

Trapping Seasons and Regulations

232-12-024, 232-12-141, and 232-28-516

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Summary Sheet

Meeting dates: March 20-21, 2015
Agenda item: Trapping seasons and regulations
Presenter: Brian Calkins, Small Game/Hunting Access Section Manager, Wildlife Program

Background summary:

The proposal would continue the current trapping seasons (WAC 232-28-516) for all furbearers with no changes except that the existing river otter closure and bag limits in eastern Washington would be removed. The proposed change will allow expanded opportunity for harvest of river otter during the trapping season.

Along much of the perimeter of the closure area as it is defined, it currently is legal to harvest river otter on one side of a river, but not on the opposite shore which is a difficult situation given that most current otter harvest is believed to consist primarily of incidental captures associated with beaver trapping. Under the current restrictions on trap types that are allowed for fur harvest, it is very difficult for a trapper to target river otter when trapping and the current bag limits in those parts of eastern Washington open to otter harvest appear to be having no effect as it is rare that a trapper reaches the annual limit of 12. The department believes that the proposed change is reasonable given that statutory limits on trap types appear to be limiting otter harvest more than the current bag limit in most areas and a large harvest in the current closed area is not likely for the same reason.

The provisions regarding the use of body gripping traps are proposed to be removed from WAC 232-12-141 as they are only a restatement of statute language in RCW 77.15.194. A clarification is made that the meat of animals classified as furbearers may be used as bait while trapping.

Amendments to WAC 232-12-024 are also proposed that would allow the department to issue permits to individuals outside the department to seal river otter and bobcat and update language regarding documentation requirements of raw pelts imported into the state.

The proposed changes are largely the result of discussions with the Washington State Trappers Association.

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

Removal of river otter harvest limitations in eastern Washington.

Allowing individuals outside the department to seal river otter and bobcat pelts.

Public involvement process used and what you learned:

The Department conducted an extensive public involvement process to develop the 2015-2017 hunting season recommendations. This summer, two online issue scoping surveys were made available to the public. The first survey laid out major issues of concern. The second survey was a follow-up based on the public response received from the first survey. The department also held six public meetings, three on each side of the state. Both the surveys and the meetings were publicized via news release, WDFW's website and an email to hunters from the last five years. Also, a request for comment was sent to over 9000 individuals and organizations through the rulemaking process. Additionally, these individuals and organizations were informed of the opportunity to provide verbal testimony at the March 20-21, 2015 Commission Meeting in Moses Lake.

Action requested:

Take public comment. Adoption is planned for the April 9-10, 2015 Commission meeting.

Draft motion language:

NA – Briefing only

Justification for Commission action:

NA – Briefing only

Communications Plan:

WDFW Website
News Releases
Hunting Pamphlet

Form revised 12/5/12

AMENDATORY SECTION (Amending WSR 06-11-032, filed 5/8/06, effective 6/8/06)

WAC 232-12-024 Requirements for sealing of pelts and collection of biological information for river otter, cougar, lynx, and bobcat.

(1) It is unlawful to possess river otter, cougar, lynx, or bobcat taken in Washington without a department identification seal which has been attached to the raw pelt, on or off the carcass, prior to the pelt sealing deadline.

~~(2) ((Any river otter, cougar, or bobcat raw pelt must be presented by the person harvesting the animal, in such a manner that teeth and biological samples can be extracted, to an authorized department employee for sealing.~~

~~(3))~~ The raw pelt of a bobcat or river otter must be ~~((sealed by))~~ presented to an authorized department employee, or authorized individual under permit with the department, for sealing within 20 days after the close of the appropriate hunting or trapping season in which it was killed.

~~((4))~~ (3) Any person who takes a cougar without the use of dogs must notify the department within 72 hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of

kill, and sex of animal. Any person who takes a cougar with the use of dogs must notify the department within 24 hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar must be (~~sealed by~~) presented to an authorized department employee for sealing within five days of the notification of kill.

Any person who takes a cougar must present the cougar skull, in such a manner that teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

~~((+5))~~ (4) It is unlawful to transport or cause the transport out of Washington a raw pelt of river otter, cougar, lynx, or bobcat taken in Washington without a department seal attached to the pelt.

~~((+6))~~ (5) The raw pelt of a river otter, cougar, lynx, or bobcat taken outside Washington and imported into the state must be identified by a tag (~~and/or~~), seal (~~from the~~) or permit consistent with federal, state or country of origin laws and be accompanied by an invoice (~~or~~), declaration or permit specifying the number of pelts in the shipment.

~~((+7))~~ (6) It is unlawful to possess an unlocked, broken, or otherwise open department seal for river otter, cougar, lynx, or bobcat unless the seal wire or band has been cut through and removed from

a pelt that has been received and invoiced by a licensed taxidermist or fur dealer for processing or removed from a pelt that has been processed, except that individuals authorized by the department to seal pelts may possess open, unbroken seals.

[Statutory Authority: RCW 77.12.047. WSR 06-11-032 (Order 06-92), § 232-12-024, filed 5/8/06, effective 6/8/06. Statutory Authority: RCW 77.12.040. WSR 99-17-034 (Order 99-118), § 232-12-024, filed 8/11/99, effective 9/11/99; WSR 94-18-059 (Order 94-58), § 232-12-024, filed 8/31/94, effective 10/1/94. Statutory Authority: RCW 77.12.030, 77.12.040 and 77.32.220. WSR 91-13-063 (Order 498), § 232-12-024, filed 6/17/91, effective 7/18/91; WSR 89-18-015 (Order 404), § 232-12-024, filed 8/28/89, effective 9/28/89. Statutory Authority: RCW 77.12.030 and 77.12.040. WSR 88-13-091 (Order 312), § 232-12-024, filed 6/20/88. Statutory Authority: RCW 77.12.040. WSR 81-12-029 (Order 165), § 232-12-024, filed 6/1/81. Formerly WAC 232-12-065.]

AMENDATORY SECTION (Amending WSR 01-10-048, filed 4/26/01, effective 5/27/01)

WAC 232-12-141 Wild animal trapping. (1) The trapping season authorizes the taking of furbearing animals for their hides and pelts only. Furbearers may not be taken from the wild and held alive for

sale or personal use without a special permit (~~(pursuant to WAC 232-12-064)~~) from the director.

(2) Any wildlife trapped for which the season is not open shall be released unharmed. Any wildlife that cannot be released unharmed must be left in the trap, and the department of fish and wildlife must be notified immediately.

(3) Lawfully trapped wild animals must be lethally dispatched or immediately released. A firearm may be used to dispatch trapped animals.

(4) It is unlawful to trap for wild animals:

(a) With body-gripping traps (~~(, EXCEPT as provided for in subsection (b).~~

~~(b) Conibear type traps in water, nonstrangling foot snares, and padded foot-hold traps may be used for the following purposes with a permit issued by the director:~~

~~(i) To protect public health and safety, in consultation with the department of social and health services or the United States Department of Health and Human Services.~~

~~(ii) To abate damages caused to private property, domestic animals, livestock or timber, that cannot be reasonably abated by nonlethal control tools. Any person requesting a damage control permit must~~

~~apply in writing, stating the threat or damages, the nonlethal control methods attempted or why they cannot be applied, and agree to use the above traps for no more than thirty days under the permit granted.~~

~~(iii) To protect threatened or endangered species, if such traps are used by department employees or agents.~~

~~(iv) To conduct wildlife research, EXCEPT that Conibear-type traps are prohibited for this purpose.~~

~~(e)) without a special permit from the director.~~

(b) Unless kill traps are checked and animals removed within seventy-two hours.

~~((d))~~ (c) Unless animals captured in restraining traps (any nonkilling set) are removed within twenty-four hours of capture.

~~((e))~~ (d) Using game birds, game fish or game animals for bait, except nonedible parts of game birds, game fish or game animals may be used as bait.

~~((f))~~ For purposes of this section, the meat of animals classified as furbearing animals in WAC 232-12-007 is not considered edible.

(e) Within thirty feet of any exposed meat bait or nonedible game parts which are visible to flying raptors.

(5) Game bird feathers may be used as an attractor.

[Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. WSR 01-10-048 (Order 01-69), § 232-12-141, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.040. WSR 00-20-032 (Order 00-197), § 232-12-141, filed 9/27/00, effective 10/28/00; WSR 99-17-034 (Order 99-118), § 232-12-141, filed 8/11/99, effective 9/11/99; WSR 98-01-207 (Order 97-253), § 232-12-141, filed 12/23/97, effective 10/1/98; WSR 92-18-083 (Order 563), § 232-12-141, filed 9/2/92, effective 10/3/92; WSR 90-19-097 (Order 460), § 232-12-141, filed 9/19/90, effective 10/20/90; WSR 87-15-082 (Order 293), § 232-12-141, filed 7/20/87; WSR 81-12-029 (Order 165), § 232-12-141, filed 6/1/81. Formerly WAC 232-12-310.]

AMENDATORY SECTION (Amending WSR 09-09-083, filed 4/15/09, effective 5/16/09)

WAC 232-28-516 Trapping seasons and regulations. (1) Statewide trapping seasons:

SPECIES	SEASON DATES
Badger, Beaver, Bobcat, Marten, Mink, Muskrat, Raccoon, Red Fox, River Otter(*), and Weasel	Nov. 1 - Mar. 31 during the current license year

(* River otter trapping season is closed in all Eastern Washington counties, except in Chelan, Ferry, Klickitat, Kittitas, Okanogan, Pend Oreille, Spokane, Stevens, and Yakima counties, as well as in the Snake and Walla Walla River drainages. The season bag limit is 12 river otter in the portions of Eastern Washington that are open to trapping.)

(2) Participation requirements:

(a) To be issued your first Washington state trapping license an individual must pass the Washington state trapper education exam.

(b) Licensed trappers must comply with reporting requirements in WAC 232-12-134.

[Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240. WSR 09-09-083 (Order 09-53), § 232-28-516, filed 4/15/09, effective 5/16/09.]



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 14-24-118 filed 12/3/14; 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:

See Attachment A

Hearing location(s):

Civic Center
411 South Balsam Street
Moses Lake, WA 98837

Date: March 20-21, 2015 Time: 8:00 AM

Submit written comments to:

Name: Wildlife Program Commission Meeting Public Comments
Address: 600 Capitol Way North,
Olympia, WA 98501
e-mail wildthing@dfw.wa.gov
fax (360) 902-2162 by (date) 2/24/15

Assistance for persons with disabilities: Contact

Tami Lininger by March 1, 2015

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

Date of intended adoption: On or after April 9, 2015

(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, 77.04.055, 77.12.047, 77.12.150 and 77.12.240.

Statute being implemented: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150 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:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 02, 2015

TIME: 2:07 PM

WSR 15-04-090

DATE

February 2, 2015

NAME (type or print)

Joanna Eide

SIGNATURE

TITLE

Rules Coordinator

(COMPLETE REVERSE SIDE)

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

When filing the permanent rule-making order (CR-103P), the WAC sections containing rule amendments will be consolidated into two or three Order Typing Service (OTS) documents.

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 Resource Building	(360) 902-2515
Implementation....Nate Pamplin	Natural Resource Building	(360) 902-2515
Enforcement..... Steven Crown	Natural Resource Building	(360) 902-2373

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

Title of rule and other identifying information:

232-12-005 Predatory birds

232-12-024 Requirements for sealing of pelts and collection of biological information for river otter, cougar, lynx, and bobcat.

232-12-064 Live wildlife—Taking from the wild, importation, possession, transfer, and holding in captivity

232-12-141 Wild animal trapping

232-12-242 Hunting Restrictions

232-12-271 Criteria for planting aquatic plants and releasing wildlife

232-12-288 Official hunting hours for big game animals, rabbits, hares, fox, and forest grouse

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

232-28-516 Trapping seasons and regulations

232-12-005 Predatory birds

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

Eurasian collared doves are an exotic species whose numbers and distribution are believed to be increasing in Washington. They have already been added to the list of predatory birds which allows them to be hunted year round but they appear to continue to be expanding.

There has been some interest in being able to use Eurasian collared doves for falconry and dog training but current rules do not allow their use for these purposes. Changes proposed to these three rules would add this species to the lists of other species that can be used for these purposes.

Reasons supporting proposal:

Eurasian collared doves are considered an undesirable species and removal and use of these birds for falconry and dog training may help limit competition with native species and other potential impacts. Release of this species for these purposes would be allowed but this is not likely to cause further or more rapid expansion of their current range as most of the birds would be killed.

232-12-024 Requirements for sealing of pelts and collection of biological information for river otter, cougar, lynx, and bobcat.

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

A common complaint of trappers and hunters who harvest bobcat or river otter is that it can be difficult to make an appointment with a department have pelts sealed as required. Under the current rule, only department employees can be authorized to seal pelts. The proposed change would allow the department to issue permits to other individuals to seal pelts. This change will make it easier to for some to meet the sealing requirement and some employee time will be saved within the department that is now taken up by sealing pelts. Assuming this rule change is adopted, the department will develop criteria to select individuals outside the department who can be issued permits to seal pelts and reporting requirements that will be expected.

Wording changes are made in subsection (5) to update the legal forms of documentation that can be used when importing raw pelts of river otter into the state.

Reasons supporting proposal:

Some agency staff time will be saved if individuals outside the department are authorized to seal pelts and customer satisfaction with the sealing process is likely to improve.

Updating the wording in subsection (5) will help reduce potential for future misunderstanding regarding acceptance of valid documentation of furs imported into the state.

232-12-064 Live wildlife—Taking from the wild, importation, possession, transfer, and holding in captivity

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

Eurasian collared doves are an exotic species whose numbers and distribution are believed to be increasing in Washington. They have already been added to the list of predatory birds which allows them to be hunted year round but they appear to continue to be expanding.

There has been some interest in being able to use Eurasian collared doves for falconry and dog training but current rules do not allow their use for these purposes. Changes proposed to these three rules would add this species to the lists of other species that can be used for these purposes.

Reasons supporting proposal:

Eurasian collared doves are considered an undesirable species and removal and use of these birds for falconry and dog training may help limit competition with native species and other potential impacts. Release of this species for these purposes would be allowed but this is not likely to cause further or more rapid expansion of their current range as most of the birds would be killed.

232-12-141 Wild animal trapping

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

The proposed changes to this rule serve to simplify and clarify the rules for fur trapping.

- The provisions regarding the use of body gripping traps are removed from this section as they restate trapping rules in RCW 77.15.194.
- A clarification is made that the meat of animals classified as furbearers may be used as bait.

Reasons supporting proposal:

Moving the portion of this rule pertaining to permitted uses of body gripping traps to the wildlife interaction rules will eliminate some confusion created by having it removed from the section pertaining to fur trapping.

The meat of furbearers is not included in rules pertaining to waste of game animals and is not commonly eaten. The use of beaver and other furbearer meat has traditionally been used by trappers as bait and the proposed change clarifies that it can continue to be used.

232-12-242 Hunting Restrictions

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

During the course of public meetings and other comment opportunities over the past summer individuals came forward requesting additional opportunity to hunt raccoons with dogs at night. Currently this type of hunting is restricted by this rule any time a modern firearm deer or elk season is open. The changes proposed would expand hunting opportunity by limiting the restriction to only deer and elk general seasons.

Reasons supporting proposal:

The rationale behind the current rule is that it reduces the potential for conflicts with deer and elk hunters and reduces the potential for hunters to pursue big game with dogs or at night using another form of hunting as a defense. Some concern has been voiced that this change could open the door to abuse. However, the primary time period this concern exists is during the general seasons when more hunting occurs.

232-12-271 Criteria for planting aquatic plants and releasing wildlife

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

Eurasian collared doves are an exotic species whose numbers and distribution are believed to be increasing in Washington. They have already been added to the list of predatory birds which allows them to be hunted year round but they appear to continue to be expanding.

There has been some interest in being able to use Eurasian collared doves for falconry and dog training but current rules do not allow their use for these purposes. Changes proposed to these three rules would add this species to the lists of other species that can be used for these purposes.

Reasons supporting proposal:

Eurasian collared doves are considered an undesirable species and removal and use of these birds for falconry and dog training may help limit competition with native species and other potential impacts. Release of this species for these purposes would be allowed but this is not likely to cause further or more rapid expansion of their current range as most of the birds would be killed.

232-12-288 Official hunting hours for big game animals, rabbits, hares, fox, and forest grouse.

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

Amendment of this rule is necessary to make the changes described for WAC 232-12-242. References to the exemption of bobcat and raccoon from hunting hours are removed and the rule title is changed to specify the game animals that the hunting hours apply to.

Reasons supporting proposal:

This change simplifies the hunting rules by removing a dual reference to the restriction on bobcat and raccoon hunting hours. The change to the rule title is necessary to allow night hunting for these two species at times during the hunting season when the restriction does not apply.

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

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

This proposal establishes dates, bag limits and other rules for small game and other wildlife hunting seasons for the next three years in WAC 232-28-342 which are needed in order to maintain recreational hunting opportunities for the public. Recommended changes are based on harvest trends and public input received over the past three years and surveys conducted by the department. Many of the proposals represent no changes from prior years with the exception of calendar date adjustments.

Notable changes Include:

- Modifying the bag limit for forest grouse to include no more than three of any of the three species per day but retaining the daily bag limit of four.
- Specifying that an adult must accompany youth hunters during the youth turkey season which addresses an inconsistency with other youth seasons.
- Allowing the harvest of fox in GMUs 407 and 410.
- Ending the eastern Washington Pheasant season on the Martin Luther King Day holiday each year.
- An increase in the mourning dove bag limit from ten to fifteen and increasing the season length by 30 days.

Reasons supporting proposal:

Some hunters have expressed concern that the current bag limit for forest grouse is too high and concerns also exist, based on harvest trends, that grouse populations have declined. While hunting is not considered to be a major limiting factor of grouse populations, a somewhat more conservative harvest

strategy is appropriate. The proposed split limit also will encourage hunters to learn to identify the various grouse species which will be a benefit when or if a more restrictive bag limit is needed to protect populations of one or more of the species.

Requiring an adult mentor during youth turkey seasons will help young hunters get a safe and successful start to their hunting experience.

Fox occurring in GMU 407 and 410 are an introduced population and there is not a biological rationale to continue to prohibit harvest of this species in this area. The native cascades red fox, which is a species with depressed populations, does not occur in this vicinity and will not be affected by this proposal.

The change to the Pheasant season to end on a holiday weekend will provide additional hunting opportunity without affecting populations as only males are allowed to be harvested.

Increases in mourning dove bag limits and season lengths are prescribed by the national mourning dove harvest strategy, adopted by the Pacific Flyway Council in 2013. Based on band returns, harvest rates of mourning doves are low and expanded seasons are sustainable. The harvest strategy relies on yearly monitoring of both harvest rate and population size. Should harvest rates increase to a level deemed harmful or population size declines below established thresholds, the strategy reduces harvest of mourning doves.

232-28-516 Trapping seasons and regulations

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

The proposal would continue the current trapping seasons for all furbearers with no changes except that the existing closure and bag limits in eastern Washington would be removed. The proposed change will allow expanded opportunity for harvest of river otter during the trapping season.

Reasons supporting proposal:

The changes to the river otter trapping season have been discussed for several years with members of The Washington State Trappers Association (WSTA) who have been advocating for the proposed change. Along much of the perimeter of the closure area as it is defined, it currently is legal to harvest river otter on one side of a river but not on the opposite shore which is a difficult situation that most current otter harvest is believed to consist primarily of incidental captures associated with beaver trapping. Under the current restrictions on trap types that are allowed for fur harvest, it is very difficult for a trapper to target river otter when trapping and the current bag limits in those parts of eastern Washington open to otter harvest appear to be having no effect as it is rare that a trapper reaches the annual limit of 12. The department believes that the proposed change is reasonable given that statutory limits on trap types appear to be limiting otter harvest more than the current bag limit in most areas and a large harvest in the current closed area is not likely for the same reason.