

Baiting of Deer and Elk

232-12-239, 232-12-245 and 232-12-246

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Summary Sheet

Meeting dates: April 8-9, 2016

Agenda Item: Baiting of Deer and Elk – Rule Decision

Presenter: Mick Cope, Game Division Manager, Wildlife Program

Background summary:

Department staff will brief the Commission on options for proposed rule changes related to using bait to hunt deer and elk in Washington. At the March and April 2015 Commission meetings, this issue was discussed at length and the Commission decided to not change the existing rule. However, the Commission requested that the Department continue to work on the issue, create a small focus group of hunters to investigate the issue more closely, and prepare potential recommended changes for their consideration in 2016.

The Department had been approached by hunters and landowners that do not approve of the practice of baiting for the purposes of hunting deer or elk. Additional input was received as part of the 3-year hunting season package, public process in 2015.

The non-random input the Department received via the website during the 3-year package process indicated that 23% of hunters wanted a ban on baiting with an exception for food plots and agricultural operations. Fourteen percent (14%) of hunters wanted to disallow the use of bait by hunting guides and restrict the manner and volume of baiting by hunters not using guides. A 63% majority of the hunters commenting wanted no change to the rules pertaining to baiting deer and elk.

In a random telephone survey of deer hunters conducted as part of the 2015-17 3-year package, 59% either opposed or strongly opposed baiting for deer. Deer hunters that supported or strongly supported baiting for deer made up 21% of the respondents. Eleven percent (11%) of those surveyed were neutral and 9% didn't know.

In the same random telephone survey, 68% of elk hunters either opposed or strongly opposed baiting for elk. Elk hunters that supported or strongly supported using bait to hunt elk were 14%. Eleven percent (11%) of those surveyed were neutral and 8% didn't know.

Since that time, the Department has facilitated further discussion with a group of hunters interested in the issue. That group met several times over the past year. Through that process, and input received from the Game Management Advisory Council in 2015, it is clear that there is no consensus on this issue other than scents and natural agricultural practices should not be considered baiting. Members of the focus group expressed several points of view ranging from banning all baiting for deer and elk hunting to retaining the ability to bait using any quantity. The committee discussed alternatives to the "all or none" scenario, which resulted in several alternatives that will be presented to the Commission for discussion and possible decision.

A public hearing was held on March 18, 2016 where the commission received a briefing and the public provided comments. Public testimony provided at the meeting represented the pro-baiting perspective and the anti-baiting perspective, with the majority of people supporting the use of bait to hunt deer and elk.

The Department will provide four(4) options for the Commission to consider:

- 1) No change, status quo.
 - 2) A limit on the amount of bait that can be used to hunt deer and elk: new WAC 232-12-246.
 - 3) A restriction on the amount of bait that can be used and a restriction on how close the bait can be placed in relation to another bait pile: new WAC 232-12-245.
 - 4) A complete ban on baiting for hunting deer and elk not including agricultural operations: new WAC 232-12-239.
-

Policy issue(s) you are bringing to the Commission for consideration:

- Regulating the use of bait to hunt deer and elk in Washington.
-

Public involvement process used and what you learned:

A variety of public surveys, meetings, and public hearings have been conducted over the past two years. The results of these efforts demonstrate that this issue is polarizing and has avid proponents on both sides. A consensus did not develop, but some middle ground options were created.

Requests for comments were sent to over 28,000 individuals and organizations through the rulemaking process. Additionally, these individuals and organizations were informed of the opportunity to provide verbal testimony at the March 18-19, 2016 Commission Meeting in Moses Lake. At that hearing, over 20 people provided verbal testimony. The majority of the comments supported retaining the ability to use bait to hunt deer and elk.

Action requested:

Adopt one of the proposed WACs or take no action resulting in status quo

- 1) No change, status quo.
 - 2)WAC 232-12-246 - A limit on the amount of bait that can be used to hunt deer and elk:
 - 3)WAC 232-12-245 - A restriction on the amount of bait that can be used and a restriction on how close the bait can be placed in relation to another bait pile:
 - 4) WAC 232-12-239 - A complete ban on baiting for hunting deer and elk not including agricultural operations:
-

Draft motion language:

Maintain current status: I move the commission maintain the current status for baiting deer and elk and that WACs 232-12-239, 232-12-245, and WAC 232-12-246 not be adopted.

Adopt one of the other options:

- I move to adopt WAC 232-12-239 regarding baiting of deer and elk as presented, and that WACs 232-12-245 and 232-12-246 not be adopted.
 - I move to adopt WAC 232-12-245 regarding baiting of deer and elk as presented, and that WACs 232-12-239 and 232-12-246 not be adopted.
 - I move to adopt WAC 232-12-246 regarding baiting of deer and elk as presented, and that WACs 232-12-239 and 232-12-245 not be adopted.
-

Justification for Commission action:

Response to public request for the Commission to address concerns related to the use of bait for deer and elk hunting.

Communications Plan:

WDFW Website
News Releases
Hunting Pamphlet

Form revised 12/5/12

NEW SECTION

WAC 232-12-239 Baiting for the purposes of hunting deer or elk.

(1) For the purposes of this section:

(a) "Bait" is any salt, grain, fruit, hay or other food-based attractant that could serve as a lure or attraction for deer or elk.

(b) Scent attractants and scent covers are not considered bait.

(2) Except as otherwise provided in this section, it is unlawful to hunt deer or elk using any type of bait placed, exposed, deposited, distributed, scattered, or otherwise used for the purpose of attracting deer or elk to an area where one or more persons intend to hunt them.

(3) Exceptions: Hunting on or over the following is not considered an unlawful use of bait while hunting deer or elk:

(a) Farms or ranches where active agricultural operations including salt or mineral distribution for livestock, crop fields, orchards, vineyards, hay fields, haystacks, or pastures exist;

(b) Abandoned orchards or vineyards;

(c) Naturally occurring mineral deposits; ~~or~~

(d) Food plots planted for wildlife and left undisturbed; or

(e) as authorized by a department permit issued to address a management objective.

(4) A violation of this section is punishable as an infraction under RCW 77.15.160 if no animal has been shot or killed and RCW 77.15.410 Unlawful hunting of big game—Penalty, if an animal has been shot or killed.

[]

NEW SECTION

WAC 232-12-245 Baiting for the purposes of hunting deer or elk.

(1) For the purposes of this section: "Bait" is any substance that could serve as a lure, food, or attraction for deer or elk.

(2) Except as otherwise provided in this section, it is unlawful to hunt for deer and elk using any type of bait placed, exposed, deposited, distributed, scattered, or otherwise used for the purpose of attracting deer or elk ~~to an area where one or more persons intend~~ with the intent to hunt them, if the volume of bait exceeds 10 gallons.

(3) Bait sites of an individual license holder cannot be placed within 200 yards from another known bait site or another bait site of the same license holder.

(4) Exceptions: Hunting on or over the following is not considered an unlawful use of bait while hunting deer or elk:

(a) Locally common agricultural and ranching practices including salt or mineral distribution, and feeding;

(b) Food that is available from undisturbed wild, volunteer, or planted vegetation; including fruit trees, orchards, vineyards, and food plots;

(c) Scents used for cover and attractant that are not consumed by animals;

(d) Naturally occurring mineral deposits; or

(e) As authorized by a department permit issued to address a management objective.

(ef) Exceptions do not include accidental or intentional spills, dumping, or storage of agricultural produce, feed, or bait.

(5) A violation of this section is punishable as an infraction under RCW 77.15.160 if no animal has been shot or killed and RCW 77.15.410 Unlawful hunting of big game—Penalty, if an animal has been shot or killed.

[]

NEW SECTION

WAC 232-12-246 Bait volume limits for the purpose of hunting deer or elk. (1) For the purposes of this section:

(a) "Bait" is any salt, grain, fruit, hay or other food-based attractant that could serve as a lure or attraction for deer or elk.

(b) Scent attractants and scent covers are not considered bait.

(2) Except as otherwise provided in this section, it is unlawful to hunt for deer and elk using any type of bait placed, exposed, deposited, distributed, scattered, or otherwise used for the purpose of attracting deer or elk ~~to an area where one or more persons intend~~with the intent to hunt them, if the volume of bait exceeds 10 gallons (1.34 cubic feet).

(3) Exceptions: Hunting on or over the following is not considered an unlawful use of bait while hunting deer or elk:

(a) Farms or ranches where active agricultural operations including salt or mineral distribution for livestock, crop fields, orchards, vineyards, hay fields, haystacks, or pastures exist;

(b) Abandoned orchards or vineyards;

(c) Naturally occurring mineral deposits; ~~or~~

(d) Food plots planted for wildlife and left undisturbed-; or

(e) as authorized by a department permit issued to address a management objective.

(4) A violation of this section is punishable as an infraction under RCW 77.15.160 if no animal has been shot or killed and RCW 77.15.410 Unlawful hunting of big game—Penalty, if an animal has been shot or killed.

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

WAC 232-12-239 Baiting for the purposes of hunting deer or elk; WAC 232-12-245 Baiting for the purposes of hunting deer or elk; and WAC 232-12-246 –Bait volume limits for the purpose of hunting deer or elk.

Over 1490 comments were received related to the three potential rules that propose to restrict or eliminate the use of bait for hunting deer and elk. Over 75% of the comments were not in favor of changing the existing baiting rules, most of them passionately opposed. Commenters provided a variety of insight into why they opposed a change, including:

- Removes traditional hunting opportunities.
- Unfairly targets youth, senior, and disabled hunters who benefit from hunting over bait.
- Unfairly targets archery hunters who use bait to ensure clean, ethical shots.
- Removes a hunting tool from those who are hunting on small parcels of land in crowded landscapes.
- It is not right to regulate what is ethical for one hunter versus another.
- There is no scientific proof that baiting deer or elk is causing a biological problem.
- Unfairly impacts “working-class” hunters who cannot afford to purchase land or maintain a food plot.
- Restrictions would just be another blow to hunters in Washington.
- Many hunters would no longer hunt and this could reduce revenue.

A small minority (~10%) of the commenters supported eliminating baiting for deer and elk entirely. These commenters were also very definite in their opinions, which were primarily based on concern for disease transmission, unfair hunting, and overall wellbeing for the animals.

Approximately 15% of the comments showed some level of support for restricting the use of bait for deer and elk hunting. Commenters who supported some restriction had more support for the “10 gallon” option than for the “10 gallons with a 200 yard separation” option. The primary reason commenters cited was that the 200 yard restriction would be very difficult to enforce, especially in cases where one hunter may not know the location of another hunter’s bait pile.



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington Department of Fish and Wildlife

Preproposal Statement of Inquiry was filed as WSR 15-24-136 on 12/2/15 and WSR 15-22-107 on 11/4/15 ; 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).

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) The subject of this proposed rule-making effort is the development and/or amendment of deer and elk seasons and permits; baiting regulations for deer and elk; deer and elk area boundaries; special closures and firearm restriction areas; importation of dead wildlife; possession of dead wildlife; reducing the spread of elk hoof disease; cougar seasons and regulations; spring black bear seasons and regulations; bighorn sheep seasons and permits; special hunting season permits; auction, raffle, and special incentive permits; landowner hunting permit program; hunting by persons with a disability; migratory waterfowl seasons, regulations, and closures; upland game bird and other small game seasons and regulations; hunter education deferrals; and other hunting regulations.

Hearing location(s):

Moses Lake Civic Center
401 S. Balsam
Moses Lake, Washington 98837

Date: March 18-19, 2016 Time: 8:30 a.m.

Submit written comments to:

Online: http://wdfw.wa.gov/about/regulations/hunting_regulations
Name: Wildlife Program Commission Meeting Public Comments
Address: 600 Capitol Way North
Olympia, WA 98501-1091
e-mail: Wildthing@dfw.wa.gov
fax: (360) 902-2162 by (date) February 25, 2016

Assistance for persons with disabilities: Contact

Tami Lininger by February 26, 2016

TTY (800) 833-6388 or (360) 902-2267

Date of intended adoption: on or after April 8, 2016

(Note: This is **NOT** the **effective** date)

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

See Attachment A

Reasons supporting proposal:

See Attachment A

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090, 77.32.155.

Statute being implemented: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090, 77.32.155.

Is rule necessary because of a:

Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No
If yes, CITATION: Yes No
CFR Title 50, Part 20, Migratory Bird
Treaty Act

DATE
February 3, 2016

NAME (type or print)
Jacalyn Hursey

SIGNATURE *Jacalyn M. Hursey*

TITLE
Acting Rules Coordinator

CODE REVISER USE ONLY

**OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED**

DATE: February 03, 2016

TIME: 9:33 AM

WSR 16-04-126

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..... Nate Pamplin	Natural Resources Building, Olympia	(360) 902-2515
Implementation....Nate Pamplin	Natural Resources Building, Olympia	(360) 902-2515
Enforcement..... Steven Crown	Natural Resources Building, Olympia	(360) 902-2936

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

These rules apply to recreational hunting and do not affect small business.

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 () _____

e-mail _____

No: Please explain: This proposal does not involve hydraulics.

ATTACHMENT A

Existing Rules Proposed for Amendment

- WAC 232-12-021 Importation and retention of dead nonresident wildlife.
- WAC 232-12-228 Hunter education deferral.
- WAC 232-12-286 Reducing the spread of hoof disease—Unlawful transport of elk hooves.
- WAC 232-12-287 Possession of dead wildlife.
- WAC 232-12-828 Hunting of game birds and animals by persons with a disability.
- WAC 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures.
- WAC 232-28-248 Special closures and firearm restriction areas.
- WAC 232-28-283 Big game and wild turkey auction, raffle, and special incentive permits.
- WAC 232-28-286 2016, 2017, and 2018 Spring black bear seasons and regulations.
- WAC 232-28-296 Landowner hunting permits.
- WAC 232-28-297 2015-2016, 2016-2017 and 2017-2018 Cougar hunting seasons and regulations.
- WAC 232-28-337 Elk area descriptions.
- WAC 232-28-342 2015-16, 2016-17, 2017-18 Small game and other wildlife seasons and regulations.
- WAC 232-28-358 2015-2017 Elk general seasons and definitions.
- WAC 232-28-357 2015-2017 Deer general seasons and definitions.
- WAC 232-28-359 2015 Deer special permits.
- WAC 232-28-360 2016 Elk special permits.
- WAC 232-28-436 2015-2016 Migratory waterfowl seasons and regulations.
- WAC 232-28-622 2015-2017 Bighorn sheep seasons and permit quotas.
- WAC 232-28-624 Deer area descriptions.

New Rule(s) Proposed for Adoption

Department staff is requesting the Fish and Wildlife Commission to adopt one of the following three proposed rules.

- WAC 232-12-239 Baiting for the purposes of hunting deer or elk.
- WAC 232-12-245 Baiting for the purposes of hunting deer or elk.
- WAC 232-12-246 Bait volume limits for the purpose of hunting deer or elk.

WAC 232-12-021 Importation and retention of dead nonresident wildlife.

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

The purpose of the proposal is to add Michigan to the list of states and provinces requiring additional processing of deer, elk, and moose carcasses before they can be brought into Washington. The states and provinces listed in the WAC have confirmed chronic wasting disease (CWD) in their wild, free-ranging populations of cervids.

Reasons supporting proposal:

The proposal reduces the risk of CWD being imported into Washington State via carcasses of animals harvested in other states. Reducing disease risk helps in sustaining deer, elk, and moose populations and hunting opportunities in Washington.

WAC 232-12-228 Hunter education deferral.

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

The proposed rule changes will remove language pertaining to outdated practices, clarify language, and allow the department (Hunter Education and Licensing Divisions) to provide improved customer service.

Reasons supporting proposal:

The existing rules contain outdated elements that are no longer implemented. The proposal will also enable a much higher level of customer service, including: additional payment methods for the hunter education deferral; reduction or elimination of mail costs and delays; elimination of original and replacement deferral cards; opportunity for immediate hunting license purchase; and minor rule clarifications. Department cost savings will be realized via a reduction in staff time to process deferral applications and fees and the reduction or elimination of mailing and printing costs.

WAC 232-12-239 Baiting for the purposes of hunting deer or elk.

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

The purpose of this proposal is to further the public discussion regarding hunting deer and elk using bait. If adopted the rule would make it unlawful to use bait to hunt deer or elk for all hunters.

Reasons supporting proposal:

In the last three years the Department has been approached by hunters and landowners that do not approve of the practice of baiting for the purposes of hunting deer or elk. Additional input was received as part of the 3-year hunting season package, public process in 2015.

The non-random input the Department received via the website during the 3-year package process indicated that 23% of hunters wanted a ban on baiting with an exception for food plots and agricultural operations. Fourteen percent (14%) of hunters wanted to disallow the use of bait by hunting guides and restrict the manner and volume of baiting by hunters not using guides. A 63% majority of the hunters commenting wanted no change to the rules pertaining to baiting deer and elk.

In a random telephone survey of deer hunters conducted as part of the 2015-17 3-year package, 59% either opposed or strongly opposed baiting for deer. Deer hunters that supported or strongly supported baiting for deer made up 21% of the respondents. Eleven percent (11%) of those surveyed were neutral and 9% didn't know.

In the same random telephone survey, 68% of elk hunters either opposed or strongly opposed baiting for elk. Elk hunters that supported or strongly supported using bait to hunt elk were 14%. Eleven percent (11%) of those surveyed were neutral and 8% didn't know.

Although some potential exists, the Department has no data at this time to suggest that the practice of baiting for deer and elk hunting has a negative population or natural resource effect.

The Fish and Wildlife Commission discussed this issue in March and April 2015 and decided to not make changes to the existing rule (baiting for deer and elk hunting is allowed). Since then, the Department has facilitated further discussion with a group of hunters interested in the issue. That group met several times over the past year. Through that process, and input received from the Game Management Advisory Council in 2015, it is clear that there is no consensus on this issue other than scents and natural agricultural practices should not be considered baiting. Members expressed several points of view ranging from banning all baiting for deer and elk hunting to retaining the ability to bait using any quantity. The committee discussed alternatives to the “all or none” scenario, which resulted in several options that will be presented to the Commission for discussion and possible decision. The Commission will consider options that range from banning all baiting to retaining all baiting, including two specific options that consider a volume limit on the amount of bait allowed.

WAC 232-12-245 Baiting for the purposes of hunting deer or elk.

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

The purpose of this proposal is to further the public discussion regarding hunting deer and elk using bait. If adopted the rule would make it unlawful to hunt deer or elk using bait in excess of 10 gallons and bait located closer than 200 yards from another bait site.

Reasons supporting proposal:

In the last three years the Department has been approached by hunters and landowners that do not approve of the practice of baiting for the purposes of hunting deer or elk. Additional input was received as part of the 3-year hunting season package, public process in 2015.

The non-random input the Department received via the website during the 3-year package process indicated that 23% of hunters wanted a ban on baiting with an exception for food plots and agricultural operations. Fourteen percent (14%) of hunters wanted to disallow the use of bait by hunting guides and restrict the manner and volume of baiting by hunters not using guides. A 63% majority of the hunters commenting wanted no change to the rules pertaining to baiting deer and elk.

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options that range from banning all baiting to retaining all baiting, including two specific options that consider a volume limit on the amount of bait allowed.

WAC 232-12-246 Bait volume limits for the purpose of hunting deer or elk.

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

The purpose of this proposal is to further the public discussion regarding hunting deer and elk using bait. If adopted the rule would make it unlawful to hunt deer or elk using bait in excess of 10 gallons.

Reasons supporting proposal:

In the last three years the Department has been approached by hunters and landowners that do not approve of the practice of baiting for the purposes of hunting deer or elk. Additional input was received as part of the 3-year hunting season package, public process in 2015.

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WAC 232-12-286 Reducing the spread of hoof disease—Unlawful transport of elk hooves.

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

The purpose of this proposal is to allow, under certain circumstances, the legal transport of elk hooves coming from GMUs with treponeme associated hoof disease. The amendment would help facilitate current research on treponeme associated hoof disease and make the emergency rule permanent.

Reasons supporting proposal: This proposal helps facilitate research on treponeme associated hoof disease in elk while also helping reduce the probability of the disease spreading.

WAC 232-12-287 Possession of dead wildlife.

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

Currently there is no legal way to salvage and possess deer, elk, or moose that have been killed by a motor vehicle. Per a request by the Fish and Wildlife Commission, the Department has investigated a strategy that would allow salvage and possession of those animals. The proposed amendments to WAC 232-12-287 would facilitate the legal salvage of road-killed deer and elk.

Reasons supporting proposal: This proposal would allow citizens to salvage meat from a deer or elk that has been killed in a vehicle collision.

WAC 232-12-828 Hunting of game birds and animals by persons with a disability.

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

The proposal is intended to reinstitute a rule that was deleted in 2014 related to shooting firearms from vehicles. The anticipated effects would be greater clarity for hunters and enforcement officers.

Reasons supporting proposal:

Currently, all hunters with disabilities are permitted to shoot from their vehicles under RCW 77.32.238. In 2014, WAC 232-12-828 provided language that described how hunters with disabilities can shoot from a vehicle. This language was removed in preparation for an RCW change that was anticipated in 2015. That RCW change never occurred. Hunters with disabilities currently do not have defined guidance for shooting from a vehicle. Recommended language addition reinstitutes how, when, and where hunters with disabilities may shoot from their vehicles. WDFW Enforcement staff and county prosecutors have requested more defined language. The proposed rule change is recommended to stay in rule until the RCW is changed.

WAC 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures.

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

The proposal amends WAC 232-16-740, Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures, to correct an inaccurate boundary description for the closure on the Snake River contained in subsection 6.

Reasons supporting proposal:

Need to provide a clear, accurate description of the boundary for effective enforcement and conservation of migratory bird resources.

WAC 232-28-248 Special closures and firearm restriction areas.

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

The purpose of the proposal is to change the Special Closures and Firearm Restriction Areas rule to clarify a restriction in Grays Harbor County. The restriction in question should only apply during modern firearm deer and elk seasons. The restriction is unnecessary during other times of the year. The restriction still allows hunting to be used as a management tool.

Reasons supporting proposal:

Special closures and firearm restriction areas allow the Fish and Wildlife Commission to restrict or close hunting activity in certain areas and during certain time periods to optimize safety, discourage trespass on restricted lands, and protect sensitive species.

WAC 232-28-283 Big game and wild turkey auction, raffle, and special incentive permits.

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

We are recommending a few minor changes to big game and wild turkey auction, raffle, and special incentive permits hunting for 2016: 1) A new "Three-deer auction permit", valid September 1 - December 31. 2) Allow the Department to extend the areas open to the holder of the single, statewide moose auction permit beyond those open to holders of moose draw permits. 3) Remove GMU 175 from areas available to the holder of the Rocky Mountain bighorn sheep raffle permit.

Reasons supporting proposal:

1) Increase hunter interest in deer hunting and provide additional revenue for the deer/elk section. This was suggested by a citizen group as likely to be attractive to hunters, and will help raise revenue and interest in deer hunting without adverse effects to the resource. This will complement the existing, three-deer raffle permit, which contains similar stipulations.

2) Increase revenue available to monitor moose populations. This was suggested by involved citizens as a way to enhance interest in moose and increase available revenue for moose. For the past 3 years, the Department has documented an expanding front of moose colonization to the west and south of the primary moose areas. We have not had resources to formally survey these areas, but know that there are a few large bull moose that could safely be harvested without interrupting this expansion. We recommend beginning with the auction permit, because hunters bidding for this generally do their own scouting, and thus can actually help us understand moose distribution in these areas.

3) GMU 175 represents the area typically used by the Asotin bighorn sheep herd. Although the herd appears to be slowly rebounding from a disease-related reduction, the number of mature rams has become sufficiently low to generate a biological concern. There are currently an insufficient number of rams in this herd to justify a ram hunt for 2016.

WAC 232-28-286 2016, 2017, and 2018 Spring black bear seasons and regulations.

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

The proposal is intended to establish harvest guidelines for 22 spring bear hunts around the state. The anticipated effects include timber damage or public safety mitigation and providing for hunting recreation within harvest levels described in the 2015-21 Game Management Plan.

Reasons supporting proposal:

Proposed harvest is anticipated to be consistent with the Game Management Plan. In addition, these proposals provide additional tools for landowners to deal with timber damage. Some proposals may help the agency address concerns over public safety.

WAC 232-28-296 Landowner hunting permits.

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

This proposal modifies hunt dates on properties enrolled in WDFW's Landowner Hunting Permit (LHP) program for the 2016 hunting seasons. These sites offer special hunting opportunities to the public through permits issued by WDFW, raffles, or selection by the landowner.

Reasons supporting proposal:

Several years ago, the Fish and Wildlife Commission developed a policy to expand the private lands available to the general public for hunting. One of the programs that was authorized was the Landowner Hunting Permit Program. This program encourages landowners to provide opportunity to the general hunter in exchange for customized hunting seasons and the ability to generate funding to offset the cost of providing public access.

WAC 232-28-297 2015-2016, 2016-2017 and 2017-2018 Cougar hunting seasons and regulations.

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

This proposal includes three alternative options for modifying existing rules. The proposal establishes harvest guidelines for 50 cougar units around the state. Cougar guidelines are designed to provide a long season and hunting opportunity for hunters without the use of dogs (i.e., spot and stalking in snow and/or calling). The anticipated effects are harvest levels consistent with the game management plan, balancing hunting opportunity with sustainable cougar populations.

Reasons supporting proposal:

To provide early and late season hunting opportunity for hunters without the use of dogs (i.e., spot and stalking in snow and/or calling), while maintaining sustainable cougar populations.

WAC 232-28-337 Elk area descriptions.

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

One new Elk Area is being proposed for Asotin County. The proposed addition is intended to reduce agricultural damage.

A change to Elk Area 6054 in Pierce County is proposed. The purpose is to make the boundary more discernable and make hunts held in the Elk Area more effective at mitigating elk damage.

The proposed change to Elk Area 6064 in Grays Harbor and Jefferson Counties removes some public land that was unnecessarily included. The Elk Area was established due to safety concerns but the original boundary included some USFS lands where this concern does not exist.

The proposal removes one Elk Area (EA 6063) in Grays Harbor and Jefferson Counties that is no longer needed.

Reasons supporting proposal:

Elk Areas allow the Fish and Wildlife Commission to adopt hunting seasons that can be conducted at a smaller scale than the Game Management Unit. Setting seasons at this scale allows for more strategic wildlife management using hunting as a tool to control populations and mitigate wildlife conflict.

WAC 232-28-342 2015-16, 2016-17, 2017-18 Small game and other wildlife seasons and regulations.

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

The proposal amends WAC 232-28-342, 2015-16, 2016-17, 2017-18 Small game and other wildlife seasons and regulations, to specify legal season dates, bag limits, and open areas to hunt small game and other wildlife for the 2016-17 and 2017-18 hunting seasons. In this proposal HIP requirements are removed from WAC 232-28-342 and are included in WAC 232-28-436.

Reasons supporting proposal:

Minor modifications to WAC 232-28-342 are needed to provide additional recreational hunting opportunities for disabled hunters, and consolidate migratory game bird regulations due to changes in the federal regulatory process.

WAC 232-28-358 2015-2017 Elk general seasons and definitions.

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

The purpose of this proposal is to retain general season elk hunting opportunity for 2016. The purpose is also to balance the elk hunting opportunity between user groups. The proposal also increases elk hunting opportunity when elk populations allow.

Reasons supporting proposal: This proposal provides for recreational elk hunting opportunity and protects elk from overharvest. The proposal would maintain sustainable general elk hunting season opportunities for 2016. The proposal helps address elk agricultural damage problems and provides for elk population control when needed.

WAC 232-28-357 2015-2017 Deer general seasons and definitions.

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

The purpose of this proposal is to retain general season deer hunting opportunity for 2016. In addition, the purpose of the proposal is to balance the hunting opportunity between user groups. The proposal also increases the opportunity when deer populations allow, and reduces the opportunity when declining deer numbers warrant a change.

Reasons supporting proposal: These proposals provide for recreational deer hunting opportunity and protects deer from overharvest. The proposal would maintain sustainable general deer hunting season opportunities for 2016. The proposal helps address deer agricultural damage problems and provides for deer population control when needed.

WAC 232-28-359 2015 Deer special permits.

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

The purpose of this proposal is to retain special permit deer hunting opportunity for 2016. In addition, the purpose of the proposal is to balance the hunting opportunity between user groups. The proposal also increases the opportunity when deer populations allow, and reduces the opportunity when declining deer numbers warrant a change.

Reasons supporting proposal: These proposals provide for recreational deer hunting opportunity and protects deer from overharvest. The proposal would also maintain sustainable deer special permit hunting season opportunities for 2016. The proposal helps address deer agricultural damage problems and provides for deer population control when needed.

WAC 232-28-360 2015 Elk special permits.

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

The purpose of this proposal is to retain elk special permit hunting opportunity for 2016. The purpose is also to balance the elk hunting opportunity between user groups. The proposal also increases elk hunting opportunity when elk populations allow, and reduces elk hunting opportunity when declining elk numbers warrant a change. The proposal makes minor adjustments to season dates.

Reasons supporting proposal: This proposal provides for recreational elk hunting opportunity and protects elk from overharvest. The proposal would maintain sustainable elk special permit hunting opportunity for 2016. The proposal helps address elk agricultural damage problems and provides for elk population control when needed.

WAC 232-28-436 2015-2016 Migratory waterfowl seasons and regulations.

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

The proposal amends WAC 232-28-436, 2015-16 Migratory waterfowl seasons and regulations, to specify legal season dates, bag limits, and open areas to hunt waterfowl, coot, snipe, band-tailed pigeon, and mourning dove for the 2016-17 hunting season. In this proposal HIP requirements are removed from WAC 232-28-342 and are included in WAC 232-28-436.

Reasons supporting proposal:

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

WAC 232-28-622 2015-2017 Bighorn sheep seasons and permit quotas.

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

We are recommending a few minor changes to bighorn hunting for 2016: 1) Discontinuing ewe permits for the Selah Butte herd (which is declining); 2) Adding ewe permits for the Cleman Mountain herd (which is over-abundant); 3) Adding ram permit opportunity for the Swakane and Chelan Butte herds; 4) Adding ewe permits for disabled hunters, as well as a new category of “immature ram” for disabled hunters, both in the Chelan Butte bighorn sheep herd; and 5) making minor adjustments to season dates.

Reasons supporting proposal:

Maintain population size and hunter opportunity and reduce the risk of bacterial infection from domestic sheep/goats by reducing the tendency of animals in over-abundant herds to foray from their core ranges.

WAC 232-28-624 Deer area descriptions.

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

The proposed changes to the Deer Area Descriptions rule will create three new Deer Areas: one each in Chelan, Kittitas, and Yakima Counties. The proposed additions will accommodate using hunting as a management tool and are intended to reduce agricultural damage in these locations.

Reasons supporting proposal:

Deer Areas allow the Fish and Wildlife Commission to adopt hunting seasons that can be conducted at a smaller scale than the Game Management Unit. Setting seasons at this scale allows for more strategic wildlife management, using hunting as a tool to control populations and mitigate wildlife conflict.