

**Landowner Hunting Permits (LHP) and Landowner Raffle Hunts
Briefing and Public Comment**

WAC 220-412-050 Landowner raffle hunts.
WAC 220-412-100 Landowner hunting permits

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Summary Sheet

Meeting dates: March 13-14, 2020

Agenda item: Landowner Hunting Permits (LHP) and Landowner Raffle Hunts–
Briefing and Public Hearing

Presenter(s): Ciera Strickland, Private Lands Access Program Manager

Background summary: Department staff will brief the commission on:

- WAC 220-412-050 Landowner raffle hunts.
- WAC 220-412-100 Landowner hunting permits

WAC 220-412-050 Landowner raffle hunts, staff propose adjusting the submission date from December 31 to May 1, to coincide with the new standard operating procedure under the Landowner Hunting Permit WAC 220-412-100.

WAC 220-412-100 Landowner hunting permits, staff proposes changes to the standard operating procedure for the Landowner Hunting Permit (LHP) Program. Over the past year, the department has held public meetings and active stakeholder/landowner meetings to assess the current views of the program. These comments have been taken into consideration as well as input from WDFW staff which has resulted in the development of the new standard operating procedure for the LHP program. The Landowner Hunting Permit WAC has been adjusted to reflect the new requirements for the LHP program as outlined in the standard operating procedure. No new adjustments to hunt dates or permit allocations are proposed at this time.

Staff recommendation:

Adoption of the new WACs as written.

Policy issue(s) and expected outcome:

Adjustment of submission date.

Fiscal impacts of agency implementation:

None.

Public involvement process used and what you learned:

The department provided public input opportunity on proposed hunting seasons via the department website for a three-week time period. Additionally, these individuals and organizations were informed of the opportunity to provide verbal testimony at the March 13-14, 2020 Commission meeting.

Please see attachment A, public comments.

Action requested and/or proposed next steps:

Take public comment. Adoption is planned for the April 10-11, 2020 Commission meeting.

WAC 220-412-050 Landowner raffle hunts. The commission, in consultation with the director and by agreement with cooperating private landowners, may authorize hunts for big game animals through raffle.

~~((1.))~~ (1) The manager of property under contract with WDFW will conduct the landowner raffle drawing. Raffle tickets will be sold for not more than \$25.00 each.

~~((2.))~~ (2) Any person may purchase landowner raffle tickets in addition to WDFW raffle tickets and participate in auctions and special hunting season permit drawings.

~~((3.))~~ (3) The landowner raffle winners must possess the appropriate hunting license and transport tag prior to participating in the landowner raffle hunt.

~~((4.))~~ (4) The landowner deer or elk raffle hunt winners may purchase an additional deer or elk hunting license and obtain a second transport tag for use on the contracted lands if approved and authorized by the cooperating private landowner.

~~((5.))~~ (5) If an additional deer or elk hunting license and transport tag are acquired by a raffle winner, the additional transport tag can only be used on the contracted lands during the raffle hunt.

~~((6.))~~ (6) Hunting licenses or transport tags obtained pursuant to a raffle may not be resold or reassigned.

~~((7.))~~ (7) The manager of property under contract with WDFW who is conducting an authorized raffle will provide an annual report to the department of fish and wildlife prior to ~~((December 31))~~ May 1st. The report will include information on how the event was administered, where and when it occurred, who the winners were, the cost of tickets, and the number of tickets sold.

~~((8.))~~ (8) Anyone may participate in landowner raffles.

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

WAC 220-412-050 Landowner Raffle Hunts

We received 147 total comments on this proposed rule change. All comments relating to this rule were received through our online survey.

Written Supporting Comments:

Forty-six percent of the respondents indicated that they were in favor of the proposed changes. Of those that generally agreed, one individual provided written comment that suggested that under this WAC, advertising of any raffle hunts should be required.

Written Opposing, Neutral, and Other Comments:

Eleven percent of the respondents indicated an opposing position on the rule. Of those two provided written comment. One individual simply stated that they were opposed to all landowner raffle hunts. The other individual stated their opposition to Landowner Raffle hunts and associated this practice with the privatization of wildlife.

Forty-three percent of the respondents indicated a neutral position on the rule. Of those two provided written comment. One individual stated that they opposed all landowner permits and that landowners should not be able to manage/sell access to a public resource such as wildlife. The other individual stated that more background information would have been helpful.

Rationale-Agency Action Regarding Comments:

Those who provided comment who demonstrated opposition made general statements regarding their opposition to landowner raffle hunts and the privatization of wildlife. Neither comment directly related to the specific change being recommended to the rule and therefore were not used in the decision to obstruct this rule from moving forward.

Those who provided comments who demonstrated a neutral position made general statements regarding opposition to landowners receiving permits and that the managing and selling of access for a public resource should not be allowed. The second comment was general and simply stated more background information would have been helpful. Neither comment directly related to the specific change being recommended to the rule and therefore were not used in the decision to obstruct this rule from moving forward.

Those who provided comments who demonstrated support for the changes simply made one suggestion that advertising should be required for landowners who perform raffles. This will be taken into consideration in the future but since it does not directly relate to the specific change being recommended, it will not be implemented at this time.

WAC 220-412-100 Landowner hunting permits. (1) A landowner may enter into a contract with the department and establish boundaries and other requirements for hunter access consistent with commission policy.

(2) It is unlawful (~~((for hunters))~~) to participate in (~~((landowner permit hunts unless the hunters possess both an access permit from the landowner and a hunting permit from the department for the species covered under the landowner's contract))~~) landowner hunter permit (LHP) without a landowner LHP permit from the landowner or a public LHP permit from the department for the species covered under the landowner's contract and possess an unfilled tag for said species. A violation of this section is punishable under RCW 77.15.410.

(3) **Acceptance Guidelines**

(a) LHP contracts must provide one or both of the hunting opportunities listed below for the public via landowner permits and public permits:

- Hunting opportunity that otherwise would not exist.
- Hunting opportunity that helps resolve chronic crop damage problems that have been documented by WDFW.

(b) WDFW will deny LHP applications that do not provide substantial public access benefit beyond the allotted WDFW public permit opportunity.

• For the purposes of this program, "substantial public benefit" will be defined as access for the general public to the property outside of the designated LHP permit season, for any of the following activities: General season or special permit hunting access for deer, elk, bear, cougar, sheep, goat, moose, upland game birds, turkey, waterfowl, dove or other nonhunting activities such as wildlife viewing or fishing. At a minimum, the LHP property must allow access for at least two types of recreational opportunity outside of the designated LHP permit seasons for deer and elk. Each LHP agreement must demonstrate a substantial public benefit to the citizens of the state and the wildlife resources of the area. For further information regarding public benefit, please refer to the standard operating procedure.

(c) Lands in a single LHP must have a minimum huntable acreage of 1,000 acres.

- Lands that are contiguous can span GMU boundaries.
- Lands that are not contiguous have to reside within the same GMU.

(d) Only 2 LHP contracts will be active at the same time in each WDFW district (Appendix B). If an LHP crosses district boundaries, the LHP will be considered to be in the district containing the majority of the land and/or hunting opportunity.

(e) WDFW will prioritize LHP applications that score the highest using the scoring matrix (Criteria - Appendix D in the standard operating procedure). In addition to LHP hunts, "no-fee" general public access opportunity is required (e.g., general deer, elk, turkey, upland hunting, or other opportunities as stated in (b) of this subsection). Special accommodations for hunters with disabilities, youth, seniors, and designated master hunters are also strongly encouraged, as well as "no-fee" access for special permit holders (e.g., elk, bear, moose and bighorn sheep).

(f) To ensure predictability for landowners, hunters, and WDFW, all landowners who enter into an LHP contract in April are required to abide by the conditions of the LHP contract for the term of the contract. Any changes in property ownership, total acreage or management practices on the land(s) enrolled in the LHP will require an amendment to the contract. WDFW reserves the right to alter conditions to the contract if an amendment is required. It is the responsibility of the landowner to inform the proper WDFW regional staff of any changes. Not providing accurate information may result in the termination of the contract.

(g) Landowners may only be involved in one LHP statewide.

(4) **Program Guidelines**

(a) Policy C-6002 divides hunting on LHP cooperator lands into public and landowner permit opportunities. Public opportunity is defined as permits that are drawn through the WDFW permit drawing system or are drawn through a public raffle. Landowner opportunity is defined as those permits allocated to and distributed by the LHP cooperator(s).

(b) No LHP permits for elk will be issued in those GMUs where branch-antlered bull elk hunting is by quality or bull elk special permits only.

(c) No LHP permits for deer will be issued in those GMUs where antlered deer hunting is by quality or buck deer special permits only.

(d) Landowners may sell access associated with landowner LHP permits, but then must waive the right to claims for wildlife damage. Selling access may also affect landowner liability as described in RCW 4.24.200 and 4.24.210. It is the responsibility of the landowner to ensure they are protected against liability claims.

(e) WDFW will draw permits for public hunting opportunity through the licensing permit drawing system or through a public raffle. Public raffles must be conducted according to state laws and regulations including, but not limited to, WAC 220-412-050 and as outlined in the commission policy C-6002.

(f) Access to LHP property and associated hunting will be free of charge for individuals who draw a public LHP permit. Hunting opportunity (i.e., location, length of time, season of the hunt and hunting area) must be equivalent for public permit holders and landowner permit holders. Landowners not meeting this requirement will have their LHP contract voided. Landowners in an LHP may be required to provide evidence verifying equitability between both the public and landowner permits.

(g) Lands in an LHP contract will be identified on the WDFW website, along with other private and public hunting lands. The cooperator or WDFW may create additional detailed maps to better inform the public. Any additional maps or materials may also be posted on the WDFW website.

(h) LHP boundaries will be posted with WDFW approved signs in accordance with boundary posting requirements section of the standard operating procedure.

(i) LHP properties may not have fences that alter or prevent the natural movement of wildlife.

(j) All LHP permits are only valid within the identified LHP property boundaries. Any wildlife harvested outside the boundaries of the LHP using an LHP permit will be considered a "closed season" violation. LHP permits are not valid on private or public in-holdings that are not included in the LHP contract.

(k) Any cost to implement the program, other than costs typically covered by WDFW (e.g., WDFW staff time and LHP signage), will be the responsibility of the landowner.

(l) Damage prevention permits authorized under WAC 220-440-060 will be issued to LHP cooperators only if WDFW deems it necessary to control damage.

(m) All LHP contracts will be tied to the three-year season setting cycle.

(n) LHP permits will be allocated annually. WDFW regional staff will provide permit recommendations to the private lands section manager by mid-November of each year.

(o) A cooperator who does not comply with their LHP contract may have their contract voided by the department. If their contract is voided, they will not be able to reapply until the next application cycle and forfeit any remaining permits to WDFW. If a contract is voided, the LHP property may be enrolled in another WDFW access program without having to wait until the next LHP application cycle.

(p) WDFW at its discretion may deny any LHP application for biological or social reasons.

(q) LHPs shall not be authorized in areas where other access opportunities may be jeopardized.

(r) Due to the limited availability of habitat funding, LHP properties will not be prioritized for any funding available to the private lands access program for the purposes of habitat enhancement, restoration or other habitat related activities. This does not include federal programs, where WDFW staff provide technical assistance.

Annual reports (Appendix C) will be required for all LHP properties. The annual report form will be mailed to the landowners with their LHP permits each year. Reports are due back to the private lands section manager no later than May 1st of the following year. Failing to mail/send completed harvest reports may result in a delay in issuing permits the following hunting season. Chronic failure to submit reports will lead to voiding of the LHP contract.

(5)(a) **Buckrun**

(i) Buckrun is located in Grant County, near the town of Wilson Creek.

(ii) Hunting on Buckrun is managed for a quality experience by scheduling hunt dates and keeping the number of hunters in the field low. Hunters with limited flexibility for hunt dates may experience scheduling problems. Hunters can generally expect one-day hunts during the permit seasons with written authorization from the Buckrun manager. All hunters must check in and out with the landowner or their designee on hunt day. Hunts are scheduled on a first-come basis by calling 509-345-2577 in advance.

(b) **Buckrun landowner hunting permits**

(i) Buckrun's manager will distribute Buckrun's landowner hunting permits. Buckrun may charge an access fee for these permits, but not for winning raffle permits. Only hunters possessing a modern firearm deer tag are eligible for permits on Buckrun's properties. Contact the manager at 509-345-2577 for additional information.

(ii) **Deer Seasons for the landowner portion of LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Buckrun	10	Sept. 1 - Dec. 31	Antlerless Mule Deer or any White-tailed Deer	Buckrun
Buckrun	30	Sept. 1 - Dec. 31	Any deer	Buckrun

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Buckrun Raffle	10	Oct. 25 - Dec. 31	Any deer	Buckrun

(c) **Buckrun ((special)) public hunting permits**

(i) Hunters must apply to the Washington department of fish and wildlife for Buckrun's special hunting permits. Only hunters possessing a modern firearm deer tag are eligible for these special permits. All hunters must check in and out with the landowner or their designee. Hunts must be scheduled in advance by calling 509-345-2577.

(ii) **Deer Seasons for the public portion of the LHP permits:**

Hunt Name	Permit Number	Permit Season	Special Restrictions	Boundary Description
Buckrun	10	Sept. 1 - Dec. 31	Antlerless	Buckrun

((+4)) (6) (a) **Silver Dollar Association**

The Silver Dollar Association is located in Yakima and Benton counties, on the western edge of the Hanford Reservation. ((A legal description of the property is in the contract between the Silver Dollar Association and the department.))

(b) **Silver Dollar Association landowner hunting permits**

(i) The Silver Dollar Association's manager will distribute the association's landowner hunting permits. The association may charge an access fee for these permits.

(ii) **Elk Seasons for the landowner portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Silver Dollar	24	Aug. 1 - March 31	Any Elk	Silver Dollar
Silver Dollar	8	Aug. 1 - March 31	Antlerless	Silver Dollar

(c) **Silver Dollar Association ((special)) public hunting permits**

(i) Hunters must apply to the department for the Silver Dollar Association's special hunting permits.

(ii) **Elk Seasons for the public portion of the LHP permits:**

Hunt Name	Permit Number	Weapon/Tag	Permit Season	Special Restrictions	Boundary Description
Silver Dollar	8	EF	Aug. 1 - March 31	Youth Only, Any Elk	Silver Dollar
Silver Dollar Antlerless Elk	6	EF	Aug. 1 - March 31	Youth Only, Antlerless Elk Only	Silver Dollar
Silver Dollar Antlerless Elk	2	EF	Aug. 1 - March 31	Persons of Disability Only, Antlerless Elk Only	Silver Dollar

((+5)) (7) (a) **Blackrock Ranches**

Blackrock Ranches is located in Yakima County west of the Hanford Reservation. ((A legal description of the property is in the contract between Blackrock Ranches and the department.))

(b) **Blackrock Ranches landowner hunting permits**

(i) Blackrock Ranches' manager will distribute the ranches' landowner hunting permits. Blackrock Ranches may charge an access fee for these permits.

(ii) **Elk Seasons for the landowner portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Blackrock Ranches	6	Aug. 1 - March 31	Any Elk	Blackrock Ranches

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Blackrock Ranches	2	Aug. 1 - March 31	Antlerless	Blackrock Ranches

(c) **Blackrock Ranches ((special)) public hunting permits**

(i) Hunters must apply to the department for Blackrock Ranches' special hunting permits. To apply, hunters must have an eastside elk tag.

(ii) **Elk Seasons for the public portion of the LHP permits:**

Hunt Name	Permit Number	Weapon/Tag	Permit Season	Special Restrictions	Boundary Description
Blackrock Ranches	1	EF	Aug. 1 - March 31	Any Elk	Blackrock Ranches
Blackrock Ranches	1	EF	Aug. 1 - March 31	Antlerless Only	Blackrock Ranches
Blackrock Ranches	1	EF	Aug. 1 - March 31	Youth Only, Any Elk	Blackrock Ranches
Blackrock Ranches	1	EF	Aug. 1 - March 31	Youth Only, Antlerless Only	Blackrock Ranches

~~((+6))~~ (8) (a) **Pine Mountain Ranch**

The Pine Mountain Ranch is located in Yakima County 14 miles west of Yakima. ~~((A legal description of the property is in the contract between the Pine Mountain Ranch and the department.))~~

(b) **Pine Mountain Ranch landowner hunting permits**

(i) Pine Mountain Ranch's manager will distribute the ranch's landowner hunting permits. Pine Mountain Ranch may charge an access fee for these permits.

(ii) **Deer Seasons for the landowner portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Pine Mountain Ranch	3	Nov. 4 - Dec. 31	Any Buck	Pine Mountain Ranch

(iii) **Elk Seasons for the landowner portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Pine Mountain Ranch	1	Aug. 1 - Dec. 31	Any Bull	Pine Mountain Ranch
Pine Mountain Ranch	2	Aug. 1 - Dec. 1	Antlerless	Pine Mountain Ranch

(c) **Pine Mountain Ranch ((special)) public hunting permits**

(i) Hunters must apply to the department for Pine Mountain Ranch's special hunting permits.

(ii) **Deer Seasons for the public portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Pine Mountain Ranch	3	Nov. 4 - Dec. 31	Youth Only, Any Buck	Pine Mountain Ranch

(iii) **Elk Seasons for the public portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
Pine Mountain Ranch	1	Aug. 1 - Dec. 31	Youth Only, Any Bull	Pine Mountain Ranch
Pine Mountain Ranch	2	Aug. 1 - Dec. 1	Antlerless	Pine Mountain Ranch

((+7)) (9) (a) **Columbia Plateau Wildlife Management Association**

(i) The Columbia Plateau Wildlife Management Association (CPWMA) landowner hunting permit area is located in Spokane County (GMU 130) near Turnbull National Wildlife Refuge. ~~((A legal description of the property is in the contract between the CPWMA and the department.))~~

(ii) Landowner permit hunts are primarily ~~((damage))~~ small ranch hunts but are managed for a quality experience by keeping the number of hunters in the field low.

(b) **Columbia Plateau Wildlife Management Association landowner hunting permits**

(i) CPWMA's manager will distribute the association's landowner hunting permits. CPWMA will not charge an access fee for raffle permit winners. Only hunters possessing an elk tag are eligible for permits on CPWMA's properties. All successfully drawn permit applicants must have written authorization from CPWMA's manager and must check in and out with CPWMA's designee at the beginning and ending of the scheduled hunting dates. Successful applicants will receive a packet of information with forms to complete and a map showing the hunt area. These applicants must complete the forms and return them before September 30. Applicants should see CPWMA's website at www.cpwma.org or contact the hunt manager at 509-263-4616. Holders of landowner permits selected through raffle, including 9 antlerless elk and 2 any elk permits, are eligible to purchase second elk tags that may only be used on lands included in the CPWMA LHP.

(ii) **Elk Seasons for the landowner portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
CPWMA	1	Jan. 1 - Mar. 31	Antlerless	CPWMA
CPWMA	1	Jan. 1 - Mar. 31	Any Bull	CPWMA
CPWMA Raffle 1	3	Jan. 1-31	Antlerless	CPWMA
CPWMA Raffle 2	3	Feb. 1-28	Antlerless	CPWMA
CPWMA Raffle 3	3	Mar. 1-31	Antlerless	CPWMA
CPWMA Raffle 4	2	Jan. 1 - Mar. 31	Any Bull	CPWMA

(c) **Columbia Plateau Wildlife Management Association ((special)) public hunting permits**

(i) Hunters must apply to the department for CPWMA's special hunting permits. All successfully drawn permit applicants must have written authorization from CPWMA's manager and must check in and out with CPWMA's designee at the beginning and ending of the scheduled hunting dates. Successful applicants will receive a packet of required information with forms to complete and a map showing the hunt area. These applicants must complete the forms and return them before September 30. Applicants should see CPWMA's website at www.cpwma.org or contact the hunt manager at 509-263-4616.

(ii) **Elk Seasons for the public portion of the LHP permits:**

Hunt Name	Quota	Access Season	Special Restrictions	Boundary Description
CPWMA 1	1	Jan. 1 - Mar. 31	Any Bull	CPWMA

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

WAC 220-412-100 Landowner Hunting Permits

We received 139 total comments on this proposed rule change. All comments relating to this rule were received through our online survey.

Written Supporting Comments:

Thirty-eight percent of the respondents indicated that they were in favor of the proposed changes. Of those that generally agreed, two individuals provided written comment. Both respondents were in favor of the revisions and gave praise to WDFW for acting.

Written Opposing, Neutral, and Other Comments:

Nine percent of the respondents indicated an opposing position on the rule. Of those, two provided written comment. One individual simply stated that they were opposed to any form of fee hunting. The other individual stated that this program should be abolished due to too many special interests at the landowner level.

Fifty-three percent of the respondents indicated a neutral position on the rule. Of those, one provided written comment. This individual stated that there have been many misrepresentations by landowners who give their permits to friends and family. This individual also stated that permits should be prioritized to public hunters based upon their proximity to the hunting location.

Rationale-Agency Action Regarding Comments:

Those who provided comment in opposition were general regarding their opposition to all types of fee hunting. Some stated that the program should be abolished due to too many special interests at the Landowner level. Regarding the latter comment, WDFW recognized that this was a public concern and believes that the new requirements under the rule should alleviate these issues moving forward.

Out of those who provided comment taking a neutral position, there was one general statement made regarding opposition to permits being only given to friends and family of the landowner. It was also stated that permits should be given to hunters in close proximity to the LHP property rather than those hunters who are further away. Under the current system, many of the allocated WDFW permits are raffled or draw permits through the WDFW Licensing system. We think prioritizing location preference creates an unfair advantage.

Those who demonstrated support for the rule changes provided comment and praised WDFW for taking action and revising this program.



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320) Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 05, 2020
TIME: 9:19 AM

WSR 20-04-091

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 20-01-123 on December 16, 2019 ; or

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

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

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) The department seeks to adopt rules concerning the 2020-2021 season setting.

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 220-412-050 Landowner raffle hunts.

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

WAC 220-412-090 Multiple season big game permits.

WAC 220-412-100 Landowner hunting permits.

WAC 220-413-180 Special closures and firearm restriction areas.

WAC 220-413-200 Reducing the spread of hoof disease—Unlawful transport of elk hooves.

WAC 220-415-020 2018-2020 Deer general seasons and definitions.

WAC 220-415-030 2019 Deer special permits.

WAC 220-415-040 Elk area descriptions.

WAC 220-415-050 2018-2020 Elk general seasons and definitions.

WAC 220-415-060 2019 Elk special permits.

WAC 220-415-070 2019 Moose seasons, permit quotas, and areas.

WAC 220-415-100 2018-2019 and 2019-2020 Cougar.

WAC 220-415-120 2019 Bighorn sheep seasons and permit quotas.

WAC 220-415-130 2019 Mountain goat seasons and permit quotas.

WAC 220-416-010 2018-2019, 2019-2020, 2020-2021 Small game and other wildlife seasons and regulations.

WAC 220-416-040 Hunting predatory birds.

WAC 220-416-060 2019-2020 Migratory waterfowl seasons and regulations.

WAC 220-440-060 Killing wildlife causing private property damage.

Hearing location(s):

Date: **Time:** **Location:** (be specific) **Comment:**

March 13-14, 2020	8:00 a.m.	Red Lion Columbia Center 1101 N. Columbia Center Blvd. Kennewick, Washington 99336	
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Date of intended adoption: April 10-11, 2020 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Wildlife Program

Address: PO Box 43200, Olympia, WA. 98504

Email: wildthing@dfw.wa.gov

Fax: (360) 902-2162

Other: <https://wdfw.wa.gov/hunting/regulations/season-setting>

By (date) February 26, 2020

Assistance for persons with disabilities:

Contact Dolores Noyes

Phone: (360) 902-2349

Fax:

TTY: (800) 833-6388

Email: dolores.noyes@dfw.wa.gov

Other:

By (date) March 6, 2020

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

WAC 220-410-050 Game management unit (GMU) boundary descriptions—Region five.

The purpose of this proposal is to correct any errors in the boundary descriptions for game management unit 506.

WAC 220-410-060 Game management unit (GMU) boundary descriptions—Region six.

The purpose of this proposal is to correct any errors in the boundary descriptions for game management unit 673.

WAC 220-412-050 Landowner raffle hunts.

The purpose of this proposal is to alter the adjustment of annual report submission date requirements from December 31 to May 1, to coincide with WAC 220-412-100. This also allows enrolled landowners to submit all required reports at the same time.

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

This proposal adds game management units (GMUs) 186 and portions of GMU 181 (south of the line made by starting at Montgomery Ridge Road and Highway 129, to the Sherry Grade Road, to the Couse Creek Road, to the Snake River) to the legal hunt area for the Rocky Mountain Bighorn Sheep Raffle Permit.

WAC 220-412-090 Multiple season big game permits.

The purpose of this proposal is to clarify language.

WAC 220-412-100 Landowner hunting permits.

The purpose of this proposal is to further develop the standard operating procedure for the Landowner Hunting Permit (LHP) Program. The Landowner Hunting Permit WAC has been adjusted to reflect the new proposed requirements for the LHP program, as outlined in the standard operating procedure. The revised standard operating procedure anticipates better management, monitoring, and an improved experience for the general public, while recreating on properties enrolled in the Landowner Hunting Permit.

WAC 220-413-180 Special closures and firearm restriction areas.

The proposed administrative changes remove the reference to “wooden towers” from the description for the Columbia River Restricted Hunting Area. Corrections are made to the spelling of Newberry (from Newbury) Hill Road for the Firearm Restriction Area in Kitsap County.

WAC 220-413-200 Reducing the spread of hoof disease—Unlawful transport of elk hooves.

The purpose of this proposal is to abolish the rule.

WAC 220-415-020 2018-2020 Deer general seasons and definitions.

The purpose of this proposal is to retain general season deer hunting opportunities for 2020. It also aims to balance the hunting opportunities between user groups. The proposal also increases opportunities when deer populations allow and reduces opportunities when declining deer numbers warrant a change.

WAC 220-415-030 2019 Deer special permits.

The purpose of this proposal is to retain special permit for deer hunting opportunities for 2020. It also balances hunting opportunities between user groups, increases opportunities when deer populations allow, and reduces opportunities when declining deer numbers warrant a change. Lastly, it adds language that clarifies the bag limit is one deer, except where otherwise permitted by department rule, even if permits are drawn for more than one deer hunt category.

WAC 220-415-040 Elk area descriptions.

The purpose of the proposed changes would eliminate Elk Area No. 1011 (Columbia County), Elk Area No. 1012 (Asotin County), and Elk Area No. 1082 (Asotin County).

WAC 220-415-050 2018-2020 Elk general seasons and definitions.

The purpose of the proposed change is to retain general season elk hunting opportunities for 2020. It also balances hunting opportunities between user groups, increases opportunities when elk populations allow, and reduces opportunities when declining elk numbers warrant a change.

The department will not develop specific recommendations regarding opportunities to harvest antlerless elk during the early archery general elk seasons in the Colockum (GMUs 328, 329) and Yakima (GMUs 336, 340, 352, 356, 364) elk herd areas until population surveys are completed in February and/or March. If population surveys indicate it is warranted, the department may also consider reducing opportunities for archery hunters to harvest antlerless elk during the late archery general elk seasons, and reducing modern firearm, and muzzleloader special permit opportunities. A general overview of the recommendations that may be considered dependent of herd status are provided below. Recommendations developed in response to surveys indicating a population decline will also depend on the severity of the decline.

Colockum Elk Herd: (GMUs 249, 251, 328, 329, 330, 334, 335)

<u>Herd Status</u>	<u>General Overview of Recommendation</u>
Decline	Significantly reduce or eliminate general season opportunities to harvest antlerless elk during archery seasons, except for those associated with addressing damage issues, and in areas where the department does not manage for large numbers of elk (e.g., GMU 334, 335). Also, reduce opportunities to harvest antlerless elk during modern firearm and muzzleloader permit seasons.
Stable	Significantly reduce or eliminate general season opportunities to harvest antlerless elk during archery seasons, except for those associated with addressing damage issues and in areas where the department does not manage for large numbers of elk (e.g., GMU 334, 335). Replace some of the lost opportunities with a limited number of permits to harvest antlerless elk. Retain opportunities to harvest antlerless elk during modern firearm and muzzleloader permit seasons.
Increase	Retain current general and special permit seasons.

Yakima Elk Herd: (GMUs 336, 340, 342, 346, 352, 356, 360, 364, 368, 371, 372)

<u>Herd Status</u>	<u>General Overview of Recommendation</u>
Decline	Significantly reduce or eliminate general season opportunities to harvest antlerless elk, except for those associated with addressing damage issues and in areas where the department does not manage for large numbers of elk (e.g., GMUs 371 and 372). Replace some of the lost opportunities with a limited number of permits to harvest antlerless elk. If warranted, also reduce opportunities during modern firearm and muzzleloader permit seasons.
Stable	Significantly reduce or eliminate general season opportunities to harvest antlerless elk, except for those associated with addressing damage issues and in areas where the department does not manage for large numbers of elk (e.g., GMU 371 and 372). Replace some of the lost opportunities with a limited number of permits to harvest antlerless elk. Retain current opportunities during modern firearm and muzzleloader permit seasons.
Increase	Retain current general and special permit seasons.

WAC 220-415-060 2019 Elk special permits.

The purpose of this proposal is to retain elk special permit hunting opportunities for 2020. It also balances elk hunting opportunities between user groups, increases elk hunting opportunities when elk populations allow, and reduces opportunities when declining elk numbers warrant a change. Lastly, it adds language that clarifies the bag limit is one elk, except where otherwise allowed by department rule, even if permits are drawn for more than one elk hunt category.

WAC 220-415-070 2019 Moose seasons, permit quotas, and areas.

This proposal adds language that clarifies the bag limit is one moose, except where otherwise allowed by department rule, even if permits are drawn for more than one moose hunt category. It also adjusts moose hunt permit limits to reflect population changes and recent harvest.

WAC 220-415-100 2018-2019 and 2019-2020 Cougar.

The proposed changes are designed to give the Commission four options to choose from relating to recreational cougar harvest guidelines. The non-status quo options are intended to extend seasons in areas where harvest has been historically high, and where cougar human conflict is also high. The intended result of the longer season is to shift a proportion of the cougar removal, currently carried out by agency personnel, to hunters:

- The first option is status quo with one caveat, the density we used to set the guideline is the median of five research projects that were conducted in Washington. The median is a better measure because it is not affected by outliers in the data. In the past we used the mean.

- The second option also uses a median density that is calculated using only adult cougars that are 24 months or older. This option reduces the guideline slightly, but sub-adult cougars harvested under this option would not count toward the guideline for season closure.
- The third option adjusts the guideline upward for units that exceeded the guideline by December 31 at least once in the past five years. The new guideline is based on the highest harvest in the past five years. In this option there is the assumption that density is higher in these areas. In two PMUs, the guidelines in this option were adjusted, so they did not exceed an assumed density 4.15 cougars per 100 square kilometers. This was intended to keep the density within an acceptable range based on research conducted in the western United States. This guideline includes adults and sub-adults.
- The fourth option is like option three, but only uses a density based on adult cougars and only counts adult cougars towards the guideline.

WAC 220-415-120 2019 Bighorn sheep seasons and permit quotas.

This proposal adds language that clarifies the bag limit is one bighorn sheep, except where otherwise permitted by department rule, even if permits are drawn for more than one bighorn sheep category. It also adjusts bighorn sheep hunt permit limits to reflect population changes and recent harvest. Lastly, this proposal creates separate permit opportunities for adult ewes and juvenile rams in the Selah Butte, Mount Baldy, and Umtanum hunt areas (collectively referred to as the Yakima Canyon herd).

WAC 220-415-130 2019 Mountain goat seasons and permit quotas.

This proposal adds language that clarifies the bag limit is one mountain goat, except where otherwise permitted by department rule, even if permits are drawn for more than one goat hunt category. It also adjusts mountain goat hunt permit limits to reflect population changes and recent harvest.

WAC 220-416-010 2018-2019, 2019-2020, 2020-2021 Small game and other wildlife seasons and regulations.

The purpose of this proposal is to increase the number of hunter education incentive turkey permits from two to four.

WAC 220-416-040 Hunting predatory birds.

Removes the depredation part of the rule because it already exists in WAC 220-440-060.

WAC 220-416-060 2019-2020 Migratory gamebird seasons and regulations.

The proposal amends the rule to specify legal season dates, and bag limits for the 2020-2021 season.

Changes include:

- Adjusting season dates relative to 2020-2021 calendar dates.
- Maintain one-pintail per day bag-limit and associated possession limit per the USFWS Northern Pintail Harvest Strategy.
- Lowering scaup bag-limit to two-scaup per day and associated possession limits, while keeping an 86-day season length by the optimal regulatory alternative described in the Adaptive Harvest Management protocol.
- Shifting seven-days from the beginning of the first season segment to the end of the third season segment for white geese in Goose Management Area 4 (Columbia Basin).

WAC 220-440-060 Killing wildlife causing private property damage.

The proposed amendment to the rule intends to make our rule consistent with federal rules that pertain to crows and magpies.

Reasons supporting proposal:

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

The proposed change will make the boundaries more discernable for hunters.

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

The proposed change will make the boundaries more discernable for hunters.

WAC 220-412-050 Landowner raffle hunts.

This proposal simplifies the requirements for landowners that operate raffle drawings. It also aligns annual report submission dates with WAC 220-412-100.

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

Bighorn sheep populations have increased in these areas, which warrants an expansion of the hunt area.

WAC 220-412-090 Multiple season big game permits.

The proposal clarifies the language and reduces hunter confusion regarding this rule.

WAC 220-412-100 Landowner hunting permits.

Over the past year, the department has held public meetings and active stakeholder/landowner meetings to assess the current views of the program. These comments have been taken into consideration as well as input from Washington Department of Fish and Wildlife (WDFW) staff which has resulted in the development of the new standard operating procedure for the landowner hunting permit (LHP) program. The proposed changes reflect the comments received from the public, WDFW staff and landowners. Historically, there haven't been many changes to the LHP program. However, due to the lack of consistency and the expansive variation in management styles across the state, this program has proven to be difficult to manage at a program level. These reasons were the main driving factor behind taking the appropriate steps to revise and make changes to the program.

WAC 220-413-180 Special closures and firearm restriction areas.

The "wooden towers" referenced in the Columbia River Restricted Hunting Area boundary description were torn down recently. As such, they could no longer be used as a discernable landmark to describe the boundary. Correcting the spelling of Newberry Hill Road will eliminate confusion for hunters.

WAC 220-413-200 Reducing the spread of hoof disease—Unlawful transport of elk hooves.

This rule, originally adopted in 2014, attempted to reduce the risk of inadvertently spreading the causative agents of treponeme associated hoof disease (TAHD) in elk. Since that time, however, TAHD has been confirmed throughout western Washington, east of the Cascade Mountains near the town of Trout Lake, and in the Blue Mountains of southeast Washington. The continued expansion of this disease appears to indicate this rule was ineffective at preventing disease expansion. Other reasons for supporting this rule are:

1. For surveillance purposes, we want to encourage elk hunters in eastern Washington to submit suspicious hooves.
2. The current rule is not being enforced, but rather used by Enforcement Officers as an educational opportunity.
3. We have no scientific findings that support the implementation of this rule.
4. The Department is working on developing management strategies that will be proposed during the next 3-year season cycle, which would incentivize elk hunters in western Washington to target limping elk but would also require them to submit their hooves to the Department for inspection.
5. Neighboring states (Idaho and Oregon), where TAHD has been detected, do not have a similar rule.

Although the Department is proposing to abolish this rule, we would still encourage hunters to leave hooves from the elk they harvest on site.

WAC 220-415-020 2018-2020 Deer general seasons and definitions.

This proposal provides recreational deer hunting opportunities and protects deer from overharvest. The proposal would also maintain sustainable general deer hunting season opportunities for 2020. The proposal helps address deer agricultural damage problems and provides for deer population control when needed.

WAC 220-415-030 2019 Deer special permits.

This proposal provides recreational deer hunting opportunities and protects deer from overharvest. The proposal would also maintain sustainable deer special permit hunting season opportunities for 2020. The proposal helps address deer agricultural damage problems and provides for deer population control when needed.

Situations have occurred in the past that involved hunters who successfully drew a permit in more than one hunt category for the same species. Because the current language does not specify a bag limit, some hunters interpret this to mean they can shoot one deer per permit or one deer in addition to their general season harvest, which is incorrect. Amending this rule as proposed, would clarify the rule and avoid confusion in the future.

WAC 220-415-040 Elk area descriptions.

All three elk areas were created to address issues related to elk causing damage to agricultural crops. Damage issues in all three areas have declined following the substantial declines in elk numbers. As such, these elk areas are no longer needed and there is not an anticipated need in the foreseeable future.

WAC 220-415-050 2018-2020 Elk general seasons and definitions.

Overall, the proposal provides recreational elk hunting opportunities, helps address elk agricultural damage problems, and provides elk population control when needed. The department is postponing the development of specific recommendations for the Colockum and Yakima elk herds. These two herds have experienced substantial declines since 2015, with late-winter surveys in 2019 showing the Yakima herd was approximately 13% below objective and the Colockum herd approximately 8% below. Declines have been the result of increased antlerless harvest, severe drought and winter conditions, and depressed recruitment of calves. Moreover, preliminary counts of elk on feed sites for the Yakima elk herd in January 2020, show calf recruitment rates are likely to be lower than normal for the fourth consecutive year. The department is concerned about the status of both herds and plans to develop recommendations that are likely to promote population growth.

WAC 220-415-060 2019 Elk special permits.

This proposal provides recreational elk hunting opportunities and protects elk from overharvest. The proposal would maintain sustainable elk special permit hunting opportunities for 2020. The proposal helps address elk agricultural damage problems and provides for elk population control when needed.

Situations have occurred in the past that involved hunters who successfully drew a permit in more than one hunt category for the same species. Because the current language does not specify a bag limit, some hunters interpret this to mean they can shoot one elk per permit or one elk in addition to their general season harvest, which is incorrect. Amending this rule as proposed, would clarify the rule and avoid confusion in the future.

WAC 220-415-070 2019 Moose seasons, permit quotas, and areas.

Situations have occurred in the past that involved hunters who successfully drew a permit in more than one hunt category for the same species. Because the current language shows the bag limit is one moose, some hunters interpret this to mean one moose per permit, which is incorrect. Amending this rule as proposed, would clarify the rule and avoid confusion in the future.

Permits for 'Any Antlered Bull Moose' in Spokane West A were increased because surveys showed a good bull to cow ratio. Permits for 'Antlerless Only' were reduced in Mt Spokane South B, Mt Spokane North B, and Mica Peak because surveys showed calf recruitment rates and the overall number of moose biologists observed were lower than normal.

WAC 220-415-100 2018-2019 and 2019-2020 Cougar.

The proposal gives the Commission biologically sustainable options for the cougar hunting seasons.

WAC 220-415-120 2019 Bighorn sheep seasons and permit quotas.

Situations have occurred in the past that involved hunters who successfully drew a permit in more than one hunt category for the same species. Because the current language indicates the bag limit is one bighorn ram, except in designated adult ewe hunts the limit is one bighorn adult ewe, some hunters interpret this to mean one sheep per permit, which is incorrect. Amending this rule as proposed, would clarify the rule and avoid confusion in the future.

The department is proposing to develop unique permit opportunities for adult ewes and juvenile rams for the Yakima Canyon herd. This proposal is in association with our efforts to reduce the size of the herd and eliminate *Mycoplasma ovipneumoniae* (M. Ovi.) from this herd. The department first implemented these permits during the 2019 season with special restriction identified as an Adult Ewe or Juvenile Ram, but most resulting harvest consisted of rams, including rams that were not juveniles. As such, very few ewes were harvested as intended, which calls for the proposed change.

WAC 220-415-130 2019 Mountain goat seasons and permit quotas.

Situations have occurred in the past that involved hunters who successfully drew a permit in more than one hunt category for the same species. Because the current language shows the bag limit is one adult goat of either sex with horns four inches or longer, some hunters interpret this to mean one adult goat per permit, which is incorrect. Amending this rule as proposed, would clarify the rule and avoid confusion in the future.

WAC 220-416-010 2018-2019, 2019-2020, 2020-2021 Small game and other wildlife seasons and regulations.

This change increases the incentive for hunter education instructors without harm to turkey populations.

WAC 220-416-040 Hunting predatory birds.

Reduces redundancy and simplifies the rule.

WAC 220-416-060 2019-2020 Migratory gamebird seasons and regulations.

Migratory waterfowl and other gamebird (coot, dove, band-tailed pigeon, and snipe) 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 waterfowl seasons and regulations to provide recreational opportunity, control waterfowl damage, and conserve the migratory waterfowl resources of Washington.

WAC 220-440-060 Killing wildlife causing private property damage.

This proposal makes our rule consistent with federal rule.

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? Yes No

Federal Court Decision? Yes No

State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

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:

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:

RCW 34.05.310 (4)(b)
(Internal government operations)

RCW 34.05.310 (4)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

RCW 34.05.310 (4)(e)
(Dictated by statute)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025 (4).

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 5, 2020

Name: Jacalyn Hursey

Title: Rules Coordinator

Signature:

