



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 10, 2022

TIME: 12:55 PM

WSR 22-03-024

Agency: Washington Department of Fish and Wildlife (WDFW) (21-262)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: The purpose of this emergency rule is to allow the limited use of electronic calls when hunting lesser snow geese and Ross' geese in Goose Management Area 1 during February 12-22, 2022 (11 out of 107 total season days) and in Goose Management Area 4 during February 12 – March 2, 2022 (19 out of 107 total season days), bringing state regulation in alignment with federal allowances (Code of Federal Regulations 20.21.g.1).

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 220-414-090
- Suspended:

Statutory authority for adoption: RCWs 77.04.012, 77.04.055, 77.12.047, and 77.12.240

Other authority: None

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

Record-high winter flocks in both Goose Management Area 1 and Goose Management Area 4 now pose concerns over general welfare of major agricultural regions that experience intense feeding flocks during winter and spring months as well as pose a public safety threat in zones of high regional and international aircraft traffic.

New data, presented to flyway management partners in late-August 2021, indicated the third consecutive year of exceptionally high productivity of lesser snow geese from Wrangel Island, Russia forecasting record-setting population size and anticipated winter flock concentrations. Subsequently, in mid-September 2021, briefings by the Canadian Wildlife Service to Vancouver International Airport and early arrival of fall migrant lesser snow goose flocks raised concerns over the impact of these geese to multiple sectors of the region. In mid-October 2021, requested renewal of agricultural depredation permits and a minimum of five new farm inquiries were made to the USFWS and WDFW targeting lesser snow geese in region of Goose Management Area 1 (Skagit-Fraser). During November 2021, aerial photos documented 10,000s of lesser snow geese on Moses Lake, the most ever documented in this portion of Goose Management Area 4 (Columbia Basin).

WAC 220-416-060 defines the term "white geese" as including lesser snow geese, Ross' geese and their blue phase (or plumage) variants, as the two species have identical plumage, and are nearly indistinguishable in flight. In Washington, lesser snow geese are the predominant white goose during the winter months, with Ross' geese are considered an incidental or rare occurrence as Washington is on the edge of the species' range in North America.

The amendment of this rule allows for an extremely limited and targeted use of electronic calls during white goose-only season segments for lesser snow geese and Ross' geese. The amendment of this rule only impacts the lesser snow goose population that has experienced rapid population growth in the past three years and is now significantly above both

established flyway and winter-flock population objectives. It is consistent with the Pacific Flyway Management Plan for the Wrangel Island Population for Lesser Snow Geese, that prescribes harvest rates in excess of 14% when total breeding population estimate is above 120,000 geese and Skagit-Fraser winter flock size estimate is above 70,000 adult geese. The current total breeding population index (3-year average) is 611,063 geese and the Skagit-Fraser winter flock index (3-year average) is 84,624 adult geese.

This rule amendment has little to no impact on the Ross' goose populations that remains above the established flyway population objective. It is consistent with the Pacific Flyway Plan for Ross' Geese that prescribes including Ross' geese without special restrictions in "white goose" regulations when the population is at or above 100,000 breeding birds (counted on breeding areas in the spring), or 150,000 wintering birds (in California). The current breeding population index (3-year average) is 348,400 breeding birds. In Washington, harvest of this species is incidental to harvest of lesser snow geese.

Guidance set under WAC 220-440-060, prioritizes the use of general season hunting to help minimize damage potential and concerns over killing wildlife causing private property damage under a migratory bird agricultural depredation permit. For migratory gamebirds, sport harvest allows consumptive use of harvested geese, whereas agricultural depredation permits do not allow for consumptive uses as this is defined as "take" outside of established seasons under the Migratory Bird Treaty Act (16 U.S. Code § 704).

The Department will propose this amendment for a permanent rule in the 2022 updates to migratory gamebird hunting season-setting rule making.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New		Amended	1	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: January 10, 2022

Name: Kelly Susewind

Title: WDFW Director

Signature:

NEW SECTION

WAC 220-414-09000A Use of decoys and calls.

Notwithstanding the provisions of WAC 220-414-090, effective immediately, until further notice, the change shall read as follows:

(2) It is unlawful to hunt waterfowl, wild turkeys, or deer with the use or aid of electronic calls, except electronic calls may be used for lesser snow geese and Ross' geese during February 12 - 22, 2022 in Goose Management Area 1 and February 12 - March 2, 2022 in Goose Management Area 4. All other waterfowl are closed to harvest during these specified season dates described by WAC 220-416-060.