

Hunting Contests – Briefing and Public Hearing

220-412-110 Hunting Contests
and
220-413-060 Hunting Restrictions

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CR-1026

Summary Sheet

Meeting dates: July 30 – August 1, 2020

Agenda item: Hunting Contest - Briefing and Public Hearing

Presenter(s): Anis Aoude, Wildlife Game Division Manager

Background summary:

Staff will brief the Commission on proposed amendments to WACs 220-412-110 Hunting contests and 220-413-060 Hunting restrictions.

There are two proposals related to hunting contests. The first excludes from hunting contests those species that do not have bag limits. The second makes it illegal to participate in a hunting contest that is not permitted by the department. The purpose of both of these proposals are to address concerns that some of our public have raised about people holding contests without a permit and the fact that these contests promote killing large numbers of those species that do not have a bag limit which can be perceived negatively by some members of the public.

Staff recommendation:

The department recommends the Commission adopt the proposed rule changes.

Policy issue(s) and expected outcome:

The rule changes proposed will exclude from hunting contests those species that do not have bag limits and make it illegal to participate in a hunting contest that is not permitted by the department.

Fiscal impacts of agency implementation:

None.

Public involvement process used and what you learned:

The department provided public input opportunity on proposed hunting seasons via the department website for a three-week time period. Additionally, we will hear public oral testimony from individuals and organizations at the July 31- Aug 1, 2020 Commission meeting.

Action requested and/or proposed next steps:

Take public comment. Adoption is planned for the August 21, 2020 Commission meeting.

Draft motion language:

NA

Post decision communications plan:

WAC 220-412-110 Hunting contests. A person wishing to hold a hunting contest must comply with the following provisions:

(1) Only organizations filed with the state of Washington as a nonprofit corporation may apply for a hunting contest permit.

(2) Hunting contest permit applications shall be submitted to the department 30 days prior to the date for which the contest is proposed.

(3) Applications must include the permit fee required by ((RCW 77.32.211)) the department. The fee will be returned if the permit is denied.

(4) Contests ((are restricted to the species approved on the permit)) involving unclassified and classified wildlife species without a bag limit are prohibited and will not be permitted.

(5) Total value of prizes per contest shall not exceed \$2000.

(6) Entry fees or requests for donations are prohibited.

(7) It is unlawful to fail to comply with the conditions of a hunting contest permit.

Hunting contests which may adversely affect wildlife resources will be denied.

Summary of Public Comments Received During the Official Comment Period and WDFW Response:

WAC 220-412-110 Hunting contests.

We received more than 2,000 total comments on this proposed rule changes. One thousand nine hundred and thirty-six came through our online survey. There were 122 emails. Some of the online respondents did not indicate if they agreed or disagreed with the proposed rule changes.

Written Supporting Comments:

Sixty percent of the non-neutral online respondents indicated that they agreed with this rule change. Sixty-nine percent of those who commented via email supported the recommended rule changes.

Written Opposing, Neutral, and Other Comments:

Forty percent of the non-neutral online respondent disagreed with the proposed language some disagreed because they saw value in the contests, others saw this as a stepping-stone to getting rid of hunting altogether. Some of those that disagreed did so because they wanted the rule to be more stringent and outlaw contests altogether. We gleaned that information by looking at the comments of those that disagreed with the proposal. Thirty-one percent of those who commented via email opposed the recommended rule change. Three percent of all the respondents that provided an opinion on the suggested rule change were neutral.

Some of the other comments we received included:

- Coyotes play an important ecological role in healthy ecosystems.
- Opposed to hunting contests (should be banned entirely).
- Opposed to contests except to control invasive species.
- Opposed to hunting in general.
- Reduce or eliminate prizes.
- Make it clear that this does not ban hunting dog field trials or training.
- Numerically based contests are needed to control coyote numbers.
- Contest can help reduce predator populations.
- Contests can be an economic boost for small communities.
- Too many regulations.

WAC 220-413-060 Hunting restrictions. (1) It is unlawful to hunt wildlife during any modern firearm deer or elk season with any firearm 240 caliber or larger, or containing slugs or buckshot, unless the hunter has a valid license, permits and tags for modern firearm deer or elk seasons are in his or her possession.

(a) This subsection does not apply to people hunting bear, cougar, mountain goat, mountain sheep, or turkey.

(b) A violation of this subsection is punishable under RCW 77.15.410 or 77.15.430, depending on the circumstances of the violation.

(2)(a) It is unlawful to hunt any wildlife at night or wild animals, except rabbits and hares, with dogs (hounds) during the month of October or November during the dates established for eastern and western Washington modern firearm deer or elk general seasons. During the modern firearm deer and elk general seasons the hunting hours are one-half hour before sunrise to one-half hour after sunset. A violation of this subsection is punishable under RCW 77.15.430, Unlawful hunting of wild animals—Penalty.

(b) It is unlawful to use hounds to hunt black bear, cougar (EXCEPT as pursuant to RCW 77.15.245), coyote, and bobcat year-round. A violation of this subsection is punishable under RCW 77.15.410, Unlawful hunting of big game—Penalty, or RCW 77.15.430, depending on the circumstances of the violation.

(3) It is unlawful to participate in a hunting contest for which no permit has been issued by the department. A violation of this subsection is punishable as an infraction under RCW 77.15.160 (6) (b).

Summary of Public Comments Received During the Official Comment Period and WDFW Response:

WAC 220-413-060 Hunting Restriction.

We received more than 2,000 total comments on this proposed rule changes. One thousand nine hundred and thirty-six came through our online survey. There were 122 emails. Some of the online respondents did not indicate if they agreed or disagreed with the proposed rule changes.

Written Supporting Comments:

Seventy-six percent of the non-neutral online respondents indicated that they agreed with this rule change. Few of the emails we received specifically mentioned this rule change. Almost all the respondents that agreed with changes to WAC 220-412-110 also agreed with these changes. Some respondents that disagreed with changes to WAC 220-412-110 said that they agreed with the recommended changes to this rule as was captured by the online survey.

Written Opposing, Neutral, and Other Comments:

Twenty-four percent of the non-neutral online respondent disagreed with the proposed language. Of all the respondents that provided an opinion on the suggested rule change 5% were neutral.

One comment that we received on this change is that the penalty should more severe than an infraction.



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 16, 2020

TIME: 2:55 PM

WSR 20-13-088

Agency: Washington Department of Fish and Wildlife (WDFW)

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 20-09-056 on April 09, 2020 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) The department is considering amendments to:

WAC 220-412-110 Hunting contests

WAC 220-413-060 Hunting restrictions

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
July 31-August 1, 2020	8 a.m.	Online webinar.	This meeting will take place by webinar. The public may participate in the meeting. Visit our website at http://wdfw.wa.gov/about/commission/meetings or contact the Commission office at (360) 902-2267 or commission@dfw.wa.gov for instructions on how to join the meeting.

Date of intended adoption: August 21, 2020 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Wildlife Program

Address: PO Box 43200, Olympia, WA. 98504

Email: Rules.Coordinator@dfw.wa.gov

Fax: (360) 902-2162

Other: <https://www.surveymonkey.com/r/July2020FWC>

By (date) _____

Assistance for persons with disabilities:

Contact Dolores Noyes

Phone: (360) 902-2349

Fax:

TTY: (360) 902-2207

Email: dolores.noyes@dfw.wa.gov

Other:

By (date) July 14, 2020

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

There are two proposals related to hunting contests. Presently, an individual wishing to conduct a hunting contest must obtain a permit from the Department. The first proposed rule amendment prohibits the Department from issuing hunting contest permits for hunting contests involving classified and unclassified wildlife species that do not have bag limits. The purpose of this proposal is to prohibit "spree killing contests" which promote killing large numbers of those species.

Under current law, only the sponsor of an unpermitted contest commits a natural resources infraction. The second proposal makes it illegal for an individual to participate in a hunting contest that is not permitted by the department and specifies that

doing so would be punishable as an infraction. The purpose of this proposal is to ensure that individual participants who participate in unpermitted contests are held accountable for participating in unlawful activity.

Reasons supporting proposal: Hunting contest permits are issued to non-profit organizations. Through the hunting contest permit, organizations may hold a hunting contest whereby a monetary prize of up to \$2,000 may be offered to the contest participant who harvests the most animals.

The Fish and Wildlife Commission has determined that hunting contests that encourage and reward killing large numbers of native wildlife are not consistent with sound wildlife management principles. WDFW is addressing that concern through this proposed rule amendment. Under this new prohibition, for example, WDFW would no longer issue permits for contests that reward hunters for killing the highest number of coyotes.

Applying accountability measures at the level of the individual participant and clearly stating that there could be a monetary penalty imposed on an individual who is in violation of this rule helps strengthen the enforceability of these rules, thus increasing the likelihood of achieving the objective of the first proposal.

Statutory authority for adoption: RCWs 77.04.012, 77.04.055, 77.12.047, 77.32.050, and 77.32.525

Statute being implemented: RCWs 77.04.012, 77.04.055, 77.12.047, 77.32.050, and 77.32.525

Is rule necessary because of a:

- Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Name of proponent: (person or organization) Washington Department of Fish and Wildlife Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Eric Gardner	1111 Washington St. SE Olympia, WA. 98501	(360) 902-2515
Implementation:	Eric Gardner	1111 Washington St. SE Olympia, WA. 98501	(360) 902-2515
Enforcement:	Steve Bear	1111 Washington St. SE Olympia, WA. 98501	(360) 902-2373

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

No: Please explain: A cost-benefit analysis is not required for this rule under RCW 34.05.328.

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(4) This chapter does not apply to the adoption of a rule if an agency is able to demonstrate that the proposed rule does not affect small businesses.

Explanation of exemptions, if necessary:

WAC 220-412-110 regulates the activities of hunting contest permit holders, which as specified in WAC 220-412-110, may be held by non-profit organizations; therefore, this rule does not affect small businesses.

Similarly, WAC 220-413-060 regulates the activities of an individual person who is participating in a hunting contest; therefore, this rule does not affect small businesses.

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:

TTY:
Email:
Other:

Date: June 16, 2020

Name: Michele K Culver

Title: Agency Rules Coordinator

Signature:

A handwritten signature in cursive script that reads "Michele K. Culver".

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