



Fish and Wildlife Commission Presentation Summary Sheet

Meeting date:

6/11/2021

Agenda item:

Wildlife Program 3-year season Setting WAC Update: Briefing

Presenter(s):

Eric Gardner – Wildlife Program Director

Background Summary:

In April the Department pulled several of the proposed WAC changes from the 3-year season setting process and said that we would evaluate options for how to proceed with those once we had completed the CR-103 process for the rules that were approved. We've since completed that critical step and have evaluated options for the remaining WACs.

The Department first looked to see if the WACs could be in place prior to the start of the 2021 hunting season and unfortunately that is not possible due to rulemaking and SEPA filing requirements that are outside of our control. Following those established timelines, the earliest the Department could bring those WACs to the Commission for a hearing is September for adoption in October, and they would not go into effect until November 24, 2021.

Given that the rules could not be in place for all of the 2021 season and considering the significant workload associated with running a rulemaking and SEPA process, the Department's plan is to address the majority of the WACs during the next annual cycle along with any new WAC recommendations that are generated through that process. That public process begins in December and the Department would present those rules that are selected to move forward at the March 2022 Commission meeting for potential adoption in April. Any adopted rules would then be in place for the 2022 hunting season.

Exceptions to that timeline for some WACs are described below along with other relevant information:

- The Department will not be recommending changes to **WAC 220-400-020 Classification of wild animals** and **WAC 220-417-030 Wild animal trapping**, based on public and commission comments. These rules changes would have allowed for the trapping of rabbits and the department does not feel that this additional opportunity is worth pursuing at this time.
- The Department plans to file an Emergency rule for **WAC 220-414-090 Use of decoys and calls**, to allow the use of electronic calls for the white goose only season in February 2022. This will put us in lock step with the federal rule. The Department will follow up with normal rule making on this rule to make that change permanent.

- We do not want to implement any rule changes that create a restriction in the middle of a hunting season (**WAC 220-414-040 Nontoxic shot requirements**, **WAC 220-414-050 Shotgun shell restriction areas**, and **WAC 220-413-090 Field identification of wildlife – Evidence of sex – Definitions**), as those regulations would not be in the hunt pamphlet and hunters may unknowingly end up in violation of a WAC that wasn't in place at the start of the season.
- The Department plans to modify **WAC 220-414-020 Unlawful methods for hunting – Firearms**, to remove allowing the use of rimfire rifles for turkey. Because this proposal had mixed reviews, we will need more work with user groups on this matter. We do not consider it to be urgent and this can wait for the next annual rulemaking cycle without the rimfire rifle option for turkey.
- **WAC 220-413-060 Hunting restrictions** (use of dogs to track lost game) is likely to generate significant public comment that would require considerable Commission discussion during a time that is not normally dedicated to hunting WACs. We do not consider it to be urgent and this can wait for the next annual rulemaking cycle.
- There are some rule changes that are permissive, meaning a hunter would simply have another option available to them (e.g. using a red dot scope). We do not see any of those changes as urgent, although some have strong constituent support.
- The Department evaluated the permissive and less controversial WACs for applicability late in the season (e.g. December on) and while those WACs would provide for some additional opportunity this season, they do not warrant prioritizing the rulemaking process over other work and will be addressed in the next annual cycle.

Recommended timeline details:

- January 2022 - File CR-101 if not already filed.
- February 2022 - File CR-102 with open comment period 21 days.
 - The SEPA checklist comment period would run concurrent with rule making public comment 21 days
- March 2022 - Commission public hearing.
- April 2022 - Commission decision and filing of CR-103.
- May 2022 - Rules go into effect 31 days after filing CR-103 (in time for 2022 season).

Timeline details showing November completion option (not recommended):

- June 2, 2021 - File CR-101 (this may occur regardless of the subsequent timeline).
- August 4, 2021 - File CR-102 with open comment period 21 days.
 - The SEPA checklist comment period would run concurrent with rule making public comment 21 days but will generate additional review and response workload.
- September 2021 - Commission public hearing.
- October 2021 - Commission decision and filing of CR-103.
- November 24, 2021 - Rules go into effect 31 days after filing CR-103.

Rules moving forward in some form are:

- WAC 220-413-060 Hunting restrictions.
 - WAC 220-413-090 Field identification of wildlife – Evidence of sex – Definitions.
 - WAC 220-414-010 Hunting equipment restrictions.
 - WAC 220-414-020 Unlawful methods for hunting – Firearms (with modification see above).
 - WAC 220-414-040 Nontoxic shot requirements.
 - WAC 220-414-050 Shotgun shell restriction areas.
 - WAC 220-414-060 Muzzleloading firearms.
 - WAC 220-414-070 Archery requirements.
 - WAC 220-414-090 Use of decoys and calls (E-rule and permanent rule).
 - WAC 220-414-100 Crossbow requirements.
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Staff recommendation: Recommended timeline details:

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