



PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Print Form

In accordance with [RCW 34.05.330](#), the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <http://apps.leg.wa.gov/wac/default.aspx?cite=82-05>.

CONTACT INFORMATION *(please type or print)*

Petitioner's Name Kevin D Dickey

Name of Organization N/A

Mailing Address _____

City Nine Mile Falls State WA Zip Code 99026

Telephone _____ Email _____

COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <http://www.leg.wa.gov/CodeReviser/Documents/RClist.htm>.

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: Washington Department of Fish and Wildlife (WDFW)

1. NEW RULE - I am requesting the agency to adopt a new rule.

The subject (or purpose) of this rule is: _____

The rule is needed because: _____

The new rule would affect the following people or groups: _____

2. AMEND RULE - I am requesting the agency to change an existing rule.

List rule number (WAC), if known: WAC 220-414-090

Please see attached

I am requesting the following change: _____

Please see attached

This change is needed because: _____

Please see attached

The effect of this rule change will be: _____

The rule is not clearly or simply stated: _____

3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.

List rule number (WAC), if known: _____

(Check one or more boxes)

It does not do what it was intended to do.

It is no longer needed because: _____

It imposes unreasonable costs: _____

The agency has no authority to make this rule: _____

It is applied differently to public and private parties: _____

It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: _____

It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: _____

Other (please explain): _____

Petition for Adoption, Amendment, or Repeal of a State Administrative Rule
(ATTACHMENT)

I am requesting the following change:

State regs, including Summary and Under Hunting Restrictions

Hunt waterfowl, turkey or deer with the use or aid of battery-powered or other electronic devices as decoys.

Electronic or mechanically-operated calling or sound-reproducing devices are prohibited when attempting to take turkey or deer. Electronic or mechanically-operated calling or sound-reproducing devices are prohibited when attempting to take migratory game birds except electronic calls may be used for lesser snow geese and Ross' geese during season dates occurring after February 1st in Goose Management Area 1 and Goose Management Area 4, when lesser snow geese and Ross' geese are the only species open to harvest as specified in WAC 220-416-060.

It is unlawful to use devices that are electronically-powered to directly or indirectly cause rotation of decoy wings or blades that simulate wings, when attempting to take waterfowl between the start of the season and the third Friday in November. From the third Saturday in November through the end of all waterfowl seasons, the use of electronically-powered to directly or indirectly cause rotation of decoy wings or blades that simulate wings is allowed.

WAC 220-414-090

Use of decoys and calls.

- (1) It is unlawful to hunt wild turkeys or deer with the use or aid of battery-powered or other electronic devices as decoys.
- (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 season dates occurring after February 1st in Goose Management Area 1 and Goose Management Area 4, when lesser snow geese and Ross' geese are the only species open to harvest as specified in WAC **220-416-060**.
- (3) It is unlawful to use devices that are electronically-powered to directly or indirectly cause rotation of decoy wings or blades that simulate wings, when attempting to take waterfowl between the start of the season and the third Friday in November. From the third Saturday in November through the end of all waterfowl seasons, use of devices that are electronically-powered to directly or indirectly cause rotation of decoy wings or blades that simulate wings is allowed.
- (4) Except as otherwise authorized by rule of the commission or by contract or agreement with the department, any person placing waterfowl decoys on any area (including water, access areas, roads, and trails) under the ownership, management, lease, or control of the department, shall not:
 - (a) Place waterfowl decoys prior to 4:00 a.m.;
 - (b) Allow or permit waterfowl decoys to be unattended or not in their immediate control for a period greater than one hour;

Petition for Adoption, Amendment, or Repeal of a State Administrative Rule
(ATTACHMENT)

(c) Fail to remove waterfowl decoys within two hours after the close of established daily hunting hours; or

(d) Place waterfowl decoys on days closed to waterfowl hunting.

(5) This regulation shall be enforced under RCW 77.15.400.

This change is needed because:

It is not allowed to use motorized waterfowl decoys in Arkansas, Pennsylvania, Washington, and Oregon. During portions of their waterfowl seasons, Minnesota and California forbid the use of powered decoys yet allow them during the parts of their seasons. Not only do the remaining states allow their use, Canada and Mexico do as well. As early as September, Canada allows use of electronically-powered devices to directly or indirectly cause rotation of decoy wings or blades that simulate wings.

A little more than 25 years ago, there was no issue with powered decoys. To suggest that waterfowl haven't 'seen' an electronically-powered device which directly or indirectly cause rotation of decoy wings or blades that simulate wings is unfounded since Canada, where the majority of waterfowl originate from birth have seen these devices since September, well over 6 weeks prior to the Washington season beginning. Idaho, to the east, allows these devices as well, where the Idaho season opens typically a week earlier than Washington. *Waterfowl that return to the north for breeding, have seen these devices up and down all four Flyways (Atlantic, Mississippi, Central and Pacific). This isn't a new phenomenon for waterfowl. Motion decoys have existed for centuries.*

Almost all managers and hunters of waterfowl concur that adding motion to decoys increases their ability to attract ducks and geese. Hunters have been making floaters bob and creating ripples in the water with strings and other non-electronic methods for thousands of years. To entice waterfowl from a distance to focus on decoys, hunters imitate wing flapping by waving flags and splashing the water.

The effect of this rule change will be:

It will create more enthusiasm for hunting, be good for stores that sell water fowling equipment already available in Washington but can't be used, increase revenue from hunting licenses and make hunts more successful especially for the beginning hunter and youth hunters. Having an electronic decoy can make the difference between getting a bird or two or going home empty handed.

Further, it will boost the local economy by successful hunters buying more equipment, staying in local motels/hotels and eating in restaurants thereby increasing tax revenues.

Waterfowl numbers have little to do with seasons and possible harvest limits, however, as WDFW biologists and scientists will tell you, waterfowl numbers are determined by the success of the hatches in the northern nesting grounds.