

## Summary Sheet

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<b>Meeting dates:</b>	April 5-6, 2019
<b>Agenda item:</b>	Migratory Waterfowl Seasons and Regulations
<b>Presenter(s):</b>	Kyle Spragens, Waterfowl Section Manager, Game Division, Wildlife Program

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### **Background summary:**

Staff briefed the Commission on the proposed amendment of WAC 220-416-060 2019-2020 Migratory waterfowl seasons and regulations and WAC 220-413-090 Field identification-Evidence of sex-Definitions.

Migratory waterfowl season frameworks are established through ongoing interagency management programs involving U.S. Fish and Wildlife Service (USFWS) and flyway organizations, including input from Canada, Russia, and Mexico. Federal frameworks include maximum bag limits, season lengths, season timing, and other regulations. Pacific Flyway season frameworks follow harvest strategies and management plans that have been developed cooperatively by USFWS and the Pacific Flyway Council. All states adopt waterfowl seasons within federal frameworks, and in many cases they are more restrictive to address regional conservation needs.

Management agencies utilize Adaptive Harvest Management (AHM) to establish duck season frameworks. Adaptive Harvest Management 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.

During the 2018 breeding waterfowl assessment, most duck populations continued to benefit from good wetland and favorable weather conditions in major breeding areas, including Washington State. However, Northern Pintail status declined compared to the previous year's marginal breeding conditions in southern Alberta, remaining below population objective, and triggering a decrease to a daily bag limit of one pintail per the United States Fish and Wildlife Service Northern Pintail Harvest Strategy. Most goose populations are at or above Pacific Flyway management plan objective levels, most notably a recent population increase in Wrangel Island snow goose that winter in Washington and have expanded range into the Columbia Basin in recent years, prompting a proposed 12-days of hunting be shifted from the beginning of the season to February in Goose Management Area 4 (Adams, Benton, Chelan, Douglas, Franklin, Grant, Kittitas, Lincoln, Okanagan, Spokane, and Walla Walla counties), while maintaining a separate daily bag limit of six white geese. Lastly, a modification to the Pacific Flyway Management Plan for the Pacific brant population has prompted the potential of expanded brant hunting opportunity in Pacific County (Willapa Bay), but will be contingent upon the most recent 3-year average results from the Pacific Flyway Winter Brant Survey that will be available by March 2019.

An addition of a special veterans and active military personnel hunting day open to hunters as defined in Section 3 of 16 U.S. Code § 704 as amended by the John D. Dingell, Jr. Conservation, Management, and Recreation Act: Feb. 1, 2020, required a shift in one of the youth hunting days in September to also align on Feb. 1, 2020. This special youth, veterans and active military personnel day will allow these hunters to pursue all legal waterfowl species

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during a time when more waterfowl species and habitats are on the Washington landscape. This minimized any impacts to the regular 105-day season structure while providing a different opportunity during this special Feb. 1, 2020 hunt day for youth, veterans and active military personnel.

Finally, a modification to WAC 220-413-060 will bring field identification of game birds in alignment with federal requirements, providing reduced confusion to game bird hunters in Washington and more reliable species and sex identification for migratory waterfowl. Section 1 of WAC 220-413-060 will add the retention of a fully feathered wing on each carcass as allowable field identification and evidence of sex, except for 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 because dusky Canada geese are closed to harvest.

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

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

Modifying field identification requirements for possession and transport of game birds modified under WAC 220-413-090.

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**Fiscal impacts of agency implementation:**

None.

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**Public involvement process used and what you learned:**

The Department notified approximately 12,000 individuals and organizations informing them of the opportunity to provide comment on the proposed regulation amendments. Additionally, these individuals and organizations were informed of the opportunity to provide verbal testimony at the March 1-2, 2019 Commission meeting in Spokane.

Additionally, presentations were made to chapters of waterfowl organizations in Washington, and consultation with members of the Waterfowl Advisory Group to relay information regarding the implications of the amendments to the Migratory Bird Treaty Act enacted by the John Dingell, Jr. Conservation, Management, and Recreation Act signed by the President on March 12, 2019.

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**Action requested:**

Adopt WAC.220-416-060 and 220-413-090.

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**Draft motion language:**

I move to adopt WAC 220-416-060 and 220-413-090.

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**Post decision communications plan:**

WDFW Website  
News Releases  
Hunting Pamphlet

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*Form revised 9/13/17*

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

**WAC 220-413-090 Field identification of wildlife—Evidence of sex—Definitions.** (1) It is unlawful to possess or transport game birds unless (~~the feathered heads are~~) a feathered wing or head is left attached to (~~the~~) each carcass, except 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.

(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.

Failure to comply with (a) through (c) of this subsection constitutes unlawful possession of big game and is punishable under RCW 77.15.410.

[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.]

### **RECOMMENDED ADJUSTMENTS**

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

#### **Page 3**

- Change: Addition of “fully feathered” to clarify retention of head for Canada and cackling geese harvested in Goose Management Area 2 – Coast and Inland

Rationale: Dusky Canada goose is closed to harvest. Measurement of bill and feather coloration are required for subspecies verification.

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

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

#### **Supporting Comments:**

There were four (4) comments submitted for this WAC proposal. Two (2) comments generally agreed with the proposal. Both comments expressed the change would simplify and bring this regulation in better alignment with federal definition.

#### **Opposing, Neutral, and Other Comments:**

There was one (1) opposing comment submitted for this WAC proposal. The provided comment was concerned about implications of the change on dusky Canada goose identification requirement. There was one (1) comment submitted that took a neutral stance on the proposed recommendation, but provided no additional comment.

#### **Direction and Rationale:**

The addition of the wing as an option for field identification brings the state definition in better alignment with the federal regulations. The exception to require the feathered head must remain on Canada and cackling geese harvested in Goose Management Area 2 Coast and Inland was specifically included to address concerns over dusky Canada goose identification in this region.



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

**WAC 220-416-060 ((2018-2019)) 2019-2020 Migratory waterfowl seasons and regulations.** Hunters must comply with the bag, possession, and season limits described in this section. Failure to do so constitutes a violation of RCW 77.15.245, 77.15.400, or 77.15.430, depending on the species hunted and the circumstances of the violation.

**DUCKS**

**Statewide:** Oct. ((~~13-31, 2018 and Nov. 3, 2018 — Jan. 27, 2019~~)) 12-30, 2019 and Nov. 2, 2019 - Jan. 26, 2020; except scaup season closed Oct. ((~~13 — Nov. 2, 2018~~)) 12 - Nov. 1, 2019.

Special youth hunting ~~weekend~~-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. ((~~22-23, 2018~~)) 21-22, 2019 and Feb. 1, 2020, in Western Washington (West Zone); Sept. ((~~29-30, 2018~~)) 28-29, 2019 and Feb. 1, 2020, 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 §704 as amended by the John D. Dingell, Jr. Conservation, Management, and Recreation Act: Feb. 1, 2020, in Western Washington (West Zone) and Eastern Washington (East Zone).

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

Possession Limit for Regular Season: 21 ducks, to include not more than 6 hen mallard, ((6)) 3 pintail, 9 scaup, 6 canvasback, and 6 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 Weekend Days: ~~14 ducks, to include not more than 4 hen mallard, ((4)) 2 pintail, 6 scaup, 4 canvasback, and 4 redhead statewide; and to include not more than 1 harlequin, 4 scoter, 4 long-tailed duck, and 4 goldeneye in Western Washington.~~ same as Daily Bag Limit.

Season Limit: 1 harlequin in Western Washington.

AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT SEA DUCKS

Hunters must possess a special ((~~2018-2019~~)) 2019-2020 hunting authorization and harvest record card for sea ducks when hunting harlequin, scoter, long-tailed duck, and goldeneye in Western Washington. A hunter who has not previously possessed a sea duck harvest report card must submit an application form to Washington state department of fish and wildlife (WDFW). Immediately after taking a sea duck into possession, hunters must record in ink the information required on the harvest record card.

COOT (**Mudhen**)

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

Daily Bag Limit: 25 coots.

Possession Limit: 75 coots.

Possession Limit for Youth, Veterans and Active Military Personnel

Hunting ~~Weekend~~ Days: ~~50-coots~~ same as Daily Bag Limit.

SNIPE

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

Daily Bag Limit: 8 snipe.

Possession Limit: 24 snipe.

**GEESE (except Brant)**

Special youth hunting ~~weekend-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. ((~~22-23, 2018~~)) ~~21-22~~, 2019 and Feb. 1, 2020, in Western Washington (West Zone); Sept. ((~~29-30, 2018~~)) ~~28-29~~, 2019 and Feb. 1, 2020, 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 § 704 as amended by the John D. Dingell, Jr. Conservation, Management, and Recreation Act: Feb. 1, 2020, in Western Washington (West Zone) and Eastern Washington (East Zone).

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 6 white geese (snow, Ross', blue).

~~Possession Limit: 8 Canada geese and 20 white-fronted geese.~~

Possession Limit for Youth, Veterans and Active Military Personnel

Hunting Days: same as Daily Bag Limit.

**Western Washington Goose Seasons**

Goose Management Area 1: Island, Skagit, and Snohomish counties.

September Canada Goose Season

Sept. (~~(8-13, 2018)~~) 7-12, 2019.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 15 Canada geese.

Regular Season

Oct. (~~(13 - Nov. 25, 2018, and Dec. 8, 2018 - Jan. 27, 2019)~~) 12 -

Dec. 1, 2019, and Dec. 14, 2019 - Jan. 26, 2020, for Canada and white-fronted geese (except brant).

Oct. (~~(13 - Nov. 25, 2018, Dec. 8, 2018 - Jan. 27, 2019, and Feb. 9 -~~

~~20, 2019)~~) 12 - Dec. 1, 2019, Dec. 14, 2019 - Jan. 26, 2020, and Feb.

~~8-19~~8-18, 2020, for snow, Ross', and blue geese (collectively referred

to as white geese). During Feb. (~~(9-20, 2019)~~) ~~8-19~~8-18, 2020, in

Skagit 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(~~(S)~~) of the Skagit Wildlife Area are closed to goose hunting in Goose Management Area 1. During Feb. (~~(9-20, 2019)~~) ~~8-19~~8-18, 2020, in Snohomish County, that portion east of Interstate 5 is closed to goose hunting in Goose Management Area 1.

Daily Bag Limit: 4 Canada geese, 10 white-fronted geese, and 6 white geese (snow, Ross', blue).

Possession Limit: 12 Canada geese, 30 white-fronted geese, and 18 white geese (snow, Ross', blue).

**AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT SNOW GEESE**

Hunters must possess a special (~~(2018-2019)~~) 2019-2020 migratory bird hunting authorization and harvest record card for snow geese when hunting snow, Ross', and blue geese in Goose Management Area 1. A hunter who has not previously possessed a snow goose harvest report card must submit an application form to Washington state department of fish and wildlife (WDFW). Immediately after taking a snow, Ross', or blue goose into possession, hunters must record in ink the information required on the harvest record card.

**SKAGIT COUNTY SPECIAL RESTRICTIONS**

It is unlawful to discharge a firearm for the purpose of hunting waterfowl within 100 feet of any paved public road on Fir Island in Skagit County or to discharge a firearm for the purpose of hunting snow geese within 100 feet of any paved public road in other areas of Skagit County.

While hunting snow geese, if a hunter is convicted of (a) trespass; (b) shooting from, across, or along the maintained part of any public highway; (c) discharging a firearm for the purpose of hunting waterfowl within 100 feet of any paved public road on Fir Island in Skagit County or discharging a firearm within 100 feet of any paved public road for the purpose of hunting snow geese in other areas of Skagit County; or (d) exceeding the daily bag limit for geese, authorization will be invalidated for the remainder of the current snow goose season and an authorization will not be issued for the subsequent snow goose season.

**Goose Management Area 2 - Coast:** Pacific County and the portion of Grays Harbor County west of highway 101.

September Canada Goose Season

Sept. ~~1-9~~7-15, ((~~2018~~)) 2019.

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. (~~(13-28, 2018)~~) 12-27, 2019; Saturdays, Sundays, and Wednesdays only, Nov. 1 - Dec. (~~(2, 2018, Dec. 22 - Jan. 20, 2019; and Feb. 2-16, 2019)~~) 1, 2019, Dec. 21, 2019 - Jan. 19, 2020; and Feb. ~~1-158-22~~, 2020. During Feb. (~~(2-16, 2019)~~) ~~1-158-22~~, 2020, 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 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 6 white geese (snow, Ross', blue).



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

Dusky Canada geese: SEASON CLOSED.

**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. ~~1-9~~7-15, ((~~2018~~)) 2019.

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. ((~~13-28, 2018~~)) 12-27, 2019; Saturdays, Sundays, and Wednesdays only, Nov. ((~~24, 2018~~ ~~Jan. 13, 2019; and Feb. 9 - Mar. 9, 2019~~)) 23, 2019 - Jan. 12, 2020; and Feb. 8 - Mar. 7, 2020. During Feb. ((~~9 - Mar. 9, 2019~~)) 8 - Mar. 7, 2020, 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. ~~((13-28, 2018 and Nov. 24, 2018 - Jan. 12, 2019))~~ 12-27, 2019 and Nov. 23, 2019 - Jan. 11, 2020.

Bag Limits for Goose Management Area 2 - Inland:

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

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

Dusky Canada geese: SEASON CLOSED.

### **Special Provisions for Goose Management Area 2 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 ~~((2018-2019))~~ 2019-2020 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 (~~2017-2018~~) 2018-2019 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 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. (~~(8-13, 2018)~~) 7-12, 2019.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 15 Canada geese.

Regular Season

Oct. (~~(13-25, 2018 and Nov. 3, 2018 - Jan. 27, 2019)~~) 12-24, 2019 and Nov. 2, 2019 - Jan. 26, 2020.

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

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

#### **Eastern Washington Goose Seasons**

September Canada Goose Season (Eastern Washington)

Sept. (~~(8-9, 2018)~~) 7-8, 2019.

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. (~~(13, 2018 - Jan. 20, 2019)~~) 12, 2019 - Jan. 19, 2020; additionally, to accommodate opportunity during recognized holiday periods, the (~~(2018-2019)~~) 2019-2020 season will include: Nov. (~~(12, 22, and 23, 2018; Dec. 24, 25, 27, and 28, 2018; Jan. 1, 2019; and every day Jan. 21-27, 2019)~~) 11, 28, and 29, 2019; Dec. 24, 26, 27, 30, and 31, 2019; and every day Jan. 20-26, 2020, for Canada geese and white-fronted geese.

Saturdays, Sundays, and Wednesdays only during Oct. 26, 2019 - Jan. 19, 2020; additionally, to accommodate opportunity during recognized holiday periods, the 2019-2020 season will include: Nov. 11, 28, and 29, 2019; Dec. 24, 26, 27, 30, and 31, 2019; every day Jan. 20-26, 2020 and Feb. 22 - Mar. 4, 2020 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. (~~(13-29, 2018)~~) 12-28, 2019 and every day from Nov. (~~(3, 2018 - Jan. 27, 2019)~~) 2, 2019 - Jan. 26, 2020.

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

Daily Bag Limit: 4 Canada geese, 10 white-fronted geese, and 6 white geese (snow, Ross', blue).

Possession Limit: 12 Canada geese, 30 white-fronted geese, and 18 white geese (snow, Ross', blue).

### **BRANT**

Open in Skagit County only on the following dates:

If the 2019-2020 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. (~~12, 13, 16, 19, 20, 23, 26, and 27, 2019~~) 11, 12, 15, 18, 19, 22, 25, and 26, 2020.

If the (~~2018-2019 preseason~~) 2019-2020 brant population in Skagit County is 3,000-6,000 (as determined by (~~the midwinter waterfowl~~) aerial survey), the brant season in Skagit County will be open only on (~~the following dates: Jan. 12, 16, and 19, 2019~~) selected dates.

If the (~~2018-2019 preseason~~) 2019-2020 brant population in Skagit County is below 3,000 (as determined by (~~the midwinter waterfowl~~) aerial survey), the brant season in Skagit County will be (~~anceled~~) closed.

Open in Clallam and Whatcom counties only on the following dates: Jan. (~~12, 16, and 19, 2019~~) 11, 15, and 18, 2020.

Open in Pacific County only on the following dates: Jan. (~~12, 13, 15, 17, 19, 20, 22, 24, 26, and 27, 2019~~) 4, 5, 7, 9, 11, 12, 14, 16, 18, 19, 21, 23, 25, and 26, 2020, 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 § 704 as amended by the John D. Dingell, Jr. Conservation, Management, and Recreation Act: Feb. 1, 2020

**AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT BRANT**

Hunters must possess a special ((~~2018-2019~~)) 2019-2020 migratory bird hunting authorization and harvest record card for brant when hunting brant. A hunter who has not previously possessed a brant harvest report card must submit an application form to Washington state department of fish and wildlife (WDFW). Immediately after taking a brant into possession, hunters must record in ink the information required on the harvest record card.

Bag Limits for 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.



Season closed statewide.

**MOURNING DOVE**

Sept. 1 - Oct. 30, (~~2018~~) 2019, statewide.

Daily Bag Limit: 15 mourning doves.

Possession Limit: 45 mourning doves.

**BAND-TAILED PIGEON**

Sept. 15-23, (~~2018~~) 2019, 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 (~~2018-2019~~) 2019-2020 migratory bird hunting authorization and harvest record card for band-tailed pigeons when hunting band-tailed pigeons. A hunter who has not previously possessed a band-tailed pigeon harvest report card must submit an application form to Washington state department of fish and wildlife (WDFW). Immediately after taking a band-tailed pigeon into possession, hunters must record in ink the information required on the harvest record card.

**FALCONRY SEASONS**

DUCKS, COOTS, SNIPE, GEESE, AND MOURNING DOVES (EXCEPT BRANT) (**Falconry**)

Same season dates for each species in each area as listed above.

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

Possession Limit: 3 times the daily bag limit.

DUCKS, COOTS, CANADA GEESE, ~~AND WHITE-FRONTED GEESE~~, WHITE GEESE AND BRANT (~~EXCEPT BRANT AND WHITE GEESE~~)

**(Extended Falconry)**

Sept. (~~(22-23, 2018)~~) ~~21-22~~, 2019 and Feb. 1, 2020, in Western Washington (West Zone).

Sept. (~~(29-30, 2018)~~) ~~28-29~~, 2019 and Feb. 1, 2020, in Eastern Washington (East Zone).

Daily Bag Limit: 3, straight or mixed bag, including ~~ducks, coots, Canada geese and white-fronted geese following special youth weekend~~ allowable species specified under Youth, Veterans and Active Military Personnel dates.

Possession Limit: ~~2 times the daily bag limit~~ same as the Daily Bag Limit.

MOURNING DOVE (**Extended Falconry**)

Oct. 31 - Dec. 16, (~~(2018)~~) 2019.

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, 77.04.013, 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 9

- Change: Addition of a Veterans and Active Military Personnel hunting date to occur February 1, 2020 for Duck Seasons.

Rationale: Under the John D. Dingell, Jr. Conservation, Management, and Recreation Act (S.47) signed March 12, 2019, Subtitle E, Section 4001 amends Section 3 of 16 U.S. Code § 704 of the Migratory Bird Treaty Act to allow for the option of special hunting dates for Veterans (as defined by Section 101 of title 38, United States Code) and Active Military Personnel.

### Page 10

- Change: Change of special Youth days for Duck Seasons to Sept. 21, 2019 and Feb. 1, 2020 in Western Washington, and Sept. 28, 2019 and Feb. 1, 2020 in Eastern Washington.

Rationale: No state may allow more than 107-days for any one migratory gamebird species. Washington State already maximizes these days by allowing a 105-day regular season and two youth hunting days. No additional youth days may be added, however, with the option of a special Veterans and Active Military Personnel hunting date, this allowed the opportunity to split the current Youth days to allow for both an early season and a later season opportunity, which allows more possible waterfowl species and hunting styles to be taught to youth waterfowl hunters.

- Change: Possession Limit description adjustments

Rationale: Changes required to specify single-day bag limit possession limits for waterfowl species to be allowable during the new Feb. 1 Youth, Veterans and Active Military Personnel hunting day.

### Page 11

- Change: Possession Limit description adjustments

Rationale: Changes required to specify single-day bag limit possession limits for waterfowl species to be allowable during the new Feb. 1 Youth, Veterans and Active Military Personnel hunting day.

## Page 12

- Change: Change of special Youth days for Goose Seasons to Sept. 21, 2019 and Feb. 1, 2020 in Western Washington, and Sept. 28, 2019 and Feb. 1, 2020 in Eastern Washington.

Rationale: No state may allow more than 107-days for any one migratory gamebird species. Washington State already maximizes these days by allowing a 105-day regular season and two youth hunting days. No additional youth days may be added, however, with the option of a special Veterans and Active Military Personnel hunting date, this allowed the opportunity to split the current Youth days to allow for both an early season and a later season opportunity, which allows more possible waterfowl species and hunting styles to be taught to youth waterfowl hunters.

- Change: Addition of a Veterans and Active Military Personnel hunting date to occur February 1, 2020 for Goose Seasons.

Rationale: Under the John D. Dingell, Jr. Conservation, Management, and Recreation Act (S.47) signed March 12, 2019, Subtitle E, Section 4001 amends Section 3 of 16 U.S. Code § 704 of the Migratory Bird Treaty Act to allow for the option of special hunting dates for Veterans (as defined by Section 101 of title 38, United States Code) and Active Military Personnel.

- Change: Date adjustments

Rationale: Changes required to allow the full potential waterfowl species list to be allowable during the new Feb. 1 Youth, Veterans and Active Military Personnel Day.

- Change: Daily Bag Limit adjustment for the Feb. 1 Youth, Veterans and Active Military Personnel Day.

Rationale: Changes required to allow the full potential waterfowl species list to be allowable during the new Feb. 1 Youth, Veterans and Active Military Personnel Day.

## Page 13

- Change: Possession Limit description adjustments

Rationale: Changes required to specify single-day bag limit possession limits for waterfowl species to be allowable during the new Feb. 1 Youth, Veterans and Active Military Personnel hunting day.

- Change: Date adjustments to white goose season in GMA 1

Rationale: Changes required to allow the full potential waterfowl species list to be allowable during the new Feb. 1 Youth, Veterans and Active Military Personnel Day.

## **Page 14**

- Change: Date adjustments to white goose season in GMA 1

Rationale: Changes required to allow the full potential waterfowl species list to be allowable during the new Feb. 1 Youth, Veterans and Active Military Personnel Day.

## **Page 15**

- Change: September Goose Seasons in Goose Management Area 2 – Coast and Inland changed to Sept. 7-15, 2019.

Rationale: A traditional necessary shift to avoid conflict with Labor Day weekend activities.

## **Page 16**

- Change: Date adjustments to the third segment of goose seasons in Goose Management Area 2 – Coast to Feb. 8-22, 2020.

Rationale: Changes required to minimize conflict between regular goose season in GMA 2-Coast and to allow the full potential waterfowl species list to be allowable during the new Feb. 1 Youth, Veterans and Active Military Personnel Day.

## **Page 17**

- Change: September Goose Seasons in Goose Management Area 2 – Coast and Inland changed to Sept. 7-15, 2019.

Rationale: A traditional necessary shift to avoid conflict with Labor Day weekend activities.

## **Page 24**

- Change: Addition of Feb. 1, 2020 as an allowable Brant hunting date.

Rationale: Changes required to allow the full potential waterfowl species list to be allowable during the new Feb. 1 Youth, Veterans and Active Military Personnel Day.

- Change: Daily Bag Limit and Possession Limit description adjustments

Rationale: Changes required to specify single-day bag limit possession limits for waterfowl species to be allowable during the new Feb. 1 Youth, Veterans and Active Military Personnel hunting day.

## Page 26

- Change: Adjustment to Extended Falconry Season dates and allowable species

Rationale: Changes required to account for new Feb. 1 Youth, Veterans and Active Military Personnel hunting day.

- Change: Possession Limit description adjustments

Rationale: Changes required to specify single-day bag limit possession limits for waterfowl species to be allowable during the new Feb. 1 Youth, Veterans and Active Military Personnel hunting day.



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

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

#### **Supporting Comments:**

There were four (4) comments submitted for this WAC proposal. Two (2) comments generally agreed with the proposal. Both comments expressed the change would simplify and bring this regulation in better alignment with federal definition.

#### **Opposing, Neutral, and Other Comments:**

There was one (1) opposing comment submitted for this WAC proposal. The provided comment was concerned about implications of the change on dusky Canada goose identification requirement. There was one (1) comment submitted that took a neutral stance on the proposed recommendation, but provided no additional comment.

#### **Direction and Rationale:**

The addition of the wing as an option for field identification brings the state definition in better alignment with the federal regulations. The exception to require the feathered head must remain on Canada and cackling geese harvested in Goose Management Area 2 Coast and Inland was specifically included to address concerns over dusky Canada goose identification in this region.



# PROPOSED RULE MAKING

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

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: January 18, 2019  
TIME: 11:41 AM

WSR 19-03-129

**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 18-23-030 on November 14, 2018 ; or**
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or**
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).**
- Proposal is exempt under RCW \_\_\_\_\_.**

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

### Amended Rules

- WAC 220-410-040 Game management units (GMUs) boundary descriptions – Region four.
- WAC 220-410-060 Game management units (GMUs) boundary descriptions – Region six.
- WAC 220-412-070 Big game and wild turkey auction, raffle, and special incentive permits.
- WAC 220-412-100 Landowner hunting permits.
- WAC 220-413-030 Importation and retention of dead nonresident wildlife.
- WAC 220-413-090 Field identification of wildlife – Evidence of sex – Definitions.
- WAC 220-413-180 Special closures and firearm restrictions.
- WAC 220-413-200 Reducing the spread of hoof disease – Unlawful transport of elk hooves.
- WAC 220-414-070 Archery requirements.
- WAC 220-414-080 Hunting – Hunter orange clothing requirements.
- WAC 220-415-020 2018-2020 Deer general season and definitions.
- WAC 220-415-030 2019 Deer special permits.
- WAC 220-415-040 Elk area descriptions.
- WAC 220-415-050 2018-2020 Elk general season and definitions.
- WAC 220-415-060 Elk special permits.
- WAC 220-415-070 2019 Moose seasons, permit quotas, and areas.
- WAC 220-415-120 2019 Bighorn sheep season.
- WAC 220-415-130 2019 Mountain goat seasons and permit quotas.
- WAC 220-416-060 2019-2020 Migratory waterfowl seasons and regulations.
- WAC 220-416-110 Use of game birds for training dogs, field trials – Marking requirements.
- WAC 220-417-030 Wild animal trapping.
- WAC 220-430-010 Game farm license provisions.
- WAC 220-450-010 Criteria for planting aquatic plants and releasing wildlife.

### Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
March 1-2, 2019	8:00 a.m.	Natural Resources Building Room 172 1111 Washington Street SE Olympia, WA 98501	

**Date of intended adoption:** April 5-6, 2019 (Note: This is **NOT** the effective date)

### Submit written comments to:

Name: Wildlife Program  
 Address: PO Box 43200, Olympia, WA 98504  
 Email: wildthing@dfw.wa.gov  
 Fax: (360) 902-2162  
 Other: <https://wdfw.wa.gov/hunting/regulations/seasonsetting/2019/>  
 By (date) February 13, 2019

**Assistance for persons with disabilities:**

Contact Tami Lininger

Phone: (360) 902-2267

Fax:

TTY: (800) 833-6388

Email: tami.lininger@dfw.wa.gov

Other:

By (date) February 22, 2019

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

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

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

WAC 220-410-060 Game management units (GMUs) boundary descriptions-Region six.

The purpose of the proposal is to clarify boundary language as it pertains to the boundary shared by Game Management Unit 653 White River and Game Management Unit 485 Green River. The existing language can be somewhat complicated. The proposed changes take advantage of the well-marked boundaries of the Green River watershed which are identical to the GMU boundary.

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

Proposed change (1) would allow holders of an Eastside Elk Auction Permit, Eastside Elk Raffle Permit, South-Central Washington Big Game Raffle Permit, or Eastern Washington Elk Incentive Permit to hunt elk in GMU 334 (Ellensburg). This GMU is currently excluded from the legal hunt area.

Proposed change (2) would redirect the holder of the 'Rocky Mountain' bighorn sheep raffle permit to a portion of the Wenaha-Mountain View herd complex with a greater number of mature rams.

WAC 220-412-100 Landowner hunting permits.

This proposal modifies hunt dates on properties enrolled in WDFW's Landowner Hunting Permit (LHP) program for the 2019 hunting seasons. These sites offer special hunting opportunities to the public through permits issued by WDFW, raffles, or selection by the landowner.

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

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

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

The proposal amends WAC 220-413-090 Field identification of wildlife-Evidence of sex-Definitions by changing subsection 1, related to the possession and transport of game birds by adding the fully feathered wing as an acceptable field identification requirement, with the exception of Canada and Cackling geese harvested in Goose Management Area 2 Coast and Inland where the head must be left attached for subspecies determination.

WAC 220-413-180 Special closures and firearm restrictions.

The proposed changes to the Special Closures and Firearm Restriction Areas WAC are administrative changes that clarify firearm restrictions in portions of Grays Harbor County and Pacific County only apply during modern firearm general deer and/or elk seasons. It also clarifies that Key Peninsula and Longbranch Peninsula are the same location in Pierce County.

WAC 220-413-200 Reducing the spread of hoof disease – Unlawful transport of elk hooves.

This rule is an attempt to reduce the potential risk of inadvertently spreading the causative agents of treponeme associated hoof disease (TAHD) in elk.

WAC 220-413-200 was most recently updated in September 2018. Since that time, TAHD has been confirmed along the border of GMUs 638 and 618, in the upper Wynoochee Valley (GMU 636) just south of Olympic National Park, and in GMU 621, necessitating the addition of GMUs 618, 621, and 638. With the addition of these 3 GMUs, the rule would apply in all but 15 of the 61 western Washington GMUs that are not islands in Puget Sound. The Department believes it prudent to add all western Washington GMUs to the restriction.

New Game Management Units (GMUs) are being proposed in which transport of elk hooves from harvested elk would be restricted. These new GMUs include all 400, 500, and 600 GMUs. The rule does allow, under certain circumstances, the legal transport of elk hooves to facilitate research by the Department and/or our collaborators.

WAC 220-414-070 Archery requirements.

The purpose of the proposal is to eliminate the restriction that makes it unlawful to hunt big game animals with any arrow weighing less than six grains per pound of draw weight with a minimum arrow weight of 300 grains. Such a rule change will ensure hunters are not unknowingly in violation of a restriction, while in no way negatively affecting the kill efficacy of modern archery equipment commonly in use today.

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

This proposal clarifies the hunter orange rule to address the overlap between turkey hunting and general season modern firearm deer and elk seasons. This proposed change will allow turkey hunters not to wear orange except during the general modern deer and elk seasons. This change will allow turkey hunters more flexibility and maintain safety during the general modern firearm seasons. This proposal adds turkey to the hunter orange rule and requires turkey hunters that are hunting during a modern deer or elk firearm season to wear florescent orange.

WAC 220-415-020 2018-2020 Deer general seasons and definitions.

The purpose of this proposal is to retain general season deer hunting opportunity for 2019. In addition, the purpose of the proposal is to balance the hunting opportunity between user groups. The proposal also increases the opportunity when deer populations allow, and reduces the opportunity when declining deer numbers warrant a change.

WAC 220-415-030 2019 Deer special permits.

The purpose of this proposal is to retain special permit deer hunting opportunity for 2019. In addition, the purpose of the proposal is to balance the hunting opportunity between user groups. The proposal also increases the opportunity when deer populations allow, and reduces the opportunity when declining deer numbers warrant a change.

WAC 220-415-040 Elk area descriptions.

The purpose of this proposal is to allow the department to focus elk hunting pressure on a smaller scale than the Game Management Unit. Elk Areas help expand hunting opportunity that would normally not be available. Elk Areas also help accommodate wildlife conflict mitigation using hunting as a tool. The purpose of the proposal is to adjust the boundaries of Elk Area 6054, such that harvest is focused in areas where conflicts are most frequent.

WAC 220-415-050 2018-2020 Elk general seasons and definitions.

The purpose of the proposal and its anticipated effects, including any changes in existing rules:  
The elk seasons for fall of 2019 represent the second year of the 2018-2020 three-year hunting season package. The purpose of the proposal is to increase opportunities in some areas to assist with efforts to mitigate elk damage. The proposal also corrects typographical errors associated with season dates for the western Washington and Elk Area 3722 general elk modern firearm seasons.

WAC 220-415-060 2019 Elk special permits.

The purpose of this proposal is to retain elk special permit hunting opportunity for 2019. The purpose is also to balance the elk hunting opportunity between user groups. The proposal also increases elk hunting opportunity when elk populations allow, and reduces elk hunting opportunity when declining elk numbers warrant a change.

WAC 220-415-070 2019 Moose seasons, permit quotas, and areas.

The purpose of this proposal is to adjust moose permit limits to reflect population changes and recent harvest.

WAC 220-415-120 2019 Bighorn sheep season.

The purpose of this proposal is to adjust bighorn sheep hunt permit limits to reflect population changes and recent harvest.

WAC 220-415-130 2019 Mountain goat seasons and permit quotas.

The purpose of this proposal is to adjust mountain goat hunt permit limits to reflect population changes and recent harvest.

WAC 220-416-060 2019-2020 Migratory waterfowl seasons and regulations.

The proposal amends WAC 220-416-060 2018-19 Migratory waterfowl seasons and regulations to specify legal season dates, bag limits for the 2019-20 season.

Changes include:

- Adjusting season dates relative to 2019-2020 calendar dates
- Lowering Northern Pintail bag-limit to 1 pintail per day and associated possession limits per the USFWS Northern Pintail Harvest Strategy
- Proposed shift of 12-days for white goose hunting from the beginning of the season to February 22 – March 4, 2020 in Goose Management Area 4
- Proposed addition of dates to brant season in Pacific County, contingent upon the most recent 3-year average results per the Pacific Brant Population Management Plan harvest strategy.

WAC 220-416-110 Use of game birds for training dogs, field trials – Marking requirements.

The proposed changes clarify that only one method is required for marking game birds and adds an additional method option, which is nasal scarring caused by an anti-pecking device. In addition, the proposal adjusts the ordering of existing options for marking non-waterfowl game birds.

WAC 220-417-030 Wild animal trapping.

The proposed changes clarify that restraining traps (live capture traps) must be checked every 24 hours, whether or not an animal has been captured.

WAC 220-430-010 Game farm license provisions.

The proposed changes clarify that a game farm license is required to sell species listed in subsection 2 (game birds and waterfowl). Also, the proposed changes clarify that a current, valid license is required to continue to possess, propagate, sell and transfer wildlife that was lawfully possessed on January 1, 1992. Lastly, the proposed changes add conditions for revocation or denial of a game farm's license and grounds for prosecution under existing RCW.

WAC 220-450-010 Criteria for planting aquatic plants and releasing wildlife.

The proposed changes clarify that game birds released for dog training and hunting pursuant to WAC 220-416-110 do not need to be purchased. Instead, they simply need to be acquired from certain facilities. These facilities include a department facility, a state- or federally-licensed game farm facility that has been inspected by a certified veterinarian within the past twelve months, or a facility with current National Poultry Improvement Plan certification.

**Reasons supporting proposal:**

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

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

WAC 220-410-060 Game management units (GMUs) boundary descriptions-Region six.

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

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

1) GMU 334 has historically been excluded from the legal hunt area for auction, raffle, and special incentive permits, in addition to Quality Elk and Bull Elk special permits because it primarily consists of private residential and agricultural properties within and/or immediately adjacent to the city limits of Ellensburg, which makes it difficult for most hunters to find an area within the GMU where they have permission to hunt. In addition, the potential for human-elk conflicts within this GMU is high and the Department limits elk numbers by providing numerous opportunities to harvest spike bull (or true spike) and antlerless elk during general seasons. However, with no opportunities to harvest branch-antlered bulls, the number of mature bulls has steadily increased and they are frequently the source of damage complaints from agricultural producers. Including opportunities to harvest branch-antlered bulls in GMU 334 would provide increased opportunity to hunters, reduce the number of branch-antlered bulls, and reduce the number of human-elk conflicts that occur in association with branch-antlered bulls.

2) These bighorn herds are closely managed, so biologists typically have good data on the number and distribution of the large-sized rams sought by auction and raffle holders. WDFW also co-manages these herds with Oregon and the Nez Perce Tribes, so fine-scale distribution of hunters is helpful.

WAC 220-412-100 Landowner hunting permits.

Several years ago, the Fish and Wildlife Commission developed a policy to expand the private lands available to the general public for hunting. One of the programs that was authorized is the Landowner Hunting Permit Program. This program encourages landowners to provide opportunity to the general hunter in exchange for customized hunting seasons and the ability to generate funding to offset the cost of providing public access.

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

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

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

The proposed amendment to WAC 220-416-090 Field identification of wildlife-Evidence of sex-Definition, brings field identification of game birds in line with federal possession and transport identification requirements. Identification of migratory waterfowl by wing is a typical training component for federal and state enforcement and should be allowed as an appropriate method of identification for game bird hunters in Washington. The exception of Canada and Cackling geese harvested in Goose Management Area 2 Coast and Inland where the head must be left attached for subspecies determination must be required due to the use of a bill measurement criteria set in WAC 220-413-060 2019-2020 Migratory waterfowl seasons and regulations that differentiates the Dusky Canada goose subspecies which is closed to harvest.

WAC 220-413-180 Special closures and firearm restrictions.

The added language was needed to clarify that modern firearms could be used within these areas to mitigate damage issues during established permit and/or damage hunts, which increases the department's ability to accommodate both firearm restriction needs and wildlife conflict mitigation. The Key Peninsula is also known to some as Longbranch Peninsula; the proposed change clarifies they are the same location.

WAC 220-413-200 Reducing the spread of hoof disease – Unlawful transport of elk hooves.

This proposal adds GMUs where transport of elk hooves will be restricted in order to reduce the potential risk of the disease spreading.

WAC 220-414-070 Archery requirements.

Washington is the only state that has a minimum arrow weight to draw weight ratio and only one of five that have a similar regulation of minimum overall weight of 300 grains. With the advent of carbon arrow technology, which dominates today's market, it is likely a vast majority of archery hunters are unknowingly in violation of the arrow weight to draw weight ratio restriction. In addition, it is highly unlikely any archer would shoot an arrow that weighed less than 300 grains. Lastly, we have no additional information that indicates either of these restrictions increases kill efficacy.

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

This proposal will increase turkey hunter success and maintain safety. Turkey seasons in the past did not overlap with modern deer or elk firearm season. New proposals to control growing turkey populations make it necessary to overlap those seasons. Last year we modified the hunter orange rule to include turkey. We have since found that the rule as written was too broad and turkey hunters had to wear orange throughout the fall season. This recommended rule adjustment provides more flexibility for turkey hunters, while maintaining the hunter orange requirement during the deer and elk modern firearm seasons.

WAC 220-415-020 2018-2020 Deer general seasons and definitions.

These proposals provide for recreational deer hunting opportunity and protects deer from overharvest. The proposal would maintain sustainable general deer hunting season opportunities for 2019. The proposal helps address deer agricultural damage problems and provides for deer population control when needed.

WAC 220-415-030 2019 Deer special permits.

These proposals provide for recreational deer hunting opportunity and protects deer from overharvest. The proposal would also maintain sustainable deer special permit hunting season opportunities for 2019. The proposal helps address deer agricultural damage problems and provides for deer population control when needed.

WAC 220-415-040 Elk area descriptions.

This proposal allows the department to use hunting as a management tool and expands elk hunting opportunity.

WAC 220-415-050 2018-2020 Elk general seasons and definitions.

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

WAC 220-415-060 2019 Elk special permits.

This proposal provides for recreational elk hunting opportunity and protects elk from overharvest. The proposal would maintain sustainable elk special permit hunting opportunity for 2019. The proposal helps address elk agricultural damage problems and provides for elk population control when needed.

WAC 220-415-070 2019 Moose seasons, permit quotas, and areas.

Population abundance estimates and document of recent past harvest.

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

Population abundance estimates and document of recent past harvest.

WAC 220-415-130 2019 Mountain goat seasons and permit quotas.

Population abundance estimates and document of recent past harvest.

WAC 220-416-060 2019-2020 Migratory waterfowl seasons and regulations.

Waterfowl 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 waterfowl seasons and regulations to provide recreational opportunity, control waterfowl damage, and conserve the waterfowl resources of Washington.

WAC 220-416-110 Use of game birds for training dogs, field trials – Marking requirements.

The proposal provides clarity so that the WAC is not misinterpreted to mean that game birds must be marked by all methods.

The use of anti-pecking devices is standard among game farms in the western US, particularly for pheasants which can be aggressive in captivity. By allowing nasal scarring caused by these devices to meet the marking requirements, the department is reducing the burden on game farmers to apply an additional mark to game birds. This proposed change will also improve compliance in marking requirements.

The proposal to adjust the order of the listed marking requirements is intended to emphasize less invasive methods.

WAC 220-417-030 Wild animal trapping.

The current WAC states that an animal captured in a restraining trap must be removed within 24 hours but doesn't state that traps must be checked every 24 hours. The proposed change clarifies that the traps must be checked every 24 hours and captured animals may not be restrained for more than 24 hours.

WAC 220-430-010 Game farm license provisions.

The proposed changes support game farm license holders by emphasizing that certain species cannot be sold without a game farm license. This is intended to reduce confusion and to ensure that unlicensed individuals are not selling these species.

In addition, the proposed changes provide clarity regarding license requirements to game farm license holders who maintain species that were lawfully possessed prior to prior to January 1, 1992.

The proposed changes also provide the department with the necessary tools to ensure that game farm license holders are compliant with the game farm license provisions.

WAC 220-450-010 Criteria for planting aquatic plants and releasing wildlife.

The proposed changes simplify requirements for obtaining game birds for dog training and hunting pursuant to WAC 220-416-110. The changes also seek to ensure that game birds are acquired from facilities that undergo appropriate inspections and follow appropriate guidelines to reduce the risk of disease transmission.

**Statutory authority for adoption:** RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.020, 77.12.047, 77.12.150, 77.12.240, 77.12.570, 77.32.070, and 77.32.530.

**Statute being implemented:** RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.020, 77.12.047, 77.12.150, 77.12.240, 77.12.570, 77.32.070, and 77.32.530.

**Is rule necessary because of a:**

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

If yes, CITATION:

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

**Name of proponent:** (person or organization) Washington Department of Fish and Wildlife.  Private  Public  Governmental

**Name of agency personnel responsible for:**

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





**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**

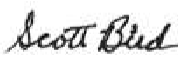
If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

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:

<b>Date:</b> January 18, 2019	<b>Signature:</b>  
<b>Name:</b> Scott Bird	
<b>Title:</b> Rules Coordinator	