

WSR 23-18-083
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-01—Filed September 5, 2023, 2:39 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-03-067 on January 12, 2023.

Title of Rule and Other Identifying Information: Mobile licensing and electronic harvest reporting.

Hearing Location(s): On October 24, 2023, at 1:00 - 2:30 p.m., via webinar. Please click the link below to join the webinar <https://us06web.zoom.us/j/87095555870>; join by phone +12532050468 US, Webinar ID 870 9555 5870. The public can provide comment during webinars by phone or electronic device. Attendees that provide verbal comment are audio only. In order to testify, you must **register by 8 a.m.** the day of the hearing. At the appropriate time to speak, you will be recognized by your partial phone number or your Zoom user name and staff will unmute your connection. You will be asked to state your name and residence for the record, just as if you were attending the meeting in-person. Please also state whether you are representing yourself or a group or organization.

Date of Intended Adoption: On or after November 2, 2023.

Submit Written Comments to: Rules Coordinator, P.O. Box 43200, Olympia, WA 98504, email mobile-licensing-102@PublicInput.com, fax 360-902-2162, <https://publicinput.com/mobile-licensing-102>, voicemail comments 855-925-2801, project code 1366, by October 24, 2023.

Assistance for Persons with Disabilities: Contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388 or 711, email Title6@dfw.wa.gov, <http://wdfw.wa.gov/accessibility/requests-accommodation>, by October 22, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The Washington department of fish and wildlife (WDFW) is proposing rule amendments to implement RCW 77.32.090, which authorizes WDFW to adopt rules for the issuance of electronic licenses, permits, tags, stamps, and catch record cards.

The purpose of the proposal is to amend rules to allow for the use of electronic recreational hunting and fishing licenses through WDFW's authorized mobile application and introduce electronic harvest reporting for recreational fishers. Currently, individuals can purchase their hunting and fishing licenses at dealer locations, over the phone, and online, including by using their mobile devices. At this time, online reporting is only available for hunter harvest reports and crab catch records. With the proposed rule changes, individuals will now be able to store and display their selected recreational licenses on their mobile devices in WDFW's authorized mobile application. In addition, the proposed changes to the rules will allow individuals to record and report their fish, shellfish, and game harvests through WDFW's authorized mobile application from their mobile devices.

Reasons Supporting Proposal: Revisions to existing rules are necessary to implement the process for possession and compliance with licensing and harvest reporting requirements using paper or electronic documentation. WDFW seeks to create more convenience and ease of use for individuals who wish to use their mobile devices to be able to display their fishing or hunting license as well as report their indi-

vidual harvest. Furthermore, the new harvest reporting features will allow for the prompt recording and transmission of harvest data to WDFW.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, and 77.32.090.

Statute Being Implemented: RCW 77.04.012, 77.04.055, 77.12.047, and 77.32.090.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Matt Oram, 1111 Washington Street S.E., Olympia, WA 98501, 360-485-1036; Enforcement: Chief Steve Bear, 1111 Washington Street S.E., Olympia, WA 98501, 360-338-2895.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Under RCW 34.05.328(5), a cost-benefit analysis is not required as WDFW is not implementing chapter 77.55 RCW.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

September 5, 2023

Scott Bird

Rules Coordinator

OTS-4911.1

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-220-010 Definitions. Unless otherwise provided, the following definitions apply to this chapter:

(1) "Blind" means no vision or vision with corrective lenses so defective as to prevent the performance of ordinary activities for which eyesight is essential.

(2) "License year" is defined as April 1st through the following March 31st.

(3) (~~"Personal use license" and "recreational license" have the same meaning, and refer to all licenses issued under RCW 77.32.450 through 77.32.490.~~

~~(4))~~ "Veteran" means a veteran of the United States Armed Forces.

~~((5) "Display" of a fish and wildlife lands vehicle use permit means either:~~

~~(a) Nontransferable: Affixing the permit to the rear window of the vehicle, in which case the vehicle license number need not be entered on the permit; or~~

~~(b) Transferable: Writing, in ink, in the provided space on the permit the license number of the two vehicles between which the permit~~

is to be transferred, and placing the permit in either vehicle in such a place that the permit can be observed and the license number read from outside the vehicle. Placing the permit on the dashboard or hanging it from the rear view mirror complies with the display requirement for a transferrable vehicle use permit.) (4) "Department-authorized internet hunter reporting system" is the department's electronic platform for hunting license verification or reporting.

(5) "Department-authorized mobile application" is a department electronic utility for mobile communications including data transfer with the department.

(6) "Display" of a fish and wildlife lands vehicle use permit means the permit is visible from the outside of the vehicle.

(7) "Electronic catch record card" is an electronic representation of an individual's catch record card and part of a harvest reporting system for fishing and accessible through an individual's mobile device located on a department-authorized mobile application.

(8) "Electronic harvest record card" is an electronic representation of an individual's harvest record card and part of a harvest reporting system for hunting and accessible through an individual's mobile device located on a department-authorized mobile application.

(9) "Electronic license" is an electronic representation of an individual's hunting or fishing license accessible through an individual's mobile device located on a department-authorized mobile application.

(10) "Paper catch record card" is a physical document that represents an individual's catch record card and part of a harvest reporting system for recreational fishing.

(11) "Paper harvest record card" is a physical document issued by the department that represents an individual's harvest record card and part of a harvest reporting system for recreational hunting.

(12) "Paper license" is a physical document that represents an individual's hunting or fishing license.

(13) "Personal use license" and "recreational license" have the same meaning, and refer to all licenses issued under RCW 77.32.450 through 77.32.520.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-010, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 02-16-070 (Order 02-182), § 220-55-001, filed 8/6/02, effective 9/6/02. Statutory Authority: 1998 c 191 and RCW 75.08.080. WSR 99-03-029 (Order 99-02), § 220-55-001, filed 1/13/99, effective 2/13/99.]

AMENDATORY SECTION (Amending WSR 18-21-059, filed 10/9/18, effective 11/9/18)

WAC 220-220-020 Recreational license. A recreational license is a valid internet (~~or telephone~~) transaction number, a valid electronic license, or a valid paper license issued by the department (~~or a valid license~~) under chapter 77.32 RCW.

With the exception of razor clam licenses and one-day charter boat or guide operator stamp licenses, to be valid, a recreational license must be physically signed or digitally attested to by the licensee through the department-authorized mobile application, must contain

the licensee's personal identification information, and, if a catch record card is required, must be accompanied by a valid catch record card.

To be valid, a razor clam license must be physically signed or digitally attested to by the licensee through the department-authorized mobile application.

When a catch record card is not required for use with a one-day charter boat or guide operator stamp license, the stamp license is valid only if the issue date is written in ink on the stamp and the stamp is signed by the licensee. When a catch record card is required for use with a one-day charter boat or guide operator stamp license, the license is valid only if the issue date is written in ink on the stamp, the stamp is affixed to the catch record card, the catch record card is signed by the licensee, and the catch record card contains the licensee's completed personal identification information.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 18-21-059 (Order 18-285), § 220-220-020, filed 10/9/18, effective 11/9/18. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-220-020, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.32.050. WSR 00-11-178 (Order 00-80), § 220-55-005, filed 5/24/00, effective 6/24/00. Statutory Authority: 1998 c 191 and RCW 75.08.080. WSR 99-03-029 (Order 99-02), § 220-55-005, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080. WSR 96-05-004 (Order 96-13), § 220-55-005, filed 2/9/96, effective 3/11/96; WSR 94-01-001, § 220-55-005, filed 12/1/93, effective 1/1/94.]

OTS-4912.1

AMENDATORY SECTION (Amending WSR 18-21-059, filed 10/9/18, effective 11/9/18)

WAC 220-310-010 Description of catch record cards and required information. (1) The department shall ~~((prepare and distribute a))~~ issue a paper catch record card or provide access to an electronic catch record card for the following species:

- (a) Anadromous salmon (salmon);
- (b) Dungeness crab taken from Catch Record Card Area 4 east of the Bonilla-Tatoosh line and Catch Record Card Areas 5-13;
- (c) Halibut;
- (d) Steelhead; and
- (e) Sturgeon.

(2) Each paper catch record card shall contain ~~((space for))~~ the following identifying information:

- (a) Name of fisher;
- (b) Home address ~~((,))~~ or mailing address ~~((for a catch record card issued with a one-day charter boat or guide operator stamp license))~~;
- (c) City, state, and zip code;
- (d) Date of issuance;

(e) When the paper catch record card is issued with a one-day charter boat or guide operator stamp license, the catch record card shall contain space for that stamp.

(3) Each paper or electronic catch record card shall contain ~~((space))~~ fields for the following information:

- (a) Month of catch;
- (b) Day of catch;
- (c) Location of catch by Marine Area, River, or Lake Code;
- (d) A species code for salmon and sturgeon and a marked or unmarked space for salmon;
- (e) A space for designating the type of vessel from which halibut was taken, either charter ("c") or private ("p");
- (f) ~~((A space for))~~ The length of sturgeon;
- (g) ~~((For))~~ A tally or count of Dungeness crab ~~((÷~~
- ~~(i) The type of crab fishery as described on the Dungeness crab catch record card;~~
- ~~(ii) The total crab retained by fishery type;~~
- ~~(iii) A tally mark for each crab)) retained.~~

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 18-21-059 (Order 18-285), § 220-310-010, filed 10/9/18, effective 11/9/18. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-310-010, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 06-21-031 (Order 06-262), § 220-69-236, filed 10/9/06, effective 11/9/06; WSR 05-05-035 (Order 05-15), § 220-69-236, filed 2/10/05, effective 5/1/05; WSR 04-17-096 (Order 04-210), § 220-69-236, filed 8/17/04, effective 9/17/04. Statutory Authority: RCW 77.32.050. WSR 00-11-178 (Order 00-80), § 220-69-236, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 75.08.080 and 77.12.040. WSR 99-17-066 (Order 99-125), § 220-69-236, filed 8/13/99, effective 4/1/00.]

AMENDATORY SECTION (Amending WSR 18-21-059, filed 10/9/18, effective 11/9/18)

WAC 220-310-020 Catch record cards. It is unlawful for any person to fail to comply with the catch record requirements as provided for in this section:

(1) An angler must obtain and have in ~~((his or her personal))~~ their physical possession a valid and appropriate paper or electronic Puget Sound Dungeness crab catch record card as described in WAC 220-310-010 to fish for or possess for personal use any Dungeness crab in Catch Record Card Area 4 east of the Bonilla-Tatoosh Line, and in Catch Record Card Areas 5-13.

(2) An angler must obtain and have in ~~((his or her personal))~~ their physical possession a valid and appropriate paper or electronic catch record card as described in WAC 220-310-010 to fish for or possess for personal use any anadromous salmon, sturgeon, halibut, or steelhead except a catch record card is not required for:

(a) Commercially caught salmon retained for personal use, as provided in WAC 220-354-030, and commercially caught sturgeon retained for personal use, as provided in WAC 220-353-110; and

(b) Landlocked steelhead or for salmon in waters designated as "landlocked salmon rules apply" in WAC 220-312-010 through 220-312-060.

~~(3) ((Unless the catch record card is issued by the automated licensing system, anglers must completely, accurately, and legibly complete all personal identification information in ink on the catch record card.))~~ A paper or electronic catch record card remains valid as long as there is one or more unfilled spaces available for the species being fished for, except:

(a) A paper or electronic catch record card remains valid for catch-and-release sturgeon fishing when the sturgeon portion of the card is full in the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington.

(b) It is unlawful to use a second or subsequent paper or electronic catch record card to retain halibut ~~((7))~~ or sturgeon ~~((7 or wild steelhead))~~ after the first card is full.

(4) The fee for a paper or electronic catch record card for halibut is ~~((five dollars))~~ \$5 when purchased with an annual saltwater fishing license, an annual combination fishing license, or an annual fish Washington license. There is no charge for a paper or electronic catch record card for halibut with a temporary combination fishing license that is valid for one to three consecutive days, or with a one-day charter boat or guide operator stamp license, or with a youth license.

(5) Immediately upon catching and possessing a salmon, steelhead, sturgeon, Dungeness crab, or halibut, anglers must enter ~~((7 in ink,))~~ in the appropriate ~~((space))~~ field on the paper or electronic catch record card, the place, date of catch, and species ~~((catch type)).~~ For sturgeon, anglers also must record the length of the fish; for halibut, anglers also must record the vessel type; and for salmon, anglers also must indicate whether or not the fish was marked by having a clipped adipose fin.

~~(6) Immediately upon retaining a Puget Sound Dungeness crab aboard a vessel or on the shore, fishers must enter, in ink, in the appropriate space on the Puget Sound Dungeness crab catch record card, the place and date of catch, the fishery type, and a tally mark for).~~ Anglers in physical possession of a paper catch record card must enter all required information in ink. Anglers in physical possession of an electronic catch record card must enter all required information through the department-authorized mobile application.

(a) Sturgeon anglers must also record the length of the fish;

(b) Halibut anglers must also record the vessel type;

(c) Salmon anglers must also indicate whether or not the fish was marked by having a clipped adipose fin;

(d) Puget Sound Dungeness crab anglers must also provide a tally mark or count of each Dungeness crab retained from each catch record card area fished. At the end of the fishing day, the fisher must enter the total number of crab tally marks for each fishery type.

~~((7-a))~~ (6) Every person issued a paper catch record card must, by April 30 of the year after they used the card, return the card to the department of fish and wildlife or report the card information at the designated internet site by dates indicated on the card((7)), except:

(a) People issued a paper Puget Sound Dungeness crab catch record card must return the card to the Washington department of fish and wildlife or report the card information at the designated internet site by the dates indicated on the card. Anglers using the electronic

catch record card must record harvest immediately. If no crab are retained, mobile application users must record no harvest by the end of the season through the department-authorized mobile application.

(b) Failure to return a paper Dungeness crab catch record card or to report the Dungeness crab catch record card information electronically at the designated internet site or through the department-authorized mobile application by the dates indicated on the card will result in a (~~ten-dollar~~) \$10 administrative fee. The administrative fee will be collected from anglers when they acquire a subsequent Puget Sound Dungeness crab endorsement.

(~~(7)~~) (7) Any person possessing a paper or electronic catch record card must show (~~the~~) their card to any (~~law enforcement~~) fish and wildlife officer, ex-officio fish and wildlife officer or authorized department employee who asks to inspect the card.

(~~(9)~~) (8) A paper or electronic catch record card must not be transferred, borrowed, altered, or loaned to another person, except as authorized under RCW 77.32.565.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047. WSR 18-21-059 (Order 18-285), § 220-310-020, filed 10/9/18, effective 11/9/18. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-310-020, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.045, and 77.12.047. WSR 15-11-042 (Order 15-126), § 220-56-175, filed 5/14/15, effective 6/14/15. Statutory Authority: RCW 77.12.047. WSR 09-02-069 (Order 09-03), § 220-56-175, filed 1/6/09, effective 2/6/09; WSR 08-07-003, § 220-56-175, filed 3/5/08, effective 4/5/08; WSR 07-09-042 (Order 07-59), § 220-56-175, filed 4/11/07, effective 5/12/07; WSR 06-21-031 (Order 06-262), § 220-56-175, filed 10/9/06, effective 11/9/06; WSR 06-13-023 (Order 06-135), § 220-56-175, filed 6/13/06, effective 7/14/06; WSR 06-05-085 (Order 06-23), § 220-56-175, filed 2/14/06, effective 5/1/06; WSR 04-10-033 (Order 04-91), § 220-56-175, filed 4/29/04, effective 5/30/04; WSR 03-05-057 (Order 03-24), § 220-56-175, filed 2/14/03, effective 5/1/03; WSR 01-06-036 (Order 01-24), § 220-56-175, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 77.32.050. WSR 00-11-178 (Order 00-80), § 220-56-175, filed 5/24/00, effective 6/24/00. Statutory Authority: RCW 75.08.080, 77.12.040. WSR 00-08-038 (Order 00-29), § 220-56-175, filed 3/29/00, effective 5/1/00; WSR 99-17-066 (Order 99-125), § 220-56-175, filed 8/13/99, effective 4/1/00. Statutory Authority: RCW 75.08.080. WSR 91-08-054 (Order 91-13), § 220-56-175, filed 4/2/91, effective 5/3/91; WSR 90-06-026, § 220-56-175, filed 2/28/90, effective 3/31/90; WSR 89-07-071 (Order 89-05), § 220-56-175, filed 3/20/89; WSR 88-05-002 (Order 88-03), § 220-56-175, filed 2/4/88; WSR 85-11-020 (Order 85-43), § 220-56-175, filed 5/10/85; WSR 80-03-064 (Order 80-12), § 220-56-175, filed 2/27/80, effective 4/1/80. Formerly WAC 220-56-023.]

OTS-4913.1

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-413-020 Tagging requirements. (1) It is unlawful for a person who kills a big game animal or turkey to fail to immediately ~~((cut out and completely remove from his or her tag the designated notches corresponding to the day and month of the kill for that species (unless the tagging requirement is specifically exempted by the fish and wildlife commission), and to fail to immediately attach his or her notched tag to the carcass of such animal or bird. That))~~ validate their tag (unless the tagging requirement is specifically exempted by the fish and wildlife commission). There are two methods of tagging big game animals and turkey, paper tagging and electronic tagging.

(a) A paper tag is validated by cutting out and completely removing the designated notches corresponding to the day and month of the kill for that species and immediately attaching the notched tag to the carcass of the big game animal or turkey.

(b) An electronic tag is validated by following the prompts in the authorized mobile application and writing the confirmation number and date of harvest in ink on material that can withstand the elements and immediately attaching that to the carcass of the big game animal or turkey.

(2) The tag must remain attached to the carcass while it is being transported and must remain with the wildlife during the period of retention of the edible parts.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-413-020, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 07-17-064, § 232-12-061, filed 8/13/07, effective 9/13/07. Statutory Authority: RCW 77.12.040. WSR 97-18-020 (Order 97-168), § 232-12-061, filed 8/25/97, effective 9/25/97; WSR 81-22-002 (Order 174), § 232-12-061, filed 10/22/81; WSR 81-12-029 (Order 165), § 232-12-061, filed 6/1/81. Formerly WAC 232-12-160.]

AMENDATORY SECTION (Amending WSR 18-11-061, filed 5/11/18, effective 6/11/18)

WAC 220-413-100 Mandatory report of hunting activity. (1) All hunters purchasing a hunting license must report their hunting activity for deer, elk, bear, or turkey.

(a) Hunters must report hunting activity, for each tag and permit acquired, by January 31 or within 10 days after the close of an eligible hunt, whichever date is later.

(b) Reports must be made using the department's ~~((designated automated telephone hunter reporting system (toll free) or internet hunter reporting system))~~ authorized internet hunter reporting system, department-authorized mobile application, or by telephone.

(c) A hunter who fails to report hunting activity, for each tag and permit acquired, by the reporting deadline is in violation of reporting requirements.

(d) Compliance will be credited for each transport tag and permit acquired.

(2) As an incentive for prompt reporting, all hunters who report by midnight January 10 or within 10 days after the last day of their permit hunt will be entered into a drawing for special deer and elk incentive permits. To be eligible for the drawing, hunters must report their hunting activity for each transport tag and permit acquired.

(3) A hunter who fails to report hunting activity by the reporting deadline for deer, elk, bear, or turkey tags and permits acquired the previous year will be required to pay a \$10 administrative fee at the time a new license that includes deer, elk, bear, or turkey tags is issued.

(4) All hunters who purchase a paper or electronic migratory bird authorization must report their hunting activity for each paper or electronic harvest record card issued.

(a) Hunters must report harvest information from band-tailed pigeon harvest record cards by September 30 following the season for which the harvest card was issued. Hunters must report harvest information from brant, sea duck, snow goose, and SW Canada goose (Goose Management Area 2 Coast and Inland) harvest record cards by March 20 following the season for which the harvest card was issued.

(b) Hunters must report migratory bird hunting activity at the department's (~~designated~~) authorized internet hunter reporting system internet site listed on the harvest record card, on the department-authorized mobile application or by mailing all harvest record cards to the department at: P.O. Box 43141, Olympia, WA 98504.

(c) Any hunter who fails to report, for each harvest record card acquired, by the reporting deadlines is in violation of reporting requirements.

(d) Compliance will be credited for each harvest record card acquired.

(5) A hunter who fails to report hunting activity by the reporting deadlines for band-tailed pigeon, brant, sea duck, snow goose, or SW Canada goose harvest record card acquired in the previous hunting season must pay a (~~ten-dollar~~) \$10 administrative fee at the time a new migratory bird authorization and harvest record card is issued.

(6) A hunter may only be required to pay a maximum of one (~~ten-dollar~~) \$10 administrative fee for all game species reporting violations during a license year.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.020, 77.12.040, 77.12.047, 77.12.150, 77.12.210, 77.12.240, 77.12.320, 77.12.570, 77.12.800, 77.15.245, 77.32.007, 77.32.050, 77.32.070, 77.32.090, 77.32.370, and 77.32.530. WSR 18-11-061 (Order 18-76), § 220-413-100, filed 5/11/18, effective 6/11/18. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090. WSR 17-10-076 (Order 17-10), recodified as § 220-413-100, filed 5/3/17, effective 6/3/17. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-034 (Order 15-96), § 232-28-299, filed 4/28/15, effective 5/29/15. Statutory Authority: RCW 77.12.047, 77.15.280, 77.32.020, and 77.32.070. WSR 10-16-005 (Order 10-187), § 232-28-299, filed 7/21/10, effective 8/21/10. Statutory Authority: RCW 77.12.047, 77.12.020. WSR 08-01-052 (Order 07-292), § 232-28-299, filed 12/13/07, effective 1/13/08. Statutory Authority: RCW 77.12.047. WSR 05-17-098 (Order 05-174), § 232-28-299, filed 8/15/05, effective 9/15/05; WSR 02-15-018 (Order 02-129), § 232-28-299, filed 7/8/02, effective 8/8/02. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070,

77.32.530. WSR 01-10-048 (Order 01-69), § 232-28-299, filed 4/26/01, effective 5/27/01.]

OTS-4914.1

AMENDATORY SECTION (Amending WSR 23-11-118, filed 5/22/23, effective 6/22/23)

WAC 220-416-060 2023-2024 Migratory gamebird seasons and regulations. All migratory waterfowl, coot, snipe, mourning dove and band-tailed pigeon are closed to harvest unless season dates are specified in this section. Hunters must comply with the bag, possession, and season limits described in this section. Failure to do so constitutes a violation of RCW 77.15.245, 77.15.400, or 77.15.430, depending on the species hunted and the circumstances of the violation.

DUCKS

Statewide: Oct. 14-22, 2023, and Oct. 25, 2023 - Jan. 28, 2024; except scaup season closed Oct. 14 - Nov. 3, 2023.

Special youth hunting days 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. 23, 2023, and Feb. 3, 2024, in Western Washington (West Zone); Sept. 30, 2023, and Feb. 3, 2024, in Eastern Washington (East Zone).

Special veterans and active military personnel hunting day open only to hunters as defined in Section 3 of 16 U.S. Code Sec. 704 as amended by the John D. Dingell, Jr. Conservation, Management, and Recreation Act. Active duty military includes members of the National Guard and Reserves on active duty (other than for training). Veterans must have served in the active military, naval, or air service, and discharged or released under Honorable conditions: Feb. 3, 2024, in Western Washington (West Zone) and Eastern Washington (East Zone). Hunters must have one of the following, or a copy of, during the hunt: DD214, Veteran Benefit Card, Retired Active Military I.D., or Active Duty I.D. card.

Daily Bag Limit: 7 ducks, to include not more than 2 hen mallard, 1 pintail, 2 scaup, 2 canvasback, and 2 redhead statewide; and to include not more than 2 scoter, 2 long-tailed duck, and 2 goldeneye in Western Washington.

Possession Limit for Regular Season: 21 ducks, to include not more than 6 hen mallard, 3 pintail, 6 scaup, 6 canvasback, and 6 redhead statewide; and to include not more than 6 scoter, 6 long-tailed duck, and 6 goldeneye in Western Washington.

Possession Limit for Youth, Veterans and Active Military Personnel Hunting Days: Same as Daily Bag Limit.

Harlequin Duck: Season closed statewide.

AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT SEA DUCKS

Hunters must physically possess a special 2023-2024 paper or electronic hunting authorization and harvest record card for sea ducks when hunting scoter, long-tailed duck, and goldeneye in Western Washington.

~~((A hunter who has not previously possessed a sea duck harvest report 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 within the designated spaces provided on the harvest record card))~~ all required information on the harvest record card. Hunters required to physically possess a paper harvest record card must enter all required information in ink. Hunters required to physically possess an electronic harvest record card must enter all required information through the licensing mobile application.

COOT (Mudhen)

Same areas and dates (including youth, veterans and active military personnel hunting days) as the duck season.

Daily Bag Limit: 25 coots.

Possession Limit: 75 coots.

Possession Limit for Youth, Veterans and Active Military Personnel
Hunting Days: Same as Daily Bag Limit.

SNIPE

Same areas and dates (except youth, veterans and active military personnel hunting days) as the duck season.

Daily Bag Limit: 8 snipe.

Possession Limit: 24 snipe.

GEESE (except Brant)

Special youth hunting days 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. 23, 2023, and Feb. 3, 2024, in Western Washington (West Zone); Sept. 30, 2023, and Feb. 3, 2024, in Eastern Washington (East Zone).

Special veterans and active military personnel hunting day open only to hunters as defined in Section 3 of 16 U.S. Code Sec. 704 as amended by the John D. Dingell, Jr. Conservation, Management, and Recreation Act. Active duty military includes members of the National Guard and Reserves on active duty (other than for training). Veterans must have served in the active military, naval, or air service, and discharged or released under Honorable conditions: Feb. 3, 2024, in Western Washington (West Zone) and Eastern Washington (East Zone). Hunters must have one of the following, or a copy of, during the hunt: DD214, Veteran Benefit Card, Retired Active Military I.D., or Active Duty I.D. card.

Daily Bag Limit for September dates: 4 Canada geese and 10 white-fronted geese.

Daily Bag Limit for February date: 4 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 10 white geese (snow, Ross', blue phase), except in Goose Management Area 2 Coast and Inland where the bag limit for Canada geese is reduced to 3 and dusky Canada geese remain closed to harvest.

Possession Limit for Youth, Veterans and Active Military Personnel
Hunting Days: Same as Daily Bag Limit.

Western Washington Goose Seasons

Goose Management Area 1: Skagit and Whatcom counties, and that portion of Snohomish County west of Interstate 5.

September Canada Goose Season

Sept. 2-7, 2023.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 15 Canada geese.

Regular Season

Oct. 14 - Nov. 26, and Dec. 9, 2023 - Jan. 28, 2024, for Canada and white-fronted geese (except brant).

Oct. 14 - Nov. 26, and Dec. 9, 2023 - Jan. 28, 2024, and Feb. 10-20, 2024, for snow, Ross', and blue geese (collectively referred to as white geese). During Feb. 10-20, 2024, in Skagit, Whatcom and Snohomish counties, specified WDFW lands including Fir Island Farm Game Reserve, Island Unit, Johnson DeBay's Slough Swan Reserve and Hunt Unit, Leque Island Unit, Samish Unit, Samish River Unit, South Padilla Bay Unit, and Skagit Headquarters Unit of the Skagit Wildlife Area, and all units of the Whatcom Wildlife Area are closed to goose hunting in Goose Management Area 1.

Daily Bag Limit: 4 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 10 white geese (snow, Ross', blue phase). During Feb. 10-20, 2024: 20 white geese.

Possession Limit: 12 Canada geese (except dusky Canada geese which are closed to harvest), 30 white-fronted geese, and 30 white geese (snow, Ross', blue phase). During Feb. 10-20, 2024: 60 white geese.

AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT SNOW GEESE

Hunters must physically possess a special 2023-2024 paper or electronic migratory bird hunting authorization and harvest record card for snow geese when hunting snow, Ross', and blue geese in Goose Management Area 1. ((A hunter who has not previously possessed a snow goose harvest report card must submit an application form to Washington state department of fish and wildlife (WDFW).)) Immediately after taking a snow, Ross', or blue goose into possession, hunters must record ((in ink the information required within the designated spaces provided on the harvest record card)) all required information on the harvest record card. Hunters required to physically possess a paper harvest record card must enter all required information in ink. Hunters required to physically possess an electronic harvest record card must enter all required information through the licensing mobile application.

SKAGIT COUNTY AND WHATCOM 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 or Whatcom 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 Whatcom 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 2 - Coast: Pacific County and the portion of Grays Harbor County west of highway 101.

September Canada Goose Season

Sept. 2-10, 2023.

Daily Bag Limit: 5 Canada geese, except 15 Canada geese in Pacific County.

Possession Limit: 15 Canada geese, except 45 Canada geese in Pacific County.

Regular Season

Open in all areas from 30 minutes after the start of official hunting hours to 30 minutes before the end of official hunting hours, 7 days per week during Oct. 14-29, 2023; Saturdays, Sundays, and Wednesdays only, Nov. 1 - Dec. 3, 2023, and Dec. 20, 2023 - Jan. 21, 2024, and Feb. 10-21, 2024. During Feb. 10-21, 2024, U.S. Fish and Wildlife Service National Wildlife Refuges (NWRs) and WDFW Wildlife Areas are closed to goose hunting in Goose Management Area 2 - Coast.

Bag Limits for Goose Management Area 2 - Coast:

Daily Bag Limit: 3 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 10 white geese (snow, Ross', blue).

Possession Limit: 9 Canada geese (except dusky Canada geese which are closed to harvest), 30 white-fronted geese, and 30 white geese (snow, Ross', blue).

Dusky Canada geese: SEASON CLOSED.

Goose Management Area 2 - Inland: Clark, Cowlitz, Wahkiakum counties and the portion of Grays Harbor County east of highway 101.

September Canada Goose Season

Sept. 2-10, 2023.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 15 Canada geese.

Regular Season

Open in all areas except Ridgefield NWR from 30 minutes after the start of official hunting hours to 30 minutes before the end of official hunting hours, 7 days per week during Oct. 14-29, 2023; Saturdays, Sundays, and Wednesdays only, Nov. 22, 2023 - Jan. 14, 2024, and Feb. 10 - Mar. 6, 2024. During Feb. 10 - Mar. 6, 2024, U.S. Fish and Wildlife Service National Wildlife Refuges (NWRs) and WDFW Wildlife Areas are closed to goose hunting in Goose Management Area 2 - Inland. Ridgefield NWR open from 30 minutes after the start of official hunting hours to 30 minutes before the end of official hunting hours, Tuesdays, Thursdays, and Saturdays only, Oct. 14-29, 2023, and Nov. 22, 2023 - Jan. 13, 2024.

Bag Limits for Goose Management Area 2 - Inland:

Daily Bag Limit: 3 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 10 white geese (snow, Ross', blue).

Possession Limit: 9 Canada geese (except dusky Canada geese which are closed to harvest), 30 white-fronted geese, and 30 white geese (snow, Ross', blue).

Dusky Canada geese: SEASON CLOSED.

Special Provisions for Goose Management Area 2 Coast and Inland Regular Season only:

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.

Hunters must physically possess a valid special 2023-2024 paper or electronic migratory bird hunting authorization and harvest record card for geese when hunting all goose species in Goose Management Area 2 Coast and Inland. New hunters and those who did not maintain a valid 2022-2023 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 a goose into possession, hunters must record (~~in ink the information required within the designated spaces provided on the harvest record card~~) all required information on the harvest record card. Hunters required to physically possess a paper harvest record card must enter all required information in ink. Hunters required to physically possess an electronic harvest record card must enter all required information through the licensing mobile application.

It is unlawful for hunters in Goose Management Area 2 Coast and Inland to fail to comply with the directions of authorized department personnel related to the collection of goose subspecies information pursuant to RCW 77.12.071. A person who prevents department personnel from collecting samples of tissue or other bodily parts is subject to prosecution under RCW 77.15.360 Unlawful interfering in department operations—Penalty. If a hunter takes a dusky Canada goose or does not comply with requirements listed above regarding WDFW collection of subspecies information, authorization will be invalidated by the department and the hunter will not be able to hunt geese in Goose Management Area 2 Coast and Inland for the remainder of the season. It is unlawful to fail to comply with all provisions listed above for Goose Management Area 2 Coast and Inland. Taking one dusky Canada goose is punishable as an infraction under RCW 77.15.160 (5)(b). Other violations of Area 2 goose hunting rules are punishable as an infraction under RCW 77.15.160 (2)(e) or as a misdemeanor or gross misdemeanor under RCW 77.15.400 unlawful hunting of wild birds, depending on the circumstances of the violation.

Goose Management Area 3

Includes all parts of Western Washington not included in Goose Management Areas 1 and 2.

September Canada Goose Season

Sept. 2-7, 2023.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 15 Canada geese.

Regular Season

Oct. 14-26, 2023, and Nov. 4, 2023 - Jan. 28, 2024.

Daily Bag Limit: 4 Canada geese (except dusky Canada geese which are closed to harvest), 10 white-fronted geese, and 10 white geese (snow, Ross', blue).

Possession Limit: 12 Canada geese (except dusky Canada geese which are closed to harvest), 30 white-fronted geese, and 30 white geese (snow, Ross', blue).

Eastern Washington Goose Seasons

September Canada Goose Season (Eastern Washington)

Sept. 2-3, 2023.

Daily Bag Limit: 5 Canada geese.

Possession Limit: 10 Canada geese.

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. 14, 2023 - Jan. 21, 2024; additionally, to accommodate opportunity during recognized holiday periods, the 2023-2024 season will include: Nov. 10, 23, and 24, 2023; Dec. 25, 26, 28, and 29, 2023, and Jan. 1 and 15, 2024; and every day Jan. 22-28, 2024, for Canada geese and white-fronted geese.

Saturdays, Sundays, and Wednesdays only during Oct. 14-22, 2023, and Nov. 10, 2023 - Jan. 21, 2024; additionally, to accommodate opportunity during recognized holiday periods, the 2022-2023 season will include: Nov. 10, 23, and 24, 2023; Dec. 25, 26, 28, and 29, 2023, and Jan. 1 and 15, 2024; and every day Jan. 22-28, 2024, and Feb. 17 - Mar. 3, 2024, for snow, Ross', and blue phase geese (collectively referred to as white geese).

Goose Management Area 5

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

Oct. 14-30, 2023, and every day from Nov. 4, 2022 - Jan. 28, 2024.

Bag Limits for all Eastern Washington Goose Management Areas during regular seasons:

Daily Bag Limit: 4 Canada geese, 10 white-fronted geese, and 10 white geese (snow, Ross', blue). During Feb. 17 - Mar. 3, 2024, in GMA4: 20 white geese.

Possession Limit: 12 Canada geese, 30 white-fronted geese, and 30 white geese (snow, Ross', blue). During Feb. 17 - Mar. 3, 2024, in GMA4: 60 white geese.

BRANT

Will remain closed in Skagit County, including during the youth, veteran, and active military date, and may only open under the following conditions on specified dates.

If the 2023-2024 brant population in Skagit County is below 3,000 (as determined by aerial survey), the brant season in Skagit County will remain closed.

If the 2023-2024 brant population in Skagit County is 3,000-6,000 (as determined by aerial survey), the brant season in Skagit County will be open on the following dates: Jan. 20, 24, and 27, 2024, and during the Feb. 3, 2024, youth, veterans, and active military date.

If the 2022-2023 brant population in Skagit County is greater than 6,000 (as determined by aerial survey), the brant season in Skagit County will be open on the following dates: Jan. 13, 14, 17, 20, 21, 24, 27, and 28, 2024, and during the Feb. 3, 2024, youth, veterans, and active military date.

Open in Clallam and Whatcom counties only on the following dates: Jan. 20, 24, and 27, 2024.

Open in Pacific County only on the following dates: Jan. 6, 7, 9, 11, 13, 14, 16, 18, 20, 21, 23, 25, 27, and 28, 2024, but may be adjusted pending the most recent 3-year running average results of the Pacific flyway winter brant survey.

Special youth, open to hunters 15 years of age or under (must be accompanied by an adult at least 18 years old who is not hunting), veterans and active military personnel hunting day, open to hunters as defined in Section 3 of 16 U.S. Code Sec. 704 as amended by the John D. Dingell, Jr. Conservation, Management, and Recreation Act. Active duty military includes members of the National Guard and Reserves on active duty (other than for training). Veterans must have served in the active military, naval, or air service, and discharged or released under Honorable conditions: Feb. 3, 2024. Hunters must have one of the following, or a copy of, during the hunt: DD214, Veteran Benefit Card, Retired Active Military I.D., or Active Duty I.D. card.

AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT BRANT

Hunters must physically possess a special 2023-2024 paper or electronic migratory bird hunting authorization and harvest record card for brant when hunting brant. (~~(A hunter who has not previously possessed a brant harvest report card must submit an application form to Washington state department of fish and wildlife (WDFW).)~~) Immediately after taking a brant into possession, hunters must record (~~(in ink the information required within the designated spaces provided on the harvest record card)~~) all required information on the harvest record card. Hunters required to physically possess a paper harvest record card must enter all required information in ink. Hunters required to physically possess an electronic harvest record card must enter all required information through the licensing mobile application.

Bag Limits for Clallam, Skagit, Pacific and Whatcom counties:

Daily Bag Limit: 2 brant.

Possession Limit: 6 brant.

Special youth, veterans and active military personnel hunting day.

Daily Bag and Possession Limit: 2 brant.

SWANS

Season closed statewide.

MOURNING DOVE

Sept. 1 - Oct. 30, 2023, statewide.

Daily Bag Limit: 15 mourning doves.

Possession Limit: 45 mourning doves.

BAND-TAILED PIGEON

Sept. 16-24, 2023, statewide.

Daily Bag Limit: 2 band-tailed pigeons.

Possession Limit: 6 band-tailed pigeons.

AUTHORIZATION AND HARVEST RECORD CARD REQUIRED TO HUNT BAND-TAILED PIGEONS

Hunters must physically possess a special 2023-2024 paper or electronic migratory bird hunting authorization and harvest record card for band-tailed pigeons when hunting band-tailed pigeons. (~~A hunter who has not previously possessed a band-tailed pigeon harvest report card must submit an application form to Washington state department of fish and wildlife (WDFW).)~~ Immediately after taking a band-tailed pigeon into possession, hunters must record (~~in ink the information required within the designated spaces provided on the harvest record card~~) all required information on the harvest record card. Hunters required to physically possess a paper harvest record card must enter all required information in ink. Hunters required to physically possess an electronic harvest record card must enter all required information through the licensing mobile application.

FALCONRY SEASONS**DUCKS, COOTS, SNIPE, GEESE, AND MOURNING DOVES (EXCEPT BRANT) (Falconry)**

Same season dates for each species in each area as listed above.

Daily Bag Limit: 3, straight or mixed bag, including ducks, coots, snipe, geese, and mourning doves during established seasons.

Possession Limit: 3 times the daily bag limit.

DUCKS, COOTS, CANADA GEESE, WHITE-FRONTED GEESE, WHITE GEESE AND BRANT**(Extended Falconry)**

Sept. 23, 2023, and Feb. 3, 2024, in Western Washington (West Zone).

Sept. 30, 2023, and Feb. 3, 2024, in Eastern Washington (East Zone).

Daily Bag Limit: 3, straight or mixed bag, including allowable species specified under youth, veterans and active military personnel dates.

Possession Limit: Same as the Daily Bag Limit.

MOURNING DOVE (Extended Falconry)

Oct. 31 - Dec. 16, 2023.

Daily Bag Limit: 3, straight or mixed bag, including ducks, coots, snipe, and geese during established seasons.

Possession Limit: 3 times the daily bag limit.

HIP REQUIREMENTS:

All hunters of migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon) age 16 and over are required to complete a harvest information program (HIP) survey at a license dealer and possess a Washington migratory bird permit as evidence of compliance with this requirement when hunting migratory game birds. Youth hunters are required to complete a HIP survey and possess a Washington migratory bird permit (free for youth) as evidence of compliance with this requirement when hunting migratory game birds.

[Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.08.030. WSR 23-11-118, § 220-416-060, filed 5/22/23, effective 6/22/23. Statutory Authority: RCW 77.04.012, 77.04.055, and 77.12.047. WSR 22-15-096 (Order 22-71), § 220-416-060, filed 7/19/22, effective 8/19/22. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240. WSR 21-14-022 (Order 21-61), § 220-416-060, filed 6/28/21, effective 7/29/21; WSR 20-12-080 (Order 20-76), § 220-416-060, filed 6/1/20, effective 7/2/20. Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520. WSR 19-10-011 (Order 19-79), § 220-416-060, filed 4/19/19, effective 5/20/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.020, 77.12.040, 77.12.047, 77.12.150, 77.12.210, 77.12.240, 77.12.320, 77.12.570, 77.12.800, 77.15.245, 77.32.007, 77.32.050, 77.32.070, 77.32.090, 77.32.370, and 77.32.530. WSR 18-11-061 (Order 18-76), § 220-416-060, filed 5/11/18, effective 6/11/18. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090. WSR 17-10-076 (Order 17-10), amended and recodified as § 220-416-060, filed 5/3/17, effective 6/3/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090, and 77.32.155. WSR 16-12-087, § 232-28-436, filed 5/31/16, effective 7/1/16. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.32.070. WSR 15-18-032 (Order 15-275), § 232-28-436, filed 8/25/15, effective 9/25/15; WSR 14-17-081 (Order 14-213), § 232-28-436, filed 8/18/14, effective 9/18/14. Statutory Authority: RCW 77.12.047, 77.12.240, 77.32.070. WSR 13-17-083 (Order 13-186), § 232-28-436, filed 8/19/13, effective 9/19/13. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.32.070, and C.F.R. Title 50, Part 20; Migratory Bird Treaty Act. WSR 12-18-001 (Order 12-191), § 232-28-436, filed 8/22/12, effective 9/22/12.]