

Migratory Bird Hunting Regulations

232-28-436

TABLE OF CONTENTS

	<u>Page</u>
Summary Sheet	1
WAC 232-28-436 2017-2018 Migratory waterfowl seasons and regulations.....	3
Summary of Public Comment.....	17
CR102	18

Summary Sheet

Meeting dates: March 17-18, 2017

Agenda item: Migratory Bird Hunting Regulations – Briefing and Public Hearing

Presenter: Kyle Spragens, Waterfowl Section Manager, Wildlife Program

Background summary:

Department staff will brief the Commission on the proposed amendment of WAC 232-28-436 2017-18 Migratory waterfowl seasons and regulations.

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 annual survey information and population models to prescribe optimal regulation packages each year. 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 developed under mid-continent mallard AHM (liberal, moderate, and restrictive), although different models are used to prescribe annual packages.

In 2016, most duck populations continued to benefit from good to excellent wetland conditions in major breeding areas. The exception was Northern Pintail which experienced poor breeding conditions in southern Alberta and triggered a lowering of daily bag limit to 1 pintail. Most goose populations are at or above Pacific Flyway management plan objective levels, most notably an exceptional population increase in Wrangel Island Snow Goose that winter in Washington, prompting proposed increases in daily bag limit to 6 white geese. Finally, due to increased counts of brant during wintering months in both Clallam and Whatcom Counties, the addition of these two counties with limited hunting days (3) is proposed for the 2017-2018 season.

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

- Establishing waterfowl hunting seasons within frameworks established by the U.S. Fish and Wildlife Service, including continuation of a 107-day season for ducks.

Public involvement process used and what you learned:

The Department notified more than 12,000 individuals and organizations informing them of the opportunity to provide comment on the proposed regulations. Additionally, these individuals and organizations were informed of the opportunity to provide verbal testimony at the March 17-18, 2017 Commission Meeting in Olympia.

Action requested:

Take public comment. Adoption is planned for the April 14-15, 2017 Commission Meeting.

Draft motion language:

N/A – Briefing and public hearing only.

Justification for Commission action:

N/A – Briefing and public hearing only.

Communications Plan:

WDFW Website

News Releases

Hunting Pamphlet

Form revised 12/5/12

AMENDATORY SECTION (Amending WSR 16-12-087, filed 5/31/16, effective 7/1/16)

WAC 232-28-436 ((2016-2017)) 2017-2018 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. ((15-19, 2016)) 14-18, 2017 and Oct. ((22, 2016)) 21, 2017 - Jan. ((29, 2017)) 28, 2018; except scaup season closed Oct. ((15)) 14 - Nov. ((4, 2016)) 3, 2017.

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. ((17-18, 2016)) 16-17, 2017.

Daily Bag Limit: 7 ducks, to include not more than 2 hen mallard, ((2)) 1 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)) 3 pintail, 9 scaup, 6 canvasback, and 6 red-

head 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)) 2 pintail, 6 scaup, 4 canvasback, and 4 redhead 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 ((~~2016-17~~)) 2017-2018 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 and dates (including youth hunting weekend) as the duck season.

Daily Bag Limit: 25 coots.

Possession Limit: 75 coots.

Possession Limit for Youth Hunting Weekend: 50 coots.

SNIPE

Same areas and dates (except youth hunting weekend) as the 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. (~~(17-18, 2016)~~) 16-17, 2017, statewide.

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)~~) 9-14, 2017.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 15 Canada geese.

Regular Season

Oct. (~~(15, 2016)~~) 14, 2017 - Jan. (~~(29, 2017)~~) 28, 2018, for snow,

Ross', blue, and white-fronted geese. Oct. (~~(15-27, 2016)~~) 14-26, 2017

and Nov. (~~(5, 2016)~~) 4, 2017 - Jan. (~~(29, 2017)~~) 28, 2018, for other geese (except brant).

Daily Bag Limit: 4 (~~(geese)~~) Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 6 white geese (snow, Ross', blue).

Possession Limit: 12 (~~(geese)~~) Canada geese (except dusky Canada geese which are closed to harvest), 30 white-fronted geese, and 18 white geese (snow, Ross', blue).

AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT SNOW GEESE

Hunters must possess a special (~~(2016-17)~~) 2017-2018 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 2: Clark, Cowlitz, Grays Harbor, Pacific and Wahkiakum counties.

September Canada Goose Season

Sept. (~~(3-11, 2016)~~) 2-10, 2017.

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 official hunting hours, Saturdays, Sundays, and Wednesdays only, Oct. ~~((15-23, 2016; Nov. 26, 2016 — Jan. 22, 2017; and Feb. 11 — Mar. 8, 2017. During Feb. 11 — Mar. 8, 2017))~~ 14-22, 2017; Nov. 25, 2017 - Jan. 21, 2018; and Feb. 10 - Mar. 7, 2018. During Feb. 10 - Mar. 7, 2018, U.S Fish and Wildlife Service National Wildlife Refuges (NWRs) and WDFW Wildlife Areas are closed to goose hunting in Goose Management Area 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, Oct. ~~((15-22, 2016 and Nov. 26, 2016 — Jan. 21, 2017))~~ 14-21, 2017 and Nov. 25, 2017 - Jan. 20, 2018.

Bag Limits for Goose Management Area 2:

Daily Bag Limit: 4 ~~((geese, except for dusky Canada geese))~~ Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 6 white geese (snow, Ross', blue).

Possession Limit: 12 ~~((geese, except for dusky Canada geese))~~ Canada geese (except dusky Canada geese which are closed to harvest), 30 white-fronted geese, and 18 white geese (snow, Ross', blue).

Dusky Canada geese: SEASON CLOSED.

Special Provisions for Goose Management Area 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 (~~(2016-17)~~) 2017-2018 migratory bird hunting authorization for Goose Management Area 2 when hunting geese in Goose Management Area 2. New hunters and those who did not maintain a valid (~~(2015-16)~~) 2016-2017 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 2 to fail to comply with the directions of authorized department personnel 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 2 for the remainder of the season. It is unlawful to fail to comply with all provisions listed above for Goose Management Area 2. Taking one dusky Canada goose is punishable as an infraction under RCW 77.15.160 (5)(b). Other violations of Area 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 and 2.

September Canada Goose Season

Sept. (~~(10-15, 2016)~~) 9-14, 2017.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 15 Canada geese.

Regular Season

Oct. (~~(15-27, 2016 and Nov. 5, 2016 - Jan. 29, 2017)~~) 14-26, 2017 and

Nov. 4, 2017 - Jan. 28, 2018.

Daily Bag Limit: 4 (~~(geese)~~) Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 6 white geese (snow, Ross', blue).

Possession Limit: 12 (~~geese~~) Canada geese (except dusky Canada geese which are closed to harvest), 30 white-fronted geese, and 18 white geese (snow, Ross', blue).

Eastern Washington Goose Seasons

September Canada Goose Season (Eastern Washington)

Sept. (~~(10-11, 2016)~~) 9-10, 2017.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 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. (~~(15, 2016 - Jan. 22, 2017; Nov. 11, 24, and 25, 2016; Dec. 26, 27, 29, and 30, 2016; Jan. 16, 2017; and every day Jan. 23-29, 2017)~~) 14, 2017 - Jan. 21, 2018; Nov. 10, 23, and 24, 2017; Dec. 25, 26, 28, and 29, 2017; Jan. 15, 2018; and every day Jan. 22-28, 2018.

Goose Management Area 5

Includes all parts of Eastern Washington not included in Goose Management Area 4.

Oct. (~~(15-17, 2016)~~) 14-16, 2017 and every day from Oct. (~~(22, 2016 - Jan. 29, 2017)~~) 21, 2017 - Jan. 28, 2018.

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

Daily Bag Limit: 4 (~~(geese)~~) Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 6 white geese (snow, Ross', blue).

Possession Limit: 12 (~~(geese)~~) Canada geese (except dusky Canada geese which are closed to harvest), 30 white-fronted geese, and 18 white geese (snow, Ross', blue).

BRANT

Open in Skagit County only on the following dates: Jan. (~~(7, 8, 11, 14, 15, 18, 21, and 22, 2017)~~) 6, 7, 10, 13, 14, 17, 20, and 21, 2018.

If the (~~(2016-17)~~) 2017-2018 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. (~~(7, 11, and 14, 2017)~~) 6, 10, and 13, 2018.

If the (~~(2016-17)~~) 2017-2018 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 Clallam and Whatcom counties only on the following dates: Jan. 6, 10, and 13, 2018.

Open in Pacific County only on the following dates: Jan. (~~7, 8, 10, 12, 14, 15, 17, 19, 21, and 22, 2017~~) 6, 7, 9, 11, 13, 14, 16, 18, 20, and 21, 2018.

AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT BRANT

Hunters must possess a special (~~2016-17~~) 2017-2018 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~~) Clallam, Skagit, Pacific and Whatcom counties:

Daily Bag Limit: 2 brant.

Possession Limit: 6 brant.

SWANS

Season closed statewide.

MOURNING DOVE

Sept. 1 - Oct. 30, (~~2016~~) 2017, statewide.

Daily Bag Limit: 15 mourning doves.

Possession Limit: 45 mourning doves.

BAND-TAILED PIGEON

Sept. 15-23, (~~2016~~) 2017, 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~~) 2017-2018 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, 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~~) 2017.

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, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090, and 77.32.155. WSR 16-12-087, § 232-28-436, filed 5/31/16, effective 7/1/16. 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.]

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

WAC 232-28-436 2017-2018 Migratory waterfowl seasons and regulations.

Supporting Comments:

Of the 101 comments received, 64 were in support of the proposed changes to WAC 232-28-436.

Opposing and Other Comments:

Twelve (12) comments were received requesting even further increases in snow goose harvest, including consideration of late season (February-March) opportunity. Five comments were related to making adjustments to the season structure and length within the former Goose Management Area 2B. Three comments were requesting utilizing all 107 days in the Goose Management Area 2. Two comments were requesting opening swan harvest in NW Washington. Two comments were requesting consideration of electronic decoys. Two comments were requesting elimination of the snow goose harvest card. Finally, several individuals commented on the white-fronted goose bag limit seeming unrealistic and counterintuitive in comparison to the number of snow geese seen within the state during the waterfowl season dates.

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 WAC 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 2017-18 federal frameworks, including increased snow goose bag limits state-wide, and the decoupling of the three goose groups (cackling/Canada, white-fronted, and white geese) in order to address future agricultural depredation issues and conservation concerns independently. The use of mandatory harvest reporting cards allows managers to keep track of total harvest for certain populations that are regionally explicit and/or require more active management actions to address these issues and concerns. Other suggestions will be evaluated in developing comments on 2018-19 federal regulations, which falls in line with the 3-year hunting season setting process.

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. A Memorandum of Understanding related to Dusky Canada Goose conservation requires us to monitor incidental harvest of this population which is closed to hunting due to current population counts. Adjustments to season structure, number of days, hunting hours, bag limits, and public land closures during the late season hunt have added complication and confusion for the typical hunter attempting to take advantage of this opportunity. Strategies to balance these concerns with appropriate harvest pressure are currently being evaluated by the new Waterfowl Section Manager through public meeting input and consultation with other conservation partners in an attempt to stabilize the regulations within this region.



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 16-24-010 on 11/28/16; 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) WAC 232-28-248 Special closures and firearm restriction areas; WAC 232-28-273 2012-2014 Moose seasons, permit quotas, and areas; WAC 232-28-291 Special hunting season permits; WAC 232-28-296 Landowner hunting permits; 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 232-28-357 2015-2017 Deer general seasons and definitions; WAC 232-28-359 2016 Deer special permits; WAC 232-28-360 2016 Elk special permits; WAC 232-28-436 2016-2017 Migratory waterfowl seasons and regulations; WAC 232-28-622 2015-2017 Bighorn sheep seasons and permit quotas; WAC 232-28-624 Deer area descriptions; WAC 232-12-021 Importation and retention of dead nonresident wildlife; WAC 232-28-283 Big game and wild turkey auction, raffle, and special incentive permits; WAC 232-28-299 Mandatory report of hunting activity; WAC 232-28-358 2015-2017 Elk general seasons and definitions.

Hearing location(s):
 Natural Resources Building
 First Floor – Room 172
 1111 Washington St SE
 Olympia, Washington 98504

Date: March 17-18, 2017 Time: 8:30 a.m.

Submit written comments to:
 Online: <http://wdfw.wa.gov/about/regulations/development.html>
 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 22, 2017

Assistance for persons with disabilities: Contact

Tami Lininger by March 1, 2017

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

Date of intended adoption: on or after April 14, 2017
 (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 1, 2017

NAME (type or print)
Scott Bird

SIGNATURE
Scott Bird

TITLE
Acting Rules Coordinator

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 01, 2017

TIME: 11:10 AM

WSR 17-04-103

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..... Eric Gardner	Natural Resources Building, Olympia	(360) 902-2515
Implementation....Eric Gardner	Natural Resources Building, Olympia	(360) 902-2515
Enforcement..... Chief Chris Anderson	Natural Resources Building, Olympia	(360) 902-2373

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

These rules apply to recreational hunting and do not affect small business.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: This proposal does not involve hydraulics.

ATTACHMENT A

Existing Rules Proposed for Amendment

WAC 232-28-248 Special closures and firearm restriction areas.

WAC 232-28-273 2012-2014 Moose seasons, permit quotas, and areas.

WAC 232-28-291 Special hunting season permits.

WAC 232-28-296 Landowner hunting permits.

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 232-28-357 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.

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

WAC 232-28-283 Big game and wild turkey auction, raffle, and special incentive permits.

WAC 232-28-299 Mandatory report of hunting activity.

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 proposed changes include corrections to WAC headings or internal references to other WACs that are subject to the recodification of WAC title 232. This is part of the department's effort to clean-up and better organize WDFW's administrative code and provides the public and department staff with a more logical and navigable code. It will also consolidate all rules under one WAC Title and should accomplish a streamlined, legally accurate, and legally adequate administrative code.

Reasons supporting proposal:

The changes to WDFW's administrative code are necessary because of the code's large-scale disorganization, outdated and confusing rules, and references to former agencies and repealed RCWs. If a reorganization and substantive amalgamation of the rules is not done, the public's confusion will increase over time, the rules could be challenged and invalidated in court, and the agency could face liability due to poorly written rules. This rulemaking will update WDFW's rules to bring them into compliance with statutory authority and repeal outdated and inapplicable rules.

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 proposed changes to the Special Closures and Firearm Restriction Areas WAC are administrative changes that clarify road names and GMU names.

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.

WAC232-28-273 Moose seasons, permit quotas, and areas.

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

WDFW is proposing 1) reducing any moose permits in the combined GMU 127 and 130 hunting unit (“Hangman”) from 7 to 4; 2) reducing antlerless-only moose permits in GMU 127 from 7 to 4; 3) extending season length of the Parker Lake archery (moose area 3) hunt from Sept 1-26 to Sep 1-30; 4) extending season length of Parker Lake muzzleloader from Sept 27-Oct 5 to Oct 1-31,5) and increasing the number of Hunter Education Instructor Incentive permits from 2 to 4, but expanding the GMUs open to these permit holders to include GMUs 101, 105, 108, 111, 113, and 121.

Reasons supporting proposal:

Feedback from hunters during seasons 2015 and 2016 indicating it has been increasingly difficult to find moose in GMUs 127 and 130. Feedback from hunters has indicated the more time has been needed to successfully hunt in the Parker Lake area, and military officials have suggested these specific season dates. Increasing the hunter education instructor incentive permits will help incentivize instructors to meet program goals and public demand.

WAC 232-28-291 Special hunting season permits.

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

This proposal allows the department to restore points to hunters that draw a damage hunt administered by a WDFW designated hunt coordinator, but do not get called to participate.

Reasons supporting proposal:

Feedback from hunters since the inception of this type of hunt suggests that this is a problem that can be fixed by the proposed changes.

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 2017 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 the²¹ programs 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 232-28-337 Elk area descriptions.

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

Six Elk Areas are proposed for removal in Grays Harbor, Mason, Clallam, and Jefferson Counties. These Elk Areas (EA 6012, EA 6062, EA 6066, EA 6068, EA 6072, EA 6073) are no longer needed to mitigate wildlife conflict.

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. When the need for a particular Elk Area subsides, the Fish and Wildlife Commission adopts amendments to the rule that removes those particular Elk Areas.

WAC 232-28-342 Small Game and other wildlife seasons and regulations.

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

This proposal changes the wildlife area name South L.T. Murray to Wenas. The wildlife area name Wenas will now be consistent with WDFW publications including website pages, pamphlet and brochures.

Reasons supporting proposal:

The wildlife area name South L.T. Murray changed to Wenas in 1997. The name change was due to the different funding sources. The southern portion of the L.T. Murray wildlife area is funded by federal BPA money where as L.T. Murray proper is funded by wildlife state money.

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 2017. 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 2017. The proposal helps address deer agricultural damage problems and provides for deer population control when needed.

WAC 232-28-359 2017 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 2017. 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 2017. The proposal helps address deer agricultural damage problems and provides for deer population control when needed.

WAC 232-28-360 2017 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 2017. 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.

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 2017. The proposal helps address elk agricultural damage problems and provides for elk population control when needed.

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

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

This proposal amends WAC 232-28-436, 2016-2017 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 2017-2018 hunting season. In this proposal goose bag limits are changed from a bag limit of 4 geese (not including brant) to allow harvest of 4 Canada geese, 10 white-fronted geese, and 6 white geese statewide during specified season dates. Dusky Canada Goose remains closed to harvest. The proposal opens Whatcom and Clallam counties to limited brant harvest dates.

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 Bighorn sheep seasons, permit quotas, and areas.

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

WDFW is proposing 1) temporarily eliminating the bighorn sheep ram permit for the Vulcan Mountain herd, 2) adding a second season of bighorn sheep ewe permits at the Cleman Mountain herd (which would add 10 permits during a later season to the 10 offered in 2016), and 3) adjusting the season of the early bighorn sheep ewe season at Cleman Mountain.

Reasons supporting proposal:

1) The Vulcan Mountain bighorn sheep herd may be increasing slowly but remains small, and there are few mature rams in the herd at this time. WDFW co-manages this herd with the Colville Confederated Tribes, who have similarly instituted a temporary moratorium on harvest in this herd. WDFW is attempting to bolster this herd via translocations, and we hope to be able to offer a ram permit in future, in cooperation with our Tribal partners, but for now, ram harvest is not advisable. 2) The Cleman Mountain bighorn sheep herd currently numbers approximately 275 individuals, whereas WDFW has estimated that a long-term sustainable population is approximately 170-220. WDFW has, and will continue to translocate animals from this herd when opportunity exists, but at present, those opportunities have been insufficient to reduce population size to the desired level. 3) With a proposed increase from 10 to 20 ewe permits, WDFW proposes splitting the ewe season into 2 separate time periods, to assure a quality experience and reduce safety concerns. Hunter success in this herd is usually quite high; thus, WDFW believes that the time period allowed for each of these 10 hunts is sufficient.

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 a new Deer Area in Klickitat County. The proposed new Deer Area will expand deer hunting opportunity on newly acquired Wildlife Area land.

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, expanding hunting opportunity, using hunting as a tool to control deer populations and mitigating wildlife conflict.

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 proposed changes include corrections to WAC headings or internal references to other WACs that are subject to the recodification of WAC title 232. This is part of the department's effort to clean-up and better organize WDFW's administrative code and provides the public and department staff with a more logical and navigable code. It will also consolidate all rules under one WAC Title and should accomplish a streamlined, legally accurate, and legally adequate administrative code.

Reasons supporting proposal:

The changes to WDFW's administrative code are necessary because of the code's large-scale disorganization, outdated and confusing rules, and references to former agencies and repealed RCWs. If a reorganization and substantive amalgamation of the rules is not done, the public's confusion will increase over time, the rules could be challenged and invalidated in court, and the agency could face liability due to poorly written rules. This rulemaking will update WDFW's rules to bring them into compliance with statutory authority and repeal outdated and inapplicable rules.

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:

The proposed changes include corrections to WAC headings or internal references to other WACs that are subject to the recodification of WAC title 232. This is part of the department's effort to clean-up and better organize WDFW's administrative code and provides the public and department staff with a more logical and navigable code. It will also consolidate all rules under one WAC Title and should accomplish a streamlined, legally accurate, and legally adequate administrative code.

Reasons supporting proposal:

The changes to WDFW’s administrative code are necessary because of the code’s large-scale disorganization, outdated and confusing rules, and references to former agencies and repealed RCWs. If a reorganization and substantive amalgamation of the rules is not done, the public’s confusion will increase over time, the rules could be challenged and invalidated in court, and the agency could face liability due to poorly written rules. This rulemaking will update WDFW’s rules to bring them into compliance with statutory authority and repeal outdated and inapplicable rules.

WAC 232-28-299 Mandatory report of hunting activity.

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

The proposed changes include corrections to WAC headings or internal references to other WACs that are subject to the recodification of WAC title 232. This is part of the department’s effort to clean-up and better organize WDFW’s administrative code and provides the public and department staff with a more logical and navigable code. It will also consolidate all rules under one WAC Title and should accomplish a streamlined, legally accurate, and legally adequate administrative code.

Reasons supporting proposal:

The changes to WDFW’s administrative code are necessary because of the code’s large-scale disorganization, outdated and confusing rules, and references to former agencies and repealed RCWs. If a reorganization and substantive amalgamation of the rules is not done, the public’s confusion will increase over time, the rules could be challenged and invalidated in court, and the agency could face liability due to poorly written rules. This rulemaking will update WDFW’s rules to bring them into compliance with statutory authority and repeal outdated and inapplicable rules.

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 proposed changes include corrections to WAC headings or internal references to other WACs that are subject to the recodification of WAC title 232. This is part of the department’s effort to clean-up and better organize WDFW’s administrative code and provides the public and department staff with a more logical and navigable code. It will also consolidate all rules under one WAC Title and should accomplish a streamlined, legally accurate, and legally adequate administrative code.

Reasons supporting proposal:

The changes to WDFW’s administrative code are necessary because of the code’s large-scale disorganization, outdated and confusing rules, and references to former agencies and repealed RCWs. If a reorganization and substantive amalgamation of the rules is not done, the public’s confusion will increase over time, the rules could be challenged and invalidated in court, and the agency could face liability due to poorly written rules. This rulemaking will update WDFW’s rules to bring them into compliance with statutory authority and repeal outdated and inapplicable rules.