

6. MIGRATORY WATERFOWL SEASONS – RULE BRIEFING, PUBLIC HEARING, AND RULE ACTION

TABLE OF CONTENTS

	<u>Page</u>
Decision Page.....	<i>i</i>
WAC 232-28-434 2010-11 Migratory waterfowl seasons and regulations	1
Recommended Adjustments to WAC 232-28-434	13
CR-102.....	14

“GREEN SHEET”

Meeting: August 6-7, 2010

Agenda Item 6: Migratory Waterfowl Seasons – **Rule Briefing, Public Hearing, and Rule Action**

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

Presented By: Don Kraege, Waterfowl Section Manager, Wildlife Program
Bill Hebner, Region 4 Captain, Enforcement Program

Background:

Department staff will brief the Commission on the proposed adoption of WAC 232-28-434 2010-11 Migratory waterfowl seasons and regulations and the proposed repeal of WAC 232-28-433 2009-10 Migratory waterfowl seasons and regulations.

U.S. Fish and Wildlife Service (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. The population of ducks in the western part of North America is now 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 (liberal, moderate, and restrictive), although different models will be used to prescribe annual packages. Western mallard AHM will result in a higher frequency of liberal season packages for the Pacific Flyway. The 2010 western mallard breeding population index prescribes continuation of a 107-day season framework for 2010-11.

Certain species of ducks, including pintail, canvasback, and scaup, have received additional nationwide management emphasis due to population status and trends. These species have independent population models and harvest strategies, developed cooperatively with USFWS, and rely on population data available in late July.

The Department 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 those allowed by federal frameworks, and we initiated new management studies and improved harvest monitoring programs. As presented to the Commission in 2007, an evaluation of scoter harvest management indicated that current overall harvest rates in Puget Sound were within sustainable levels. At that time, the Department proposed additional banding and monitoring of scoters over a three year period. The Department developed an evaluation report for presentation at the meeting, which summarizes recent studies and prescribes a harvest strategy for sea ducks in western Washington.

The snow goose population breeding on Wrangel Island, Russia, has increased significantly over the past 10 years, although 2010 production is projected to be poor. About half of the population winters on the Skagit and Fraser Deltas. The current recommendation promotes hunter ethics principles and continues a hunter access program on private lands. The hunter access program provides limited entry Feel Free to Hunt and Register to Hunt, and continues a random drawing for hunting on Saturdays.

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 the continuation of a 107-day season for ducks.
 - Implementing a harvest strategy for sea ducks based on a review of recent studies and management actions for this species group.
 - Continuing and expanding measures to reduce snow goose hunter trespass, ethical hunting concerns, and safety issues in Skagit County.
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Public involvement process used and what you learned:

These proposed recommendations were mailed to approximately 600 organizations and individuals for their review and consideration. Snow goose management recommendations were developed in consultation with the Fir Island Working Group at a meeting on June 15, 2010, at Conway. A report detailing sea duck management strategies was also distributed to the Waterfowl and Diversity Advisory committees on July 13, 2010. In addition, proposed recommendations will be presented to the Waterfowl Advisory Group on July 24, 2010, at Moses Lake. These organizations and individuals were also informed of the opportunity to provide public testimony at the August Commission meeting in Olympia.

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

Adopt WAC 232-28-434 2010-11 Migratory waterfowl seasons and regulations and repeal WAC 232-28-433 2009-10 Migratory waterfowl seasons and regulations, as proposed.

Draft motion language:

I move to adopt WAC 232-28-434 2010-11 Migratory waterfowl seasons and regulations and repeal WAC 232-28-433 2009-10 Migratory waterfowl seasons and regulations, as proposed.

Justification for Commission action:

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

Communications plan:

- News Release
 - Website
 - Hunting Pamphlet
 - Washington State Register
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NEW SECTION

WAC 232-28-434 2010-11 Migratory waterfowl seasons and regulations.

DUCKS

Statewide

Oct. 16-20, 2010 and Oct. 23, 2010 - Jan. 30, 2011; except scaup season closed Oct. 16 - Nov. 5.

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. 25-26, 2010.

Daily bag limit: 7 ducks, to include not more than 2 hen mallard, 2 pintail, 3 scaup, 1 canvasback, and 2 redhead statewide; and ~~in Western Washington only, also~~ to include not more than 1 harlequin, 2 scoter, 2 long-tailed duck, and 2 goldeneye in Western Washington.

Possession limit: 14 ducks, to include not more than 4 hen mallard, 4 pintail, 6 scaup, 2 canvasback, and 4 redhead statewide; and ~~in Western Washington only, also~~ to include not more than 1 harlequin, 4 scoter, 4 long-tailed duck, and 4 goldeneye in Western Washington.

Season limit: 1 harlequin in Western Washington.

AUTHORIZATION REQUIRED TO HUNT SEA DUCKS

When hunting sea ducks (harlequin, scoter, long-tailed duck,

goldeneye) in Western Washington, all persons are required to possess a sea duck hunting authorization and harvest record card. Hunters who did not possess a 2009-10 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 record card. Hunters must report harvest information by February 15, 2011. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2011-12 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. 25-26, 2010, 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. 16, 2010 - Jan. 30, 2011 for snow, Ross', or blue geese.

Oct. 16-28, 2010 and Nov. 6, 2010 - Jan. 30, 2011 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 record card. Hunters who did not possess a 2009-10 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 record card. Hunters must report harvest information by February 15, 2011. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2011-12 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 2010-11 snow goose season and an authorization will not be issued for the 2011-12 snow goose season.~~

SNOW GOOSE QUALITY HUNTING PROGRAM IN GOOSE MANAGEMENT AREA 1

All hunters must ~~hunt over decoys and~~ obey posted signs regarding access restrictions. Quality hunt units are not available for commercial uses.

On each Saturday during the Goose Management Area 1 season, all units in the Snow Goose Quality Hunting program will be open only to hunters selected by random drawing prior to the season. Hunters must apply for special Saturday hunting authorizations by September 24, 2010, using the department's internet or mail application systems. Successful applicants will be assigned at random to units for each Saturday, and will be mailed a special Saturday hunting authorization listing their hunt date. When hunting snow geese on their assigned unit and hunt date, successful applicants are required to possess this special Saturday hunting authorization. No more than three 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.

SKAGIT COUNTY SPECIAL RESTRICTIONS

It is unlawful to discharge a firearm for the purpose of hunting waterfowl within 100 feet of any paved public road in Skagit County.

If is unlawful to hunt snow geese on Fir Island, Skagit County, inland of the surrounding dikes, unless each hunter sets up a minimum of 24 snow goose decoys. Additionally, it is unlawful to hunt snow geese over decoys unless the decoys are set up in a realistic pattern, are under the immediate control of the hunter, and are not left unattended. For the purposes of this section, a "decoy" is defined as any structure the size of or larger than a mallard duck decoy. A violation of this section is punishable under RCW 77.15.400.

While hunting snow geese, 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 in Skagit County, 4) exceeding the daily bag limit for geese, or 5) violating decoy requirements, authorization be invalidated for the remainder of the 2010-11 snow goose season and an authorization will not be issued for the 2011-12 snow goose season.

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. 13-28, 2010 and Dec. 8, 2010 - Jan. 30, 2011, except closed Dec. 25, 2010 and Jan. 1, 2011. Ridgefield NWR open from 8 a.m. to 4:00 p.m. Tuesdays, Thursdays, and Saturdays only, Nov. 13-27, 2010 and Dec. 9, 2010 - Jan. 29, 2011, except closed Nov. 25 and Dec. 25, 2010 and Jan. 1, 2011.

Bag limits for Goose Management Area 2A:

Daily bag limit: 4 geese, to include not more than 1 dusky Canada goose and 3 cackling geese.

Possession limit: 8 geese, to include not more than 1 dusky Canada goose and 6 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. 16 - Dec. 22, 2010 and Jan. 5-15, 2011; Dec. 26 and 29, 2010, and Jan. 2, 2011.

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 3 cackling geese.

Possession limit: 8 geese, to include not more than 1 dusky Canada goose, 2 Aleutian geese, and 6 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 duskys, to be distributed 5 for Zone 1 (Ridgefield NWR); 5 for Zone 2 (Cowlitz County south of the Kalama River); 15 for Zone 3 (Clark County except Ridgefield NWR); 7 for Zone 4 (Cowlitz County north of the Kalama River and Wahkiakum County); and 8 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 2009-10 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 record card. Hunters must carry the authorization card and harvest record card while hunting. Immediately after taking any goose into possession, hunters must record in ink the information required on the harvest

record card. Hunters must go directly to the nearest check station and have geese tagged when leaving a hunt site, before 6:00 p.m. All geese shall be presented intact and fully feathered at the check station. 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 record card, 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 2010-11 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. 5 - Mar. 9, 2011.

Daily bag limit: 4 geese, to include not more than 1 dusky Canada goose and 3 cackling geese.

Possession limit: 8 geese, to include not more than 1 dusky Canada goose and 6 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. 16-28, 2010 and Nov. 6, 2010 - Jan. 30, 2011.

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. 16, 2010 - Jan. 23, 2011; Nov. 11, 25, and 26, 2010; Dec. 27, 28, 30, and 31, 2010; January 17, 2011; and every day Jan. 24-30, 2011.

Goose Management Area 5

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

Oct. 16-20, 2010, every day from Oct. 23, 2010 - Jan. 30, 2011.

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, 16, 19, 22, 23, 26, 29, and 30, 2011.

If the 2010-11 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. 15, 16, 18, 20, 22, 23, 25, 27, 29, and 30, 2011.

AUTHORIZATION REQUIRED TO HUNT BRANT

All persons hunting Brant in this season are required to possess a Brant hunting authorization and harvest record card. Hunters who did not possess a 2009-10 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 record card. Hunters must report harvest information by February 15, 2011. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2011-12 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. 16-20, 2010 and Oct. 23, 2010 - Jan. 30, 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. 16, 2010 - Jan. 30, 2010 for snow, Ross', or blue geese. Oct. 16-28, 2010 and Nov. 6, 2010 - Jan. 30, 2010 for other geese.

Goose Management Area 2A: Saturdays, Sundays, and Wednesdays only, Nov. 13-28, 2010 and Dec. 8, 2010 - Jan. 30, 2010.

Goose Management Area 2B: Saturdays and Wednesdays only, Oct. 16, 2010 - Jan. 16, 2010.

Goose Management Areas 3, 4, and 5: Oct. 16-28, 2010 and Nov. 6, 2010 - Jan. 30, 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.

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WAC 232-28-434 2010-11 Migratory waterfowl seasons and regulations.

RECOMMENDED ADJUSTMENTS

The following adjustments have been made since the Code Reviser (CR-102) filing.

Page 1

Under duck season bag limits, grammatical changes have been made to clarify geographical restrictions on bag limits.

Pages 3-5

Under snow goose authorization requirements on pages 3 and 4, the section listing Fir Island restrictions was moved to a new section on page 5 titled Skagit County Special Restrictions, to expand and highlight restrictions developed based on input from a citizens' working group in Skagit County. Within the new section, the restriction on discharging a firearm within 100 feet of any paved road was expanded from Fir Island to all of Skagit County, because snow geese have started using new areas in Skagit County off of Fir Island. Additional language was added in the new section regarding decoy use on Fir Island, and violation of decoy requirements was added to the list of conditions for authorization invalidation. Because of these additions, the requirement for decoy use in the Snow Goose Quality Hunting Program on pages 3 and 4 were deleted as duplicative. Decoy requirements are intended to improve hunting practices occurring on Fir Island.

Page 6

Under Goose Management Area 2A, Christmas and New Years closures have been added to the Ridgefield NWR goose season to avoid having staff work check stations on holidays.

Page 8

In the last paragraph under Special Provisions for Goose Management Areas 2A and 2B, a restriction was added to goose checking requirements regarding presentation of intact and fully feathered geese at check stations, to improve ability of check stations to determine subspecies identification.



PROPOSED RULE MAKING

CR-102 (June 2004)

(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 10-10-128 on 5/5/2010 and WSR 09-18-054 on 8/27/09; 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)

Waterfowl regulations, baiting of game birds, licensed trapper requirements, and importation and retention of dead non-resident wildlife – See Attachment A

Hearing location(s):

Natural Resources Building, Room 172
1111 Washington Street SE
Olympia, Washington 98501
(360) 902-2515

Date: August 6-7, 2010 Time: 8:00 a.m.

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 (date) July 16, 2010

Assistance for persons with disabilities: Contact

Susan Yeager by July 26, 2010

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

Date of intended adoption: August 6-7, 2010

(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: 77.04.012; 77.04.020; 77.04.055; 77.12.047

Statute being implemented: 77.04.012; 77.04.020; 77.04.055; 77.12.047

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 23, 2010

TIME: 11:25 AM

WSR 10-13-180

DATE

June 23, 2010

NAME (type or print)

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, for WAC 232-12-134. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name: Wildlife Program Customer Service
 Address: WDFW, 600 Capitol Way North, Olympia, Washington 98501-1091
 phone (360) 902-2515
 fax (360) 902-2162
 e-mail Wildthing@dfw.wa.gov

No, for WAC 232-12-021, 232-12-264, and 232-28-434 no statement was prepared. Explain why no statement was prepared.

No statement was prepared for WAC 232-12-021, 232-12-264, and 232-28-434, as 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: These rules are not related to hydraulics regulations.

ATTACHMENT A

WAC 232-12-021 Importation and retention of dead nonresident wildlife

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

The purpose of the proposed WAC is to establish restrictions on the importation of deer, elk, and moose from states known to harbor chronic wasting disease in wild populations

Reasons supporting proposal:

The reason for supporting this proposal is to reduce the disease risk for native deer, elk, and moose populations in Washington.

WAC 232-12-134 Report required of licensed trappers.

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

The purpose of the proposed WAC is to require all licensed trappers to report their trapping activity, whether they trapped or not. The proposed WAC changes the report deadline from April 10 to April 20. Failure to report trapping activity is an infraction. The proposed WAC also removes the requirement that trappers must report their trapping activity prior to being issued a trapping license for the next year.

Reasons supporting proposal:

The reason for changing the report deadline from April 10 to April 20 is for consistency with the report deadline for wildlife control operators authorized by WAC 232-36-065. The reason for removing the requirement that trappers must report prior to being issued a trapping license for the next year is because non-compliance is already dealt with via infraction. Also, wildlife damage by furbearing animals begins to increase in mid-April. Delays in licensing wildlife control operators due to non-compliance tracking delays the Department's ability to deal with nuisance complaints in a timely manner.

WAC 232-12-264 Baiting of game birds –Unlawful

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

This amendment is intended to clarify the existing rule on baiting of game birds and align the rule with current federal regulations on baiting of migratory game birds.

Reasons supporting proposal:

This amendment was requested by the Washington Fish and Wildlife Commission, subsequent to a Commission presentation in September 2009, to facilitate consistent enforcement of state and federal baiting rules by the Department and the U.S. Fish and Wildlife Service.

WAC 232-28-434 2010-11 Migratory Waterfowl Seasons and Regulations.

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

The new WAC specifies legal season dates, bag limits, and open areas to hunt waterfowl, coot, and snipe for the 2010-11 hunting season.

Reasons supporting proposal:

Waterfowl seasons and regulations are developed based on cooperative management programs among the 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.

Small Business Economic Impact Statement

1. Description of the reporting, record keeping, and other compliance requirements of the proposed rule.
Currently, trappers are required to report their trapping activity prior to being issued a new trapping license. The proposed rule would still require trappers to report their activity; however, they would not be required to submit trapping activity if they miss the reporting deadline (April 20). According to existing rule, an infraction is issued for non-compliance. The end result of the proposed rule change is a decreased burden on trappers who miss the reporting deadline and a decrease in delays in issuing licenses to trappers who help the agency deal with nuisance complaints.
2. Kinds of professional services that a small business is likely to need in order to comply with such requirements.
None.
3. Costs of compliance for businesses, including costs of equipment, supplies, labor, and increased administrative costs.
Businesses would incur no additional costs due to the proposed rule change.
4. Will compliance with the rule cause businesses to lose sales or revenue?
No. The new rule reduces a burden on businesses and allows for shorter lag time for relicensing.
5. Cost of compliance for the ten percent of businesses that are the largest businesses required to comply with the proposed rules using one or more of the following as a basis for comparing costs: cost per employee, cost per hour of labor, or cost per one hundred dollars of sales.
The proposed rule should not result in increased costs to businesses, and in fact, may reduce costs.
6. Steps taken by the agency to reduce the costs of the rule on small businesses or reasonable justification for not doing so.
The proposed rule should reduce costs for small businesses as they will not be required to spend time submitting reports if they miss the reporting deadline in order to be relicensed.
7. A description of how the agency will involve small businesses in the development of the rule.
The proposed rule was sent to over 50,000 citizens who have expressed an interest in hunting/trapping rule making issues. In addition, the proposed rule was placed on the WDFW website. The Department is accepting comments through July 16, 2010.
8. A list of industries that will be required to comply with the rule.
 - * Trappers
 - * Wildlife Control Operators

AMENDATORY SECTION (Amending Order 07-62, filed 5/3/07, effective 6/3/07)

WAC 232-12-021 Importation and retention of dead nonresident wildlife. It is unlawful:

(1) To import or possess dead wildlife, taken in another state or country, into Washington unless such wildlife was acquired lawfully. Proof of legal acquisition must be retained during the period of retention of the carcass or edible parts. Violation of this subsection is punishable under RCW 77.15.290.

(2) For a person who imports a dead mountain sheep, mountain goat, cougar or bear to fail to report such importation to the department in writing within ten days of the importation. The report must contain the name and address of the importer, the location where the dead wildlife is being stored and general information describing where and how the wildlife was obtained. Violation of this subsection is punishable under RCW 77.15.290.

(3) To import or possess deer, elk, or moose, or parts thereof, harvested in Colorado, Wyoming, Utah, New Mexico, Wisconsin, Illinois, South Dakota, Nebraska, Kansas, New York, West Virginia, Virginia, North Dakota, Alberta, and Saskatchewan with the following exceptions:

(a) Meat that has been deboned in the state or province where it was harvested and is imported as boned out meat;

(b) Skulls and antlers, antlers attached to the skull plate, or upper canine teeth (buglers, whistlers, ivories) from which all soft tissue has been removed;

(c) Hides or capes without heads attached;

(d) Tissue imported for use by a diagnostic or research laboratory;

(e) Finished taxidermy mounts.

Violation of this subsection is punishable under RCW 77.15.290.

(4) To fail to notify the department within twenty-four hours if an importer or receiver of deer or elk is notified by a state or province that a harvested animal has tested positive for chronic wasting disease. Violation of this subsection is an infraction punishable under RCW 77.15.160.

AMENDATORY SECTION (Amending Order 06-196, filed 8/15/06, effective 9/15/06)

WAC 232-12-134 Report required of licensed trappers. All trappers purchasing a trapping license must report their trapping activity, regardless of trapping success or whether they trapped or not.

(1) Trappers must report trapping activity by April ((10)) 20.

(2) Reports must be made using the department's designated Trapper's Report of Catch form or internet trapper reporting system.

(3) If a trapper chooses to report using the Trapper's Report of Catch form, it is the responsibility of the licensed trapper to obtain a form and ensure the form is received by Washington Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091.

(4) Any trapper not reporting by April ((10)) 20 will be in noncompliance of reporting requirements.

(5) False reports will be considered the same as noncompliance.

(6) Failure to report trapping activity is an infraction, punishable under RCW 77.15.160.

~~((7) Noncompliant trappers who have paid their penalty under subsection (6) of this section must report their trapping activity prior to being issued a trapping license.))~~

AMENDATORY SECTION (Amending Order 99-118, filed 8/11/99, effective 9/11/99)

WAC 232-12-264 Baiting of game birds--Unlawful. It is unlawful to hunt game birds by the aid of baiting, ~~((or in a))~~ on or over any baited area, or on or over any area posted as an upland bird feeding site, where a person knows or reasonably should know that the area is or has been baited. As used in this section, the following definitions apply:

"Baited area" means any area on which salt, grain, or other feed has been placed, exposed, deposited, distributed, or scattered, if that salt, grain, or other feed could serve as a lure or attraction for game birds to, on, or over areas where hunters are attempting to take them. Any such area will remain a baited area for ten days following the complete removal of all such salt, grain, or other feed.

"Baiting" ((or "baited area")) means the direct or indirect placing, exposing, depositing, distributing or scattering of ((corn, wheat or other)) salt, grain, or other feed ((so as to constitute for such birds)) that could serve as a lure or attraction for game birds to, on, or over areas where hunters are attempting to take them. ((Any such area will remain a baited area for ten days following the complete removal of all such grain or other feed.))

"Manipulation" means the alteration of natural vegetation or agricultural crops by activities that include, but are not limited to, mowing, shredding, discing, rolling, chopping, trampling, flattening, burning, or herbicide treatments. The term manipulation does not include the distributing or scattering of grain, seed, or other feed after removal from or storage on the field where grown.

"Natural vegetation" means any nonagricultural, native, or naturalized plant species that grows at a site in response to planting or from existing seeds or other propagules. The term natural vegetation does not include planted millet. However, planted millet that grows on its own in subsequent years after the year of planting is considered natural vegetation.

"Normal agricultural operation" means a normal agricultural planting, harvesting, post-harvest manipulation, or agricultural practice, that is conducted in accordance with official recommendations of State Extension Specialists of the Cooperative Extension Service of the U.S. Department of Agriculture.

"Normal agricultural planting, harvesting, or post-harvest manipulation" means a planting or harvesting undertaken for the purpose of producing and gathering a crop, or manipulation after such harvest and removal of grain, that is conducted in accordance with official recommendations of State Extension Specialists of the

Cooperative Extension Service of the U.S. Department of Agriculture.

"Normal soil stabilization practice" means a planting for agricultural soil erosion control or post-mining land reclamation conducted in accordance with official recommendations of State Extension Specialists of the Cooperative Extension Service of the U.S. Department of Agriculture for agricultural soil erosion control.

Nothing in this section shall ((not)) prohibit hunting of game birds((7)) on or over the following lands or areas that are not otherwise baited areas:

(1) Standing crops, or flooded standing crops (including aquatics); standing, flooded, or manipulated natural vegetation; flooded harvested crop lands(~~(, grain crops properly harvested on the field where grown)~~); or lands or areas where seeds or grains ((found)) have been scattered as solely as the result of normal agricultural planting ((or)), harvesting, post-harvest manipulation, or normal soil stabilization practice;

(2) From a blind or other place of concealment camouflaged with natural vegetation;

(3) From a blind or other place of concealment camouflaged with vegetation from agricultural crops, as long as such camouflaging does not result in the exposing, depositing, distributing or scattering of grain or other feed; or

(4) Standing or flooded standing agricultural crops where grain is inadvertently scattered solely as a result of a hunter entering or exiting a hunting area, placing decoys, or retrieving downed birds.

NEW SECTION

WAC 232-28-434 2010-11 Migratory waterfowl seasons and regulations.

DUCKS

Statewide

Oct. 16-20, 2010 and Oct. 23, 2010 - Jan. 30, 2011; except scaup season closed Oct. 16 - Nov. 5.

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. 25-26, 2010.

Daily bag limit: 7 ducks, to include not more than 2 hen mallard, 2 pintail, 3 scaup, 1 canvasback, and 2 redhead; and in Western Washington only, also to include not more than 1 harlequin, 2 scoter, 2 long-tailed duck, and 2 goldeneye.

Possession limit: 14 ducks, to include not more than 4 hen mallard, 4 pintail, 6 scaup, 2 canvasback, and 4 redhead; and in Western Washington only, also to include not more than 1 harlequin, 4 scoter, 4 long-tailed duck, and 4 goldeneye.

Season limit: 1 harlequin in Western Washington.

AUTHORIZATION REQUIRED TO HUNT SEA DUCKS

When hunting sea ducks (harlequin, scoter, long-tailed duck, goldeneye) in Western Washington, all persons are required to possess a sea duck hunting authorization and harvest record card. Hunters who did not possess a 2009-10 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 record card. Hunters must report harvest information by February 15, 2011. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2011-12 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. 25-26, 2010, 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. 16, 2010 - Jan. 30, 2011 for snow, Ross', or blue geese.
Oct. 16-28, 2010 and Nov. 6, 2010 - Jan. 30, 2011 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 record card. Hunters who did not possess a 2009-10 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 record card. Hunters must report harvest information by February 15, 2011. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2011-12 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 2010-11 snow goose season and an authorization will not be issued for the 2011-12 snow goose season.

SNOW GOOSE QUALITY HUNTING PROGRAM IN GOOSE MANAGEMENT AREA 1

All hunters must hunt over decoys and obey posted signs regarding access restrictions. Quality hunt units are not available for commercial uses.

On each Saturday during the Goose Management Area 1 season, all

units in the Snow Goose Quality Hunting program will be open only to hunters selected by random drawing prior to the season. Hunters must apply for special Saturday hunting authorizations by September 24, 2010, using the department's internet or mail application systems. Successful applicants will be assigned at random to units for each Saturday, and will be mailed a special Saturday hunting authorization listing their hunt date. When hunting snow geese on their assigned unit and hunt date, successful applicants are required to possess this special Saturday hunting authorization. No more than three 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. 13-28, 2010 and Dec. 8, 2010 - Jan. 30, 2011, except closed Dec. 25, 2010 and Jan. 1, 2011. Ridgefield NWR open from 8 a.m. to 4:00 p.m. Tuesdays, Thursdays, and Saturdays only, Nov. 13-27, 2010 and Dec. 9, 2010 - Jan. 29, 2011, except closed Nov. 25, 2010.

Bag limits for Goose Management Area 2A:

Daily bag limit: 4 geese, to include not more than 1 dusky Canada goose and 3 cackling geese.

Possession limit: 8 geese, to include not more than 1 dusky Canada goose and 6 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. 16 - Dec. 22, 2010 and Jan. 5-15, 2011; Dec. 26 and 29, 2010, and Jan. 2, 2011.

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 3 cackling geese.

Possession limit: 8 geese, to include not more than 1 dusky Canada goose, 2 Aleutian geese, and 6 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); 15 for Zone 3 (Clark County except Ridgefield NWR); 7 for Zone 4 (Cowlitz County north of the Kalama River and Wahkiakum County); and 8 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 2009-10 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 record card. Hunters must carry the authorization card and harvest record card while hunting. Immediately after taking any goose into possession, hunters must record in ink the information required on the harvest record card. 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 record card, 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 2010-11 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. 5 - Mar. 9, 2011.

Daily bag limit: 4 geese, to include not more than 1 dusky Canada goose and 3 cackling geese.

Possession limit: 8 geese, to include not more than 1 dusky Canada goose and 6 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. 16-28, 2010 and Nov. 6, 2010 - Jan. 30, 2011.

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. 16, 2010 - Jan. 23, 2011; Nov. 11, 25, and 26, 2010; Dec. 27, 28, 30, and 31, 2010; January 17, 2011; and every day Jan. 24-30, 2011.

Goose Management Area 5

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

Oct. 16-20, 2010, every day from Oct. 23, 2010 - Jan. 30, 2011.

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, 16, 19, 22, 23, 26, 29, and 30, 2011.

If the 2010-11 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. 15, 16, 18, 20, 22, 23, 25, 27, 29, and 30, 2011.

AUTHORIZATION REQUIRED TO HUNT BRANT

All persons hunting Brant in this season are required to possess a Brant hunting authorization and harvest record card. Hunters who did not possess a 2009-10 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 record card. Hunters must report harvest information by February 15, 2011. Hunters failing to comply with reporting requirements will be ineligible to participate in the 2011-12 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. 16-20, 2010 and Oct. 23, 2010 - Jan. 30, 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. 16, 2010 - Jan. 30, 2010 for snow, Ross', or blue geese. Oct. 16-28, 2010 and Nov. 6, 2010 - Jan. 30, 2010 for other geese.

Goose Management Area 2A: Saturdays, Sundays, and Wednesdays only, Nov. 13-28, 2010 and Dec. 8, 2010 - Jan. 30, 2010.

Goose Management Area 2B: Saturdays and Wednesdays only, Oct. 16, 2010 - Jan. 16, 2010.

Goose Management Areas 3, 4, and 5: Oct. 16-28, 2010 and Nov. 6, 2010 - Jan. 30, 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.