

Possession and Importation of Dead Wildlife and Transport of Elk Hooves

232-12-287, 232-12-021 and 232-12-286

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Summary

Meeting dates: April 8-9, 2016

Agenda item: Possession and Importation of Dead Wildlife and Transport of Elk Hooves – Rule Decision

Presenter: Jerry Nelson, Ph.D., Deer and Elk Section Manager, Wildlife Program

Background summary:

Currently there is no legal way to salvage and possess deer and elk that have been killed by a motor vehicle. Per a request by the Commission, the Department has investigated a strategy that would allow salvage and possession of those animals. Staff will propose amendments to WAC 232-12-287 that would facilitate the legal salvage of road-killed deer and elk.

In WAC 232-12-021, the Department is recommending adding the state of Michigan to the list of states that have discovered chronic wasting disease (CWD) in their wild, free-ranging deer populations. Michigan had their first detection of CWD in late May of 2015. The Commission currently requires additional processing of deer, elk, and moose carcasses harvested in these states. The additional processing may help reduce the risk of CWD being imported into the state. Currently CWD has not been detected in Washington. This amendment would make the emergency rule permanent.

The Department is recommending an amendment to WAC 232-12-286 that would allow, under certain circumstances, the legal transport of elk hooves coming from GMUs with treponeme associated hoof disease (TAHD). The amendment would help facilitate current research on TAHD and make the emergency rule permanent.

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

- Provide a mechanism for the public to legally make use of deer and elk killed by motor vehicles that currently cannot be used.
 - Facilitate research on TAHD.
 - Reduce the risk of importing CWD into Washington.
-

Public involvement process used and what you learned:

The Department notified approximately 28,000 individuals and organizations informing them of the opportunity to provide comment on the proposed regulations. Additionally, these individuals and organizations were given the opportunity to provide verbal testimony at the March 18-19, 2016 Commission Meeting in Moses Lake.

Action requested:

Amend WAC 232-12-287, WAC 232-12-021, and WAC 232-12-286 as proposed.

Draft motion language:

I move to amend WAC 232-12-287, WAC 232-12-021, and WAC 232-12-286 as proposed.

Justification for Commission action:

- Amendments would allow the public to salvage deer and elk killed in vehicle collisions.
 - Amendments would reduce the risk of deer, elk or moose harvested in states with CWD being brought to Washington without adequate processing of the carcasses.
 - Amendments would facilitate continued research on TAHD.
-

Communications Plan:

WDFW Website
News Releases
Hunting Pamphlet

AMENDATORY SECTION (Amending WSR 03-16-087, filed 8/5/03, effective 9/5/03)

WAC 232-12-287 Possession of dead wildlife. (1) Except as authorized by permit of the director or as otherwise provided by (~~subsection (2) of~~) this section, it is unlawful to possess wildlife found dead. This rule does not prohibit the possession of naturally shed antlers of deer, elk, or moose.

(2) Except as provided in subsection (3) of this section, an individual may remove and dispose of wildlife found dead on his or her property or an adjoining public roadway. Before removing the wildlife, the individual shall, by telephone, notify the department or the Washington state patrol communications office, and shall provide his or her name, address, telephone number, and the description and location of the wildlife. The individual may remove the wildlife for disposal only, and may not retain the wildlife for personal use or consumption. Other laws and rules may apply to the disposal, including rules of the department of health (WAC (~~246-203-120~~) 246-203-121). Wildlife removed under this (~~section~~) subsection remain the property of the state.

(3) It is permissible to salvage and transport a deer or elk that is accidentally killed by a motor vehicle collision on an established municipal, county, state, or federal road or highway.

(a) Big game licenses and tags cannot be used for the purpose of salvaging motor vehicle-killed deer or elk.

(b) A salvage permit must be obtained from the department within 24 hours of taking possession of the animal. Permits may be obtained on the department's web site or at department regional offices.

~~(c) If the salvaged deer or elk has antlers, the antlers must be surrendered to a department regional or district office within 72 hours of being salvaged.~~

(~~c~~) The entire carcass, including entrails, of the animal must be removed from the road right of way.

(~~e~~) Salvaged deer or elk must be salvaged for consumption and all waste of wildlife rules will apply. Any meat an individual deems unfit for human consumption or unusable animal parts must be disposed of pursuant to WAC 246-203-121. Individuals salvaging and consuming this meat do so at their own risk. The department makes no guarantee as to the fitness for consumption of deer or elk collected under a salvage permit.

(~~f~~e) An individual may not kill an injured or wounded animal that they encounter for the purpose of salvage. A law enforcement officer present at the scene of a motor vehicle collision may euthanize an animal injured in the collision and that deer or elk may be taken for salvage.

(4) Possession of wildlife in violation of this section is punishable under RCW 77.15.400, 77.15.410, or 77.15.430 depending on the species involved in the violation.

[Statutory Authority: RCW 77.12.047. WSR 03-16-087 (Order 03-175), § 232-12-287, filed 8/5/03, effective 9/5/03. Statutory Authority: RCW 77.12.040. WSR 95-10-026, § 232-12-287, filed 4/26/95, effective 5/27/95; WSR 81-12-029 (Order 165), § 232-12-287, filed 6/1/81. Formerly WAC 232-12-180.]

RECOMMENDED ADJUSTMENTS

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Under section 3, delete the following language which makes up subsection (c):

“(c) If the salvaged deer or elk has antlers, the antlers must be surrendered to a department regional or district office within 72 hours of being salvaged.”

This recommended adjustment is proposed for the following reasons: the process would be easier for the public and would require fewer steps if antlers are retained; it would require less staff resources and storage resources if antlers are not surrendered to the Department; and the intention of the rule is not to inadvertently create a violation that stems from road salvage.

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

WAC 232-12-287 Possession of Dead Wildlife

Supporting Comments:

Over 90% of the 189 comments received supported the proposed rule change. The overwhelming support was highlighted by most people seeing the value in salvaging deer and elk meat and that the program has been successful in other states.

Opposing and Other Comments:

A handful of comments opposed the proposed rule, primarily based on the concern that the program would lead to increased poaching. Another was concerned that existing food bank donations may be affected.

Some additional comments were provided, including a request to allow the antlers of a buck or bull to be kept, placing a limit on the number of salvage animals that could be picked up in a year, allowing for moose to be salvaged, and requiring people to purchase a tag to put on the salvage animal.

Direction and Rationale:

Allowing for vehicle-killed animals to be salvaged has been successfully implemented in other states, including Montana and Idaho, and we anticipate being successful in Washington. While Washington roadways are certainly different than these states, the process to allow salvage of road-killed deer and elk is still applicable.

At this point, there is no legislative authority to charge for a salvage permit, so that is not an option. Staff have also considered whether to include moose in the rule, but the recommendation is to try this new rule with deer and elk before addressing moose. Not allowing the retention of antlers is being recommended to reduce the incentive for poaching.

It is important to note that a salvage permit does not remove responsibility from the public to obey all road safety and trespass rules. Additionally, it is important to clarify that, just as seen in other states, WDFW or the state of Washington cannot guarantee meat quality and persons salvaging and consuming this meat do so at their own risk.

AMENDATORY SECTION (Amending WSR 15-10-035, filed 4/28/15, effective 5/29/15)

WAC 232-12-021 Importation and retention of dead nonresident

wildlife. (1) It is unlawful:

(a) To import or possess dead wildlife, taken in another state or country, into Washington unless such wildlife was acquired lawfully. Proof of legal acquisition must be retained during the period of retention of the carcass or edible parts.

(b) For a person who imports a dead bighorn sheep, mountain goat, cougar or bear to fail to report such importation to the department in writing within ten days of the importation. The report must contain the name and address of the importer, the location where the dead wildlife is being stored, and general information describing where and how the wildlife was obtained.

(c) To import or possess deer, elk, or moose, or parts thereof, harvested in Pennsylvania, Texas, Missouri, Colorado, Wyoming, Utah, New Mexico, Wisconsin, Illinois, South Dakota, Nebraska, Kansas, New York, West Virginia, Virginia, North Dakota, Alberta, Maryland, Minnesota, Iowa, Michigan, and Saskatchewan, with the following exceptions:

(i) Meat that has been deboned in the state or province where it was harvested and is imported as boned-out meat;

(ii) Skulls and antlers, antlers attached to the skull plate, or upper canine teeth (buglers, whistlers, ivories) from which all soft tissue has been removed;

(iii) Hides or capes without heads attached;

(iv) Tissue imported for use by a diagnostic or research laboratory; and

(v) Finished taxidermy mounts.

(2) Violation of subsection (1) of this section is punishable under RCW 77.15.290((7)) Unlawful transportation of fish or wildlife—Penalty.

(3) It is unlawful for an importer or receiver of deer or elk to fail to notify the department within twenty-four hours if a state or province alerts the importer or receiver that a harvested animal has tested positive for chronic wasting disease. Violation of this subsection is an infraction punishable under RCW 77.15.160((7)) Infractions. [Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-035 (Order 15-97), § 232-12-021, filed 4/28/15, effective 5/29/15. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 13-11-078 (Order 13-94), § 232-12-021,

filed 5/16/13, effective 6/16/13. Statutory Authority: RCW 77.12.047. WSR 11-23-083 (Order 11-299), § 232-12-021, filed 11/16/11, effective 12/17/11. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-12-021, filed 8/20/10, effective 9/20/10. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210. WSR 07-11-017 (Order 07-62), § 232-12-021, filed 5/3/07, effective 6/3/07. Statutory Authority: RCW 77.12.047. WSR 06-02-063 (Order 05-271), § 232-12-021, filed 1/3/06, effective 2/3/06; WSR 05-02-046 (Order 04-327), § 232-12-021, filed 1/3/05, effective 2/3/05. Statutory Authority: RCW 77.12.030. WSR 93-04-040 (Order 583), § 232-12-021, filed 1/27/93, effective 2/13/93. Statutory Authority: RCW 77.12.040. WSR 82-04-034 (Order 177), § 232-12-021, filed 1/28/82; WSR 81-12-029 (Order 165), § 232-12-021, filed 6/1/81. Formerly WAC 232-12-060.]

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

WAC 232-12-021 Importation of Dead Non-resident Wildlife

Supporting Comments:

Over 68% of the 44 comments received supported the proposed rule change. This support was highlighted by most people wanting to keep chronic wasting disease out of Washington and seeing the value of protecting the State's wildlife populations.

Opposing and Other Comments:

A handful of comments opposed the proposed rule, primarily based on the belief that the rule should apply to all deer, elk, and moose from any state, not just those with confirmed cases of chronic wasting disease. A couple other comments were concerned about the increased regulation from WDFW on what they deemed to be personal property.

Direction and Rationale:

The intent of the rule is to reduce the risk of deer, elk, and moose carcasses being imported from states that have chronic wasting disease in their wild, free-ranging populations without additional processing. The recommendation adds the state of Michigan. None of the comments received on this WAC required changes to the recommendations being made to the Fish and Wildlife Commission.

AMENDATORY SECTION (Amending WSR 14-17-093, filed 8/19/14, effective 9/19/14)

WAC 232-12-286 Reducing the spread of hoof disease—Unlawful

transport of elk hooves. (1) It is unlawful to transport the hooves of harvested elk beyond the site where the animal was killed in Game Management Units 501 through 564, and 642 through 699, except when specifically authorized by the department or when acting as an agent of the department in the limited capacity of cooperating with research or management actions regarding hoof disease as directed by the department.

(2) Violation of this section is an infraction under RCW 77.15.160((~~7~~)) Infractions.

[Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.455, and 77.32.070. WSR 14-17-093 (Order 14-215), § 232-12-286, filed 8/19/14, effective 9/19/14.]

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

WAC 232-12-286 Hoof Transport

Supporting Comments:

About 57% of the 44 comments received supported the proposed rule change. The vast majority of the comments in favor supported any rule that would aid WDFW in researching and learning more about treponeme associated hoof disease (TAHD).

Opposing and Other Comments:

A small amount of comments opposed the rule, with a general consensus forming around the belief that it would be more effective to leave the hooves in the field.

Some additional comments were provided, including suggestions on setting up WDFW hoof collection sites throughout the state, putting more effort into a solution to the issue, and recruiting hunters to help with further research.

Direction and Rationale:

The intent of the rule is to reduce the risk of TAHD from spreading by restricting the transport of affected hooves to different locations.

The recommended change to the rule would allow the transport of affected hooves by Department staff and members of the public cooperating with Department research. This modification was made as an emergency rule change in 2015. This recommendation would make the rule change permanent. None of the comments received on this WAC required changes to the recommendations being made to the Fish and Wildlife Commission.



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
Name: Wildlife Program Commission Meeting Public Comments
Address: 600 Capitol Way North
Olympia, WA 98501-1091
e-mail: 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.

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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.