or less of the winter index as measured by aerial surveys (PSAMP) conducted by WDFW, based on this strategy there are no proposed changes compared to the 2022-2023 season, including that Harlequin Duck will remain closed to harvest. The most recent 3 year-average from the Winter Brant Survey for Skagit County remains below 3,000 brant (3yr-avg. = 2,887) which requires the Skagit County brant hunt start closed until the January 2024 count is available to inform the number of hunt days available.

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

**WAC 220-412-100 Landowner hunting permits.**

None.

**WAC 220-415-030 2022 Deer special permits.**

**Change:** Numerous hunt dates were changed.

**Rationale:** Date changes are necessary to align opening dates with a particular day of the week (e.g., Saturday) or to avoid another hunting season (e.g., a general season). Date changes are necessary to avoid confusing hunters or to avoid hunters of different weapon types being in the field simultaneously. Proposed date changes, for the reasons listed above, for numerous hunts were inadvertently overlooked and the oversight not discovered until after filing the CR102. While numerous, these changes can be considered administrative with no anticipated negative effect on hunting opportunity.



**WAC 220-415-060 2022 Elk special permits.**

**Change:** Permit adjustments as follows:

Category	Hunt Name	Change	Weapon/Tag
Youth	Region 5	<del>(5)</del> 10	WF, WM, WA
Hunters with Disabilities	Region 5	<del>TBD</del> 5	WF, WM, WA
Master Hunter	Region 5	<del>TBD</del> 30	Any elk tag
Master Hunter	Region 4 N.	<del>TBD</del> 13	Any elk tag
Hunters w/ Disabilities	Sauk	<del>TBD</del> 5	Any W. tag
Senior 65+	Sauk	<del>TBD</del> 5	Any W. tag
Youth	Sauk	<del>TBD</del> 5	Any W. tag
Quality	Nooksack (WF)	<del>TBD</del> 13	WF
Quality	Nooksack (WA)	<del>TBD</del> 8	WA
Quality	Nooksack (WM)	<del>TBD</del> 8	WM
Bull	Sauk (WF)	<del>TBD</del> 6	WF
Bull	Sauk (WA)	<del>TBD</del> 9	WA
Bull	Sauk (WM)	<del>TBD</del> 6	WM

**Rationale:** The hunts named “Region 5” (the first 3 hunts in the table above) are in response to increased elk damage on agriculture that were only apparent/occurred after the filing of the CR102. The remaining hunts were “to be determined” upon initial filing of the CR102 and contingent on co-manager agreement.

**Change:** Nine hunt dates were changed.

Antlerless Elk						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
North Half	EM	Any	<del>((Oct. 1-7))</del> <u>Oct. 7-13</u>	Antlerless	GMUs 101, 105, 204	10
Douglas	EM	Any	<del>((Oct. 1-7))</del> <u>Oct. 7-13</u>	Antlerless	GMU 108	5
Aladdin	EM	Any	<del>((Oct. 1-7))</del> <u>Oct. 7-13</u>	Antlerless	GMU 111	10
Selkirk	EM	Any	<del>((Oct. 1-7))</del>	Antlerless	GMU 113	10

Antlerless Elk						
Hunt Name	Weapon/Tag	Hunters	Hunt Dates	Special Restrictions	Boundary	Permits
			<u>Oct. 7- 13</u>			
49 Degrees North	EM	Any	<del>((Oct. 1-7))</del> <u>Sept. Oct. 7- 13</u> and Dec. 16-31	Antlerless	GMU 117	20
Huckleberry	EM	Any	<del>((Oct. 1-7))</del> <u>Oct. 7- 13</u> and Dec. 16-31	Antlerless	GMU 121	10
Mountain View	EM	Any	<del>((Oct. 1-7))</del> <u>Oct. 7- 13</u>	Antlerless	Elk Area 1013	5
Mayview-Peola	EM	Any	<del>((Oct. 1-7))</del> <u>Oct. 7- 13</u>	Antlerless	GMUs 145, 178	10
Couse	EM	Any	<del>((Oct. 1-7))</del> <u>Oct. 7- 13</u>	Antlerless	Elk Area 1081	<del>((10))</del> <u>5</u>

**Rationale:** Date changes are necessary to align opening dates with a particular day of the week (e.g., Saturday) or to avoid another hunting season (e.g., a general season). Date changes are necessary to avoid confusing hunters or to avoid hunters of different weapon types being in the field simultaneously. Proposed date changes, for the reasons listed above, for nine hunts were inadvertently overlooked and the oversight not discovered until after filing the CR102. These changes can be considered administrative with no anticipated negative effect on hunting opportunity.

**WAC 220-415-070 2022 Moose seasons, permit quotas, and areas.**

None.

**WAC 220-415-120 2022 Bighorn sheep seasons, permit quotas, and areas.**

None.

**WAC 220-415-130 2022 Mountain goat seasons, permit quotas, and areas.**

**Change:** Adjust permit levels as follows:

Goat Hunt Area Name (Number)	Permit Season	Special Restrictions	2022LY Permits	2023LY Permits
North Lake Chelan (2-1)	Sept. 1 - Nov. 30	Any Legal Weapon	1	0
South Lake Chelan (2-3)	Sept. 1 - Nov. 30	Any Legal Weapon	1	0

**Rationale:** The population of mountain goats on the north and south shores of Lake Chelan are too small to support additional mortality from harvest. The recommended change is the result of population surveys indicating decline, but the recommendation for permit reductions was inadvertently overlooked for the filing of the CR102.

**WAC 220-416-060 2022-2023 Migratory gamebird seasons and regulations.**

None.

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

Department staff have summarized all comments received regarding the proposed rule and responding to the comments by category or subject matter, indicating how the final rule reflects agency consideration of the comments, or why it fails to do so per RCW 34.05.325(6)(a)(iii).

**WAC 220-412-100 Landowner hunting permits.**

**Common themes:**

- Of 138 total comments, 83 indicated support, 21 indicated opposition, and 33 were unrelated to specific change proposals for this WAC. Of only those comments related to the proposed changes (n = 104), 83% of commenters support the proposals.
- Landowner Hunting Permits (LHP) hunts should not fall outside of regular hunting seasons.
- LHP permits should not be distributed by the landowner.
- LHP hunts should only be for disabled hunters.
- No Youth hunts should be allowed.
- Private landowners should not be allowed to dictate weapon use.

**Comment:** LHP hunts should not fall outside of regular hunting seasons.

**Response:** WDFW created the Landowner Hunting Permits program to facilitate public hunting access to private property that would not otherwise exist and/or to help resolve crop damage problems. One of the incentives that WDFW may provide to landowners are customized hunting seasons, as stated in the Private Lands Access policy C-6002.

**Comment:** LHP permits should not be distributed by the landowner.

**Response:** Fish and Wildlife Commission set forth a policy regarding LHP in Private Lands Access policy C-6002. This policy contemplates an equitable allocation of the Landowner Hunting Permit opportunities between the Department and the Landowner as follows:

- Antlerless deer or elk - minimum of 50% allocated by WDFW.
- Buck deer or bull elk - minimum of 25% allocated by WDFW.

**Comment:** LHP hunts should only be for disabled hunters. Youth hunts should not be allowed.

**Response:** Fish and Wildlife Commission set forth a policy regarding LHP in Private Lands Access policy C-6002. The policy states, “Those receiving Landowner Hunting Permits shall make provisions for significant public benefit and participation. General hunting season opportunity is encouraged as well as a special accommodation for hunters with disabilities, youth, senior, and Advanced Hunter Education designated Master Hunters.” This policy aligns with RCW 77.04.012, which states “The commission shall attempt to maximize the public recreational game fishing and hunting opportunities of all citizens, including juvenile, disabled, and senior citizens.” In this case, Centralia Mine provides hunting opportunities to Disabled, Youth, and Senior hunters in accordance with the policy.

**Comment:** Private landowners should not be allowed to dictate weapon use.

**Response:** WDFW Private Land Biologists and District Biologists work with each private landowner enrolled in WDFW Access Programs to ensure that any landowner restrictions or directions align with Department standards and meet the landowner's requirements. One example is the right to dictate the weapon type allowed on private land.

### **WAC 220-415-030 2022 Deer special permits.**

#### **Common themes:**

- Of 175 total comments, 100 indicated support, 42 indicated opposition, and 33 were unrelated to specific change proposals for this WAC. Of only those comments related to the proposed changes (n = 142), 70% of commenters support the proposals.
- Support for administrative changes like date changes or naming conventions for special hunts.
- Support or opposition for proposed special permit levels.
- Concern for youth hunting opportunity.

**Comment:** Support for administrative changes like date changes or naming conventions for special hunts.

**Response:** Administrative changes to WAC text or tables are necessary to ensure consistency in season timing or to maximize hunt quality across user groups and season types, in addition to providing clarification or simplification of naming convention.

**Comment:** Support or opposition for proposed special permit levels.

**Response:** WDFW offers special permits to maximize opportunity in balance with:

- The specific ungulate population’s status or characteristics relative to its objective.
- Other user groups (e.g., weapon types or hunter type).
- Negotiation with partners or co-managers related to permit availability.

While WDFW strives to minimize changes to permit levels year-to-year, changes are necessary to manage ungulate populations to within objective range(s). Typically, WDFW reduces special permit availability, especially antlerless opportunity, when a population exhibits a decline in abundance or demographic ratio (e.g., male to female; juvenile to female) to levels outside of objective range.

Reduced permit opportunity reduces the harvest pressure on the population, allowing the population to rebuild to objective range. Inversely, WDFW will propose increases in permit levels if the population is above objective range(s). When reductions are proposed, WDFW biologists attempt to compensate for reduced opportunity by offering additional permit opportunity in another category that has lower average success rates (e.g., “Youth” category).

Lastly, WDFW sets some permit levels in negotiation with co-managers like tribes or land managers. In these instances, permit levels reflect population status, as above, and local considerations tribal harvest/seasons or land-manager capacity to provide public access.

**Comment:** Concern for youth hunting opportunity.

**Response:** WDFW wildlife managers strive to provide special permit opportunity to a wide variety of user groups, including youth hunters. Youth special permit opportunities are important for the recruitment of new hunters and WDFW managers attempt to maximize youth hunter opportunities in balance with.

- The specific ungulate population’s status or characteristics relative to its objective. b) Other user groups such as seniors (65+) and hunters with disabilities.
- Negotiation with partners or co-managers related to permit availability.

### **WAC 220-415-060 2022 Elk special permits.**

**Common themes:**

- Of 126 total comments, 66 indicated support, 32 indicated opposition, and 28 were unrelated to specific change proposals for this WAC. Of only those comments related to the proposed changes (n = 98), 67% of commenters support the proposals.
- Support or opposition for proposed special permit levels
- Concern for youth hunting opportunity
- Concern for predator impacts to elk populations
- Concern regarding quality category elk special permit availability
- Concern regarding master hunter elk special permit opportunity

**Comment:** Support for administrative changes like date changes or naming conventions for special hunts.

**Response:** Administrative changes to WAC text or tables are necessary to ensure consistency in season timing or to maximize hunt quality across user groups and season types, in addition to providing clarification or simplification of naming convention.

**Comment:** Support or opposition for proposed special permit levels.

**Response:** WDFW offers special permits to maximize opportunity in balance with.

- The specific ungulate population’s status or characteristics relative to its objective.
- Other user groups (e.g., weapon types or hunter type).
- Negotiation with partners or co-managers related to permit availability.

While WDFW strives to minimize changes to permit levels year-to-year, changes are necessary to manage ungulate populations to within objective range(s). Typically, WDFW reduces special permit availability, especially antlerless opportunity, when a population exhibits a decline in abundance or demographic ratio (e.g., male to female; juvenile to female) to levels outside of objective range. Reduced permit opportunity reduces the harvest pressure on the population, allowing the population to rebuild to objective range. Inversely, WDFW will propose increases in permit levels if the population is above objective range(s). When reductions are proposed, WDFW biologists attempt to compensate for reduced opportunity by offering additional permit opportunity in another category that has lower average success rates (e.g., “Youth” category).

Lastly, WDFW sets some permit levels in negotiation with tribes or land managers. In these instances, permit levels reflect population status, as above, and local considerations tribal harvest/seasons or land-manager capacity to provide public access.

**Comment:** Concern for youth hunting opportunity.

**Response:** WDFW wildlife managers strive to provide special permit opportunity to a wide variety of user groups, including youth hunters. Youth special permit opportunities are important for the recruitment of new hunters and WDFW managers attempt to maximize youth hunter opportunities in balance with.

- The specific ungulate population’s status or characteristics relative to its objective.
- Other user groups such as seniors (65+) and hunters with disabilities.
- Negotiation with partners or co-managers related to permit availability.

**Comment:** Concern for predator impacts to elk populations.

**Response:** Although not directly related to any proposed rule change, WDFW appreciates concern by the public for ungulate population health and sustainability. Predation by carnivores is normal and generally not a limitation for a hunted ungulate population. If an ungulate population is failing to meet objectives, 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 of the ungulate population.

**Comment:** Concern regarding quality category elk special permit availability and permit calculations.

**Response:** WDFW appreciates the concern over lost special permit opportunity in the Quality category. Like other special permits, quality permits are a function of the population’s characteristics, typically the number or ratio of mature males in a population. When the number of male animals in a “quality” age range (typically an older male) declines (e.g., from overall population declines or poor recruitment), WDFW biologists must adjust their harvest target(s) according to recruitment of males into a “mature” class (typically indexed by antler points). For hunts where there is no corresponding general season opportunity (e.g., where only a spike elk season occurs), biologists use a formula to ensure allocation of permits across weapon types. To do so, the harvest target is divided among weapon types (modern firearm, archery, and muzzleloader) corresponding to five-year average proportions in hunting report data. The permit level for each weapon type is then calculated by dividing the harvest target by average success (in decimal) for each group, respectively.

**Comment:** Concern regarding master hunter elk special permit opportunity.

**Response:** WDFW offers many types of special permit for recreational pursuit of harvesting big game. Master hunter special permits are not offered in the vein of traditional recreational pursuit, however, because master hunter permits are meant to address human-wildlife conflict issues – usually agricultural damage. While WDFW appreciates concern over master hunter permit availability, master hunters provide WDFW staff with a well-trained and, importantly, readily available group of hunters that can be directed to address specific issues, which usually occur on private land and therefore areas unavailable to other permit hunters.

**WAC 220-415-070 2022 Moose seasons, permit quotas, and areas.**

**Common themes:**

- Of 18 total comments, 14 indicated support, two indicated opposition, and two were unrelated to specific change proposals for this WAC. Of only those comments related to the proposed changes (n = 16), 88% of commenters support the proposal.
- Support for or opposition to moose hunting.

**Comment:** Support for or opposition to moose hunting.

**Response:** WDFW did not propose changes to moose special permit levels for 2023. By updating the license year in the WAC, adoption of this change approves moose hunting at levels specified in the WAC table for 2023, which are unchanged from 2022 levels. WDFW offers special permits to maximize opportunity in balance with:

- The specific ungulate population’s status or characteristics relative to its objective.
- other user groups (e.g., weapon type or hunter type).
- negotiation with partners or co-managers related to permit availability.

While WDFW appreciates the concern for overharvesting moose, the current permit levels are purposely conservative to avoid population limitations via harvest.

**WAC 220-415-120 2022 Bighorn sheep seasons, permit quotas, and areas.**

**Common themes:**

- Of 105 total comments, 46 indicated support, 25 indicated opposition, and 34 were unrelated to specific change proposals for this WAC. Of only those comments related to the proposed changes (n = 71), 64% of commenters support the proposals.
- Support for or opposition to bighorn sheep hunting.
- Disapproval of reducing permits to zero in the Umtanum, Selah Butte, and Wenaha any-ram permits.
- General disapproval of bighorn sheep hunting.

**Comment:** Support for or opposition to bighorn sheep hunting.

**Response:** WDFW offers special permits to maximize opportunity in balance with:

- The specific ungulate population’s status or characteristics relative to its objective.
- Other user groups (e.g., weapon types or hunter type).
- Negotiation with partners or co-managers related to permit availability. While WDFW appreciates the concern for overharvesting bighorn sheep, the permit levels are set conservatively to avoid population limitations via harvest.

**Comment:** Disapproval of reducing permits to zero in the Umtanum, Selah Butte, and Wenaha any-ram permits.



**Response:** WDFW appreciates the concern for lost opportunity. Where possible and when population characteristics allow, WDFW attempts to maximize hunting opportunity. However, the Yakima Canyon population, which includes the Umtanum and Selah Butte hunt areas, currently has very few mature male rams available to harvest. Offering permit opportunity in these hunt areas is detrimental to the population's viability and, if offered, the permit hunts would not meet the expectations of a hunter on a once-in-a-lifetime hunt. The Wenaha bighorn sheep permit opportunity, as explained in the CR102, alternates between Washington and Oregon every other year and this permit will return in 2024.

### **WAC 220-415-130 2022 Mountain goat seasons, permit quotas, and areas.**

#### **Common themes:**

- Of 45 total comments, 18 indicated support, 15 indicated opposition, and 12 were unrelated to specific change proposals for this WAC. Of only those comments related to the proposed changes (n = 33), 55% of commenters support the proposals
- Support for or opposition to mountain goat hunting.
- General disapproval of reduced mountain goat permit availability.
- Confusion over the shortened seasons for Goat Rocks West and Goat Rocks East special permits.

**Comment:** General disapproval of reduced mountain goat permit availability.

**Response:** WDFW offers special permits to maximize opportunity in balance with:

- The specific ungulate population's status or characteristics relative to its objective.
- Other user groups (e.g., weapon types or hunter type).
- Negotiation with partners or co-managers related to permit availability.

In this case, mountain goat abundance in the Boulder River North hunt area has declined and can no longer sustain mortality from harvest.

**Comment:** Confusion over the shortened seasons for Goat Rocks West and Goat Rocks East special permits.

**Response:** Detailed in the CR-102, WDFW is planning an aerial or ground mountain goat capture in the Goat Rocks Wilderness and surrounding area for September 2023. Overlapping hunting and capture operation activities will negatively impact both hunting and capture success. Therefore, WDFW is shortening the hunt dates for the Goat Rocks West and Goat Rocks East special permits

### **WAC 220-416-060 2022-2023 Migratory gamebird seasons and regulations.**

**Common themes:**

- General support.
- Concerns over Avian Influenza impacts to waterfowl populations.
- A desire for an increased bag limit on northern pintail.
- A desire for limited user-entry system to bring back a harlequin duck harvest opportunity.
- Concerns over starting the Skagit county brant season closed.
- Questioning of monitoring surveys and data.

**Comment:** General support.

**Response:** WDFW acknowledges and appreciates the general support expressed by the majority of commenters for using annual monitoring data and using the flyway management process to inform decision-making.

**Comment:** Concerns over Avian Influenza impacts to waterfowl populations.

**Response:** WDFW recognizes the concerns related to Highly Pathogenic Avian Influenza which spread across the United States during spring 2022. Current information does not indicate population-level impacts to wild waterfowl in North America, and that a large proportion of duck species were likely asymptomatic (survived the virus with no visible symptoms). WDFW works with Pacific Flyway partners, including other state agencies, the U.S. Fish and Wildlife Service, and the Canadian Wildlife Service to maintain population monitoring activities to provide insights into potential impacts to waterfowl populations and to help inform decision-making. Breeding population surveys conducted each spring, with standardized methodologies since the 1970s, will further inform if impacts were localized or population-level, and if there is need for regulatory adjustments. That data will be synthesized and evaluated by Pacific Flyway partners prior to the waterfowl seasons to determine if regulatory restrictions are warranted. Additionally, WDFW works in concert with the federal agencies involved in the national Avian Influenza surveillance strategy, including U.S. Geological Survey, U.S. Fish and Wildlife Service, and U.S. Department of Agriculture - Wildlife Services, and the state agencies involved in statewide coordination and monitoring for mortality, including Washington State Department of Agriculture and Department of Health. Results from national and statewide monitoring, in addition to a number of research projects, will be reviewed as part of the annual flyway management process.

**Comment:** A desire for an increased bag limit on northern pintail.

**Response:** WDFW appreciates the suggestion to increase the bag limit on northern pintail, however northern pintail harvest management is guided by the USFWS National Harvest Strategy and federal framework. Harvest alternatives are informed by the population size, as monitored through extensive aerial surveys, and current understanding of population demographic of this species, as monitored by banding and reported harvest recoveries. This information is evaluated each August by the USFWS and Flyways.

**Comment:** A desire for limited user-entry system to bring back a harlequin duck harvest opportunity.

**Response:** WDFW appreciates the suggestion to re-evaluate a limited-user entry model for limited species such as sea duck to maintain long-term opportunity. Waterfowl management in Washington has never had to utilize a limited-user entry system, instead allowing all waterfowl hunters an opportunity to pursue certain waterfowl species or groups through adjustments in days or bag-limit. The closure of harlequin duck during the 2022-23 season was necessary as a single-bird season-limit was no longer sustainable with the observed increases in the total number of sea duck hunters pursuing harlequin duck, which exceeded the 5% harvest threshold. WDFW will explore alternatives to resume harvest in a limited-user entry model, but that was not possible for the 2023-24 season considerations.

**Comment:** Concerns over starting the Skagit county brant season closed.

**Response:** WDFW recognizes the concern regarding the Skagit county brant season, however, the most recent three-year average from the Winter Brant Survey for Skagit county remains below 3,000 brant (3yr-avg. = 2,887) which requires the Skagit county brant hunt start closed until the January 2024 count is available to inform the number of hunt days available. The season structure in Skagit county has been informed by the most recent winter survey since 2005. The daily harvest potential in Skagit county is the highest of the four counties where brant hunting is allowed, requiring appropriate caution in allowing harvest days. Harvest estimates from mandatory harvest report cards will be evaluated to determine if a modified structure in Whatcom and Skagit counties is warranted during the upcoming three-year season setting process.

**Comment:** Questioning of monitoring surveys and data.

**Response:** WDFW appreciates the concern regarding the extensiveness of monitoring surveys and availability of data to inform harvest management decisions, however the efforts to inform these decisions have been in place for decades and are a collaborative effort between state, federal, and international partners. WDFW implements rigorous survey design protocols to monitor population, with guidance from flyway management plans and review by technical teams familiar with nuances of surveying waterfowl in open water scenarios. WDFW relies upon waterfowl hunters to submit harvest reports to estimate total annual harvest. These monitoring efforts are reviewed annually and shared with flyway partners in the decision-making process.

All comments were reviewed and considered in the final proposals of migratory gamebird seasons to align with national strategies, flyway management plans, and appropriate season and bag-limit considerations to provide all waterfowl hunters opportunities in Washington state. A full evaluation will be made for revision of the Game Management Plan and future three-year season setting cycle.

