

## Summary Sheet

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**Meeting dates:** September 13-14, 2019

**Agenda item:** Corn Pond Hunting – Briefing Only

**Presenter(s):** Kyle Spragens, Waterfowl Section Manager, Game Division

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### Background summary:

Department staff will brief the Commission on legal and policy considerations regarding the hunting of ducks on “corn ponds” or flooded standing crops.

Following a presentation to the Commission by Department and U.S. Fish and Wildlife Service enforcement agents on September 11-12, 2009, the Commission requested the department align state and federal baiting regulations (CFR 20.11 and 20.21), that up until that point had differed making enforcement problematic, waterfowl hunters confused, and landowners unknowingly in violation of the federal law.

During the 2012-2015 season setting process, extensive outreach was conducted regarding the proposal to bring the state and federal baiting regulations into alignment, including outreach with farmers by the USFWS that highlighted many farmers were unaware that their planting, harvest, and post-harvest practices constituted illegal baiting of waterfowl.

WAC 220-416-100 Baiting of gamebirds – Unlawful, (formerly WAC 232-12-264) amendments were adopted by the Commission in April 2012.

This alignment between state and federal baiting definitions related to migratory gamebirds is consistent nationwide due to the shared management responsibilities of migratory birds.

Agricultural lands offer important foraging habitat to waterfowl, particularly during the fall and winter months, but also provide highly sought after waterfowl hunting opportunities. The amount of forage available to migratory waterfowl for the seven to eight months of presence in this state, directly influences the numbers and length of time waterfowl are present before departing to breeding areas to the north and wintering areas to the south. In order to meet forage demands, many WDFW Wildlife Areas and USFWS National Wildlife Refuges have a combination of agricultural lands and wetland plants that are managed specifically for the benefit of waterfowl and waterfowl hunting opportunities. Many of these habitat management activities are considered crops. Different crop types provide varying levels and tradeoffs of nutritional benefit to waterfowl, balancing availability with timing of requirement is a primary tenet of waterfowl habitat management.

At the August 10, 2018 Wildlife Committee meeting, the Committee requested the department hold a discussion item at the next Waterfowl Advisory Group meeting related to the topic of “corn ponds” or flooded, unharvested crops as it relates to baiting definitions and regulations.

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At the April 13, 2019 Waterfowl Advisory Group meeting, members discussed considerations of this topic and provided the following input:

- 1) State regulation is consistent with federal law, waterfowl hunting over flooded, unharvested crop is legal. (Vote 14-0 support)
- 2) That the department should “support a variety of food resources for habitat management, and that best management practices should include food crops and moist soil management”. (Vote 13-1 support)
- 3) Any decision should be informed with appropriate data to assess the potential influence these types of practices may be having on waterfowl in Washington.

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**Staff recommendation:** Briefing only.

- No change to WAC 220-416-100 Baiting of game birds – Unlawful.

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**Policy issue(s) and expected outcome:**

- No change to WAC 220-416-100 Baiting of game birds – Unlawful.

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**Fiscal impacts of agency implementation:**

No fiscal impacts beyond the status quo.

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**Public involvement process used and what you learned:**

Waterfowl Advisory Group agenda item during April 13, 2019 meeting.

Briefing only.

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**Action requested and/or proposed next steps:**

None.