

Hunting, Equipment and Other Restrictions – Decision

220-413-090, 220-414-020, 220-413-060, 220-414-010, 220-414-060, 220-414-070, and 220-414-100

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## Fish and Wildlife Commission Presentation Summary Sheet

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**Meeting date:**

April 8, 2022

**Agenda item:**

Weapons and Other Restrictions – Decision

**Presenter(s):**

Stephanie Simek, Ph.D. Carnivore, Furbearer, Small Game Section Manager

Kyle Garrison, Acting Statewide Ungulate Manager, Wildlife Program

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**Background summary:**

Staff briefed the Commission on:

- WAC 220-413-060 Hunting restrictions.

The specific amendments associated with this proposal are:

1. A minor change to rule language that clarifies it is unlawful to hunt 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.
  2. Allow hunters to use one dog controlled by a 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.
- WAC 220-413-090 Field identification of wildlife–Evidence of sex–Definitions.

WDFW proposed edits to clarify the requirements for transporting harvested game birds, which, if adopted, would provide specificity as to which parts of the animal are required to remain attached for purposes of sex identification. The proposal adds turkey to the list of game birds with specific exceptions which includes retaining the beard if present at time of harvest. Additionally, if the proposed edits are adopted, the last sentence of the existing rule would become a stand-alone subsection, outlining the penalty for failure to comply with the rule.

The proposed rule amendments, if adopted, would specifically result in:

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 cackling geese harvested in Goose Management Area 2- Coast and Inland: fully feathered head must be left attached.
  - c. Turkeys: the head, and if present at harvest, the beard must be left attached.
2. Changing the last statement of the existing rule into a subsection (6) to state that failure to comply with the rule (section) is unlawful possession of game animals under 77.15.410.

- 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.

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

The proposed rule amendments, if adopted, would provide lighter weight weapons for hunting the identified species and thereby provide opportunity to hunters who are not able to carry the heavier weight weapons.

The proposed rule amendments, if adopted, would specifically result in:

1. An editorial change under (1)(d) where the words “it is” are added to clarify that a shotgun must be a 20 gauge or larger.
2. An editorial change where blue grouse is replaced with dusky grouse and sooty grouse.
3. Air rifles (no smaller than a .22 and no larger than a .25 caliber) to hunt dusky grouse, sooty grouse, spruce grouse, ruffed grouse, snowshoe hare, and cottontail rabbit.
4. Handguns authorized for hunting turkey. The proposed handguns specified are:
  - a) Modern handgun designed for hunting, shooting #4 or smaller shot, and not capable of holding more than three shells. Handgun barrel length must be a minimum of 10 inches, inclusive of choke tube. Modern handguns must shoot a minimum three-inch shotshell of .410 caliber or larger.
  - b) Muzzleloading handgun designed for hunting, shooting #4 or smaller shot, and not capable of holding more than three shells. Handgun barrel length must be a minimum of 10 inches. Muzzleloading handguns must be .45 caliber or larger.

- WAC 220-414-060 Muzzleloading firearms.

Specific amendments associated with this proposal are:

1. Allowing the use of 1x or red dot scopes on muzzleloading firearms.

2. Clarifying that electronic aiming devices are unlawful except for red-dot or other similar electronic powered scopes not exceeding 1x magnification. An amendment that makes it lawful to mount video-cameras to muzzleloading firearms provided the video camera cannot be used for aiming the muzzleloading firearm.
  3. Clarifying that the term “load” refers to the powder charge and projectile and that both must be loaded from the muzzle (i.e., as opposed to breach loaded firearms).
- WAC 220-414-070 Archery requirements.

Specific amendments associated with this proposal are:

1. Legalizing the use of the following electronic equipment attached to the bow or arrow while hunting:
    - a. Bluetooth enabled arrow nocks (a.k.a. “breadcrumb” nocks)
    - b. Range-finding bow sights
    - c. Video-cameras, provided the camera cannot be used for aiming the bow
  2. Allowing the use of a “verifier peep sight.” Verifiers magnify the bow sight and are not considered a scope.
- WAC 220-414-100 Crossbow requirements.

Specific amendments associated with this proposal are:

1. Allow the use of a crossbow during muzzleloader seasons. Previously, crossbows were only legal during established modern firearm seasons.

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**Staff recommendation:**

Recommend adoption of the rule as presented by Department staff.

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**Policy issue(s) and expected outcome:**

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

If adopted

- No policy issues
  - Expand opportunity by allowing use of lighter weight weapons for hunting turkey, grouse, snowshoe hare, and cottontail rabbit.
  - Additional language provided to direct hunters on requirements to retain of evidence of sex for harvested animals
  - Anticipated improved retention, reactivation, and recruitment of archery, muzzleloader, and crossbow hunters
  - Anticipated improved recovery of wounded game (e.g., via breadcrumb knocks, dog tracking)
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**Fiscal impacts of agency implementation:**

None.

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**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.

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.

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**Action requested and/or proposed next steps:**

Recommend adoption of the rule as presented by Department staff.

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**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.

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**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:** (Note: one WAC per page)

WAC 220-413-060 Hunting restrictions

The Department received public comment through online survey (97) and public comment submissions for the Commission briefing. The comments represented both those in favor and those oppose to the proposed rule change.

Common themes in public comments:

- General support of allowing dog tracking
- General disagreement
- General disagreement for night hunting rule changes
- Request for use of air rifles for other game
- Request to allow hunting of racoon, coyote, or bobcat at night
- Desire to use dogs to track any game species once wounded
- Concern that use of dogs enables unethical hunting practices (poor shot placement)
- Perception of increased game recovery using dog tracking

## **Summary of Public Comments Received During the Official Comment Period and WDFW Response:** (Note: one WAC per page)

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

The Department received public comment through email and public comment submissions for the Commission briefing. The comments represented both those in favor and oppose with those opposing specific components of the proposed changes. A few respondents added suggestions to the proposed rule change.

Common themes in the public comment:

- General support
- General support of editorial changes
- Request to modify the requirement of the turkey head and beard from remaining “attached” to “accompany”
- Request for instructions or instructional video on how to leave turkey head and beard attached

## **Summary of Public Comments Received During the Official Comment Period and WDFW Response:** (Note: one WAC per page)

WAC 220-414-010 Hunting equipment restrictions.

The Department received public comment through online survey (39), email and public comment submissions for the Commission briefing. The comments represented both those in favor and those oppose to the proposed rule change.

Common themes in public comments:

- General agreement
- Concern regarding the use of night vision/infrared for coyote and bobcat hunting (i.e., concern for loss of night hunting for those species)
- Concern about the use of night vision/infrared at dawn/dusk for other species (i.e., concern for misuse of technology to hunt outside of “night”)



**Summary of Public Comments Received During the Official Comment Period and WDFW Response:** (Note: one WAC per page)

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

The Department received public comment through email and public comment submissions for the Commission briefing. The comments represented only those in favor of the proposed rule change. A few respondents provided an editorial suggestion under the proposed muzzleloading handgun segment and made additional suggestions.

Common themes in public comments:

- Support
- Expand to include air handgun
- Edit the “three shot shell” under muzzleloading handgun

## **Summary of Public Comments Received During the Official Comment Period and WDFW Response:** (Note: one WAC per page)

WAC 220-414-060 Muzzleloading firearms.

The Department received public comment through online survey (97), email (2) and public comment submissions for the Commission briefing. The comments represented both those in favor and those oppose to the proposed rule change.

Common themes in public comments:

- General disagreement about the rule changes
- General support for rule changes
- Desire to maintain primitive weapon types
- Concern about increased hunter participation in muzzleloader seasons
- Concern over availability of 1x scopes
- Support for rule change due to improved shot placement
- Support for 1x scopes on muzzleloading firearms because it enables hunter participation (e.g., poor eyesight may restrict participation with this weapon type)
- Concern over ethical shot placement – scopes may enable long-distance shooting

## **Summary of Public Comments Received During the Official Comment Period and WDFW Response:** (Note: one WAC per page)

WAC 220-414-070 Archery requirements.

The Department received public comment through online survey (76), email (2) and public comment submissions for the Commission briefing. The comments represented both those in favor and those oppose to the proposed rule change.

Common themes in public comments:

- General disagreement
- General agreement
- Dislike of electronic equipment on archery equipment
- Desire to keep primitive weapons primitive
- Concern over ethical shot placement/distance
- Support due to improved shot placement and accurate distance measurement
- Support due to improved game recovery
- Concern over increased harvest rates
- Concern regarding fair chase

## **Summary of Public Comments Received During the Official Comment Period and WDFW Response:** (Note: one WAC per page)

### WAC 220-414-100 Crossbow requirements

The Department received public comment through online survey (58) and public comment submissions for the Commission briefing. The comments represented both those in favor and those oppose to the proposed rule change.

#### Common themes in public comments:

- General agreement with proposed changes
- General disagreement with proposed changes
- Unspecified opposition to the use of crossbows in muzzleloader seasons
- Support for crossbow use in muzzleloader seasons due to assumed dispersion of hunters across seasons
- Concern regarding sight restrictions; that is, concern that variable powered scopes may be used on crossbow equipment, presumably increasing hunter success/harvest
- Concern that crossbows are more successful than muzzleloaders; that is, the rule change will result in increased harvest

AMENDATORY SECTION (Amending WSR 20-19-115, filed 9/21/20, effective 10/22/20)

**WAC 220-413-060 Hunting restrictions.** (1) It is unlawful to hunt wildlife during any modern firearm deer or elk season with any firearm 240 caliber or larger, or containing slugs or buckshot, unless the hunter has a valid license, permits and tags for modern firearm deer or elk seasons are in his or her possession.

(a) This subsection does not apply to people hunting bear, cougar, mountain goat, mountain sheep, or turkey.

(b) A violation of this subsection is punishable under RCW 77.15.410 or 77.15.430, depending on the circumstances of the violation.

(2)(a) It is unlawful to hunt any wildlife at night (~~(or)~~) and it is unlawful to hunt wild animals, except rabbits and hares, with dogs (hounds) during the month of October or November during the dates established for eastern and western Washington modern firearm deer or elk general seasons. During the modern firearm deer and elk general seasons the hunting hours are one-half hour before sunrise to one-half

hour after sunset. A violation of this subsection is punishable under RCW 77.15.430((~~7~~)) Unlawful hunting of wild animals—Penalty.

(b) It is unlawful to use hounds to hunt black bear, cougar (~~EXCEPT~~ as pursuant to RCW 77.15.245), coyote, and bobcat year-round. A violation of this subsection is punishable under RCW 77.15.410((~~7~~)) Unlawful hunting of big game—Penalty, or RCW 77.15.430, depending on the circumstances of the violation.

(c) A person may not use the aid of a dog to take, chase, harm or harass big game. The use of one blood-trailing dog controlled by leash during lawful hunting hours within 72 hours of shooting a big game animal, except bear and cougar, is allowed to track wounded big game and aid in recovery.

(3) It is unlawful to participate in a hunting contest for which no permit has been issued by the department. A violation of this subsection is punishable as an infraction under RCW 77.15.160 (6)(b). [Statutory Authority: RCW 77.04.012, 77.04.055, 71.12.047, 77.32.050, and 77.32.525. WSR 20-19-115 (Order 20-199), § 220-413-060, filed 9/21/20, effective 10/22/20. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-413-060, 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 15-10-033 (Order 15-95), § 232-12-242, filed 4/28/15, effective 5/29/15. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 14-10-019 (Order 14-95), § 232-12-242, filed 4/25/14, effective 5/26/14. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 13-02-043 (Order 12-290), § 232-12-242, filed 12/21/12, effective 1/21/13. Statutory Authority: RCW 77.12.040. WSR 93-04-074 (Order 593), § 232-12-242, filed 1/29/93, effective 3/1/93.]

AMENDATORY SECTION (Amending WSR 19-10-011, filed 4/19/19, effective 5/20/19)

**WAC 220-413-090 Field identification of wildlife—Evidence of sex—Definitions.** (1) It is unlawful to possess or transport game birds (~~(unless)~~) without a feathered wing or head (~~(is left)~~) attached to each carcass until the carcass is processed and/or stored for consumption, except:

(a) Falconry-caught birds; which do not require evidence of sex.

(b) Canada and cackling geese harvested in Goose Management Area 2 - Coast and Inland: Where the fully feathered head must be left attached for subspecies determination(~~(, and falconry caught birds, until the carcass is processed and/or stored for consumption)~~).

(c) Turkeys: Where the head and, if present at harvest, the beard must be left attached.

(2) It is unlawful to possess or transport big game animals unless evidence of the sex of the animal remains naturally attached to the carcass until the carcass is processed and/or stored for consumption.



(a) Evidence of sex means the head with antlers or horns attached or penis or testes of male big game animals or the head or udder of female big game animals any of which must be naturally attached to at least one quarter of the carcass or to the largest portion of meat.

(b) For the purpose of this rule, "stored for consumption" means at the final point of storage prior to consumption of the meat.

(3) It is unlawful to possess or transport goat, sheep, moose, deer or elk taken in hunting areas which have horn or antler restrictions unless the head or skull plate, with both horns or both antlers naturally attached, accompanies the carcass.

(4) The possession of a taxidermist's receipt which includes the taxidermist's name, address, and telephone number, the hunter's name, address, telephone number, license, and tag number, the species and sex of the game bird or big game animal taken, as well as antler points or horn size and the date and GMU location or special deer/elk permit area where taken, shall be deemed to constitute compliance with this section.

For the purpose of this rule "accompanies the carcass" means to remain with the carcass until it has reached the point of processing or storage.

(5) It is lawful for persons who have complied with the department of fish and wildlife's chronic wasting disease sampling program to possess deer and elk without proof of sex under the following provisions:

(a) The head of the deer or elk must have been surrendered to an authorized department collection site.

(b) The hunter is in possession of an official department disease testing program identification card, completely filled out and signed and dated by a department employee or authorized agent.

(c) The carcass of the deer or elk is transported directly from where the head has been surrendered to the point of processing or storage.

(6) Failure to comply with ~~((a) through (e) of)~~ this ~~((subsection))~~ section constitutes unlawful possession of ~~((big))~~ game animals and is punishable under RCW 77.15.410.

[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), § 220-413-090, filed 4/19/19, effective 5/20/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-413-090, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 02-15-018

(Order 02-129), § 232-12-267, filed 7/8/02, effective 8/8/02.

Statutory Authority: RCW 77.12.040. WSR 92-12-064 (Order 555), § 232-12-267, filed 6/1/92, effective 7/2/92. Statutory Authority: RCW 77.12.040 and 77.16.095. WSR 91-13-064 (Order 499), § 232-12-267, filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 77.12.030, 77.12.105 and 77.16.095. WSR 89-14-018 (Order 401), § 232-12-267, filed 6/26/89. Statutory Authority: RCW 77.12.040. WSR 81-12-029 (Order 165), § 232-12-267, filed 6/1/81.]

## WAC 220-413-090 Field Identification of Gamebirds

### RECOMMENDED ADJUSTMENTS

The following adjustments have occurred since the notebook material deadline.

- Change: Replace the rule in the CR102 package with correct version of the rule

Rationale: Clerical error.

The correct version of the rule includes the intended proposed changes of proposing that the head and, if present at harvest, the beard must be left attached on turkeys and it also includes the provision for failure to comply as a proposed section (6) under the rule.

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

**WAC 220-414-010 Hunting equipment restrictions.** (1) It is unlawful to hunt (~~deer or elk~~) all big game with the aid of infrared night vision equipment or with laser sights (not to include range finders) capable of projecting a beam onto the target, while in possession or control of a firearm, bow and arrow, or crossbow.

(2) It is unlawful to use radio-telemetry equipment to locate and hunt wildlife with transmitters attached to them.

[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 § 220-414-010, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210. WSR 08-09-090 (Order 08-78), § 232-12-045, filed 4/18/08, effective 5/19/08. Statutory Authority: RCW 77.12.047. WSR 03-13-047 (Order 03-129), § 232-12-045, filed 6/12/03, effective 7/13/03.]

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

**WAC 220-414-020 Unlawful methods for hunting—Firearms.** (1) It is unlawful to hunt any big game with:

(a) A fully automatic firearm.

(b) A centerfire cartridge less than 22 caliber for cougar.

(c) A centerfire cartridge less than 24 caliber for any other big game.

(d) A shotgun, provided that it is a 20 gauge, or larger shotgun, using shells loaded with slugs or buckshot size #1 or larger, may be used to hunt deer, bear, and cougar.

(e) A shotgun for any other big game, except that a 12 gauge or 10 gauge shotgun using slugs may be used.

(f) A handgun during a modern firearm season that does not meet the following criteria: Have a minimum barrel length of four inches, per manufacturer's specification, and fire a centerfire cartridge.

(g) Any rimfire cartridge.

(2) It is unlawful to hunt game birds with a shotgun capable of holding more than three shells.

(3) It is unlawful to hunt game birds or game animals(~~(, except bullfrogs,)~~) in a manner other than with a firearm, a bow and arrow, a crossbow, or by falconry, with the following exceptions:

(a) Bullfrogs may be hunted only by methods listed in WAC 220-416-120.

(b) Dusky grouse, sooty grouse, spruce grouse, ruffed grouse, snowshoe hare, and cottontail rabbit may be hunted with an air rifle no smaller than .22 caliber and no larger than .25 caliber.

(4) It is unlawful to hunt game animals or game birds with a shotgun larger than 10 gauge.

(5) It is unlawful to hunt game birds with a rifle or handgun, with the exception of ((blue)):

(a) Dusky grouse, sooty grouse, spruce grouse and ruffed grouse((

~~(6) It is unlawful to hunt~~); and

(b) Turkey, which it is unlawful to hunt with a weapon other than ~~((shotgun shooting #4 or smaller shot, bow and arrow, crossbow,))~~ the following:

(i) Crossbow or bow and arrow;

(ii) Shotgun shooting #4 or smaller shot, or muzzleloading shotgun shooting #4 or smaller shot;

(iii) Legal modern handgun designed for hunting, shooting #4 or smaller shot, and not capable of holding more than three shells.

Handgun barrel length must be a minimum of 10 inches, inclusive of choke tube. Modern handguns must shoot a minimum three inch shotshell of ~~.140~~ .410 caliber or larger;

(iv) Legal muzzleloading handgun designed for hunting, ~~and shooting #4 or smaller shot, and not capable of holding more than three shells.~~ Handgun barrel length must be a minimum of 10 inches. Muzzleloading handguns must be .45 caliber or larger.

((+7)) (6) A violation of this section is punishable under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted. [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 § 220-414-020, 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 15-10-035 (Order 15-97), § 232-12-047, filed 4/28/15, effective 5/29/15. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 14-10-019 (Order 14-95), § 232-12-047, filed 4/25/14, effective 5/26/14. Statutory Authority: RCW 77.12.047. WSR 12-11-005 (Order 12-70), § 232-12-047, filed 5/2/12, effective 6/2/12. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240,



77.32.070, 77.32.530. WSR 10-10-061 (Order 10-94), § 232-12-047, filed 4/30/10, effective 5/31/10. 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), § 232-12-047, filed 4/15/09, effective 5/16/09. Statutory Authority: RCW 77.12.047 and 77.12.020. WSR 04-11-036 (Order 04-98), § 232-12-047, filed 5/12/04, effective 6/12/04. 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), § 232-12-047, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.040. WSR 98-10-006 (Order 98-53), § 232-12-047, filed 4/22/98, effective 5/23/98; WSR 90-14-108 (Order 449), § 232-12-047, filed 7/5/90, effective 8/5/90; WSR 83-01-006 (Order 198), § 232-12-047, filed 12/2/82; WSR 82-04-034 (Order 177), § 232-12-047, filed 1/28/82; WSR 81-22-002 (Order 174), § 232-12-047, filed 10/22/81; WSR 81-12-029 (Order 165), § 232-12-047, filed 6/1/81. Formerly WAC 232-12-130.]

## RECOMMENDED ADJUSTMENTS

The following adjustments have occurred since the notebook material deadline.

### Page 17

Under section (5)(b)

- Change: (iii) Legal modern handgun designed for hunting, shooting #4 or smaller shot, and not capable of holding more than three shells. Handgun barrel length must be a minimum of 10 inches, inclusive of choke tube. Modern handguns must shoot a minimum three-inch shotshell of .410 caliber or larger;

Rationale: Clerical error.

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Under section (5)(b)

- Change: (iv) Legal muzzleloading handgun designed for hunting, and shooting #4 or smaller shot, and not capable of holding more than three shells. Handgun barrel length must be a minimum of 10 inches. Muzzleloading handguns must be .45 caliber or larger.

Rationale: Clerical error, muzzleloading handguns do not hold shells and only handle one shot at a time.

AMENDATORY SECTION (Amending WSR 18-11-061, filed 5/11/18, effective 6/11/18)

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

(a) Muzzleloader: A firearm that is loaded from the muzzle and uses black powder or a black powder substitute as recommended by the manufacturer for use in all muzzleloading firearms. The term load refers to the powder charge and projectile and both must be loaded from the muzzle.

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

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

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

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

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

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

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

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

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

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

(a) Ignition is to be wheel lock, matchlock, flintlock, or percussion. Primers designed to be used in modern cartridges are legal.

(b) Sights must be open, peep, (~~or~~) of other open sight design, or scopes not exceeding 1x magnification. Fiber optic sights are legal. Telescopic sights (~~or sights containing glass~~) are prohibited.

(c) It is unlawful to have any electrical aiming device (~~or equipment~~) attached to a muzzleloading firearm while hunting except for red dot or other similar electronically powered scopes not exceeding 1x magnification. It is lawful to mount a video camera to your muzzleloader while hunting provided it cannot be used for aiming the firearm.

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

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

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

[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), § 220-414-060, filed 5/11/18, effective 6/11/18. 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 § 220-414-060, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 14-10-019 (Order 14-95), § 232-12-051, filed 4/25/14, effective 5/26/14. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 77.32.070, 77.32.530. WSR 10-10-061 (Order 10-94), § 232-12-051, filed 4/30/10, effective 5/31/10. 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), § 232-12-051, filed 4/15/09, effective 5/16/09. Statutory Authority: RCW 77.12.047. WSR 06-11-032 (Order 06-92), § 232-12-051, filed 5/8/06, effective 6/8/06; WSR 03-13-047 (Order 03-129), § 232-12-051, filed 6/12/03, effective 7/13/03. 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), § 232-12-051, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.04.055 and 77.12.040. WSR 90-14-109 (Order

450), § 232-12-051, filed 7/5/90, effective 8/5/90; WSR 89-11-062  
(Order 393), § 232-12-051, filed 5/18/89. Statutory Authority: RCW  
77.12.040. WSR 84-18-013 (Order 234), § 232-12-051, filed 8/28/84; WSR  
81-12-029 (Order 165), § 232-12-051, filed 6/1/81. Formerly WAC 232-  
12-135.]

AMENDATORY SECTION (Amending WSR 19-10-011, filed 4/19/19, effective 5/20/19)

**WAC 220-414-070 Archery requirements.** (1) The following provisions apply to all archery hunting seasons:

(a) It is unlawful for any person to carry or have in his possession any firearm while archery hunting in the field during an archery season specified for that area, except for modern handguns carried for personal protection. Modern handguns cannot be used to hunt big game or dispatch wounded big game during an archery big game hunting season.

(b) It is unlawful to have any electrical equipment or electric device(s) ~~((, except for))~~ attached to the bow or arrow while hunting with the following exceptions: Illuminated nocks, ((attached to the bow or arrow while hunting)) bluetooth enabled nocks also known as breadcrumb nocks, range finding bow sights, and video camera provided the camera cannot be used for aiming the bow.

(c) It is unlawful to discharge a bow from a vehicle or from, across, or along the maintained portion of a public highway.



(d) It is unlawful to use any device secured to or supported by the bow for the purpose of maintaining the bow at full draw or in a firing position.

(e) It is unlawful to hunt big game animals with any arrow or bolt that does not have a sharp broadhead, or with a broadhead blade or blades that are less than seven-eighths of an inch wide.

(f) It is unlawful to hunt wildlife with any bow equipped with a scope. A verifier peep site that magnifies the sights is not considered a scope and is lawful.

(2) The following provisions apply to long bow, recurve bow and compound bow archery equipment:

(a) It is unlawful for any person to hunt big game animals with a bow that does not produce a minimum of 40 pounds of pull measured at twenty-eight inches or at full draw.

(b) It is unlawful to hunt big game animals with any arrow measuring less than 20 inches in length.

(3) A violation of this section is punishable under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted. [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), § 220-414-070, filed 4/19/19, effective 5/20/19. 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 § 220-414-070, 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 15-10-035 (Order 15-97), § 232-12-054, filed 4/28/15, effective 5/29/15. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 14-10-019 (Order 14-95), § 232-12-054, filed 4/25/14, effective 5/26/14; WSR 13-11-078 (Order 13-94), § 232-12-054, filed 5/16/13, effective 6/16/13. Statutory Authority: RCW 77.12.047. WSR 12-11-005 (Order 12-70), § 232-12-054, filed 5/2/12, effective 6/2/12. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 77.32.070, 77.32.530. WSR 10-10-061 (Order 10-94), § 232-12-054, filed 4/30/10, effective 5/31/10. 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), § 232-12-054, filed 4/15/09, effective 5/16/09. Statutory Authority: RCW 77.12.047. WSR 06-11-032 (Order 06-92), § 232-12-054, filed 5/8/06, effective 6/8/06. Statutory Authority: RCW 77.12.047 and 77.12.020. WSR 04-11-036 (Order 04-98), § 232-12-054, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.047. WSR 03-13-047 (Order 03-129), § 232-12-054, filed 6/12/03, effective 7/13/03; WSR 01-17-068 (Order 01-167), § 232-12-054, filed 8/15/01, effective

9/15/01. 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), § 232-12-054, filed  
5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.040. WSR  
90-03-092 (Order 427), § 232-12-054, filed 1/24/90, effective 2/24/90;  
WSR 88-13-012 (Order 310), § 232-12-054, filed 6/6/88; WSR 81-12-029  
(Order 165), § 232-12-054, filed 6/1/81. Formerly WAC 232-12-140.]

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

**WAC 220-414-100 Crossbow requirements.** (1) The following provisions apply to hunting with a crossbow:

(a) It is unlawful to hunt big game with a crossbow outside of a modern firearm or muzzleloader season.

(b) It is unlawful to hunt big game animals with a crossbow with a draw weight less than 125 pounds and a trigger safety that does not work properly.

(c) It is unlawful to hunt big game animals with any arrow or bolt weighing less than 350 grains.

(d) It is unlawful to hunt big game animals with any arrow or bolt that does not have a sharp broadhead and the broadhead blade or blades are less than seven-eighths inch wide.

(e) It is unlawful to hunt big game animals with a broadhead blade unless the broadhead is unbarbed.

(f) It is unlawful to discharge a crossbow from a vehicle or from, across, or along the maintained portion of a public highway.

(g) It is unlawful to hunt wildlife with a crossbow during an archery season.

(2) A violation of this section is punishable under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted. [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 § 220-414-100, 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 15-10-035 (Order 15-97), § 232-12-052, filed 4/28/15, effective 5/29/15.]



# 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 <a href="http://wdfw.wa.gov/about/commission/meetings">http://wdfw.wa.gov/about/commission/meetings</a> 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](mailto: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](mailto: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, 2<sup>nd</sup> 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, 2<sup>nd</sup> 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)<br>(Internal government operations)         | <input type="checkbox"/> RCW 34.05.310 (4)(e)<br>(Dictated by statute)   |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)<br>(Incorporation by reference)             | <input type="checkbox"/> RCW 34.05.310 (4)(f)<br>(Set or adjust fees)  |
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(d)<br>(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)<br>((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:**

