

Migratory Waterfowl Seasons and Regulations – Decision

WAC 220-416-060, WAC 220-414-040, WAC 220-414-050, and WAC 220-414-090

TABLE OF CONTENTS

Summary Sheet.....	1
Summary of Written Comment.....	5
WAC 220-416-060 2021-2022 Migratory gamebird seasons and regulations.	6
Recommended Adjustments.....	28
WAC 220-414-040 Nontoxic shot requirements.....	30
WAC 220-414-050 Shotgun shell restriction areas.....	35
WAC 220-414-090 Use of decoys and calls.....	38
Season Setting CR-102.....	40
Weapons CR-102.....	48



Fish and Wildlife Commission Presentation Summary Sheet

Meeting date:

April 8, 2022

Agenda item:

Migratory Waterfowl Seasons and Regulations – Decision

Presenter(s):

Kyle Spragens, Waterfowl Section Manager

Background summary:

Staff briefed the Commission on proposed amendments to:

WAC 220-416-060 2021-2022 Migratory gamebird seasons and regulations.

WAC 220-414-040 Nontoxic shot requirements.

WAC 220-414-050 Shotgun shell restriction areas.

WAC 220-414-090 Use of decoys and calls.

- WAC 220-416-060 2021-2022 Migratory gamebird seasons and regulations.

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.

The proposed changes will:

1. Adjust season dates relative to 2022-2023 calendar dates.
2. Maintain the “liberal regulatory alternative” as prescribed by the Western Mallard Adaptive Harvest Management Protocol for season length and bag-limit for ducks (107 days, up to 7 duck bag-limit, including no more than 2 female mallards).
3. Maintain one-pintail per day bag-limit and associated possession limit per the USFWS Northern Pintail Harvest Strategy.
4. Maintain two-scaup per day bag-limit and associated possession limits, while maintaining an 86-day season length per the optimal regulatory alternative described in AHM protocol.

5. Evaluate sea duck harvest estimates in relation to the most recent PSAMP aerial survey results for consistency with the WDFW sea duck management strategies of less than 5% of the winter index.
6. Decrease the Canada goose (including cackling geese) daily bag-limit in Goose Management Area 2-Coast and Goose Management Area 2-Inland to three Canada geese per day bag-limit and associated possession limits during the regular season.
7. The brant season in Skagit County will start closed as the most recent 3-year winter index has fallen below 3,000 brant.
8. Adjusts the nine-day band-tailed pigeon season dates to start and end on a weekend.
9. Clarifies that mandatory harvest reporting information must be recorded within the designated spaces provided on the harvest record card.

Two recommended adjustments include:

10. Based on the WDFW Sea Duck Harvest Strategy guidelines, harlequin duck harvest has exceeded the 5% threshold, requiring further restriction. At this time, without a limited-user entry option, the harlequin duck bag-limit must be removed and closed to harvest.
11. Brant season in Skagit potential open season dates and the known season dates in Clallam and Whatcom counties will be shifted to Jan. 21, 25, 28, 2023.

- WAC 220-414-040 Nontoxic shot requirements.

The changes proposed to rule 220-414-040 are:

1. Adjust Wildlife Area and Unit naming conventions under subsection two to reflect current relationships to Wildlife Areas with significant wetlands occurring within boundaries; and
2. Remove sites listed under subsection three to accurately reflect pheasant release sites on non-WDFW managed lands.

- WAC 220-414-050 Shotgun shell restriction areas.

The changes proposed to rule 220-414-050 are:

1. Technical adjustment under subsection 1d-Johnson/DeBay's Slough Hunt Unit area description fixing GPS-coordinates to align intent with legal description.
2. Technical adjustment under subsection 1e-Dungeness Unit in Clallam County due to a change in a previous contract agreement.
3. Addition of subsection 1f – Samish River Unit of Skagit Wildlife Area in Skagit County, as a technical adjustment required from differentiating from the Samish Unit; and
4. Addition of subsection 1g – South Padilla Bay Unit of Skagit Wildlife Area in Skagit County, to align with current management of waterfowl, coot, and snipe hunting on this unit.

- WAC 220-414-090 Use of decoys and calls.

The changes proposed to rule 220-414-090 subsection 2:

1. Allows the limited use of electronic calls when hunting lesser snow geese and Ross' geese during season dates occurring after February 1 in Goose Management Area 1 and Goose Management Area 4, when lesser snow geese and Ross' geese are the only species open to harvest as specified by WAC 220-416-060. This brings state regulation in alignment with federal allowances (Code of Federal Regulations 20.21.g.1).

Staff recommendation:

Recommend adoption of the rule as presented by Department staff, including recommended adjustments to close the harvest of harlequin duck statewide during the 2022-2023 season and to move brant season dates as late in the allowable framework as possible.

Policy issue(s) and expected outcome:

The changes to the rule above were discussed in the March FWC meeting.

Migratory gamebird seasons for waterfowl, coot, snipe, mourning dove, and band-tailed pigeon consistent with USFWS federal frameworks and strategies, and 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.

Additionally, better clarity, consistency, and opportunity for migratory gamebird hunters on department managed lands.

Fiscal impacts of agency implementation:

None.

Public involvement process used and what you learned:

On February 1, 2022, WDFW filed a CR-102, initiating public comment. The public was asked to provide input on the 2022 hunting season proposed changes via the department's website. Public comment period remained open through the Fish and Wildlife Commission Meeting on March 18, 2022, closing on March 19, 2022. The department has emailed over 40,000 subscribers notifying them of the website survey and encouraging them to participate. Also, the department issued a news release and postings on social media. Additionally, the Washington Waterfowl Advisory Group met on March 1, 2022 to provide input and recommendations regarding the proposed changes.

Notification was made to individuals and organizations informing them of the opportunity to provide comments on the proposed regulation amendments. At the March 18, 2022, commission meeting online, the Commission and Department staff held public comments.

Please see the associated public comment form.

Action requested and/or proposed next steps:

Recommend adoption of the rule as presented by Department staff.

Draft motion language:

Motion: I move to adopt the recommended rule changes as presented by Department staff.

Is there a “second”?

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

Post decision communications plan:

Washington Department of Fish and Wildlife Website

New Release

Hunting Regulation Pamphlet

Form revised 1-20-21

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

WAC 220-416-060 2022-2023 Migratory gamebird seasons and regulations.

The Department received public comment through online survey, emails, and public comment submissions for the Commission briefing. In total 148 comments were received. The comments represented both those in favor and those opposed to the rule. A subset of individuals provided comments related to specific topics and themes, including:

- General concerns related to sea duck and brant hunting, specifically request not to close the sea duck and brant seasons.
- A desire for limited user-entry for limited species such as sea duck and brant to maintain long-term opportunity.
- Concerns over the activities of waterfowl guides targeting limited species such as sea ducks and brant.
- A desire for an increased bag limit on northern pintail; which is not supported by the USFWS National Harvest Strategy and federal framework.
- Questioning of monitoring surveys and data.
- Desire for improved harvest record card compliance
- Requests for alterations to season dates for certain Goose Management Areas
- Topics that are more appropriate to be addressed during the 3-year season setting cycle.

All comments were reviewed and considered in the final proposals of migratory gamebird seasons to align with national strategies, flyway management plans, and appropriate season and bag-limit considerations to provide all waterfowl hunters opportunities in Washington state.

WAC 220-414-040 Nontoxic shot requirements. 25 comments; two opposed, three neutral; requests for non-tox requirement everywhere with certain exceptions, feeling this is being used to reduce access.

WAC 220-414-050 Shotgun shell restriction areas. 18 comments; one opposed, three neutral; request to reconsider in areas where goose bag-limits have increased above the shell limit, requests for consistency.

WAC 220-414-090 Use of decoys and calls. 31 comments; seven opposed, one neutral; requests for inclusion of additional decoys and unplugged shotguns. Concerns of a slippery slope.

AMENDATORY SECTION (Amending WSR 21-14-022, filed 6/28/21, effective 7/29/21)

WAC 220-416-060 (~~((2021-2022))~~) 2022-2023 Migratory gamebird seasons and regulations. All migratory waterfowl, coot, snipe, mourning dove and band-tailed pigeon are closed to harvest unless season dates are specified in this section. 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. (~~((16-24, 2021))~~) 15-23, 2022, and Oct. (~~((27, 2021—~~
~~Jan. 30, 2022))~~) 26, 2022 - Jan. 29, 2023; except scaup season closed
Oct. (~~((16—Nov. 5, 2021))~~) 15 - Nov. 4, 2022.

Special youth hunting days 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. (~~((25, 2021))~~) 24, 2022, and Feb. (~~((5, 2022))~~) 4, 2023, in Western Washington (West Zone); Oct. (~~((2, 2021))~~) 1, 2022, and Feb. (~~((5, 2022))~~) 4, 2023, in Eastern Washington (East Zone).

Special veterans and active military personnel hunting day open only to hunters as defined in Section 3 of 16 U.S. Code Sec. 704 as amended by the John D. Dingell, Jr. Conservation, Management, and Recreation Act. Active duty military includes members of the National Guard and Reserves on active duty (other than for training). Veterans must have served in the active military, naval, or air service, and discharged or released under Honorable conditions: Feb. ((5, 2022)) 4, 2023, in Western Washington (West Zone) and Eastern Washington (East Zone).

Hunters must have one of the following, or a copy of, during the hunt: DD214, Veteran Benefit Card, Retired Active Military I.D., or Active Duty I.D. card.

Daily Bag Limit: 7 ducks, to include not more than 2 hen mallard, 1 pintail, 2 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, 3 pintail, 6 scaup, 6 canvasback, and 6 redhead statewide; and to include not more than ~~1 harlequin~~, 6 scoter, 6 long-tailed duck, and 6 goldeneye in Western Washington.

Possession Limit for Youth, Veterans and Active Military Personnel

Hunting Days: Same as Daily Bag Limit.

~~Season Limit: 1 harlequin in Western Washington.~~

Harlequin Duck: Season closed statewide.

AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT SEA DUCKS

Hunters must possess a special ((~~2021-2022~~)) 2022-2023 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 within the designated spaces provided on the harvest record card.

COOT (Mudhen)

Same areas and dates (including youth, veterans and active military personnel hunting days) as the duck season.

Daily Bag Limit: 25 coots.

Possession Limit: 75 coots.

Possession Limit for Youth, Veterans and Active Military Personnel

Hunting Days: Same as Daily Bag Limit.

SNIPE

Same areas and dates (except youth, veterans and active military personnel hunting days) as the duck season.

Daily Bag Limit: 8 snipe.

Possession Limit: 24 snipe.

GEESE (except Brant)

Special youth hunting days 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. (~~(25, 2021)~~) 24, 2022, and Feb. (~~(5, 2022)~~) 4, 2023, in Western Washington (West Zone); Oct. (~~(2, 2021)~~) 1, 2022, and Feb. (~~(5, 2022)~~) 4, 2023, in Eastern Washington (East Zone).

Special veterans and active military personnel hunting day open only to hunters as defined in Section 3 of 16 U.S. Code Sec. 704 as amended by the John D. Dingell, Jr. Conservation, Management, and Recreation Act. Active duty military includes members of the National Guard and Reserves on active duty (other than for training). Veterans must have served in the active military, naval, or air service, and discharged or released under Honorable conditions: Feb. (~~(5, 2022)~~) 4, 2023, in

Western Washington (West Zone) and Eastern Washington (East Zone).

Hunters must have one of the following, or a copy of, during the hunt:

DD214, Veteran Benefit Card, Retired Active Military I.D., or Active Duty I.D. card.

Daily Bag Limit for September dates: 4 Canada geese and 10 white-fronted geese.

Daily Bag Limit for February date: 4 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 10 white geese (snow, Ross', blue phase), except in Goose Management Area 2 Coast and Inland where the bag limit for Canada geese is reduced to 3 and dusky Canada geese remain closed to harvest.

Possession Limit for Youth, Veterans and Active Military Personnel

Hunting Days: Same as Daily Bag Limit.

Western Washington Goose Seasons

Goose Management Area 1: Skagit and Whatcom counties, and that portion of Snohomish County west of Interstate 5.

September Canada Goose Season

Sept. (~~(4-9, 2021)~~) 3-8, 2022.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 15 Canada geese.

Regular Season

Oct. (~~(16 - Nov. 28)~~) 15 - Nov. 27, and Dec. (~~(11, 2021)~~) 10, 2022 -
Jan. (~~(30, 2022)~~) 29, 2023, for Canada and white-fronted geese
(except brant).

Oct. (~~(16 - Nov. 28)~~) 15 - Nov. 27, and Dec. (~~(11, 2021)~~) 10, 2022 -
Jan. (~~(30, 2022)~~) 29, 2023, and Feb. (~~(12-22, 2022)~~) 11-21, 2023, for
snow, Ross', and blue geese (collectively referred to as white geese).
During Feb. (~~(12-22, 2022)~~) 11-21, 2023, in Skagit, Whatcom and
Snohomish counties, specified WDFW lands including Fir Island Farm
Game Reserve, Island Unit, Johnson DeBay's Slough Swan Reserve and
Hunt Unit, Leque Island Unit, Samish Unit, Samish River Unit, South
Padilla Bay Unit, and Skagit Headquarters Unit of the Skagit Wildlife
Area, and all units of the Whatcom Wildlife Area are closed to goose
hunting in Goose Management Area 1.

Daily Bag Limit: 4 Canada geese (except dusky Canada geese which are
closed to harvest), 10 white-fronted geese, and 10 white geese (snow,
Ross', blue phase). During Feb. (~~(12-22, 2022)~~) 11-21, 2023: 20 white
geese.

Possession Limit: 12 Canada geese (except dusky Canada geese which are closed to harvest), 30 white-fronted geese, and 30 white geese (snow, Ross', blue phase). During Feb. (~~(12-22, 2022)~~) 11-21, 2023: 60 white geese.

AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT SNOW GEESE

Hunters must possess a special (~~(2021-2022)~~) 2022-2023 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 within the designated spaces provided on the harvest record card.

SKAGIT COUNTY AND WHATCOM 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 or Whatcom 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 Whatcom 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 - Coast: Pacific County and the portion of
Grays Harbor County west of highway 101.

September Canada Goose Season

Sept. (~~(4-12, 2021)~~) 3-11, 2022.

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 from 30 minutes after the start of official hunting hours to 30 minutes before the end of official hunting hours, 7 days per week during Oct. (~~(16-31, 2021)~~) 15-30, 2022; Saturdays, Sundays, and Wednesdays only, Nov. (~~(3 - Dec. 5, 2021)~~) 2 - Dec. 4, 2022, and Dec. (~~(22, 2021 - Jan. 23, 2022)~~) 21, 2022 - Jan. 22, 2023, and Feb. (~~(12-23, 2022)~~) 11-22, 2023. During Feb. (~~(12-23, 2022)~~) 11-22, 2023, U.S. Fish and Wildlife Service National Wildlife Refuges (NWRs) and WDFW Wildlife Areas are closed to goose hunting in Goose Management Area 2 - Coast.

Bag Limits for Goose Management Area 2 - Coast:

Daily Bag Limit: (~~(4)~~) 3 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 10 white geese (snow, Ross', blue).

Possession Limit: (~~(12)~~) 9 Canada geese (except dusky Canada geese which are closed to harvest), 30 white-fronted geese, and 30 white geese (snow, Ross', blue).

Dusky Canada geese: SEASON CLOSED.

Goose Management Area 2 - Inland: Clark, Cowlitz, Wahkiakum counties and the portion of Grays Harbor County east of highway 101.

September Canada Goose Season

Sept. (~~(4-12, 2021)~~) 3-11, 2022.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 15 Canada geese.

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, 7 days per week during Oct. (~~(16-31, 2021)~~) 15-30, 2022; Saturdays, Sundays, and Wednesdays only, Nov. (~~(24, 2021 - Jan. 16, 2022)~~) 23, 2022 - Jan. 15, 2023, and Feb. (~~(12 - Mar. 9, 2022)~~) 11 - Mar. 8, 2023. During Feb. (~~(12 - Mar. 9, 2022)~~) 11 - Mar. 8, 2023, U.S. Fish and Wildlife Service National Wildlife Refuges (NWRs) and WDFW Wildlife Areas are closed to goose hunting in Goose Management Area 2 - Inland. 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. (~~(16-31, 2021)~~) 15-30, 2022, and Nov. (~~(24, 2021 - Jan. 15, 2022)~~) 23, 2022 - Jan. 14, 2023.

Bag Limits for Goose Management Area 2 - Inland:

Daily Bag Limit: (~~(4)~~) 3 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 10 white geese (snow, Ross', blue).

Possession Limit: (~~(12)~~) 9 Canada geese (except dusky Canada geese which are closed to harvest), 30 white-fronted geese, and 30 white geese (snow, Ross', blue).

Dusky Canada geese: SEASON CLOSED.

Special Provisions for Goose Management Area 2 Coast and Inland

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 (~~(2021-2022)~~) 2022-2023 migratory bird hunting authorization and harvest record card for geese when hunting all goose species in Goose Management Area 2 Coast and Inland. New hunters and those who did not maintain a valid (~~(2019-2020)~~) 2021-2022 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. Immediately after taking a goose into possession, hunters must record in ink the information required within the designated spaces provided on the harvest record card.

It is unlawful for hunters in Goose Management Area 2 Coast and Inland 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 Coast and Inland for the remainder of the season. It is unlawful to fail to comply with all provisions listed above for Goose Management Area 2 Coast and Inland. 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. (~~(4-9, 2021)~~) 3-8, 2022.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 15 Canada geese.

Regular Season

Oct. (~~(16-28, 2021)~~) 15-27, 2022, and Nov. (~~(6, 2021—Jan. 30, 2022)~~) 5, 2022 - Jan. 29, 2023.

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

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

Eastern Washington Goose Seasons

September Canada Goose Season (Eastern Washington)

Sept. (~~(4-5, 2021)~~) 3-4, 2022.

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. (~~(16, 2021—Jan. 23, 2022)~~) 15, 2022 - Jan. 22, 2023; additionally, to accommodate opportunity during recognized holiday periods, the (~~(2020-2021)~~) 2022-2023 season will include: Nov. 11, (~~(25, and 26, 2021)~~) 24, and 25, 2022; Dec. (~~(24, 27, 28, 30, and 31, 2021)~~) 26, 27, 29, and 30, 2022, and Jan. (~~(17, 2022)~~) 16, 2023; and every day Jan. (~~(24-30, 2022)~~) 23-29, 2023, for Canada geese and white-fronted geese.

Saturdays, Sundays, and Wednesdays only during Nov. (~~(6, 2021—Jan. 23, 2022)~~) 5, 2022 - Jan. 22, 2023; additionally, to accommodate opportunity during recognized holiday periods, the (~~(2019-2020)~~) 2022-2023 season will include: Nov. 11, (~~(25, and 26, 2021)~~) 24, and 25, 2022; Dec. (~~(24, 27, 28, 30, and 31, 2021)~~) 26, 27, 29, and 30, 2022, and Jan. (~~(17, 2022)~~) 16, 2023; and every day Jan. (~~(24-30, 2022)~~) 23-29, 2023, and Feb. (~~(12—Mar. 2, 2022)~~) 11 - Mar. 1, 2023, for snow, Ross', and blue phase geese (collectively referred to as white geese).

Goose Management Area 5

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

Oct. (~~16~~ ~~Nov. 1, 2021~~) 15-31, 2022, and every day from Nov. (~~6, 2021~~ ~~Jan. 30, 2022~~) 5, 2022 - Jan. 29, 2023.

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

Daily Bag Limit: 4 Canada geese, 10 white-fronted geese, and 10 white geese (snow, Ross', blue). During Feb. (~~12~~ ~~Mar. 2, 2022~~) 11 - Mar. 1, 2023, in GMA4: 20 white geese.

Possession Limit: 12 Canada geese, 30 white-fronted geese, and 30 white geese (snow, Ross', blue). During Feb. (~~12~~ ~~Mar. 2, 2022~~) 11 - Mar. 1, 2023, in GMA4: 60 white geese.

BRANT

~~((Open))~~ Will remain closed in Skagit County, including during the youth, veteran, and active military date, and may only ~~((on))~~ open under the following conditions on specified dates ~~((+ Jan. 15 and 22, 2022, with additional days provided.~~

~~If the 2020-2021 brant population in Skagit County is greater than 6,000 (as determined by aerial survey), the brant season in Skagit County will be open on the following dates: Jan. 15, 16, 19, 22, 23, 26, 29, and 30, 2022.~~

~~If the 2020-2021 brant population in Skagit County is 3,000-6,000 (as determined by aerial survey), the brant season in Skagit County will be open only on selected dates).~~

If the ((~~2020-2021~~)) 2022-2023 brant population in Skagit County is below 3,000 (as determined by aerial survey), the brant season in Skagit County will ((~~be~~)) remain closed.

If the 2022-2023 brant population in Skagit County is 3,000-6,000 (as determined by aerial survey), the brant season in Skagit County will be open on the following dates: Jan. ~~14, 18, and 21, 2023~~ 21, 25, and 28, 2023, and during the Feb. 4, 2023, youth, veterans, and active military date.

If the 2022-2023 brant population in Skagit County is greater than 6,000 (as determined by aerial survey), the brant season in Skagit County will be open on the following dates: Jan. 14, 15, 18, 21, 22, 25, 28, and 29, 2023, and during the Feb. 4, 2023, youth, veterans, and active military date.

Open in Clallam and Whatcom counties only on the following dates: Jan. (~~(15, 19, and 22, 2022)~~) 14, 18, and 21, 2023 ~~21, 25, and 28, 2023~~.

Open in Pacific County only on the following dates: Jan. (~~(8, 9, 11, 13, 15, 16, 18, 20, 22, 23, 25, 27, 29, and 30, 2022)~~) 7, 8, 10, 12, 14, 15, 17, 19, 21, 22, 24, 26, 28, and 29, 2023, but may be adjusted pending the most recent 3-year running average results of the Pacific flyway winter brant survey.

Special youth, open to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting), veterans and active military personnel hunting day, open to hunters as defined in Section 3 of 16 U.S. Code Sec. 704 as amended by the John D. Dingell, Jr. Conservation, Management, and Recreation Act. Active duty military includes members of the National Guard and Reserves on active duty (other than for training). Veterans must have served in the active military, naval, or air service, and discharged or released under Honorable conditions: Feb. (~~(5, 2022)~~) 4, 2023. Hunters must have one of the following, or a copy of, during the hunt: DD214, Veteran Benefit Card, Retired Active Military I.D., or Active Duty I.D. card.

AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT BRANT

Hunters must possess a special (~~(2021-2022)~~) 2022-2023 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 within the designated spaces provided on the harvest record card.

Bag Limits for Clallam, Skagit, Pacific and Whatcom counties:

Daily Bag Limit: 2 brant.

Possession Limit: 6 brant.

Special youth, veterans and active military personnel hunting day.

Daily Bag and Possession Limit: 2 brant.

SWANS

Season closed statewide.

MOURNING DOVE

Sept. 1 - Oct. 30, (~~(2021)~~) 2022, statewide.

Daily Bag Limit: 15 mourning doves.

Possession Limit: 45 mourning doves.

BAND-TAILED PIGEON

Sept. (~~(15-23, 2021)~~) 17-25, 2022, 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 (~~(2021-2022)~~) 2022-2023 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 within the designated spaces provided 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.

DUCKS, COOTS, CANADA GEESE, WHITE-FRONTED GEESE, WHITE GEESE AND BRANT

(Extended Falconry)

Sept. (~~(25, 2021)~~) 24, 2022, and Feb. (~~(5, 2022)~~) 4, 2023, in Western Washington (West Zone).

Oct. (~~(2, 2021)~~) 1, 2022, and Feb. (~~(5, 2022)~~) 4, 2023, in Eastern Washington (East Zone).

Daily Bag Limit: 3, straight or mixed bag, including allowable species specified under youth, veterans and active military personnel dates.

Possession Limit: Same as the Daily Bag Limit.

MOURNING DOVE (Extended Falconry)

Oct. 31 - Dec. 16, (~~(2021)~~) 2022.

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

Possession Limit: 3 times the daily bag limit.

HIP REQUIREMENTS:

All hunters of migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon) age 16 and over are required to complete a harvest information program (HIP) survey at a license dealer and possess a Washington migratory bird permit as evidence of

compliance with this requirement when hunting migratory game birds. Youth hunters are required to complete a HIP survey and possess a Washington migratory bird permit (free for youth) as evidence of compliance with this requirement when hunting migratory game birds. [Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240. WSR 21-14-022 (Order 21-61), § 220-416-060, filed 6/28/21, effective 7/29/21; WSR 20-12-080 (Order 20-76), § 220-416-060, filed 6/1/20, effective 7/2/20. Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520. WSR 19-10-011 (Order 19-79), § 220-416-060, filed 4/19/19, effective 5/20/19. Statutory Authority: 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. WSR 18-11-061 (Order 18-76), § 220-416-060, filed 5/11/18, effective 6/11/18. 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. WSR 17-10-076 (Order 17-10), amended and recodified as § 220-416-060, filed 5/3/17, effective 6/3/17. 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.]

RECOMMENDED ADJUSTMENTS

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

Page 7

- Change: Remove language: “1 harlequin” from Daily Bag Limit and Possession Limit for Regular Season

Rationale: Based on the WDFW Sea Duck Harvest Strategy guidelines, harlequin duck harvest has exceeded the 5% threshold, requiring further restriction. At this time, without a limited-user entry option, the harlequin duck bag-limit must be removed and closed to harvest.

Page 8

- Change: Add statement: “Harlequin Duck: Season closed statewide.”

Rationale: Based on the WDFW Sea Duck Harvest Strategy guidelines, harlequin duck harvest has exceeded the 5% threshold, requiring further restriction. At this time, without a limited-user entry option, the harlequin duck bag-limit must be removed and closed to harvest.

Page 8

- Change: Remove language: “harlequin,…” from authorization and harvest record card requirement paragraph.

Rationale: Based on the WDFW Sea Duck Harvest Strategy guidelines, harlequin duck harvest has exceeded the 5% threshold, requiring further restriction. At this time, without a limited-user entry option, the harlequin duck bag-limit must be removed and closed to harvest.

Page 21 and 22

- Change: brant season in Skagit potential open season dates and the known season dates in Clallam and Whatcom counties from Jan. 14, 18, and 21, 2023 to Jan. 21, 25, 28, 2023.

Rationale: Public input suggested a desire for later season dates within the allowable framework window. These later dates also allow for WDFW staff to conduct the aerial survey count of Skagit County at the most appropriate time in relationship to typical migration chronology patterns of brant in Padilla and Samish bays. Finally, it reduces potential harvest pressure during the last weekend of the duck season as hunters have to choose between multiple opportunities, in the case the Skagit County aerial survey remains below 3,000 brant.

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

WAC 220-414-040 Nontoxic shot requirements. (1) It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for waterfowl, coot, or snipe. Nontoxic shot includes the following approved types:

Approved Nontoxic Shot Type*	Percent Composition by Weight
bismuth-tin	97 bismuth, 3 tin
iron (steel)	iron and carbon
iron-tungsten	any proportion of tungsten, ≥ 1 iron
iron-tungsten-nickel	≥ 1 iron, any proportion of tungsten, up to 40 nickel
copper-clad iron	84 to 56.59 iron core, with copper cladding up to 44.1 of the shot mass
tungsten-bronze	51.1 tungsten, 44.4 copper, 3.9 tin, 0.6 iron; and 60 tungsten, 35.1 copper, 3.9 tin, 1 iron
tungsten-iron-copper-nickel	40-76 tungsten, 10-37 iron, 9-16 copper, 5-7 nickel
tungsten-matrix	95.9 tungsten, 4.1 polymer
tungsten-polymer	95.5 tungsten, 4.5 nylon 6 or 11
tungsten-tin-iron	any proportions of tungsten and tin, ≥ 1 iron
tungsten-tin-bismuth	any proportions of tungsten, tin, and bismuth
tungsten-tin-iron-nickel	65 tungsten, 21.8 tin, 10.4 iron, 2.8 nickel
tungsten-iron-polymer	41.5-95.2 tungsten, 1.5-52.0 iron, and 3.5-8.0 fluoropolymer
*Coatings of copper, nickel, tin, zinc, zinc chloride, zinc chrome, and fluoropolymers on approved nontoxic shot types also are approved.	

The director may adopt additional nontoxic shot types consistent with federal regulations.

(2) It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot in the following areas:

(a) Well's Wildlife Area (Bridgeport Bar Unit);

(b) Cowlitz Wildlife Area (all units);

(c) Whatcom Wildlife Area (all units);

(d) Shillapoo Wildlife Area (all units);

(e) Skagit Wildlife Area (all units);

(f) Snoqualmie Wildlife Area (all units);

(g) Sunnyside-Snake River Wildlife Area (Headquarters, Byron and Windmill Ranch units);

(h) Sinlahekin Wildlife Area (Driscoll Island, Hegdahl, and Kline Parcel units);

(i) (~~Olympic~~) Johns River Wildlife Area (Chinook (~~and~~), Chehalis, and Elk River units);

(j) South Puget Sound Wildlife Area (~~(Davis Creek (Koopman Unit))~~) (Big Beef Creek, Lake Koeneman, Nisqually, Skokomish, and Union River units);

(k) Scatter Creek Wildlife Area (all units);

(1) North Olympic Wildlife Area (all units).

(3) It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading), other than nontoxic shot, when hunting for upland game birds (pheasants, quail, chukar, or gray partridge), mourning doves, band-tailed pigeons, or game animals in the following areas:

(a) Chehalis River pheasant release site;

~~(b) ((Dungeness Recreation Area;~~

~~(c) Hoehn Road pheasant release site;~~

~~(d))~~ Hunter Farms pheasant release site;

~~((c) Raymond Airport pheasant release site;~~

~~(f))~~ (c) Two Rivers and Wallula Units of the U.S. Fish and Wildlife Service's McNary National Wildlife Refuge;

~~((g))~~ (d) All Whidbey Island pheasant release sites.

(4) It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading), other than nontoxic shot, when hunting for upland game birds (pheasant, quail, chukar, and gray partridge), mourning doves, and band-tailed pigeons on all WDFW designated pheasant release sites not listed in subsections (2) and (3) of this section.

[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 § 220-414-040, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-034 (Order 15-96), § 232-12-068, filed 4/28/15, effective 5/29/15. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-12-068, filed 8/20/10, effective 9/20/10. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240. WSR 09-09-083 (Order 09-53), § 232-12-068, filed 4/15/09, effective 5/16/09. Statutory Authority: RCW 77.12.047, 77.12.020. WSR 08-01-052 (Order 07-292), § 232-12-068, filed 12/13/07, effective 1/13/08. Statutory Authority: RCW 77.12.047. WSR 06-16-133 (Order 06-181), § 232-12-068, filed 8/2/06, effective 9/2/06; WSR 05-17-098 (Order 05-174), § 232-12-068, filed 8/15/05, effective 9/15/05; WSR 03-16-030 (Order 03-165), § 232-12-068, filed 7/29/03, effective 8/29/03; WSR 03-13-047 (Order 03-129), § 232-12-068, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 77.12.040. WSR 01-17-092 (Order 01-157), § 232-12-068, filed 8/20/01, effective 9/20/01. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. WSR 01-10-048 (Order 01-

69), § 232-12-068, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. WSR 00-11-137 (Order 00-50), § 232-12-068, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.040. WSR 99-17-034 (Order 99-118), § 232-12-068, filed 8/11/99, effective 9/11/99; WSR 98-17-044 (Order 98-152), § 232-12-068, filed 8/13/98, effective 9/13/98; WSR 97-18-026 (Order 97-164), § 232-12-068, filed 8/25/97, effective 9/25/97. Statutory Authority: RCW 77.12.040 and 77.12.010. WSR 96-18-009 (Order 96-127), § 232-12-068, filed 8/22/96, effective 9/22/96. Statutory Authority: RCW 77.12.040. WSR 95-18-072 (Order 95-126) § 232-12-068, filed 9/1/95, effective 10/2/95.]

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

WAC 220-414-050 Shotgun shell restriction areas. (1) It is unlawful to have in possession more than 15 shotgun shells or to fire (shoot) more than 15 shells in one day on the following areas:

(a) The Island Unit of the Skagit Wildlife Area in Skagit County.

(b) The Spencer Island Unit of the Snoqualmie Wildlife Area in Snohomish County.

(c) The Samish Unit of the Skagit Wildlife Area in Skagit County.

(d) The Johnson/DeBay's Slough Hunt Unit of the Skagit Wildlife Area in Skagit County: In Skagit County beginning at the intersection of Francis Road and DeBay Isle Road (N 48.467817 W -122.255143); then northeast approximately 125 feet to a white corner marker (N 48.46818 W -122.254977); then east approximately 250 feet along the parking area fence line to a white corner marker (N 48.468087 W -122.25392); then north along the fence line approximately 334 feet to corner of fence line (N 48.469067 W -122.253787); then east along the fence line approximately 250 feet to a white corner marker (N 48.469081 W -122.252834); then north approximately 2185 feet to orange corner

marker (N 48.475024 W -122.252937); then west approximately 1421 feet to the white corner marker (~~((N 48.475072 W -122.26007))~~) (N 48.4750691 W -122.2582045); then south approximately 1170 feet to the west shoreline of DeBay Slough white corner marker (N 48.471872 W - 122.258097); then move easterly and southerly along the west shoreline of DeBay Slough approximately 1850 feet to white corner marker on the south side of DeBay Isle Road (~~((N 48.468225 W -122.260139))~~) (N 48.4680860 W -122.2563066); then easterly along the south side of DeBay's Isle Road to the intersection of Francis Road and the point of beginning.

(e) (~~All lands managed by the department north of East Anderson Road and west of~~) The Dungeness ((River)) Unit of the North Olympic Wildlife Area in Clallam County.

(f) The Samish River Unit of the Skagit Wildlife Area in Skagit County.

(g) The South Padilla Bay Unit of the Skagit Wildlife Area in Skagit County.

(2) It is unlawful to have in possession more than 25 shotgun shells or to fire (shoot) more than 25 shells in one day on the Nisqually Unit of the South Puget Sound Wildlife Area in Thurston County.

[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 § 220-414-050, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-034 (Order 15-96), § 232-16-770, filed 4/28/15, effective 5/29/15. Statutory Authority: RCW 77.12.040. WSR 98-17-042 (Order 98-153), § 232-16-770, filed 8/13/98, effective 9/13/98. Statutory Authority: RCW 77.12.040 and 77.12.010. WSR 96-18-008 (Order 96-126), § 232-16-770, filed 8/22/96, effective 9/22/96.]

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

WAC 220-414-090 Use of decoys and calls. (1) It is unlawful to hunt waterfowl, wild turkeys, or deer with the use or aid of battery-powered or other electronic devices as decoys.

(2) It is unlawful to hunt waterfowl, wild turkeys, or deer with the use or aid of electronic calls, except electronic calls may be used for lesser snow geese and Ross' geese during season dates occurring after February 1st in Goose Management Area 1 and Goose Management Area 4, when lesser snow geese and Ross' geese are the only species open to harvest as specified in WAC 220-416-060.

(3) Except as otherwise authorized by rule of the commission or by contract or agreement with the department, any person placing waterfowl decoys on any area (including water, access areas, roads, and trails) under the ownership, management, lease, or control of the department, shall not:

(a) Place waterfowl decoys prior to 4:00 a.m.;

(b) Allow or permit waterfowl decoys to be unattended or not in their immediate control for a period greater than one hour;

(c) Fail to remove waterfowl decoys within two hours after the close of established daily hunting hours; or

(d) Place waterfowl decoys on days closed to waterfowl hunting.

(4) This regulation shall be enforced under RCW 77.15.400.

[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 § 220-414-090, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 07-21-085 (Order 07-255), § 232-12-257, filed 10/17/07, effective 11/17/07; WSR 06-11-032 (Order 06-92), § 232-12-257, filed 5/8/06, effective 6/8/06. Statutory Authority: RCW 77.12.040. WSR 01-17-092 (Order 01-157), § 232-12-257, filed 8/20/01, effective 9/20/01. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. WSR 00-11-137 (Order 00-50), § 232-12-257, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.040. WSR 81-12-029 (Order 165), § 232-12-257, filed 6/1/81. Formerly WAC 232-12-630.]



PROPOSED RULE MAKING

CR-102 (December 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: February 01, 2022

TIME: 12:43 PM

WSR 22-04-103

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 21-24-092 on November 30, 2021 ; 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); or

Proposal is exempt under RCW _____.

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

WAC 220-412-100 Landowner hunting permits.

WAC 220-415-020 2021-2023 Deer general seasons and definitions.

WAC 220-415-030 2021 Deer special permits.

WAC 220-415-040 Elk area descriptions.

WAC 220-415-050 2021-2023 Elk general seasons and definitions.

WAC 220-415-060 2021 Elk special permits.

WAC 220-415-070 2021 Moose seasons, permit quotas, and areas.

WAC 220-415-120 2021 Bighorn sheep seasons, permit quotas, and areas.

WAC 220-415-130 2021 Mountain goat seasons, permit quotas, and areas.

WAC 220-416-060 2021-2022 Migratory gamebird seasons and regulations.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
March 18, 2022	8:00 a.m.	Webinar	This meeting will take place by webinar. The public may participate in the meeting. Registration is required to testify at the public hearing. Registration deadlines and registration forms are available at http://wdfw.wa.gov/about/commission/meetings or contact the Commission office at (360) 902-2267.

Date of intended adoption: April 8, 2022 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Wildlife Program

Address: PO Box 43200, Olympia WA. 98504

Email: 2022HuntingSeason102@PublicInput.com

Fax: Voicemail Public Comment: 855-925-2801 project code 2331

Other: <https://publicinput.com/2022HuntingSeason102>

By (date) March 19, 2022

Assistance for persons with disabilities:

Contact Title VI/ADA Compliance Coordinator

Phone: 360-902-2349, TTY (711)

Fax:

TTY:

Email: Title6@dfw.wa.gov

Other: <https://wdfw.wa.gov/accessibility/requests-accommodation>

By (date) March 19, 2022

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

WAC 220-412-100 Landowner hunting permits.

The purpose of this proposal is to recommend for adoption slight changes to permit allocations and season dates for properties enrolled in the Landowner Hunting Permit Program. In addition, staff proposes wording changes to the WAC that addresses identified discrepancies between the WAC language and Commission Policy C-6002. Proposed changes will align and re-establish the language in the Commission Policy if adopted.

WAC 220-415-020 2021-2023 Deer general seasons and definitions.

The Department sets deer general seasons in accordance with the Department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012. Proposals for major changes to general seasons are considered at a three-year cycle (most recently completed in 2021). Minor proposed changes are considered on an annual basis or due to emerging needs. Proposed changes for 2022 include:

1. A change to black-tailed deer early archery 2022 general season dates is proposed to fix an error in the 2021-2023 season setting process that inadvertently lengthened the early archery season and created overlap with elk muzzleloader special permits in the same hunt areas. The change avoids season overlap and potential conflict among different weapon-type hunters in the same hunt area, minimal other effects are anticipated.
2. A change in the list of GMUs for western Washington black-tailed deer early muzzleloader season is proposed to fix a minor error (GMUs listed out of order). This change clarifies open GMUs and no effects are anticipated.
3. A change in the 2022 and 2023 late archery mule deer general season for GMUs 209, 215, 233, 243, 250 is proposed to fix an error in the 2021-2023 3-year season setting process which had inadvertently shortened the season without public input. This change is anticipated to restore season length and hunting opportunity to previous levels.

WAC 220-415-030 2022 Deer special permits.

The primary purpose of this proposal is to retain deer special permit opportunity in 2022 in accordance with the Department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012. Changes to deer special permit availability (i.e., permit dates, permit levels) are proposed to balance hunting opportunity among user groups with deer population status (i.e., increased hunting opportunities when populations allow, reduced opportunities when declining numbers warrant reduction), and to retain consistency in season timing (e.g., open/close day of week). Notable proposed changes include:

1. Reductions in permits in the antlerless, youth, 2nd deer, and hunter with disability categories are proposed to assist population recovery of white-tailed deer and mule deer. These changes are proposed in response to hemorrhagic disease outbreaks in eastern Washington during late summer of 2021, which reduced local population abundance. Reductions in Region 2 are also warranted due to concern over poor population productivity. Anticipated effects are a reduction in white-tailed deer and mule deer special permit hunting opportunity, in units/hunts where outbreaks occurred, to facilitate population rebound.
2. Reductions in permits in the quality and buck categories are proposed to balance hunter opportunity with population status (i.e., the number of bucks on the landscape) for white-tailed deer and mule deer. These changes are proposed in response to hemorrhagic disease outbreaks in eastern Washington during late summer of 2021, which reduced local population abundance. Anticipated effects are a reduction in white-tailed deer and mule deer special permit hunting opportunity in units/hunts where outbreaks occurred.
3. Moving Skokomish Quality deer permit opportunity to the Buck category; reductions in permit numbers in Buck, Antlerless, Senior, and Hunter with Disability categories in GMU 636 in response to harvest trends that indicate population decline in the unit. Anticipated effects are a reduced permit draw opportunity in GMU 636.
4. Reductions in Antlerless deer permits in North River (GMU 658), Minot Peak (GMU 660), Capitol Peak (GMU 663), and Williams Creek (GMU 673) and reductions in Youth, 65+ Senior, and Hunters with Disabilities permit levels for North River (GMU 658) and Capitol Peak (GMU 663) in response to harvest trends (i.e., total harvest, success, ratio of bucks to antlerless animals harvested) that indicate potential population decline, motivating conservative target harvest levels.

WAC 220-415-040 Elk area descriptions.

1. An elk area (3911) boundary change is proposed to exclude an area of non-agricultural land. Under the current boundary, elk in the unincorporated WDFW property are frequently pressured onto neighboring private property by hunting activity, occasionally creating conflict with landowners. Neighboring landowners have requested the change as they believe elk are being pressured onto private crop fields. A new boundary fence may be constructed in the near future in cooperation with the irrigation district. Anticipated effects are the reduction in neighboring private landowner conflict with elk, other effects are anticipated to be minimal.
2. An elk area (1054) is proposed in GMU 154. WDFW anticipates a better ability to mitigate elk damage in GMU 154 by concentrating hunting activity where damage is most prevalent, while preventing additional harvest of antlerless elk in other areas of GMU 154 where population growth is a priority.

WAC 220-415-050 2021-2023 Elk general seasons and definitions.

The Department sets elk general seasons in accordance with the Department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012. Proposals for major

changes to general seasons are considered at a three-year cycle (most recently completed in 2021). Minor proposed changes are considered on an annual basis or due to emerging needs. Proposed changes for 2022 include:

1. A change to the eastern Washington archery and muzzleloader general season open GMUs is proposed to exclude deer area 5382. This change is anticipated to eliminate overlap between elk general season hunters and deer special permit holders in deer area 5382, thereby maintaining hunt quality for deer special permit holders and minimizing potential conflict between elk general season hunters and deer special permit hunters. A minor reduction in open hunt area for general season elk hunters is anticipated (i.e., Deer Area 5382).

WAC 220-415-060 2022 Elk special permits.

The primary purpose of this proposal is to retain elk special permit opportunity in 2022 in accordance with the Department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012. Specific changes to elk special permit availability (i.e., permit dates, permit levels) are proposed to balance hunting opportunity among user groups against elk population status (i.e., increased hunting opportunities when populations allow, reduced opportunities when declining numbers warrant reduction), to retain consistency in season timing (e.g., open/close day of week), or to avoid overlap among big game special permits and general seasons (e.g., overlap of seasons with different legal weapon types). Notable proposed changes include:

1. Reduction in permit levels for Quality Elk permits in some of the Blue Mountains elk herd area (Blue Creek, Tucannon, Wenaha East, Mountain View, Peola) in response to reduced elk abundance in this population. Anticipated effects are a reduction in draw opportunity for the above hunts.
2. Elimination of the Mt. Adams 'quality' elk special permit hunt is proposed. This permit opportunity has declined in quality (i.e., hunter success, satisfaction) and has caused conflict among hunters of different weapon types due to overlapping deer general seasons. Anticipated effects are a reduction in quality draw opportunity (5 permits).
3. Elimination of the Carlton and West Goat Rocks special permit hunts is proposed. This permit opportunity has declined in quality (i.e., hunter success, satisfaction) and is sensitive to land closures (e.g., because of wildfire) because of the restricted hunt areas. The Department is proposing to offset the loss of Quality Elk opportunity in this area by increasing permit opportunity in the South Rainier and Packwood hunts, which offer more flexibility to an individual hunter in hunt area. Anticipated effects are a decreased Quality Bull permit opportunity (reduction in 10 permits), albeit offset by an increase in permit opportunity within the same area (i.e., South Rainier and Packwood hunts).
4. Increased permit levels for Skokomish Bull elk permits. Anticipated effects are an increase in Bull Elk permit opportunity.
5. Reduction of permit levels for Antlerless elk permits in the Mount St Helens elk herd area (Winston, Coweeman, Lewis River, Washougal, Siouxon, Wind River, West Klickitat) in response to population declines. Anticipated effects are a reduction in Antlerless elk permit opportunity.
6. Elimination of the Forks 65+ Senior antlerless elk special permit is proposed. The hunt is designed to address conflict elk, but the number of hunters has created crowding and associated landowner complaints. Anticipated effects are a reduction (by 10 permits) of 65+ Senior Antlerless elk special permit draw opportunity.
7. New "incentive" special permits are proposed that are associated with the Department's pilot program to incentivize the harvest of elk that display signs of treponeme-associated hoof disease. Anticipated effects are an additional permit opportunity (19 permits) for hunters that participated in the Department's Elk Hoof Disease Incentive program (<https://wdfw.wa.gov/species-habitats/diseases/elk-hoof/incentive-permits>).

WAC 220-415-070 2022 Moose seasons, permit quotas, and areas.

1. A change is proposed to exclude Parker Lake from hunt area 49 Degrees North. The excluded area is undergoing a large-scale timber harvest that will negatively impact hunt quality. The excluded area will likely be restored in the future. No substantial impact to harvest opportunity is anticipated.
2. A change to the hunt area of the Hangman and Cheney B hunts that expands the hunt area to include GMU 139 is proposed. Anticipated effects are expanded hunting opportunity while assisting the Department in addressing moose that occasionally cause conflict.

WAC 220-415-120 2022 Bighorn sheep seasons, permit quotas, and areas.

1. Changes to bighorn sheep permit availability (i.e., permit levels) are proposed to balance hunting opportunity with population status. Elimination of Selah Butte and Umtanum (Yakima bighorn herd) adult ewe, juvenile ram, and youth permits are proposed due to a recent outbreak of bighorn sheep pneumonia. Anticipated effects are a reduction in special permit hunting opportunity for bighorn sheep in the two hunt areas.
2. An adjustment of hunt dates is proposed that increase or maintain the number of open days for some hunts. The anticipated effect of this proposal is a maintenance or increase in hunt opportunity as measured by hunting days.
3. Modification of the hunt area for the Mountain View – Black Butte hunt is proposed to increase the hunt area to include GMUs 186 and portions of GMU 181. Anticipated effects are expanded hunting area for this permit, otherwise no effects are anticipated.

WAC 220-415-130 2022 Mountain goat seasons, permit quotas, and areas.

1. A one-permit reduction in mountain goat permit availability of the Goat Rocks East hunt is proposed to balance hunting opportunity with population status. The anticipated effect of this proposal is a minor reduction in mountain goat special permit opportunity.
2. Suspension of "conflict reduction special permits" are proposed. These permits are in association with a depopulation effort on the Olympic Peninsula. In summer 2022, aerial removal efforts will continue in the current hunt areas. As a result, few, if any, mountain goats are anticipated to remain in the hunt area and hunting opportunity will be poor quality. This change is anticipated to avoid poor hunt quality, at the expense of reduced mountain goat draw opportunity. Future permit opportunity may be reinstated after the aerial removal has concluded if mountain goats remain in accessible locations in the hunt area.

WAC 220-416-060 2021-2022 Migratory gamebird seasons and regulations.

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.

The proposed changes, if adopted, will:

1. Adjust season dates relative to 2022-2023 calendar dates;
2. Maintain the "liberal regulatory alternative" as prescribed by the Western Mallard Adaptive Harvest Management Protocol for season length and bag-limit for ducks (107 days, up to 7 duck bag-limit, including no more than 2 female mallards);
3. Maintain one-pintail per day bag-limit and associated possession limit per the USFWS Northern Pintail Harvest Strategy;
4. Maintain two-scaup per day bag-limit and associated possession limits, while maintaining an 86-day season length per the optimal regulatory alternative described in AHM protocol;
5. Evaluate sea duck harvest estimates in relation to the most recent PSAMP aerial survey results for consistency with the WDFW sea duck management strategies of less than 5% of the winter index.
6. Decrease the Canada goose (including cackling geese) daily bag-limit in Goose Management Area 2-Coast and Goose Management Area 2-Inland to three Canada geese per day bag-limit and associated possession limits during the regular season;
7. The brant season in Skagit County will start closed as the most recent 3-year winter index has fallen below 3,000 brant;
8. Adjusts the nine-day band-tailed pigeon season dates to start and end on a weekend, and;
9. Clarifies that mandatory harvest reporting information must be recorded within the designated spaces provided on the harvest record card.

Reasons supporting proposal:

WAC 220-412-100 Landowner hunting permits.

The proposal, if adopted, would adjust the Landowner Hunting Permit WAC to reflect the new proposed permit allocations and season dates for the enrolled properties in the Landowner Hunting Permit Program. Date changes and permit allocations are proposed to allow opportunities where populations can handle increased recreational hunting. In addition, proposed adjustments to wording would align language between the WAC and Commission Policy C-6002. In reviewing the WAC and Policy language, staff realized that there were some discrepancies that could prompt confusion. The Landowner Hunting Permit Program is currently outlined in Commission Policy C-6002. Portions of the language in the current version of the WAC deviates from the language within the Commission Policy and may create confusion among the public and enrolled landowners. Aligning and re-establishing the language to be consistent with the Commission Policy should provide the necessary clarity and minimize the potential for confusion among the public and enrolled landowners.

WAC 220-415-020 2021-2023 Deer general seasons and definitions.

This proposal, if adopted, would provide clarity in the WAC to further the Department's mandate to provide sustainable recreational hunting opportunities. Date changes are proposed to avoid overlap of hunters of different species/weapon types, avoiding potential hunter dissatisfaction and conflict; or to restore season length to previous levels (i.e., levels set during the preceding 3-year cycle). Proposed changes to the GMU list for western Washington black-tailed deer early muzzleloader season is proposed to clarify open units, but no change in open units are proposed.

WAC 220-415-030 2021 Deer special permits.

This proposal, if adopted, would provide special permit deer hunting opportunities at levels that avoid overharvest to maintain sustainable general deer hunting season opportunities in 2022 and in the future. The proposal would help address deer agricultural damage problems and provides for deer population control when needed. Reductions in permit levels in Region 1 and Region 2 in the antlerless, youth, 2nd deer, and hunter with disability categories are proposed to assist population recovery of white-tailed deer and mule deer. These changes are proposed in response to hemorrhagic disease outbreaks in eastern Washington during late summer of 2021, which reduced local population abundance. Reductions in Region 2 are also warranted due to concern over poor population productivity. Reductions in Regions 1 and Region 2 Quality or Buck category permit levels are in response to the hemorrhagic disease outbreaks that occurred in late summer 2021, which

reduced deer abundance. Reductions are warranted to assist population recovery and to maintain hunt quality (e.g., success, satisfaction). Reductions in permit levels in GMU 636s, 658, 660, 663, and 673 are in response to harvest trends that indicate potential population decline, warranting conservative harvest levels. Inversely, permit increases are in response to harvest statistics that indicate populations that can sustain increased harvest levels or in an effort to address wildlife-landowner conflict issues.

WAC 220-415-040 Elk area descriptions.

The proposed boundary change to elk area 3911, if adopted, would allow for continued wildlife-conflict mitigation while addressing concerns from neighboring landowners. The proposed elk area 1054 would help address elk agricultural damage by concentrating harvest pressure where damage is most common, while avoiding harvest of antlerless elk in areas where population growth is desired.

WAC 220-415-050 2021-2023 Elk general seasons and definitions.

The proposed, if adopted, would eliminate overlap between elk general season hunters and deer special permit holders in deer area 5382, thereby maintaining hunt quality for deer special permit holders and minimizing potential conflict between elk general season hunters and deer special permit hunters.

WAC 220-415-060 2021 Elk special permits.

This proposal, if adopted, would provide special permit elk hunting opportunities at levels that avoid overharvest to maintain sustainable general elk hunting season opportunities in 2021 and in the future. The proposal would help address elk agricultural damage problems and provides for elk population control when needed. Reductions in permit levels in the Blue Mountains elk herd area (Blue Creek, Tucannon, Wenaha East, Mountain View, Peola) in the Quality and Antlerless categories are in response to reduced population abundance (population estimate was ~35% below objective in 2021). The proposed elimination of the Mt. Adams, Carlton, and West Goat Rocks 'quality' elk special permit hunt is in response to a decline in hunt quality and negative hunter feedback regarding hunt satisfaction. Reduction of permit levels for Antlerless elk permits in the Mount St Helens elk herd area (Winston, Coweeman, Lewis River, Washougal, Siouxon, Wind River, West Klickitat) are proposed because of a documented population decline in the last decade and conservative antlerless harvest is warranted until population surveys indicate increased abundance. The proposed elimination of the Forks 65+ Senior antlerless elk special permit is in an effort to mitigate hunter crowding and associated landowner complaints. The new "incentive" special permits are associated with the Department's pilot program to incentivize the harvest of elk that display signs of treponeme-associated hoof disease. This program is designed to reduce the prevalence of elk hoof disease in western Washington. The proposed 2022 incentive permits, if adopted, would be awarded via random draw to eligible hunters that participated in the program during the 2021 elk hunting seasons.

WAC 220-415-070 2021 Moose seasons, permit quotas, and areas.

In accordance with the Department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012, this proposal, if adopted, would provide special permit moose hunting opportunities at levels that avoid overharvest to maintain sustainable general moose hunting season opportunities in 2021 and in the future. Exclusion of Parker Lake from hunt area 49 Degrees North is due to a large-scale timber harvest operation, which will disturb moose from that area and could result in poor hunt quality for this once-in-a-lifetime hunt. An expanded hunt area in Hangman and Cheney B permit hunts is warranted due to a growing moose population in GMU 139 and a need to help address occasional human-moose conflict.

WAC 220-415-120 2021 Bighorn sheep seasons, permit quotas, and areas.

In accordance with the Department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012, this proposal, if adopted, would provide special permit bighorn hunting opportunities at levels that avoid overharvest to maintain sustainable general bighorn hunting season opportunities in 2021 and in the future. The proposed elimination of Selah Butte and Umtanum (Yakima bighorn herd) adult ewe, juvenile ram, and youth permits are due to a recent outbreak of bighorn sheep pneumonia. These permits were created in 2019 and modified in 2020 to assist in population reduction as part of a new novel effort to eliminate *Mycoplasma ovipneumoniae*, the pathogen that causes pneumonia. Unfortunately, an outbreak of pneumonia occurred in 2021 and management efforts must be put on hold until the impact of the outbreak are understood.

WAC 220-415-130 2021 Mountain goat seasons, permit quotas, and areas.

In accordance with the Department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012, this proposal, if adopted, would provide special permit mountain goat hunting opportunities at levels that avoid overharvest to maintain sustainable general mountain goat hunting season opportunities in 2021 and in the future. A reduction of the Goat Rocks East mountain goat permit hunt is warranted due to concerns of population decline. The "conflict reduction special permits" were originally created to assist a mountain goat depopulation effort on the Olympic Peninsula. In summer 2022, aerial removal efforts will continue in the current hunt areas and few, if any, mountain goats are anticipated to remain in the hunt area, resulting in poor quality hunting opportunity. Future permit opportunity may be reinstated after the aerial removal has concluded if mountain goats remain in accessible locations in the hunt area.

WAC 220-416-060 2021-2022 Migratory gamebird seasons and regulations.

Migratory gamebird 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, they 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. No surveys of the breeding waterfowl were conducted due to COVID-19 and travel restrictions, however assessments of duck populations based on the most recent trends recommended status quo in season dates and bag-limit structure to those offered during the 2021-22 migratory gamebird seasons. Northern pintail status remained below population objective, maintaining a daily bag limit of one pintail per the USFWS Northern Pintail Harvest Strategy. Additionally, based on the most recent scaup status, the optimal regulatory alternative described in AHM protocol, requires a restrictive regulatory alternative, maintaining the daily bag limit to two scaup per day, but maintains the 86-day season length. Since June 2013, prescriptive guidelines inform sea duck harvest strategies with harvest rate targets of less than 5% or less of the winter index as measured by aerial surveys (PSAMP) conducted by WDFW. Updated information from this aerial survey will be available in late-February for current assessment of harvest rates. The Pacific Flyway Council's management plan for cackling goose (*Branta hutchinsii minima*) directs impacted states to implement regulatory actions to regain the population objective, when the 3-year average population index falls below 225,000 geese. The most recent 3-year average for this population is 206,763 prompting Washington, Oregon and Alaska to recommend reduced bag limits in high harvest regions of the Pacific Flyway to regain the objective. In Washington, Goose Management Area 2-Coast and Goose Management Area 2-Inland account for the highest harvest of cackling goose (*B. h. minima*). The mandatory harvest report cards provide improved estimates of total harvest for species and harvest effort in discrete or limited zones of Washington, where traditional methods are not capable of producing reliable or precise estimates of harvest. Harvest record cards are designed to improve how harvest reporting information is recorded and for the enforcement of the harvest restrictions in these specific cases. Specifying harvest must be recorded in the designated spaces on the card clarifies intent and reduces potential confusion by users.

Statutory authority for adoption: RCWs 77.04.012, 77.04.055, 77.12.047, and 77.12.240

Statute being implemented: RCWs 77.04.012, 77.04.055, 77.12.047, and 77.12.240

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) Washington Department of Fish and Wildlife Private Public Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Eric Gardner	1111 Washington St. SE Olympia, WA. 98501	360-902-2515
Implementation:	Eric Gardner	1111 Washington St. SE Olympia, WA. 98501	360-902-2515

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: This proposal does not require a cost benefit analysis under RCW 34.05.328.

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:

- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> 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: February 1, 2022

Name: Annie Szvetecz

Title: Agency Rule Coordinator

Signature:





PROPOSED RULE MAKING

CR-102 (December 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: February 01, 2022
TIME: 12:54 PM

WSR 22-04-105

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 21-24-081 on November 30, 2021 ; 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); or

Proposal is exempt under RCW [].

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

WAC 220-413-060 Hunting restrictions.

WAC 220-413-090 Field identification of wildlife – Evidence of sex-Definitions.

WAC 220-414-010 Hunting equipment restrictions.

WAC 220-414-020 Unlawful methods for hunting – Firearms.

WAC 220-414-040 Nontoxic shot requirements.

WAC 220-414-050 Shotgun shell restriction areas.

WAC 220-414-060 Muzzleloading firearms.

WAC 220-414-070 Archery requirements.

WAC 220-414-090 Use of decoys and calls.

WAC 220-414-100 Crossbow requirements.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
March 18, 2022	8 a.m.	Webinar	This meeting will take place by webinar. The public may participate in the meeting. Registration is required to testify at the public hearing. Registration deadlines and registration forms are available at http://wdfw.wa.gov/about/commission/meetings or contact the Commission office at (360) 902-2267.

Date of intended adoption: April 8, 2022 (Note: This is NOT the effective date)

Submit written comments to:

Name: Wildlife Program

Address: PO Box 43200, Olympia WA. 98504

Email: 2022WeaponsRestrictions102@PublicInput.com

Fax: Voicemail Public Comment: 855-925-2801 project code 2556

Other: : <https://publicinput.com/2022WeaponsRestrictions102>

By (date) March 19, 2022

Assistance for persons with disabilities:

Contact Title VI/ADA Compliance Coordinator

Phone: 360-902-2349, TTY (711)

Fax: []

TTY: []

Email: Title6@dfw.wa.gov

Other: <https://wdfw.wa.gov/accessibility/requests-accommodation>

By (date) March 19, 2022

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

WAC 220-413-060 Hunting restrictions.

The specific amendments associated with this proposal, if adopted, would result in:

1. A minor administrative change to rule language that clarifies it is unlawful to hunt any wildlife at night and that it is unlawful to hunt wild animals, except rabbits and hares, with hounds during established modern firearm general deer and elk seasons during the months of October and November. There are no anticipated effects associated with this amendment other than reducing confusion that potentially exists.
2. Allow hunters to use one dog controlled by leash during lawful hunting hours and within 72 hours of shooting a big game animal, except bear and cougar, to assist with recovering wounded big game. Anticipated effects of this proposal would be a reduction in the number of big game animals that are mortally wounded, but not recovered.

WAC 220-413-090 Field identification of wildlife – Evidence of sex-Definitions.

1. A change to subsection (1) to make it clear that game birds must be transported with a feathered wing or head attached to the carcass until the carcass is processed and or stored for consumption with exceptions stated as follows:
 - a. Falconry-caught birds, no evidence of sex;
 - b. Canada and crackling geese harvested in Goose Management Area 2- Coast and Inland: fully feather head must be left attached;
 - c. Turkeys: the head and if present at harvest the beard must be left attached.
2. A change to the last statement of the existing rule into subsection (6) to state that failure to comply with the rule (section) is unlawful possession of game animals under 77.15.410. The changes proposed would direct hunters of specific requirements and allow for the sex of harvested animals to be identifiable.

WAC 220-414-010 Hunting equipment restrictions.

This proposal, if adopted, would clarify that it is unlawful to hunt all big game, not just deer and elk, with the aid of infrared night vision equipment or with laser sights. There are no anticipated effects associated with this proposal other than eliminating any confusion that potentially exists.

WAC 220-414-020 Unlawful methods for hunting – Firearms.

This proposed amendments, if adopted, would expand opportunity by allowing use of air rifles and handguns for hunting specific species. The specifics allowable for each weapon are identified within the amendments. These amendments will provide lighter weight weapons for hunting identified species and thereby provide opportunity to hunters who are not able to carry the heavier weight weapons.

WAC 220-414-040 Nontoxic shot requirements.

The changes proposed to rule 220-414-040 , if adopted, would:

1. Adjust Wildlife Area and Unit naming conventions under subsection two to reflect current relationships to Wildlife Areas with significant wetlands occurring within boundaries; and
2. Remove sites listed under subsection three to accurately reflect pheasant release sites on non-WDFW managed lands.

WAC 220-414-050 Shotgun shell restriction areas.

The changes proposed to rule 220-414-050, if adopted, would result in:

1. Technical adjustment under subsection 1d-Johnson/DeBay's Slough Hunt Unit area description fixing GPS-coordinates to align intent with legal description;
2. Technical adjustment under subsection 1e-Dungeness Unit in Clallam County due to a change in a previous contract agreement;
3. Addition of subsection 1f – Samish River Unit of Skagit Wildlife Area in Skagit County, as a technical adjustment required from differentiating from the Samish Unit; and
4. Addition of subsection 1g – South Padilla Bay Unit of Skagit Wildlife Area in Skagit County, to align with current management of waterfowl, coot, and snipe hunting on this unit.

WAC 220-414-060 Muzzleloading firearms.

Specific amendments associated with this proposal, if adopted, would result in:

1. Allowing the use of 1x or red dot scopes on muzzleloading firearms. Anticipated effects associated with this amendment would be increased hunter participation, increased hunter retention, and ensuring a clean and ethical kill;
2. Allowing video-cameras to be mounted to muzzleloading firearms. There are no anticipated effects associated with this proposal other than hunters who wish to video their hunt being allowed to do so; and
3. Clarifying that the term "load" refers to the powder charge and projectile and that both must be loaded from the muzzle. Anticipated effects associated with this amendment would be hunters having a clearer understanding of the muzzleloading firearms that are legal to use during established muzzleloader seasons.

WAC 220-414-070 Archery requirements.

Currently, it is unlawful for hunters to have any electrical equipment or electric device(s) attached to archery equipment. The purpose of this proposal is, if adopted, to allow the use of specific electronic equipment. Specific proposed amendments associated with this proposal would result in:

1. Allowing the use of range-finding bow sights;
2. Allowing the use of breadcrumb nocks;
3. Allowing the use of verifiers for peep sights; and
4. Allowing video-cameras to be mounted to archery equipment.

Anticipated effects associated with amendments 1-3 would be increased hunter participation, increased hunter retention, and ensuring a clean and ethical kill. There are no anticipated effects associated with amendment 4, allowing video-cameras to be mounted to archery equipment, other than hunters who wish to video their hunt being allowed to do so.

WAC 220-414-090 Use of decoys and calls.

The changes proposed to rule 220-414-090 subsection 2, allows the limited use of electronic calls when hunting lesser snow geese and Ross' geese during season dates occurring after February 1 in Goose Management Area 1 and Goose Management Area 4, when lesser snow geese and Ross' geese are the only species open to harvest as specified by WAC 220-416-060. This brings state regulation in alignment with federal allowances (Code of Federal Regulations 20.21.g.1).

WAC 220-414-100 Crossbow requirements.

The purpose of this proposal is, if adopted, to allow the use of crossbows during established muzzleloader seasons. The only anticipated effect associated with this proposal would be increased participation during established muzzleloader seasons, but that effect is expected to be minor.

Reasons supporting proposal:**WAC 220-413-060 Hunting restrictions.**

1. This amendment would be a minor administrative change that only provides clarification related to night hunting and would not change the intent of the rule and the language that currently exists can be confusing; and
2. The Department frequently receives requests from hunters to allow the use of dogs for tracking wounded big game, as is allowed in many other states. Those requests are usually associated with deer and elk hunting, but it is likely to be beneficial for recovering other big game species as well. Additionally, the Department does not believe this would result in an increase in hunters that use dogs to hunt big game unlawfully.

WAC 220-413-090 Field identification of wildlife – Evidence of sex-Definitions.

- Minimize potential for violations and improve enforcement of rules.
- Continue sustainable species conservation/management and hunting seasons.

WAC 220-414-010 Hunting equipment restrictions.

This amendment would be a minor administrative change that would include all big game in the prohibition of using infrared and night vision in hunting. The current language only includes deer and elk. Additionally, it provides language consistent with RCW 77.15.450 (Hunting with artificial lights).

WAC 220-414-020 Unlawful methods for hunting – Firearms.

The proposed amendments, if adopted, would expand opportunity by allowing use of air rifles and handguns for hunting specific species. These amendments will provide lighter weight weapons for hunting identified species and thereby provide opportunity to hunters who are not able to carry the heavier weight weapons. The proposed changes would further WDFW's mandate to provide sustainable recreational hunting opportunities for all citizens of the State.

WAC 220-414-040 Nontoxic shot requirements.

The 2021-2022 migratory waterfowl, coot and snipe season will mark the 30th year since prohibiting the use of lead for waterfowl hunting nationwide. These changes, if adopted, would provide consistency in naming conventions of our Wildlife Area Units, and address Wildlife Area Units with significant wetlands presenting a high probability for contact with spent shot pellets. Additionally, it would remove pheasant release sites that are no longer in use in order to reduce confusion.

WAC 220-414-050 Shotgun shell restriction areas.

The proposed changes, if adopted, would improve the presence of waterfowl over the course of the 107-day season on the specified units, balancing resource and user objectives consistent with Objective 104e in WDFW's Game Management Plan. The proposed changes would further WDFW's mandate to provide sustainable recreational hunting opportunities.

WAC 220-414-060 Muzzleloading firearms.

1. Under current rule, sights on muzzleloading firearms must be open, peep, or of other open sight design. Optic sights are allowed, but telescopic sights or sights containing glass are not. The Department routinely receives requests from hunters to allow the use of 1x scopes on muzzleloading firearms. Common arguments in support of allowing them to be used are related to increased hunter participation, hunter retention, and ensuring a clean and ethical kill. One-power scopes do not magnify the target, but rather provide a clearer sight window, in much the same way eyeglasses correct someone's vision (i.e., they make the target clearer, but don't make it bigger). Common arguments against

their use are typically related to the use of scopes not adhering to the spirit of primitive weapons. The Department is not opposed to allowing the use of 1x scopes on muzzleloading firearms because we do not anticipate it would result in more animals being harvested;

2. Currently, it is unlawful for hunters to have any electrical equipment or electric device(s) attached to muzzleloading firearms. By rule, this precludes a hunter from mounting a video camera to their weapon for the purpose of filming their hunt. Filming hunts has become a common practice with hunters, but it is difficult for hunters that prefer to hunt without other hunting companions. Allowing video-cameras to be mounted to muzzleloading firearms would make it easier for them to film their hunts and does not present a resource concern;
3. Recent technological advancements in muzzleloading equipment have resulted in the development of muzzleloading firearms that use an encapsulated propellant charge that loads from the breech and is completely impervious to moisture. The bullet is still loaded from the muzzle. Hunters have begun to inquire as to whether this type of muzzleloading firearm is legal to use in Washington. It is not because the current rule requires that the load be loaded from the muzzle. The proposed amendment would amend the rule to clearly state that the term load includes both the powder charge and bullet, and clarify these new muzzleloading firearms are not lawful during established muzzleloader seasons.

WAC 220-414-070 Archery requirements.

1. The main reason supporting the proposed amendment to allow the use of range-finding bow sights is related to improving the likelihood of a clean and ethical kill. Because the sights do not magnify the target, they also would not qualify as a scope. The sights simply produce a digital reading of the estimated distance that is visible to the shooter while they are looking at the sight pins. The Department is not opposed to the use of range-finding bow sights because we do not feel it will result in more animals being harvested;
2. Breadcrumb nocks use Bluetooth technology via a cell-phone app to assist with the recovery of arrows that miss an intended target, and that would be the primary benefit to hunters if the proposed amendment is adopted. Although some may advocate this technology would also assist with recovering wounded game, that is unlikely because the range limit on a breadcrumbnock is 50 yards. The Department is proposing the amendment in response to hunter interest and is not opposed to the use of breadcrumb nocks because we do not feel it will result in more animals being harvested;
3. Verifiers are small glass inserts for peep sights that are designed to allow shooters who are farsighted (i.e., unable to see things clearly that are close) to see their sight pins more clearly. They are manufactured with several different magnification powers, to fit the needs of the user. Although they are made of glass and clarify the sight pins, they do not magnify the target. The main argument for allowing the use of verifiers is related to increasing the likelihood that hunters make clean and ethical kills. The current rules defining archery requirements do not specifically address the use of verifiers but do make it unlawful for hunters to hunt wildlife with any bow equipped with a scope, which some would interpret to mean verifiers are also illegal. This proposal seeks to clarify the rule by allowing the use of verifiers because they do not magnify a target in the same way a scope does. The Department is not opposed to the use of verifiers for peep sights because we do not feel it will result in more animals being harvested; and
4. Currently, it is unlawful for hunters to have any electrical equipment or electric device(s) attached to archery equipment, which precludes a hunter from mounting a video camera to their weapon for the purpose of filming their hunt. Filming hunts has become a common practice with hunters, but it is difficult for hunters that prefer to hunt without other hunting companions. The proposal to allow video-cameras to be mounted to archery equipment would make it easier for them to film their hunts and does not present a resource concern.

WAC 220-414-090 Use of decoys and calls.

WAC 220-416-060 defines the term "white geese" as including lesser snow geese, Ross' geese and their blue phase (or plumage) variants, as the two species have identical plumage, and are nearly indistinguishable in flight. In Washington, lesser snow geese are the predominant white goose during the winter months, with Ross' geese are considered an incidental or rare occurrence as Washington is on the edge of the species' range in North America.

The proposed change, if adopted, would allow for an extremely limited and targeted use of electronic calls during white goose-only season segments for lesser snow geese and Ross' geese. The proposed change only impacts the lesser snow goose population that has experienced rapid population growth in the past three years and is now significantly above both established flyway and winter-flock population objectives. It is consistent with the Pacific Flyway Management Plan for the Wrangel Island Population for Lesser Snow Geese, that prescribes harvest rates in excess of 14% when total breeding population estimate is above 120,000 geese and Skagit-Fraser winter flock size estimate is above 70,000 adult geese. The current total breeding population index (3-year average) is 611,063 geese and the Skagit-Fraser winter flock index (3-year average) is 84,624 adult geese.

The proposed change has little to no impact on the Ross' goose population that remains above the established flyway population objective. It is consistent with the Pacific Flyway Plan for Ross' Geese that prescribes including Ross' geese without special restrictions in "white goose" regulations when the population is at or above 100,000 breeding birds (counted on breeding areas in the spring), or 150,000 wintering birds (in California). The current breeding population index (3-year average) is 348,400 breeding birds. In Washington, harvest of this species is incidental to harvest of lesser snow geese.

WAC 220-440-060(3)(e) encourages the use of general season hunting to help minimize private property damage potential and. For migratory gamebirds, sport harvest allows consumptive use of harvested geese, whereas agricultural depredation permits do not allow for consumptive uses as this is defined as "take" outside of established seasons under the Migratory Bird Treaty Act (16 U.S. Code § 704).

WAC 220-414-100 Crossbow requirements.

Currently, hunters can only use muzzleloading firearms as defined under WAC 220-414-060, or bow and arrow, as defined under WAC 220-414-070 during established muzzleloader seasons for deer and elk. This proposal aims to also allow the use of crossbows during established general and special permit muzzleloader seasons for deer and elk because it is considered a "lesser" weapon than a muzzleloading firearm and it does not represent a resource concern.

Statutory authority for adoption: RCWs 77.04.012, 77.04.055, 77.12.047, and 77.12.240

Statute being implemented: RCWs 77.04.012, 77.04.055, 77.12.047, and 77.12.240

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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) Washington Department of Fish and Wildlife

Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Eric Gardner	1111 Washington St. SE Olympia, WA. 98501	360-902-2515
Implementation:	Eric Gardner	1111 Washington St. SE Olympia, WA. 98501	360-902-2515
Enforcement:	Steve Bear	1111 Washington St. SE 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: [This proposal does not require a cost benefit analysis under RCW 34.05.328.]

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: February 1, 2022

Name: Annie Szvetecz

Title: Agency Rule Coordinator

Signature:

