



# RULE-MAKING ORDER

**CR-103P (May 2009)**  
(Implements RCW 34.05.360)

Agency:

**Permanent Rule Only**

Effective date of rule:

**Permanent Rules 09-170**

31 days after filing.

Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes  No If Yes, explain:

**Purpose:**

Amend WAC 232-16-050 Byron Game Reserve  
Adopt WAC 232-28-433 2009-10 Migratory waterfowl seasons and regulations  
Repeal WAC 232-28-432 2008-09 Migratory waterfowl seasons and regulations

**Citation of existing rules affected by this order:**

Repealed: 232-28-432  
Amended: 232-16-050  
Suspended:

**Statutory authority for adoption:** RCW 77.12.047; 77.12.020; 77.12.040;77.12.570; 77.12.210

**Other authority :**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 09-14-057 on June 26, 2009 (date).  
Describe any changes other than editing from proposed to adopted version: See Statement of Changes.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Lori Preuss phone (360) 902-2930  
Address:600 Capitol Way North fax (360) 902-2155  
Olympia, Washington 98501-1091 e-mail lori.preuss@dfw.wa.gov

**Date adopted:** August 8, 2009

**NAME (TYPE OR PRINT)**

Miranda Wecker

**SIGNATURE**

 for Miranda Wecker

**TITLE**

Chair, Fish and Wildlife Commission

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: August 14, 2009  
TIME: 3:36 PM

**WSR 09-17-080**

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

**The number of sections adopted in the agency's own initiative:**

New	<u>1</u>	Amended	<u>1</u>	Repealed	<u>1</u>
-----	----------	---------	----------	----------	----------

**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

**STATE OF WASHINGTON  
DEPARTMENT OF FISH AND WILDLIFE  
WILDLIFE PROGRAM**

*Fish and Wildlife Commission Meeting  
August 7-8, 2009*

**STATEMENT OF CHANGES**

***WAC 232-28-433 2009-10 Migratory waterfowl seasons and regulations.***

**Changes from the text of the proposed rule and reasons for difference:**

- Duck season daily bag / possession limits were increased from 1/2 to 2/4 for pintail and 2/4 to 3/6 for scaup because of higher breeding populations for these species and additional harvest opportunity allowed by the U.S. Fish and Wildlife Service.
- Hunting authorization requirements for sea duck, snow goose, and brant were changed to delete references to methods of issuance and reporting. This change will allow more flexibility as a contingency for any problems with incorporation of these authorizations into the WILD system prior to the 2009 season.
- Dates for drawings in the Quality Hunting Program in Goose Management Area 1 were expanded from 5 dates to every Saturday during the season, and expanded to all units in the program to decrease potential confusion and allow additional opportunity for hunters from other parts of the state.
- For the Quality Hunting Program in Goose Management Area 1, the date by which hunters are required to submit their special quality hunt authorizations was changed from October 2, 2009 to September 25, 2009. This change was made to allow additional time to process and mail authorizations.
- Dusky goose quotas were reduced from 10 to 5 at Ridgefield NWR, increased from 15 to 18 in Zone 3, and increased from 5 to 7 in Zone 4 to optimize quota distribution for depredation control purposes.
- Total dusky goose quota listed for the regular and late season was reduced from 85 to 45 for conservation of dusky Canada geese because of recent population declines.
- Under Eastern Washington Goose Seasons, Goose Management Area 4, January 18, 2010, was added to the list of season dates. This change was made to compensate for the loss of hunting days in September.

NEW SECTION

**WAC 232-28-433 2009-10 Migratory waterfowl seasons and regulations.**

**DUCKS**

**Statewide**

Oct. 17-21, 2009 and Oct. 24, 2009 - Jan. 31, 2010; except scaup season closed Oct. 17 - Nov. 6.

Special youth hunting weekend 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. 26-27, 2009.

Daily bag limit: 7 ducks, to include not more than 2 hen mallard, 2 pintail, 3 scaup, 1 canvasback, 2 redhead, 1 harlequin, 4 scoter, and 4 long-tailed duck.

Possession limit: 14 ducks, to include not more than 4 hen mallard, 4 pintail, 6 scaup, 2 canvasback, 4 redhead, 1 harlequin, 8 scoter, and 8 long-tailed duck.

Season limit: 1 harlequin.

**AUTHORIZATION REQUIRED TO HUNT SEA DUCKS.**

When hunting sea ducks (harlequin, scoter, long-tailed duck) in Western Washington, all persons are required to possess a sea duck hunting authorization and harvest report. Hunters who did not possess a 2008-09 authorization must submit an application form to WDFW (forms available on-line and at Washington department of fish and wildlife, Olympia and regional offices).

Immediately after taking a sea duck into possession, hunters must record in ink the information required on the harvest report. Hunters must report harvest information by February 15, 2010. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2010-11 sea duck season.

**COOT (Mudhen)**

Same areas, dates (including youth hunting weekend), and shooting hours as the general duck season.

Daily bag limit: 25 coots.

Possession limit: 25 coots.

**SNIPE**

Same areas, dates (except youth hunting weekend), and shooting hours as the general duck season.

Daily bag limit: 8 snipe.

Possession limit: 16 snipe.

**GEESE (except Brant)**

Special youth hunting weekend 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. 26-27, 2009, statewide except Western Washington Goose Management Areas 2A and 2B.

Daily bag limit: 4 Canada geese.  
Possession limit: 8 Canada geese.

**Western Washington Goose Seasons**

**Goose Management Area 1**

Island, Skagit, Snohomish counties.

Oct. 17, 2009 - Jan. 31, 2010 for snow, Ross', or blue geese.  
Oct. 17-29, 2009 and Nov. 7, 2009 - Jan. 31, 2010 for other geese (except Brant).

Daily bag limit: 4 geese.  
Possession limit: 8 geese.

**AUTHORIZATION REQUIRED TO HUNT SNOW GEESE.**

When hunting snow geese in Goose Management Area 1, all persons are required to possess a snow goose hunting authorization and harvest report. Hunters who did not possess a 2008-09 authorization must submit an application form to WDFW (forms available on-line and at Washington department of fish and wildlife, Olympia and regional offices).

Immediately after taking a snow goose into possession, hunters must record in ink the information required on the harvest report. Hunters must report harvest information by February 15, 2010. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2010-11 snow goose season.

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. While hunting snow geese on Fir Island, if a hunter is convicted of 1) trespass, 2) shooting from, across, or along the maintained part of any public highway, 3) discharging a firearm for the purpose of hunting waterfowl within 100 feet of any paved public road on Fir Island in Skagit County, or 4) exceeding the daily bag limit for snow geese, authorization will be invalidated for the remainder of the 2009-10 snow goose season and an authorization will not be issued for the 2010-11 snow goose season.

**QUALITY HUNTING PROGRAM IN GOOSE MANAGEMENT AREA 1.**

Hunters possessing a snow goose hunting authorization for Goose Management Area 1 can apply for a special quality hunt authorization to access private lands around Fir Island. Hunters must apply for these special authorizations by September 25, 2009, using the department's internet or mail application systems. Private lands enrolled in the program are only open to hunters with

quality hunt authorizations. Most program lands are open as Feel Free to Hunt or Register to Hunt. All hunters must hunt over decoys and obey posted signs regarding access restrictions. Quality hunt authorizations are not valid for commercial uses.

On each Saturday during the season, all units in the program will be open only to hunters selected in random drawings for each hunt day. Hunters will be assigned at random to units for each hunt day. On these hunt days, up to 3 individuals possessing snow goose authorizations can hunt with the successful applicant. Successful applicants must check in with the WDFW hunt coordinator at least one week prior to their scheduled hunting day to receive specific hunting unit information.

#### **Goose Management Area 2A**

Cowlitz and Wahkiakum counties, and that part of Clark County north of the Washougal River.

Open in all areas except Ridgefield NWR from 8 a.m. to 4:00 p.m., Saturdays, Sundays, and Wednesdays only, Nov. 14-29, 2009 and Dec. 9, 2009 - Jan. 31, 2010, except closed Dec. 25, 2009 and Jan. 1, 2010. Ridgefield NWR open from 8 a.m. to 4:00 p.m. Tuesdays, Thursdays, and Saturdays only, Nov. 19-28, 2009 and Dec. 10, 2009 - Jan. 31, 2010, except closed Nov. 26.

Bag limits for Goose Management Area 2A:

Daily bag limit: 4 geese, to include not more than 1 dusky Canada goose and 2 cackling geese.

Possession limit: 8 geese, to include not more than 1 dusky Canada goose and 4 cackling geese.

Season limit: 1 dusky Canada goose.

#### **Goose Management Area 2B**

Pacific County.

Open from 8 a.m. to 4:00 p.m., Saturdays and Wednesdays only, Oct. 17, 2009 - Jan. 16, 2010.

Bag limits for Goose Management Area 2B:

Daily bag limit: 4 geese, to include not more than 1 dusky Canada goose, 1 Aleutian goose, and 2 cackling geese.

Possession limit: 8 geese, to include not more than 1 dusky Canada goose, 2 Aleutian geese, and 4 cackling geese.

Season limit: 1 dusky Canada goose.

#### **Special Provisions for Goose Management Areas 2A and 2B:**

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. A cackling goose is defined as a goose with a culmen (bill) length of 32 mm or less.

The goose season for Goose Management Areas 2A and 2B will be

closed early if dusky Canada goose harvests exceed area quotas which collectively total 40 geese. The fish and wildlife commission has authorized the director to implement emergency area closures in accordance with the following quotas: A total of 40 dusky, to be distributed 5 for Zone 1 (Ridgefield NWR); 5 for Zone 2 (Cowlitz County south of the Kalama River); 18 for Zone 3 (Clark County except Ridgefield NWR); 7 for Zone 4 (Cowlitz County north of the Kalama River and Wahkiakum County); and 5 for Zone 5 (Pacific County). Quotas may be shifted to other zones during the season to optimize use of the statewide quota and minimize depredation.

Hunting is only permitted by authorization, available at any WDFW license vendor to hunters who have met requirements for participation. New hunters and those who did not maintain a valid 2008-09 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.

With authorization, hunters will receive a harvest report. Hunters must carry the authorization card and harvest report while hunting. Immediately after taking any goose into possession, hunters must record in ink the information required on the harvest report. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site, before 6:00 p.m. If a hunter takes the season bag limit of one dusky Canada goose or does not comply with requirements listed above regarding checking of birds and recording harvest on the harvest report, authorization will be invalidated and the hunter will not be able to hunt geese in Goose Management Areas 2A and 2B for the remainder of the season and the special late goose season. It is unlawful to fail to comply with all provisions listed above for Goose Management Areas 2A and 2B.

#### **Special Late Goose Season for Goose Management Area 2A:**

Open to Washington department of fish and wildlife master hunter program graduates and youth hunters (15 years of age or under, who are accompanied by a master hunter) possessing a valid 2009-10 southwest Washington goose hunting authorization, in areas with goose damage in Goose Management Area 2A on the following days, from 7:00 a.m. to 4:00 p.m.:

Saturdays and Wednesdays only, Feb. 6 - Mar. 10, 2010.

Daily bag limit: 4 geese, to include not more than 1 dusky Canada goose and 2 cackling geese.

Possession limit: 8 geese, to include not more than 1 dusky Canada goose and 4 cackling geese.

Season limit: 1 dusky Canada goose.

A dusky Canada goose is defined as a dark-breasted Canada goose (as shown in the Munsell color chart 10 YR, 5 or less) with a culmen

(bill) length of 40-50 mm. A cackling goose is defined as a goose with a culmen (bill) length of 32 mm or less.

Hunters qualifying for the season will be placed on a list for participation in this hunt. Washington department of fish and wildlife will assist landowners with contacting qualified hunters to participate in damage control hunts on specific lands incurring goose damage. Participation in this hunt will depend on the level of damage experienced by landowners. The special late goose season will be closed by emergency action if the harvest of dusky Canada geese exceeds 45 for the regular and late seasons. All provisions listed above for Goose Management Area 2A regarding authorization, harvest reporting, and checking requirements also apply to the special late season; except hunters must confirm their participation at least 24 hours in advance by calling the goose hunting hotline (listed on hunting authorization), and hunters must check out by 5:00 p.m. on each hunt day regardless of success. It is unlawful to fail to comply with all provisions listed above for the special late season in Goose Management Area 2A.

### **Goose Management Area 3**

Includes all parts of Western Washington not included in Goose Management Areas 1, 2A, and 2B.

Oct. 17-29, 2009 and Nov. 7, 2009 - Jan. 31, 2010.

Daily bag limit: 4 geese.

Possession limit: 8 geese.

### **Eastern Washington Goose Seasons**

#### **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. 17, 2009 - Jan. 24, 2010; Nov. 11, 26, and 27, 2009; Dec. 25, 28, 29, and 31, 2009; January 1 and 18, 2010; and every day Jan. 25-31, 2010.

#### **Goose Management Area 5**

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

Oct. 17-21, 2009, every day from Oct. 24, 2009 - Jan. 31, 2010.

Bag limits for all Eastern Washington Goose Management Areas:

Daily bag limit: 4 geese.

Possession limit: 8 geese.

### **BRANT**

Open in Skagit County only on the following dates:

Jan. 16, 17, 20, 23, 24, 27, 30, and 31, 2010.

If the 2009-10 preseason brant population in Skagit County is below 6,000 (as determined by the early January survey), the brant season

in Skagit County will be canceled.

Open in Pacific County only on the following dates:

Jan. 9, 10, 12, 14, 16, 17, 19, 21, 23, and 24, 2010.

**AUTHORIZATION REQUIRED TO HUNT BRANT**

All persons hunting brant in this season are required to possess a brant hunting authorization and harvest report. Hunters who did not possess a 2008-09 authorization must submit an application form to WDFW (forms available on-line and at Washington department of fish and wildlife, Olympia and regional offices).

Immediately after taking a brant into possession, hunters must record in ink the information required on the harvest report. Hunters must report harvest information by February 15, 2010. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2010-11 brant season.

Bag limits for Skagit and Pacific counties:

Daily bag limit: 2 brant.

Possession limit: 4 brant.

**SWANS**

Season closed statewide.

**FALCONRY SEASONS**

**DUCKS, COOTS, AND SNIPE (Falconry)**

(Bag limits include geese and mourning doves.)

Oct. 17-21, 2009 and Oct. 24, 2009 - Jan. 31, 2010 statewide.

Daily bag limit: 3, straight or mixed bag with geese and mourning doves during established seasons.

Possession limit: 6, straight or mixed bag with geese and mourning doves during established seasons.

**GEESE (Falconry)**

(Bag limits include ducks, coot, snipe, and mourning doves.)

Goose Management Area 1: Oct. 17, 2009 - Jan. 31, 2010 for snow, Ross', or blue geese. Oct. 17-29, 2009 and Nov. 7, 2009 - Jan. 31, 2010 for other geese.

Goose Management Area 2A: Saturdays, Sundays, and Wednesdays only, Nov. 14-29, 2009 and Dec. 9, 2009 - Jan. 31, 2010.

Goose Management Area 2B: Saturdays and Wednesdays only, Oct. 17, 2009 - Jan. 17, 2010.

Goose Management Areas 3, 4, and 5: Oct. 17-29, 2009 and Nov. 7, 2009 - Jan. 31, 2010.

Daily bag limit for all areas: 3 geese (except brant), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.

Possession limit for all areas: 6 geese (except brant), straight or mixed bag with ducks, coots, snipe, and mourning doves during established seasons.

REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-432

2008-09 Migratory waterfowl seasons and regulations.

AMENDATORY SECTION (Amending Order 05-174, filed 8/15/05, effective 9/15/05)

**WAC 232-16-050 Byron Game Reserve.** That part of the Byron Ponds segment of the Sunnyside Wildlife Area (department of fish and wildlife lands) east of the Mabton Pressure Pipeline, legally described as the W.1/2 of Section 12 that is north of (~~U.S.~~) Highway No. (~~410~~) 22 except for the NE1/4 of the SE1/4 of the SW1/4; the NW1/4 of the NW1/4 of the SE1/4 of Section 12; that part of Section 11 east of the Mabton pressure pipeline and north of (~~U.S.~~) Highway No. (~~410~~) 22; and that part of Section 2 that is east of said pipeline; all of the above sections being in Twp. 8N., R.23E.W.M.