

# Migratory Bird Hunting Regulations and Closures

232-28-436 and 232-16-740

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## Summary Sheet

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

**Agenda item:** Migratory Bird Hunting Regulations and Closures – Rule Decision

**Presenter:** Don Kraege, Waterfowl Section Manager, Wildlife Program

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**Background summary:**

Department staff will brief the Commission and request action on the proposed amendment of WAC 232-28-436 2016-17 Migratory waterfowl seasons and regulations and WAC 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures.

Migratory waterfowl season frameworks are established through ongoing interagency management programs involving U.S. Fish and Wildlife Service (USFWS) and flyway organizations, including input from Canada, Russia, and Mexico. Federal frameworks include maximum bag limits, season lengths, season timing, and other regulations. Pacific Flyway season frameworks follow harvest strategies and management plans that have been developed cooperatively by USFWS and the Pacific Flyway Council. All states adopt waterfowl seasons within federal frameworks, and in many cases are more restrictive to address regional conservation needs.

Management agencies utilize Adaptive Harvest Management (AHM) to establish duck season frameworks. AHM relies on survey information and population models to prescribe optimal regulation packages. The population of ducks in the western part of North America is managed separately from the eastern flyways, as part of the models developed for western mallard AHM. Western mallard AHM uses results from breeding surveys and other information from western areas rather than from the Canadian prairies, recognizing differences in Pacific Flyway breeding areas. The season packages proposed for western mallard AHM are the same as those developed under the mid-continent mallard AHM (liberal, moderate, and restrictive), although different models are used to prescribe annual packages.

Prior to 2016, USFWS established season frameworks in late July to consider current year biological information, and states selected seasons in August. This timing resulted in a compressed schedule for rule adoption, public review, and public notice prior to season openers. In 2015, USFWS established a new regulatory process that combined early and late season rulemaking and adjusted timing to allow for more public review. Season framework proposals are now developed one year prior to the opening of seasons, using harvest management models that account for long-term trends rather than annual fluctuations in population size and productivity. USFWS has assured states that the new process will not result in more conservative regulations or emergency regulation changes.

As a result of the new federal process, WAC 232-28-436 now includes proposals for all migratory game bird seasons established each year by USFWS and the Pacific Flyway Council. Several of these seasons were formerly in WAC 232-28-342. The new process allows us to consider seasons for all migratory game birds in one rulemaking action rather than two, and allows the public to review migratory game bird season proposals under the same schedule as other game seasons in Washington.

In 2015, most duck populations continue to benefit from excellent wetland conditions in major breeding areas, and most goose populations are at or above Pacific Flyway objective levels. As a result, duck season frameworks for 2016-17 are the same as in 2015-16, and the

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proposed rule contains only calendar date adjustments for duck seasons. USFWS standardized 2016 September goose season frameworks to allow higher bag limits and later seasons, to address increasing numbers of resident Canada geese in many areas. As a result, the proposed rule increases September season daily bag limits in some management areas from 3 to 5, based on increasing population trends. In 2015-16, the Commission modified the southwest Washington goose seasons to eliminate check stations, close the season on dusky Canada geese, and move seasons later to assist with agricultural damage control. The proposed rule continues the goal of season simplification by combining Goose Management Area 2A and 2B into one management area with the same season structure. In addition, a recommended adjustment further defines the public lands that are closed to hunting during the late goose season, to address depredation concerns.

The minor amendment to WAC 232-16-740, Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures corrects an inaccurate boundary description for the closure on the Snake River contained in Section 6.

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

- Combining early and late season rulemaking for migratory game bird seasons, for conformance with the new federal regulatory process and additional public review.
- Standardizing and simplifying goose season regulations.

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

Requests for comments were sent to over 28,000 individuals and organizations through the rulemaking process. Additionally, these individuals and organizations were informed of the opportunity to provide verbal testimony at the March 18-19, 2016 Commission Meeting at Moses Lake.

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**Action requested:**

Amend WAC 232-28-436 and WAC 232-16-740 as proposed.

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**Draft motion language:**

I move to amend WAC 232-28-436 and WAC 232-16-740 as proposed.

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**Justification for Commission action:**

Provide hunting recreation and agricultural damage control consistent with the status of migratory bird populations.

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**Communications Plan:**

WDFW Website  
News Releases  
Hunting Pamphlet

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*Form revised 12/5/12*

AMENDATORY SECTION (Amending WSR 15-18-032, filed 8/25/15, effective 9/25/15)

**WAC 232-28-436 ~~2015-2016~~2016-2017 Migratory waterfowl seasons and regulations.** Hunters must comply with the bag, possession, and season limits described in this section. Failure to do so constitutes a violation of RCW 77.15.245, 77.15.400, or 77.15.430, depending on the species hunted and the circumstances of the violation.

DUCKS

**Statewide:** Oct. (~~(17-21, 2015 and Oct. 24, 2015 - Jan. 31, 2016)~~) 15-19, 2016 and Oct. 22, 2016 - Jan. 29, 2017; except scaup season closed Oct. (~~(17 - Nov. 6, 2015)~~) 15 - Nov. 4, 2016.

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. (~~(19-20, 2015)~~) 17-18, 2016.

Daily Bag Limit: 7 ducks, to include not more than 2 hen mallard, 2 pintail, 3 scaup, 2 canvasback, and 2 redhead statewide; and to include not more than 1 harlequin, 2 scoter, 2 long-tailed duck, and 2 goldeneye in Western Washington.

Possession Limit for Regular Season: 21 ducks, to include not more than 6 hen mallard, 6 pintail, 9 scaup, 6 canvasback, and 6 redhead

statewide; and to include not more than 1 harlequin, 6 scoter, 6 long-tailed duck, and 6 goldeneye in Western Washington.

Possession Limit for Youth Hunting Weekend: 14 ducks, to include not more than 4 hen mallard, 4 pintail, 6 scaup, 4 canvasback, and 4 red-head statewide; and to include not more than 1 harlequin, 4 scoter, 4 long-tailed duck, and 4 goldeneye in Western Washington.

Season Limit: 1 harlequin in Western Washington.

**AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT SEA DUCKS**

Hunters must possess a special (~~(2015-16)~~) 2016-17 hunting authorization and harvest record card for sea ducks when hunting harlequin, scoter, long-tailed duck, and goldeneye in Western Washington. A hunter who has not previously possessed a sea duck harvest report card must submit an application form to Washington state department of fish and wildlife (WDFW). Immediately after taking a sea duck into possession, hunters must record in ink the information required on the harvest record card.

**COOT (Mudhen)**

Same areas(~~(7)~~) and dates (including youth hunting weekend)(~~(7 and shooting hours)~~) as the (~~general~~) duck season.

Daily Bag Limit: 25 coots.

Possession Limit: 75 coots.

Possession Limit for Youth Hunting Weekend: 50 coots.

**SNIPE**

Same areas(~~(7)~~) and dates (except youth hunting weekend)(~~(7 and shooting hours)~~) as the (~~general~~) duck season.

Daily Bag Limit: 8 snipe.

Possession Limit: 24 snipe.

**GEESE (except Brant)**

Special youth hunting weekend open only to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting): Sept. (~~(19-20, 2015)~~) 17-18, 2016, statewide (~~(except Western Washington Goose Management Areas 2A and 2B)~~).

Daily Bag Limit: 4 Canada geese.

Possession Limit: 8 Canada geese.

**Western Washington Goose Seasons**

Goose Management Area 1: Island, Skagit, and Snohomish counties.

September Canada Goose Season

Sept. 10-15, 2016.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 15 Canada geese.

Regular Season

Oct. (~~(17, 2015—Jan. 31, 2016)~~) 15, 2016 - Jan. 29, 2017, for snow, Ross', blue, and white-fronted geese. Oct. (~~(17-29, 2015 and Nov. 7, 2015—Jan. 31, 2016)~~) 15-27, 2016 and Nov. 5, 2016 - Jan. 29, 2017, for other geese (except brant).

Daily Bag Limit: 4 geese.

Possession Limit: 12 geese.

**AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT SNOW GEESE**

Hunters must possess a special (~~(2015-16)~~) 2016-17 migratory bird hunting authorization and harvest record card for snow geese when hunting snow, Ross', and blue geese in Goose Management Area 1. A hunter who has not previously possessed a snow goose harvest report card must submit an application form to Washington state department of fish and wildlife (WDFW). Immediately after taking a snow, Ross', or blue goose into possession, hunters must record in ink the information required on the harvest record card.

**SKAGIT COUNTY SPECIAL RESTRICTIONS**

It is unlawful to discharge a firearm for the purpose of hunting waterfowl within 100 feet of any paved public road on Fir Island in Skagit County or to discharge a firearm for the purpose of hunting snow geese within 100 feet of any paved public road in other areas of Skagit County.

While hunting snow geese, if a hunter is convicted of (a) trespass; (b) shooting from, across, or along the maintained part of any public highway; (c) discharging a firearm for the purpose of hunting waterfowl within 100 feet of any paved public road on Fir Island in Skagit County or discharging a firearm within 100 feet of any paved public road for the purpose of hunting snow geese in other areas of Skagit County; or (d) exceeding the daily bag limit for geese, authorization will be invalidated for the remainder of the current snow goose season and an authorization will not be issued for the subsequent snow goose season.

**Goose Management Area ((2A)) 2:** Clark, Cowlitz, Grays Harbor, Pacific and Wahkiakum counties((+)).

September Canada Goose Season

Sept. 3-11, 2016.

Daily Bag Limit: 5 Canada geese, except 15 Canada geese in Pacific  
County.

Possession Limit: 15 Canada geese, except 45 Canada geese in Pacific  
County.

Regular Season

Open in all areas except Ridgefield NWR from 30 minutes after the start of official hunting hours to 30 minutes before the end of offi-



cial hunting hours, Saturdays, Sundays, and Wednesdays only, (~~Nov. 14, 2015 – Dec. 6, 2015; Dec. 16, 2015 – Jan. 31, 2016; and Feb. 10, 2016 – Mar. 9, 2016~~) Oct. 15-23, 2016; Nov. 26, 2016 – Jan. 22, 2017; and Feb. 11 – Mar. 8, 2017. During Feb. (~~10, 2016 – Mar. 9, 2016~~)

11 – Mar. 8, 2017, ~~public lands~~ [U.S. Fish and Wildlife Service National](#)

[Wildlife Refuges \(NWRs\) and WDFW Wildlife Areas](#) are closed to goose

hunting in Goose Management Area (~~2A~~) 2. Ridgefield NWR open from 30 minutes after the start of official hunting hours to 30 minutes before the end of official hunting hours, Tuesdays, Thursdays, and Saturdays only, (~~Nov. 14, 2015 – Dec. 5, 2015; and Dec. 17, 2015 – Jan. 30, 2016~~) Oct. 15-22, 2016 and Nov. 26, 2016 – Jan. 21, 2017.

Bag Limits for Goose Management Area (~~2A~~) 2:

Daily Bag Limit: 4 geese, except for dusky Canada geese.

Possession Limit: 12 geese, except for dusky Canada geese.

Dusky Canada geese: SEASON CLOSED.

~~((Goose Management Area 2B~~

~~Grays Harbor and Pacific County: Open from 30 minutes after the start of official hunting hours to 30 minutes before the end of official hunting hours, Saturdays, Sundays, and Wednesdays only, Oct. 17-25, 2015; Nov. 14, 2015 – Jan. 10, 2016; and Feb. 14, 2016 – Mar. 9, 2016.~~

~~During Feb. 14, 2016 — Mar. 9, 2016, public lands are closed to goose hunting in Goose Management Area 2B.~~

~~Bag Limits for Goose Management Area 2B:~~

~~Daily Bag Limit: 4 geese, except for dusky Canada geese.~~

~~Possession Limit: 12 geese, except for dusky Canada geese.~~

~~Dusky Canada geese: SEASON CLOSED.))~~

**Special Provisions for Goose Management Area((~~s 2A and 2B~~)) 2 Regular**

**Season only:**

A dusky Canada goose is defined as a dark-breasted (as shown in the Munsell color chart 10 YR, 5 or less) Canada goose with a culmen (bill) length of 40-50 mm.

Hunters must possess a valid special ((~~2015-16~~)) 2016-17 migratory bird hunting authorization for Goose Management Area ((~~2A/2B~~)) 2 when hunting geese in Goose Management Area((~~s 2A and 2B~~)) 2. New hunters and those who did not maintain a valid ((~~2014-15~~)) 2015-16 authorization must review goose identification training materials and score a minimum of 80% on a goose identification test to receive authorization. Hunters who fail a test must wait 28 days before retesting, and will not be issued a reciprocal authorization until that time.

It is unlawful for hunters in Goose Management Area((~~s 2A and 2B~~)) 2 to fail to comply with the directions of authorized department person-

nel related to the collection of goose subspecies information pursuant to RCW 77.12.071. A person who prevents department personnel from collecting samples of tissue or other bodily parts is subject to prosecution under RCW 77.15.360 Unlawful interfering in department operations—Penalty. If a hunter takes a dusky Canada goose or does not comply with requirements listed above regarding WDFW collection of subspecies information, authorization will be invalidated by the department and the hunter will not be able to hunt geese in Goose Management Area(~~(s 2A and 2B)~~) 2 for the remainder of the season. It is unlawful to fail to comply with all provisions listed above for Goose Management Area(~~(s 2A and 2B)~~) 2. Taking one dusky Canada goose is punishable as an infraction under RCW 77.15.160 (5)(b). Other violations of Area (~~(2A or 2B)~~) 2 goose hunting rules are punishable as an infraction under RCW 77.15.160 (2)(e) or as a misdemeanor or gross misdemeanor under RCW 77.15.400 unlawful hunting of wild birds, depending on the circumstances of the violation.

### **Goose Management Area 3**

Includes all parts of Western Washington not included in Goose Management Areas 1(~~(, 2A, and 2B: Oct. 17-29, 2015 and Nov. 7, 2015—Jan. 31, 2016)~~) and 2.

September Canada Goose Season

Sept. 10-15, 2016.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 15 Canada geese.

#### Regular Season

Oct. 15-27, 2016 and Nov. 5, 2016 - Jan. 29, 2017.

Daily Bag Limit: 4 geese.

Possession Limit: 12 geese.

#### **Eastern Washington Goose Seasons**

September Canada Goose Season (Eastern Washington)

Sept. 10-11, 2016.

Daily Bag Limit: 5 Canada geese.

Possession Limit: ~~15~~-10 Canada geese.

#### **Goose Management Area 4**

Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanogan, Spokane, and Walla Walla counties(~~(+)~~).

Saturdays, Sundays, and Wednesdays only during Oct. (~~(17, 2015 — Jan. 24, 2016)~~) 15, 2016 - Jan. 22, 2017; Nov. 11, (~~(26, and 27, 2015; Dec. 25, 28, 29, and 31, 2015; Jan. 1 and 18, 2016)~~) 24, and 26, 2016; Dec. 26, 27, 29, and 30, 2016; Jan. 16, 2017; and every day Jan. (~~(25-31, 2016)~~) 23-29, 2017.

#### **Goose Management Area 5**

Includes all parts of Eastern Washington not included in Goose Management Area 4 (~~(Oct. 17-19, 2015 and every day from Oct. 24, 2015 - Jan. 31, 2016)~~).

Oct. 15-17, 2016 and every day from Oct. 22, 2016 - Jan. 29, 2017.

Bag Limits for all Eastern Washington Goose Management Areas during regular seasons:

Daily Bag Limit: 4 geese.

Possession Limit: 12 geese.

#### BRANT

Open in Skagit County only on the following dates: Jan. (~~(9, 10, 13, 16, 17, 20, 23, and 24, 2016)~~) 7, 8, 11, 14, 15, 18, 21, and 22, 2017.

If the (~~(2015-16)~~) 2016-17 preseason brant population in Skagit County is 3,000-6,000 (as determined by the midwinter waterfowl survey), the brant season in Skagit County will be open only on the following dates: Jan. (~~(9, 13, and 16, 2016)~~) 7, 11, and 14, 2017.

If the (~~(2015-16)~~) 2016-17 preseason brant population in Skagit County is below 3,000 (as determined by the midwinter waterfowl survey), the brant season in Skagit County will be canceled.

Open in Pacific County only on the following dates: Jan. (~~(2, 3, 5, 7, 9, 10, 12, 14, 16, and 17, 2016)~~) 7, 8, 10, 12, 14, 15, 17, 19, 21, and 22, 2017.

**AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT BRANT**

Hunters must possess a special ((~~2015-16~~)) 2016-17 migratory bird hunting authorization and harvest record card for brant when hunting brant. A hunter who has not previously possessed a brant harvest report card must submit an application form to Washington state department of fish and wildlife (WDFW). Immediately after taking a brant into possession, hunters must record in ink the information required on the harvest record card.

Bag Limits for Skagit and Pacific counties:

Daily Bag Limit: 2 brant.

Possession Limit: 6 brant.

**SWANS**

Season closed statewide.

**MOURNING DOVE**

Sept. 1 - Oct. 30, 2016, statewide.

Daily Bag Limit: 15 mourning doves.

Possession Limit: 45 mourning doves.

**BAND-TAILED PIGEON**

Sept. 15-23, 2016, statewide.

Daily Bag Limit: 2 band-tailed pigeons.

Possession Limit: 6 band-tailed pigeons.

AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT BAND-TAILED PIGEONS

Hunters must possess a special 2016-17 migratory bird hunting authorization and harvest record card for band-tailed pigeons when hunting band-tailed pigeons. A hunter who has not previously possessed a band-tailed pigeon harvest report card must submit an application form to Washington state department of fish and wildlife (WDFW). Immediately after taking a band-tailed pigeon into possession, hunters must record in ink the information required on the harvest record card.

**FALCONRY SEASONS**

**DUCKS, COOTS, SNIPE, ((AND)) GEESE, AND MOURNING DOVES (EXCEPT BRANT) (**Falconry**)**

Same season dates for each species in each area as listed above.

Daily Bag Limit: 3, straight or mixed bag, including ducks, coots, snipe, geese, and mourning doves during established seasons.

Possession Limit: 3 times the daily bag limit.

**MOURNING DOVE (Extended Falconry)**

Oct. 31 - Dec. 16, 2016.

Daily Bag Limit: 3, straight or mixed bag, including ducks, coots, snipe, and geese during established seasons.

Possession Limit: 3 times the daily bag limit.

**HIP REQUIREMENTS:**

All hunters of migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon) age 16 and over are required to complete a harvest information program (HIP) survey at a license dealer and possess a Washington migratory bird permit as evidence of compliance with this requirement when hunting migratory game birds. Youth hunters are required to complete a HIP survey and possess a Washington migratory bird permit (free for youth) as evidence of compliance with this requirement when hunting migratory game birds.

[Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.32.070. WSR 15-18-032 (Order 15-275), § 232-28-436, filed 8/25/15, effective 9/25/15; WSR 14-17-081 (Order 14-213), § 232-28-436, filed 8/18/14, effective 9/18/14. Statutory Authority: RCW 77.12.047, 77.12.240, 77.32.070. WSR 13-17-083 (Order 13-186), § 232-28-436, filed 8/19/13, effective 9/19/13. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.32.070, and C.F.R. Title 50, Part 20; Migratory Bird Treaty Act. WSR 12-18-001 (Order 12-191), § 232-28-436, filed 8/22/12, effective 9/22/12.]



## **WAC 232-28-436 2016-2017 Migratory waterfowl seasons and regulations**

### **RECOMMENDED ADJUSTMENTS**

The following adjustments are proposed since the Code Reviser (CR 102) filing and are already included in your notebook.

#### **Page 3**

- Change WAC title from 2015-2016 to 2016-2017.

Rationale: Update to current season years.

#### **Page 8**

- Change the areas closed during the Goose Management Area 2 late goose season from “public lands” to “U.S. Fish and Wildlife Service National Wildlife Refuges (NWRs) and WDFW Wildlife Areas”.

Rationale: The late goose season in Goose Management Area 2 is intended to reduce agricultural damage concerns from increasing goose populations on private lands in southwest Washington. This change further defines the closed areas on public lands during the season in February and early March, when geese are more likely to damage agricultural crops on private lands. During the 2016 late goose season, there was confusion among some hunters regarding the definition of public lands (e.g. rivers) versus private lands, and differences in Oregon and Washington closed areas on adjacent areas of the Columbia River. The above change provides more clarity in specifying which areas are closed and more consistency with Oregon regulations.

#### **Page 11**

- Change possession limit for eastern Washington September Canada season from 15 to 10.

Rationale: Because this season is only 2 days, the possession limit cannot exceed 10 geese under federal regulations.

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

WAC 232-28-436: 2016-2017 Migratory game bird seasons and regulations.

### **Supporting Comments:**

Of the 53 comments received, 13 were in support of the proposed changes to WAC 232-28-436.

### **Opposing and Other Comments:**

A total of 16 comments were received regarding changes to general waterfowl seasons. Four comments wanted to shift the waterfowl season later, two comments asked for a separate light and dark goose limit, two wanted higher goose bag limits, two asked for opening of a swan season, one wanted the Canada goose season to start earlier, one asked for duck and goose seasons to be on the same dates, one requested clarification that mergansers are part of the duck bag limit, one wanted the possession limit for the eastside September Canada goose season changed to 10, one asked for a longer September Canada goose season in eastern Washington, and one wanted a spring snow goose season in eastern Washington.

A total of nine comments asked for changes to the season in Goose Management Area 2 (southwest Washington). Of those comments, five asked for an increase in hunt days from 3 to 7 days per week, three asked for the season to start the same date as the duck season, one asked for the hunting hours to be same as for ducks, one asked for the late season to open in all areas, and one asked to eliminate the special authorization for the area.

Two comments were received related to other migratory game birds, including one that asked for a longer band-tailed pigeon season and one that asked for a longer mourning dove season. Additional comments received were not relevant to the proposed rule change.

### **Direction and Rationale:**

Migratory waterfowl season frameworks are established through ongoing interagency management programs involving U.S. Fish and Wildlife Service (USFWS) and flyway organizations, including input from Canada, Russia, and Mexico. Federal frameworks include maximum bag limits, season lengths, season timing, and other regulations. Pacific Flyway season frameworks follow harvest strategies and management plans that have been developed cooperatively by USFWS and the Pacific Flyway Council. All states adopt waterfowl seasons within federal frameworks, and in many cases are more restrictive to address regional conservation needs. Current season proposals in 232-28-436 are designed to maximize recreational opportunity and reduce agricultural damage concerns, consistent with the status of migratory game bird populations and guidelines in the WDFW Game Management Plan. In general, our seasons are as late as possible, and have the maximum season length and bag limits allowed under the 2016-17 federal frameworks. A recommended adjustment in the rule would

change the possession limit to 10 for the eastside Canada goose season. Other suggestions will be evaluated in developing comments on 2017-18 federal regulations.

Regarding the season in Goose Management Area 2 (southwest Washington), the season is limited to three days per week based on budget requirements for adequate monitoring of the season. Based on public input, the goose season is proposed to open concurrent with the duck season for 9 days, and a recommended adjustment to the late season would open more areas for hunting. Hunting hours and the authorization requirement are not open for change based on federal regulations.

AMENDATORY SECTION (Amending WSR 15-10-034, filed 4/28/15, effective 5/29/15)

**WAC 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures.** It is unlawful to hunt migratory waterfowl, coot, and snipe on or within the following described areas:

(1) Waters and land below the mean high water mark of Bachelor Island Slough of the Columbia River. Bachelor Island Slough is further defined as those waters starting at the south end of the slough at its confluence with the Columbia River, running north along the eastern shore of Bachelor Island to the confluence with Lake River. (Clark County)

(2) The Columbia River and those lands lying within one-quarter mile of the Columbia River upstream from the railroad bridge at Wishram to the U.S. Highway 97 bridge at Maryhill (Klickitat County).

(3) The Columbia River between the mouth of Glade Creek (river channel marker 57) and the old town site of Paterson (river channel marker 67), except the hunting of waterfowl, coot, and snipe is permitted from the main shoreline of the Columbia River in this area. (Benton County)

(4) The Columbia River and those lands lying within one-quarter mile of the Columbia River between the old Hanford townsite (Wooden Tower) power line crossing in Section 24, T13N, R27E, to Vernita Bridge (Highway 24). (Benton, Franklin, and Grant counties)

(5) The Columbia River between the public boat launch at Sunland Estates (Wanapum Pool) and a point perpendicular in Kittitas County; upstream to the posted marker 200 yards north of Quilomene Bay and a point perpendicular in Grant County, including islands. (Grant and Kittitas counties)

(6) The Snake River and those lands within one-quarter mile of the Snake River, between the U.S. Highway 12 bridge near Burbank, upstream to a line running between shoreline navigation marker ((4)) 5 at Levey Park Recreation Area and the Corps of Engineers windmill at Charbonneau Habitat Management Unit. (Franklin and Walla Walla counties)

(7) The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Sunnyside-Mabton Road bridge downstream to the Euclid Road bridge (4 miles). (Yakima County)

[Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-034 (Order 15-96), § 232-16-740, filed 4/28/15, effective 5/29/15. Statutory Authority: RCW 77.12.047. WSR

05-17-098 (Order 05-174), § 232-16-740, filed 8/15/05, effective 9/15/05; WSR 04-17-061 (Order 04-207), § 232-16-740, filed 8/11/04, effective 9/11/04; WSR 03-16-087 (Order 03-175), § 232-16-740, filed 8/5/03, effective 9/5/03. Statutory Authority: RCW 77.12.040. WSR 97-18-023 (Order 97-163), § 232-16-740, filed 8/25/97, effective 9/25/97. Statutory Authority: RCW 77.12.040 and 77.12.010. WSR 96-18-005 (Order 96-123), § 232-16-740, filed 8/22/96, effective 9/22/96.]

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

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

**Supporting Comments:**

Of the 14 comments received, 8 were in support of the proposed change to WAC 232-16-740. Comments noted support for clarification of the rule.

**Opposing and Other Comments:**

One comment asked to increase the size of the Snake River closure, one questioned the need for the closure, one asked to reduce the size of another closure on the Columbia River, and one asked for trapping to be allowed in the Snake River closure after the close of the waterfowl season, and other 3 comments were not relevant to the proposed rule change.

**Direction and Rationale:**

Game reserves and closures are intended to improve distribution of waterfowl and other wildlife, allow access by wildlife to important habitat use areas during hunting seasons, and improve hunting success and viewing opportunities. The department supports clarifying existing rules when necessary to address these goals. Trapping is allowed in this closure after the close of the waterfowl season.



# 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.

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

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

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

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

#### **Reasons supporting proposal:**

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

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

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### **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.