

**18. MIGRATORY WATERFOWL SEASONS AND REGULATIONS –
RULE BRIEFING, PUBLIC HEARING, AND RULE ACTION**

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“GREEN SHEET”

Meeting: August 8-9, 2008

Agenda Item 18: Adopt WAC 232-28-432 2008-09 Migratory waterfowl seasons and regulations –
Rule Briefing, Public Hearing, and Rule Action

Repeal WAC 232-28-431 2007-08 Migratory waterfowl seasons and regulations

Prepared By: Don Kraege

Presented By: Don Kraege, Waterfowl Section Manager, Wildlife Program

Background:

USFWS and flyway organizations continue to endorse the use of Adaptive Harvest Management (AHM) to establish duck season frameworks. AHM utilizes annual survey information and population models to prescribe optimal regulations packages each year. This year, the Pacific Flyway Council recommended that the population of ducks in the western part of North America be managed separately from the eastern flyways, as part of new models developed for western mallard AHM. Western mallard AHM relies on breeding surveys and other information from western areas rather than the Canadian prairies. The season packages proposed for western mallard AHM are the same as developed under mid-continent mallard AHM, although different models will be used to determine annual regulations based on the packages. Western mallard AHM will result in a higher frequency of liberal season packages for the Pacific Flyway in the future. The 2008 western mallard breeding population index prescribes continuation of a 107-day season framework for 2008-09.

Certain species of ducks, including pintail, canvasback, and scaup, have received additional nationwide management emphasis due to population trends and status. These species have independent population models and harvest strategies developed cooperatively with U.S. Fish and Wildlife Service. The 2008 canvasback index declined dramatically from a record high in 2007, to a level low enough to trigger a closed season as prescribed in the harvest strategy. Pintail numbers remain at levels sufficient to allow continuation of 2007-08 regulations. The new scaup harvest strategy prescribes more conservative scaup regulations based on long-term population declines and sustainable harvest levels.

WDFW has improved monitoring of Puget Sound sea duck populations (e.g. scoter, harlequin, long-tailed duck) as part of the Puget Sound Assessment and Monitoring Program (PSAMP) since 1993. Long-term declines in wintering numbers of scoters have lead to more conservative regulations in Washington than allowed by federal frameworks, and we have initiated new management studies and improved harvest monitoring programs. As presented to the Commission last year, an evaluation of scoter harvest management indicated that current overall harvest rates in Puget Sound were within sustainable levels. Additional banding and monitoring of scoters is planned to provide information for further evaluation over the next 2 years.

The snow goose population breeding on Wrangel Island, Russia has increased significantly over the past 10 years, although breeding conditions in 2008 were poorer than recent years. Most of these birds winter on the Skagit and Fraser deltas (over 90,000). The current recommendation continues several elements initiated over the past two years to promote hunter ethics principles and provide a hunter access program on private lands. A one-week extension of this season is proposed for 2008-09 to provide more hunting opportunity and simplify regulations. The snow goose quality hunt period is recommended for the same length as last year (86 days: Nov. 1 – Jan. 25), within the overall snow goose season length of 107 days.

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

- Establishing waterfowl hunting seasons within frameworks established by the U.S. Fish and Wildlife Service, including continuation of a 107-day season for ducks and more conservative regulations for canvasback and scaup.
 - Continuing measures implemented in 2006-07 to reduce snow goose hunter trespass and safety issues on Fir Island near Mount Vernon by prohibiting snow goose hunting within 100 feet of public roads, increasing penalties for noncompliance, and improving hunter access.
 - Modifying Skagit area snow goose season structure to allow one week more hunting opportunity in October.
-

Public involvement process used and what you learned:

These proposed recommendations were mailed to approximately 450 organizations and individuals in June for their review and consideration. The Fir Island Snow Goose Hunting Management Plan Working Group was involved in the development of recommendations for Goose Management Area 1. In addition, these proposed recommendations were presented to the Waterfowl Advisory Group on August 2, 2008. These organizations and individuals were also informed of the opportunity to provide public testimony at the August Commission meeting in Lynnwood.

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

The Commission will take public input and adopt, amend, repeal, or reject these WACs as presented.

Draft motion language:

I move to adopt WAC 232-28-432 2008-09 Migratory waterfowl seasons and regulations and repeal WAC 232-28-431 2007-08 Migratory waterfowl seasons and regulations, as proposed.

Justification for Commission action:

Provide hunting recreation and damage control consistent with the status of waterfowl species.

NEW SECTION

WAC 232-28-432 2008-09 Migratory waterfowl seasons and regulations.

DUCKS

Statewide

Oct. 11-15, 2008 and Oct. 18, 2008 - Jan. 25, 2009.

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. 20-21, 2008.

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

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

Season limit: 1 harlequin.

WRITTEN AUTHORIZATION REQUIRED TO HUNT SEA DUCKS.

All persons hunting sea ducks (harlequin, scoter, long-tailed duck) in Western Washington are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunters who did not possess a 2007-08 authorization must submit an application form to WDFW (forms

available 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. Return of the harvest report is mandatory. By February 15, 2009, 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 2009-10 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.

COMMON 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. 20-21, 2008, 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. 11, 2008 - Jan. 25, 2009 for snow, Ross', or blue geese.

Oct. 11-23, 2008 and Nov. 1, 2008 - Jan. 25, 2009 for other geese (except Brant).

Daily bag limit: 4 geese.

Possession limit: 8 geese.

WRITTEN AUTHORIZATION REQUIRED TO HUNT SNOW GEESE.

All persons hunting snow geese in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunters who did not possess a 2007-08 authorization must submit an application form to WDFW (forms available 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. Return of the harvest report is mandatory. By February 15, 2009, 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 2009-10 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, written authorization will be invalidated for the remainder of the 2008-09 snow goose season and an authorization will not be issued for the 2009-10 snow goose season.

QUALITY HUNTING AREAS IN GOOSE MANAGEMENT AREA 1.

Hunters possessing written authorization to hunt snow geese in Goose Management Area 1 can apply for a special authorization to access private lands around Fir Island enrolled in a new quality snow goose hunting program. Hunters must apply for special authorization to hunt on these special areas by September 26, 2008, using the department's internet or mail application systems. A random drawing will select hunters for participation, and special hunt authorizations will be mailed prior to the season. Up to 3 individuals possessing snow goose authorizations can hunt with the successful applicant on each hunt day. Successful applicants must check in with the WDFW hunt coordinator at least one week prior to their first scheduled hunting day and all hunters must hunt over decoys. Special authorizations are not valid for commercial uses. Authorizations are valid for one week (only on Monday, Tuesday, Wednesday, Friday, and Saturday) during the period November 1, 2008 - January 25, 2009, and only on private lands specified by the WDFW hunt coordinator. Hunters will be assigned at random

to private farms participating in the program.

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. 8-23, 2008 and Dec. 3, 2008 - Jan. 25, 2009. Ridgefield NWR open from 8 a.m. to 4:00 p.m. Tuesdays, Thursdays, and Saturdays only, Nov. 11-22, 2008 and Dec. 4, 2008 - Jan. 17, 2009, except closed Nov. 27 and Dec. 25, 2008, and Jan. 1, 2009.

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. 11, 2008 - Jan. 10, 2009.

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 Canada goose season for Goose Management Areas 2A and 2B will be closed early if dusky Canada goose harvests exceed area quotas which collectively total 80 geese. The fish and wildlife commission has authorized the director to implement emergency area closures in accordance with the following quotas: A total of 80 duskys, to be distributed 15 for Zone 1 (Ridgefield NWR); 25 for Zone 2 (Cowlitz County south of the Kalama River); 20 for Zone 3 (Clark County except Ridgefield NWR); 10 for Zone 4 (Cowlitz County north of the Kalama River and Wahkiakum County); and 10 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 written authorization from the Washington department of fish and wildlife. New hunters and those who did not maintain a valid 2007-08 authorization must review goose identification training materials and score a minimum of 80% on a goose identification test to receive written authorization. Hunters who fail a test must wait 28 days before retesting, and will not be issued a reciprocal authorization until that time.

With written authorization, hunters will receive a harvest report. Hunters must carry the authorization card and harvest

report while hunting. Immediately after taking a Canada goose (dusky, lesser/Taverner, cackling, or other subspecies) 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, written authorization will be invalidated and the hunter will not be able to hunt Canada 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 2008-09 southwest Washington Canada 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. 7 - Mar. 10, 2009.

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 85 for the regular and late seasons. All provisions listed above for Goose Management Area 2A regarding written 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. 11-23, 2008 and Nov. 1, 2008 - Jan. 25, 2009.

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.

Oct. 11-13, 2008, and Saturdays, Sundays, and Wednesdays only during Oct. 18, 2008 - Jan. 18, 2009; Nov. 11, 27, and 28, 2008; Dec. 25, 26, 29, and 30, 2008; January 1, 2009; and every day Jan. 19-25, 2009.

Goose Management Area 5

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

Oct. 11-13, 2008, every day from Oct. 18, 2008 - Jan. 25, 2009.

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. 15, 17, 18, 20, 22, 24, and 25, 2009.

If the 2008-09 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. 10, 11, 13, 15, 17, 18, 20, 22, 24, and 25, 2009.

WRITTEN AUTHORIZATION REQUIRED:

All hunters participating in this season are required to obtain a written authorization and harvest report from the Washington department of fish and wildlife. Hunters who did not possess a 2007-08 authorization must submit an application form to WDFW (forms available at Washington department of fish and wildlife regional offices).

Immediately after taking a brant into possession, hunters must record in ink the information required on the harvest report. Return of the harvest report is mandatory. By February 15, 2009, 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 2009-10 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. 11-15, 2008 and Oct. 18, 2008 - Jan. 25, 2009 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. 11, 2008 - Jan. 25, 2009 for snow, Ross', or blue geese. Oct. 11-23, 2008 and Nov. 1, 2008 - Jan. 25, 2009 for other geese.

Goose Management Area 2A: Saturdays, Sundays, and Wednesdays only, Nov. 8-23, 2008 and Dec. 3, 2008 - Jan. 25, 2009.

Goose Management Area 2B: Saturdays and Wednesdays only, Oct. 11, 2008 - Jan. 10, 2009.

Goose Management Areas 3, 4, and 5: Oct. 11-23, 2008 and Nov. 1, 2008 - Jan. 25, 2009.

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.

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REPEALER

The following section of the Washington Administrative Code is repealed:

WAC 232-28-431

2007-08 Migratory waterfowl
seasons and regulations.

SUMMARY OF WRITTEN PUBLIC INPUT

WAC 232-28-432 2008-09 Migratory waterfowl seasons and regulations

COMMENTS	AGENCY RESPONSE
Extend the brant season in Skagit County to 10 days over a three-week period to allow better hunting .	Most brant occurring in Skagit County originate from the Western High Arctic (WHA) in the Northwest Territories. WHA brant are managed as a separate stock because of differences in status, distribution, and physical characteristics compared to other Pacific brant. A 7-day brant season over an 11-day period is proposed to maintain acceptable harvest levels considering population status and trends of this stock.



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 08-08-108 & 08-10-093; 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)
Amend WAC 232-16-800 Johnson/Debay's Slough Game Reserve
Adopt WAC 232-28-432 2008-09 Migratory waterfowl seasons and regulations
Repeal WAC 232-28-431 2007-08 Migratory waterfowl seasons and regulations

Hearing location(s):
Embassy Suites
20610 44th Avenue West
Lynnwood, WA 98036
(425) 775-2500

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
fax (360) 902-2162

By: Wednesday, July 16, 2008

Date: August 8-9, 2008 Time: 8:00 am

Assistance for persons with disabilities:

Contact: Susan Yeager by August 6, 2008

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

Date of intended adoption: August 8-9, 2008
(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
WAC 232-16-800 – This amendment corrects an error in the reserve boundary description.

WAC 232-28-432 – The new WAC specifies legal season dates, bag limits, and open areas to hunt waterfowl, coot, and snipe for the 2008-09 hunting season. WAC 232-28-432 replaces WAC 232-28-431.

Reasons supporting proposal:

WAC 232-16-800 – Revision of the reserve boundary description to make it understandable.

WAC 232-28-432 – Waterfowl seasons and regulations are developed based on cooperative management programs among states of the Pacific Flyway and the U.S. Fish and Wildlife Service, considering population status and other biological parameters. The rule establishes waterfowl seasons and regulations to provide recreational opportunity, control waterfowl damage, and conserve the waterfowl resources of Washington.

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

Statute being implemented: 77.12.040; 77.12.047; 77.12.020;
77.12.570; 77.12.210 77.12.040

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: **June 26, 2008**
TIME: **2:46 PM**

WSR 08-14-078

DATE
June 26, 2008

NAME
Lori Preuss

SIGNATURE

TITLE
Rules Coordinator

(COMPLETE REVERSE SIDE)

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.