

PROPOSED RULE MAKING



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

Do **NOT** use for expedited rule making

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 20-23-122 on November 18, 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)

WAC 220-400-020 Classification of wild animals.

WAC 220-410-010 Game management units (GMUs) boundary descriptions—Region one.

WAC 220-410-040 Game management units (GMUs) boundary descriptions—Region four.

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

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

WAC 220-411-140 Lake Terrell Game Reserve (Whatcom County).

WAC 220-411-210 Game 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 220-413-060 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 220-415-010 Deer area descriptions.

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

WAC 220-415-030 2021 Deer special permits.

WAC 220-415-040 Elk area descriptions.

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 2019-2020 Fall black bear hunting seasons and regulations.

WAC 220-415-120 2020 Bighorn sheep seasons permit quotas.

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 restriction (Mason County).

WAC 220-417-010 Trapping seasons and regulations.

WAC 220-417-030 Wild animal trapping.

Hearing location(s):			
Date:	Time:	Location: (be specific)	Comment:
March 25-27, 2021	8:00 a.m.	Webinar and/or conference call.	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 instruction on how to join the meeting.

Date of intended adoption: April 9, 2021 (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://wdfw.wa.gov/hunting/regulations/season-setting>
 By (date) March 4, 2021

Assistance for language translation, alternate format or reasonable accommodation:
 Contact Title VI/ADA Compliance Coordinator
 Phone: (360) 902-2349, TTY (711)
 Email: Title6@dfw.wa.gov
 For more information, see <https://wdfw.wa.gov/accessibility/requests-accommodation>
 By (date) March 18, 2021

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

WAC 220-400-020 Classification of wild animals.
 The purpose of this proposal is to add eastern cottontail, Nuttall's cottontail, and snowshoe hare to the identified furbearer game species list. This change will offer new and expanded recreational hunting and trapping opportunities.

WAC 220-410-010 Game management units (GMUs) boundary descriptions—Region one.
 This proposal is a minor administrative change to clarify that the boundary for GMUs 175 (Lick Creek) and 178 (Peola) follows the elk drift fence to where it meets the section line, rather than where the fence ends. There are no anticipated effects associated with this proposal other than making it clearer to hunters.

WAC 220-410-040 Game management units (GMUs) boundary descriptions—Region four.
 Specific amendments associated with this proposal include:

1. 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). Anticipated effects of this proposal would be reductions in hunter confusion and improvements in harvest estimates.
2. Making a minor adjustment to the boundary description for GMUs 407 (North Sound) and 454 (Issaquah) to establish a more easily identified boundary. Anticipated effects of this amendment would be reductions in hunter confusion and resulting enforcement issues.

WAC 220-410-050 Game management units (GMUs) boundary descriptions—Region five.
 Specific amendments associated with this proposal include:

1. Making a minor adjustment to the boundary description for GMUs 568 (Washougal) and 572 (Siouxon) to establish a more easily identified boundary. Anticipated effects associated with this amendment include reductions in hunter confusion.
2. Adding that portion of GMU 554 (Yale) that is north of State Route 503 to GMU 556 (Toutle). Anticipated effects associated with this amendment include reducing hunter confusion and resulting in less enforcement issues.
3. 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. There are no anticipated effects associated with this amendment.

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

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. There would be no anticipated effects associated with this amendment.

WAC 220-411-140 Lake Terrell Game Reserve (Whatcom County).

Rule changes are needed to this rule for technical adjustment under area description to align intent with legal description. This does not change how users have understood this Game Reserve.

WAC 220-411-210 Stratford Game Reserve.

The proposed rule changes for WAC 220-411-210 is for the same reason as the rule change to 220-411-140. The changes are needed to this rule for technical adjustment under area description to align intent with legal description. This does not change how users have understood this Game Reserve.

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

The purpose of this proposal is 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. Nearly all auction and raffle permit holders harvest bulls, so there are no anticipated effects beyond reducing the potential for antlerless harvest in the future. The only anticipated effect associated with amending the hunt area for raffle permits is that harvest may occur in different GMUs.

WAC 220-412-080 Special hunting season permits.

Specific amendments associated with this proposal include:

1. 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. Whether this proposal will result in more permits being returned is difficult to predict. It will, however, simplify the process of returning permits and reduce situations where hunters could not participate in a hunt, but lose their preference points within that specific hunt category.

Providing an exception to the once-in-a-lifetime restriction for hunters that participate in mountain goat conflict reduction hunts. The anticipated effects would be allowing hunters who have previously harvested a mountain goat, to participate in efforts to remove mountain goats from the Olympic Peninsula.

WAC 220-412-100 Landowner hunting permits.

The purpose of the proposal is to present the new properties for enrollment into the Landowner Hunt Permits Program (LHP) and their corresponding permit allocations and season dates. In addition, staff proposes slight wording changes to the WAC 220-412-100 that will provide further clarification within the standard operating procedure.

WAC 220-413-060 Hunting restrictions.

The specific amendments associated with this proposal include:

1. A minor administrative change to rule language that clarifies it is unlawful to hunt any wildlife at night and that it is unlawful to hunt wild animals, except rabbits and hares, with hounds during established modern firearm general deer and elk seasons during the months of October and November. There are no anticipated effects associated with this amendment other than reducing confusion that potentially exists.
2. Allowing hunters to use one dog controlled by leash during lawful hunting hours and within 72 hours of shooting a big game animal, except bear and cougar, to assist with recovering wounded big game. Anticipated effects of this proposal would be a reduction in the number of big game animals that are mortally wounded, but not recovered.

WAC 220-413-090 Field identification of wildlife – Evidence of sex – Definitions.

The purpose of this proposal is to clarify language regarding turkey identification - evidence of sex until processed and/or stored for consumption and clarify requirements for falconry efforts. Its anticipated effect is to provide clarity for hunters.

WAC 220-414-020 Unlawful methods for hunting – Firearms.

The purpose of this proposed rule is to add legal methods for hunting dusky grouse, sooty grouse, spruce grouse, ruffed grouse, snowshoe hare, cottontail rabbit, and turkey and to maintain humane methods of harvest. We anticipate expanded and new recreational hunting opportunities will assist with the recruitment, retention, and reactivation of hunters.

WAC 220-414-010 Hunting equipment restrictions.

This proposal clarifies that it is unlawful to hunt all big game, not just deer and elk, with the aid of infrared night vision equipment or with laser sights. There are no anticipated effects associated with this proposal other than eliminating any confusion that potentially exists.

WAC 220-414-040 Nontoxic shot requirements.

The changes proposed to rule 220-414-040 are:

- Adjust Wildlife Area and Unit naming conventions under subsection two to reflect current relationships.

All adjustments are related to Wildlife Area Units with significant wetlands occurring within boundaries.

WAC 220-414-050 Shotgun shell restriction areas.

The proposed changes to rule 220-414-050 are:

- Technical adjustment under subsection 1d-Johnson/DeBay’s Slough Hunt Unit area description fixing GPS-coordinates to align intent with legal description.
- Technical adjustment under subsection 1e-Dungeness Unit in Clallam County due to a change in a previous contract agreement.
- Addition of subsection 1f – Samish River Unit of Skagit Wildlife Area in Skagit County, as a technical adjustment required from differentiating from the Samish Unit.

Addition of subsection 1g – South Padilla Bay Unit of Skagit Wildlife Area in Skagit County, to align with current management of waterfowl, coot, and snipe hunting on this Unit.

WAC 220-414-060 Muzzleloading firearms.

Specific amendments associated with this proposal include:

1. Allowing the use of 1x or red dot scopes on muzzleloading firearms. Anticipated effects associated with this amendment would be increased hunter participation, increased hunter retention, and ensuring a clean and ethical kill.
2. Allowing video-cameras to be mounted to muzzleloading firearms. There are no anticipated effects associated with this proposal other than hunters who wish to video their hunt being allowed to do so.

Clarifies that the term “load” refers to the powder charge and projectile and that both must be loaded from the muzzle. Anticipated effects associated with this amendment would be hunters having a clearer understanding of the muzzleloading firearms that are legal to use during established muzzleloader seasons.

WAC 220-414-070 Archery equipment.

Currently, it is unlawful for hunters to have any electrical equipment or electric device(s) attached to archery equipment. The purpose of this proposal is to allow the use of specific electronic equipment. Specific amendments associated with this proposal include:

1. Allowing the use of range-finding bow sights.
2. Allowing the use of breadcrumb nocks.
3. Allowing the use of verifiers for peep sights.
4. Allowing video-cameras to be mounted to archery equipment.

Anticipated effects associated with amendments 1-3 would be increased hunter participation, increased hunter retention, and ensuring a clean and ethical kill. There are no anticipated effects associated with allowing video-cameras to be mounted to archery equipment other than hunters who wish to video their hunt being allowed to do so.

WAC 220-414-090 Use of decoys and calls.

The proposed change to WAC 220-414-090 is:

Under subsection 2, provide an exception allowing the use of electronic calls during a white goose-only (snow, Ross’, and blue phase geese) season segment; this aligns state regulations with federal allowances.

WAC 220-414-100 Crossbow requirements.

The purpose of this proposal is to allow the use of crossbows during established muzzleloader seasons. The only anticipated effect associated with this proposal would be increased participation during established muzzleloader seasons, but that effect is expected to be minor.

WAC 220-415-010 Deer area descriptions.

The purpose of this proposal is to eliminate Deer Areas 1040 (4-O Ranch Wildlife Area) and 1021-Clarkston (Asotin Co.). Anticipated effects associated with this proposal include increasing hunter opportunities to harvest deer on the 4-O Wildlife Area and reducing opportunities for hunters to harvest antlerless mule deer in areas adjacent to the city of Clarkston, WA.

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

The primary purpose of this proposal 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. More specifically, amendments include:

1. 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.
2. Reducing general season opportunities to harvest antlerless white-tailed deer in GMUs 127-142 to promote population increases.
3. Reducing general season opportunities to harvest antlerless mule deer in GMUs 127-142 to promote population increases.
4. Reducing general season opportunities to harvest antlerless white-tailed deer in GMU 124 (Mount Spokane).
5. 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.

The primary purpose of this proposal is to retain special permit deer hunting opportunities for 2021. It also provides opportunities in accordance with the status of deer populations and attempts to balance hunting opportunity among user groups. Specific amendments include:

1. Adding a special permit opportunity for modern firearm hunters in GMU 136 (Harrington) in the Quality permit category.
2. Establishing special permit opportunities for antlerless deer in GMUs 127-142 to offset some of the opportunity lost by reducing general season opportunities.
3. 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).

WAC 220-415-040 Elk area descriptions.

Specific amendments associated with this proposal include:

1. Eliminating Elk Area 1040 and opening the 4-O Ranch Wildlife Area Unit during general elk seasons. Anticipated effects associated with this proposal include increasing hunter opportunities to harvest elk on the 4-O Wildlife Area.
2. Making a minor adjustment to the boundary description for Elk Area 2032 (Malaga) to establish a more easily identified boundary. There are no anticipated effects other than making it easier for hunters to identify the boundary.
3. Adding Elk Area 5066 (Norway Pass) to GMU 522 (Loo-Wit). Anticipated effects include reductions in hunter confusion and resulting enforcement issues. Other anticipated effects include the elimination of opportunities to hunt other game species in Elk Area 5066. However, these effects are anticipated to be minor because very few hunters report hunting activity for other game species in Elk Area 5066.

Establishing a new Elk Area in GMU 603 (Pysht) near the town of Joyce to assist with mitigating elk damage complaints. Anticipated effects are increased opportunities for elk hunters and reductions in elk damage complaints.

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

The primary purpose of this proposal is to retain general season elk hunting opportunities for 2021-2023. It also provides opportunities in accordance with the status of elk populations and attempts to balance hunting opportunity among user groups. More specifically, amendments include:

1. Increasing opportunity in Game Management Units (GMUs) 249 (Alpine) and 251 (Mission) during general archery and muzzleloader elk seasons. Anticipated effects associated with these amendments include increases in hunter opportunity and harvest of bull elk, but not at levels that would represent a resource concern.
2. Increasing opportunity in GMUs 272 (Beezley), 278 (Wahluke), 284 (Ritzville), 382 (East Klickitat) and 379 (Ringold) during general archery and muzzleloader elk seasons. Anticipated effects associated with these amendments include

increases in hunter opportunity and elk harvest, but those increases would be minimal given that elk already occur at very low densities.

3. 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. Anticipated effects associated with these amendments include a reduction in opportunity for Master Hunters and an increase in opportunity for general elk hunters. Harvest rates for elk are anticipated to be similar.
4. Removing the "True Spike Bull" restriction during general archery seasons in GMUs 328 (Naneum), 329 (Quilomene), 334 (Ellensburg), and 335 (Teanaway). Anticipated effects associated with these amendments include increases in hunter opportunity, with minimal changes to the harvest rate of yearling bull elk.
5. Changing the legal elk in GMU 448 (Stillaquamish) during general elk seasons from Any Elk to 3-pt. minimum. Anticipated effects associated with this amendment include a reduction in antlerless harvest, which may lead to increases in the elk population within this GMU.
6. Modifying season dates for late general archery and muzzleloader seasons in GMU 407 (North Sound). Anticipated effects associated with this amendment include simplifying the hunting regulations, decreasing the potential for hunter safety concerns, and potentially increasing the quality of the hunt experience.

Eliminating the late general muzzleloader elk season in GMU 578 (West Klickitat). The anticipated effects associated with this proposal would be a reduction in opportunity and subsequent harvest of antlerless elk, which will minimize the likelihood of harvesting antlerless elk at a rate that is not sustainable.

WAC 220-415-060 2021 Elk special permits.

The primary purpose of this proposal is to retain special permit elk hunting opportunities for 2021. It also provides opportunities in accordance with the status of elk populations and attempts to balance hunting opportunity among user groups. Specific amendments include:

1. 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. Anticipated effects include increased harvest of antlerless elk that have elk hoof disease, but not at levels that would result in a population decline.
2. Establishing special permit opportunities in Elk Area 2033 (Peshastin) for antlerless and antlered elk to assist with mitigating elk damage complaints. Anticipated effects include increased harvest of antlered and antlerless elk and subsequent reductions in elk numbers and elk damage complaints within the Elk Area.
3. Modifying the hunt area for special permits in Elk Area 4941 (Skagit River) to include all of GMU 437 (Sauk). Anticipated effects are minimal. Harvest levels are expected to remain the same but distributed more broadly within the GMU.
4. 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. Anticipated effects are associated with ensuring harvest rates for antlerless elk are sustainable.
5. Shifting special permits for bulls in GMU 371 (Alkali) from the Bull special permit category to the Quality category. This amendment would increase the application fee for hunters from \$7.10 to \$13.70, which could potentially increase revenue by ~\$23,000.
6. 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. Anticipated effects are limited to balancing opportunity among user groups. Changes in antlerless harvest are expected to be minor.

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.

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

The primary purpose of this proposal is to retain special permit hunting opportunities for moose that are in accordance with the status of moose populations. Specific amendments include:

1. Increasing bull moose permits in GMU 108.
2. Reducing bull moose permits in GMUs 117 and 121.
3. Eliminating the Hunter Education Instructor incentive permit for one antlerless moose.

Administrative changes to remove hunt notes that were not needed.

WAC 220-415-090 2019-2020 Fall black bear hunting seasons and regulations.

The purpose of this proposal is to replace the season date table with a single sentence which identifies a standard time-period each year for black bear hunting across all game units. Also clearly identify the three game management units that are closed for fall black bear hunting. 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. The anticipated effect will reduce redundancy within the WAC and minimize need for editorial changes during each three-year cycle; continue sustainable species management and hunting and trapping seasons; and assist with the recruitment, retention, and reactivation of hunters.

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

The primary purpose of this proposal is to retain special permit hunting opportunities for bighorn sheep that are in accordance with the status of bighorn sheep populations. Specific amendments include:

1. Reducing the number of bighorn ram permits in the Yakima Canyon and Cleman Mountain herds.
2. Establishing new hunts for bighorn rams in the Wenaha and Mountain View sub-herd areas in the Blue Mountains.
3. 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.

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

The primary purpose of this proposal is to retain special permit hunting opportunities for mountain goats that are in accordance with the status of mountain goat populations. Specific amendments include:

1. 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.
2. Reducing the number of permits in the Naches Pass, Bumping River, and Goat Rocks West hunt areas.
3. Establishing an opening season date of September 1 for all weapon types.

Administrative changes to hunt area descriptions to make them consistent.

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

The purpose of this proposal is to amend the season dates, restrictions, and regulations for small game and other species hunted. In addition, the proposal is to display information in table format to provide a user-friendly presentation.

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

This proposal amends WAC 220-416-060 2020-2021 Migratory gamebird seasons and regulations are:

- Adjust season dates relative to 2021-2022 calendar dates.
- Maintain one-pintail per day bag-limit and associated possession limit per the USFWS Northern Pintail Harvest Strategy.
- Maintain two-scaup per day bag-limit and associated possession limits, while maintaining an 86-day season length per the optimal regulatory alternative described in AHM protocol.
- Adjust 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 GMA 1 will be part of Goose Management Area 3.
- Increase white goose (snow, Ross', blue phased) in all Goose Management Areas to ten white geese per day bag-limit and associated possession limits.

Increase white goose (snow, Ross', blue phased) to 20 white geese per day bag-limit and associated possession limits during white goose-only season segments (GMA 1 and GMA 4), when electronic callers would be allowed.

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

The proposed rule will update closures to reflect current management considerations. The Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures:

- Under subsection 4, removes reference to the "Wooden Tower" which has been removed from the landscape.

Eliminates subsection 7; Would now allow waterfowl, coot, and snipe hunting during approved season dates.

WAC 220-416-080 Lynch Cove and Union River hunting area restriction (Mason County).

Proposed changes to WAC 220-416-080 Lynch Cove and Union River hunting area restrictions (Mason County) [Regulated Access Area restrictions for waterfowl, coot, and snipe hunting] will:

- Adjusts the title of this WAC to include several Wildlife Area Units where restrictions exist to regulate access for waterfowl, coot, and snipe hunting.
- Provides specification of current management restrictions for waterfowl, coot, and snipe hunting access consistent with purposes articulated in WAC 220-500-040 Regulating public access.

There are several cases, highlighted in the proposed WAC 220-416-080 Regulated access area restriction for waterfowl, coot, and snipe hunting, where department managed lands are left to relay 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.

WAC 220-417-010 Trapping seasons and regulations.

The purpose of this proposal is to change the season dates for marten trapping, add season dates for eastern cottontail, Nuttall's cottontail, and snowshoe hare, and include trapping restrictions for each of these species. Further, clarify license requirements by adding language stating a trapping license is required. The anticipated effect to this rule is to continue sustainable species management and hunting and trapping seasons.

WAC 220-417-030 Wild animal trapping.

The purpose of this rule is to clarify language regarding authorized take and use of furbearer animals. The change will allow eastern cottontail, Nuttall's cottontail, and snowshoe hare to be used for consumption.

Reasons supporting proposal:

WAC 220-400-020 Classification of wild animals.

This proposal will provide greater understanding of the identified species. Expand recreational harvest opportunity as well as continue sustainable species management and allow for sustainable hunting and trapping seasons. Also, the proposal will assist with the recruitment, retention, and reactivation of hunters.

WAC 220-410-010 Game management units (GMUs) boundary descriptions—Region one.

This is a minor change in the current boundary description that does not result in an actual change to the GMU boundary.

WAC 220-410-040 Game management units (GMUs) boundary descriptions—Region four.

1. Currently, Stuart Island and Henry Island are included with GMU 410 which includes all islands in San Juan and Skagit counties except Orcas, San Juan, Lopez, Shaw, Blakely, Decatur, and Cypress islands. Often hunters are confused about which islands are included under the description of GMU 410 and report their harvest incorrectly. Stuart and Henry islands represent two of the larger islands in the Puget Sound that are not currently standalone GMUs. This proposal 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 proposal.
2. The current boundary description for GMU 407 is 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. The current boundary description results in a very narrow portion of GMU 407 that is bordered to the east by GMU 460 (Snoqualmie) and to the west by GMU 454. This small area of GMU 407 causes confusion and frequent enforcement issues. When presented to the public for initial comment, 81% of the ~1,100 respondents indicated support for this proposal.

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

1. The current boundary language is unclear because there is confusion about road names at the point where NE Healy Road crosses Canyon Creek. This proposal represents a minor adjustment to the current boundary language. 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 would result in approximately 75 acres being removed from GMU 572 and added to GMU 568. When presented to the public for initial comment, 77% of the ~1,200 respondents indicated support for this proposal.
2. Currently GMU 554 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 hunt in the area not realizing they are in an FRA, which has resulted in a long-standing enforcement issue. This amendment would alleviate this confusion and appropriately remove 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 proposal.

3. Amendments to the boundary descriptions for GMUs 506 and 673 that were presented to and adopted by the Commission in 2020 were done so in error. As such, the Department implemented an emergency rule on September 1, 2020 that nullified those amendments and reverted the boundary description back to its original language. This proposal formalizes that emergency rule.

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

Amendments to the boundary descriptions for GMUs 506 and 673 that were presented to and adopted by the Commission in 2020 were done so in error. As such, the Department implemented an emergency rule on September 1, 2020 that nullified those amendments and reverted the boundary description back to its original language. This proposal formalizes that emergency rule.

WAC 220-411-140 Lake Terrell Game Reserve (Whatcom County).

Game Reserves are defined as a closed area where hunting for all wild animals and wild birds is prohibited, per RCW 77.08.010 subsection 32, Chapter 220-411 provide descriptions of all Game Reserves in Washington. In reviewing spatial boundaries of these areas closed to all hunting for consistency with user maps, it was identified that in WAC 220-411-140 Lake Terrell Game Reserve and WAC 220-411-210 Stratford Game Reserve, the legal description did not portray the approved intent. This will give greater clarity to waterfowl hunters and other users of department lands.

WAC 220-411-210 Stratford Game Reserve.

Game Reserves are defined as a closed area where hunting for all wild animals and wild birds is prohibited, per RCW 77.08.010 subsection 32, Chapter 220-411 provide descriptions of all Game Reserves in Washington. In reviewing spatial boundaries of these areas closed to all hunting for consistency with user maps, it was identified that in WAC 220-411-140 Lake Terrell Game Reserve and WAC 220-411-210 Stratford Game Reserve, the legal description did not portray the approved intent. This will give greater clarity to waterfowl hunters and other users of department lands.

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

Moose populations in some GMUs have declined in recent years. In response to those declines, the Department substantially reduced opportunities to harvest antlerless moose in 2018. Reducing opportunities for auction and raffle permit holders is consistent with previous reductions and only reduces 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 are supported because there is 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.

1. Every year the Department receives multiple requests from hunters who have drawn a special permit, or multiple special permits, and are unable to go on their hunt for reasons that are beyond their control. We currently only offer point restoration to hunters under certain circumstances (e.g., medical, death, moved, etc.) and do not attempt to reissue the permit. Losing their points reduces their chances of drawing in the future. This proposal will allow people to return their permits and have their points restored regardless of the reason, if they do so two weeks before the season opens. This proposal would simplify the process for returning permits and reduce situations where hunters are unable to participate in a hunt but lose 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 proposal.
2. 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. 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. The Department is proposing to reinstate these permits to assist with efforts to lethally remove goats that remain on the Olympic Peninsula following the final translocation effort in 2020 (see proposal for WAC 220-415-130). Biologists believe less than 100 mountain goats remain within the associated hunt area. Success rates are expected to be low, with the ultimate objective of completely removing mountain goats from this area, rather than provide recreational opportunity. Thus, there is not a strong justification for excluding hunters who have previously harvested a mountain goat.

WAC 220-412-100 Landowner hunting permits.

The Department completed its first application period since the program revision for the 2021-2023 LHP seasons. Six applications were submitted, and the Department is proposing five of those six be accepted into the program. The Landowner Hunting Permit WAC has been adjusted to reflect the new proposed applicants, the corresponding permit allocations and season dates, as well as some adjustments to wording that will aid in providing clarification to the standard operating procedure.

WAC 220-413-060 Hunting restrictions.

1. This amendment is a minor administrative change that only provides clarification and does not change the intent of the rule.
2. The Department frequently receives requests from hunters to allow the use of dogs for tracking wounded big game, as is allowed in many other states. Those requests are usually associated with deer and elk hunting, but it is likely to be

beneficial for recovering other big game species as well. Additionally, the Department does not believe this would result in an increase in hunters that use dogs to hunt big game unlawfully. When presented to the public for initial comment, 71% of the ~1,200 respondents indicated support for this proposal.

WAC 220-413-090 Field identification of wildlife – Evidence of sex – Definitions.

The proposed changes to the rule minimize potential confusion and align with current Department activities, needs, and goals for managing these species for conservation and recreation interests. This proposal will provide greater understanding of evidence of sex for the identified game species. Both users and non-users will benefit from these amendments.

WAC 220-414-020 Unlawful methods for hunting – Firearms.

The proposed changes expand the legal methods of take for turkey and clarify methods of take for several grouse and rabbit species. The proposed changes establish the use of handguns and rimfire rifles as a legal method for harvesting turkeys with exceptions noted.

WAC 220-414-010 Hunting equipment restrictions.

This amendment is a minor administrative change that does not change the intent of the rule. Additionally, it provides language consistent with RCW 77.15.450 (Hunting with artificial lights).

WAC 220-414-040 Nontoxic shot requirements.

The 2021-2022 migratory waterfowl, coot and snipe season will mark the 30th year since prohibiting the use of lead for waterfowl hunting nationwide. These changes provide consistency in naming conventions of our Wildlife Area Units, and address Wildlife Area Units with significant wetlands presenting a high probability for contact with spent shot pellets.

WAC 220-414-050 Shotgun shell restriction areas.

The proposed changes are consistent with current management on these units to improve the presence of waterfowl over the course of the 107-day season, balancing resource and user objectives consistent with Objective 104e in WDFW's Game Management Plan.

WAC 220-414-060 Muzzleloading firearms.

1. Under current rule, sights on muzzleloading firearms must be open, peep, or of other open sight design. Optic sights are allowed, but telescopic sights or sights containing glass are not. The Department routinely receives requests from hunters to allow the use of 1x scopes on muzzleloading firearms. Common arguments in support of allowing them to be used are related to increased hunter participation, hunter retention, and ensuring a clean and ethical kill. One-power scopes do not magnify the target, but rather provide a clearer sight window, in much the same way eyeglasses correct someone's vision (i.e., they make the target clearer, but don't make it bigger). Common arguments against their use are typically related to the use of scopes not adhering to the spirit of primitive weapons. The Department is not opposed to allowing the use of 1x scopes on muzzleloading firearms because we do not anticipate it would result in more animals being harvested. When presented to the public for initial comment, 65% of the ~1,300 respondents indicated support for this proposal.
2. Currently, it is unlawful for hunters to have any electrical equipment or electric device(s) attached to muzzleloading firearms. By rule, this precludes a hunter from mounting a video camera to their weapon for the purpose of filming their hunt. Filming hunts has become a common practice with hunters, but it is difficult for hunters that prefer to hunt without other hunting companions. Allowing video-cameras to be mounted to muzzleloading firearms would make it easier for them to film their hunts and does not present a resource concern. When presented to the public for initial comment, 71% of the ~1,300 respondents indicated support for this proposal.
3. Recent technological advancements in muzzleloading equipment have resulted in the development of muzzleloading firearms that use an encapsulated propellant charge that loads from the breech and is completely impervious to moisture. The bullet is still loaded from the muzzle. Hunters have begun to inquire as to whether this type of muzzleloading firearm is legal to use in Washington. It is not because the current rule requires that the load be loaded from the muzzle. By amending language to clearly state that the term load includes both the powder charge and bullet, the proposed amendment simply adds language to clarify these new muzzleloading firearms are not lawful during established muzzleloader seasons.

WAC 220-414-070 Archery equipment.

1. The main argument for allowing the use of range-finding bow sights is related to improving the likelihood of a clean and ethical kill. Because the sights do not magnify the target, they also would not qualify as a scope. The sights simply produce a digital reading of the estimated distance that is visible to the shooter while they are looking at the sight pins. The Department is not opposed to the use of range-finding bow sights because we do not feel it will result in more animals being harvested. When presented to the public for initial comment, 57% of the ~1,300 respondents indicated support for this proposal.
2. Breadcrumb nocks use Bluetooth technology via a cell-phone app to assist with the recovery of arrows that miss an intended target. Although some may advocate this technology would also assist with recovering wounded game, that is unlikely because the range limit on a breadcrumbnock is 50 yards. The Department is not opposed to the use of

breadcrumb nocks because we do not feel it will result in more animals being harvested. When presented to the public for initial comment, 68% of the ~1,200 respondents indicated support for this proposal.

3. Verifiers are small glass inserts for peep sights that are designed to allow shooters who are farsighted (i.e., unable to see things clearly that are close) to see their sight pins more clearly. They are manufactured with several different magnification powers, to fit the needs of the user. Although they are made of glass and clarify the sight pins, they do not magnify the target. The main argument for allowing the use of verifiers is related to increasing the likelihood that hunters make clean and ethical kills. The current rules defining archery requirements do not specifically address the use of verifiers but do make it unlawful for hunters to hunt wildlife with any bow equipped with a scope, which some would interpret to mean verifiers are also illegal. This proposal seeks to clarify the rule by allowing the use of verifiers because they do not magnify a target in the same way a scope does. The Department is not opposed to the use of verifiers for peep sights because we do not feel it will result in more animals being harvested. When presented to the public for initial comment, 79% of the ~1,200 respondents indicated support for this proposal.
4. Currently, it is unlawful for hunters to have any electrical equipment or electric device(s) attached to archery equipment, which precludes a hunter from mounting a video camera to their weapon for the purpose of filming their hunt. Filming hunts has become a common practice with hunters, but it is difficult for hunters that prefer to hunt without other hunting companions. Allowing video-cameras to be mounted to archery equipment would make it easier for them to film their hunts and does not present a resource concern. When presented to the public for initial comment, 71% of the ~1,300 respondents indicated support for this proposal.

WAC 220-414-090 Use of decoys and calls.

Currently WDFW regulations are more restrictive than Federal regulations. Significant increases in the number of wintering white geese have been documented in northwest Washington and portions of the Columbia Basin in eastern Washington. Harvest strategies developed in the Pacific Flyway Council's management for this population of snow geese and the WDFW Game Management Plan provide guidance to increase harvest rates and/or total harvest on snow geese at the winter count estimates now being observed. In recent years, WDFW has allowed separate goose-type bag limits, and shifted days specifically for snow geese into February, while being consistent with the 107-day maximum allowed under federal frameworks and law. Further increases in bag-limit for snow geese are not likely to effectively increase harvest without the assistance of electronic calls, a highly effective tool at attracting this highly gregarious species. Electronic calls can only be allowed under federal law during a white goose only (snow, Ross', blue phase geese) season segments; currently only allowed in Goose Management Area 1 (11 days) and Goose Management Area 4 (19 days). Therefore, all other waterfowl and migratory gamebird species are closed during these dates. Additionally, this is consistent with Objective 103b to utilize recreational harvest as the primary method to address agricultural depredation concerns with this goose population.

WAC 220-414-100 Crossbow requirements.

Currently, hunters can only use muzzleloading firearms as defined under WAC 220-414-060, or bow and arrow, as defined under WAC 220-414-070 during established muzzleloader seasons for deer and elk. This proposal aims to also allow the use of crossbows during established general and special permit muzzleloader seasons for deer and elk because it is considered a "lesser" weapon than a muzzleloading firearm and it does not represent a resource concern. When presented to the public for initial comment, 56% of the ~1,300 respondents indicated support for this proposal.

WAC 220-415-010 Deer area descriptions.

Deer Area 1040 is the area in Game Management Unit 172 (Mountain View) that is associated with lands managed by the Department as the 4-O Ranch Wildlife Area Unit. Since 2014, the Department has 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 is within the ceded area of the Nez Perce Tribe, tribal hunters also pursue deer in this area. To ensure opportunities to access this area and hunt deer are similar for state and tribal hunters, the Department is proposing to eliminate Deer Area 1040, expand the hunt area for the special permits to include all of GMU 172, and open the area during general deer seasons. When presented to the public for initial comment, 84% of the ~1,200 respondents indicated support for this proposal.

Deer Area 1021 was created to assist with mitigating damage complaints caused by resident mule deer near the city of Clarkston. The number of complaints has declined to levels that no longer require 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 indicate some of the mule deer within Deer Area 1021 move into this area during winter but migrate 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 proposal.

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

1. Some white-tailed deer hunters have 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 that rule was abolished in 2015. The Department committed to considering APRs while developing proposals for the 2021-2023

seasons. We initiated this consideration by partnering with Washington State University to summarize the opinions of deer hunters on the management of white-tailed deer. We 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, the Department's proposal that went out for public comment this summer included the following options:

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|---|-----|
| 1. No change (retain current Any Buck seasons) | 36% |
| 2. 2-pt. APR with exemption for youth, senior, disabled | 17% |
| 3. 3-pt. APR with exemption for youth, senior, disabled | 29% |
| 4. 4-pt. APR with exemption for youth, senior, disabled | 20% |

Although we provided these four options, we also clearly stated that our recommendation to the Commission would be Option 1 (No change) since there was such strong opposition in the WSU survey. We also retained the APR options in this survey to uphold our commitment that we would consider them in concert with the 2021-2023 season setting process. The percentages provided next to the bulleted options above represent 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 indicates most respondents were interested in managing for more mature white-tailed deer bucks. We considered several options and believe the shortened nine-day season with hard calendar dates of November 11-19 is the most amenable because it is the smallest change from status quo.

We are presenting this proposal fully acknowledging it will result in only minor changes to buck harvest. One of the primary reasons for making that decision is because the Department does not feel we have requested explicit input from hunters regarding all available options. The only option we 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.). We need to gather more input from hunters before we consider other options that represent a substantial change from status quo.

2. As indicated by trends in general season harvest, white-tailed deer numbers in the Palouse White-tailed Deer Management Zone have substantially declined in recent years and fell more than 25% below the ten-year average harvest in 2019. This trend is driven predominately by declines in the white-tailed deer population in GMUs 127 – 142. If harvest levels are similar in 2020, harvest will 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 has been further exasperated by several smaller hemorrhagic disease events and multiple hard winters. A more rapid recovery will not be achieved through a reduction in antlerless permits alone because over 70% of the antlerless harvest in these GMUs occurs during the general season. Substantial reductions in general season antlerless harvest in GMUs 127-142 are needed for this population to recover more quickly. Muzzleloader and archery hunters are responsible for ~35% of the general season antlerless harvest, with Youth coming in a close second at ~31%. Senior (≥65yrs old) and Disabled hunters take ~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.
3. GMUs 127-142 represent the eastern third of the Columbia Plateau Mule Deer Management Zone where harvest data indicates mule deer numbers across the zone have begun to recover following declines that occurred 2015-2017. However, trends in harvest for GMUs 127-142 indicate mule deer populations have not fully recovered in the eastern portion of the zone. A substantial reduction in damage complaints associated with mule deer also indicates populations remain below historical levels. A reduction in opportunities to harvest antlerless mule deer is needed to ensure the Department continues 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.
4. As indicated by trends in general season harvest, white-tailed deer numbers in GMU 124 (Mount Spokane) have substantially declined in recent years and fell more than 25% below the ten-year average harvest in 2019. If harvest levels are similar in 2020, harvest will 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 has been further exasperated by several smaller hemorrhagic disease events and multiple hard winters. A more rapid recovery cannot be accomplished through a reduction in antlerless permits alone because ~75% of the antlerless harvest in GMU 124 occurs during the general season. Substantial reductions in general season antlerless harvest opportunities are needed for this population to recover more quickly. Archery and muzzleloader hunters are responsible for ~34% of the general season antlerless harvest, with Youth coming in a close second at ~30%. Senior (≥65yrs old) and Disabled hunters take ~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.

5. Currently, GMUs 247 (Entiat), 254 (Saint Andrews), 262 (Withrow), 266 (Badger), and 269 (Moses Coulee) are not open during early general muzzleloader seasons for any buck white-tailed deer, but there is no biological justification for them not being open. 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.
6. As indicated by trends in harvest, mule deer numbers in the East Columbia Gorge Mule Deer Management Zone (GMUs 382 and 388) have substantially declined over the past decade and currently meet the criteria of an "At-Risk" ungulate population because harvest has dropped more than 25% below the ten-year average for at least two consecutive years. The Department has removed all other opportunities to harvest antlerless mule deer in GMUs Units 382 (East Klickitat) and 388 (Grayback), so this amendment would be 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.

1. Most recent estimates of buck to doe ratios in GMU 136 indicate this limited special permit opportunity is sustainable. In addition, it increases hunter opportunity.
2. See above under WAC 220-415-020 for reasons supporting a reduction in general season opportunities to harvest antlerless white-tailed deer. The Department is supportive of offering limited special permit opportunities to harvest antlerless deer to offset some of the opportunity lost during general seasons because we anticipate proposed amendments would result in at least a 70% reduction in antlerless harvest. The elimination of all opportunities to harvest antlerless deer is not needed to promote population increases.
3. 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) are at levels that warrant a reduction. Controlling deer numbers on Puget Sound islands has been a long-standing management challenge for the Department because they are dominated by privately owned lands, which makes facilitating hunter access extremely difficult. This amendment is modeled after the approach the Department has implemented in GMU 422 (Vashon Island), which increases opportunity through a longer season and allows more flexibility to hunters relative to the weapon type they can use. When presented to the public for initial comment, 83% of the ~1,300 respondents indicated support for this proposal.
4. 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 will be offered in the youth category in 2021.

WAC 220-415-040 Elk area descriptions.

1. Elk Area 1040 is the area in Game Management Unit 172 (Mountain View) that is associated with lands managed by the Department as the 4-O Ranch Wildlife Area Unit. Since 2014, the Department has 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 pursue elk in this area. This amendment ensures opportunities to access this area and hunt elk are similar for state and tribal hunters. When presented to the public for initial comment, 83% of the ~1,000 respondents indicated support for this proposal.
2. The current boundary description for Elk Area 2032 follows Moses Carr Road beyond a point where this road has been closed and no longer exists, and therefore is no longer a relevant reference point. To improve clarity of the boundary and address enforcement concerns, the Department is proposing to realign the boundary along section lines. This realignment would increase Elk Area 2032 by approximately 130 acres.
3. Currently, Elk Area 5066 represents the eastern portion of GMU 524 (Margaret) and opportunities to hunt elk in this Elk Area are limited to special permit opportunities. Currently, hunters can hunt in GMU 524 during general elk seasons, but not within Elk Area 5066. This causes confusion for some hunters as Enforcement Officers routinely make contacts with elk hunters in Elk Area 5066 that do not have an elk special permit and did not realize that portion of GMU 524 was not open to general season elk hunters. This proposal 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 proposal.
4. Conflicts with elk in the Joyce area have been increasing over the past five years. Currently there are no established seasons in GMU 603 that allow antlerless harvest. The creation of a new Elk Area and offering limited opportunities to harvest antlerless elk within that area would assist the Department with addressing conflicts, while also allowing us to

maintain our 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 proposal.

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

1. The Colockum elk herd area consists of GMUs 249, 251, 328, 329, 330, 334, and 335. Currently, the only general archery season available in GMUs 249 and 251 is in GMU 249 during the early general archery season for any elk. The only early general muzzleloader season available is associated with Elk Area 2051 (Tronsen) for a “True Spike” bull. Elk Area 2051 (Page 45 in 2020 Hunting Pamphlet) includes 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 exists. The proposed amendments would provide more opportunity, standardize opportunity within the Colockum elk herd area, and do not present a resource concern. When presented to the public for initial comment, 63% of the ~1,200 respondents indicated support for this proposal.
2. Elk numbers in GMUs 272, 278, 284, 290, 379, and 382 are extremely low because the Department maintains liberal harvest opportunities for elk with the intent of keeping elk populations suppressed because of the potential conflict with agriculture. The proposed amendments would establish general season opportunities that would be consistent with other general elk season opportunities in GMUs where the Department’s intent is 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.
3. Nearly all of GMU 371 is comprised of public lands associated with the Yakima Training Center. The Department has 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 exists but given this GMU is mostly public land the Department feels we can use general elk hunters to mitigate elk conflicts just as effectively as we did with Master Hunters. Moreover, because of the status of the Yakima and Colockum elk herds (both below management objective), the Department had to substantially reduce general elk hunter opportunities, and this amendment has the potential to replace some of that lost opportunity.
4. To increase the survival of yearling bulls, harvest of bulls during general modern firearm, archery, and muzzleloader seasons has 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 has increased and consistently meets the Department’s management objective. The Department anticipates removing this restriction during general archery seasons would result in only modest effects on yearling bull survival. Moreover, archery hunters no longer have opportunities to harvest antlerless elk during general archery seasons in GMUs 328 and 329. Although the Department replaced some of that lost opportunity with special permit opportunities beginning during the 2020 season, concerns related to equity remain. When presented to the public for initial comment, 71% of the ~1,200 respondents indicated support for this proposal.
5. A legal elk during general modern firearm, archery, and muzzleloader seasons in GMU 448 has 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.
6. 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 overlap and occur for an extended period to assist with elk damage complaints. Elk damage complaints have declined so there is no longer a need for such lengthy seasons. The Department has also received feedback from hunters expressing concerns they have about hunter crowding and overlapping seasons. The proposed amendments simplify the hunting regulations because season dates would be the same as those established for other western Washington GMUs, decreases the potential for hunter safety issues that potentially exist with the current overlap of hunting methods, and potentially increases 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.
7. 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 the Department’s special permit system. This change was made in 2018 to assist with the Department’s efforts to mitigate damage complaints. However, this general season opportunity resulted in much more antlerless harvest than was anticipated and at levels that are 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.

With no treatments or vaccines available, efforts to reduce the prevalence and distribution of elk hoof disease are limited to lethally removing diseased elk. The proposed amendment is related to the Department’s effort to develop a program that can be used to evaluate the potential for using hunters as a tool to assist with managing this disease. Importantly, the goal of this program is to increase the proportion of diseased elk within total harvest, but total harvest is 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 include:

Incentivizing Elk Hunters to Harvest Diseased Elk:

The Department will create a special incentive permit drawing for hunters that harvest 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.) will be determined by September 1, 2021, but the Department plans to offer multiple permits to create a legitimate incentive. Any hunter (*except Hoof Disease special permit*) can participate by submitting hooves from their elk harvest at a Department collection location. Hunters that submit a hoof set with at least one hoof indicating a deformity enter the drawing.

Hoof Disease Special Permits:

The proposed amendment will create special permits within the Master Hunter special permit category that provide an opportunity to harvest diseased elk that are 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 harvests a diseased elk under this special permit as their first elk, they will be issued an additional permit that would allow them to harvest a second elk during the established permit season. The Department will require permitted Master Hunters to submit all four hooves from their harvest to evaluate the effectiveness of this permit opportunity.

1. Elk Area 2033 is in GMU 251 (Mission) southeast of Leavenworth, WA. It was originally created to assist with mitigating elk damage complaints. The Department has not offered harvest opportunities in this Elk Area for several years, but conflicts with elk have increased to levels that warrant 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.
2. Elk Area 4941 is in the Skagit River Valley and represents the most northerly portions of GMU 437. It was originally created to assist with mitigating elk damage complaints, which currently includes special permit opportunities for both antlered and antlerless elk. With exception to Elk Area 4941, GMU 437 has been closed during both general and special permit elk seasons for more than two decades. Most of the elk in GMU 437 occur within Elk Area 4941, but they do occur in other parts of the GMU and at levels that could sustain limited special permit opportunities. The Department 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.
3. Offering limited special permit opportunities for muzzleloader hunters in GMU 578 would offset some of the opportunity lost by eliminating the general muzzleloader season, while also providing opportunity that is sustainable.
4. When special permit opportunities were first established for GMU 371, there were only small numbers of elk within the GMU. Elk numbers have substantially increased in recent years resulting in a much higher quality experience for hunters. As such, these permits now meet the criteria for the Quality special permit category.
5. When the Department 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 proposed amendment establishes those opportunities.
6. 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.

1. Aerial survey results in 2019 indicated a high bull to cow ratio and the average antler spread of bulls harvested in GMU 108 indicates most bulls being harvested are mature bulls. As such, the population can likely sustain more bull harvest.
2. Recent studies of moose in GMU 117 indicated populations were declining with very low calf recruitment rates and that cows were experiencing nutritional limitations. It is believed similar trends may be occurring in GMU 121 as well. Even though populations were declining, the Department 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. Hunters are expressing difficulty in finding moose, which may indicate we have reached the equilibrium we were targeting. The Department believes it prudent to reduce antlerless harvest until surveys can be conducted to assess current status of the population.

3. Moose populations in some GMUs have 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 is consistent with previous reductions.
4. These are simple administrative changes that do not change opportunity or hunt area boundaries.

WAC 220-415-090 2019-2020 Fall black bear hunting seasons and regulations.

The proposed changes to the fall black bear hunting season rule are intended to adjust the dates and simplify the rule and clearly identify closed areas. This proposal will provide greater understanding of the fall season dates, methods of harvest, and restrictions.

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

1. The Yakima Canyon bighorn sheep herd has declined to ~120 bighorn sheep. Most recently, those declines have been associated with the Department's efforts to reduce the herd, but those declines are 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 must be reduced accordingly.

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

2. Bighorn sheep herds in the Blue Mountains have started to recover after *M.ovi* was cleared from those populations. Numbers within the Wenaha and Mountain View sub-herds have increased to levels that can sustain limited ram harvest.
3. Some rams harvested under juvenile ram permits are adults. When this occurs, hunters cite a misunderstanding of the criteria used in the field to determine if a ram is a juvenile. This amendment is an administrative change with the intent of reducing hunter confusion or misunderstanding.
4. This amendment is a simple administrative change that clarifies the opportunities that are available for youth hunters and hunters with disabilities.

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

1. 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 reinstates 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.
2. 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 reduces special permits accordingly.
3. 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. A common theme of the comments received expressed 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.
4. These are simple administrative changes that do not change the hunt area boundaries.

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

The proposed changes to the furbearer, small game and upland game bird rules are mainly intended to provide clarity for users and to align the regulations with current department activities, needs, and goals for managing these species for conservation and recreation interests. This proposal will provide greater understanding of the identified game species, methods of harvest, and seasons associated with each.

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

Migratory game bird seasons and regulations are developed base on cooperative management programs among states of the Pacific Flyway and the U.S. Fish and Wildlife Service, considering population status and other biological parameters. The rule establishes migratory game bird seasons and regulations to provide recreational opportunity, control waterfowl damage, and conserve the migratory game bird resources of Washington.

Goose Management Area 1 currently includes Skagit, Snohomish and Island counties. This Goose Management Area is designated to assist in management responsibilities for the Wrangel Island population of Lesser Snow Geese that winter in the Skagit-Fraser region. Shifting of season dates into February in Goose Management Area 1 have highlighted differences that exist between Goose Management Area 1 and Goose Management Area 3. This proposal would change the boundary of Goose Management Area 1 (with February white goose-only season dates) and by extension modify the adjacent Goose Management Area 3 (without February goose season dates).

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

The rule change will update closures to reflect current management and resource considerations. Opening of this 4-miles stretch of the Yakima River will provide increased opportunity to waterfowl, coot, and snipe hunters in the region. Additionally, two Game Reserves exist to the west and east of this river segment, providing safe refuge areas for waterfowl, coot and snipe, allowing birds to shift in distribution and not disperse from the Yakima Valley.

WAC 220-416-080 Lynch Cove and Union River hunting area restriction (Mason County).

The ten Regulated Access Areas are consistent with current management and considerations at these sites. Greater clarity to waterfowl hunters and other users of department lands management and providing enforceable restrictions to achieve increased wildlife use in order to improve hunter success, while managing other uses and safety on particular units of our Wildlife Areas. This is consistent with Objectives 104e and 104f of the WDFW Game Management Plan.

WAC 220-417-010 Trapping seasons and regulations.

The proposed changes to the furbearer and small game trapping seasons and regulations are intended to provide clarity and to align the seasons and regulations with current Department activities, needs, and goals for managing these species for conservation and recreation interests. The changes proposed for marten trapping in coastal counties are intended to minimize potential take of Pacific marten; which was once thought to be extirpated but recently re-discovered on the Olympic Peninsula. The proposed rule changes will provide users with greater understanding of the identified game species, methods of harvest, and season dates for each species.

WAC 220-417-030 Wild animal trapping.

The proposed changes to the wild animal trapping provide clarity to the use of the newly added furbearing species and to align the rule with current Department activities, needs, and goals for managing these species for conservation and recreation interests. Both users and non-users will benefit from these amendments.

Statutory authority for adoption: RCWs 77.04.012, 77.04.055, 77.12.047, and 77.12.240

Statute being implemented: RCWs 77.04.012, 77.04.055, 77.12.047, and 77.12.240

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> 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: This proposal does not require a cost benefit analysis 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 checked="" 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 checked="" 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 _____.

Explanation of exemptions, if necessary:

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: February 10, 2021

Name: Annie Szvetecz

Title: WDFW Agency Rules Coordinator

Signature:

