



# 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 13-10-086 on 5/1/13; 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:** (Describe Subject)

The subject of this proposed rule-making effort is the amendment of Migratory waterfowl seasons and regulations in WAC 232-28-436 for the 2013-2014 hunting season.

**Hearing location(s):**

Natural Resources Building, Rm. 172  
1111 Washington Street SE  
Olympia, Washington 98504

Date: August 2-3, 2013 Time: 8:30 a.m.

**Submit written comments to:**

Name: Wildlife Program Commission Meeting Public Comments  
Address: 600 Capitol Way North  
Olympia, WA 98501-1091  
Email: Wildthing@dfw.wa.gov  
Fax: (360) 902-2162 by (date) July 19, 2013

**Assistance for persons with disabilities:** Contact

Tami Lininger by July 26, 2013

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

**Date of intended adoption:** on or after August 2, 2013

(Note: This is **NOT** the **effective** date)

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

The proposed amendments to migratory waterfowl seasons and regulations are to provide recreational activity and resource conservation.

**Reasons supporting proposal:**

To provide hunting opportunity and agricultural damage control consistent with the status of waterfowl species, and establish waterfowl hunting seasons within frameworks established by the U.S. Fish and Wildlife Service.

**Statutory authority for adoption:** RCW

77.04.012; 77.04.055; 77.12.047 and 77.32.070

**Statute being implemented:** RCW

77.04.012; 77.04.055; 77.12.047 and 77.32.070

**Is rule necessary because of a:**

- Federal Law?  Yes  No
- Federal Court Decision?  Yes  No
- State Court Decision?  Yes  No
- If yes, CITATION:  Yes  No
- CFR Title 50, Part 20; Migratory Bird Treaty Act

**DATE**

June 19, 2013

**NAME** (type or print)

Lori Preuss

**SIGNATURE**

**TITLE**

Rules Coordinator

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: June 19, 2013**

**TIME: 10:41 AM**

**WSR 13-13-084**

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

None.

**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 Resources Building, Olympia	(360) 902-2693
Implementation....Nate Pamplin	Natural Resources Building, Olympia	(360) 902-2693
Enforcement.....Bruce Bjork	Natural Resources Building, Olympia	(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 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: This proposal is not related to hydraulics rules.

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

**WAC 232-28-436 ((2012-13)) 2013-2014 Migratory waterfowl seasons and regulations.**

**DUCKS**

**Statewide:** Oct. ((~~13-17, 2012~~)) 12-16, 2013 and Oct. ((~~20, 2012~~)) 19, 2013 - Jan. ((~~27, 2013~~)) 26, 2014.

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. ((~~22-23, 2012~~)) 21-22, 2013.

Daily Bag Limit: 7 ducks, to include not more than 2 hen mallard, 2 pintail, 1 canvasback, and 2 redhead statewide; and 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, 2 canvasback, and 4 redhead statewide; and 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 AND HARVEST RECORD CARD REQUIRED TO HUNT SEA DUCKS**

Hunters must possess a special ((~~2012-~~))2013-2014 hunting authorization and harvest record card for sea ducks when hunting harlequin, scoter, long-tailed duck, and goldeneye in Western Washington. Hunters who did not possess a ((~~2011-12~~)) 2012-13 sea duck harvest record card must submit an application form to Washington state department of fish and wildlife (WDFW). Immediately after taking a sea duck into possession, hunters must record in ink the information required on the harvest record card.

**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. ((~~22-23, 2012~~)) 21-22, 2013, 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. (~~(13, 2012)~~) 12, 2013 - Jan. (~~(27, 2013)~~) 26, 2014 for snow, Ross', and blue geese. Oct. (~~(13-25, 2012)~~) 12-24, 2013 and Nov. (~~(3, 2012)~~) 2, 2013 - Jan. (~~(27, 2013)~~) 26, 2014 for other geese (except brant).

Daily Bag Limit: 4 geese.

Possession Limit: 8 geese.

### AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT SNOW GEESE

Hunters must purchase a special (~~(2012-13)~~) 2013-14 migratory bird hunting authorization and harvest record card for snow geese when hunting snow, Ross', and blue geese in Goose Management Area 1. Hunters who did not possess a (~~(2011-12)~~) 2012-13 snow goose harvest record card must submit an application form to WDFW. Immediately after taking a snow, Ross', or blue goose into possession, hunters must record in ink the information required on the harvest record card.

### SNOW GOOSE QUALITY HUNTING PROGRAM IN GOOSE MANAGEMENT AREA 1

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

### 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 on Fir Island in Skagit County or to discharge a firearm for the purpose of hunting snow geese within 100 feet of any paved public road in other areas of Skagit County.

While hunting snow geese, if a hunter is convicted of (a) trespass; (b) shooting from, across, or along the maintained part of any public highway; (c) discharging a firearm for the purpose of hunting waterfowl within 100 feet of any paved public road on Fir Island in Skagit County or discharging a firearm within 100 feet of any paved public road for the purpose of hunting snow geese in other areas of Skagit County; or (d) exceeding the daily bag limit for geese, authorization will be invalidated for the remainder of the current snow goose season and an authorization will not be issued for the subsequent 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 8:00 a.m. to 4:00 p.m., Saturdays, Sundays, and Wednesdays only, Nov. (~~(10-25, 2012)~~) 9 - Dec. 1, 2013 and Dec. (~~(5, 2012)~~) 11, 2013 - Jan. (~~(27, 2013)~~) 26, 2014, except closed Dec. 25, 2013 and Jan. 1, 2014. Ridgefield NWR open from 8:00 a.m. to 4:00 p.m., Tuesdays, Thursdays, and Saturdays only, Nov. (~~(10-24, 2012)~~) 9-30, 2013 and Dec. (~~(6, 2012)~~) 12, 2013 - Jan. (~~(26, 2013)~~) 25, 2014, except closed Nov. (~~(22, 2012, Dec. 25, 2012, and Jan. 1, 2013)~~) 28, 2013.

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 8:00 a.m. to 4:00 p.m., Saturdays and Wednesdays only, Oct. (~~13-24, 2012~~) 12-23, 2013 and Nov. (~~3, 2012~~) 2, 2013 - Jan. (~~19, 2013~~) 18, 2014.

Bag Limits for Goose Management Area 2B:

Daily Bag Limit: 4 geese, to include not more than 1 dusky Canada goose, 3 cackling geese, and 1 Aleutian goose.

Possession Limit: 8 geese, to include not more than 1 dusky Canada goose, 6 cackling geese, and 2 Aleutian 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~~) 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 (~~40~~) 80 dusks, to be distributed (~~5~~) 15 for Zone 1 (Ridgefield NWR); (~~5~~) 25 for Zone 2 (Cowlitz County south of the Kalama River); (~~15~~) 20 for Zone 3 (Clark County except Ridgefield NWR); (~~7~~) 10 for Zone 4 (Cowlitz County north of the Kalama River and Wahkiakum County); and (~~8~~) 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.

Hunters must possess a special (~~2012-13~~) 2013-14 migratory bird hunting authorization for Goose Management Area 2A/2B and daily goose harvest record card when hunting geese in Goose Management Areas 2A and 2B. New hunters and those who did not maintain a valid (~~2011-12~~) 2012-13 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.

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 1 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 WDFW master hunter program graduates and youth hunters (15 years of age or under, who are accompanied by a master hunter) possessing a valid (~~(2012-13)~~) 2013-14 southwest Washington goose hunting authorization and harvest record card, 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. (~~(2)~~) 1 - Mar. (~~(6, 2013)~~) 5, 2014.

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. WDFW 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)~~) 85 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. (~~(13-25, 2012)~~) 12-24, 2013 and Nov. (~~(3, 2012)~~) 2, 2013 - Jan. (~~(27, 2013)~~) 26, 2014.

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. (~~(13, 2012)~~) 12, 2013 - Jan. (~~(20, 2013)~~) 19, 2014; Nov. (~~(22 and 23, 2012)~~) 28 and 29, 2013; Dec. (~~(25)~~) 26, 27, (28) 30, and 31, (2012) 2013; (~~(Jan. 1, 2013)~~) and every day Jan. (~~(21-27, 2013)~~) 20-26, 2014.

#### **Goose Management Area 5**

Includes all parts of Eastern Washington not included in Goose Management Area 4: Oct. (~~(13-15, 2012)~~) 12-14, 2013, every day from Oct. (~~(20, 2012)~~) 19, 2013 - Jan. (~~(27, 2013)~~) 26, 2014.

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. (~~(12, 13, 16, 19, 20, 23, 26, and 27, 2013)~~) 11, 12, 15, 18, 19, 22, 25, and 26, 2014.

If the (~~(2012-13)~~) 2013-14 preseason brant population in Skagit County is below 6,000 (as determined by the (~~(early January)~~) midwinter waterfowl survey), the brant season in Skagit County will be canceled.

Open in Pacific County only on the following dates: Jan. (~~(5, 6, 8, 10, 12, 13, 15, 17, 19, and 20, 2013)~~) 4, 5, 7, 9, 11, 12, 14, 16, 18, and 19, 2014.

**AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT BRANT**

Hunters must possess a special (~~(2012-13)~~) 2013-14 migratory bird hunting authorization and harvest record card for brant when hunting brant. Hunters who did not possess a (~~(2011-12)~~) 2012-13 brant harvest record card must submit an application form to WDFW. Immediately after taking a brant into possession, hunters must record in ink the information required on the harvest record card.

Bag Limits for Skagit and Pacific counties:

Daily Bag Limit: 2 brant.

Possession Limit: 4 brant.

**SWANS**

Season closed statewide.

**MANDATORY REPORTING FOR MIGRATORY BIRD HARVEST RECORD CARDS**

Hunters must report (~~(2012-13)~~) 2013-14 harvest information from band-tailed pigeon harvest record cards to WDFW for receipt by Sept. 30, (~~(2012)~~) 2013, and harvest information from brant, sea duck, and snow goose harvest record cards to WDFW for receipt by Feb. 15, (~~(2013)~~) 2014. Every person issued a migratory bird hunting authorization and harvest record card must return the entire card to WDFW or report the card information at the designated internet site listed on the harvest record card. Any hunter failing to report by the deadline will be in noncompliance of reporting requirements. Hunters who have not reported hunting activity by the reporting deadline for any harvest record card acquired in (~~(2012-13)~~) 2013-14 will be required to pay a \$10 administrative fee before any new (~~(2013-14)~~) 2014-15 migratory bird authorization and harvest record card will be issued. A hunter may only be penalized a maximum of \$10 during a license year.

**FALCONRY SEASONS**

**DUCKS, COOTS, AND SNIPE (Falconry)**

(Bag limits include geese and mourning doves.)

Oct. (~~(13-17, 2012)~~) 12-16, 2013 and Oct. (~~(20, 2012)~~) 19, 2013 - Jan. (~~(27, 2013)~~) 26, 2014 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. (~~(13, 2012)~~) 12, 2013 - Jan. (~~(27, 2013)~~) 26, 2014 for snow, Ross', or blue geese. Oct. (~~(13-25, 2012)~~) 12-24, 2013 and Nov. (~~(3, 2012)~~) 2, 2013 - Jan. (~~(27, 2013)~~) 26, 2014 for other geese.

Goose Management Area 2A: Saturdays, Sundays, and Wednesdays only, Nov. (~~(10-25, 2012)~~) 9-24, 2013 and Dec. (~~(5, 2012)~~) 4, 2013 - Jan. (~~(27, 2013)~~) 26, 2014.

Goose Management Area 2B: Saturdays and Wednesdays only, Oct. (~~(13-24, 2012)~~) 12-23, 2013 and Nov. (~~(3, 2012)~~) 2, 2013 - Jan. (~~(19, 2013)~~) 18, 2014.

Goose Management Areas 3, 4, and 5: Oct. (~~(13-14, 2012)~~) 12-13, 2013 and Nov. (~~(3, 2012)~~) 2, 2013 - Jan. (~~(27, 2013)~~) 26, 2014.

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.