

Hunting Equipment

WAC 220-413-070 and WAC 220-414-060

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Summary Sheet

Meeting dates: April 13-14, 2018

Agenda item: Hunting Equipment – **Decision**

Presenter(s): Jerry Nelson, Ph.D., Deer and Elk Section Manager, Game Division,
Wildlife Program

Background summary:

Staff briefed the Fish and Wildlife Commission at the March Commission meeting in Wenatchee regarding proposed amendments to WAC 220-414-060 Muzzleloading firearms, and WAC 220-413-070 Hunting with aid of aircraft, boats or other vehicles.

The Fish and Wildlife Commission requested that staff investigate the hunting public's opinion on changing the muzzleloader equipment rules to allow the use of primers designed to be used in modern cartridges (for example, 209 shotgun primers) during the muzzleloader season. Because the bulk of the public outreach on the 3-year package for 2018-2020 hunting seasons had already been completed, staff had to explore different avenues to capture some of this information. The department sent an email survey to 123,169 deer and elk hunters across the state from all user groups on October 4th and received 14,677 responses. The majority of the responses were supportive of allowing this rule change. Department staff that manage deer and elk populations were also surveyed, and staff responses were mixed. Results for both surveys were presented at the March Fish and Wildlife Commission meeting in Wenatchee.

The use of unmanned aircraft has become ubiquitous in the U.S. Currently WAC 220-413-070 speaks to restrictions related to using vehicles, boats, or aircraft to hunt but the department recognized the need to specifically call out unmanned aircraft in the rule. The proposed amendment does that. The proposed amendment also provides an exception for authorized designees of the department to use unmanned aircraft as a tool to address wildlife conflict.

Staff recommendation:

- Amend WAC 220-414-060 Muzzleloading firearms rule to allow the use of primers designed to be used in modern cartridges (for example, 209 shotgun primers) during the muzzleloader season.
 - Amend WAC 220-413-070 Hunting with aid of aircraft, boats or other vehicles rule to include unmanned aircraft.
-

Policy issue(s) and expected outcome:

- Maximize recreational hunting opportunity.
 - Maintain sustainable hunting seasons.
 - Address wildlife conflict issues.
-

Fiscal impacts of agency implementation:

No fiscal impacts beyond the status quo.

Public involvement process used and what you learned:

The department conducted an extensive public involvement process to develop the 2018-2020 hunting season proposals. The proposed amendment regarding unmanned aircraft was part of that process. Six open house, public meetings were conducted throughout the state in July and August of 2017, to discuss a variety of issues with constituents. Concurrently, the public was asked to provide input on hunting seasons via the department website for a 6-week time period. The department emailed over 119,000 hunters notifying them of the website survey and encouraging them to participate. The department received over 3,900 responses related to deer and elk hunting seasons. Using that information, the department determined which recommendations would move forward.

In preparation for this meeting, notification was made to approximately 12,000 individuals and organizations informing them of the opportunity to provide comment on the proposed regulation amendments. Additionally, these individuals and organizations were informed of the opportunity to provide verbal testimony at the March 16-17, 2018 Commission meeting in Wenatchee.

In addition, the department sent an email survey inquiring about the use of modern primers and ignition systems during muzzleloader seasons to 123,169 deer and elk hunters across the state from all user groups and received 14,677 responses. Using that information, the department determined a recommendation to move forward. In preparation for this meeting, notification was made to approximately 12,000 individuals and organizations informing them of the opportunity to provide comment on the proposed regulation amendments. Additionally, these individuals and organizations were informed of the opportunity to provide verbal testimony at the March 16-17, 2018 Commission meeting in Wenatchee.

Action requested and/or proposed next steps:

Amend WAC 220-414-060 and WAC 220-413-070 as presented.

Draft motion language:

Motion: I move to amend WAC 220-414-060 and WAC 220-413-070 as presented.

Is there a "second"?

If so, then motion maker discusses basis for motion; other Commissioners discuss views on motion; amendments, if any, proposed and addressed.

Post decision communications plan:

WDFW Website

News Release

Hunting Regulations Pamphlet

Form revised 2-15-18

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-413-070 Hunting with aid of aircraft, boats or other vehicles. (1) It is unlawful to use aircraft, including unmanned aircraft, to spot, locate or report the location of wildlife for the purpose of hunting; except as authorized by a permit issued by the director.

(2) It is unlawful to hunt wildlife from a vehicle, aircraft, including unmanned aircraft, except as authorized by a permit issued by the director, or from a boat propelled by motor unless the motor of such boat has been completely shut off and its progress has ceased.

(3) It is unlawful to use a vehicle, aircraft, unmanned aircraft, or motor-propelled boat for the purpose of pursuing, concentrating, or harassing any wild animal or wild bird, except as authorized by the department to aid in addressing wildlife conflict.

(4) It is unlawful to hunt big game on the day one was airborne in an aircraft, except on a regularly scheduled commercial airline flight.

(5) It is unlawful to hunt game animals, game birds, or migratory birds on the day one has operated an unmanned aircraft.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-413-070, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.040. WSR 82-04-034 (Order 177), § 232-12-057, filed 1/28/82; WSR 81-12-029 (Order 165), § 232-12-057, filed 6/1/81. Formerly WAC 232-12-150.]

WAC 220-413-070 Hunting with aid of aircraft, boats or other vehicles.

RECOMMENDED ADJUSTMENTS

The department recommends the following adjustments since the Code Reviser filed (CR-102). The adjustments are included in your notebooks.

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- Change: In section 3, add to the last sentence “except as authorized by the department to aid in addressing wildlife conflict.”

Rationale: This exception allows the department to designate individuals that might use unmanned aircraft as a tool to address wildlife conflict issues.

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

WAC 220-413-070 Hunting with aid of aircraft, boats or other vehicles.

Supporting Comments:

There were 82 comments in support of this proposed rule change.

Opposing, Neutral, and Other Comments:

There were 14 comments in opposition to this proposal. There were two (2) comments neutral to this proposed rule amendment.

Direction and Rationale:

The proposed change strengthens the rule that already restricts the use of aircraft for hunting purposes. This change would specifically spell out that the restriction also applies to unmanned aircraft. The department will be moving forward with the recommendation to add unmanned aircraft to this rule.

WAC 220-414-060 Muzzleloading firearms. (1) Definitions.

(a) Muzzleloader: A firearm that is loaded from the muzzle and uses black powder or a black powder substitute as recommended by the manufacturer for use in all muzzleloading firearms.

(b) A muzzleloading firearm shall be considered loaded if a powder charge and a projectile, either shot or single projectile are in the barrel and the barrel or breech is capped or primed.

(2) It is unlawful to hunt wildlife using a muzzleloading firearm that does not meet the following specifications:

(a) A muzzleloading shotgun or rifle must have a single or double barrel, rifled or smooth-bored.

(b) A muzzleloading shotgun or rifle used for deer must be .40 caliber or larger. Buckshot size #1 or larger may be used in a smooth-bore of .60 caliber or larger for deer.

(c) A muzzleloading shotgun, rifle, or handgun used for all other big game must be .45 caliber or larger.

(d) Persons lawfully hunting small game with a double barrel, muzzleloading shotgun may keep both barrels loaded.

(e) A muzzleloading handgun must have a single or double barrel of at least eight inches, must be rifled, and must be capable of being loaded with forty-five grains or more of black powder or black powder substitute per the manufacturer's recommendations.

(f) A muzzleloading handgun used for big game must be .45 caliber or larger.

(g) A handgun designed to be used with black powder, including black powder percussion revolvers, can be used to hunt forest grouse, cottontail rabbits, and snowshoe hares.

(3) In addition to the above requirements, it is unlawful to participate (hunt) in a muzzleloading hunting season using a firearm that does not meet the following specifications for a muzzleloader. However, a modern handgun may be carried for personal protection. Modern handguns cannot be used to hunt big game or dispatch wounded big game during a big game hunting season for muzzleloading firearms.

(a) Ignition is to be wheel lock, matchlock, flintlock, or percussion (~~(using original style percussion caps that fit on the nipple and are exposed to the weather. "Exposed to the weather" means the percussion cap or the frizzen must be visible and not capable of being enclosed by an integral part of the weapon proper)~~). Primers designed to be used in modern cartridges are (~~not~~) legal.

(b) Sights must be open, peep, or of other open sight design. Fiber optic sights are legal. Telescopic sights or sights containing glass are prohibited.

(c) It is unlawful to have any electrical device or equipment attached to a muzzleloading firearm while hunting.

(d) Those persons lawfully hunting big game with a double barrel muzzleloader may only keep one barrel loaded.

(4) Muzzleloading firearms used during a modern firearm season are not required to meet ignition, sight, or double barrel restrictions.

(5) A violation of this section is punishable under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted.

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

WAC 220-414-060 Muzzleloading firearms.

Supporting Comments:

There were 148 comments supporting the proposal.

Opposing, Neutral, and Other Comments:

There were 77 comments in opposition to the proposal. There were five (5) comments that were neutral to the proposed rule change.

Direction and Rationale:

The Fish and Wildlife Commission requested that the department reach out to the public and gauge the interest in changing the muzzleloader rules to allow primers for modern, centerfire cartridges during muzzleloader season. Every subsequent survey received majority support to make the change. The department will be moving forward with the recommendation to allow the equipment change.



PROPOSED RULE MAKING

CR-102 (August 2017) (Implements RCW 34.05.320) Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 24, 2018
TIME: 8:20 AM

WSR 18-03-177

Agency: Washington Department of Fish and Wildlife (WDFW)

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 17-24-106 on December 6, 2017 ; 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).

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject)

WAC 220-400-050 Requirements for sealing of pelts and collection of biological information for river otter, cougar, lynx, and bobcat.

WAC 220-410-040 Game management units (GMUs) boundary descriptions-Region four.

WAC 220-410-050 Game management units (GMUs) boundary descriptions-Region five.

WAC 220-412-070 Big game and wild turkey auction, raffle, and special incentive permits.

WAC 220-412-080 Special hunting season permits.

WAC 220-412-100 Landowner hunting permits.

WAC 220-413-030 Importation and retention of dead nonresident wildlife.

WAC 220-413-070 Hunting with aid of aircraft, boats or other vehicles.

WAC 220-413-100 Mandatory report of hunting activity.

WAC 220-413-180 Special closures and firearm restriction areas.

WAC 220-414-060 Muzzleloading firearms.

WAC 220-414-080 Hunting—Hunter orange clothing requirements.

WAC 220-415-010 Deer area descriptions.

WAC 220-415-020 2015-2017 Deer general seasons and definitions.

WAC 220-415-030 2017 Deer special permits.

WAC 220-415-040 Elk area descriptions.

WAC 220-415-050 2015-2017 Elk general seasons and definitions.

WAC 220-415-060 2017 Elk special permits.

WAC 220-415-070 2017 Moose seasons, permit quotas, and areas.

WAC 220-415-080 2018 Spring black bear seasons and regulations.

WAC 220-415-090 2015-2017 Fall black bear hunting seasons and regulations.

WAC 220-415-100 2016-2017 and 2017-2018 Cougar hunting seasons and regulations.

WAC 220-415-120 2017 Bighorn sheep seasons and permit quotas.

WAC 220-415-130 2015-2017 Mountain goat seasons and permit quotas.

WAC 220-416-010 2015-16, 2016-17, 2017-18 Small game and other wildlife seasons and regulations.

WAC 220-416-060 2017-2018 Migratory waterfowl seasons and regulations.

WAC 220-440-030 Public Safety Cougar Removals.

Hearing location(s):

Date:

Time:

Location: (be specific)

Comment:

March 15-17, 2018

8:00 a.m.

Red Lion Hotel
1225 N. Wenatchee Avenue
Wenatchee, WA 98801

Date of intended adoption: April 12-14, 2018 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Wildlife Program Rules Coordinator

Address: PO Box 43141, Olympia, WA 98504-3200

Email: wildthing@dfw.wa.gov

Fax: (360) 902-2162

Other: <https://wdfw.wa.gov/hunting/regulations/seasonsetting/2018-2020/>

By (date) February 14, 2018

Assistance for persons with disabilities:

Contact Tami Lininger

Phone: (360) 902-2267

Fax:

TTY: (800) 833-6388

Email: tami.lininger@dfw.wa.gov

Other:

By (date) March 7, 2018

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

WAC 220-400-050 Requirements for sealing of pelts and collection of biological information for river otter, cougar, lynx, and bobcat.

The purpose of the proposal is to simplify the sealing requirements for bobcat and cougar pelts by aligning the date for sealing bobcat with the last date of trapper reporting and by requiring cougar pelt sealing to occur within 72 hours of harvest. The proposed changes align the dates for pelt sealing each species, regardless of method or reporting of harvest.

WAC 220-410-040 Game management units (GMUs) boundary descriptions-Region four.

The purpose of the proposal is to clarify boundary language as it pertains to Game Management Unit 485 Green River. The existing language can be somewhat complicated. The proposed changes take advantage of the well-marked boundaries of the watershed which are identical to the GMU boundary.

WAC 220-410-050 Game management units (GMUs) boundary descriptions-Region five.

The purpose of the proposal is to clarify boundary language as it pertains to Game Management Units 522 Loo Wit and 560 Lewis River. The proposed changes clarify directional movements on established roads that make up the boundaries.

WAC 220-412-070 Big game and wild turkey auction, raffle, and special incentive permits.

This proposal replaces GMU 172 with GMU 169 for the Rocky Mountain bighorn sheep raffle permit holder.

WAC 220-412-080 Special hunting season permits.

This proposal revises wording in the "once in a lifetime" part of special hunting permits for moose, to reflect the proposed change in hunt categories from "any moose" to "antlered bull moose." Any "point" accumulated under the "any moose" category will be transferred to the "antlered bull moose" category.

Additionally applicants for special hunting season permits will be required to either complete hunter education prior to submitting a permit application, or be exempt from the hunter education requirement.

WAC 220-412-100 Landowner hunting permits.

This proposal modifies hunt dates on properties enrolled in WDFW's Landowner Hunting Permit (LHP) program for the 2018 hunting seasons. These sites offer special hunting opportunities to the public through permits issued by WDFW, raffles, or selection by the landowner.

WAC 220-413-030 Importation and retention of dead nonresident wildlife.

The proposal will ban the importation and retention of specific parts of dead nonresident wildlife that could contain Chronic Wasting Disease (CWD) from Montana. Specific circumstances are fully set forth in WAC 220-413-030 to include the state of Montana.

WAC 220-413-070 Hunting with aid of aircraft, boats or other vehicles.

The purpose of this proposal is to add unmanned aircraft to the rule that restricts the use of aircraft, boats, or other types of vehicles to hunt, spot, or harass wildlife.

WAC 220-413-100 Mandatory report of hunting activity.

The proposal will change the reporting deadline for brant, sea duck, and snow goose to March 20 following the season for which the harvest card was issued, and adds a harvest report card requirement for the SW Canada Goose special species authorization.

WAC 220-413-180 Special closures and firearm restriction areas.

The purpose of the proposal is to modify restrictions in the Special Closures and Firearm Restriction rule by:

Adding mountain goat as an exception to the hunting restriction in GMU 522.

Clarifying and adding exceptions to the firearm restriction that exists in a portion of GMU 652.

Removing a firearm restriction area in Kitsap County that is no longer needed.

WAC 220-414-060 Muzzleloading firearms.

The purpose of the proposal is to eliminate the restriction that disallows the use of primers, designed for modern cartridges in the firearms ignition system, during muzzleloader hunting seasons. Such a rule change will allow more technologically advanced muzzleloaders to be used during muzzleloader seasons.

WAC 220-414-080 Hunting—Hunter orange clothing requirements.

This proposal adds turkey to the hunter orange rule and requires turkey hunters that are hunting during a modern deer or elk firearm season to wear florescent orange.

WAC 220-415-010 Deer area descriptions.

The purpose of the proposal is to eliminate the three Deer Areas surrounding Spokane and the Colfax Deer Area that are either ineffective or no longer needed and add the North Issaquah Deer Area in King and Snohomish Counties to help mitigate deer conflict issues. Deer Areas allow the department to focus deer hunting pressure on a smaller scale than the Game Management Unit. Deer Areas help expand hunting opportunity that would normally not be available. Deer Areas also help accommodate wildlife conflict mitigation using hunting as a tool.

WAC 220-415-020 2015-2017 Deer general seasons and definitions.

The purpose of this proposal is to retain general season deer hunting opportunity for 2018-2020. 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.

WAC 220-415-030 2017 Deer special permits.

The purpose of this proposal is to retain special permit deer hunting opportunity for 2018. 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.

WAC 220-415-040 Elk area descriptions.

The purpose of the proposal is to add new Elk Areas or adjust the boundaries of existing Elk Areas. Elk Areas allow the department to focus elk hunting pressure on a smaller scale than the Game Management Unit. Elk Areas help expand hunting opportunity that would normally not be available. Elk Areas also help accommodate wildlife conflict mitigation using hunting as a tool.

WAC 220-415-050 2015-2017 Elk general seasons and definitions.

The purpose of this proposal is to retain general season elk hunting opportunity for 2018-2020. In addition, the purpose of the proposal is to balance the hunting opportunity between user groups. The proposal also increases the opportunity when elk populations allow, and reduces the opportunity when declining elk numbers warrant a change.

WAC 220-415-060 2017 Elk special permits.

The purpose of this proposal is to retain elk special permit hunting opportunity for 2018. 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.

WAC 220-415-070 2017 Moose seasons, permit quotas, and areas.

The purpose of this proposal is to remove hunt category "any moose," replacing it with "any antlered bull moose;" require successful moose hunters to submit an incisor tooth by mail to WDFW for ageing; add "or archery" to the list of permitted weaponry for moose hunting in the Parker Lake special hunt area; and changes in permit levels.

WAC 220-415-080 2018 Spring black bear seasons and regulations.

The purpose of the proposed amendments is to align the rules with the appropriate season dates; require a bear identification test for hunters that will hunt within grizzly bear recovery areas as identified by the department; expand the biological samples that may be collected by the department; and include results for failure to report or comply with the conditions of the rule.

WAC 220-415-090 2015-2017 Fall black bear hunting seasons and regulations.

The purpose of the proposed amendments is to align the rules with the appropriate season dates; remove game management units that do not have resident bear populations; require a bear identification test for hunters that will hunt within grizzly bear recovery areas as identified by the department; expand the biological samples that may be collected by the department; and include results for failure to report or comply with the conditions of the rule.

WAC 220-415-100 2016-2017 and 2017-2018 Cougar hunting seasons and regulations.

The purpose of the proposed amendments is to align the rules with the appropriate season dates; align the cougar season with the license year and thereby minimize potential confusion by hunters; and align the late cougar season start date with the closing date of the general deer and elk seasons for modern firearm and muzzleloader with the exception of a few Master Hunter antlerless elk seasons that continue into January.

WAC 220-415-120 2017 Bighorn sheep seasons and permit quotas.

The purpose of the proposal is to initiate modest ewe (bighorn sheep female) harvests in two separate areas of the Lincoln Cliffs bighorn sheep populations. Additionally, increase harvest of both rams and ewes in the Chelan Butte population.

WAC 220-415-130 2015-2017 Mountain goat seasons and permit quotas.

The purpose of the proposal is to require holders of mountain goat hunting permits to pass an online test of their ability to distinguish mountain goats by gender (i.e., billy vs. nanny) before they would be allowed to purchase their mountain goat hunting license; establish new mountain goat hunting seasons in Mt. Margaret back-country, and Mt. St. Helens South (one permit in each area); and split the existing Goat Rocks mountain goat hunt area into two contiguous areas.

WAC 220-416-010 2015-16, 2016-17, 2017-18 Small game and other wildlife seasons and regulations.

The purpose of the proposal is to make date adjustments related to calendar changes; extend the fall turkey season in GMUs 101-154 and 162-186; remove the draw permits from Klickitat County and opens GMUs within that county to general season hunting; and prohibit night hunting in GMUs that fall within the lynx management zones as identified by the department.

WAC 220-416-060 2017-2018 Migratory waterfowl seasons and regulations.

The purpose of the proposal is to specify legal season dates and bag limits for the 2018-2019 season.

WAC 220-440-030 Public Safety Cougar Removals.

This proposal changes the current Public Safety Cougar Removal from a hunting opportunity authorizing the use of hounds, when certain conditions are met, to a permit program to provide training opportunities for owners of "working dogs" who are often summoned by WDFW Law Enforcement to assist in resolving wildlife conflict issues. If approved, this new program will allow working dogs and their owners the non-lethal pursuit of cougars under the conditions of a training permit.

Reasons supporting proposal:

WAC 220-400-050 Requirements for sealing of pelts and collection of biological information for river otter, cougar, lynx, and bobcat.

The proposed amendments will make the sealing requirements consistent for each species and thereby easily understood by user groups. The proposed changes will also make managing cougar hunt unit closures more efficient and timely.

WAC 220-410-040 Game management units (GMUs) boundary descriptions-Region four.

The proposed amendments will make the boundaries more discernable for hunters. The proposed changes will also make enforcement of hunting season rules and trespass rules more straightforward.

WAC 220-410-050 Game management units (GMUs) boundary descriptions-Region five.

The proposed amendments will make the boundaries more discernable for hunters. The proposed changes will also make enforcement of hunting season rules more straightforward.

WAC 220-412-070 Big game and wild turkey auction, raffle, and special incentive permits.

The proposed amendments will redirect hunters from a small herd that has few mature rams to a herd that can more easily support removal of a large-sized ram.

WAC 220-412-080 Special hunting season permits.

The proposed amendments will maintain consistency with proposed changes in the WAC 220-415-070 and requirements elsewhere in WAC that applicants for special permits possess the necessary qualifications to hunt under that permit should they be drawn.

WAC 220-412-100 Landowner hunting permits.

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 is 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 220-413-030 Importation and retention of dead nonresident wildlife.

Because Montana has identified chronic wasting disease in wild free ranging deer, the department seeks to mitigate the risk to public health and safety by adding the state of Montana to WAC 220-413-030.

WAC 220-413-070 Hunting with aid of aircraft, boats or other vehicles.

Small unmanned aircraft have become a part of modern culture. Unmanned aircraft use is pervasive. In the same spirit of hunting ethics that inspired the Fish and Wildlife Commission to promulgate a rule that restricts the use of vehicles, aircraft, or boats to hunt or harass wildlife, the department feels that unmanned aircraft should be specifically called out and added to this rule.

WAC 220-413-100 Mandatory report of hunting activity.

Two proposed amendments of WAC 220-416-060 require changing the February 15 deadline date. The proposal to move 12-days of the snow goose hunting season in Goose Management Area 1 (Skagit and Snohomish Counties) would have the goose season ending at the end of February (February 27, 2019). Additionally, the requirement of a mandatory harvest report for goose hunting in Goose Management Area 2-Coast and Inland (Clark, Cowlitz, Grays Harbor, Pacific, and Wahkiakum Counties) has to accommodate goose hunting seasons that can extend to March 10 in some years. To minimize confusion, all waterfowl-related reporting deadlines would be changed to March 20.

WAC 220-413-180 Special closures and firearm restriction areas.

Reasons for supporting the rule include expanding mountain goat hunting opportunity; accommodating both firearm restriction needs and wildlife conflict mitigation; and adding flexibility to hunting seasons when restrictions are no longer necessary.

WAC 220-414-060 Muzzleloading firearms.

The Fish and Wildlife Commission requested that the department reach out to the hunting public and get their opinion on the use of modern cartridge primers on muzzleloading firearms during muzzleloader season. Deer and elk hunters were polled, and the majority of the respondents were in favor of allowing the more modern primers.

WAC 220-414-080 Hunting—Hunter orange clothing requirements.

This proposal is meant to increase safety. Turkey seasons in the past did not overlap with modern deer or elk firearm seasons. New proposals to control growing turkey populations make it necessary to overlap those seasons. This recommended rule adjustment provides consistency. All other species hunters are already required to wear hunter orange during modern deer or elk firearm season. This proposal adds turkey hunters to that list.

WAC 220-415-010 Deer area descriptions.

The proposed amendments will allow the department to use hunting as a management tool and expands deer hunting opportunity.

WAC 220-415-020 2015-2017 Deer general seasons and definitions.

This proposal provides for recreational deer hunting opportunity and protects deer from overharvest. The proposal would maintain sustainable general deer hunting season opportunities for 2018-2020. In addition, the proposal allows for the use of hunting as a management tool, helps address deer agricultural damage problems, and provides for deer population control when needed.

WAC 220-415-030 2017 Deer special permits.

This proposal provides for recreational deer hunting opportunity and protects deer from overharvest. The proposal would also maintain sustainable deer special permit hunting season opportunities for 2018. The proposal helps address deer agricultural damage problems and provides for deer population control when needed.

WAC 220-415-040 Elk area descriptions.

The proposed amendments allow the department to use hunting as a management tool and expands elk hunting opportunity.

WAC 220-415-050 2015-2017 Elk general seasons and definitions.

The proposal provides for recreational elk hunting opportunity and protects elk from overharvest. The proposal would maintain sustainable general elk hunting season opportunities for 2018-2020. The proposal helps address elk agricultural damage problems and provides for elk population control when needed.

WAC 220-415-060 2017 Elk special permits.

This proposal provides for recreational elk hunting opportunity and protects elk from overharvest. The proposal would maintain sustainable elk special permit hunting opportunity for 2018. The proposal helps address elk agricultural damage problems and provides for elk population control when needed.

WAC 220-415-070 2017 Moose seasons, permit quotas, and areas.

We expect the moose population in Northeastern Washington to stabilize or decline over the next few years. Being able to predict whether males (bulls) or females (cows) will be taken in any given hunt is important to managers. Almost all holders of "any moose" permits attempt to take bulls. Accumulated points held in the "any moose" category would be transferred to the new "any antlered bull moose" category; the definition of "antlered bull moose" would require the presence of "visible antlers." Public support for this proposal was high.

Models currently under development by WDFW to understand moose population trajectory require knowing the age of harvested moose. WDFW currently requests successful hunters to extract a tooth and send it to WDFW in a supplied envelope. However, compliance with the currently voluntary request is variable, and response is likely biased. Incorporating this request in rule should increase compliance, increasing the accuracy and precision of our monitoring models.

In response to a hunter's question from 2017, we realized that, unlike other 'muzzleloader hunts' offered for other species, we had not indicated that 'archery' – considered a lesser-capable weapon – could also be used in the muzzleloader season. WDFW received approval from The United States Air Force on this change.

Recent work has strongly suggested that moose have begun declining in abundance in most areas. We also received considerable support from the public for reducing "Youth only" hunts. Most of these specific changes reduce "antlerless moose" permits, particularly in WDFW District 2, where harvest rates have been relatively high. In response to suggestions from Enforcement, we would eliminate the Master Hunter moose permits, which have only been used a handful of times in the past decade, due to the difficulty of finding an appropriate situation. This would reduce expectation among Master Hunters for an opportunity, which, in reality, has rarely been realized.

WAC 220-415-080 2018 Spring black bear seasons and regulations.

The proposed amendments will announce the appropriate season dates, assist in lessening the likelihood of incidental take of grizzly bear, bring awareness to hunters, create stewardship of resources managed by other government agencies, and provide the department with the ability to collect biological samples which further assist managing bear populations.

WAC 220-415-090 2015-2017 Fall black bear hunting seasons and regulations.

The proposed amendments will announce the appropriate season dates, assist hunters by providing opportunities where they exist, assist in lessening the likelihood of incidental take of grizzly bear, bring awareness to hunters, create stewardship of resources managed by other government agencies, and provide the department with the ability to collect biological samples which further assist managing bear populations.

WAC 220-415-100 2016-2017 and 2017-2018 Cougar hunting seasons and regulations.

The proposed amendments will announce the appropriate season dates; assist in minimizing disturbance to ungulates that are already stressed from winter and birthing; minimize confusion and burden on hunters to buy two licenses; allow hunters who are deer and elk hunting to take a cougar through December 15 without having to call the toll free line to determine if the area is open or not; provide the department an earlier timeframe to manage the harvest guidelines; and attempt to minimize potential of exceeding the harvest guidelines.

WAC 220-415-120 2017 Bighorn sheep seasons and permit quotas.

Where bighorn sheep graze frequently on private, agricultural lands, public tolerance for them can be compromised. Because we have no current place to translocate these sheep, a ewe-only hunt is recommended.

The Chelan Butte bighorn sheep population has also grown, providing opportunity for hunters interested in taking rams (we propose a split season, early and late). Because this herd is situated close to small farms and rural residences, the risk of contact between bighorns and domestic sheep and goats is high. One action the department can take to manage this risk is to halt the slow down or halt the growth of the herd through increased provision of ewe permits.

WAC 220-415-130 2015-2017 Mountain goat seasons and permit quotas.

Mountain goat populations are sensitive to harvest of females, but identification of gender in the field is difficult. The department currently provides training videos and pamphlets to successful applicants for mountain goat hunting permits, but has no way of ensuring that these materials are used. The department proposes adding an online gender identification test that permit holders would be required to pass before being allowed to purchase a mountain goat hunting license. A passing score would be 80%, and permit holders could re-take the test as often as needed until they achieved a passing score.

We now have reliable surveys indicating that goats inhabiting the Mt. St. Helens and Mt. Margaret areas are sufficiently abundant to sustain a conservative hunt. Thus, new hunts are proposed in this area.

The conflict reduction hunt in the East Olympic Mountains remains in the proposed WAC revision as of 12/20/2017, but we hope to remove it prior to the March Commission meeting if we have more certainty that the multi-agency translocation project will commence in 2018. If agencies are moving goats from the Olympic Mountains, it would be inappropriate to provide hunters with the expectation that there would be goats for hunters to pursue in those same places.

The department's data suggests that mountain goat hunting in the Goat Rocks area has been sustainable, but almost all mountain goats taken have come from the more accessible portions of the area. Splitting the existing hunt area in two (and allocating permits approximately proportionally) would distribute harvest pressure more evenly among goats in the greater population.

WAC 220-416-010 2015-16, 2016-17, 2017-18 Small game and other wildlife seasons and regulations.

Annual shifts in the calendar require adjustment.

Turkey populations in those GMUs are high, causing crop and property damage. The proposed change will lengthen the fall season to facilitate additional turkey harvest and help mitigate those problems.

The turkey population in Klickitat County is doing well enough to support a general season hunting opportunity. In the past hunting in those GMUs were by draw permit only. The recommended change will do away with the draw permits and opens those GMUs to general season hunters.

A bobcat hunter mistakenly harvested a collared lynx at night last year. It is very difficult to differentiate the two species with artificial light or night vision equipment. The recommended rule change will help conserve the few lynx that exist in the lynx management zones by making it illegal to night hunt in the GMUs that fall within those zones.

WAC 220-416-060 2017-2018 Migratory waterfowl seasons and regulations.

Waterfowl seasons and regulations are developed based on cooperative management programs among states of the Pacific Flyway Council and the U.S. Fish and Wildlife Service, considering population status and other biological parameters. The rule establishes waterfowl seasons and regulations to provide recreational opportunity, control waterfowl damage, and conserve the waterfowl resources in Washington.

WAC 220-440-030 Public Safety Cougar Removals.

WDFW is often called upon to address wildlife conflict issues involving cougar and other species of wildlife. The issues include both public safety and the protection of property. This commonly requires assistance from local citizens who own working dogs (commonly known as hounds), that are especially capable of, and trained for, the detection, tracking, and treeing cougar. Due to broad hunting restrictions, working dogs are limited in access to training opportunities. Working dogs must be kept in peak physical condition in order to be effective. Young dogs require training in order to be of use. The current Public Safety Cougar Removal program was implemented as a pilot and has not been effective in addressing its original intent. Both the Law Enforcement and the Wildlife Programs support this concept. Representatives from The Humane Society of the United States and Conservation Northwest have been involved in creating this proposal and are in support.

Statutory authority for adoption: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.020, 77.12.040, 77.12.047, 77.12.150, 77.12.210, 77.12.240, 77.12.320, 77.12.570, 77.12.800, 77.15.245, 77.32.007, 77.32.050, 77.32.070, 77.32.090, 77.32.370, and 77.32.530.

Statute being implemented: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.020, 77.12.040, 77.12.047, 77.12.150, 77.12.210, 77.12.240, 77.12.320, 77.12.570, 77.12.800, 77.15.245, 77.32.007, 77.32.050, 77.32.070, 77.32.090, 77.32.370, and 77.32.530.

Is rule necessary because of a:

- Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None.

Name of proponent: (person or organization) WDFW Private Public Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Eric Gardner	600 Capitol Way North Olympia, WA 98501	(360) 902-2515
Implementation:	Eric Gardner	600 Capitol Way North Olympia, WA 98501	(360) 902-2515
Enforcement:	Chief Steve Bear	600 Capitol Way North Olympia, WA 98501	(360) 902-2373

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name:
Address:
Phone:
Fax:

TTY:
Email:
Other:

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:

TTY:

Email:

Other:

No: Please explain: The rule proposal does not require a cost-benefit analysis and does not affect hydraulics.

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)
(Internal government operations)

RCW 34.05.310 (4)(e)
(Dictated by statute)

RCW 34.05.310 (4)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025 (4).

Explanation of exemptions, if necessary: Proposed rule does not affect small businesses.

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES


If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

Date: January 24, 2018	Signature: 
Name: Scott Bird	
Title: Rules Coordinator	