

# Spring Black Bear Season

232-28-286

## TABLE OF CONTENTS

	<u>Page</u>
Summary Sheet .....	1
WAC 232-28-286.....	2
Recommended Adjustments .....	5
Summary of Public Comment.....	6
CR102 .....	7

## Summary

---

**Meeting dates:** April 8-9, 2016

**Agenda item:** Spring Black Bear Seasons – Rule Decision

**Presenter:** Anis Aoude, Carnivore Section Manager, Wildlife Program

---

**Background:**

Staff will brief the Commission on proposed amendments to WAC 232-28-286, 2017-2018 Spring Black Bear Seasons and Regulations.

The Fish and Wildlife Commission has implemented spring bear damage hunts in western Washington to reduce bear damage to trees in the spring and to reduce negative wildlife interactions with the public. The Department is recommending changes in western Washington areas that will affect the 2017 and 2018 spring seasons. The proposal adds five permits to each of two Game Management Units (GMUs) in areas where nuisance complaints are high and reduces permits in a GMU where harvest has been low over the past several years. In addition, minor changes are proposed to include appropriate corporate ownership names for industrial timberland owners where existing spring bear hunts are conducted.

---

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

- Address and prevent timber damage and wildlife conflict issues using hunters.
- 

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

The Department conducted an extensive public involvement process to develop the 2015-2017 hunting season recommendations last year. For 2016, notification was made to approximately 28,000 individuals and organizations informing them of the opportunity to provide comment on the proposed regulations. 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.

---

**Action requested:**

Amend WAC 232-28-286, as proposed.

---

**Draft motion language:**

I move to amend WAC 232-28-286, as proposed.

---

**Justification for Commission action:**

Use spring bear hunting opportunity to mitigate timber damage and other wildlife conflict issues, while sustaining a viable bear population consistent with the game management plan objectives.

---

**Communications Plan:**

WDFW Website  
News Releases  
Hunting Pamphlet

---

*Form revised 3/23/16*

AMENDATORY SECTION (Amending WSR 15-10-066, filed 5/1/15, effective 6/1/15)

**WAC 232-28-286 ~~2016~~, 2017, and 2018 Spring black bear seasons and regulations.** It is unlawful to fail to comply with the provisions of this section. A violation of this section is punishable under RCW 77.15.410, 77.15.245, or 77.15.280, depending on the circumstances of the violation.

**Who May Apply:** Anyone with a valid Washington big game license, which includes black bear as a species option.

**Hunt Areas, Permit Levels, and Season Dates for Each License Year:**

Hunt Name	Hunt Area	Permits <sup>a</sup>	Season Dates <sup>b</sup>
Sherman	GMU 101	50	April 1 - June 15
Kelly Hill	GMU 105	50	April 1 - June 15
Douglas	GMU 108	40	April 1 - June 15
Aladdin	GMU 111	50	April 1 - June 15
49 Degrees North	GMU 117	100	April 1 - June 15
Huckleberry	GMU 121	100	April 1 - June 15
Blue Creek	GMU 154	15	April 15 - May 31
Dayton	GMU 162	15	April 15 - May 31
Tucannon	GMU 166	5	April 15 - May 31
Wenaha	GMU 169	45	April 15 - June 15
Mt. View	GMU 172	15	April 15 - May 31
Lick Creek	GMU 175	15	April 15 - May 31
Couse	GMU 181	4	April 15 - May 31
Grande Ronde	GMU 186	5	April 15 - May 31
<u>Kitsap</u>	<u>GMU 627</u>	<u>5</u>	<u>April 15 - May 31</u>
<u>Mason</u>	<u>GMU 633</u>	<u>5</u>	<u>April 15 - May 31</u>
Bear River <sup>b</sup>	GMU 681	20	April 15 - May 31
Long Beach <sup>bd</sup>	GMU 684	20	April 15 - May 31
North Skagit <sup>e</sup>	That portion of GMU 418 that is designated as the hunt area by DNR, Sierra Pacific, (( <del>Longview</del> )) Weyerhaeuser-Columbia Timber Lands, and Grandy Lake Timber company.	30	April 15 - June 15

Hunt Name	Hunt Area	Permits <sup>a</sup>	Season Dates <sup>b</sup>
Monroe <sup>c</sup>	That portion of GMU 448 that is designated as the hunt area by DNR((;)) and Campbell ((Group, and Longview Timber Lands)) Global.	25	April 15 - June 15
Copalis <sup>bd</sup>	((That portion of GMU 642 that is designated as the hunt area by Rayonier Timber Company.)) GMU 642	((100)) 50	April 15 - June 15
Kapowsin <sup>e</sup>	That portion of GMUs 653 and/or 654 that is designated as the hunt area by Hancock Forest Management and International Forestry.	150	April 15 - June 15

~~<sup>a</sup> Permits are valid for the license year they are issued.~~

~~<sup>b</sup> Mostly private lands; access is extremely limited. Please secure access prior to applying for these hunts.~~

~~<sup>c</sup> Spring black bear hunting seasons to reduce black bear damage to trees.~~

~~<sup>d</sup> Firearm restriction area.~~

**Bag Limit:** One black bear per black bear special permit season.

**License Required:** A valid big game hunting license, which includes black bear as a species option, is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option.

**Hunting Method:** Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of dogs or bait to hunt black bear is prohibited statewide.

**Submitting Bear Teeth:** Successful bear hunters must submit the black bear premolar located behind the canine tooth of the upper jaw.

[Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-066 (Order 15-99), § 232-28-286, filed

5/1/15, effective 6/1/15. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 13-11-078 (Order 13-94), § 232-28-286, filed 5/16/13, effective 6/16/13. Statutory Authority: RCW 77.12.047. WSR 12-12-006 (Order 12-90), § 232-28-286, filed 5/23/12, effective 6/23/12; WSR 11-16-015 (Order 11-167), § 232-28-286, filed 7/22/11, effective 8/22/11. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 77.32.070, and 77.32.530. WSR 10-10-061 and 11-02-044 (Orders 10-94 and 10-94A), § 232-28-286, filed 4/30/10 and 12/30/10, effective 5/31/10 and 1/30/11. Statutory Authority: RCW 77.12.047, 77.12.020. WSR 09-09-082 (Order 09-52), § 232-28-286, filed 4/15/09, effective 6/16/09; WSR 08-01-052 (Order 07-292), § 232-28-286, filed 12/13/07, effective 1/13/08. Statutory Authority: RCW 77.12.047. WSR 07-01-049 (Order 06-300), § 232-28-286, filed 12/14/06, effective 1/14/07; WSR 06-11-030 (Order 06-90), § 232-28-286, filed 5/8/06, effective 6/16/06.]

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

**RECOMMENDED ADJUSTMENTS**

**Page 2**

Change: Removing the year 2016.

Rationale: This WAC is intended to effect the 2017 and 2018 seasons only.

**Pages 2 and 3**

Change: Removing the notes from this WAC.

Rationale: The notes are information and are published in the pamphlet, but do not need to be included in the WAC.

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

WAC 232-28-286 2016-2018 Spring Black Bear Seasons and regulations.

### **Summary of Comments:**

We received 71 online comments on this recommendation. The most common comment (25% of comments) was from people that would like to see us expand the spring bear hunt to more units throughout the state.

The second most common comment (22% of comments) was from people that would like baiting to be a legal method of recreational bear hunting.

The third most common comment (19% of comments) agreed with the Department recommendation.

The remaining comments (34%) included people wanted to see a general spring bear hunt (10%); people that wanted to use hounds for bear hunting (7%); people that had miscellaneous suggestions that did not fit a specific category (7%); people that complained about timber companies charging for, or restricting access (5%); people that did not want bear hunting to take place (4%); and people that wanted more permits issued (1%).

### **Direction and Rationale:**

Spring bear seasons are typically provided to address a specific management need, such as tree damage on industrial timberlands, nuisance and damage, or to better distribute harvest. Spring bear seasons are assessed in combination with fall bear harvest, using trends in the percent of female bears in the harvest, the median age of harvest males, the median age of harvested females, and total harvest.

In terms of the comments that wanted some form of more liberal bear seasons, the bear populations will be assessed again prior to the next 3-year hunting season package using the same harvest parameters plus any additional research data from ongoing projects.

In terms of the comments that indicated they wanted bear baiting or hounds reinstated, these hunting methods are prohibited by state statute, not by commission rule. As such, they are beyond the scope of the Fish and Wildlife Commission rulemaking process.

In terms of the comments related to timber companies charging for access. We have considered this and try to provide some public access areas within those hunt areas. We do not have the authority to prohibit private landowners from charging access fees to their land.



# 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](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](mailto: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.

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 232-12-246 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.

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 232-12-286 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.