



**PROPOSED RULE MAKING  
(RCW 34.05.320)**

**CR-102 (7/22/01)  
Do NOT use for expedited  
rule making**

Agency: Department of Fish and Wildlife	<input checked="" type="checkbox"/> Original Notice
<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR <u>03-02-102</u> ; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Expedited Rule Making -- Proposed notice was filed as WSR _____; or	<input type="checkbox"/> Continuance of WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4).	

(a) Title of rule: (Describe Subject)

Purpose:  
 Adopt WAC 232-28-341 2003-04, 2004-05, and 2005-06 Small game seasons.  
 Repeal WAC 232-28-276 2000-01, 2001-02, and 2002-03 Official hunting hours and small game seasons.  
 Amend WAC 232-12-068 Nontoxic shot requirement.  
 Other identifying information: none

(b) Statutory authority for adoption: RCW 77.12.047 | Statute being implemented: RCW 77.12.047

(c) Summary:  
 WAC 232-28-341 describes hunting season timing, hunting requirements, and applicable permit levels for the following species: bobcat, raccoon, fox, coyote, forest grouse, pheasant, chukar, gray partridge, mountain quail, California quail, bobwhite, wild turkey, Canada goose, band-tailed pigeon, mourning dove, cottontail rabbits, snowshoe hare, and crow. It also describes falconry and dog training seasons. The recommended changes are calendar date shifts, removal of shooting hours (which have been relocated to WAC 232-12-289), addition of a youth hunting season for chukar, gray partridge and wild turkeys, making the opening of eastern Washington upland bird seasons consistent throughout all species (Oct. 1), expansion of fall turkey hunting opportunity in northeast Washington through an increase in permits, requiring a small game license for training dogs on wild birds, and a shortened early Canada goose season.

Repeal obsolete WAC 232-28-276 effective June 1, 2003.

The recommended change to WAC 232-12-068 is to require nontoxic shot for all of Whidbey Island pheasant release sites, not just Seaplane Base, OLF Coupeville, and Bayview release sites.

Reasons supporting proposal:  
**232-28-341** Establishes recreational opportunity within biological constraints.  
**232-12-068** There is a reasonable probability that game birds and game animals could ingest toxic shot on Whidbey Island's pheasant release sites that currently allow hunters to use lead shot.

(d) Name of Agency Personnel Responsible for:	Office Location	Telephone
1. Drafting.....Dave Brittell, Assistant Director	NRB-Olympia	360.902.2504
2. Implementation.... Dave Brittell, Assistant Director	NRB-Olympia	360.902.2504
3. Enforcement..... Bruce Bjork, Assistant Director	NRB-Olympia	360.902.2932

(e) Name of proponent (person or organization): Washington Fish and Wildlife Commission

Private  
 Public  
 Governmental

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

(g) Is rule necessary because of:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	If yes, ATTACH COPY OF TEXT Citation:
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	

(h) HEARING LOCATION: Moses Lake Convention Center 1475 Nelson Road, Moses Lake, Washington 98837  Date: <u>April 11-12, 2003</u> Time: <u>8:00 a.m.</u>  Assistance for persons with disabilities: Contact <u>Susan Yeager</u> by <u>4/7/03</u>  TDD (360) <u>902-2207</u> or (360) <u>902-2267</u>	Submit written comments to: Washington Department of Fish and Wildlife Attn: Dave Brittell 600 Capitol Way North Olympia, WA 98501-1091 FAX (360) 902-2162 By (date) <u>3/25/03</u>
	DATE OF INTENDED ADOPTION: <u>April 11, 2003</u> <div style="background-color: #cccccc; padding: 5px; text-align: center;"><b>CODE REVISER USE ONLY</b></div>
NAME (TYPE OR PRINT) Evan Jacoby	
SIGNATURE	
TITLE Rules Coordinator	DATE 3/5/03

(j) Short explanation of rule, its purpose, and anticipated effects:

**WAC 232-28-341**

The rule describes hunting season timing, hunting requirements, and applicable permit levels for small game animals and describes falconry and dog-training seasons. The purpose of the rule is to maximize recreational hunting opportunities for small game, consistent with management objectives. The anticipated effect is status quo hunting opportunity, except more opportunity for youth hunters, more turkey opportunity, and less early Canada goose hunting opportunity.

**WAC 232-12-068**

The rule describes requirements for nontoxic shot and where it's required to hunt game birds. The purpose of the recommended change is to minimize the level of toxic shot on Whidbey Island pheasant release sites. The anticipated effect is a smaller probability of wildlife ingesting toxic shot.

Does proposal change existing rules?  YES  NO

If yes, describe changes:

**WAC 232-28-341**

Calendar date changes for status quo seasons, increased youth hunting opportunity, shorter early Canada goose season, removal of shooting hours, and refinements in small game license requirements.

**WAC 232-12-068**

The proposed recommendation makes toxic shot required for all of Whidbey Island, not just Seaplane Base, OLF Coupeville, and Bayview release sites.

(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.  
A copy of the statement may be obtained by writing to:

telephoning: (    )

faxing: (    )

No. Explain why no statement was prepared  
These rules regulate recreational hunters and do not directly regulate small business.

(l) Does RCW 34.05.328 apply to this rule adoption?  Yes  No  
Please explain: Not hydraulics rules.

**NEW SECTION**

**WAC 232-28-341 2003-04, 2004-05, 2005-06 Small game seasons**

**HOUND HUNTING DURING DEER AND ELK HUNTING SEASONS**

It is unlawful to hunt any wildlife at night or wild animals with dogs (hounds) during the months of September, October, or November in any area open to a center-fire rifle deer or elk season. The use of hounds to hunt black bear, cougar (EXCEPT by public safety removal permit), and bobcat is prohibited year around.

**BOBCAT**

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide

Sept. 2, 2003-Mar. 15, 2004; Sept. 7, 2004-Mar. 15, 2005; Sept. 6, 2005-Mar. 15, 2006

**RACCOON**

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED on Long Island within Willapa National Wildlife Refuge.

Sept. 2, 2003-Mar. 15, 2004; Sept. 7, 2004-Mar. 15, 2005; Sept. 6, 2005-Mar. 15, 2006

**FOX**

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, except CLOSED within the exterior boundaries of the Mount Baker-Snoqualmie, Okanogan, Wenatchee, and Gifford Pinchot National Forests and GMUs 407 and 410.

Sept. 2, 2003-Mar. 15, 2004; Sept. 7, 2004-Mar. 15, 2005; Sept. 6, 2005-Mar. 15, 2006

**COYOTE**

Bag and Possession Limits: No Limit

OPEN SEASON: Statewide, year around except CLOSED from September 15 to November 30 in the Pasayten Wilderness, GMUs 426 and 450, and those portions of GMUs 218, 245, and 448 within the external boundaries of the Mount Baker-Snoqualmie, Okanogan, and Wenatchee National Forests. However, coyote may only be killed and/or pursued with hounds during the following period: Sept. 2, 2003-Mar. 15, 2004; Sept. 7, 2004-Mar. 15, 2005; Sept. 6, 2005-

Mar. 15, 2006; except coyote may be hunted year around with hounds in Grant, Adams, Benton, and Franklin counties.

**FOREST GROUSE (BLUE, RUFFED, AND SPRUCE)**

Bag and Possession Limits: Three (3) grouse per day, with a total of nine (9) grouse in possession at any time; straight or mixed bag.

Statewide: Sept. 1-Dec. 31, 2003; Sept. 1-Dec. 31, 2004; Sept. 1-Dec. 31, 2005

**PTARMIGAN, SAGE, AND SHARP-TAILED GROUSE**

Season closed statewide.

**EASTERN WASHINGTON**

**RING-NECKED PHEASANT**

Bag and Possession Limits: Three (3) cock pheasants per day, with a total of fifteen (15) cock pheasants in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4-Dec. 31, 2003, Oct. 2-Dec. 31, 2004; Oct. 1-Dec. 31, 2005

**CHUKAR**

Bag and Possession Limits: Six (6) chukar per day, with a total of eighteen (18) chukar in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003-Jan. 19, 2004; Oct. 2, 2004-Jan. 17, 2005; Oct. 1, 2005-Jan. 16, 2006.

**GRAY (HUNGARIAN) PARTRIDGE**

Bag and Possession Limits: Six (6) gray partridges per day, with a total of eighteen (18) gray partridges in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003-Jan. 19, 2004; Oct. 2, 2004-Jan. 17, 2005; Oct. 1, 2005-Jan. 16, 2006

## **MOUNTAIN QUAIL**

Season closed throughout Eastern Washington.

## **CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE**

Bag and Possession Limits: Ten (10) quail per day, with a total of thirty (30) quail in possession at any time, straight or mixed bag.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Regular Season: Oct. 4, 2003-Jan. 19, 2004; Oct. 2, 2004-Jan. 17, 2005; Oct. 1, 2005-Jan. 16, 2006

Yakama Indian Reservation: The 2003-04, 2004-05, 2005-06 Upland bird seasons within the Yakama Indian Reservation shall be the same as the season established by the Yakama Indian Nation.

## **WESTERN WASHINGTON**

### **RING-NECKED PHEASANT**

Bag and Possession Limits: Two (2) pheasants of either sex per day, with a total of fifteen (15) pheasants in possession at any time.

Youth Season: Sept. 20 and 21, 2003; Sept. 18 and 19, 2004; Sept. 17 and 18, 2005. Open only to youth hunters accompanied by an adult at least 18 years old.

Hunters 65 years of age or older: Sept. 22-26, 2003; Sept. 20-24, 2004; Sept. 19-23, 2005

Regular Season: Sept. 27-Nov. 30, 2003; Sept. 25-Nov. 30, 2004; Sept. 24-Nov. 30, 2005. 8 a.m. to 4 p.m.; except Dungeness Recreation site (Clallam County) starting Oct. 4, 2003; Oct. 2, 2004; Oct. 1, 2005.

Extended Season: Dec. 1-Dec. 15, 2003; Dec. 1-Dec. 15, 2004, Dec. 1-15, 2005. 8 a.m. to 4 p.m. only on the following release sites: Belfair, Fort Lewis, Kosmos, Lincoln Creek, Scatter Creek, and Skookumchuck. Pheasants will not be released during the extended season.

A Western Washington Pheasant Permit is required to hunt pheasant in Western Washington, in addition to a current small game hunting license. Pheasant kills must be recorded. Upon taking a pheasant, the holder of a Western Washington Pheasant Permit must immediately enter on the corresponding space the date and location of kill.

There are three options available:

- (1) Full Season Option: Allows the harvest of eight (8) pheasants.
- (2) Youth Option: Allows the harvest of eight (8) pheasants by youth hunters.
- (3) 3-Day Option: Allows the harvest of four (4) pheasants during three consecutive days.

Every person possessing a Western Washington Pheasant Permit must by December 31, return the permit to the Department of Fish and Wildlife. The number of permits purchased per year is not limited.

A hunter shall select one valid option at the time they purchase their Western Washington Pheasant Permit. It is unlawful to purchase an additional permit until the eight pheasant allowed on the current permit are taken.

Special Restriction: Western Washington pheasant hunters must choose to hunt on either odd-numbered or even-numbered weekend days from 8:00 - 10:00 a.m. at all units of Lake Terrell, Tennant Lake, Snoqualmie, Skagit, Skookumchuck, and Scatter Creek Wildlife Areas, all hunting sites on Whidbey Island, and at the Dungeness Recreation Area, and must indicate their choice on the Western Washington Pheasant Permit by choosing "odd" or "even." Hunters who select the three day option, hunters 65 years of age or older, and youth hunters may hunt during either weekend day morning. Youth hunters must be accompanied by an adult at least 18 years old who must have an appropriately marked pheasant permit if hunting.

#### **MOUNTAIN QUAIL**

Bag and Possession Limits: Two (2) mountain quail per day, with a total of four (4) mountain quail in possession at any time.

Season: Oct. 4-Nov. 30, 2003; Oct. 2-Nov. 30, 2004; Oct. 1-Nov. 30, 2005

#### **CALIFORNIA (VALLEY) QUAIL AND NORTHERN BOBWHITE**

Bag and Possession Limits: Ten (10) California (valley) quail or northern bobwhite per day, with a total of thirty (30) California (valley) quail or northern bobwhite in possession at any time, straight or mixed bag.

Season: Oct. 4-Nov. 30, 2003; Oct. 2-Nov. 30, 2004; Oct. 1-Nov. 30, 2005

#### **WILD TURKEY**

Youth Season:

Gobblers and turkeys with visible beards only.

Statewide: April 13-14, 2004; April 12-13, 2005; April 11-12, 2006 in the following GMUs ONLY: 101, 113, 117, 130, 133, 139, 145-154, 166, 175, 186, 204, 215, 218, 242, 245, 249-251, 269, 328, 329, 346, 352, 360-368, 382, 506, 554, 556, 568, 574, 588, 633, 651, 660-666.

Spring Season:

Gobblers and Turkeys with Visible Beards Only.

Statewide: April 15-May 15, 2004; April 15-May 15, 2005; April 15-May 15, 2006.

Fall Season:

Either Sex.

Permit Only - GMUs 101, 105, 111, 113, 117, 121, 133, 145-186, 382, 568-588. Sept. 27-Oct. 3, 2003; Sept. 25-Oct. 1, 2004; Sept. 25-Sept. 30, 2005

Permit Area	Number of Permits
GMU 101	200
<b>GMU 105</b>	100
<b>GMU 108</b>	200
<b>GMU 111</b>	100
GMU 113	100
<b>GMU 117</b>	400
<b>GMU 121</b>	800
GMU 133	150
GMUs 145-186	50
GMUs 382, 568-588	75

**OFFICIAL HUNTING HOURS/BAG LIMITS FOR WILD TURKEY:**

Bag and Possession Limit: One (1) wild turkey per day, only two (2) may be killed in Eastern Washington per year, except only one (1) may be killed in Chelan, Kittitas, or Yakima counties; and one per year in Western Washington, except two (2) may be killed in Klickitat County. The season limit is three (3) birds per year.

Hunting Hours: One-half hour before sunrise to sunset during spring and fall seasons.

**SPECIAL REGULATIONS FOR WILD TURKEY:**

1. Turkey season is open for shotgun and bow-and-arrow hunting only.
2. A turkey tag is required for hunting turkey.
3. It is unlawful to use dogs to hunt turkeys.
4. It is unlawful to bait game birds.

### **BIRD DOG TRAINING SEASON**

Wild upland game birds may be pursued during the dog-training season, but may not be killed except during established hunting seasons. A small game license is required to train dogs on wild game birds. A small game license and a Western Washington Pheasant Permit is required to train dogs on pheasants in western Washington. Captive raised game birds may be released and killed during dog training if proof of lawful acquisition (invoices) are in possession and the birds are appropriately marked (WAC 232-12-271) (WAC 232-12-044).

Aug. 1, 2003-Mar. 31, 2004; Aug. 1, 2004-Mar. 31, 2005; Aug. 1, 2005-Mar. 31, 2006. Only youth and seniors may train dogs during their respective seasons on designated western Washington pheasant release sites.

Bird dog training may be conducted year around on areas posted for bird dog training on portions of: Region One - Espanola (T 24 N, R 40 E, E 1/2 of Sec. 16); Region Three - South L.T. Murray Wildlife Area; Region Four - Skagit Wildlife Area, Lake Terrell Wildlife Area, and Snoqualmie Wildlife Area; Region Five - Shillapoo/Vancouver Lake Wildlife Area; Region Six - Scatter Creek Wildlife Area, Fort Lewis Military Base.

### **HIP REQUIREMENTS:**

All hunters age 16 and over of migratory game birds (duck, goose, coot, snipe, mourning dove) are required to complete a Harvest Information Program (HIP) survey at a license dealer, and possess a Washington Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds. Youth hunters are required to complete a HIP survey, and possess a free Washington Youth Migratory Bird validation as evidence of compliance with this requirement when hunting migratory game birds.

### **CANADA GOOSE SEPTEMBER SEASON**

Bag and Possession Limits: Western Washington, except Cowlitz and Wahkiakum counties and that part of Clark County north of the Washougal River: Five (5) Canada geese per day with a total of ten (10) in possession at any time. Remainder of the state: Three (3) Canada geese per day with a total of six (6) in possession at any time.

Western Washington: Sept. 6-11, 2003; Sept. 11-15, 2004; Sept. 10-15, 2005. EXCEPT Pacific and Grays Harbor counties: Sept. 1-15, 2003, 2004, and 2005.

Eastern Washington: Sept. 6-7, 2003; Sept. 11-12, 2004; Sept. 10-11, 2005.

**BAND-TAILED PIGEON**

Sept. 15-23, 2003, 2004, 2005.

Daily bag limit: 2 band-tailed pigeons.

Possession limit: 4 band-tailed pigeons.

**WRITTEN AUTHORIZATION REQUIRED TO HUNT BAND-TAILED PIGEONS.**

All persons hunting band-tailed pigeons in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Application forms must be delivered to a department office no later than August 25 or postmarked on or before August 25 in order for applicants to be mailed an authorization before the season starts. Immediately after taking a band-tailed pigeon into possession, hunters must record in ink the information required on the harvest report. By September 30, hunters must return the harvest report to the Washington department of fish and wildlife, or report harvest information on the department's internet reporting system. Hunters failing to comply with reporting requirements will be ineligible to participate in the following band-tailed pigeon season.

**MOURNING DOVE**

Bag and Possession Limits: Ten (10) mourning doves per day with a total of twenty (20) mourning doves in possession at any time.

Statewide: Sept. 1-15, 2003, 2004, and 2005

**COTTONTAIL AND SNOWSHOE HARE (OR WASHINGTON HARE)**

Bag and Possession Limits: Five (5) cottontails or snowshoe hares per day, with a total of fifteen (15) in possession at any time, straight or mixed bag.

Statewide: Sept. 1, 2003-Mar. 15, 2004; Sept. 1, 2004-Mar. 15, 2005; Sept. 1, 2005-Mar. 15, 2006.

**JACKRABBIT**

Closed season statewide.

**CROWS**

Bag and Possession Limits: No Limit

Statewide: Oct. 1, 2003-Jan. 31, 2004; Oct. 1, 2004-Jan. 31, 2005; Oct. 1, 2005-Jan. 31, 2006

**FALCONRY SEASONS**

**UPLAND GAME BIRD AND FOREST GROUSE - FALCONRY**

Daily Bag: Two (2) pheasants (either sex), six (6) partridge, five (5) California (valley) quail or northern bobwhite, two (2) mountain quail (in western Washington only), and three (3) forest grouse (blue, ruffed, spruce) per day.  
Possession limit is twice the daily bag limit.

Statewide: Aug. 1, 2003-Mar. 15, 2004; Aug. 1, 2004-Mar. 15, 2005; Aug. 1, 2005-Mar. 15, 2006

**MOURNING DOVE - FALCONRY**

Daily Bag: Three (3) mourning doves per day straight bag or mixed bag with snipe, coots, ducks, and geese during established seasons.

Possession limit is twice the daily limit.

Statewide: Sept. 1-15 and Oct. 1-Dec. 31, 2003; Sept. 1-15 and Oct. 1-Dec. 31, 2004; Sept. 1-15 and Oct. 1-Dec. 31, 2005.

**COTTONTAIL AND SNOWSHOE HARE - FALCONRY**

Daily Bag: Five (5) cottontails or snowshoe hares per day, straight or mixed bag.

Possession limit is twice the daily bag limit.

Statewide: Aug. 1, 2003-Mar. 15, 2004; Aug. 1, 2004-Mar. 15, 2005; Aug. 1, 2005-Mar. 15, 2006.

REPEALER

The following section of the Washington Administrative Code is repealed, effective June 1, 2003:

WAC 232-28-276 2000-01, 2001-02, and 2002-03 Official hunting hours and small game seasons

**WAC 232-12-068 Nontoxic shot requirements.**

It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for waterfowl, coot, or snipe. Nontoxic shot includes steel shot, bismuth-tin shot (97 parts bismuth: 3 parts tin with <1 percent residual lead), tungsten-iron shot (40 parts tungsten: 60 parts iron with <1 percent residual lead), tungsten-polymer shot (95.5 parts tungsten: 4.5 parts nylon 6 or 11 with <1 percent residual lead), tungsten-matrix shot (95.9 parts tungsten: 4.1 parts polymer with <1 percent residual lead), tin shot (99.9 percent tin with <1 percent residual lead), or tungsten-nickel-iron shot (50% tungsten: 35% nickel: 15% iron with <1 percent residual lead). The director may adopt additional nontoxic shot types consistent with federal regulations.

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

- Bridgeport Bar segment of the Well's Wildlife Area
- Cowlitz Wildlife Area
  - Lake Terrell Wildlife Area (including Tennant Lake and other segments)
- Shillapoo Wildlife Area
- Skagit Wildlife Area (all segments)
- Snoqualmie Wildlife Area (all segments)
- Sunnyside Wildlife Area
  - The Driscoll Island, Hegdahl, and Kline Parcel segments of the Sinlahekin Wildlife Area
- Vancouver Lake Wildlife Area

It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for game birds or game animals in the following areas:

- Chehalis River pheasant release site
- Dungeness Recreation Area
- Hunter Farms pheasant release site
- Raymond Airport pheasant release site
  - Two Rivers and Wallula Units of the U.S. Fish and Wildlife Service's McNary National Wildlife Refuge
  - All Whidbey Island (~~Seaplane Base, OLF Coupeville, and Bayview~~) pheasant release sites