

**10. NONTOXIC SHOT REQUIREMENTS – RULE BRIEFING AND PUBLIC HEARING**

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## “GREEN SHEET”

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**Meeting:** November 2-3, 2007

**Agenda Item 10:** Amend WAC 232-12-068 Nontoxic shot requirements – **Rule Briefing and Public Hearing**

**Prepared By:** Mick Cope

**Presented By:** Mick Cope, Upland Game Section Manager, Wildlife Program

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**Background:**

The Fish and Wildlife Commission requires non-toxic shot be used at a variety of locations throughout Washington state. Most of these non-toxic shot areas are WDFW wildlife areas or areas associated with the western Washington pheasant release program. Recently, a new pheasant release site in Chinook, Washington (Pacific County) was added to the western Washington pheasant release program. The Chinook release site is used by waterfowl that could be exposed to spent shot during certain times of high surface water availability. The proposed rule change adds the Chinook release site to the list of areas where hunters are required to use non-toxic shot. Some hunters may resist this requirement; however, other areas have been added to this list with few problems.

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

Expand the non-toxic shot requirement for hunting on the Chinook pheasant release site.

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

These proposed recommendations were mailed to approximately 450 organizations and individuals in September for their review and consideration. These organizations and individuals were also informed of the opportunity to provide public testimony at the November 2-3, 2007 Commission meeting in Chelan.

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**Action requested (identify the specific Commission decisions you are seeking):**

Take public comment. Adoption is planned for the December 7-8, 2007 Commission meeting.

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**Draft motion language:**

N/A

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**Justification for Commission action:**

N/A

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AMENDATORY SECTION (Amending Order 06-181, filed 8/2/06, effective 9/2/06)

**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 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, $\geq 1$ iron
iron-tungsten-nickel	$\geq 1$ 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, 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, $\geq 1$ 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
*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.

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 pheasant release sites

Chinook pheasant release site



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Fish and Wildlife

- Preproposal Statement of Inquiry was filed as WSR 07-16-128 ; or
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR \_\_\_\_\_

Title of rule and other identifying information: (Describe Subject)

WAC 232-12-068 Nontoxic shot requirements  
 WAC 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits  
 WAC 232-28-286 2007, 2008, and 2009 Spring black bear seasons and regulations  
 WAC 232-28-294 Multiple season big game permits  
 WAC 232-28-299 Mandatory report of hunting activity  
 WAC 232-28-337 Deer and elk area descriptions

**Hearing location(s):**

Campbell's Resort on Lake Chelan  
 104 West Woodin  
 Chelan, WA 98816  
 (509) 682-2561

Date: November 2-3, 2007 Time: 8:00 am

**Submit written comments to:**

Name: Wildlife Program Commission Meeting Public Comments  
 Address: 600 Capitol Way North, Olympia WA 98501-1091  
 e-mail [Wildthing@dfw.wa.gov](mailto:Wildthing@dfw.wa.gov)  
 fax (360) 902-2162

By: Monday, October 15, 2007

**Assistance for persons with disabilities:**

Contact: Susan Yeager by October 31, 2007

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

Date of intended adoption: December 7-8, 2007

(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: 77.12.047; 77.12.020

Statute being implemented: 77.12.047; 77.12.020

**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: **September 18, 2007**

TIME: **4:21 PM**

**WSR 07-19-099**

DATE  
September 18, 2007

NAME  
Lori Preuss

SIGNATURE

TITLE  
Rules Coordinator

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

None

**Name of proponent: (person or organization)**

Washington Fish and Wildlife Commission

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Dave Brittell	Natural Resources Building, Olympia	(306) 902-2504
Implementation.... Dave Brittell	Natural Resources Building, Olympia	(360) 902-2504
Enforcement..... Bruce Bjork	Natural Resources Building, Olympia	(360) 902-2373

**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 contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

These rules regulate recreational hunters and do not directly regulate 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: Not hydraulics rules.

## ATTACHMENT A

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

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

Current rules require non-toxic shot to be used for upland bird hunting at a variety of locations in the state. Most WDFW wildlife areas where non-toxic shot is required are areas associated with pheasant release program. A new pheasant release site in Chinook, Washington (Pacific County) was added to the program. The Chinook release site is used by waterfowl that may access spent shot during times of high surface water. The proposed rule change adds the Chinook release site to the list of areas where hunters are required to use non-toxic shot.

#### **Reasons supporting proposal:**

In areas where wildlife have a high probability of being exposed to spent shot from shotguns, the current rule requires the use of non-toxic shot. The Chinook release site has habitat conditions that can be conducive to waterfowl use.

### **WAC 232-28-282 Big game and wild turkey auction, raffle, and special incentive permits**

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

The Fish and Wildlife Commission has authorized several special raffles and auctions for a variety of game animals. The wild turkey raffle has historically had two winners; each receiving three raffle tags the authority to hunt from April 1 through May 31. Proposed changes include extending the turkey raffle permit season to include dates from September 1 through December 31, reducing the number of raffle winners from two to one and reducing the number of turkey raffle permits from six to three.

#### **Reasons supporting proposal:**

In order to make the wild turkey raffle more desirable, changes to what the winner receives are warranted. In addition, reducing the number of raffle tags used for turkey hunting, the Commission can authorize raffles more desirable game animals. The result of these changes should be increased hunter approval and increased revenue to the Department of Fish and Wildlife for management of game species.

### **WAC 232-28-286 2007, 2008, and 2009 Spring black bear seasons and regulations**

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

Establish spring bear damage hunt for black bear in portions of GMUs 418 and 448 with 20 and 30 permits, respectively. The anticipated effect is a slight decline in local bear populations to reduce tree damage caused by bears.

#### **Reasons supporting proposal:**

Spring black bear damage seasons are used to minimize damage to trees by reducing bear populations to a lower but sustainable level.

### **WAC 232-28-294 Multiple season big game permits**

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

This proposal would shorten the amount of time successful applicants for a multi-season permit would have to purchase their permit to allow for the sale of all permits prior to the first general seasons starting in September. It would also provide 50 multi-season deer and 25 multi-season elk permits to qualifying hunter education instructors.

#### **Reasons supporting proposal:**

Shortening the purchase time for successful applicants would make sure that more hunters would be able to purchase permits. Providing hunter education instructors with multiple season permits would be an incentive to recruit and retain instructors.

**WAC 232-28-299 Mandatory report of hunting activity**

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

To allow hunters adequate time to report their hunting activity for hunts that extend beyond the January 31 deadline.

**Reasons supporting proposal:**

Several special permit hunts and a few general season hunts extend beyond the January 31 deadline. This proposal would allow hunters to report within 10 days of the end of eligible hunts or January 31, whichever is later.

**WAC 232-28-337 Deer and elk area descriptions**

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

The purpose of the proposal is to allow the Department to continue to use Deer and Elk Areas to direct hunters to specific locations in situations that require management and harvest strategies to operate at a finer scale than the Game Management Unit level.

**Reasons supporting proposal:**

The proposed boundary amendments would help facilitate the Department's addressing deer and elk damage, controlling deer and elk populations, and improving the quality of deer and elk hunting for hunters.