

Chapter 220-400 WAC

WILDLIFE—DEFINITIONS, CLASSIFICATIONS, AND GENERAL WILDLIFE RULES

WAC

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WAC 220-400-010 Definition of terms. Definitions used in rules of the commission are defined in RCW 77.08.-010. In addition, unless otherwise provided:

(1) A "valid" license, permit, tag, stamp or catch record card means a license, permit, tag, stamp, or catch record card that was issued to the bearer for the current season and is required to hunt, fish or possess wildlife and has not been altered except as provided by rule of the commission.

(2) "Falconry" means possession, control, or use of a raptor for the purpose of hunting and free flight training.

(3) "Handgun" means any pistol, revolver or short firearm with a barrel length of less than sixteen inches and does not have a shoulder stock.

(4) "Body-gripping trap" means a trap that grips an animal's body or body part. Body-gripping trap includes, but is not limited to, steel-jawed leghold traps, padded-jaw leghold traps, Conibear-type traps, neck snares, and nonstrangling foot snares. Cage and box traps, suitcase-type live beaver traps, and common rat and mouse traps are not considered body-gripping traps.

(5) "Raw fur" means a pelt that has not been processed for purposes of retail sale.

(6) "Padded foot-hold trap" means a trap designed and set to grip the foot of a wild animal, both jaws of which are covered with rubber pads having a minimum thickness of one-eighth inch.

[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 § 220-400-010, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 06-13-023 (Order 06-135), § 232-12-001, filed 6/13/06, effective 7/14/06. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. WSR 01-10-048 (Order 01-69), § 232-12-001, filed 4/26/01, effective 5/27/01. Statutory Authority: 2000 c 107 § 7. WSR 00-16-091 (Order 00-134), § 232-12-001, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080 and 77.12.040. WSR 99-08-029 (Order 99-13), § 232-12-001, filed 3/30/99, effective 5/1/99. Statutory Authority: 1998 c 191 and RCW 75.08.080. WSR 99-03-029 (Order 99-02), § 232-12-001, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080 and 75.12-040. WSR 97-18-035, § 232-12-001, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 77.12.040. WSR 97-07-076 (Order 97-50), § 232-12-001, filed 3/19/97, effective 5/1/97; WSR 96-11-079 (Order 96-45), § 232-12-001, filed 5/13/96, effective 6/13/96; WSR 95-05-008 (Order 95-11), § 232-12-001, filed 2/1/95, effective 5/1/95. Statutory Authority: RCW 77.04.-055 and 77.12.040. WSR 93-21-070 (Order 617), § 232-12-001, filed 10/20/93, effective 4/16/94; WSR 92-01-084 (Order 524), § 232-12-001, filed 12/16/91, effective 4/16/92. Statutory Authority: RCW 77.12.040.

(2/15/17)

WSR 89-10-026 (Order 387), § 232-12-001, filed 4/26/89. Statutory Authority: RCW 77.12.040 and 77.16.010. WSR 86-21-017 (Order 280), § 232-12-001, filed 10/6/86. Statutory Authority: RCW 77.12.040. WSR 81-22-002 (Order 174), § 232-12-001, filed 10/22/81; WSR 81-12-029 (Order 165), § 232-12-001, filed 6/1/81. Formerly WAC 232-12-010.]

WAC 220-400-020 Classification of wild animals. (1)
Game animals include:

Common Name	Scientific Name
eastern cottontail	<i>Sylvilagus floridanus</i>
Nuttall's cottontail	<i>Sylvilagus nuttallii</i>
snowshoe hare	<i>Lepus americanus</i>
white-tailed jackrabbit	<i>Lepus townsendii</i>
black-tailed jackrabbit	<i>Lepus californicus</i>
fox	<i>Vulpes vulpes</i>
black bear	<i>Ursus americanus</i>
raccoon	<i>Procyon lotor</i>
cougar	<i>Puma concolor</i>
bobcat	<i>Lynx rufus</i>
Roosevelt and Rocky Mountain elk	<i>Cervus elaphus</i>
mule deer and black-tailed deer	<i>Odocoileus hemionus</i>
white-tailed deer	<i>Odocoileus virginianus</i>
moose	<i>Alces alces</i>
pronghorn	<i>Antilocapra americana</i>
mountain goat	<i>Oreamnos americanus</i>
California and Rocky Mountain bighorn sheep	<i>Ovis canadensis</i>
bullfrog	<i>Rana catesbeiana</i>

(2) Furbearing animals are game animals and include:

Common Name	Scientific Name
beaver	<i>Castor canadensis</i>
muskrat	<i>Ondatra zibethicus</i>
fox	<i>Vulpes vulpes</i>
raccoon	<i>Procyon lotor</i>
marten	<i>Martes americana</i>
short-tailed weasel or ermine	<i>Mustela erminea</i>
long-tailed weasel	<i>Mustela frenata</i>
mink	<i>Mustela vison</i>
badger	<i>Taxidea taxus</i>

Common Name	Scientific Name
river otter	<i>Lutra canadensis</i>
bobcat	<i>Lynx rufus</i>

[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 § 220-400-020, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. WSR 01-10-048 (Order 01-69), § 232-12-007, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.020 and 77.12.040. WSR 93-21-025 (Order 614), § 232-12-007, filed 10/14/93, effective 11/14/93; WSR 91-11-007 (Order 492), § 232-12-007, filed 5/2/91, effective 6/2/91. Statutory Authority: RCW 77.12.040. WSR 82-19-026 (Order 192), § 232-12-007, filed 9/9/82; WSR 81-22-002 (Order 174), § 232-12-007, filed 10/22/81; WSR 81-12-029 (Order 165), § 232-12-007, filed 6/1/81. Formerly WAC 232-12-040.]

WAC 220-400-030 Classification of wild birds. (1)

Game birds include:

Common Name	Scientific Name
migratory waterfowl	Anatidae
wild turkey	<i>Meleagris gallopavo</i>
blue grouse	<i>Falcapennis obscurus</i>
spruce grouse	<i>Dendragapus canadensis</i>
ruffed grouse	<i>Bonasa umbellus</i>
"Forest grouse" means blue, spruce, or ruffed grouse	
sharp-tailed grouse	<i>Tympanuchus phasianellus</i>
greater sage-grouse	<i>Centrocercus urophasianus</i>
white-tailed ptarmigan	<i>Lagopus leucurus</i>
California quail	<i>Callipepla californica</i>
mountain quail	<i>Oreortyx pictus</i>
northern bobwhite	<i>Colinus virginianus</i>
scaled quail	<i>Callipepla squamata</i>
chukar	<i>Alectoris chukar</i>
ring-necked pheasant	<i>Phasianus colchicus</i>
Gray (Hungarian) partridge	<i>Perdix perdix</i>
"Upland bird" means quail, chukar, pheasant, or partridge	
American coot	<i>Fulica americana</i>
common snipe	<i>Gallinago gallinago</i>
band-tailed pigeon	<i>Columba fasciata</i>
mourning dove	<i>Zenaida macroura</i>

(2) Predatory birds include:

Common Name	Scientific Name
black-billed magpie	<i>Pica hudsonia</i>
American crow	<i>Corvus brachyrhynchos</i>
European starling	<i>Sturnus vulgaris</i>
house (English) sparrow	<i>Passer domesticus</i>
rock dove	<i>Columba livia</i>
Eurasian collared dove	<i>Streptopelia decaocto</i>

[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 § 220-400-030, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047,

77.12.020, 77.12.570, 77.12.210. WSR 08-09-090 (Order 08-78), § 232-12-004, filed 4/18/08, effective 5/19/08. Statutory Authority: RCW 77.12.047 and 77.12.020. WSR 04-11-036 (Order 04-98), § 232-12-004, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.-070, 77.32.530. WSR 01-10-048 (Order 01-69), § 232-12-004, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.020 and 77.12.040. WSR 91-11-006 (Order 491), § 232-12-004, filed 5/2/91, effective 6/2/91. Statutory Authority: RCW 77.12.040. WSR 81-22-002 (Order 174), § 232-12-004, filed 10/22/81; WSR 81-12-029 (Order 165), § 232-12-004, filed 6/1/81. Formerly WAC 232-12-030.]

WAC 220-400-040 Possession of dead wildlife. (1)

Except as authorized by permit of the director or as otherwise provided by this section, it is unlawful to possess wildlife found dead. This rule does not prohibit the possession of naturally shed antlers of deer, elk, or moose.

(2) Except as provided in subsection (4) of this section, an individual may remove and dispose of wildlife found dead on his or her property or an adjoining public roadway. Before removing the wildlife, the individual shall, by telephone, notify the department or the Washington state patrol communications office, and shall provide his or her name, address, telephone number, and the description and location of the wildlife. The individual may remove the wildlife for disposal only, and may not retain the wildlife for personal use or consumption. Other laws and rules may apply to the disposal, including rules of the department of health (WAC 246-203-121). Wildlife removed under this subsection remain the property of the state.

(3) Possession of wildlife in violation of subsections (1) and (2) is punishable under RCW 77.15.130, 77.15.400, 77.15.410, and 77.15.430 depending on the species involved in the violation.

(4) It is permissible to salvage and transport a deer or elk that is accidentally killed by a motor vehicle collision except for any deer killed by a motor vehicle collision in Clark, Cowlitz, and Wahkiakum counties.

(a) Big game licenses and tags cannot be used for the purpose of salvaging motor vehicle-killed deer or elk.

(b) A salvage permit must be obtained from the department within 24 hours of taking possession of the animal. Permits may be obtained on the department's web site or at department regional offices.

(c) The entire carcass, including entrails, of the animal must be removed from the road right of way.

(d) Any meat an individual deems unfit for human consumption or unusable animal parts must be disposed of pursuant to WAC 246-203-121. Individuals salvaging and consuming this meat do so at their own risk. The department makes no guarantee as to the fitness for consumption of deer or elk collected under a salvage permit.

(e) An individual may not kill an injured or wounded animal that they encounter for the purpose of salvage. Only a law enforcement officer or individuals or entities authorized by the department may euthanize an animal injured in a motor vehicle collision and that deer or elk may be taken for salvage.

(5) Possession of wildlife in violation of subsection (4) of this section is punishable under RCW 77.15.750.

[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 § 220-400-040, filed 2/15/17, effective 3/18/17. 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, § 232-12-287, filed 5/31/16, effective 7/1/16. Statutory Authority: RCW 77.12.047. WSR 03-16-087 (Order 03-175), § 232-12-287, filed 8/5/03, effective 9/5/03. Statutory Authority: RCW 77.12.040. WSR 95-10-026, § 232-12-287, filed 4/26/95, effective 5/27/95; WSR 81-12-029 (Order 165), § 232-12-287, filed 6/1/81. Formerly WAC 232-12-180.]

WAC 220-400-050 Requirements for sealing of pelts and collection of biological information for river otter, cougar, lynx, and bobcat. (1) It is unlawful to possess river otter, cougar, lynx, or bobcat taken in Washington without a department identification seal which has been attached to the raw pelt, on or off the carcass, prior to the pelt sealing deadline.

(2) The raw pelt of a bobcat or river otter must be presented to an authorized department employee, or authorized individual under permit with the department, for sealing within 20 days after the close of the appropriate hunting or trapping season in which it was killed.

(3) Any person who takes a cougar without the use of dogs must notify the department within 72 hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. Any person who takes a cougar with the use of dogs must notify the department within 24 hours of kill (excluding legal state holidays) and provide the hunter's name, date and location of kill, and sex of animal. The raw pelt of a cougar must be presented to an authorized department employee for sealing within five days of the notification of kill.

Any person who takes a cougar must present the cougar skull, in such a manner that teeth and biological samples can be extracted, to an authorized department employee at the time of sealing.

(4) It is unlawful to transport or cause the transport out of Washington a raw pelt of river otter, cougar, lynx, or bobcat taken in Washington without a department seal attached to the pelt.

(5) The raw pelt of a river otter, cougar, lynx, or bobcat taken outside Washington and imported into the state must be identified by a tag, seal or permit consistent with federal, state or country of origin laws and be accompanied by an invoice, declaration or permit specifying the number of pelts in the shipment.

(6) It is unlawful to possess an unlocked, broken, or otherwise open department seal for river otter, cougar, lynx, or bobcat unless the seal wire or band has been cut through and removed from a pelt that has been received and invoiced by a licensed taxidermist or fur dealer for processing or removed from a pelt that has been processed, except that individuals authorized by the department to seal pelts may possess open, unbroken seals.

[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 § 220-400-050, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-033 (Order 15-95), § 232-12-024, filed 4/28/15, effective 5/29/15. Statutory Authority: RCW 77.12.047. WSR 06-11-032 (Order 06-92), § 232-12-024, filed 5/8/06, effective 6/8/06. Statutory Authority: RCW 77.12.040. WSR 99-17-034 (Order 99-118), § 232-12-024, filed 8/11/99, effective 9/11/99; WSR 94-18-059 (Order 94-58), § 232-12-024, filed 8/31/94, effective 10/1/94. Statutory Authority: RCW 77.12.030, 77.12.040 and 77.32.220. WSR 91-13-063 (Order 498), § 232-12-024, filed 6/17/91, effective 7/18/91; WSR 89-18-015 (Order 404), § 232-12-024, filed 8/28/89, effective 9/28/89. Statutory Authority: RCW 77.12.030 and 77.12.040. WSR 88-13-091 (Order 312), §

(2/15/17)

232-12-024, filed 6/20/88. Statutory Authority: RCW 77.12.040. WSR 81-12-029 (Order 165), § 232-12-024, filed 6/1/81. Formerly WAC 232-12-065.]

WAC 220-400-060 Taxidermy and furdealing records. (1) It is unlawful for a licensed taxidermist or furdealer upon receiving wildlife for mounting, tanning, storage or processing to fail to record the following information:

- (a) The taxidermist's name, address, and business phone;
- (b) The date the item was received;
- (c) The hunter/taker's name and address;
- (d) The owner's name and address;
- (e) A description of the species received;
- (f) The county where taken (GMU if available);
- (g) The license, tag, permit, and seal number;
- (h) The date the completed item was returned to the original customer.

Such record must be maintained for a minimum of two years or as long as the wildlife is retained by the taxidermist or furdealer and shall be maintained in a central location at the principle place of business either in a ledger provided by the department or on sequentially numbered pre-printed invoices provided by the taxidermist or furdealer. Taxidermists or furdealers opting to use preprinted invoices are required to maintain all sequentially numbered invoices, including voided documents.

(2) All records and wildlife held pursuant to the statutes or regulations dealing with taxidermy or furdealing must be open to inspection by a wildlife agent at reasonable times in accordance with the provisions of RCW 77.12.095.

(3) Licensed taxidermists or furdealers who have complied with the ledger requirements established in this section shall be deemed to be in compliance with the notice and reporting requirements contained in WAC 220-413-030 and 220-200-120.

[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 § 220-400-060, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.040. WSR 92-12-064 (Order 555), § 232-12-277, filed 6/1/92, effective 7/2/92; WSR 81-12-029 (Order 165), § 232-12-277, filed 6/1/81. Formerly WAC 232-12-690, 232-12-700, and 232-12-710.]

WAC 220-400-070 Eastern Washington pheasant enhancement—Funding level determination. The department shall deposit into the Eastern Washington pheasant enhancement account the sum of \$385,000 during fiscal year 2000, based on 38,500 Eastern Washington pheasant hunters. Beginning in fiscal year 2001, and each year thereafter, the deposit into the Eastern Washington pheasant enhancement account shall be adjusted annually to reflect the actual number of license holders hunting for pheasant in Eastern Washington based on a survey of licensed hunters from the previous license year.

[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 § 220-400-070, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.32.440. WSR 99-17-096 (Order 99-128), § 232-12-072, filed 8/17/99, effective 9/17/99. Statutory Authority: 1998 c 191 and RCW 75.08.080. WSR 99-03-029 (Order 99-02), § 232-12-072, filed 1/13/99, effective 2/13/99.]