

Concise Explanatory Statement
Trapping seasons and regulations.

Rules amended as part of this rulemaking:

WAC 220-417-010 Trapping seasons and regulations

Rules repealed as part of this rulemaking:

N/A

Rules created as part of this rulemaking:

N/A

1. Background/Summary of Project:

The rule amendment closes fox trapping within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot national forests to prevent accidental take of state endangered Cascade red fox. This rule amendment follows an emergency rule that was first put in place on February 15, 2024 and was renewed twice to continue protection of Cascade red fox in these areas where they may overlap with the recreationally trapped lowland red fox species.

2. Reasons for adopting the rule:

The Cascade red fox is a state-classified endangered subspecies of red fox found only in the high elevations of the Cascade Mountains south of I-90. Restricting red fox trapping within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests prevents accidental take of the state endangered Cascade red fox where both the endangered subspecies and the recreationally trapped lowland red fox species may overlap on the landscape. Specifically, we are restricting trapping in these areas because the subspecies looks identical to the general lowland species and can only be distinguished using genetic identification.

3. Differences between the text of the proposed rule and the rule as adopted:

No changes.

4. Public comments, response to comments, and consideration of comments

Support:

Comments: General support; support closure until Cascade red fox population recovers; support closure in areas with Cascade red fox.

Response: Thank you for your support of this rule change for the protection of the state endangered Cascade red fox. We are hopeful for a day when the Cascade red fox

population recovers throughout the Cascade Range and no longer need protection. Until then, support for this rule change will ensure protection of Cascade red fox.

Comment: Trapping is important for conservation efforts.

Response: Trappers play a key role in helping to capture some rare or threatened and endangered (T&E) species, such as fisher or badger, to help the Washington Department of Fish and Wildlife's (WDFW) Diversity Division monitor those rare or T&E species. They are also helpful by controlling nuisance and/or non-native species by capturing and removing animals like nutria from the native landscape.

Opposition:

Comments: Not necessary; general opposition.

Response: Thank you for your engagement in our public input process for this rule change. Your input is important to WDFW and was considered throughout this rule making process. The Cascade red fox has been classified as "endangered" by the Department, and thus it is protected from hunting and trapping in the State of Washington (WAC 220-610-010). Because the Cascade red fox is a state endangered species that can be captured via trapping while attempting to capture the recreationally trapped lowland red fox species in areas where they may overlap, and because it is impossible to identify the Cascade red fox from the legally harvested lowland red fox, the Department believes that it is important that trapping be limited within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests to protect the Cascade red fox from accidental harvest.

Comment: What would indicate that trapping should be re-opened?

Response: A notable increase in the number of Cascade red fox or a notable expansion of their native range may eventually allow for delisting of the Cascade red fox in Washington. The Department will monitor the status of the Cascade red fox, and in the event of a range expansion, it would evaluate potential rule amendments, such as changes to classification and/or hunting and trapping protections.

Comment: Teach trappers and hunters how to distinguish the foxes.

Response: Unfortunately, the only way to currently distinguish the Cascade red fox from the legally harvested lowland red fox is through genetic species identification, which can take multiple days to receive a result. Trapped animals should not remain in cage traps for more than 24 hours (WAC 220-417-030) due to increased stress on the animal, the potential for capture myopathy to occur, and the lack of access to critical resources for survival while being held in a cage trap. Therefore, the fox cannot be identified to its accurate species via genetic analysis rapidly enough to allow holding it until it is identified.

Comment: Only close National Forests south of 1-90 where the Cascade red fox are currently found.

Response: If we only close the areas where known Cascade red fox are found, we would not be able to protect potential individuals that may attempt to expand their range back into the north Cascades. By protecting their core habitat, we are protecting potential Cascade red fox individuals that have dispersed or never left but remain undetected in their native range of the north Cascades.

Comment: Close all hunting and trapping; ban fox trapping statewide.

Response: Hunting and trapping, like wildlife viewing and bird watching, are legal and carefully managed recreational activities that residents and non-residents are able to enjoy in Washington state. Eliminating one or more recreational activities such as this may go against the WDFW mandate to preserve, protect and perpetuate fish, wildlife and ecosystems while providing sustainable fish and wildlife recreational and commercial opportunities. The lowland red fox is not a species of concern and therefore is legally available to harvest.

Comment: Eliminate the use of foothold traps.

Response: Foothold traps and other body-gripping traps are already eliminated in Washington State via RCW 77.15.194. Special trapping permits are required to use foothold traps via RCW 77.15.194 and WAC 220-417-040 for research or other statutory permissible purposes.

Comment: Bycatch of Cascade red fox is a concern.

Response: WDFW is proposing to ban all fox trapping in areas where Cascade red fox might be present, which includes protecting against any bycatch. That means that any fox captured within those boundaries must be safely released if captured, regardless of the targeted species. Since box traps are the only legal method of trapping in Washington state, it is extremely unlikely that a captured fox will be harmed or otherwise unable to be immediately released from the box trap.

Comment: Would like to see the least impact on trappers while still protecting endangered species.

Response: WDFW's mandate is to preserve, protect and perpetuate fish, wildlife and ecosystems while providing sustainable fish and wildlife recreational and commercial opportunities. WDFW is proposing this rule change to protect, preserve, and perpetuate the state endangered Cascade red fox from harvest while also allowing continued trapping and hunting in all other areas of the lowland red fox range that do not overlap with Cascade red fox range.

Comment: Include additional state and federal forests where potential Cascade red fox has been documented via trail camera.

Response: The only way to distinguish if the fox captured on camera was a lowland red fox or a Cascade red fox would be through genetic testing. The only known population of Cascade red fox occurs south of the I-90 corridor. However, WDFW is proposing to close areas that Cascade red fox may potentially be found, including habitats north of I-90, to offer extended protection for Cascade red fox.