



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do **NOT** use for expedited rule making

**Agency:** Washington Department of Fish and Wildlife

**Subject of possible rule making:** WAC 232-12-264, Baiting of game birds -- Unlawful.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 77.12.047.

**Reasons why rules on this subject may be needed and what they might accomplish:** State laws and rules can be more restrictive than their federal counterparts, but not less restrictive. WAC 232-12-264 is less restrictive than the federal regulation prohibiting baiting waterfowl, 50 CFR 20.21. The Department wants to amend WAC 232-12-264 to mirror 50 CFR 20.21, and in doing so, WDFW will have more efficient tools for identifying violations and enforcing the rule.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**  
The U.S. Department of the Interior, U.S. Fish and Wildlife Service. WDFW is working with USFWS to ensure that we have common goals and will have the same language in our regulations prohibiting waterfowl-baiting.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Contact Lori Preuss, WDFW Enforcement, 600 Capitol Way, N., Olympia, WA 98501-1091.  
Phone (360) 902-2930; fax (360) 902-2155; e-mail at Lori.preuss@dfw.wa.gov.

Contact by October 15, 2009. Expected proposal filing on or after October 21, 2009.

**DATE**  
August 27, 2009

**NAME (TYPE OR PRINT)**  
Lori Preuss

**SIGNATURE**

**TITLE**  
Rules Coordinator

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