



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington Department of Fish and Wildlife

- Preproposal Statement of Inquiry was filed as WSR 14-24-118 filed 12/3/14; 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).

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

Title of rule and other identifying information:

See attachment A.

Hearing location(s):

Civic Center
411 South Balsam Street
Moses Lake, WA 98837

Date: March 20-21, 2015 Time: 8:00 AM

Submit written comments to:

Name: Wildlife Program Commission Meeting Public Comments
Address: 600 Capitol Way North
Olympia, WA 98501
e-mail wildthing@dfw.wa.gov
fax (360) 902-2162 by (date) 2/24/15

Assistance for persons with disabilities: Contact

Tami Lininger by March 1, 2015

TTY (800) 833-6388 or (360) 902-2267

Date of intended adoption: On or after April 9, 2015

(Note: This is NOT the effective date)

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

See attachment A

Reasons supporting proposal:

See attachment A

Statutory authority for adoption: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150 and 77.12.240.

Statute being implemented: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150 and 77.12.240.

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 02, 2015

TIME: 5:35 PM

WSR 15-04-099

DATE

February 2, 2015

NAME (type or print)

Joanna Eide

SIGNATURE

TITLE

Rules Coordinator

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

When filing the permanent rule-making order (CR-103P), the WAC sections containing rule amendments will be consolidated into two or three Order Typing Service (OTS) documents.

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..... Nate Pamplin	Natural Resource Building	(360) 902-2515
Implementation....Nate Pamplin	Natural Resource Building	(360) 902-2515
Enforcement..... Steven Crown	Natural Resource Building	(360) 902-2373

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

These rules apply to recreational hunting and do not affect small business.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: This proposal does not involve hydraulics.

ATTACHMENT A

Title of rule and other identifying information:

232-16-050 Byron Game Reserve
232-16-070 Arthur S. Coffin Game Reserve
232-16-140 Banks Lake Game Reserve
232-16-200 Grimes Lake Game Reserve
232-16-295 Rock Lake Game Reserve
232-16-340 Skagit Delta Game Reserve
232-16-380 Sprague Lake Game Reserve
232-16-420 Lake Terrell Game Reserve
232-16-440 Toppenish Creek Game Reserve (Cort Meyer.)
232-16-560 Badger Island Game Reserve
232-16-570 Foundation Island Game Reserve
232-16-590 Carnation Farms Game Reserve
232-16-600 North Potholes Game Reserve
232-16-610 Snipes Game Reserve
232-16-620 Lake Tennant Game Reserve
232-16-640 Winchester Wasteway Game Reserve
232-16-660 Frenchmen Hills Wasteway Game Reserve
232-16-700 Swinomish Spit Game Reserve
232-16-720 Duck Lake (Cormana Lake) Game Reserve
232-16-730 Coffeepot Lake Game Reserve
232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures
232-16-750 Belfair, Hood Canal hunting area restriction
232-16-770 Shotgun shell restriction areas
232-16-790 Hayton Game Reserve
232-16-800 Johnson/Debay's Slough Game Reserve
232-12-068 Nontoxic Shot Requirements
232-28-299 Mandatory Report of Hunting Activity

WAC Sections Proposed for Repeal:

232-16-480 Whidbey Island Game Farm Reserve
232-16-540 Yakima River Game Reserve
232-16-810 Port Susan Bay Canada goose closure

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232-16-570 Foundation Island Game Reserve

- 232-16-590 *Carnation Farms Game Reserve*
- 232-16-600 *North Potholes Game Reserve*
- 232-16-610 *Snipes Game Reserve*
- 232-16-620 *Lake Tennant Game Reserve*
- 232-16-640 *Winchester Wasteway Game Reserve*
- 232-16-660 *Frenchmen Hills Wasteway Game Reserve*
- 232-16-700 *Swinomish Spit Game Reserve*
- 232-16-720 *Duck Lake (Cormana Lake) Game Reserve*
- 232-16-730 *Coffeepot Lake Game Reserve*
- 232-16-740 *Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures*
- 232-16-750 *Belfair, Hood Canal hunting area restriction*
- 232-16-770 *Shotgun shell restriction areas*
- 232-16-790 *Hayton Game Reserve*
- 232-16-800 *Johnson/Debay's Slough Game Reserve*

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

As defined in RCW 77.08.010, a game reserve is a closed area where hunting for all wild animals and wild birds is prohibited. For the past year, the department has been working to clarify and map boundaries of 28 game reserves and other migratory game bird restriction areas contained in WAC chapter 232-16. As part of this evaluation, the department is recommending removal of several game reserves and closure areas that are no longer functioning for the management purposes for which they were established. In addition, the department is recommending several other amendments in 232-16 to improve the quality of hunting around reserves and WDFW Wildlife Areas.

Reasons supporting proposal:

- Updating, clarifying, and consolidating existing rules.
- Removing several game reserves and waterfowl closures because they are no longer functioning for the intended purposes.
- Improving quality of hunting around specific reserves and WDFW Wildlife Areas.

WAC 232-12-068 Nontoxic Shot Requirements

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

In 2009, the Commission adopted changes to WAC 232-12-068, which expanded nontoxic shot requirements to all WDFW pheasant release sites beginning with the 2011 season. Since that time, several new pheasant release sites have been added and others have been discontinued. This amendment adds new language referring to all WDFW designated pheasant release sites and removes reference to the list of specific sites, which can change annually.

Reasons supporting proposal:

- Modifying rule language to provide for annual changes in the list of pheasant release sites, reducing the frequency of rule changes.

WAC 232-28-299 Mandatory Report of Hunting Activity

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

Obtaining accurate harvest information is an important goal of our management programs for band-tailed pigeon, brant, sea duck, and snow goose populations in Washington. The Commission adopted

mandatory reporting for these species over the past 25 years, and added non-reporting penalties beginning in 2013. These requirements have been included in annual and 3-year season rules since they were initiated. The proposed amendment adds the current reporting requirements to WAC 232-28-299 Mandatory Report of Hunting Activity, which consolidates mandatory reporting rules for all game species and allows removal of this language from annual and 3-year season rules.

Reasons supporting proposal:

- Consolidation of all game harvest reporting requirements into one rule.

WAC Sections Proposed for Repeal

232-16-480 Whidbey Island Game Farm Reserve
232-16-540 Yakima River Game Reserve
232-16-810 Port Susan Bay Canada goose closure

Reasons supporting proposal:

These game reserves are no longer functioning for the management purposes for which they were established.

AMENDATORY SECTION (Amending WSR 09-17-080, filed 8/14/09, effective 9/14/09)

WAC 232-16-050 Byron Game Reserve (Yakima County). That part of the Byron Ponds (~~(segment)~~) unit of the Sunnyside-Snake River 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 Highway No. 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 Highway No. 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.

AMENDATORY SECTION (Amending WSR 79-10-166, filed 10/3/79)

WAC 232-16-070 Arthur S. Coffin Game Reserve (Kittitas County). (~~((Arthur S. Coffin Game Reserve shall include those lands within the following described boundary:))~~) Beginning at the point where the Brewton Road crosses the south line of Section 19, Twp. 20, N., R21E.W.M.; thence northwesterly along the Brewton Road to the Colockum Pass Road in Section 13, Twp. 20N., R.20E.; thence northerly on the Colockum Pass Road to its junction with the Naneum Lookout Road in Section 13, Twp. 20N., R.20E.; thence westerly along the Naneum Lookout Road to where it crosses the Bonneville Power Line right of way in Section 16, Twp. 20N., R.20E.; thence southwesterly along the power line to the Colockum Wildlife Recreation Area boundary on the south line of Section 20, Twp. 20N., R.20E.; thence easterly along the south line of Sections 20, 21, 22, 23, 24, Twp. 20N., R.20E., and Section 19, Twp. 20N., R21E.W.M. to the Brewton Road and the point of beginning.

AMENDATORY SECTION (Amending WSR 99-17-034, filed 8/11/99, effective 9/11/99)

WAC 232-16-140 Banks Lake Game Reserve (Grant County). In Township 25N, Range 28E, those parts of sections 9, 10, and 11 and the north 1/2 of sections 14, 15, and 16, lying between State Highway 155 and the west wall of Grand Coulee.

AMENDATORY SECTION (Amending Order, filed 7/29/64; Temporary Regulation 221, filed 9/3/63)

WAC 232-16-200 Grimes Lake Game Reserve (Douglas County). Grimes Lake and all lands within one-quarter mile of Grimes Lake.

AMENDATORY SECTION (Amending Temporary Regulation 240, filed 8/16/65)

WAC 232-16-295 Rock Lake Game Reserve. (~~Whitman County: It shall be unlawful to hunt, take or pursue migratory waterfowl, coot and jacksnipe~~) On or within 1/4 mile of Rock Lake, Whitman County, except on the lower one mile and the upper one-half mile (~~(, which shall be open to such hunting)~~).

AMENDATORY SECTION (Amending Order, filed 7/29/64; Temporary Regulation 212, filed 10/3/62)

WAC 232-16-340 Skagit Delta Game Reserve (Skagit County). (~~(. . . it shall be unlawful to hunt game animals or game birds or to trap fur bearing animals within the following described boundary:)~~)

Beginning at a point on the west bank of Albert Slough at the confluence of said slough and Boom Slough; thence southwesterly along the west bank of Boom Slough to the confluence of said slough and Boom-Crooked Cutoff Slough; thence westerly along the north bank of Boom-Crooked Cutoff Slough to the confluence of said slough and Crooked Slough; thence southwesterly along the north bank of Crooked Slough to the confluence of said slough and Deepwater Slough and east Branch Freshwater-Deepwater Cutoff Slough; thence northwesterly along the north bank of east Branch Freshwater-Deepwater Cutoff Slough to the confluence of said slough and the east Branch Freshwater Slough; thence northerly along the east bank of east Branch Freshwater Slough to the confluence of said slough and Gilbert Hansen Slough; thence northeasterly along the south bank of Gilbert Hansen Slough to the confluence of said slough and Deepwater Slough; thence northeasterly along the south bank of Deepwater Slough to the confluence of said slough and Albert Slough; thence southeasterly along the west bank of Albert Slough to the point of beginning.

AMENDATORY SECTION (Amending WSR 95-18-066, filed 9/1/95, effective 10/2/95)

WAC 232-16-380 Sprague Lake Game Reserve (Adams and Lincoln counties). Beginning at the point where the easterly right of way line of Interstate Highway No. 90 crosses the Lincoln-Adams County line; (~~([thence]—[then])~~) thence southwesterly along the easterly right of way line of the freeway to the (~~([Keystone Road; thence southerly along the])~~) Keystone Road; thence southerly along the easterly boundary of Section 11 (T20N, R37E); thence southerly along the section line to Cow Creek; thence southerly along Cow Creek to Danekas Road; thence easterly and northerly along (~~([Danekas Road])~~) Danekas Road to the point where it crosses the Adams-Lincoln County line; thence westerly along said county line across Sprague Lake to the easterly right of way line of the freeway and point of beginning.

AMENDATORY SECTION (Amending Temporary Regulation 274, filed 10/6/67)

WAC 232-16-420 Lake Terrell Game Reserve (Whatcom County).
~~((. . . it shall be unlawful to hunt game animals, game birds or to trap fur bearing animals within said area:))~~

All of Lake Terrell in Sections 15 and 16, Twp. 39 north, Range 1 east **except** that portion of the lake within 350 feet of the south line of said sections and, in addition, those uplands owned by the ~~((game))~~ department in the W1/2 of the SW1/4 of said Section 15, and in the SE1/4 of NE1/4; the NW1/4 of NE1/4; the E1/2 of E1/2 of NE1/4 NE1/4; and the E1/2 of the SW1/4 SW1/4 except the south 350 feet in Section 16, Twp. 39 north, Range 1 east.

AMENDATORY SECTION (Amending WSR 12-18-001, filed 8/22/12, effective 9/22/12)

WAC 232-16-440 Toppenish Creek Game Reserve((-)) (Cort Meyer((-)) (Yakima County). Commencing at the NE corner of the SE1/4 of the NW1/4 of Section 26, Township 10, Range 20E.W.M.; thence west one and three-quarters mile to the NW corner of the SE1/4 of the NE1/4 of Section 28, Township 10, Range 20; thence south one-quarter mile; thence east one-quarter mile; thence south three-quarters mile to the SW corner of the NW1/4 of the NW1/4 of Section 34; thence east three-quarters mile; thence south one-quarter mile; thence east three-quarters mile to center of Section 35; thence north one and one-quarter miles to place of beginning. All in Township 10 north, Range 20E.W.M.

AMENDATORY SECTION (Amending Temporary Regulation 256, (part), filed 9/8/66)

WAC 232-16-560 Badger Island Game Reserve (Walla Walla County).
~~((The following described area in Walla Walla County, state of Washington, is hereby established as a game reserve until further notice by the state game commission, which area shall be known as the BADGER ISLAND GAME RESERVE, and it shall be unlawful to hunt or trap within said area:))~~

That portion of area on or within one-quarter mile of Badger Island lying in Sections 4 and 9, Township 7 north, Range 31E.W.M.

AMENDATORY SECTION (Amending Temporary Regulation 256, (part), filed 9/8/66)

WAC 232-16-570 Foundation Island Game Reserve (Walla Walla County). ~~((The following described area in Walla Walla County, state of Washington, is hereby established as a game reserve until further notice by the state game commission, which area shall be known as the~~

~~FOUNDATION ISLAND GAME RESERVE, and it shall be unlawful to hunt or trap within said area:))~~

That portion of area on or within one-quarter mile of Foundation Island lying in Section 24, Township 8 north, Range 30E.W.M.

AMENDATORY SECTION (Amending Order 59, filed 9/4/74)

WAC 232-16-590 Carnation Farms Game Reserve (King County).

~~((The following described area in King County, state of Washington, is hereby established as a game reserve by the state game commission which area shall be known as the Carnation Farms Game Reserve, and it shall be unlawful to hunt or trap within said area:))~~

Twp. 25N., Rge. 7E.W.M.; that part of Section 5 lying west of the Snoqualmie River; the northeast quarter and that portion of the southeast quarter of Section 6 that lies north and east of the Carnation Farm Road; the north half and the north half of the south half of Section 8 (~~and those portions of government lots 1, 2, and 4 of Section 9 that lie south and west~~) S and W of the Snoqualmie River; and those areas south and west of the Snoqualmie River that lie north of the south boundary of the N 1/2 of Section 9.

Twp. 26N., Rge. 7E.W.M.; those lands lying south of the Snoqualmie River in the east half of Section 31 and the southeast quarter of Section 32.

AMENDATORY SECTION (Amending WSR 07-17-048, filed 8/9/07, effective 9/9/07)

WAC 232-16-600 North Potholes Game Reserve (Grant County).

~~((Those lands in Grant County within the following described boundary: In T19N, R27E WM; the N.E. 1/4 of Section 32, and the N.E. 1/4 S.E. 1/4 of Section 32, all of Section 33, except the S.W. 1/4 S.W. 1/4, and all of Section 34.))~~

In T18N, R27E WM(~~+~~): All of Section 4, except the northernmost 250 yards and the N.W. 1/4 and the N.W. 1/4 N.E. 1/4; all of Section 3, except the northernmost 250 yards; that part of Section 10 north of the Job Corps Dike Rd; that part of Section 9 in the E 1/2 east of the fenceline, beginning at the N.W. corner of Section 9, and then following said fenceline southeasterly to the fence on the northern section line of Section 16 near Job Corps Dike Road; those portions of sections 15 and 16 north of the above mentioned fence to the west end of the Job Corps Dike; and that part of Section 15 north of the Job Corps Dike Road.

All areas of North Potholes Game Reserve located in Sections 9, 10, and 15 are closed to all public access from March 15 through May 30 and from October 1 through February 1.

AMENDATORY SECTION (Amending WSR 04-17-061, filed 8/11/04, effective 9/11/04)

WAC 232-16-610 Snipes Game Reserve (Yakima County). WDFW lands within the following boundary of the Sunnyside Wildlife Area: That portion of T9N, R22E, Section 21 lying north and east of the Yakima River; the SW 1/4 of the NW 1/4 and the NW 1/4 of the SW 1/4 of T9N, R22E, Section 22; and that portion of the SW 1/4 of the SW 1/4 of T9N, R22E, Section 22 lying north and east of the Yakima River.

AMENDATORY SECTION (Amending WSR 80-13-013, filed 9/8/80)

WAC 232-16-620 ((Lake)) Tennant Lake Game Reserve (Whatcom County). ((Tennant Lake Game Reserve shall include those lands in Whatcom County within the following described boundary:)) That portion of Tennant Lake in T 39N, R 2E, Section 29, and that portion north of an east to west line which lies 800 feet south of and parallel to the north line of Section 32 in the N1/2 NE1/4 in T 39N, R 2E.

AMENDATORY SECTION (Amending WSR 83-18-043, filed 9/1/83)

WAC 232-16-640 Winchester Wasteway Game Reserve (Grant County). ((It shall be unlawful to hunt wild animals and wild birds within the following described boundary:)) T18N, R25E, Section 12, and the SW 1/4 of T18N, R26E ((and south 1/2)), Section 7. ((960)) 800 acres.

AMENDATORY SECTION (Amending WSR 03-16-087, filed 8/5/03, effective 9/5/03)

WAC 232-16-660 Frenchmen Hills Wasteway Game Reserve (Grant County). ((It shall be unlawful to hunt wild animals and wild birds within the following described boundary:)) T17N, R27E, the north 1/2, and the north 1/2 of south 1/2 of Section 17. 480 acres.

AMENDATORY SECTION (Amending WSR 11-18-051, filed 8/31/11, effective 10/1/11)

WAC 232-16-700 Swinomish Spit ((Game Reserve)) waterfowl, coot, and snipe closure (Skagit County). It ((shall be)) is unlawful to hunt ((wild animals and wild birds)) migratory waterfowl, coot, and snipe within the following described boundary November 15 through March 31, and it ((shall be)) is unlawful to hunt brant at any time within the following described boundary: Beginning at the Burlington Northern railroad tracks on the west shoreline of the Swinomish Chan-

nel; thence in a northwesterly direction along the west side of the Swinomish Channel to the reserve boundary sign on the northernmost sand island (48.474801N, 122.530770W (all coordinates NAD83/WGS84)); thence 10,500 feet ENE (east-northeast) to the reserve boundary sign (48.480630N, 122.488388W); thence 1,800 feet SW (southwest) to the reserve boundary sign (48.476983N, 122.493716W); thence 7,000 feet SSW (south-southwest) to the reserve boundary sign on the dike at the south end of Padilla Bay (48.459498N, 122.504967W); thence continue westerly along said dike to the intersection of the Burlington Northern railroad tracks and the east shoreline of the Swinomish Channel; thence continue along said railroad tracks (across swing bridge) to the west shoreline of the Swinomish Channel and the point of beginning.

AMENDATORY SECTION (Amending WSR 90-19-096, filed 9/19/90, effective 10/20/90)

WAC 232-16-720 Duck Lake (Cormana Lake) Game Reserve (Lincoln County). (~~(It shall be unlawful to hunt wild animals and wild birds within the following described boundary: Section 19,))~~ T23N, R35E, Section 19.

AMENDATORY SECTION (Amending WSR 97-18-025, filed 8/25/97, effective 9/25/97)

WAC 232-16-730 Coffeepot Lake Game Reserve (Lincoln County). (~~(In Lincoln County,))~~ All portions of Coffeepot Lake and those public lands within one-quarter mile of ((Coffeepot)) Coffeepot Lake((, within the following boundary:

~~T. 23 N., R. 34 E., Section 8, S1/2; Section 18, north of the center-line of Coffeepot Lake and Lake Creek; and Section 9, NW1/4; except those portions described as follows:~~

~~Beginning at the northwest corner of Section 9; N 85°29' E a distance of 1,979.01 feet to the true point of beginning, being the northwest property corner; thence S 14°50' W a distance of 462.39 feet; thence S 05°45' E a distance of 240.35 feet; thence S 64°31' E a distance of 129.31 feet; thence N 72°39' E a distance of 234.96 feet; thence N 87°16' E a distance of 375.86 feet; thence N 32°03' E a distance of 83.27 feet; thence N 63°45' E a distance of 99.49 feet; thence N 33°31' E a distance of 131.75 feet; thence N 15°38' E a distance of 340.15 feet; thence N 83°41' W a distance of 925.64 feet, returning to the northwest property corner which is the true point of beginning. Also, that portion of Lincoln County described in instrument dated January 29, 1980, recorded February 1, 1980, under Auditor's file No. 354421)).~~

AMENDATORY SECTION (Amending WSR 05-17-098, filed 8/15/05, effective 9/15/05)

WAC 232-16-740 Columbia, Snake, and Yakima River waterfowl, coot, and snipe closures. It ~~((shall be))~~ is unlawful to hunt migratory waterfowl, coot, and ~~((jacksnipe))~~ snipe on or within the following described areas:

~~((Section 1.))~~ (1) Waters and land below the mean high water mark of Bachelor Island Slough of the Columbia River ~~((in Clark County))~~. Bachelor Island Slough is further defined as those waters starting at the south end of the slough at its confluence with the Columbia River, running north along the eastern shore of Bachelor Island to the confluence with Lake River. (Clark County)

~~((Section 2. Klickitat County))~~ (2) The Columbia River and those lands lying within one-quarter mile of the Columbia River upstream from the railroad bridge at Wishram to the ~~((grain elevator at Roosevelt))~~ U.S. Highway 97 bridge at Maryhill (Klickitat County).

~~((Section 3.))~~ (3) The Columbia River between the mouth of Glade Creek (river channel marker 57) and the old town site of Paterson (river channel marker 67), except the hunting of waterfowl, coot, and snipe is permitted from the main shoreline of the Columbia River in this area. (Benton County)

~~((Section 4.))~~ (4) The Columbia River and those lands lying within one-quarter mile of the Columbia River between the old Hanford townsite (Wooden Tower) ~~((powerline))~~ power line crossing in Section 24, T13N, R27E, to Vernita Bridge (Highway 24). (Benton, Franklin, and Grant counties)

~~((Section 5.))~~ (5) The Columbia River between the public boat launch at Sunland Estates (Wanapum Pool) and a point perpendicular in Kittitas County; upstream to the posted marker 200 yards north of Quilomene Bay and a point perpendicular in Grant County, including islands. (Grant and Kittitas counties)

~~((Section 6.))~~ (6) The Snake River and those lands within one-quarter mile of the Snake River, between the U.S. Highway 12 bridge near Burbank, upstream to a line running between shoreline navigation marker 4 at Levey Park Recreation Area and the Corps of Engineers windmill at Charbonneau Habitat Management Unit. (Franklin and Walla Walla counties)

~~((Section 7.))~~ (7) The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Sunnyside-Mabton Road bridge downstream to the Euclid Road bridge (4 miles). (Yakima County)

~~((Section 8. The Yakima River and those lands lying within one-fourth mile of the Yakima River from the Grant Avenue bridge (steel bridge) north of Prosser downstream 2 1/2 miles, to the powerline.))~~

AMENDATORY SECTION (Amending WSR 96-18-006, filed 8/22/96, effective 9/22/96)

WAC 232-16-750 ((Belfair, Hood Canal)) Lynch Cove and Union River hunting area restriction (Mason County). Within the SW 1/4 of Section 29, Section 31 (excluding the SW 1/4), and the W 1/2 of Section 32 in T23N, R1W.W.M.: It is unlawful to hunt waterfowl, coot, or snipe in Lynch Cove and the Union River except in ((designated)) blinds des-

~~ignated by the department. ((The western and southern boundaries of this closure are posted with red steel markers. (This includes all of the Washington Department of Fish and Wildlife and Thelar Wetlands lands.)))~~

AMENDATORY SECTION (Amending WSR 98-17-042, filed 8/13/98, effective 9/13/98)

WAC 232-16-770 Shotgun shell restriction areas. (1) It is unlawful to have in possession more than 15 shotgun shells or to fire (shoot) more than 15 shells in one day on the following areas:

~~((Section 1. The farmed island segment))~~ (a) The Island Unit of the Skagit Wildlife Area (~~, between the south fork of the Skagit River and Fresh Water Slough~~) in Skagit County.

~~((Section 2.))~~ (b) The Spencer Island Unit of the Snoqualmie Wildlife Area in Snohomish County.

~~((Section 3. The Welts (West 90))~~ (c) The Samish Unit of the Skagit Wildlife Area in Skagit County.

(d) The Johnson/DeBay's Slough Hunt Unit of the Skagit Wildlife Area in Skagit County: In Skagit County beginning at the intersection of Francis Road and DeBay Isle Road (N 48.467817 W -122.255143); then northeast approximately 125 feet to a white corner marker (N 48.46818 W -122.254977); then east approximately 250 feet along the parking area fence line to a white corner marker (N 48.468087 W -122.25392); then north along the fence line approximately 334 feet to corner of fence line (N 48.469067 W -122.253787); then east along the fence line approximately 250 feet to a white corner marker (N 48.469081 W -122.252834); then north approximately 2185 feet to orange corner marker (N 48.475024 W -122.252937); then west approximately 1421 feet to the white corner marker (N 48.475072 W -122.26007); then south approximately 1170 feet to the west shoreline of DeBay Slough white corner marker (N 48.471872 W -122.258097); then move easterly and southerly along the west shoreline of DeBay Slough approximately 1850 feet to white corner marker on the south side of DeBay Isle Road (N 48.468225 W -122.260139); then easterly along the south side of DeBay's Isle Road to the intersection of Francis Road and the point of beginning.

(e) The Lower Dungeness Unit of the North Olympic Wildlife Area and all lands managed by the department north of East Anderson Road and west of the Dungeness River in Clallam County.

(2) It is unlawful to have in possession more than 25 shotgun shells or to fire (shoot) more than 25 shells in one day on the Nisqually Unit of the South Puget Sound Wildlife Area in Thurston County.

AMENDATORY SECTION (Amending WSR 97-18-025, filed 8/25/97, effective 9/25/97)

WAC 232-16-790 Hayton Game Reserve (Skagit County). Beginning at the intersection of the west bank of Dry Slough and the Dike District #22 Skagit Bay dike, then east approximately 1330 feet along the south side of the District #22 dike to the intersection of the Dis-

tract #22 dike and the west bank of McDonald's Slough, then north along the west bank of McDonald's Slough to the point where the adjacent farmed field boundary extends west, then ~~((west))~~ northwest along the north edge of the farmed field boundary to the point where the farmed field boundary intersects Dry Slough, then across Dry Slough to the west bank of Dry Slough, then south along the west bank of Dry Slough to the point of beginning.

AMENDATORY SECTION (Amending WSR 10-01-036, filed 12/7/09, effective 1/7/10)

WAC 232-16-800 Johnson/Debay's Slough Game Reserve. In Skagit County, beginning at the intersection of Francis Road and Debay's Isle Road (N 48.467817 W -122.255143); then south and west along Francis Road (approximately 3090 feet) to white corner marker (N 48.46450 W -122.26830); then north (approximately 1265 feet) to the middle of Debay's Slough (white corner marker N 48.46748 W -122.26711); then westerly (approximately 2087 feet) along the channel of Debay's Slough to the western tip of the farmed portion of Debay's Island (N 48.47175 W -122.27486); then northerly (approximately 1485 feet) to the south bank of the Skagit River (white corner marker N 48.275 W -122.275); then easterly (approximately 3750 feet) along the south bank of the Skagit River to ~~((fence line ()))~~ white corner marker (N 48.47752 W -122.26014); then south ~~((along fence line ()))~~ approximately 855 feet((+)) to white corner post (N 48.47503 W -122.26007); then east along ~~((fence))~~ tree line ((435 feet) to fence intersection) to white post (N 48.47507 W -122.25835); ~~((then south (300 feet) along fence line to existing tree line (white corner marker); then continue south (835 feet))~~ south through trees to south shoreline of Debay's Slough (white corner marker N 48.47187 W -122.25809); then easterly and southerly along the west shoreline of Debay's Slough (approximately 1770 feet) to the south side of Debay's Isle Road (white corner marker N 48.46822 W -122.25691); then east along the south side of Debay's Isle Road to the intersection of Francis Road and the point of beginning.

WAC 232-28-299 Mandatory report of hunting activity. (1) All hunters purchasing a hunting license must report their hunting activity for deer, elk, bear, or turkey.

(a) Hunters must report hunting activity, for each tag and permit acquired, by January 31 or within 10 days after the close of an eligible hunt, whichever date is later.

(b) Reports must be made using the department's designated automated telephone hunter reporting system (toll free) or internet hunter reporting system.

(c) ~~((Any))~~ A hunter ((not reporting)) who fails to report hunting activity, for each tag and permit acquired, by the reporting deadline ((will be in noncompliance)) is in violation of reporting requirements.

(d) Compliance will be credited for each transport tag and permit acquired.

(2) As an incentive for prompt reporting, all hunters who report by midnight January 10 or within 10 days after the last day of their permit hunt will be entered into a drawing for special deer and elk incentive permits. To be eligible for the drawing, hunters must report their hunting activity for each transport tag and permit acquired.

(3) A hunter((s)) who ((have not reported)) fails to report hunting activity by the reporting deadline for deer, elk, bear, or turkey tags and permits acquired the previous year will be required to pay a \$10 ((penalty before)) administrative fee at the time a new license that includes deer, elk, bear, or turkey tags ((will be)) is issued. ((A hunter may only be penalized a maximum of \$10 during a license year.))

(4) All hunters who purchase a migratory bird authorization must report their hunting activity for each harvest record card issued.

(a) Hunters must report harvest information from band-tailed pigeon harvest record cards by September 30 following the season for which the harvest card was issued. Hunters must report harvest information from brant, sea duck, and snow goose harvest record cards by February 15 following the season for which the harvest card was issued.

(b) Hunters must report migratory bird hunting activity by mailing all harvest record cards to the department at: 600 Capitol Way N, Olympia, WA 98501, or by reporting harvest information at the department's designated internet site listed on the harvest record card.

(c) Any hunter who fails to report, for each harvest record card acquired, by the reporting deadlines is in violation of reporting requirements.

(d) Compliance will be credited for each harvest record card acquired.

(5) A hunter who fails to report hunting activity by the reporting deadlines for band-tailed pigeon, brant, sea duck, or snow goose harvest record card acquired in the previous hunting season must pay a ten-dollar administrative fee at the time a new migratory bird authorization and harvest record card is issued.

(6) A hunter may only be required to pay a maximum of one ten-dollar administrative fee for all game species reporting violations during a license year.

WAC 232-12-068 Nontoxic shot requirements. (1) 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 the following approved types:

Approved Nontoxic Shot Type*	Percent Composition by Weight
bismuth-tin	97 bismuth, 3 tin
iron (steel)	iron and carbon
iron-tungsten	any proportion of tungsten, ≥ 1 iron
iron-tungsten-nickel	≥ 1 iron, any proportion of tungsten, up to 40 nickel
tungsten-bronze	51.1 tungsten, 44.4 copper, 3.9 tin, 0.6 iron; and 60 tungsten, 35.1 copper, 3.9 tin, 1 iron
tungsten-iron-copper-nickel	40-76 tungsten, 10-37 iron, 9-16 copper, 5-7 nickel
tungsten-matrix	95.9 tungsten, 4.1 polymer
tungsten-polymer	95.5 tungsten, 4.5 nylon 6 or 11
tungsten-tin-iron	any proportions of tungsten and tin, ≥ 1 iron
tungsten-tin-bismuth	any proportions of tungsten, tin, and bismuth
tungsten-tin-iron-nickel	65 tungsten, 21.8 tin, 10.4 iron, 2.8 nickel
tungsten-iron-polymer	41.5-95.2 tungsten, 1.5-52.0 iron, and 3.5-8.0 fluoropolymer
*Coatings of copper, nickel, tin, zinc, zinc chloride, and zinc chrome on approved nontoxic shot types also are approved.	

The director may adopt additional nontoxic shot types consistent with federal regulations.

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

- (a) Well's Wildlife Area (Bridgeport Bar Unit);*i*
- (b) Cowlitz Wildlife Area (all units);*i*
- (c) Whatcom Wildlife Area (all units);*i*
- (d) Shillapoo Wildlife Area (all units);*i*
- (e) Skagit Wildlife Area (all units);*i*
- (f) Snoqualmie Wildlife Area (all units);*i*
- (g) Sunnyside-Snake River Wildlife Area (Headquarters, Byron and Windmill Ranch units);*i*
- (h) Sinlahekin Wildlife Area (Driscoll Island, Hegdahl, and Kline Parcel units);*i*
- (i) Olympic Wildlife Area (Chinook and Chehalis units);*i*
- (j) South Puget Sound Wildlife Area (Davis Creek (Koopman) Unit).

(3) It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading), other than nontoxic shot, when hunting for upland game birds (pheasants, quail, chukar, or gray partridge), mourning doves, band-tailed pigeons, or game animals in the following areas:

- (a) Chehalis River pheasant release site;
- (b) Dungeness Recreation Area;
- (c) Hoehn Road pheasant release site;
- (d) Hunter Farms pheasant release site;
- (e) Raymond Airport pheasant release site;
- (f) Two Rivers and Wallula Units of the U.S. Fish and Wildlife Service's McNary National Wildlife Refuge;
- (g) All Whidbey Island pheasant release sites.

(4) ((Beginning in 2011,)) It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading), other than nontoxic shot, when hunting for upland game birds (pheasant, quail, chukar, and gray partridge), mourning doves, and band-tailed pigeons(~~(, on areas where pheasants are released, to include:~~

Asotin Wildlife Area (Hartsock Unit)	Chelan Wildlife Area (Chelan Butte and Swakane units)	Columbia Basin Wildlife Area (Banks Lake, Gloyd Seeps, Lower Crab Creek, Quiney Lakes, Warden units)
Sinlahekin Wildlife Area (Chiliwist Unit)	Coloekum Wildlife Area (Headquarters Unit)	Wenas Wildlife Area (Wenas Unit)
Kliekitat Wildlife Area (Hill Road Unit)	Seatter Creek Wildlife Area	Sherman Creek Wildlife Area
Skookumchuck Wildlife Area	Steamboat Rock, Fishtrap, John Henley, Willow Bar, Rice Bar, Hartsock, Mill Creek, Wallula Peninsula, Hollebeke/Lost Island, Buckshot, Big Flat, and Ringold Pheasant Release sites	Fort Lewis Belfair Woodland Creek and Lincoln Creek Pheasant Release sites))

on all WDFW designated pheasant release sites not listed in subsections (2) and (3) of this section.

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 232-16-480	Whidbey Island Game Farm Reserve.
WAC 232-16-540	Yakima River Game Reserve.
WAC 232-16-810	Port Susan Bay Canada goose closure.