

Chapter 232-12 WAC

PERMANENT REGULATIONS

WAC

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DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER

232-12-010 Definition of terms. [Statutory Authority: RCW 77.12.040. 79-08-066 (Order 137), § 232-12-010, filed 7/23/79; Order 2, § 232-12-010, filed 4/20/70; Regulation No. 1, effective 1/1/64; Regulation No. 2, filed 4/14/60, 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-001.
 232-12-015 Classification of game fish. [Order 59, § 232-12-015, filed 9/4/74; Order 33, § 232-12-015, filed 7/10/72; Order 19, § 232-12-015, filed 9/2/71; Order 2, § 232-12-015, filed 4/20/70; Order 58, filed 9/11/69.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-019.
 232-12-018 Definitions—Landlocked chinook and coho. [Statutory Authority: RCW 75.08.080 and 77.12.040. 99-08-029 (Order 99-13), § 232-12-018, filed 3/30/99, effective 5/1/99. Statutory Authority: RCW 77.12.040. 97-07-076 (Order 97-50), § 232-12-018, filed 3/19/97, effective 5/1/97; 95-17-063 (Order 95-103), § 232-12-018, filed 8/15/95, effective 9/15/95.] Repealed by 00-08-038 (Order 00-29), filed 3/29/00, effective 5/1/00. Statutory Authority: RCW 75.08.080, 77.12.040.

232-12-020	Definition of eastern and western Washington counties. [Regulation No. 2, effective 1/1/64; Regulation No. 5, filed 4/14/60 and 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-019.	6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-034.
232-12-030	Classification of wild birds. [Order 81, § 232-12-030, filed 5/26/76; Regulation No. 3, effective 1/1/64; Regulation No. 55, filed 9/14/61; Regulation No. 53, filed 5/16/61; Regulation No. 3, filed 4/14/60 and 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-004.	232-12-100 Shooting preserves—Licensing—Permits—Operations. [Order 98, § 232-12-100, filed 7/15/77; Regulation No. 10, filed 6/21/67; Regulation No. 10, effective 1/1/64; Regulation No. 46, filed 4/14/60; Regulation No. 51, filed 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.-040. Later promulgation, see WAC 232-12-037.
232-12-040	Classification of wild animals. [Statutory Authority: RCW 77.12.040. 80-09-029 (Order 150), § 232-12-040, filed 7/9/80; Order 7, § 232-12-040, filed 7/23/70; Order 2, § 232-12-040, filed 4/20/70; Order 4, § 232-12-040, filed 7/31/69, effective 10/10/69; Regulation No. 4, filed 5/17/68; Regulation No. 4, filed 6/21/67, 5/31/66, 1/1/64; Order, filed 4/14/60 and 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-007.	232-12-101 Falconry and captive propagation of raptors permitted. [Statutory Authority: RCW 77.12.040 and 77.12.010. 96-18-061 (Order 96-137), § 232-12-101, filed 8/30/96, effective 9/30/96. Statutory Authority: RCW 77.12.-040. 82-04-034 (Order 177), § 232-12-101, filed 1/28/82; 81-12-029 (Order 165), § 232-12-101, filed 6/1/81. Formerly WAC 232-12-230 and 232-12-237.] Repealed by 10-18-012 (Order 10-214), filed 8/20/10, effective 9/20/10. Statutory Authority: RCW 77.04.-012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act.
232-12-050	Game importer's license and fee—Permit required to import. [Regulation No. 5, effective 1/1/64; Regulation No. 6, filed 4/14/60 and 3/21/60.] Repealed by Order 80, filed 4/22/76.	232-12-104 Falconry definitions. [Statutory Authority: RCW 77.12.040 and 77.12.010. 96-18-060 (Order 96-136), § 232-12-104, filed 8/30/96, effective 9/30/96. Statutory Authority: RCW 77.12.040. 82-04-034 (Order 177), § 232-12-104, filed 1/28/82; 81-12-029 (Order 165), § 232-12-104, filed 6/1/81. Formerly WAC 232-12-231.] Repealed by 10-18-012 (Order 10-214), filed 8/20/10, effective 9/20/10. Statutory Authority: RCW 77.04.-012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act.
232-12-060	Report and permit required to import and retain game carcasses. [Regulation No. 6, effective 1/1/64; Regulation No. 7, filed 4/14/60 and 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-021.	232-12-105 Shooting preserve for wild animals. [Order 26, § 232-12-105, filed 1/14/72.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-037.
232-12-065	Bobcat, Canada lynx and river otter pelt tagging requirements. [Statutory Authority: RCW 77.12.040. 78-02-055 (Order 114), § 232-12-065, filed 1/20/78.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-024.	232-12-106 Provisions for accidental take by falconers. [Statutory Authority: RCW 77.12.047. 06-09-021 (Order 06-67), § 232-12-106, filed 4/11/06, effective 5/12/06; 03-03-016 (Order 03-03), § 232-12-106, filed 1/7/03, effective 2/7/03. Statutory Authority: RCW 77.12.040. 00-20-032 (Order 00-197), § 232-12-106, filed 9/27/00, effective 10/28/00.] Repealed by 10-18-012 (Order 10-214), filed 8/20/10, effective 9/20/10. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act.
232-12-069	Transport tag fees for black bear and cougar. [Statutory Authority: RCW 77.12.040. 98-01-213 (Order 97-247), § 232-12-069, filed 12/23/97, effective 1/23/98.] Repealed by 99-03-029 (Order 99-02), filed 1/13/99, effective 2/13/99. Statutory Authority: 1998 c 191 and RCW 75.08.080.	232-12-107 Falconry permit license required. [Statutory Authority: RCW 77.12.040 and 77.12.010. 96-18-062 (Order 96-138), § 232-12-107, filed 8/30/96, effective 9/30/96. Statutory Authority: RCW 77.12.040. 90-22-064 (Order 472), § 232-12-107, filed 11/5/90, effective 12/6/90; 82-04-034 (Order 177), § 232-12-107, filed 1/28/82; 81-12-029 (Order 165), § 232-12-107, filed 6/1/81. Formerly WAC 232-12-232.] Repealed by 10-18-012 (Order 10-214), filed 8/20/10, effective 9/20/10. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act.
232-12-070	Game farmer license provisions. [Statutory Authority: RCW 77.12.040. 79-08-066 (Order 137), § 232-12-070, filed 7/23/79; Order 95, § 232-12-070, filed 1/14/77; Regulation No. 7, effective 1/1/64; Regulation No. 52, filed 5/16/61; Regulation No. 8, filed 4/14/60 and 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-027.	232-12-110 Permit for holding field trials. [Regulation No. 11, effective 1/1/64; Regulation No. 23, filed 4/14/60; Regulation No. 24, filed 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-041.
232-12-074	Retention of game. [Statutory Authority: RCW 77.12.040. 81-12-029 (Order 165), § 232-12-074, filed 6/1/81.] Repealed by 93-04-075 (Order 592), filed 1/29/93, effective 3/1/93. Statutory Authority: RCW 77.12.040.	232-12-111 Limitation on possession of raptors. [Statutory Authority: RCW 77.12.040. 81-12-029 (Order 165), § 232-12-111, filed 6/1/81. Formerly WAC 232-12-233.] Repealed by 82-04-034 (Order 177), filed 1/28/82. Statutory Authority: RCW 77.12.040.
232-12-080	Game farmer invoice requirements. [Regulation No. 8, effective 1/1/64; Regulation No. 9, filed 4/14/60 and 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-031.	232-12-114 Permit required for capture of raptors. [Statutory Authority: RCW 77.12.047. 03-02-005 (Order 02-301), § 232-12-114, filed 12/20/02, effective 1/20/03. Statutory Authority: RCW 77.12.040 and 77.12.010. 96-18-064 (Order 96-140), § 232-12-114, filed 8/30/96, effective 9/30/96. Statutory Authority: RCW 77.12.040. 90-22-062 (Order 470), § 232-12-114, filed 11/5/90, effective 12/6/90; 82-04-034 (Order 177), § 232-12-114, filed 1/28/82; 81-12-029 (Order 165), § 232-12-114, filed 6/1/81. Formerly WAC 232-12-234.] Repealed by 10-18-012 (Order 10-214), filed 8/20/10, effective 9/20/10. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R.
232-12-084	Director empowered to alter seasons. [Statutory Authority: RCW 77.12.040. 81-12-029 (Order 165), § 232-12-084, filed 6/1/81. Formerly WAC 232-12-205.] Repealed by 84-12-009 (Order 226), filed 5/25/84. Statutory Authority: RCW 77.04.020.	
232-12-085	Director empowered to alter seasons. [Statutory Authority: RCW 77.04.020. 84-12-009 (Order 226), § 232-12-085, filed 5/25/84.] Repealed by 88-24-004 (Order 325), filed 11/29/88. Statutory Authority: RCW 77.12.150 and 77.12.040.	
232-12-086	Director or his designee is empowered to issue nuisance wildlife control operator certifications to control nuisance or problem wildlife. [Statutory Authority: RCW 77.12.047. 04-01-053 (Order 03-303), § 232-12-086, filed 12/11/03, effective 1/11/04. Statutory Authority: RCW 77.04.020. 84-21-086 (Order 255), § 232-12-086, filed 10/19/84.] Repealed by 10-23-026 (Order 10-291), filed 11/8/10, effective 12/9/10. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.36.030.	
232-12-090	Acquisition of game by game farmer. [Regulation No. 9, effective 1/1/64; Regulation No. 10, filed 4/14/60 and 3/21/60.] Repealed by 81-12-029 (Order 165), filed	

- 232-12-117 Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act.
Marking and identification of raptors required. [Statutory Authority: RCW 77.12.047, 03-02-005 (Order 02-301), § 232-12-117, filed 12/20/02, effective 1/20/03. Statutory Authority: RCW 77.12.040, 90-22-063 (Order 471), § 232-12-117, filed 11/5/90, effective 12/6/90; 82-04-034 (Order 177), § 232-12-117, filed 1/28/82; 81-12-029 (Order 165), § 232-12-117, filed 6/1/81. Formerly WAC 232-12-235.] Repealed by 10-18-012 (Order 10-214), filed 8/20/10, effective 9/20/10. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act.
- 232-12-120 Use of game for training dogs or for field trials—Tagging requirements. [Regulation No. 12, effective 1/1/64; Regulation No. 24, filed 4/14/60; Regulation No. 25, filed 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-044.
- 232-12-121 Reporting requirements for capture, importation, exportation, transfer, or other disposal of raptors. [Statutory Authority: RCW 77.12.040 and 77.12.010, 96-18-065 (Order 96-141), § 232-12-121, filed 8/30/96, effective 9/30/96. Statutory Authority: RCW 77.12.040, 90-22-061 (Order 469), § 232-12-121, filed 11/5/90, effective 12/6/90; 82-04-034 (Order 177), § 232-12-121, filed 1/28/82; 81-12-029 (Order 165), § 232-12-121, filed 6/1/81. Formerly WAC 232-12-236.] Repealed by 10-18-012 (Order 10-214), filed 8/20/10, effective 9/20/10. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act.
- 232-12-124 Methods of capture and prohibitions in taking raptors. [Statutory Authority: RCW 77.12.040 and 77.12.010, 96-18-063 (Order 96-139), § 232-12-124, filed 8/30/96, effective 9/30/96. Statutory Authority: RCW 77.12.040, 82-04-034 (Order 177), § 232-12-124, filed 1/28/82; 81-12-029 (Order 165), § 232-12-124, filed 6/1/81. Formerly WAC 232-12-233 and 232-12-237.] Repealed by 10-18-012 (Order 10-214), filed 8/20/10, effective 9/20/10. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act.
- 232-12-127 Revocation, modifications or suspension of falconry permits. [Statutory Authority: RCW 77.12.040, 82-04-034 (Order 177), § 232-12-127, filed 1/28/82; 81-12-029 (Order 165), § 232-12-127, filed 6/1/81. Formerly WAC 232-12-238.] Repealed by 10-18-012 (Order 10-214), filed 8/20/10, effective 9/20/10. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act.
- 232-12-129 Captive propagation of raptors—Sale, records, reports and inspection. [Statutory Authority: RCW 77.12.047, 05-05-008 (Order 05-10), § 232-12-129, filed 2/7/05, effective 3/10/05. Statutory Authority: RCW 77.12.-030, 77.12.090, 77.12.105 and 77.32.070, 85-09-006 (Order 245), § 232-12-129, filed 4/5/85.] Repealed by 10-18-012 (Order 10-214), filed 8/20/10, effective 9/20/10. Statutory Authority: RCW 77.04.012, 77.04.-020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act.
- 232-12-130 Unlawful firearms for hunting. [Statutory Authority: RCW 77.12.040, 80-05-022 (Order 146), § 232-12-130, filed 4/11/80; 79-08-066 (Order 137), § 232-12-130, filed 7/23/79; Order 110, § 232-12-130, filed 10/27/77; Order 2, § 232-12-130, filed 4/20/70; Regulation No. 13, filed 6/21/67; Regulation No. 13, filed 8/24/65; Regulation No. 13, effective 1/1/64; Regulation No. 34, filed 4/14/60; Regulation Nos. 36 and 46, filed 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-047.
- 232-12-131 Permits for special hunting and trapping seasons. [Statutory Authority: RCW 77.12.040, 98-17-045 (Order 98-151), § 232-12-131, filed 8/13/98, effective 9/13/98. Statutory Authority: RCW 77.12.010 and 77.12.040, 96-04-027, § 232-12-131, filed 2/1/96, effective 3/3/96. Statutory Authority: RCW 77.12.040, 95-03-034 (Order 94-145), § 232-12-131, filed 1/10/95, effective 2/10/95; 94-11-030 (Order 638), § 232-12-131, filed 5/10/94, effective 6/10/94; 87-12-034 (Order 289), § 232-12-131, filed 5/29/87; 82-04-034 (Order 177), § 232-12-131, filed 1/28/82; 81-12-029 (Order 165), § 232-12-131, filed 6/1/81. Formerly WAC 232-12-255.] Repealed by 01-10-048 (Order 01-69), filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530.
- 232-12-135 Muzzle-loading rifles. [Order 56, § 232-12-135, filed 7/11/74; Order 2, § 232-12-135, filed 4/20/70.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-051.
- 232-12-137 Unlawful to use game species for trapping. [Statutory Authority: RCW 77.12.040, 83-15-060 (Order 211), § 232-12-137, filed 7/20/83; 81-22-002 (Order 174), § 232-12-137, filed 10/22/81; 81-12-029 (Order 165), § 232-12-137, filed 6/1/81. Formerly WAC 232-12-300.] Repealed by 99-17-034 (Order 99-118), filed 8/11/99, effective 9/11/99. Statutory Authority: RCW 77.12.040.
- 232-12-140 Bow and arrow requirements. [Order 80, § 232-12-140, filed 4/22/76; Regulation No. 14, filed 6/21/67; Regulation No. 14, effective 1/1/64; Regulation No. 57, filed 8/1/63; Regulation No. 54, filed 7/3/61; Regulation No. 35, filed 4/14/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-054.
- 232-12-144 Possession of live fish for bait while fishing. [Statutory Authority: RCW 77.12.040, 81-12-029 (Order 165), § 232-12-144, filed 6/1/81. Formerly WAC 232-12-320.] Repealed by 06-13-023 (Order 06-135), filed 6/13/06, effective 7/14/06. Statutory Authority: RCW 77.12.047.
- 232-12-147 Maximum number of fishing lines and hooks—Snagging and gaffing fish unlawful. [Statutory Authority: RCW 77.12.040, 92-11-078 (Order 544), § 232-12-147, filed 5/20/92, effective 6/20/92; 81-22-002 (Order 174), § 232-12-147, filed 10/22/81; 81-12-029 (Order 165), § 232-12-147, filed 6/1/81. Formerly WAC 232-12-340.] Repealed by 02-08-048 (Order 02-53), filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 77.12.047.
- 232-12-150 Hunting from aircraft, boats, automobiles, etc.—Unlawful. [Order 2, § 232-12-150, filed 4/20/70; Regulation No. 15, effective 1/1/64; Regulation No. 38, filed 4/14/60; Regulation No. 39, filed 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-057.
- 232-12-151 Fly fishing rules. [Statutory Authority: RCW 77.12.-040, 95-05-008 (Order 95-11), § 232-12-151, filed 2/1/95, effective 5/1/95; 82-04-034 (Order 177), § 232-12-151, filed 1/28/82; 81-12-029 (Order 165), § 232-12-151, filed 6/1/81. Formerly WAC 232-12-350.] Repealed by 02-08-048 (Order 02-53), filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 77.12.047.
- 232-12-157 Steelhead catch record card. [Statutory Authority: 1998 c 191 and RCW 75.08.080, 99-03-029 (Order 99-02), § 232-12-157, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 77.12.040, 85-12-005 (Order 252), § 232-12-157, filed 5/23/85; 84-03-021 (Order 220), § 232-12-157, filed 1/11/84. Statutory Authority: RCW 77.12.020 and 77.12.040, 83-21-003 (Order 218), § 232-12-157, filed 10/6/83. Statutory Authority: RCW 77.12.040, 82-22-032 (Order 195), § 232-12-157, filed 10/27/82; 81-22-002 (Order 174), § 232-12-157, filed 10/22/81; 81-12-029 (Order 165), § 232-12-157, filed 6/1/81. Formerly WAC 232-12-360.] Repealed by 99-17-066 (Order 99-125), filed 8/13/99, effective 4/1/00. Statutory Authority: RCW 75.08.080 and 77.12.040.
- 232-12-160 Big game supplemental tag—Tagging requirements [Order 2, § 232-12-160, filed 4/20/70; Regulation No. 16, filed 6/21/67; Regulation No. 16, effective 1/1/64; Regulation No. 45, filed 4/14/60; Regulation No. 50, filed 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-061.
- 232-12-161 Fishing guide reports. [Statutory Authority: RCW 77.12.040, 81-12-029 (Order 165), § 232-12-161, filed 6/1/81. Formerly WAC 232-12-365.] Repealed by 00-13-090 (Order 00-102), filed 6/20/00, effective 7/21/00. Statutory Authority: 2000 c 107 § 7.

232-12-167	Hunting and fishing contest rules. [Statutory Authority: RCW 77.12.040. 82-04-034 (Order 177), § 232-12-167, filed 1/28/82; 81-12-029 (Order 165), § 232-12-167, filed 6/1/81. Formerly WAC 232-12-380.] Repealed by 86-21-017 (Order 280), filed 10/6/86. Statutory Authority: RCW 77.12.040 and 77.16.010.	81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040.
232-12-170	Holding game animals, fur-bearing animals or game birds in captivity, unlawful. [Order 80, § 232-12-170, filed 4/22/76; Order 68, § 232-12-170, filed 7/21/75; Order 14, § 232-12-170, filed 5/27/71; Order 2, § 232-12-170, filed 4/20/70; Regulation No. 17, effective 1/1/64; Regulation Nos. 10 and 11, filed 4/14/60 and 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-064 and 232-12-074.	232-12-201
232-12-171	Commercial use of wildlife prohibited. [Order 95, § 232-12-171, filed 1/14/77.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-071.	Checking stations—Inspection of game and licenses. [Statutory Authority: RCW 77.12.040. 79-08-066 (Order 137), § 232-12-201, filed 7/23/79.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-081.
232-12-173	Catching, killing, taking, or holding protected wildlife in captivity, unlawful. [Order 14, § 232-12-173, filed 5/27/71.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-071.	232-12-205
232-12-175	Pursuit of bear without taking or killing. [Order 2, § 232-12-175, filed 4/20/70.] Repealed by Order 14, filed 5/27/71.	Director empowered to alter seasons. [Statutory Authority: RCW 77.12.040. 78-11-056 (Order 126), § 232-12-205, filed 10/25/78.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-084.
232-12-180	Time limit for possession of game—Extensions. [Regulation No. 18, effective 1/1/64; Regulation No. 20, filed 4/14/60; Regulation No. 21, filed 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-287.	232-12-207
232-12-182	Interim grazing lease regulation. [Statutory Authority: RCW 77.12.210. 87-21-028 (Order 300), § 232-12-182, filed 10/12/87.] Repealed by 88-23-110 (Order 324), filed 11/22/88. Statutory Authority: RCW 77.12.210.	Petitions—Consideration by commission. [Statutory Authority: RCW 77.12.040. 81-12-029 (Order 165), § 232-12-207, filed 6/1/81. Formerly WAC 232-12-470.] Repealed by 98-02-018 (Order 97-255), filed 12/30/97, effective 1/30/98. Statutory Authority: RCW 77.12.-040.
232-12-184	Aircraft—Authorized use on department lands. [Statutory Authority: RCW 77.12.210 and 77.12.320. 90-11-049 (Order 437), § 232-12-184, filed 5/11/90, effective 6/11/90. Statutory Authority: RCW 77.12.040. 81-12-029 (Order 165), § 232-12-184, filed 6/1/81. Formerly WAC 232-12-410.] Repealed by 08-01-078 (Order 07-293), filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 77.12.210, 77.12.880.	232-12-210
232-12-187	Access areas—Other department lands—Wildlife agent to control traffic thereon. [Statutory Authority: RCW 77.12.210 and 77.12.320. 90-11-049 (Order 437), § 232-12-187, filed 5/11/90, effective 6/11/90. Statutory Authority: RCW 77.12.040. 82-04-034 (Order 177), § 232-12-187, filed 1/28/82; 81-12-029 (Order 165), § 232-12-187, filed 6/1/81. Formerly WAC 232-12-420.] Repealed by 08-01-078 (Order 07-293), filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 77.12.-210, 77.12.880.	Tagging requirements of game taken by another—Ownership. [Order 62, § 232-12-210, filed 10/9/74; Regulation No. 21, effective 1/1/64; Regulation No. 22, filed 4/14/60; Regulation No. 23, filed 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-077.
232-12-190	Tag required for storing or processing game. [Regulation No. 19, effective 1/1/64.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040.	232-12-211
232-12-191	Suspension of licensing privileges—Reinstatement. [Statutory Authority: RCW 77.12.040. 98-02-018 (Order 97-255), § 232-12-191, filed 12/30/97, effective 1/30/98. Statutory Authority: RCW 77.21.060. 90-11-051 (Order 439), § 232-12-191, filed 5/11/90, effective 6/11/90. Statutory Authority: RCW 77.12.040. 81-12-029 (Order 165), § 232-12-191, filed 6/1/81. Formerly WAC 232-12-430.] Repealed by 00-01-102 (Order 99-210), filed 12/16/99, effective 1/16/00. Statutory Authority: RCW 75.08.080.	Requirements to possess Indian caught steelhead. [Order 62, § 232-12-211, filed 10/9/74.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-157.
232-12-194	Procedure—Petitions for reissuance of hunting license—Time period for petition—Juvenile applicants. [Statutory Authority: RCW 77.12.040. 81-12-029 (Order 165), § 232-12-194, filed 6/1/81. Formerly WAC 232-12-435.] Repealed by 98-02-018 (Order 97-255), filed 12/30/97, effective 1/30/98. Statutory Authority: RCW 77.12.040.	232-12-212
232-12-197	Procedures to review administrative license decisions. [Statutory Authority: RCW 77.12.040. 81-12-029 (Order 165), § 232-12-197, filed 6/1/81.] Repealed by 98-02-018 (Order 97-255), filed 12/30/97, effective 1/30/98. Statutory Authority: RCW 77.12.040.	Commercial buying and processing of steelhead trout. [Order 98, § 232-12-212, filed 7/15/77; Order 72, § 232-12-212, filed 8/22/75; Order 62, § 232-12-212, filed 10/9/74.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-091.
232-12-200	Transportation of game taken by another. [Regulation No. 20, effective 1/1/64; Regulation No. 21, filed 4/14/60; Regulation No. 22, filed 3/21/60.] Repealed by	232-12-213
		Records for purchase and receipt of steelhead trout. [Order 88, § 232-12-213, filed 9/13/76.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-094.
		232-12-214
		Transportation of steelhead trout. [Order 88, § 232-12-214, filed 9/13/76.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-097.
		232-12-215
		Proper marking on packages and containers of steelhead trout. [Order 88, § 232-12-215, filed 9/13/76.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040.
		232-12-220
		Possession of game unlawful. [Order 38, § 232-12-220, filed 4/12/73; Regulation No. 22, effective 1/1/64; Regulation No. 47, filed 4/14/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040.
		232-12-224
		Possession of wildlife off an Indian reservation legally possessed on reservation. [Statutory Authority: RCW 77.12.040. 81-12-029 (Order 165), § 232-12-224, filed 6/1/81. Formerly WAC 232-12-490.] Repealed by 04-23-040 (Order 04-300), filed 11/10/04, effective 12/11/04. Statutory Authority: RCW 77.12.047.
		232-12-230
		Falconry and captive propagation of raptors permitted. [Order 88, § 232-12-230, filed 9/13/76; Order 68, § 232-12-230, filed 7/21/75; Order 50, § 232-12-230, filed 1/21/74, effective 3/1/74; Order 2, § 232-12-230, filed 4/20/70; Regulation No. 23, effective 1/1/64.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-101.
		232-12-231
		Falconry definitions. [Order 88, § 232-12-231, filed 9/13/76; Order 50, § 232-12-231, filed 1/21/74, effective 3/1/74.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-104.
		232-12-232
		Falconry permits required. [Order 88, § 232-12-232, filed 9/13/76; Order 50, § 232-12-232, filed 1/21/74, effective 3/1/74.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-107.
		232-12-233
		Limitation on possession of raptors. [Order 88, § 232-12-233, filed 9/13/76; Order 68, § 232-12-233, filed 7/21/75; Order 50, § 232-12-233, filed 1/21/74, effective 3/1/74.] Repealed by 81-12-029 (Order 165), filed

<p>232-12-234</p> <p>232-12-235</p> <p>232-12-236</p> <p>232-12-237</p> <p>232-12-238</p> <p>232-12-240</p> <p>232-12-241</p> <p>232-12-244</p> <p>232-12-24401</p> <p>232-12-250</p> <p>232-12-255</p> <p>232-12-260</p> <p>232-12-270</p>	<p>6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-111.</p> <p>Permit required for capture, importation, exportation, and transfer of raptors. [Order 88, § 232-12-234, filed 9/13/76; Order 68, § 232-12-234, filed 7/21/75; Order 52, § 232-12-234, filed 5/27/74.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-114.</p> <p>Marking and identification of raptors required. [Order 88, § 232-12-235, filed 9/13/76.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-117.</p> <p>Falconry reports required. [Order 88, § 232-12-236, filed 9/13/76; Order 68, § 232-12-236, filed 7/21/75; Order 50, § 232-12-236, filed 1/21/74, effective 3/1/74.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-121.</p> <p>Methods of capture and prohibitions in taking raptors. [Order 88, § 232-12-237, filed 9/13/76; Order 68, § 232-12-237, filed 7/21/75; Order 50, § 232-12-237, filed 1/21/74, effective 3/1/74.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-101 and 232-12-124.</p> <p>Revocation, modifications or suspension of falconry permits. [Order 88, § 232-12-238, filed 9/13/76; Order 50, § 232-12-238, filed 1/21/74, effective 3/1/74.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-127.</p> <p>Permit to kill game—Game damage. [Statutory Authority: RCW 77.12.040. 78-02-055 (Order 114), § 232-12-240, filed 1/20/78; Order 7, § 232-12-240, filed 7/23/70; Regulation No. 24, effective 1/1/64; Regulation No. 18, filed 4/14/60; Regulation No. 19, filed 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040.</p> <p>Requirements of license dealers. [Statutory Authority: RCW 77.04.020 and 77.32.050. 86-21-009 (Order 282), § 232-12-241, filed 10/3/86, effective 1/1/87. Statutory Authority: RCW 77.04.020, 77.32.256 and 77.32.050. 86-03-055 (Order 268), § 232-12-241, filed 1/15/86. Statutory Authority: RCW 77.12.040. 81-22-002 (Order 174), § 232-12-241, filed 10/22/81; 81-12-029 (Order 165), § 232-12-241, filed 6/1/81. Formerly WAC 232-12-510.] Repealed by 99-03-029 (Order 99-02), filed 1/13/99, effective 2/13/99. Statutory Authority: 1998 c 191 and RCW 75.08.080.</p> <p>Hunting restrictions. [Statutory Authority: RCW 77.12.040. 82-04-034 (Order 177), § 232-12-244, filed 1/28/82; 81-12-029 (Order 165), § 232-12-244, filed 6/1/81. Formerly WAC 232-12-520.] Repealed by 91-13-061 (Order 496), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 77.12.040 and 77.04.055.</p> <p>Closure of all lands within the Colville Indian Reservation to the trapping and hunting of all wild animals, blue grouse, ruffed grouse, Franklin grouse, sharp-tailed grouse, sage hen grouse, and mourning doves. [Statutory Authority: RCW 77.12.040. 83-09-022 (Order 201), § 232-12-24401, filed 4/14/83.] Repealed by 98-10-019 (Order 98-70), filed 4/22/98, effective 5/23/98. Statutory Authority: RCW 77.12.040.</p> <p>Beaver tag required. [Order 16, § 232-12-250, filed 6/30/71; Regulation No. 25, effective 1/1/64; Regulation No. 58, filed 8/1/63.] Repealed by 80-13-012 (Order 152), filed 9/8/80. Statutory Authority: RCW 77.12.040.</p> <p>Permits for controlled hunts. [Order 2, § 232-12-255, filed 4/20/70.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-131.</p> <p>Compensation to landowner for beaver pelts. [Regulation No. 26, effective 1/1/64; Regulation No. 25, filed 4/14/60; Regulation No. 26, filed 3/21/60.] Repealed by 80-15-063 (Order 155), filed 10/16/80. Statutory Authority: RCW 77.12.040.</p> <p>Affidavit required for transportation and possession of beaver pelts—Tagging requirements and fee. [Regulation No. 27, effective 1/1/64; Regulation No. 26, filed 4/14/60; Regulation No. 27, filed 3/21/60.] Repealed by</p>	<p>232-12-274</p> <p>232-12-276</p> <p>232-12-280</p> <p>232-12-281</p> <p>232-12-290</p> <p>232-12-294</p> <p>232-12-300</p> <p>232-12-310</p> <p>232-12-315</p> <p>232-12-320</p> <p>232-12-330</p> <p>232-12-340</p> <p>232-12-350</p> <p>232-12-355</p> <p>80-15-063 (Order 155), filed 10/16/80. Statutory Authority: RCW 77.12.040.</p> <p>Conditions for issuance of permits for scientific collection, research or display. [Statutory Authority: RCW 77.12.040. 82-04-034 (Order 177), § 232-12-274, filed 1/28/82; 81-12-029 (Order 165), § 232-12-274, filed 6/1/81. Formerly WAC 232-12-676.] Repealed by 88-05-031 (Order 304), filed 2/12/88. Statutory Authority: RCW 77.32.010 (2)(b) and 77.32.240.</p> <p>Scientific permits. [Statutory Authority: RCW 77.32.-010 (2)(b) and 77.32.240. 88-05-031 (Order 304), § 232-12-276, filed 2/12/88.] Repealed by 06-07-081 (Order 06-47), filed 3/14/06, effective 4/14/06. Statutory Authority: RCW 77.12.047.</p> <p>Report required of licensed trappers. [Regulation No. 28, effective 1/1/64; Regulation No. 27, filed 4/14/60; Regulation No. 28, filed 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-134.</p> <p>Copying. [Statutory Authority: RCW 77.12.040. 81-12-029 (Order 165), § 232-12-281, filed 6/1/81. Formerly WAC 232-12-816.] Repealed by 82-04-034 (Order 177), filed 1/28/82. Statutory Authority: RCW 77.12.040.</p> <p>Trapping in muskrat houses unlawful. [Regulation No. 29, effective 1/1/64; Regulation No. 28, filed 4/14/60; Regulation No. 30, filed 3/21/60.] Repealed by Order 2, filed 4/20/70.</p> <p>Definitions—Hydraulic project permits. [Statutory Authority: RCW 77.12.040. 81-12-029 (Order 165), § 232-12-294, filed 6/1/81.] Repealed by 83-09-026 (Order 205), filed 4/14/83. Statutory Authority: RCW 75.20.100 and 77.12.010 and chapter 34.04 RCW. Later promulgation, see WAC 232-14-010.</p> <p>Edible flesh of game species unlawful for trap bait. [Order 59, § 232-12-300, filed 9/4/74; Regulation No. 30, effective 1/1/64; Regulation No. 29, filed 4/14/60; Regulation No. 31, filed 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-137.</p> <p>Wild animal trapping. [Order 59, § 232-12-310, filed 9/4/74; Order 2, § 232-12-310, filed 4/20/70; Regulation No. 31, filed 6/21/67; Regulation No. 31, effective 1/1/64; Regulation No. 30, filed 4/14/60; Regulation No. 32, filed 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.-040. Later promulgation, see WAC 232-12-141.</p> <p>Planting or releasing fish in state waters. [Regulation No. 54, filed 1/25/67.] Repealed by Order 2, filed 4/20/70.</p> <p>Use of live fish for bait unlawful. [Regulation No. 32, effective 1/1/64; Regulation No. 12, filed 4/14/60; Regulation No. 13, filed 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-144.</p> <p>Use of artificial lights in fishing unlawful. [Regulation No. 33, effective 1/1/64; Regulation No. 13, filed 4/14/60; Regulation No. 14, filed 3/21/60.] Repealed by 78-11-057 (Order 127), filed 10/25/78. Statutory Authority: RCW 77.12.040.</p> <p>Maximum number of fishing lines and hooks—Snagging and gaffing fish unlawful. [Order 75, § 232-12-340, filed 10/17/75; Order 46, § 232-12-340, filed 9/13/73; Order 11, § 232-12-340, filed 4/9/71; Order 7, § 232-12-340, filed 7/23/70; Order 2, § 232-12-340, filed 4/20/70; Regulation No. 34, effective 1/1/64; Regulation No. 14, filed 4/14/60; Regulation No. 15, filed 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-147.</p> <p>Definition of fly fishing. [Statutory Authority: RCW 77.12.040. 78-02-055 (Order 114), § 232-12-350, filed 1/20/78; Order 2, § 232-12-350, filed 4/20/70; Regulation No. 35, effective 1/1/64; Regulation No. 15, filed 4/14/60; Regulation No. 16, filed 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-350.</p> <p>Juvenile fishing and catch limits. [Order 2, § 232-12-355, filed 4/20/70.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-154.</p>
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232-12-360	Steelhead fishing permit punch card requirements. [Statutory Authority: RCW 77.12.040. 79-08-066 (Order 137), § 232-12-360, filed 7/23/79; Order 75, § 232-12-360, filed 10/17/75; Order 62, § 232-12-360, filed 10/9/74; Order 19, § 232-12-360, filed 9/2/71; Regulation No. 36, effective 1/1/64; Regulation No. 56, filed 10/13/61; Regulation No. 33, filed 4/14/60; Regulation No. 35, filed 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-157.		
232-12-365	Fishing guide reports. [Order 80, § 232-12-365, filed 4/22/76.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-161.	232-12-460	Notification of decision. [Regulation No. 46, effective 1/1/64; Regulation No. 49, filed 4/14/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040.
232-12-370	Fishing near dams, fish traps and hatcheries unlawful. [Regulation No. 37, effective 1/1/64; Regulation No. 16, filed 4/14/60; Regulation No. 17, filed 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-164.	232-12-470	Petitions—Consideration by commission. [Regulation No. 47, effective 1/1/64; Regulation No. 50, filed 4/14/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-207.
232-12-373	Unlawful to fish in irrigation ditches or canals when closure notice posted. [Order 56, filed 9/11/68.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-164.	232-12-480	Petitions—Form—Scheduling—Ruling. [Regulation No. 48, effective 1/1/64; Regulation No. 51, filed 4/14/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-221.
232-12-380	Hunting and fishing contests. [Order 98, § 232-12-380, filed 7/15/77; Regulation No. 17, filed 4/14/60; Regulation No. 18, filed 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-167.	232-12-490	Possession of game off an Indian reservation legally possessed on reservation. [Statutory Authority: RCW 77.12.040. 79-07-010 (Order 134), § 232-12-490, filed 6/8/79; Order 92, § 232-12-490, filed 10/13/76; Order 2, § 232-12-490, filed 4/20/70; Regulation No. 49, effective 1/1/64; Regulation No. 19, filed 4/14/60; Regulation No. 20, filed 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-224.
232-12-380	Hunting and fishing contests. [Order 98, § 232-12-380, filed 7/15/77; Regulation No. 17, filed 4/14/60; Regulation No. 18, filed 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-167.	232-12-500	Firearm safety license requirement for juveniles. [Statutory Authority: RCW 77.12.040. 79-08-066 (Order 137), § 232-12-500, filed 7/23/79; Order 52, § 232-12-500, filed 5/27/74; Regulation No. 50, effective 1/1/64; Regulation No. 43, filed 4/14/60; Regulation No. 48, filed 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-227.
232-12-390	Domestic animals unattended on department lands. [Regulation No. 39, effective 1/1/64; Regulation No. 40, filed 4/14/60; Regulation No. 42, filed 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-174.	232-12-510	Requirements of license dealers. [Statutory Authority: RCW 77.12.040. 79-02-008 (Order 129), § 232-12-510, filed 1/10/79; Regulation No. 51, effective 1/1/64; Regulation No. 39, filed 4/14/60; Regulation No. 40, filed 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-241.
232-12-400	Vehicles—Usage of well defined roads on department of game lands. [Order 68, § 232-12-400, filed 7/21/75; Regulation No. 40, effective 1/1/64; Regulation No. 41, filed 4/14/60; Regulation No. 43, filed 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-177.	232-12-520	Hunting restrictions. [Order 2, § 232-12-520, filed 4/20/70; Regulation No. 52, effective 1/1/64.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-244.
232-12-405	Livestock grazing on department of game lands. [Statutory Authority: RCW 77.12.040. 78-02-055 (Order 114), § 232-12-405, filed 1/20/78.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-181.	232-12-530	Transmission lines—Unlawful hunting. [Order 2, § 232-12-530, filed 4/20/70; Regulation No. 53, effective 1/1/64.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-247.
232-12-410	Colockum airstrip—Authorized use only. [Regulation No. 41, effective 1/1/64.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.-040. Later promulgation, see WAC 232-12-184.	232-12-540	Juvenile fishing and catch limits. [Temporary Regulation No. 184, filed 4/14/61; Regulation No. 159, filed 3/21/60.] Now codified as WAC 232-24-010.
232-12-420	Access areas—Other department lands—Wildlife agent to control traffic thereon. [Order 2, § 232-12-420, filed 4/20/70; Regulation No. 42, effective 1/1/64; Regulation No. 42, filed 4/14/60; Regulation No. 47, filed 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-187.	232-12-550	Collection of rock hound materials from department lands—Restrictions. [Order 92, § 232-12-550, filed 10/13/76; Regulation No. 55, § 232-12-550, filed 5/17/68 and 6/7/68.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.-040. Later promulgation, see WAC 232-12-251.
232-12-423	Public hunting defined and access contracts. [Statutory Authority: RCW 77.12.047. 06-04-065 (Order 06-12), § 232-12-423, filed 1/30/06, effective 3/2/06.] Repealed by 10-23-026 (Order 10-291), filed 11/8/10, effective 12/9/10. Statutory Authority: RCW 77.04.012, 77.04.-055, 77.12.047, and 77.36.030.	232-12-570	Discharge of litter on department lands—Unlawful. [Order 2, § 232-12-570, filed 4/20/70.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-254.
232-12-430	Three convictions forfeits privileges. [Regulation No. 43, effective 1/1/64; Regulation No. 31, filed 4/14/60; Regulation No. 33, filed 3/21/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-191.	232-12-580	Registration of snowmobiles. [Emergency and Permanent Order 580, § 232-12-580, filed 1/20/70.] Repealed by Order 16, filed 6/30/71.
232-12-435	Procedure—Petitions for reissuance of hunting license—Time period for petition—Juvenile applicants. [Order 86, § 232-12-435, filed 7/15/76.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040.	232-12-618	1990-92 Washington game fish regulations. [Statutory Authority: RCW 77.12.040. 90-01-067 (Order 413), § 232-12-618, filed 12/18/89, effective 1/18/90.] Repealed by 92-01-083 (Order 523), filed 12/16/91, effective 4/16/92. Statutory Authority: RCW 77.12.-040.
232-12-440	Forfeiture of privileges—Subsequent convictions. [Regulation No. 44, effective 1/1/64; Regulation No. 32, filed 4/14/60.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040.	232-12-630	Control of unattended decoys. [Order 2, § 232-12-630, filed 4/20/70.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-257.
232-12-450	Application for hearing. [Regulation No. 45, effective 1/1/64; Regulation No. 48, filed 4/14/60.] Repealed by	232-12-640	Live decoys unlawful. [Order 20, § 232-12-640, filed 9/2/71.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-261.
		232-12-650	Baiting of migratory game birds unlawful. [Order 20, § 232-12-650, filed 9/2/71.] Repealed by 81-12-029

	(Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-264.	232-12-813	Copying. [Statutory Authority: RCW 77.12.040. 82-04-034 (Order 177), § 232-12-813, filed 1/28/82.] Repealed by 12-15-001 (Order 12-139), filed 7/6/12, effective 8/6/12. Statutory Authority: Chapter 42.56 RCW, RCW 42.56.040, 77.04.013, and 77.12.047.
232-12-655	Definitions—Hydraulic project permits. [Statutory Authority: RCW 77.12.040. 79-08-066 (Order 137), § 232-12-655, filed 7/23/79.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-194.	232-12-814	Requests for public records. [Statutory Authority: RCW 77.12.040. 81-22-002 (Order 174), § 232-12-814, filed 10/22/81; Order 42, § 232-12-814, filed 7/19/73.] Repealed by 12-15-001 (Order 12-139), filed 7/6/12, effective 8/6/12. Statutory Authority: Chapter 42.56 RCW, RCW 42.56.040, 77.04.013, and 77.12.047.
232-12-660	Managed marine mammals protected. [Order 20, § 232-12-660, filed 9/2/71.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12-040.	232-12-816	Copying. [Statutory Authority: RCW 77.12.040. 79-08-066 (Order 137), § 232-12-816, filed 7/23/79; Order 42, § 232-12-816, filed 7/19/73.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-281.
232-12-670	Deleterious species designated. [Order 45, § 232-12-670, filed 9/13/73; Order 20, § 232-12-670, filed 9/2/71.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040.	232-12-818	Exemptions. [Order 42, § 232-12-818, filed 7/19/73.] Repealed by 81-22-002 (Order 174), filed 10/22/81. Statutory Authority: RCW 77.12.040.
232-12-675	Conditions for issuance of permits for planting of game fish, aquatic plants, release of wild animals or wild birds, and construction of enhancement facilities. [Order 86, § 232-12-675, filed 7/15/76.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-271.	232-12-820	Review of denials of public records requests. [Statutory Authority: RCW 77.12.040. 81-22-002 (Order 174), § 232-12-820, filed 10/22/81; Order 42, § 232-12-820, filed 7/19/73.] Repealed by 12-15-001 (Order 12-139), filed 7/6/12, effective 8/6/12. Statutory Authority: Chapter 42.56 RCW, RCW 42.56.040, 77.04.013, and 77.12.047.
232-12-676	Conditions for issuance of permits for scientific study, collection, release and research. [Order 86, § 232-12-676, filed 7/15/76.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-274.	232-12-822	Protection of public records. [Order 42, § 232-12-822, filed 7/19/73.] Repealed by 81-22-002 (Order 174), filed 10/22/81. Statutory Authority: RCW 77.12.040.
232-12-680	Rare and endangered species designated. [Order 21, § 232-12-680, filed 9/16/71.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040.	232-12-824	Records index. [Statutory Authority: RCW 77.12.040. 81-22-002 (Order 174), § 232-12-824, filed 10/22/81; Order 81, § 232-12-824, filed 5/26/76; Order 42, § 232-12-824, filed 7/19/73.] Repealed by 12-15-001 (Order 12-139), filed 7/6/12, effective 8/6/12. Statutory Authority: Chapter 42.56 RCW, RCW 42.56.040, 77.04.013, and 77.12.047.
232-12-690	Taxidermy records. [Statutory Authority: RCW 77.12-040. 80-05-022 (Order 146), § 232-12-690, filed 4/11/80; Order 80, § 232-12-690, filed 4/22/76; Order 38, § 232-12-690, filed 4/12/73.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-277.	232-12-826	Address for request. [Order 42, § 232-12-826, filed 7/19/73.] Repealed by 81-22-002 (Order 174), filed 10/22/81. Statutory Authority: RCW 77.12.040.
232-12-700	Taxidermy tagging. [Order 38, § 232-12-700, filed 4/12/73.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-277.	232-12-827	Hunting of game animals by persons of disability. [Statutory Authority: RCW 77.12.010 and 77.12.040. 88-17-029 (Order 316), § 232-12-827, filed 8/12/88; 88-11-051 (Order 309), § 232-12-827, filed 5/16/88.] Repealed by 96-04-027, filed 2/1/96, effective 3/3/96. Statutory Authority: RCW 77.12.010 and 77.12.040.
232-12-710	Taxidermy purchasing and selling. [Statutory Authority: RCW 77.12.040. 80-05-022 (Order 146), § 232-12-710, filed 4/11/80; Order 38, § 232-12-710, filed 4/12/73.] Repealed by 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040.	232-12-829	Hunting of game animals by persons of disability. [Statutory Authority: RCW 77.12.010 and 77.12.040. 89-11-073 (Order 396), § 232-12-829, filed 5/19/89, effective 7/23/89.] Repealed by 96-03-084 (Order 96-07) and 96-12-056, filed 1/18/96 and 5/31/96, effective 2/18/96. Statutory Authority: RCW 77.32.237 and 77.12.040, 77.12.700 and 77.12.010.
232-12-800	Purpose. [Order 42, § 232-12-800, filed 7/19/73.] Repealed by 12-15-001 (Order 12-139), filed 7/6/12, effective 8/6/12. Statutory Authority: Chapter 42.56 RCW, RCW 42.56.040, 77.04.013, and 77.12.047.	232-12-831	Assistance to the visually handicapped. [Statutory Authority: RCW 77.12.010 and 77.32.237. 91-15-056 (Order 505), § 232-12-831, filed 7/19/91, effective 8/19/91.] Repealed by 96-04-027, filed 2/1/96, effective 3/3/96. Statutory Authority: RCW 77.12.010 and 77.12.040.
232-12-802	Definitions. [Order 42, § 232-12-802, filed 7/19/73.] Repealed by 81-22-002 (Order 174), filed 10/22/81. Statutory Authority: RCW 77.12.040.		
232-12-804	Description of central and field organization of the department of game. [Statutory Authority: RCW 77.12.040. 86-03-052 (Order 265), § 232-12-804, filed 1/15/86; 81-22-002 (Order 174), § 232-12-804, filed 10/22/81; Order 42, § 232-12-804, filed 7/19/73.] Repealed by 12-15-001 (Order 12-139), filed 7/6/12, effective 8/6/12. Statutory Authority: Chapter 42.56 RCW, RCW 42.56.040, 77.04.013, and 77.12.047.		
232-12-806	Operations and procedures. [Order 42, § 232-12-806, filed 7/19/73.] Repealed by 86-03-053 (Order 266), filed 1/15/86. Statutory Authority: RCW 77.12.040.		
232-12-807	Operations and procedures. [Statutory Authority: RCW 77.12.040. 86-03-053 (Order 266), § 232-12-807, filed 1/15/86.] Repealed by 12-15-001 (Order 12-139), filed 7/6/12, effective 8/6/12. Statutory Authority: Chapter 42.56 RCW, RCW 42.56.040, 77.04.013, and 77.12-047.		
232-12-808	Public records available. [Order 42, § 232-12-808, filed 7/19/73.] Repealed by 81-22-002 (Order 174), filed 10/22/81. Statutory Authority: RCW 77.12.040.		
232-12-810	Public records officer. [Statutory Authority: RCW 77.12.040. 81-22-002 (Order 174), § 232-12-810, filed 10/22/81; Order 42, § 232-12-810, filed 7/19/73.] Repealed by 12-15-001 (Order 12-139), filed 7/6/12, effective 8/6/12. Statutory Authority: Chapter 42.56 RCW, RCW 42.56.040, 77.04.013, and 77.12.047.		
232-12-812	Inspection and copying hours. [Order 42, § 232-12-812, filed 7/19/73.] Repealed by 81-22-002 (Order 174), filed 10/22/81. Statutory Authority: RCW 77.12.040.		

WAC 232-12-001 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 fire-arm 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 77.12.047, 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, 01-10-048 (Order 01-69), § 232-12-001, filed 4/26/01, effective 5/27/01. Statutory Authority: 2000 c 107 § 7, 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, 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, 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, 97-18-035, § 232-12-001, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 77.12.040, 97-07-076 (Order 97-50), § 232-12-001, filed 3/19/97, effective 5/1/97; 96-11-079 (Order 96-45), § 232-12-001, filed 5/13/96, effective 6/13/96; 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, 93-21-070 (Order 617), § 232-12-001, filed 10/20/93, effective 4/16/94; 92-01-084 (Order 524), § 232-12-001, filed 12/16/91, effective 4/16/92. Statutory Authority: RCW 77.12.040, 89-10-026 (Order 387), § 232-12-001, filed 4/26/89. Statutory Authority: RCW 77.12.040 and 77.16.010, 86-21-017 (Order 280), § 232-12-001, filed 10/6/86. Statutory Authority: RCW 77.12.040, 81-22-002 (Order 174), § 232-12-001, filed 10/22/81; 81-12-029 (Order 165), § 232-12-001, filed 6/1/81. Formerly WAC 232-12-010.]

WAC 232-12-002 Fish and wildlife commission members' recusal requirements for commissioners with beneficial interests in certain commission decisions and transactions. (1) Commission members must comply with subsection (2) of this section when the following circumstances apply or it is reasonably foreseeable that they will apply:

(a) The member is beneficially interested, directly or indirectly, in a contract, sale, lease, purchase, or grant that may be made by, through, or under the supervision of the commission, in whole or in part; or

(b) The member accepts, directly or indirectly, any compensation, gratuity or reward from any other person beneficially interested in a contract, sale, lease, purchase, or grant that may be made by, through, or under the supervision of the commission, in whole or in part; or

(c) The member either owns a beneficial interest in, or is an officer, agent, employee or member of, an entity which is engaged in a transaction involving the commission.

(2) If required by subsection (1) of this section, the member must:

(a) Recuse himself or herself from discussions by the commission, regarding the specific contract, sale, lease, purchase, grant, or transaction; and

(b) Recuse himself or herself from any vote by the commission on the specific contract, sale, lease, purchase, grant, or transaction; and

(c) Refrain from attempting to influence any other member or employee in any discussion or vote regarding the specific contract, sale, lease, purchase, grant, or transaction.

(3) Definitions. The following definitions apply to this section:

(a) "Transaction involving the commission" means a proceeding, application, submission, request for a ruling or

other determination, contract, claim, case, or other similar matter that the commission member in question believes, or has reason to believe:

- (i) Is, or will be, the subject of commission action; or
- (ii) Is one to which the commission is or will be a party;

or

(iii) Is one in which the commission has a direct and substantial proprietary interest.

(b) "Transaction involving the commission" does not include the following: preparation, consideration, or enactment of legislation, including appropriation of moneys in a budget, or the performance of legislative duties by a commission member; or a claim, case, lawsuit, or similar matter if the commission member did not participate in the underlying transaction involving the commission that is the basis for the claim, case, or lawsuit. Rule making is not a transaction involving the commission.

(c) "Commission action" means any action on the part of the commission, including, but not limited to:

(i) A decision, determination, finding, ruling, or order; and

(ii) A grant, payment, award, license, contract, transaction, sanction, or approval, or the denial thereof, or failure to act with respect to a decision, determination, finding, ruling, or order.

(4) Under subsection (1)(b), "any other person" has a beneficial interest in a contract, sale, lease, purchase, or grant when the other person bids or otherwise seeks to be awarded the contract, sale, lease, purchase, or grant.

(5) The prohibitions contained in subsection (2) do not prohibit the member from using his or her general expertise to educate and provide general information on the subject area to other commission members.

(6) If recusal occurs pursuant to the State Ethics law, chapter 42.52 RCW, or rules adopted pursuant to the State Ethics law, the commission member must disclose to the public the reasons for his or her recusal from any commission action whenever recusal occurs. The commission staff must record each such recusal and basis for the recusal.

EXAMPLES:

EXAMPLE ONE: The commission is composed of individuals who often are employed in the private sector. The governor appoints members of the commission. In making these appointments, the governor is required to seek to maintain a balance reflecting all aspects of fish and wildlife. Commission members are appointed because they have general knowledge of the habit and distribution of fish and wildlife and are often recommended by interest groups, such as sport fishers, commercial fishers, hunters, private landowners, and environmentalists. A commission member is employed by a company that provides contract facilitation services. The commission is in the process of selecting a contractor to conduct a series of public meetings on fishing in Washington. The company which employs the member of the commission has bid for the contract. The commission member may use his or her general expertise to educate commissioners about desirable public meeting design elements for a successful public involvement project like the one the commission wants to conduct. The commission member is prohibited from participating in the commission discussion and analysis

establishing criteria for selecting a contractor and is prohibited from participating in the commission vote to select a contractor (see WAC 232-12-002 (1)(c)). The commission member would publicly announce his or her recusal and the reasons for it, and the commission staff would record this information as part of the public record.

EXAMPLE TWO: The commission contracts with King Software (hypothetical company) to provide computer systems for tracking recreational license purchases. King Software's contract with the commission is almost expired, and the commission must seek bids from software companies for the next contract period. The commission issues a request for bids to various software companies who offer suitable software, including Fishsoft, Inc. (hypothetical company). Approximately nine months ago, one commission member worked for Fishsoft, Inc. and received compensation from that company. The commission member subsequently left Fishsoft, Inc. The commission member is not required to recuse himself or herself from selecting a contractor for the commission's computer license system. Fishsoft, Inc. did not have a beneficial interest in the commission's contract until it bid on the contract. Therefore, Fishsoft, Inc. was not a person beneficially interested in the contract when the commission member received the compensation (see WAC 232-12-002(4)). However, if the commission member received compensation from Fishsoft, Inc. after it bid on the contract, the commission member would be required to disclose the fact that he or she received the compensation from a bidder and recuse himself or herself from the commission's specific discussion and the vote awarding the contract (see WAC 232-12-002 (1)(b)). The commission staff would record this information into the public record. Again, the commission member could participate in discussions using his or her general expertise to educate and provide general information on the subject area to the other commission members.

[Statutory Authority: RCW 42.52.200 and 77.04.055. 98-14-013 (Order 98-107), § 232-12-002, filed 6/19/98, effective 7/20/98.]

WAC 232-12-004 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>

(12/21/12)

Common Name	Scientific Name
"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 77.12.047, 77.12.020, 77.12.570, 77.12.210. 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. 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. 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. 91-11-006 (Order 491), § 232-12-004, filed 5/2/91, effective 6/2/91. Statutory Authority: RCW 77.12.040. 81-22-002 (Order 174), § 232-12-004, filed 10/22/81; 81-12-029 (Order 165), § 232-12-004, filed 6/1/81. Formerly WAC 232-12-030.]

WAC 232-12-005 Predatory birds. (1) HUNTING PREDATORY BIRDS:

(a) It is unlawful to hunt for or take predatory birds without a hunting license except as allowed under RCW 77.36.030.

(b) Crows and magpies: It is lawful to take crows during established hunting seasons and crows or magpies when found committing or about to commit depredations upon ornamental or shade trees, agricultural crops, livestock, or wildlife, or when concentrated in such numbers and manner as to constitute a health hazard or other nuisance provided that none of the birds, or their plumage, be offered for sale.

(c) All other predatory birds may be hunted throughout the year.

(2) SALE OF PREDATORY BIRDS: It is lawful to sell starlings, house sparrows and rock doves for the purposes of falconry and lawful to sell rock doves for the purposes of bird dog training.

(3) POSSESSION OF PREDATORY BIRDS: It is lawful to take from the wild and possess live starlings, house sparrows and rock doves for purposes of falconry and rock doves for purposes of bird dog training.

(4) RELEASE OF LIVE PREDATORY BIRDS: It is lawful, without a permit, to release rock doves for the purposes of bird dog training or falconry.

[Statutory Authority: RCW 77.12.047 and 77.12.020. 04-11-036 (Order 04-98), § 232-12-005, filed 5/12/04, effective 6/12/04.]

WAC 232-12-007 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>

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

[Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530, 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, 93-21-025 (Order 614), § 232-12-007, filed 10/14/93, effective 11/14/93; 91-11-007 (Order 492), § 232-12-007, filed 5/2/91, effective 6/2/91. Statutory Authority: RCW 77.12.040, 82-19-026 (Order 192), § 232-12-007, filed 9/9/82; 81-22-002 (Order 174), § 232-12-007, filed 10/22/81; 81-12-029 (Order 165), § 232-12-007, filed 6/1/81. Formerly WAC 232-12-040.]

WAC 232-12-011 Wildlife classified as protected shall not be hunted or fished. Protected wildlife are designated into three subcategories: Threatened, sensitive, and other.

(1) Threatened species are any wildlife species native to the state of Washington that are likely to become endangered within the foreseeable future throughout a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as threatened include:

Common Name	Scientific Name
western gray squirrel	<i>Sciurus griseus</i>
Steller (northern) sea lion	<i>Eumetopias jubatus</i>
North American lynx	<i>Lynx canadensis</i>
ferruginous hawk	<i>Buteo regalis</i>
marbled murrelet	<i>Brachyramphus marmoratus</i>
green sea turtle	<i>Chelonia mydas</i>

Common Name	Scientific Name
loggerhead sea turtle	<i>Caretta caretta</i>
sage grouse	<i>Centrocercus urophasianus</i>
sharp-tailed grouse	<i>Phasianus columbianus</i>
Mazama pocket gopher	<i>Thomomys mazama</i>

(2) Sensitive species are any wildlife species native to the state of Washington that are vulnerable or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as sensitive include:

Common Name	Scientific Name
Gray whale	<i>Eschrichtius gibbosus</i>
Common Loon	<i>Gavia immer</i>
bald eagle	<i>Haliaeetus leucocephalus</i>
Peregrine Falcon	<i>Falco peregrinus</i>
Larch Mountain salamander	<i>Plethodon larselli</i>
Pygmy whitefish	<i>Prosopium coulteri</i>
Margined sculpin	<i>Cottus marginatus</i>
Olympic mudminnow	<i>Novumbra hubbsi</i>

(3) Other protected wildlife include:

Common Name	Scientific Name
cony or pika	<i>Ochotona princeps</i>
least chipmunk	<i>Tamias minimus</i>
yellow-pine chipmunk	<i>Tamias amoenus</i>
Townsend's chipmunk	<i>Tamias townsendii</i>
red-tailed chipmunk	<i>Tamias ruficaudus</i>
hoary marmot	<i>Marmota caligata</i>
Olympic marmot	<i>Marmota olympus</i>
Cascade golden-mantled ground squirrel	<i>Spermophilus saturatus</i>
golden-mantled ground squirrel	<i>Spermophilus lateralis</i>
Washington ground squirrel	<i>Spermophilus washingtoni</i>
red squirrel	<i>Tamiasciurus hudsonicus</i>
Douglas squirrel	<i>Tamiasciurus douglasii</i>
northern flying squirrel	<i>Glaucomys sabrinus</i>
wolverine	<i>Gulo gulo</i>
painted turtle	<i>Chrysemys picta</i>
California mountain kingsnake	<i>Lampropeltis zonata</i> ;

All birds not classified as game birds, predatory birds or endangered species, or designated as threatened species or sensitive species; all bats, except when found in or immediately adjacent to a dwelling or other occupied building; mammals of the order *Cetacea*, including whales, porpoises, and mammals of the order *Pinnipedia* not otherwise classified as endangered species, or designated as threatened species or sensitive species. This section shall not apply to hair seals and sea lions which are threatening to damage or are damaging commercial fishing gear being utilized in a lawful manner or when said mammals are damaging or threatening to damage commercial fish being lawfully taken with commercial gear.

[Statutory Authority: RCW 77.12.047, 77.12.020. 08-03-068 (Order 08-09), § 232-12-011, filed 1/14/08, effective 2/14/08; 06-04-066 (Order 06-09), § 232-12-011, filed 1/30/06, effective 3/2/06. Statutory Authority: RCW 77.12.047, 77.12.655, 77.12.020. 02-11-069 (Order 02-98), § 232-12-011, filed 5/10/02, effective 6/10/02. Statutory Authority: RCW 77.12.047. 02-08-048 (Order 02-53), § 232-12-011, filed 3/29/02, effective 5/1/02; 00-17-106 (Order 00-149), § 232-12-011, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770. 00-10-001 (Order 00-47), § 232-12-011, filed 4/19/00, effective 5/20/00. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-04-017 (Order 00-05), § 232-12-011, filed 1/24/00, effective 2/24/00. Statutory Authority: RCW 77.12.020. 98-23-013 (Order 98-232), § 232-12-011, filed 11/6/98, effective 12/7/98. Statutory Authority: RCW 77.12.040. 98-10-021 (Order 98-71), § 232-12-011, filed 4/22/98, effective 5/23/98. Statutory Authority: RCW 77.12.040 and 75.08.080. 98-06-031, § 232-12-011, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 77.12.020. 97-18-019 (Order 97-167), § 232-12-011, filed 8/25/97, effective 9/25/97. Statutory Authority: RCW 77.12.040, 77.12.020, 77.12.030 and 77.32.220. 97-12-048, § 232-12-011, filed 6/2/97, effective 7/3/97. Statutory Authority: RCW 77.12.020. 93-21-027 (Order 615), § 232-12-011, filed 10/14/93, effective 11/14/93; 90-11-065 (Order 441), § 232-12-011, filed 5/15/90, effective 6/15/90. Statutory Authority: RCW 77.12.040. 89-11-061 (Order 392), § 232-12-011, filed 5/18/89; 82-19-026 (Order 192), § 232-12-011, filed 9/9/82; 81-22-002 (Order 174), § 232-12-011, filed 10/22/81; 81-12-029 (Order 165), § 232-12-011, filed 6/1/81.]

WAC 232-12-014 Wildlife classified as endangered species. Endangered species include:

Common Name	Scientific Name
pygmy rabbit	<i>Brachylagus idahoensis</i>
fisher	<i>Martes pennanti</i>
gray wolf	<i>Canis lupus</i>
grizzly bear	<i>Ursus arctos</i>
sea otter	<i>Enhydra lutris</i>
killer whale	<i>Orcinus orca</i>
sei whale	<i>Balaenoptera borealis</i>
fin whale	<i>Balaenoptera physalus</i>
blue whale	<i>Balaenoptera musculus</i>
humpback whale	<i>Megaptera novaeangliae</i>
black right whale	<i>Balaena glacialis</i>
sperm whale	<i>Physeter macrocephalus</i>
Columbian white-tailed deer	<i>Odocoileus virginianus leucurus</i>
woodland caribou	<i>Rangifer tarandus caribou</i>
American white pelican	<i>Pelecanus erythrorhynchos</i>
brown pelican	<i>Pelecanus occidentalis</i>
sandhill crane	<i>Grus canadensis</i>
snowy plover	<i>Charadrius alexandrinus</i>
upland sandpiper	<i>Bartramia longicauda</i>
spotted owl	<i>Strix occidentalis</i>
western pond turtle	<i>Clemmys marmorata</i>
leatherback sea turtle	<i>Dermochelys coriacea</i>
mardon skipper	<i>Polites mardon</i>
Oregon silverspot butterfly	<i>Speyeria zerene hippolyta</i>
Oregon spotted frog	<i>Rana pretiosa</i>
northern leopard frog	<i>Rana pipiens</i>
Taylor's checkerspot	<i>Euphydryas editha taylori</i>
Streaked horned lark	<i>Eremophila alpestris strigata</i>

[Statutory Authority: RCW 77.12.047, 77.12.020. 06-04-066 (Order 06-09), § 232-12-014, filed 1/30/06, effective 3/2/06; 04-11-036 (Order 04-98), § 232-12-014, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.047, 77.12.655, 77.12.020. 02-11-069 (Order 02-98), § 232-12-014, filed 5/10/02, effective 6/10/02. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-04-017 (Order 00-05), §

232-12-014, filed 1/24/00, effective 2/24/00. Statutory Authority: RCW 77.12.020. 98-23-013 (Order 98-232), § 232-12-014, filed 11/6/98, effective 12/7/98; 97-18-019 (Order 97-167), § 232-12-014, filed 8/25/97, effective 9/25/97; 93-21-026 (Order 616), § 232-12-014, filed 10/14/93, effective 11/14/93. Statutory Authority: RCW 77.12.020(6). 88-05-032 (Order 305), § 232-12-014, filed 2/12/88. Statutory Authority: RCW 77.12.040. 82-19-026 (Order 192), § 232-12-014, filed 9/9/82; 81-22-002 (Order 174), § 232-12-014, filed 10/22/81; 81-12-029 (Order 165), § 232-12-014, filed 6/1/81.]

WAC 232-12-016 Nonnative aquatic species. The following provisions apply to nonnative aquatic species except nonnative species in ballast water, which are provided for in chapter 220-77 WAC. The definitions of invasive species, prohibited aquatic animal species, regulated aquatic animal species, unregulated aquatic animal species, unlisted aquatic animal species and aquatic plant species as used in this section are the same as in RCW 77.08.010.

(1) Request for designation of unlisted aquatic animal species prior to release. Unlisted nonnative aquatic animal species must be reviewed and designated for classification by the commission as either regulated aquatic animal species or unregulated aquatic animal species prior to approval for release into state waters. A request for classification of an unlisted nonnative aquatic animal species shall be treated as a petition to amend WAC 220-12-090, and made on the OFM-01 form. Upon receipt of a petition, the department shall initially classify the species as a prohibited species until the review is complete. In addition to the OFM-01 form, a person requesting classification must provide the following information in order to present a complete request for designation for classification:

(a) Common and scientific name, reason for release, source of the animals proposed for release, and number of animals proposed for release.

(b) Native range of the species, assessment of potential positive and negative impacts of the release, citation of available scientific literature on release of the species in other nonnative locales, known potential for displacement of native species, hybridization with or predation upon native species, and disease or parasite transmission.

(c) Estimate of technical and economic feasibility of eradicating or controlling spread of the species once it is introduced into state waters.

(2) Provisions applying to prohibited aquatic animal species.

(a) Zebra mussels: It is unlawful to import live aquatic organisms, including plants, for release into state waters from any state or Canadian province east of the Continental Divide without each importation being accompanied by a zebra mussel-free certificate issued by the department and signed by the supplier of the aquatic organisms. The original receiver in the state of Washington of the shipment of aquatic organisms is required to retain the zebra mussel-free certificate for two years. Secondary receivers, while in possession of live aquatic organisms, are required to retain invoices or other records showing who was the original receiver.

(b) Scientific research or display: The director may authorize, by prior written permit, a person to possess prohibited aquatic animal species for scientific research or display, provided:

(i) Specimens are confined to a secure facility, defined as an enclosure that will prevent the escape or release of prohib-

ited aquatic animal species into a natural watercourse, and specimens are inaccessible to wildlife or other animals that could transport prohibited aquatic animal species.

(ii) Specimens are not transferred to any other facility without written approval by the director or designee.

(iii) All zebra mussels are incinerated or chemically preserved at the conclusion of the project, and the enclosure, holding waters and all equipment are disinfected. All other prohibited aquatic animal species must be killed at the conclusion of the project and either chemically preserved or disposed of in a landfill.

(iv) The permittee provides an annual report to the department, no later than January 31 of the following year, on a form provided by the department, describing the number, size and location of prohibited aquatic animal species enclosures and general nature of the research.

(c) Monitoring and control programs: The director may authorize persons working within the scope and supervision of a department-sponsored monitoring and control program to capture, possess and destroy prohibited aquatic animal species, provided:

(i) The persons have completed a mandatory training program and are certified by the department;

(ii) The persons have a permit authorized by the director or designee in possession;

(iii) All prohibited aquatic animal species are disposed of in accordance with the monitoring and control program; and

(iv) Participants submit a report to the department within thirty days of any monitoring or control activity in accordance with the specifications outlined in the monitoring and control program.

(d) Capture of prohibited species in state waters. Prohibited aquatic animal species that are captured in state waters and not immediately returned to the water from which they were captured must be killed before removing the prohibited aquatic animal species from within the riparian perimeter of the body of water.

(e) It is lawful to possess dead vertebrate prohibited aquatic animal species taken from state waters, and it is lawful to possess chemically preserved nonvertebrate prohibited aquatic animal species from any source. No permit is required for possession under this subsection.

(f) Prohibited aquatic animals held in commercial and personal possession prior to classification. A person who possessed a prohibited aquatic animal species prior to the time the species was classified as prohibited may continue to hold the animal or animals for the life of the animals, provided:

(i) The person must maintain proof of possession prior to the classification.

(ii) The animals may not be transferred to another owner within the state.

(iii) The person must comply with all provisions of this section.

(iv) The animals must be prevented from reproducing, or if prevention is impracticable, the progeny must be destroyed.

(3) Infested waters.

(a) The following bodies of waters are infested with invasive aquatic plants or prohibited aquatic animal species. In these waters:

(i) It is unlawful to use aquatic animals from these waters for bait in the infested waters or any other waters.

(ii) All aquatic vegetation must be removed from lines, nets, motors, and all other equipment when the equipment is removed from the infested waters.

(iii) It is unlawful to transport water from these bodies of water, and bait containers, live wells, and bilges must be emptied before leaving the riparian perimeter of the body of water, except:

(A) Water may be transported in emergencies, such as a fire emergency.

(B) Water may be withdrawn and used under a water appropriation or public waters work permit issued by the department of ecology.

(b) List of infested waters:

Adams County: Herman and Hutchison lakes.

Chelan County: Chelan, Cortez, Domke, Fish, Roses and Wapato lakes.

Clallam County: Sutherland Lake.

Clark County: Battleground, and Lacamas lakes, Kline-line Pond, Caterpillar Slough, Columbia River adjacent to Ridgefield National Wildlife Refuge.

Columbia, Franklin and Walla Walla counties: Herbert G. West Lake, Snake River.

Cowlitz County: Kress and Silver lakes, Soho and Willow Grove sloughs.

Ferry County: Twin Lake.

Franklin County: Kahlotus and Sacajawea lakes, Scooteny Reservoir, Snake River.

Grant County: Babcock Ridge, Banks, Billy Clapp, Burke, Caliche, Canal, Corral, Corral Southwest, Moses, Priest Rapids, Quincy, Stan Coffin, Warden, and Windmill lakes, unnamed potholes at Dodson Frenchman and Frenchman Hills Nos. 1 through 4, Evergreen and Potholes reservoirs, Rocky Ford Creek and Winchester Wasteway.

Grays Harbor County: Duck and Failor lakes, Grays Harbor.

Island County: Crockett and Lone lakes.

Jefferson County: Crocker and Leland lakes.

King County: Alice, Angle, Bass, Desire, Fenwick, Geneva, Green, Killarney, Lucerne, Meridian, Nielson (Holm), Otter (Spring), Phantom, Pine, Pipe, Sammamish, Sawyer, Shadow, Shady, Spring, Steel, Twelve, Union, Washington, and Wilderness lakes.

Kitsap County: Buck, Horseshoe, Long, Mission, Square, Tahuya, and Wye lakes.

Kittitas County: Lavendar and Mattoon lakes.

Klickitat County: Celilo, Horsethief, and Spearfish lakes, Columbia River.

Lewis County: Carlisle, Mayfield, Plummer, and Riffe lakes, Swofford Pond, Chehalis and Cowlitz rivers and the Interstate Avenue Slough.

Mason County: Isabella, Island, Limerick, Mason, Spencer, and Trails End (Prickett) lakes.

Okanogan County: Conconully, Green, Osooyoos, Palmer, Pearygin, and Whitestone lakes, Okanogan River.

Pacific County: Black, Island, Loomis, and O'Neil lakes, Willapa Bay.

Pend Oreille County: Davis, Diamond, Fan, Horseshoe, Mashall, Nile, and Sacheen lakes, Little Spokane and Pend Oreille rivers.

Pierce County: Bay, Clear, Harts, Hidden, Ohop, Rapjohn, Spanaway, Tapps, and Whitman lakes.

San Juan County: Sportsman Lake.

Skagit County: Beaver, Big, Campbell, Clear, Erie, Heart, McMurray, and Sixteen lakes.

Skamania County: Coldwater and Drano lakes, Columbia River.

Snohomish County: Goodwin, Meadow, Nina, Roesiger, Shoecraft, Silver, Stevens, and Swartz lakes.

Spokane County: Eloika, Liberty, Long, Newman, and Silver lakes.

Stevens County: Black, Deep, Gillette, Heritage, Loon, McDowell, Sherry, Thomas, and Waitts lakes, Long Lake Reservoir.

Thurston County: Capitol, Hicks, Long, Munn, Scott, and Ski lakes, Black and Chehalis rivers.

Wahkiakum County: Columbia River and Brooks Slough.

Walla Walla County: Snake River.

Whatcom County: Terrell and Whatcom lakes.

Whitman County: Bryan and Lower Granite lakes, Snake River.

Yakima County: Buena, Byron, Dog, and Freeway (Rotary) lakes, unnamed ponds at 12N - 19E - 20, Yakima River.

(4) Aquaculture provisions. It is unlawful to fail to comply with the following provisions regarding aquaculture and waters containing prohibited aquatic animal species or invasive aquatic plant species.

(a) When a natural body of water is designated by rule as infested, ongoing aquaculture operations in that body of water are restricted from transferring product, equipment or associated materials until such time as the operator of the aquaculture operation submits to the department a plan to prevent the spread of invasive aquatic plants and prohibited aquatic animal species, and has received approval from the department of such plan.

(b) Artificial water basins found to be infested with prohibited aquatic animal species are required to have the water sterilized before continuing aquaculture operations, and any private sector cultured products in such waters must be killed before sale or transfer.

(c) By permit from the department, water from bodies of water infested with invasive aquatic plants may be used in artificial water basins for aquaculture, provided that the water is treated to eliminate invasive aquatic plants prior to use.

(5) Violations of this section involving invasive aquatic animal species is punishable under RCW 77.15.253.

(6) Violations of this section involving invasive aquatic plants is punishable under RCW 77.15.290.

[Statutory Authority: RCW 77.12.047, 04-01-096 (Order 03-312), § 232-12-016, filed 12/16/03, effective 1/16/04; 02-19-007 (Order 02-223), § 232-12-016, filed 9/5/02, effective 10/6/02.]

WAC 232-12-017 Deleterious exotic wildlife. (1) The following animals are hereby designated as deleterious exotic wildlife:

(a) Birds:

In the family Anatidae, the mute swan (*Cygnus olor*).

(b) Mammals:

(i) In the family Viverridae, the mongoose (all members of the genus *Herpestes*).

(ii) In the family Suidae, the wild boar (*Sus scrofa* and all wild hybrids).

(iii) In the family Tayassuidae, the collared peccary (javelina) (*Tayassu tajacu*).

(iv) In the family Bovidae, all members and hybrids of the following genera: *Rupicapra* (Chamois); *Hemitragus* (Tahr); *Capra* (goats, ibexes except domestic goat *Capra hircus*); *Ammotragus* (Barbary sheep or Aoudad); *Ovis* (sheep), except domestic sheep *Ovis aries*; *Damaliscus* (Sassabies); *Alcelaphus buselaphus* (Hartebeest); and *Connochaetes* (Wildebeests).

(v) In the family Cervidae, the European red deer (*Cervus elaphus elaphus*), all nonnative subspecies of *Cervus elaphus*, and all hybrids with North American elk; Fallow deer (*Dama dama*), Axis deer (*Axis axis*), Rusa deer or Sambar deer (*Cervus unicolor*, *Cervus timorensis*, *Cervus mariannus* and *Cervus alfredi*), Sika deer (*Cervus nippon*), Reindeer (all members of the Genus *Rangifer* except *Rangifer tarandus caribou*), and Roedeer (all members of the Genus *Capreolus*).

(2) It is unlawful to import into the state, hold, possess, propagate, offer for sale, sell, transfer, or release live specimens of deleterious exotic wildlife, their gametes and/or embryo, except as provided under subsection (3), (4), (5), (6), or (7) of this section, and as provided in WAC 232-12-01701.

(3) Scientific research or display: The director may authorize, by written approval, a person to import into the state, hold, possess, and propagate live specimens of deleterious exotic wildlife for scientific research or for display by zoos or aquariums who are accredited institutional members of the Association of Zoos and Aquariums (AZA), provided:

(a) The specimens are confined to a secure facility;

(b) The specimens will not be transferred to any other location within the state, except to other AZA-accredited facilities with written director approval or as otherwise authorized in writing by the director;

(c) The specimens will be euthanized and all parts incinerated at the end of the project, except for federally listed endangered or threatened species, which may be retained or transferred where in compliance with federal law;

(d) The person will keep such records on the specimens and make such reports as the director may require; and

(e) The person complies with other requirements of this section.

(4) Retention or disposal of existing specimens lawfully in captivity:

(a) Specimens lawfully in captivity prior to January 18, 1991: A person holding exotic wildlife specimens in captivity that were classified by the fish and wildlife commission as deleterious exotic wildlife on or before January 18, 1991, may retain the specimens of such deleterious exotic wildlife such person lawfully possessed prior to January 18, 1991, provided such person complies with subsections (4)(c) through (4)(h) hereunder and the other requirements of this section;

(b) Specimens lawfully in captivity prior to June 20, 1992: A person holding the following deleterious exotic wildlife specimens in captivity that were classified by the fish and wildlife commission as deleterious exotic wildlife by operation of emergency rule filed June 19, 1992 (in the fam-

ily Bovidae, Sassafras (all members of the Genus *Damaliscus*), Hartebeest (*Alcelaphus buselaphus*), Wildebeests (all members of the Genus *Connochaetes*), Markhor (*Capra falconeri*), and Marco Polo sheep (*Ovis ammon*); and in the family Cervidae, Fallow deer (*Dama dama*), Axis deer (*Axis axis*), Sika deer (*Cervus nippon*), and Rusa deer or Sambar deer (*Cervus unicolor*, *Cervus timorensis*, *Cervus mariannus* and *Cervus alfredi*)), may retain the specimens of such deleterious exotic wildlife such person lawfully possessed prior to June 20, 1992, and the lawful progeny thereof, provided such person complies with subsection (4)(c) through (h) of this section and the other requirements of this section and except as provided under subsection (7) of this section;

(c) The person reported to the director, in writing, the species, number, and location of the specimens, as required;

(d) The specimens are confined to a secure facility at the location reported;

(e) Live specimens are not propagated, except at AZA-accredited facilities with the written permission of the director or as otherwise authorized in writing by the director;

(f) Live specimens shall be neutered, physically separated by sex, and/or rendered infertile by means of contraception, except at AZA-accredited facilities with the written permission of the director;

(g) Live specimens are not released; and

(h) Live specimens are not sold or transferred, except:

(i) Live specimens in lawful possession may be permanently removed from the state of Washington or transported directly to slaughter where in accordance with other applicable law;

(ii) Federally listed endangered or threatened species may be transferred to AZA-accredited facilities where in compliance with federal law;

(iii) Live specimens may be moved to the new primary residence of the possessor with the written approval of the director, provided that all other requirements are satisfied and the total number of locations where animals are held is not increased; and

(iv) AZA facilities may sell and/or transfer live specimens within the state with the written permission of the director.

(5) Retention or disposal of existing specimens lawfully in captivity prior to February 13, 1993: A person holding exotic wildlife specimens in captivity that are newly classified by the fish and wildlife commission as deleterious exotic wildlife by operation of this rule (Reindeer (all members of the Genus *Rangifer*, except *Rangifer tarandus caribou*), and Roedeer (all members of the Genus *Capreolus*)), may retain the specimens of such deleterious exotic wildlife such person lawfully possessed prior to February 13, 1993, provided:

(a) The person reports to the director in writing by March 31, 1993, and reports annually thereafter, or as otherwise required by the director, the species, number, and location of such specimens; and

(b) The person complies with subsection (4)(d) through (h) of this section and the other requirements of this section.

(6) The provisions of this section shall not prohibit the importation, possession, propagation, sale, transfer, or release of live specimens of federally listed threatened or endangered species, their gametes and/or embryo, where in compliance with federal law.

(7) Notwithstanding the provisions of subsection (2) of this section, Fallow deer (*Dama dama*) and reindeer (all members of the Genus *Rangifer*, except *Rangifer tarandus caribou*) may be imported into the state, held, possessed, propagated, offered for sale, sold, and/or transferred, provided:

(a) The person complies with subsection (4)(c) through (g) of this section and the other requirements of this section, except for subsection (4)(e), (f), and (h) of this section; and

(b) The person complies with the department of agriculture WAC 16-54-180 as now or hereafter amended, except:

Animals that have resided at any time east of a line drawn through the eastern boundaries of North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, and the 100th Meridian where it passes through Texas, or that have had contact with or shared common ground with animals which have resided at any time east of such line, shall not be imported into the state of Washington unless specifically authorized in writing by the director of the department of agriculture and the department of fish and wildlife;

(c) No specimens affected with any infectious or communicable disease shall be imported into the state unless in compliance with all applicable laws and regulations and unless written permission is obtained from the directors of the department of agriculture and the department of fish and wildlife;

(d) The specimens are confined to a secure facility; and

(e) Reindeer may not be imported into, held, or possessed in Ferry, Stevens, or Pend Oreille counties or that portion of Spokane County north of Spokane River.

(8) Escaped animals:

(a) Escaped deleterious exotic wildlife, including Fallow deer (*Dama dama*) and Reindeer (all members of the Genus *Rangifer*, except *Rangifer tarandus caribou*) will be considered a public nuisance. The department or any peace officer may seize, capture, or destroy deleterious exotic wildlife that have escaped the possessor's control. The former possessor shall be responsible for costs incurred by the department in recovering, maintaining, or disposing of such animals, as well as any damage to the state's wildlife or habitat.

(b) Escapes of deleterious exotic wildlife must be reported immediately to the department.

(c) The recapture or death of escaped deleterious exotic wildlife must be reported immediately to the department.

(9) Secure facility:

(a) All deleterious exotic wildlife will be held in a secure facility. For the purpose of this rule, a secure facility is an enclosure so constructed as to prevent danger to the environment or wildlife of the state, including escape of deleterious exotic wildlife specimens or ingress of resident wildlife ungulates (hoofed animals). The adequacy of the facility shall be determined by the director or agents of the director.

(b) For deleterious exotic wildlife listed in subsection (1)(b)(iv) and (v) of this section, the "secure facility" must comply with the fencing requirements in subsection (10) of this section, unless otherwise authorized by the director in writing.

(10) Fencing requirements:

(a) Perimeter fences must be, at a minimum, eight feet above ground level for their entire length. The bottom six feet must be mesh of sufficient size to prevent resident wildlife

ungulates (hoofed animals) from entering and deleterious exotic wildlife from escaping. Supplemental wire required to attain a height of eight feet may be smooth, barbed, or woven wire (at least 12-1/2 gauge) with strands spaced not more than six inches apart.

(b) Perimeter fences constructed of high tensile wire must be supported by a post or stay at minimum intervals of eight feet.

(c) Perimeter fences must be at least 12-1/2 gauge woven wire, 14-1/2 gauge high-tensile woven wire, chain link, non-climbable woven fence, or other fence approved by the director.

If the wire used is not a full eight feet in height, it must be overlapped one row and securely fastened at every other vertical row or woven together with cable.

(d) Electric fencing materials may be used on perimeter fences only as a supplement to conventional fencing materials.

(e) All gates in the perimeter fences must be self-closing, equipped with two locking devices, and installed only in locations that have been approved by the director. Double gates may be required at points in the perimeter fences subject to frequent vehicle traffic that is not related to activities involving the holding of deleterious exotic wildlife.

(f) Posts used in the perimeter fences must be:

(i) Wood (pressure treated), five-inch minimum diameter or an equivalent as approved by the director;

(ii) Spaced no more than twenty-four feet apart with stays or supports at eight foot intervals between the posts;

(iii) Extended at least eight feet above ground level; and

(iv) Have corners braced with wood or with an equivalent material as approved by the director.

(g) Fences must be maintained at all times to prevent deleterious exotic wildlife from escaping or resident wildlife ungulates (hoofed animals) from entering the enclosure. If such animals do pass through, under, or over the fence because of any topographic feature or other conditions, the person possessing deleterious exotic wildlife must immediately supplement the fence to prevent continued passage.

(h) For any fence existing prior to February 13, 1993, a person may petition the director in writing for a variance from the above fencing requirements. Any such petition must be filed no later than May 31, 1993, and must identify all aspects in which the existing fence does not meet the fencing requirements contained herein. On approval of the director, such person may maintain such existing fence with normal repair. However, any extension or relocation of existing fence must meet the fencing requirements contained herein.

(11) Marking requirements:

(a) All live specimens of deleterious exotic wildlife, except those listed in subsection (1)(a) and (b) of this section, shall be permanently and individually identified by methods approved by the director.

(b) Identification assigned to an individual animal may not be transferred to any other animal.

(c) All specimens of deleterious exotic wildlife identified in subsection (1)(b)(iv) and (v) of this section must be individually identified by the methods specified below:

(i) All live specimens of such deleterious exotic wildlife shall be marked with USDA Official ear tags or with ear tags

supplied or approved by the department. Tags shall be applied in sequential order; and

(ii) All live specimens of such deleterious exotic wildlife shall be marked with a tattoo with an identifying number that has been recorded with the director. The tattoo must be placed on the left ear of the animal.

(d) All lawful progeny of deleterious exotic wildlife must be tagged and tattooed by December 31 of the year of birth or upon leaving the holding facility, whichever is earlier.

(e) Where allowed, if an animal is sold or transferred within the state, the tag and tattoo must accompany the animal. The new owner or possessor shall not renumber the animal.

(f) Where allowed, live specimens of deleterious exotic wildlife shall be marked prior to importation.

(g) No unmarked deleterious exotic wildlife may be sold or otherwise transferred from the holding facility.

(12) Testing of specimens:

(a) Where allowed, prior to entry into the state of Washington, a person importing any member of the Genus *Cervus*, which is identified in subsection (1)(b)(v) of this section herein, must submit records of genetic tests conducted by a professionally recognized laboratory to identify red deer genetic influence (genetic material from any member of any subspecies, race, or species of the elk-red deer-wapiti complex *Cervus elaphus* not indigenous to the state of Washington). Such testing shall be at the possessor's expense. Animals that are deemed by department of wildlife biologists upon examination to exhibit either: Behavioral (vocalization), morphological (size, rump patch, color), or biochemical indications of such influence (hemoglobin, superoxide dismutase, transferrin and post-transferrin, or others to be developed) may not be imported.

(b) The director may require a person currently possessing any member of the Genus *Cervus* that are identified in subsection (1)(b)(v) of this section to submit records of genetic tests conducted by a professionally recognized laboratory to identify red deer genetic influence (genetic material from any member of any subspecies, race, or species of the elk-red deer-wapiti complex *Cervus elaphus* not indigenous to the state of Washington) for each individual cervid to the department. Such testing shall be at the possessor's expense. The director may require that any animal identified as a red deer or having nonindigenous genetic influence be destroyed, removed from the state, or neutered.

(c) The director may require that all specimens of deleterious exotic wildlife lawfully in captivity be tested for brucellosis (*brucella abortus*), tuberculosis (*mycobacterium bovis* and *mycobacterium tuberculosis*), meningeal worm (*Paralophostromylus tenuis*), and muscle worm (*Elaphostromylus cervis*) in accordance with the procedures specified in department of agriculture WAC 16-54-180 as now or hereafter amended and/or for other disease or parasites determined to pose a risk to wildlife. The results of such tests shall be filed with the director as required.

(13) Reporting:

(a) A person holding deleterious exotic wildlife in captivity shall submit a completed report no later than March 30, 1993, and then no later than January 31 of each year, or as

otherwise required by the director, on a form provided by the department.

(b) Persons possessing deleterious exotic wildlife must notify the director within ten days of any change of such persons' address and/or location of the holding facility.

(14) Inspection:

(a) All holding facilities for deleterious exotic wildlife located in the state are subject to inspection for compliance with the provisions of this section.

(b) Such inspections shall be conducted at reasonable times.

(15) Notification and disposition of diseased animals:

(a) Any person who has reason to believe that deleterious exotic wildlife being held pursuant to this rule have or have been exposed to a dangerous or communicable disease or parasite shall notify the department immediately.

(b) Upon having reason to believe that deleterious exotic wildlife held pursuant to this rule have been exposed to or contracted a dangerous or contagious disease or parasite, the director may order inspection of such animals by a licensed, accredited veterinarian or inspection agent. Inspection shall be at the expense of the possessor.

(c) The director shall determine when destruction of animals, quarantine, or disinfection is required at any facility holding deleterious exotic wildlife, pursuant to this rule. If the director determines that destruction, quarantine, or disinfection is required, a written order shall be issued to the possessor describing the procedure to be followed and the time period for carrying out such actions. Such activities shall be at the expense of the possessor.

(16) Quarantine area:

(a) Any facility holding deleterious exotic wildlife must have an approved quarantine facility within its exterior boundary or submit an action plan to the director that guarantees access to an approved quarantine facility within the state of Washington.

(i) An approved quarantine facility is one that meets criteria set by the Washington state department of agriculture.

(ii) The quarantine area must meet the tests of isolation, separate feed and water, escape security, and allowances for the humane holding and care of its occupants for extended periods of time.

(b) Should the imposition of a quarantine become necessary, the possessor must provide an on-site quarantine facility or make arrangements at such possessor's expense to transport the animals to the approved quarantine facility named in the quarantine action plan.

(17) Seizure:

(a) The department of wildlife may seize any unlawfully possessed deleterious exotic wildlife.

(b) The cost of any seizure and/or holding of deleterious exotic wildlife may be charged to the possessor of such animals.

[Statutory Authority: RCW 77.12.020, 77.12.047, and 77.12.455. 10-03-088 (Order 10-08), § 232-12-017, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 77.12.047, 77.04.020, and 34.05.353. 07-06-086, § 232-12-017, filed 3/7/07, effective 4/7/07. Statutory Authority: RCW 77.12.047. 02-19-007 (Order 02-223), § 232-12-017, filed 9/5/02, effective 10/6/02. Statutory Authority: RCW 77.12.040. 99-08-024 (Order 99-19), § 232-12-017, filed 3/29/99, effective 4/29/99. Statutory Authority: RCW 77.12.020 and 77.12.040. 93-04-039 (Order 582), § 232-12-017, filed 1/27/93, effective 2/13/93. Statutory Authority: RCW 77.12.020. 91-03-082 (Order 482),

§ 232-12-017, filed 1/17/91, effective 1/18/91; 90-10-067 (Order 434), § 232-12-017, filed 5/1/90, effective 6/1/90. Statutory Authority: RCW 77.12.040. 85-09-014 (Order 247), § 232-12-017, filed 4/9/85; 81-22-002 (Order 174), § 232-12-017, filed 10/22/81; 81-12-029 (Order 165), § 232-12-017, filed 6/1/81.]

WAC 232-12-01701 Aquatic nuisance species. (1) The following species are designated as deleterious exotic wildlife and aquatic nuisance species:

(a) Zebra mussels, including *Dreissena polymorpha* and other species commonly known as quagga;

(b) The European green crab, *Carcinus maenas*; and

(c) Chinese mitten crabs, including all members of the genus *Eriocheir*.

(2) It is unlawful to intentionally import into the state or possess aquatic nuisance species except as provided in this section.

(3) Zebra mussels: It is unlawful to import live aquatic organisms, including plants, for release into state waters from any state or Canadian province east of the Continental Divide without each importation being accompanied by a zebra mussel-free certificate issued by the department and signed by the supplier of the aquatic organisms. The original receiver in the state of Washington of the shipment of aquatic organisms is required to retain the zebra mussel-free certificate for two years. Secondary receivers, while in possession of live aquatic organisms, are required to retain invoices or other records showing who was the original receiver.

(4) Scientific research: The director may authorize, by prior written permit, a person to possess aquatic nuisance species for scientific research, provided:

(a) Specimens are confined to a secure facility, defined as an enclosure that will prevent the escape or release of aquatic nuisance species or any form of aquatic nuisance species larvae, is not a natural watercourse, and is inaccessible to wildlife or other animals that could transport aquatic nuisance species.

(b) Specimens are not transferred to any other facility without written approval by the director or designee.

(c) All zebra mussels are incinerated or chemically preserved at the conclusion of the project, and the enclosure, holding waters and all equipment are disinfected. All other aquatic nuisance species must be killed at the conclusion of the project and either chemically preserved or disposed of in a landfill.

(d) The permittee provides an annual report to the department, no later than January 31 of the following year, on a form provided by the department, describing the number, size and location of aquatic nuisance species enclosures and general nature of the research.

(5) Monitoring and control programs: The director may authorize persons working within the scope and supervision of a department-sponsored monitoring and control program to capture, possess and destroy aquatic nuisance species, provided:

(a) The persons have completed a mandatory training program and are certified by the department;

(b) The persons have a permit authorized by the director or designee in possession;

(c) All aquatic nuisance species are disposed of in accordance with the monitoring and control program; and

(d) Participants submit a report to the department within thirty days of any monitoring or control activity in accordance with the specifications outlined in the monitoring and control program.

(6) Abatement. Except as provided for in subsection (4) of this section, the department may take action to prevent or abate introduced aquatic nuisance species as a public nuisance, including but not limited to chemical treatment of the water containing the aquatic nuisance species or object to which an aquatic nuisance species is attached, heat treatment of such object, or other abatement measures as are appropriate. The possessor of aquatic nuisance species may be responsible for costs incurred by the department in abating an aquatic nuisance species infestation.

[Statutory Authority: RCW 77.12.040. 99-08-024 (Order 99-19), § 232-12-01701, filed 3/29/99, effective 4/29/99. Statutory Authority: RCW 77.12.020 and 77.12.040. 96-15-096 (Order 96-80), § 232-12-01701, filed 7/19/96, effective 8/19/96.]

WAC 232-12-019 Classification of game fish. As provided in RCW 77.12.020 and in addition to those species identified in RCW 77.08.020 the following species of the class *Osteichthyes* are classified as game fish:

Scientific Name	Common Name
<i>Salvelinus confluentus</i>	Bull Trout
<i>Catostomus columbianus</i>	Bridgelip Sucker
<i>Catostomus macrocheilus</i>	Largescale Sucker
<i>Catostomus catostomus</i>	Longnose Sucker
<i>Catostomus platyrhynchus</i>	Mountain Sucker
<i>Ctenopharyngodon idella</i>	Grass Carp
Hybrids involving genus <i>Esox</i>	Tiger Muskellunge
<i>Meilocheilus caurinus</i>	Peamouth Chub
<i>Oncorhynchus tshawytscha</i> (in its landlocked form as defined in WAC 232-12-018)	Chinook salmon
<i>Oncorhynchus kisutch</i> (in its landlocked form as defined in WAC 232-12-018)	Coho salmon
<i>Pylodictus olivaris</i>	Flathead Catfish
<i>Ptychocheilus oregonensis</i>	Northern Pikeminnow
<i>Salmo trutta</i> and <i>Salvelinus</i> <i>fontinalis hybrid</i>	Tiger Trout

Northern pikeminnow lawfully taken may be offered for sale, sold, purchased, or traded.

[Statutory Authority: RCW 77.04.012 and 77.12.047. 12-05-082 (Order 12-17), § 232-12-019, filed 2/16/12, effective 3/18/12. Statutory Authority: RCW 77.12.047. 04-07-009 (Order 04-39), § 232-12-019, filed 3/4/04, effective 5/1/04; 02-08-048 (Order 02-53), § 232-12-019, filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 77.12.040. 95-17-063 (Order 95-103), § 232-12-019, filed 8/15/95, effective 9/15/95; 93-10-012, § 232-12-019, filed 4/23/93, effective 4/30/93; 93-10-011, § 232-12-019, filed 4/23/93, effective 4/30/93; 92-22-014 (Order 576), § 232-12-019, filed 10/21/92, effective 11/21/92. Statutory Authority: RCW 77.12.020. 90-10-068 (Order 435), § 232-12-019, filed 5/1/90, effective 6/1/90. Statutory Authority: RCW 77.12.040. 88-23-046 (Order 320), § 232-12-019, filed 11/10/88. Statutory Authority: RCW 77.12.020 and 77.12.040. 83-21-003 (Order 218), § 232-12-019, filed 10/6/83. Statutory Authority: RCW 77.12.040. 81-12-029 (Order 165), § 232-12-019, filed 6/1/81. Formerly WAC 232-12-015.]

(12/21/12)

WAC 232-12-021 Importation and retention of dead nonresident wildlife. It is unlawful:

(1) To import or possess dead wildlife, taken in another state or country, into Washington unless such wildlife was acquired lawfully. Proof of legal acquisition must be retained during the period of retention of the carcass or edible parts. Violation of this subsection is punishable under RCW 77.15.290.

(2) For a person who imports a dead mountain sheep, mountain goat, cougar or bear to fail to report such importation to the department in writing within ten days of the importation. The report must contain the name and address of the importer, the location where the dead wildlife is being stored and general information describing where and how the wildlife was obtained. Violation of this subsection is punishable under RCW 77.15.290.

(3) To import or possess deer, elk, or moose, or parts thereof, harvested in Colorado, Wyoming, Utah, New Mexico, Wisconsin, Illinois, South Dakota, Nebraska, Kansas, New York, West Virginia, Virginia, North Dakota, Alberta, Maryland, Minnesota, and Saskatchewan with the following exceptions:

(a) Meat that has been deboned in the state or province where it was harvested and is imported as boned out meat;

(b) Skulls and antlers, antlers attached to the skull plate, or upper canine teeth (buglers, whistlers, ivories) from which all soft tissue has been removed;

(c) Hides or capes without heads attached;

(d) Tissue imported for use by a diagnostic or research laboratory;

(e) Finished taxidermy mounts.

Violation of this subsection is punishable under RCW 77.15.290.

(4) To fail to notify the department within twenty-four hours if an importer or receiver of deer or elk is notified by a state or province that a harvested animal has tested positive for chronic wasting disease. Violation of this subsection is an infraction punishable under RCW 77.15.160.

[Statutory Authority: RCW 77.12.047. 11-23-083 (Order 11-299), § 232-12-021, filed 11/16/11, effective 12/17/11. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. 10-18-012 (Order 10-214), § 232-12-021, filed 8/20/10, effective 9/20/10. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210. 07-11-017 (Order 07-62), § 232-12-021, filed 5/3/07, effective 6/3/07. Statutory Authority: RCW 77.12.047. 06-02-063 (Order 05-271), § 232-12-021, filed 1/3/06, effective 2/3/06; 05-02-046 (Order 04-327), § 232-12-021, filed 1/3/05, effective 2/3/05. Statutory Authority: RCW 77.12.030. 93-04-040 (Order 583), § 232-12-021, filed 1/27/93, effective 2/13/93. Statutory Authority: RCW 77.12.040. 82-04-034 (Order 177), § 232-12-021, filed 1/28/82; 81-12-029 (Order 165), § 232-12-021, filed 6/1/81. Formerly WAC 232-12-060.]

WAC 232-12-024 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) Any river otter, cougar, or bobcat raw pelt must be presented by the person harvesting the animal, in such a man-

ner that teeth and biological samples can be extracted, to an authorized department employee for sealing.

(3) The raw pelt of a bobcat or river otter must be sealed by an authorized department employee within 20 days after the close of the appropriate hunting or trapping season in which it was killed.

(4) 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 sealed by an authorized department employee 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.

(5) 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.

(6) 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 and/or seal from the state or country of origin and be accompanied by an invoice or declaration specifying the number of pelts in the shipment.

(7) 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.

[Statutory Authority: RCW 77.12.047, 06-11-032 (Order 06-92), § 232-12-024, filed 5/8/06, effective 6/8/06. Statutory Authority: RCW 77.12.040, 99-17-034 (Order 99-118), § 232-12-024, filed 8/11/99, effective 9/11/99; 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, 91-13-063 (Order 498), § 232-12-024, filed 6/17/91, effective 7/18/91; 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, 88-13-091 (Order 312), § 232-12-024, filed 6/20/88. Statutory Authority: RCW 77.12.040, 81-12-029 (Order 165), § 232-12-024, filed 6/1/81. Formerly WAC 232-12-065.]

WAC 232-12-025 Depredation hunts. Anyone participating in a director-authorized hunt pursuant to RCW 77.12.240 must comply with the following:

(1) Black bear.

(a) No dogs may be out of the vehicle, including on a strikeboard, outside of the designated hunting area. If the bear is started inside a permit area, it may be pursued and killed outside the permit boundaries.

(b) When a bear is taken, the permittee must skin the entire bear, including head, leaving the claws attached, and deliver the hide, along with the first tooth behind the canine tooth on the lower jaw, to a WDFW regional office. All bear hides taken pursuant to a black bear damage permit must be disposed of as prescribed in the depredation permit.

(c) Within 5 days after a black bear permit expires, the permittee must return the windshield identification cards and

a bear hunting report to the respective WDFW regional office. Failure to comply with this provision renders the permittee ineligible for the next year's black bear damage permit drawings.

(d) The permittee must follow all conditions included in the black bear damage permit. Failure to comply with these hunting conditions is a violation of RCW 77.15.245, 77.15.410, or 77.15.750, depending on the circumstances of the violation.

(2) Deer and elk.

(a) Only persons with a damage permit (hot-spot hunt, kill permit, or landowner preference permit) may hunt and take one deer or one elk as designated on the damage control permit.

(b) Hunters must have valid, unused general deer/elk tags to hunt and kill a legal animal during the prescribed damage permit hunt. If a hunter takes an animal of the same species during an earlier hunt, that person is ineligible for a damage hunt permit.

(c) Deer and elk damage control hunts are for antlerless only, unless the damage permit specifies either sex.

(d) Damage control hunts are unlawful from April 1 to June 30.

(e) Permittees may only hunt within the prescribed area and season dates as specified on the permit. If a deer or elk is wounded inside the damage hunt area, it may be pursued and taken outside permit boundaries.

(f) Within 5 days after a deer or elk permit expires, the permittee must return a deer/elk hunting report to the respective WDFW regional office. Failure to comply with this subsection makes the permittee ineligible for the next year's damage permit drawings.

(3) Permittees and hunters must comply with the requirements of this section. A violation of this section is punishable under RCW 77.15.410 or 77.15.750, depending on the circumstances of the violation.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047, 13-02-043 (Order 12-290), § 232-12-025, filed 12/21/12, effective 1/21/13. Statutory Authority: RCW 77.12.015 and 77.12.240, 07-09-060 (Order 07-38), § 232-12-025, filed 4/13/07, effective 5/14/07. Statutory Authority: RCW 77.12.240, 85-04-042 (Order 241), § 232-12-025, filed 2/1/85; 84-04-015 (Order 222), § 232-12-025, filed 1/24/84.]

WAC 232-12-027 Game farm license provisions. It is unlawful to operate a game farm without a current, valid Washington state game farm license.

(1) Game farms licensed prior to January 1, 1992, may continue to possess, propagate, sell and transfer wildlife they lawfully possessed on January 1, 1992, under their license issued by the department. Transfers of wildlife other than those species listed under subsection (2) are restricted to licensed game farms authorized by written license to possess said wildlife.

(2) Game farms licensed on or after January 1, 1992, may purchase, possess, propagate, sell or transfer the following wildlife:

(a) Game birds - Pheasant, of the genus *Phasianus*; gray partridge of the genus *Perdix*; chukar of the genus *Alectoris*; quail of the genus *Colinus*, *Callipepla*, and *Oreortyx*; waterfowl of the family *Anatidae*.

(3) Application for a game farm license shall be made on a form provided by the department.

(4) The director or designee of the director may issue, with conditions or restrictions, a game farm license, if the applicant meets the requirements of subsection (1) or (2) above and complies with the following criteria:

(a) The applicant is the owner or tenant of or has a possessory interest in the lands, waters, and riparian rights shown in the application.

(b) The rearing and holding facilities are adequate and structurally sound to prevent the egress of game farm wildlife.

(c) Operating conditions are clean and humane.

(d) No hazards to state wildlife exist from the operation.

(e) The license covers only the immediate premises and areas described on the application where wildlife will be held.

(5) Holders of a game farm license must make annual reports no later than the 15th of January to the director on forms to be furnished by the department. Violation of this subsection is an infraction, punishable under RCW 77.15.-160.

(6) A licensed game farm must be inspected annually. All inspection costs will be paid by the licensee. The inspection must occur during the months of June, July, or August. An inspection form will be provided by the department and must be completed and signed by a licensed veterinarian or an agent authorized by the department. The inspection form must accompany the annual report and be submitted to the director no later than the 15th day of January.

(7) During June, July, or August, a licensed game farm must conduct annual avian influenza disease testing of ten percent or a maximum of thirty representative game birds on-site. Testing required under this subsection and subsection (8) of this section must be performed by a qualified testing agent approved by WDFW. Testing is not required for the year in which all birds on-site were transferred from a game farm that has complied with the testing requirements of this rule within one year of the transfer. Copies of testing records must be kept for one year. The licensee is responsible for all testing costs. Any test results indicating the presence of avian influenza disease must be reported immediately to the Washington state department of agriculture state veterinarian.

(8) If birds being held on the game farm exhibit symptoms of respiratory infection, diarrhea, central nervous system malfunction, or more than twenty-five percent flock mortality, licensed game farms must test for one or more of the following diseases as soon as possible upon the observation of symptoms: *Mycoplasma gallisepticum* and *Mycoplasma synoviae*, pullorum, salmonella, histomoniasis, and exotic Newcastle disease. The licensee is responsible for all testing costs.

(9) A game farm license is not required for captive-bred mink, *Mustela vison*, and captive-bred silver fox, *Vulpes fulva*, lawfully acquired from a licensed breeder or fur farm and held for fur farming purposes.

[Statutory Authority: RCW 77.12.047, 07-01-049 (Order 06-300), § 232-12-027, filed 12/14/06, effective 1/14/07; 06-09-021 (Order 06-67), § 232-12-027, filed 4/11/06, effective 5/12/06. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530, 01-10-048 (Order 01-69), § 232-12-027, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.04.055, 77.12.040 and 77.12.570, 91-24-016 (Order 520), § 232-12-027, filed

(12/21/12)

11/22/91, effective 12/23/91. Statutory Authority: RCW 77.12.030, 77.12.040, 77.16.020 and 77.32.211, 85-20-127 (Order 258), § 232-12-027, filed 10/2/85. Statutory Authority: RCW 77.12.040, 82-19-026 (Order 192), § 232-12-027, filed 9/9/82; 81-22-002 (Order 174), § 232-12-027, filed 10/22/81; 81-12-029 (Order 165), § 232-12-027, filed 6/1/81. Formerly WAC 232-12-070.]

WAC 232-12-031 Game farm invoice requirements.

It is unlawful for a licensed game farm to transfer wildlife unless the wildlife is accompanied by an invoice which must include the name and address of the game farm, date of transfer, number and species transferred, and the name and address of transferee. The invoice is the transferee's permit to hold such game in captivity and must be retained during the time such wildlife is in his possession. Game farms must retain a copy of all invoices on the licensed premise for a period of two years from date of transaction and must send a copy of the invoice or a list of transferees and species transferred to the department with the game farm's annual report.

[Statutory Authority: RCW 77.12.040, 81-12-029 (Order 165), § 232-12-031, filed 6/1/81. Formerly WAC 232-12-080.]

WAC 232-12-034 Acquisition of wildlife by game farmer. A game farmer may acquire wildlife only from a licensed game farm or other lawful source.

[Statutory Authority: RCW 77.12.040, 81-12-029 (Order 165), § 232-12-034, filed 6/1/81. Formerly WAC 232-12-090.]

WAC 232-12-037 Shooting preserves—Licensing—Permits—Operations. A game farm licensed under the provisions of chapter 77.12 RCW may function as a private shooting preserve and dispose of game birds produced or acquired by releasing them on the designated preserve for hunting. The permittee must abide by the following rules:

(1) Each person desiring to operate a private shooting preserve must make application to the department on forms supplied by the department.

(2) The department shall investigate the property described in the application and determine the number of wild game birds produced annually on the proposed shooting preserve area.

(3) Private shooting preserves must contain a minimum of one hundred acres to a maximum of one thousand acres in a contiguous block. The land must be owned or leased by the applicant for a minimum of five years, and cannot contain lakes or ponds in excess of two acres of surface water or be within one-half mile of bodies of water in excess of two acres.

(4) Shooting preserves may not be located on land having a projected fall population of wild upland game birds in excess of twenty birds per one hundred acres.

(5) Shooting preserves may not be located within one mile of a public hunting area owned or controlled by the department, except lands controlled by year-to-year agreement.

(6) The boundary of shooting preserves must be posted by the permittee with signs approved by the director in such manner as he may direct.

(7) The permittee shall release not less than one game bird per acre, annually.

(8) Game birds taken from a private shooting preserve must be marked and accompanied by an invoice showing the

permittee's name, address, date of sale, number and species sold and the name and address of the hunter. Said invoice shall be retained by the hunter during the time such species are in his possession.

(9) During September or October each year, the permittee must deliver to the department the number of live game birds determined under subsection (2) or pay the department the fair market value for the specified number of game birds sixteen weeks of age. Game birds delivered to the department must be sixteen weeks of age, fully feathered and in sound and healthy condition as determined by the department.

[Statutory Authority: RCW 77.12.040, 82-04-034 (Order 177), § 232-12-037, filed 1/28/82; 81-12-029 (Order 165), § 232-12-037, filed 6/1/81. Formerly WAC 232-12-100.]

WAC 232-12-041 Permit for holding field trials. (1)

Except as authorized by permit issued by the director it is unlawful to hold field trials for hunting dogs during the months of April, May, June, and July. Field trials on department lands or those involving use of live wildlife may not be held without a permit.

(2) Applications for a field trial permit must be filed with the department at least thirty days before the proposed date for holding such trials. The application shall state the time and place the field trials will be held, the names of sponsors and persons who will conduct the trials, and such other information as the director may require.

[Statutory Authority: RCW 77.12.040, 82-04-034 (Order 177), § 232-12-041, filed 1/28/82; 81-12-029 (Order 165), § 232-12-041, filed 6/1/81. Formerly WAC 232-12-110.]

WAC 232-12-044 Use of game birds for training dogs, field trials—Marking requirements. It is unlawful to possess game birds acquired from a licensed game farmer for the purpose of training dogs, field trials, or hunting unless the birds are marked in the following manner:

(1) Captive reared waterfowl shall be physically marked in the following manner:

(a) Removal of the hind toe from the right foot.

(b) Pinioning of a wing: Provided, That this method shall be the removal of the metacarpal bones of one wing or a portion of the metacarpal bones which renders the bird permanently incapable of flight.

(c) Banding of one metatarsus with a seamless metal band.

(d) Tattooing of a readily discernible number or letter or combination thereof on the web of one foot.

(2) All other game birds shall be physically marked by removal of the first joint of the outside toe on the right foot prior to four weeks of age or marked by a band purchased from the department.

[Statutory Authority: RCW 77.12.040, 83-12-055 (Order 206), § 232-12-044, filed 6/1/83; 81-22-002 (Order 174), § 232-12-044, filed 10/22/81; 81-12-029 (Order 165), § 232-12-044, filed 6/1/81. Formerly WAC 232-12-120.]

WAC 232-12-045 Hunting equipment restrictions.

(1) It is unlawful to hunt deer or elk with the aid of infrared night vision equipment or with laser sights (not to include range finders) capable of projecting a beam onto the target,

while in possession or control of a firearm, bow and arrow, or crossbow.

(2) It is unlawful to use radio-telemetry equipment to locate and hunt wildlife with transmitters attached to them.

[Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 08-09-090 (Order 08-78), § 232-12-045, filed 4/18/08, effective 5/19/08. Statutory Authority: RCW 77.12.047, 03-13-047 (Order 03-129), § 232-12-045, filed 6/12/03, effective 7/13/03.]

WAC 232-12-047 Unlawful methods for hunting. (1)

It is unlawful to hunt any big game with:

(a) A fully automatic firearm.

(b) A centerfire cartridge less than 22 caliber for cougar.

(c) A centerfire cartridge less than 24 caliber for any other big game.

(d) A shotgun, provided that a 20 gauge, or larger shotgun, using shells loaded with slugs or buckshot size #1 or larger, may be used to hunt deer, bear, and cougar.

(e) A shotgun for any other big game, except that a 12 gauge or 10 gauge shotgun using slugs may be used.

(f) A handgun during a modern firearm season that does not meet the following criteria: Have a minimum barrel length of four inches, per manufacturer's specification, and fire a centerfire cartridge.

(g) Any rimfire cartridge.

(2) It is unlawful to hunt game birds with a shotgun capable of holding more than three shells.

(3) It is unlawful to hunt game birds or game animals, except bullfrogs, in a manner other than with a firearm, a bow and arrow, or by falconry, except in those designated areas where crossbows are allowed.

(4) Rules pertaining to crossbows:

(a) It is unlawful to hunt big game animals with a crossbow with a draw weight less than 125 pounds and a trigger safety that does not work properly.

(b) It is unlawful to hunt big game animals with any arrow or bolt weighing less than 350 grains.

(c) It is unlawful to hunt big game animals with any arrow or bolt that does not have a sharp broadhead and the broadhead blade or blades are less than seven-eighths inch wide.

(d) It is unlawful to hunt big game animals with a broadhead blade unless the broadhead is unbarbed and completely closed at the back end of the blade or blades by a smooth, unbroken surface starting at maximum blade width and forming a smooth line toward the feather end of the shaft, and such line does not angle toward the point.

(e) It is unlawful to hunt big game animals with a retractable broadhead.

(5) Hunters with disabilities may also use a crossbow during archery seasons with a special use permit as conditioned in WAC 232-12-054.

(6) It is unlawful to hunt game animals or game birds with a shotgun larger than 10 gauge.

(7) It is unlawful to hunt game birds with a rifle or handgun, with the exception of blue grouse, spruce grouse and ruffed grouse.

(8) A violation of this section is punishable under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted.

[Statutory Authority: RCW 77.12.047, 12-11-005 (Order 12-70), § 232-12-047, filed 5/2/12, effective 6/2/12. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 77.32.070, 77.32.530, 10-10-061 (Order 10-94), § 232-12-047, filed 4/30/10, effective 5/31/10. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 09-09-083 (Order 09-53), § 232-12-047, filed 4/15/09, effective 5/16/09. Statutory Authority: RCW 77.12.047 and 77.12.020, 04-11-036 (Order 04-98), § 232-12-047, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780, 00-11-137 (Order 00-50), § 232-12-047, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.040, 98-10-006 (Order 98-53), § 232-12-047, filed 4/22/98, effective 5/23/98; 90-14-108 (Order 449), § 232-12-047, filed 7/5/90, effective 8/5/90; 83-01-006 (Order 198), § 232-12-047, filed 12/2/82; 82-04-034 (Order 177), § 232-12-047, filed 1/28/82; 81-22-002 (Order 174), § 232-12-047, filed 10/22/81; 81-12-029 (Order 165), § 232-12-047, filed 6/1/81. Formerly WAC 232-12-130.]

WAC 232-12-051 Muzzleloading firearms. (1) Definitions.

(a) Muzzleloader: A firearm that is loaded from the muzzle and uses black powder or a black powder substitute as recommended by the manufacturer for use in all muzzleloading firearms.

(b) A muzzleloading firearm shall be considered loaded if a powder charge and a projectile, either shot or single projectile are in the barrel and the barrel or breech is capped or primed.

(2) It is unlawful to hunt wildlife using a muzzleloading firearm that does not meet the following specifications:

(a) A muzzleloading shotgun or rifle must have a single or double barrel, rifled or smooth-bored.

(b) A muzzleloading shotgun or rifle used for deer must be .40 caliber or larger. Buckshot size #1 or larger may be used in a smoothbore of .60 caliber or larger for deer.

(c) A muzzleloading shotgun, rifle, or handgun used for all other big game must be .45 caliber or larger.

(d) Persons lawfully hunting small game with a double barrel, muzzleloading shotgun may keep both barrels loaded.

(e) A muzzleloading handgun must have a single or double barrel of at least eight inches, must be rifled, and must be capable of being loaded with forty-five grains or more of black powder or black powder substitute per the manufacturer's recommendations.

(f) A muzzleloading handgun used for big game must be .45 caliber or larger.

(g) A handgun designed to be used with black powder, including black powder percussion revolvers, can be used to hunt forest grouse, cottontail rabbits, and snowshoe hares.

(3) In addition to the above requirements, it is unlawful to participate (hunt) in a muzzleloading hunting season using a firearm that does not meet the following specifications for a muzzleloader. However, a modern handgun may be carried for personal protection. Modern handguns cannot be used to hunt big game or dispatch wounded big game during a big game hunting season for muzzleloading firearms.

(a) Ignition is to be wheel lock, matchlock, flintlock, or percussion using original style percussion caps that fit on the nipple and are exposed to the weather. "Exposed to the weather" means the percussion cap or the frizzen must be visible and not capable of being enclosed by an integral part of the weapon proper. Primers designed to be used in modern cartridges are not legal.

(b) Sights must be open, peep, or of other open sight design. Fiber optic sights are legal. Telescopic sights or sights containing glass are prohibited.

(c) It is unlawful to have any electrical device or equipment attached to a muzzleloading firearm while hunting.

(d) Those persons lawfully hunting big game with a double barrel muzzleloader may only keep one barrel loaded.

(4) Hunters with disabilities who meet the definition of being visually impaired in WAC 232-12-828 may receive a special use permit that would allow the use of scopes or other visual aids. A disabled hunter permit holder in possession of a special use permit that allows the use of a scope or visual aid may hunt game birds or game animals during muzzleloader seasons.

(5) Muzzleloading firearms used during a modern firearm season are not required to meet ignition, sight, or double barrel restrictions.

(6) A violation of this section is punishable under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted.

[Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 77.32.070, 77.32.530, 10-10-061 (Order 10-94), § 232-12-051, filed 4/30/10, effective 5/31/10. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 09-09-083 (Order 09-53), § 232-12-051, filed 4/15/09, effective 5/16/09. Statutory Authority: RCW 77.12.047, 06-11-032 (Order 06-92), § 232-12-051, filed 5/8/06, effective 6/8/06; 03-13-047 (Order 03-129), § 232-12-051, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780, 00-11-137 (Order 00-50), § 232-12-051, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.04.055 and 77.12.040, 90-14-109 (Order 450), § 232-12-051, filed 7/5/90, effective 8/5/90; 89-11-062 (Order 393), § 232-12-051, filed 5/18/89. Statutory Authority: RCW 77.12.040, 84-18-013 (Order 234), § 232-12-051, filed 8/28/84; 81-12-029 (Order 165), § 232-12-051, filed 6/1/81. Formerly WAC 232-12-135.]

WAC 232-12-054 Archery requirements—Archery special use permits. (1) Rules pertaining to all archery hunting seasons:

(a) It is unlawful for any person to carry or have in his possession any firearm while in the field archery hunting, during an archery season specified for that area, except for modern handguns carried for personal protection. Modern handguns cannot be used to hunt big game or dispatch wounded big game during an archery, big game hunting season.

(b) It is unlawful to have any electrical equipment or electric device(s) attached to the bow or arrow while hunting.

(c) It is unlawful to shoot a bow and arrow from a vehicle or from, across, or along the maintained portion of a public highway, except that persons with a disabled hunter permit may shoot from a vehicle if the hunter is in compliance with WAC 232-12-828.

(d) It is unlawful to use any device secured to or supported by the bow for the purpose of maintaining the bow at full draw or in a firing position, except that persons with an archery special use permit may hunt game birds or game animals using a device that stabilizes and holds a long bow, recurve bow, or compound bow at a full draw, and may use a mechanical or electrical release.

(e) It is unlawful to hunt wildlife with a crossbow during an archery season. However, disabled hunter permittees in

possession of a crossbow special use permit may hunt with a crossbow in any season that allows archery equipment.

(f) It is unlawful to hunt big game animals with any arrow or bolt that does not have a sharp broadhead, and the broadhead blade or blades are less than seven-eighths inch wide.

(g) It is unlawful to hunt big game animals with a broadhead blade unless the broadhead is unbarbed and completely closed at the back end of the blade or blades by a smooth, unbroken surface starting at maximum blade width and forming a smooth line toward the feather end of the shaft, and such line does not angle toward the point.

(h) It is unlawful to hunt big game animals with a retractable broadhead.

(i) It is unlawful to hunt wildlife with any bow equipped with a scope. However, hunters with disabilities who meet the definition of being visually impaired in WAC 232-12-828 may receive a special use permit that would allow the use of scopes or other visual aids. A disabled hunter permit holder in possession of a special use permit that allows the use of a scope or visual aid may hunt game birds or game animals during archery seasons.

(2) Rules pertaining to long bow, recurve bow and compound bow archery:

(a) It is unlawful for any person to hunt big game animals with a bow that does not produce a minimum of 40 pounds of pull measured at twenty-eight inches or at full draw.

(b) It is unlawful to hunt big game animals with any arrow measuring less than 20 inches in length or weighing less than 6 grains per pound of draw weight with a minimum arrow weight of 300 grains.

(3) Archery special use permits:

(a) An archery special use permit is available to a person who possesses a valid disabled hunter permit. An archery special use permit application must be signed by a physician stating that the person's disability is permanent and the person has a loss of use of one or both upper extremities, has a significant limitation in the use of an upper extremity, or has a permanent physical limitation, which loss or limitation substantially impairs the ability to safely hold, grasp, or shoot a long bow, recurve bow or compound bow. The loss or limitation may be the result of, but not limited to, amputation, paralysis, diagnosed disease, or birth defect. The approved archery special use permit must be in the physical possession of the person while using adaptive archery equipment as described in subsection (1)(d) of this section to hunt game birds or game animals.

(b) A crossbow special use permit is available to a person who meets the requirements for an archery special use permit and is unable to use adaptive archery equipment. Adaptive equipment includes, but is not limited to: Cocking devices that hold the bow at full draw; trigger mechanisms that may be released by mouth, or chin, or hand supporting the bow; and devices that assist in supporting the bow. Information describing types of adaptive equipment will be provided to physicians for their assessment of the applicant's ability to utilize adaptive archery equipment. Muscle weakness, impaired range of motion, or unilateral hand weakness disability, of both hands or both arms or both sides of the upper extremity, may result in an inability to use adaptive archery equipment. Standard tests approved by the American

Medical Association may be conducted to assess a person's abilities.

(4) A violation of this section is punishable under RCW 77.15.400, 77.15.410, or 77.15.430, depending on the species hunted.

[Statutory Authority: RCW 77.12.047, 12-11-005 (Order 12-70), § 232-12-054, filed 5/2/12, effective 6/2/12. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 77.32.070, 77.32.530, 10-10-061 (Order 10-94), § 232-12-054, filed 4/30/10, effective 5/31/10. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 09-09-083 (Order 09-53), § 232-12-054, filed 4/15/09, effective 5/16/09. Statutory Authority: RCW 77.12.047, 06-11-032 (Order 06-92), § 232-12-054, filed 5/8/06, effective 6/8/06. Statutory Authority: RCW 77.12.047 and 77.12.020, 04-11-036 (Order 04-98), § 232-12-054, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.047, 03-13-047 (Order 03-129), § 232-12-054, filed 6/12/03, effective 7/13/03; 01-17-068 (Order 01-167), § 232-12-054, filed 8/15/01, effective 9/15/01. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780, 00-11-137 (Order 00-50), § 232-12-054, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.040, 90-03-092 (Order 427), § 232-12-054, filed 1/24/90, effective 2/24/90; 88-13-012 (Order 310), § 232-12-054, filed 6/6/88; 81-12-029 (Order 165), § 232-12-054, filed 6/1/81. Formerly WAC 232-12-140.]

WAC 232-12-055 Hunting—Hunter orange clothing requirements. (1) Except as authorized in subsection (5) of this section, it is unlawful to hunt upland birds or rabbits during any upland game bird season unless the hunter is wearing fluorescent hunter orange clothing.

(2) It is unlawful to hunt deer or elk during all modern firearm general seasons in any manner unless the hunter is wearing fluorescent hunter orange clothing.

(3) All modern firearm permit holders must wear fluorescent hunter orange clothing.

(4) It is unlawful to hunt bear, cougar, bobcat, raccoon, fox, coyote, rabbit, forest grouse or hare during those times and in those places open to the taking of deer or elk during a modern firearm season, unless the hunter is wearing fluorescent hunter orange clothing.

(5) Persons who are hunting upland game birds during an upland game bird season with a muzzleloading firearm, bow and arrow or falconry are not required to wear fluorescent hunter orange clothing.

(6) Wearing fluorescent hunter orange clothing means: A minimum of 400 square inches of fluorescent hunter orange exterior clothing, worn above the waist and visible from all sides.

(7) Violation of this section is an infraction, punishable under RCW 77.15.160.

[Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 09-09-083 (Order 09-53), § 232-12-055, filed 4/15/09, effective 5/16/09. Statutory Authority: RCW 77.12.047, 06-09-021 (Order 06-67), § 232-12-055, filed 4/11/06, effective 5/12/06; 03-16-087 (Order 03-175), § 232-12-055, filed 8/5/03, effective 9/5/03. Statutory Authority: RCW 77.12.010 and 77.12.040, 91-08-075 (Order 489), § 232-12-055, filed 4/3/91, effective 9/1/91; 90-22-059 (Order 467), § 232-12-055, filed 11/5/90, effective 9/1/91.]

WAC 232-12-057 Hunting with aid of aircraft, boats or other vehicles. (1) It is unlawful to use aircraft to spot, locate or report the location of wildlife for the purpose of hunting; except as authorized by a permit issued by the director.

(2) It is unlawful to hunt wildlife from a vehicle, aircraft, except as authorized by a permit issued by the director, or

from a boat propelled by motor unless the motor of such boat has been completely shut off and its progress has ceased.

(3) It is unlawful to use a vehicle, aircraft, or motor-propelled boat for the purpose of pursuing, concentrating, or harassing any wild animal or wild bird.

(4) It is unlawful to hunt big game on the day one was airborne in an aircraft, except on a regularly scheduled commercial airline flight.

[Statutory Authority: RCW 77.12.040, 82-04-034 (Order 177), § 232-12-057, filed 1/28/82; 81-12-029 (Order 165), § 232-12-057, filed 6/1/81. Formerly WAC 232-12-150.]

WAC 232-12-061 Tagging requirements. 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 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 77.12.047, 07-17-064, § 232-12-061, filed 8/13/07, effective 9/13/07. Statutory Authority: RCW 77.12.040, 97-18-020 (Order 97-168), § 232-12-061, filed 8/25/97, effective 9/25/97; 81-22-002 (Order 174), § 232-12-061, filed 10/22/81; 81-12-029 (Order 165), § 232-12-061, filed 6/1/81. Formerly WAC 232-12-160.]

WAC 232-12-062 Party hunting. Party hunting is defined as shooting at or killing big game or turkeys for another, killing big game or turkeys with the intention of having another person tag the animal; or tagging a big game animal or turkey that another person has killed.

Party hunting is illegal for big game and turkey, except for hunters with disabilities who have a designated hunting companion as defined in WAC 232-12-828.

[Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 09-09-083 (Order 09-53), § 232-12-062, filed 4/15/09, effective 5/16/09.]

WAC 232-12-063 Live wildlife—Facility, fencing, and marking requirements. (1) **Secure facility:**

(a) All captive wildlife held under a department issued permit must be held in a secure facility. For the purposes of this rule, a secure facility is an enclosure constructed to prevent danger to the environment or wildlife of the state, including escape of live wildlife specimens in captivity or ingress of resident wildlife ungulates (hoofed animals).

(b) For wildlife listed in WAC 232-12-064(2), the secure facility must comply with the fencing requirements in subsection (2) of this section.

(2) Fencing requirements:

(a) Perimeter fences must be, at a minimum, 8 feet above ground level for their entire length. The bottom 6 feet must be mesh of sufficient size to prevent resident wildlife ungulates (hoofed animals) from entering and captive wildlife from escaping. If the wire used is not a full 8 feet in height, it must be overlapped one row and securely fastened at every other vertical row or woven together with cable. Supplemental wire required to attain a height of 8 feet may be smooth,

barbed, or woven wire (at least 12 1/2 gauge) with strands spaced not more than 6 inches apart.

(b) Perimeter fences constructed of high tensile wire must be supported by a post or stay at minimum intervals of 8 feet.

(c) Perimeter fences must be at least 12 1/2 gauge woven wire, 14 1/2 gauge high-tensile woven wire, chain link, non-climbable woven fence, or other fence approved by the director.

(d) Electric fencing materials may be used on perimeter fences only as a supplement to conventional fencing materials.

(e) All gates in the perimeter fences must be self-closing, equipped with 2 locking devices, and installed only in locations that have been approved by the director. Double gates may be required at points in the perimeter fences subject to frequent vehicle traffic that is not related to activities involving the holding of captive wildlife.

(f) Posts used in the perimeter fences must be:

(i) Wood (pressure treated), 5-inch minimum diameter or an equivalent as approved by the director;

(ii) Spaced no more than 24 feet apart with stays or supports at eight foot intervals between the posts;

(iii) Extended at least 8 feet above ground level; and

(iv) Constructed with corners braced with wood or with an equivalent material as approved by the director.

(g) Fences must be maintained at all times to prevent captive wildlife from escaping or resident wildlife ungulates (hoofed animals) from entering the enclosure. If animals pass through, under, or over the fence because of any topographic feature or other conditions, the person possessing wildlife must immediately supplement the fence to prevent continued passage.

(3) Marking requirements:

(a) All live specimens of wildlife identified in WAC 232-12-064(2) must be individually identified by:

(i) USDA official ear tags or ear tags supplied or approved by the department. Tags must be applied in sequential order; and

(ii) A tattoo with an identifying number that has been recorded with the director. The tattoo must be placed on the left ear of the animal.

(b) Identification assigned to an individual animal may not be transferred to any other animal.

(c) Where allowed, all lawful progeny of wildlife identified in WAC 232-12-064(2) must be tagged and tattooed by December 31st of the year of birth or upon leaving the holding facility, whichever is earlier.

(d) Where allowed, if wildlife identified in WAC 232-12-064(2) is sold or transferred within the state, the tag and tattoo must accompany the animal. The new owner or possessor may not renumber the animal.

(e) Where allowed, live specimens of wildlife identified in WAC 232-12-064(2) must be marked prior to importation.

(f) Wildlife identified in WAC 232-12-064(2) may not be sold or otherwise transferred from the holding facility.

(4) Violation of this section is a misdemeanor punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. 13-02-043 (Order 12-290), § 232-12-063, filed 12/21/12, effective 1/21/13.]

WAC 232-12-064 Live wildlife—Taking from the wild, importation, possession, transfer, and holding in captivity. (1) It is unlawful to take live wildlife, wild birds, or game fish from the wild without a permit issued by the director. This subsection does not apply to starlings, house sparrows, and rock doves taken by falconers, or rock doves taken by bird dog trainers.

(2) Notwithstanding the provisions of WAC 232-12-027(1), 232-12-067, and subsections (3) and (4) of this section, and except as provided under subsection (7), (8), (9), or (10) of this section, it is unlawful to import into the state, hold, possess, propagate, offer for sale, sell, transfer, or release live specimens of or the gametes and/or embryos of the following species in the family *Cervidae*:

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>
Caribou	<i>Rangifer tarandus caribou</i>

(3) It is unlawful to import into the state or to hold live wildlife taken, held, possessed, or transported contrary to federal or state law, local ordinance, or department rule. It is unlawful to import live wild animals, wild birds, or game fish without first presenting to the department the health certificate required by the Washington department of agriculture under WAC 16-54-180. However, raptors used for falconry or propagation may be imported if the importer has health certificates for the raptors. Importers must produce proof of lawful importation for inspection if asked to do so by a department employee.

(4) It is unlawful to possess or hold in captivity live wild animals, wild birds, or game fish unless lawfully acquired. Any person possessing or holding wild animals, wild birds, or game fish in captivity must provide proof of lawful acquisition and possession for inspection if asked to do so by a department employee. The proof must identify the wild animals', wild birds', or game fish's:

- (a) Species;
- (b) Age and sex;
- (c) Origin;
- (d) Receiving party's name;
- (e) Source's name and address;
- (f) Invoice/statement date; and
- (g) Documentation of prior transfers.

(5) Live wild animals, wild birds, or game fish held in captivity, or their progeny or parts thereof, may not be sold or otherwise used commercially except as provided by department rule.

(6) It is unlawful to release wildlife from captivity except as provided in WAC 232-12-271. It is unlawful to release fish into any state waters, including private, natural, or man-made ponds, without first obtaining a fish planting permit. However, if a person catches game fish and keeps the fish alive on stringers, in live wells, or in other containers while fishing, he or she may release the fish back into the same waters that he or she caught the game fish in.

(7) **Scientific research or display:** The director may issue written authorization for a person to import into the state, hold, possess and propagate live specimens of wildlife listed in subsection (2) of this section, for scientific research or for display by zoos or aquariums who are accredited institutional members of the Association of Zoos and Aquariums (AZA), provided that the person:

- (a) Confines the specimens to a secure facility;
- (b) Does not transfer specimens to any other location within the state without the director's written authorization, and the specimens are transferred to other AZA-accredited facilities and transported by AZA-accredited institutional members or their authorized agents;
- (c) Does not sell or otherwise dispose of specimens within the state, unless the director gives written approval to sell or dispose of the specimens;
- (d) Keeps records on the specimens and make reports as the director requires; and
- (e) Complies with the requirements in this section.

(8) **Retention or disposal of existing specimens lawfully in captivity prior to June 20, 1992:** A person who holds live Roosevelt and Rocky Mountain elk, mule deer and black-tailed deer, white-tailed deer, and moose may retain the specimens of the wildlife the person lawfully possessed prior to June 20, 1992, and the lawful progeny of that wildlife, provided the person complies with the requirements of this section, and:

- (a) Reports to the director, in writing, the species, number, and location of the specimens as required;
- (b) Confines the specimens to a secure facility at the location reported, and the facility meets the requirements listed in WAC 232-12-063;
- (c) Does not propagate live specimens except at AZA-accredited facilities with the director's written permission or as otherwise authorized in writing by the director;
- (d) Does not release live specimens, except with the director's written permission;
- (e) Does not sell or transfer live specimens, except:
 - (i) Live specimens in lawful possession prior to June 20, 1992, and their lawful progeny may be permanently removed from Washington state or transported directly to slaughter in accordance with applicable law;
 - (ii) Federally listed endangered or threatened species may be transferred to AZA-accredited facilities in compliance with federal law;
 - (iii) Live specimens may be moved to the new primary residence of the possessor with the director's written approval, provided all other requirements of this section are satisfied and the total number of locations where animals are held is not increased; and
 - (iv) AZA-accredited facilities may sell and/or transfer live specimens within the state with the written permission of the director.
- (f) Live specimens must be neutered, physically separated by sex, and/or rendered infertile by means of contraception, except at AZA-accredited facilities with the director's written permission.

(9) **Retention or disposal of existing specimens lawfully in captivity prior to February 13, 1993:** A person holding live specimens of wildlife newly listed in subsection (2) of this section by operation of this rule (Caribou (*Rangifer*

tarandus caribou)), may retain the specimens of such wildlife the person lawfully possessed prior to February 13, 1993, provided:

(a) The person reports to the director in writing by March 31, 1993, and reports annually thereafter, or as otherwise required by the director, the species, number, and location of such specimens; and

(b) The person complies with subsection (8)(b) through (f) of this section and the other requirements of this section.

(10) The provisions of this section do not prohibit the importation, possession, propagation, sale, transfer, or release of live specimens of federally listed threatened or endangered species, their gametes or embryos, where in compliance with federal law.

(11) Escaped wildlife:

(a) Escaped wildlife is considered a public nuisance. The department or any peace officer may seize, capture, or destroy wildlife that have escaped the possessor's control. The former possessor is responsible for costs incurred by the department in recovering, maintaining, or disposing of such animals, as well as any damage to the state's wildlife or habitat.

(b) Possessors must report escaped wildlife to the department immediately.

(c) Possessors must report the recapture or death of escaped wildlife to the department immediately.

(12) Testing specimens:

(a) If the director issues a permit to allow any member of the Genus *Cervus*, identified in subsection (2) of this section, then prior to the animal's entry into Washington state, the person must submit records of genetic tests conducted by a professionally recognized laboratory to identify red deer genetic influence. Red deer genetic influence is genetic material from any member of any subspecies, race, or species of the elk-red deer-wapiti complex *Cervus elaphus* not indigenous to the state of Washington. Upon examination by department biologists, animals deemed to exhibit behavioral (vocalization), morphological (size, rump patch, color), or biochemical indications of such influence (hemoglobin, superoxide dismutase, transferrin and post-transferrin, or others to be developed) may not be imported.

(b) A person currently holding any member of the genus *Cervus elaphus* identified in subsection (2) of this section must immediately submit to the director records of genetic tests conducted by a professionally recognized laboratory to identify red deer genetic influence, as defined in (a) of this subsection, for each individual cervid. Genetic testing will be at the possessor's expense. Any animals identified as red deer or having nonindigenous genetic influence must be destroyed, removed from the state, or neutered immediately.

(c) The director may require wildlife listed in subsection (2) of this section that are lawfully held in captivity to be tested for brucellosis (*Brucella abortus*), tuberculosis (*Mycobacterium bovis* and *Mycobacterium tuberculosis*), meningeal worm (*Paralophostrongylus tenuis*), and muscle worm (*Elaphostrongylus cervis*) in accordance with the procedures specified in department of agriculture WAC 16-54-180. The director may also require testing for other diseases or parasites determined to pose a risk to wildlife. Results of those tests must be filed with the director as required.

(13) Reporting:

(a) A person holding wildlife listed in subsection (2) of this section in captivity must submit a completed report no later than March 30, 1993, and then no later than January 31 of each year, or as otherwise required by the director, on a form provided by the department.

(b) Persons possessing wildlife listed in subsection (2) of this section must notify the director within 10 days of any change of such persons' address and/or location of the holding facility.

(14) Inspection: All holding facilities for captive wildlife located in the state are subject to inspection, conducted at a reasonable time, for compliance with the provisions of this section.

(15) Notification and disposition of diseased animals:

(a) Any person who has reason to believe that wildlife being held pursuant to this rule have contracted or been exposed to a dangerous or communicable disease or parasite must notify the department immediately.

(b) Upon reason to believe that wildlife held pursuant to this rule have contracted or been exposed to a dangerous or contagious disease or parasite, the director may order inspection of such animals by a licensed, accredited veterinarian, certified fish pathologist, or inspection agent. Inspection will be at the possessor's expense.

(c) The director will determine when destruction of wildlife or quarantine, disinfection, or sterilization of facilities is required at any facility holding wildlife pursuant to this rule. If the director determines that destruction of wildlife or quarantine, disinfection, or sterilization of facilities is required, he or she will issue a written order to the possessor describing the procedure to be followed and the time period for carrying out such actions. The destruction of wildlife or quarantine, disinfection, or sterilization of facilities will be at the possessor's expense.

(16) Quarantine area:

(a) Facilities holding wildlife listed in subsection (2) of this section must have an approved quarantine facility within its exterior boundary or submit an action plan to the director that guarantees access to an approved quarantine facility within the state of Washington.

(i) An approved quarantine facility is one that meets criteria set by the Washington department of agriculture in chapter 16-54 WAC.

(ii) The quarantine area must meet the tests of isolation, separate feed and water, escape security, and allowances for the humane holding and care of its occupants for extended periods of time.

(b) If quarantine becomes necessary, the possessor of any wildlife requiring quarantine must provide an on-site quarantine facility or make arrangements at the possessor's expense to transport his or her wildlife to an approved quarantine facility.

(17) Seizure:

(a) The department may seize any unlawfully possessed wildlife.

(b) The cost of any seizure or holding of wildlife may be charged to the possessor of the wildlife.

(18) Violation of this section is a misdemeanor punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. 13-02-043 (Order 12-290), § 232-12-064, filed 12/21/12, effective 1/21/13. Statutory Authority: RCW 77.12.047. 10-07-105 (Order 10-64), § 232-12-064, filed 3/19/10, effective 5/1/10. Statutory Authority: RCW 77.12.020, 77.12.047, and 77.12.455. 10-03-088 (Order 10-08), § 232-12-064, filed 1/19/10, effective 2/19/10. Statutory Authority: RCW 77.12.047 and 77.12.020. 04-11-036 (Order 04-98), § 232-12-064, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.040 and 77.12.010. 96-18-059 (Order 96-135), § 232-12-064, filed 8/30/96, effective 9/30/96. Statutory Authority: RCW 77.12.030. 93-04-038 (Order 581), § 232-12-064, filed 1/27/93, effective 2/13/93. Statutory Authority: RCW 77.16.040. 85-09-008 (Order 243), § 232-12-064, filed 4/5/85; 84-09-052 (Order 224), § 232-12-064, filed 4/16/84. Statutory Authority: RCW 77.12.040. 82-04-034 (Order 177), § 232-12-064, filed 1/28/82; 81-12-029 (Order 165), § 232-12-064, filed 6/1/81. Formerly WAC 232-12-173.]

WAC 232-12-066 Revocation, modification, or suspension of a permit to hold wild animals, wild birds, or game fish in captivity. A permit issued hereunder may be revoked, modified or suspended by the director for cause as provided in WAC 232-12-197. Cause shall include, but not be limited to, failure to provide adequate holding facilities and equipment or the failure to provide adequate care, feed or maintenance of wildlife subject to the permit or for inhumane treatment of wildlife.

[Statutory Authority: RCW 77.12.010. 84-09-053 (Order 225), § 232-12-066, filed 4/16/84.]

WAC 232-12-067 Sale of fish and wildlife by zoos and aquariums. (1) It is unlawful for publicly owned zoos or aquariums who lawfully acquired fish, shellfish, wildlife or the nests of birds under WAC 220-20-045 or 232-12-064 to offer for sale or sell such animals or nests or the progeny of such animals except outside the state or except within the state to other publicly owned zoos or aquariums or accredited institutional members of the American Zoo and Aquarium Association (AZA).

(2) Publicly owned zoos and aquariums will keep accurate and current records of the sale of fish, shellfish and wildlife progeny as required by the director. These records will be maintained on a calendar year basis and retained for a period of 5 years.

(3) It is unlawful for any publicly owned zoo or aquarium to fail to complete and submit to the department by January 31 of each year a report containing information required by the director.

(4) Fish and wildlife officers may inspect at reasonable times and in a reasonable manner the fish, shellfish, wildlife, nests of birds, permits, records, and facilities of any publicly owned zoo or aquarium offering for sale or selling such animals or nests.

[Statutory Authority: RCW 77.12.047. 06-07-081 (Order 06-47), § 232-12-067, filed 3/14/06, effective 4/14/06. Statutory Authority: RCW 77.12.030. 87-18-017 (Order 296), § 232-12-067, filed 8/24/87.]

WAC 232-12-068 Nontoxic shot requirements. (1) It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot when hunting for waterfowl, coot, or snipe. Nontoxic shot includes the following approved types:

Approved Nontoxic Shot Type*	Percent Composition by Weight
bismuth-tin	97 bismuth, 3 tin

Approved Nontoxic Shot Type*	Percent Composition by Weight
iron (steel)	iron and carbon
iron-tungsten	any proportion of tungsten, >=1 iron
iron-tungsten-nickel	>=1 iron, any proportion of tungsten, up to 40 nickel
tungsten-bronze	51.1 tungsten, 44.4 copper, 3.9 tin, 0.6 iron; and 60 tungsten, 35.1 copper, 3.9 tin, 1 iron
tungsten-iron-copper-nickel	40-76 tungsten, 10-37 iron, 9-16 copper, 5-7 nickel
tungsten-matrix	95.9 tungsten, 4.1 polymer
tungsten-polymer	95.5 tungsten, 4.5 nylon 6 or 11
tungsten-tin-iron	any proportions of tungsten and tin, >=1 iron
tungsten-tin-bismuth	any proportions of tungsten, tin, and bismuth
tungsten-tin-iron-nickel	65 tungsten, 21.8 tin, 10.4 iron, 2.8 nickel
tungsten-iron-polymer	41.5-95.2 tungsten, 1.5-52.0 iron, and 3.5-8.0 fluoropolymer
*Coatings of copper, nickel, tin, zinc, zinc chloride, and zinc chrome on approved nontoxic shot types also are approved.	

The director may adopt additional nontoxic shot types consistent with federal regulations.

(2) It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading) other than nontoxic shot in the following areas:

- Well's Wildlife Area (Bridgeport Bar Unit)
- Cowlitz Wildlife Area (all units)
- Whatcom Wildlife Area (all units)
- Shillapoo Wildlife Area (all units)
- Skagit Wildlife Area (all units)
- Snoqualmie Wildlife Area (all units)
- Sunnyside-Snake River Wildlife Area (Headquarters, Byron and Windmill Ranch units)
- Sinlahekin Wildlife Area (Driscoll Island, Hegdahl, and Kline Parcel units)
- Olympic Wildlife Area (Chinook and Chehalis units)
- South Puget Sound Wildlife Area (Davis Creek (Koopman) Unit).

(3) It is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading), other than nontoxic shot, when hunting for upland game birds (pheasants, quail, chukar, or gray partridge), mourning doves, band-tailed pigeons, or game animals in the following areas:

- Chehalis River pheasant release site
- Dungeness Recreation Area
- Hoehn Road pheasant release site
- Hunter Farms pheasant release site
- Raymond Airport pheasant release site
- Two Rivers and Wallula Units of the U.S. Fish and Wildlife Service's McNary National Wildlife Refuge
- All Whidbey Island pheasant release sites

(4) Beginning in 2011, it is unlawful to possess shot (either in shotshells or as loose shot for muzzleloading), other than nontoxic shot, when hunting for upland game birds (pheasant, quail, chukar, and gray partridge), mourning

doves, band-tailed pigeons, on areas where pheasants are released, to include:

Asotin Wildlife Area (Hartssock Unit)	Chelan Wildlife Area (Chelan Butte and Swakane units)	Columbia Basin Wildlife Area (Banks Lake, Gloyd Seeps, Lower Crab Creek, Quincy Lakes, Warden units)
Sinlahekin Wildlife Area (Chiliwist Unit)	Colockum Wildlife Area (Headquarters Unit)	Wenas Wildlife Area (Wenas Unit)
Klickitat Wildlife Area (Hill Road Unit)	Scatter Creek Wildlife Area	Sherman Creek Wildlife Area
Skookumchuck Wildlife Area	Steamboat Rock, Fish-trap, John Henley, Willow Bar, Rice Bar, Hartssock, Mill Creek, Wallowa, Peninsula, Hollebeke/Lost Island, Buckshot, Big Flat, and Ringold Pheasant Release sites	Fort Lewis Belfair Woodland Creek and Lincoln Creek Pheasant Release sites

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. 10-18-012 (Order 10-214), § 232-12-068, filed 8/20/10, effective 9/20/10. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240. 09-09-083 (Order 09-53), § 232-12-068, filed 4/15/09, effective 5/16/09. Statutory Authority: RCW 77.12.047, 77.12.020. 08-01-052 (Order 07-292), § 232-12-068, filed 12/13/07, effective 1/13/08. Statutory Authority: RCW 77.12.047. 06-16-133 (Order 06-181), § 232-12-068, filed 8/2/06, effective 9/2/06; 05-17-098 (Order 05-174), § 232-12-068, filed 8/15/05, effective 9/15/05; 03-16-030 (Order 03-165), § 232-12-068, filed 7/29/03, effective 8/29/03; 03-13-047 (Order 03-129), § 232-12-068, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 77.12.040. 01-17-092 (Order 01-157), § 232-12-068, filed 8/20/01, effective 9/20/01. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. 01-10-048 (Order 01-69), § 232-12-068, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. 00-11-137 (Order 00-50), § 232-12-068, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.040. 99-17-034 (Order 99-118), § 232-12-068, filed 8/11/99, effective 9/11/99; 98-17-044 (Order 98-152), § 232-12-068, filed 8/13/98, effective 9/13/98; 97-18-026 (Order 97-164), § 232-12-068, filed 8/25/97, effective 9/25/97. Statutory Authority: RCW 77.12.040 and 77.12.010. 96-18-009 (Order 96-127), § 232-12-068, filed 8/22/96, effective 9/22/96. Statutory Authority: RCW 77.12.040. 95-18-072 (Order 95-126) § 232-12-068, filed 9/1/95, effective 10/2/95.]

WAC 232-12-071 Buying or selling game unlawful—Game-farmed meat exception. (1) It is unlawful to offer for sale, sell, purchase, or barter edible parts of wild animals or game birds. It is unlawful to offer for sale, sell, purchase, or barter edible parts of game fish, except pursuant to RCW 77.65.480.

(2) It is unlawful to offer for sale, sell, purchase, or barter the nonedible parts of wild animals, game birds, or game fish if:

- (a) The possession, sale, selling, purchase, or barter is prohibited by federal regulations;
- (b) The wild animals, game birds, or game fish were taken in violation of any law or regulation in any jurisdiction, and the seller, purchaser, or person bartering knew the animal, bird, or fish was illegally taken; or
- (c) The nonedible parts are of bighorn sheep or mountain goat; bear gall bladders; claws or teeth of bear that are not permanently attached to a full bear skin or mounted bear; or velvet antlers of deer, elk, or moose; and a permit has not been granted by the department allowing for the sale, pur-

chase, or barter of any of the animal parts listed in this subsection (2)(c).

(3) For purposes of subsection (2)(c) of this section, all of those parts are considered "nonedible" even if they are used for human consumption.

(4) Under RCW 77.15.194, it is unlawful to knowingly buy, sell, or otherwise exchange, or to offer to buy, sell, or otherwise exchange, the raw fur or carcass of a wild animal trapped in Washington with a body-gripping trap, whether or not the animal is trapped pursuant to a permit.

(5) It is unlawful to offer for sale, sell, purchase, or barter game-farm raised deer and elk, unless the following conditions have been met:

(a) Proof of the source of the game-farmed meat is maintained with the meat until the meat is consumed or exported. Qualifying proof includes sales or purchase invoices or receipts containing the following information in the English language:

- (i) Name of seller or importer;
- (ii) Name of the company selling the meat;
- (iii) The date of sale;
- (iv) The quantity of meat sold; and
- (v) The species of the meat sold.

(b) The meat is imported from a U.S. licensed game farm, or a game farm in another country.

(c) The meat is boned, and only the meat is imported.

(d) The meat is packaged for retail sale prior to importation into this state.

(6) A violation of subsection (4) of this section is punishable under RCW 77.15.194. The remaining subsections in this section are punishable under RCW 77.15.260.

(7) If you request a written permit to offer for sale, sell, purchase, or barter the nonedible parts of wild animals listed in subsection (2)(c) of this section, and your request is denied, you have a right to a hearing under the provisions of chapter 34.05 RCW. In order to obtain a hearing, you must notify the department, in writing, within forty-five days of the date of the letter denying your permit. The address to send hearing requests to is:

The Washington Department of Fish and Wildlife
Legal Affairs - Office of the Director
Post Office Box 43137
Olympia, Washington 98504-3137

If you do not request a hearing to contest denial of the permit, the permit denial will become effective forty-five days following the denial.

[Statutory Authority: RCW 77.04.020 and 77.12.047. 11-07-065 (Order 11-38), § 232-12-071, filed 3/21/11, effective 4/21/11. Statutory Authority: RCW 77.12.047. 06-17-102 (Order 06-209), § 232-12-071, filed 8/16/06, effective 9/16/06. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. 01-10-048 (Order 01-69), § 232-12-071, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.040. 82-04-034 (Order 177), § 232-12-071, filed 1/28/82; 81-12-029 (Order 165), § 232-12-071, filed 6/1/81. Formerly WAC 232-12-171.]

WAC 232-12-072 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 77.32.440, 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, 99-03-029 (Order 99-02), § 232-12-072, filed 1/13/99, effective 2/13/99.]

WAC 232-12-073 Master hunter permit program. (1)

In order to effectively manage wildlife in areas or at times when a higher proficiency and demonstrated skill level are needed for resource protection or public safety, the department establishes the master hunter permit program.

(2) The master hunter permit program emphasizes safe, ethical, responsible, and lawful hunting practices. Program goals include improving the public's perception of hunting and perpetuating the highest hunting standards. A master hunter permit is required to participate in controlled hunts to eliminate problem animals that damage property or threaten public safety.

(a) The cost of initially applying for a master hunter permit shall be fifty dollars. The cost of renewing a master hunter permit shall be twenty-five dollars.

(b) The department shall determine the program's requirements and curriculum. The director shall establish an advisory group to assist agency staff in developing and managing the program.

(3) Master hunters are held to the highest ethical standards because these hunters are ambassadors for the department and are role models and mentors for the hunting community and for the public at large. Initial master hunter permit applicants must submit to a criminal background check. The department shall deny entry into the master hunter permit program to those applicants who have:

(a) Paid the required fine or been convicted within the last ten years of a chapter 77.15 RCW offense;

(b) Paid the required fine or been convicted within the last ten years of criminal trespass, reckless endangerment, criminal conspiracy, or making a false statement to law enforcement, while hunting, fishing, or engaging in any activity regulated by the department;

(c) Prior felonies prohibiting the possession of firearms, unless firearm possession is reinstated; or

(d) A current hunting or fishing license revocation or a current suspension of hunting or fishing license privileges in Washington or in another state.

(4) Master hunter permit applicants will be required to sign and abide by a hunter code of ethics and pass a comprehensive examination based upon study materials provided by the department. An initial master hunter permit applicant found to have submitted fraudulent information to the department or to have cheated on the master hunter examination will be excluded from the master hunter permit program for life.

(5) Initial master hunter permit applicants who successfully complete the master hunter permit program will receive a master hunter patch and a master hunter permit. The initial master hunter permit is valid for five consecutive years from the date of issuance. The permit may be renewed for addi-

tional five-year increments if, during each five-year period of validity, the master hunter fulfills the renewal requirements established by the department.

(6) Master hunters renewing their permit shall authorize the department to conduct a criminal background check each time they renew. The criminal background check will go back five years from the master hunter's anniversary date or back to the date this rule amendment was adopted, whichever period of time is shorter. The department's approval will be determined by compliance with this section.

(7) Persons who successfully complete the master hunter permit program and maintain the requirements developed by the department may participate in special hunts. These master hunters must possess a valid master hunter permit while participating in the hunts.

(8) The department shall suspend a master hunter's permit for life if the master hunter:

(a) Pays the required fine or is convicted of a chapter 77.15 RCW misdemeanor, gross misdemeanor, or felony;

(b) Pays the required fine or is convicted of criminal trespass, reckless endangerment, criminal conspiracy, or making a false statement to law enforcement, while hunting, fishing, or engaging in any activity regulated by the department;

(c) Pays the required fine or is convicted of a felony prohibiting the possession of firearms, unless firearm possession is reinstated;

(d) Has his or her hunting or fishing license revoked, or hunting or fishing license privileges suspended in Washington or in another state; or

(e) Submitted fraudulent information to the department.

(9) A master hunter who pays the required fine or is found to have committed an infraction under chapter 77.15 RCW or the department's rules shall have his or her master hunter permit suspended for a period of two years.

(10) If a master hunter is cited, or charged by complaint, for a chapter 77.15 RCW offense; or for trespass, reckless endangerment, criminal conspiracy, or making a false statement to law enforcement, while hunting, fishing, or engaging in any activity regulated by the department, the department may immediately suspend the person's master hunter permit until the offense has been adjudicated.

(11) The department's master hunter coordinator will maintain open communications with landowners and the community. The department will investigate written accusations about master hunters and determine whether such complaints have merit and warrant enforcement action.

(12) Except under subsection (10) of this section, if a master hunter has his or her initial or renewal master hunter permit suspended for less than life, and the person wants to become a master hunter again, he or she must repeat the entire master hunter permit application process once the suspension period is over.

(13) Any person who has been denied initial admission into the master hunter permit program, renewal of his or her master hunter permit, or has had his or her master hunter permit suspended, has the right to an administrative hearing to contest the agency action. Such hearing will be held pursuant to chapter 34.05 RCW, the Administrative Procedure Act. Initial master hunter permit applicants who fail to submit the application fee or who submit an incomplete application will have their application returned. Denial of admission on these

grounds does not trigger the right to an administrative hearing.

(14) "Conviction," as used in this section, is defined in RCW 77.15.050.

(15) It is unlawful for any person to hunt in a hunt restricted to master hunters if such person has not successfully been admitted into the master hunter permit program and maintained the requirements set forth in this section, or if the person's master hunter permit has been suspended. Master hunters need a valid master hunter permit and a valid hunting license and tag to hunt in master hunter restricted hunts. "To hunt," as used in this section, is defined as "an effort to kill, injure, capture, or harass a wild animal or wild bird," pursuant to RCW 77.08.010(53). Master hunters who have been issued a disabled hunter permit by the department may only hunt with a designated hunter companion who has been admitted into the master hunter permit program and maintained the requirements under this section. Violations of this subsection shall be enforced under RCW 77.15.400 for wild birds, RCW 77.15.410 for big game, and RCW 77.15.430 for wild animals other than big game.

(16) Only Washington residents, as defined in RCW 77.08.010(39), may apply for an initial master hunter permit.

[Statutory Authority: RCW 77.12.047, 09-19-084 (Order 09-215), § 232-12-073, filed 9/17/09, effective 10/18/09; 08-03-088, § 232-12-073, filed 1/16/08, effective 2/16/08; 03-01-077 (Order 02-298), § 232-12-073, filed 12/13/02, effective 1/13/03.]

WAC 232-12-077 Wildlife taken by another. It is unlawful to possess wildlife taken during the open season by another unless it is accompanied by a statement which shows the name, address, hunting, fishing or other license or permit number and signature of the taker, the date, county and game management unit where taken.

[Statutory Authority: RCW 77.12.040, 81-12-029 (Order 165), § 232-12-077, filed 6/1/81. Formerly WAC 232-12-210.]

WAC 232-12-081 Checking stations—Inspection of game and licenses. Hunters and fishermen occupying a motor vehicle approaching or entering a check station established by a wildlife agent must stop and produce for inspection:

- (1) Wildlife in their possession;
- (2) Licenses, permits, tags, stamps or punchcards required under Title 77 RCW or rules adopted thereunder.

[Statutory Authority: RCW 77.12.040, 82-15-014 (Order 186), § 232-12-081, filed 7/12/82; 81-12-029 (Order 165), § 232-12-081, filed 6/1/81. Formerly WAC 232-12-201.]

WAC 232-12-082 Collection of sampling data—Unlawful acts. It is unlawful for any person or corporation licensed by the department to fail to comply with the directions of authorized department personnel related to the collection of sampling data and/or material from wildlife. It is also unlawful for any such person or corporation to fail to relinquish to the department, upon request, any part of steelhead or other species of fish commonly found in fresh water, containing coded-wire tags, including but not limited to, the snouts of those steelhead that are marked with clipped left ventral fins. This section does not apply to those species of

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fish classified as food fish by the director of fisheries or to private sector cultured aquatic products on aquatic farms.

[Statutory Authority: RCW 77.12.040, 90-01-069 (Order 415), § 232-12-082, filed 12/18/89, effective 1/18/90.]

WAC 232-12-083 Emergency rule criteria. (1) The director may close or shorten a season pursuant to RCW 77.12.150 only:

- (a) By emergency rule, and
- (b) When the director determines from biological data or climatic conditions which were unforeseen by the commission when the season was established, that the population of game fish, game animals, or game birds is in jeopardy with established seasons, and
- (c) When the delay necessary to have the issue determined by emergency action of the commission presents a real and immediate threat to wildlife.

(2) Any emergency rule issued by the director pursuant to this rule shall state:

- (a) The time and date when it shall be effective, and
 - (b) The time and date when it shall terminate, and
 - (c) The justification for its issuance.
- (3) If the director has taken emergency action pursuant to this rule, he/she shall, upon determination that the threat to wildlife has abated, thereafter reopen the season limited to the time period originally set by the commission, and reestablish bag limits as originally set by the commission.

(4) Whenever the director takes action to close, shorten, or reopen a season pursuant to (1) or (3) above, he/she shall first take all reasonable steps to notify commission members the action contemplated.

[Statutory Authority: RCW 77.12.150 and 77.12.040, 88-24-004 (Order 325), § 232-12-083, filed 11/29/88.]

WAC 232-12-087 Requirements to possess Indian caught anadromous game fish or roe. It is unlawful for a person other than a treaty Indian to buy, sell or possess anadromous game fish lawfully taken by a treaty Indian unless said fish are accompanied by a written statement showing taker's name, address, tribal affiliation and treaty fish identification card number, number of fish, date and location where taken. Provisions of this regulation shall not apply to anadromous game fish purchased from a department licensed fish buyer.

[Statutory Authority: RCW 77.12.040, 81-12-029 (Order 165), § 232-12-087, filed 6/1/81.]

WAC 232-12-091 Commercial buying and processing of anadromous game fish or roe. (1) It is unlawful to buy, sell, or possess with the intent to sell, anadromous game fish or roe unless the person has a valid anadromous game fish buyer's license or a copy of the valid license in possession and complies with the following provisions:

- (a) An anadromous game fish buyer's license is valid for one year (January 1 to December 31).
- (b) Fish buyer's licenses may be obtained by applying to the department at 1111 Washington St. S.E., Olympia, Washington 98504 or through the department's web site at www.wdfw.wa.gov.
- (c) Fish buyer's licenses are not transferable.

(d) Fish buyer's licenses only authorize a person to buy anadromous game fish or roe taken during lawful open seasons by treaty Indians who possess valid federal or tribal fishing identification cards.

(2) Violation of subsection (1) of this section is a gross misdemeanor or class C felony punishable under 77.15.620, Engaging in fish dealing activity—Unlicensed—Penalty, depending on the circumstances of the violation.

(3) It is unlawful for a person to possess or buy anadromous game fish or roe from a treaty Indian, in violation of the following requirements:

(a) The buyer must possess a valid fish buyer's license;

(b) The buyer must completely, accurately, and legibly fill out a state of Washington treaty Indian fish receiving ticket including: The name of the seller or the seller's tribal identification number, the seller's tribal affiliation, the numbers of fish or skeins of roe, the marine area or river where the fish or roe was caught, and the signature of the person directly receiving the fish;

(c) The buyer must obtain the signature of the seller on the tribal copy of the treaty Indian fish receiving ticket;

(d) The buyer must transmit the treaty Indian fish receiving tickets daily to the Northwest Indian Fisheries Commission; and

(e) The buyer must retain a copy of the receiving ticket with the anadromous game fish or roe as long as he or she has the fish or roe in possession.

(4) Violation of subsection (3) of this section is punishable under RCW 77.15.630 or 77.15.640, depending on the circumstances of the violation.

(5) The recipients of fish must possess a sales invoice for transactions involving the possession or sale of treaty caught anadromous game fish between two or more licensed buyers.

(6) This section does not apply to a person who buys lawfully caught treaty Indian anadromous game fish for personal consumption.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. 13-02-043 (Order 12-290), § 232-12-091, filed 12/21/12, effective 1/21/13. Statutory Authority: RCW 77.32.211 and 77.12.040. 86-09-023 (Order 270), § 232-12-091, filed 4/10/86. Statutory Authority: RCW 77.12.040. 85-09-014 (Order 247), § 232-12-091, filed 4/9/85; 81-12-029 (Order 165), § 232-12-091, filed 6/1/81. Formerly WAC 232-12-212.]

WAC 232-12-094 Records for purchase and receipt of anadromous game fish and roe. (1) Department fish buyer permittees must keep a record of the number of anadromous game fish and skeins of roe received or purchased.

(2) A record of all sales of anadromous game fish and roe must be maintained by licensed fish buyers for three years and are subject to inspection by a wildlife agent. Records of sales must include:

(a) Name and address of the purchaser or consignee.

(b) Number and pounds of each sale.

(c) Date of delivery.

[Statutory Authority: RCW 77.12.040. 81-12-029 (Order 165), § 232-12-094, filed 6/1/81. Formerly WAC 232-12-213.]

WAC 232-12-097 Transportation of anadromous game fish and roe. (1) It is unlawful to ship or transport game fish and roe by a private or common carrier unless accompanied by an invoice that includes:

(a) The name and address of the consignor and consignee;

(b) The weight (in pounds) and number of anadromous game fish and skeins of roe in the shipment; and

(c) The date of the shipment.

(2) Transported containers of anadromous game fish or roe must be clearly and conspicuously marked indicating the containers' contents. A copy of the invoice must be forwarded by the carrier to the department, 600 North Capitol Way, Olympia, Washington 98501, within 7 days of shipping anadromous game fish or roe.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. 13-02-043 (Order 12-290), § 232-12-097, filed 12/21/12, effective 1/21/13. Statutory Authority: RCW 77.12.040. 81-12-029 (Order 165), § 232-12-097, filed 6/1/81. Formerly WAC 232-12-214.]

WAC 232-12-099 Treaty Indian fishing gear identification. It is unlawful for a treaty Indian to operate or fish with a gillnet capable of taking anadromous game fish without having attached to one end of the float line a metal tag 3/4 of an inch by 4 inches with the following numbering system:

(1) The first digit shall indicate the treaty area, the second digit the tribe within the treaty area, and the third through the seventh digits shall be the last five numbers of the fisherman's Bureau of Indian Affairs identification number.

[Statutory Authority: RCW 77.12.040. 82-11-099 (Order 184), § 232-12-099, filed 5/19/82.]

WAC 232-12-134 Report required of licensed trappers. All trappers purchasing a trapping license must report their trapping activity, regardless of trapping success or whether they trapped or not.

(1) Trappers must report trapping activity by April 20.

(2) Reports must be made using the department's designated Trapper's Report of Catch form or internet trapper reporting system.

(3) If a trapper chooses to report using the Trapper's Report of Catch form, it is the responsibility of the licensed trapper to obtain a form and ensure the form is received by Washington Department of Fish and Wildlife, 600 Capitol Way North, Olympia, Washington 98501-1091.

(4) Any trapper not reporting by April 20 will be in non-compliance of reporting requirements.

(5) False reports will be considered the same as non-compliance.

(6) Failure to report trapping activity is an infraction, punishable under RCW 77.15.160.

[Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. 10-18-012 (Order 10-214), § 232-12-134, filed 8/20/10, effective 9/20/10. Statutory Authority: RCW 77.12.047. 06-17-095 (Order 06-196), § 232-12-134, filed 8/15/06, effective 9/15/06; 06-09-021 (Order 06-67), § 232-12-134, filed 4/11/06, effective 5/12/06. Statutory Authority: RCW 77.12.040. 99-17-034 (Order 99-118), § 232-12-134, filed 8/11/99, effective 9/11/99; 84-16-015 (Order 232), § 232-12-134, filed 7/23/84; 81-22-002 (Order 174), § 232-12-134, filed 10/22/81; 81-12-029 (Order 165), § 232-12-134, filed 6/1/81. Formerly WAC 232-12-280.]

WAC 232-12-141 Wild animal trapping. (1) The trapping season authorizes the taking of furbearing animals for their hides and pelts only. Furbearers may not be taken from

the wild and held alive for sale or personal use without a special permit pursuant to WAC 232-12-064.

(2) Any wildlife trapped for which the season is not open shall be released unharmed. Any wildlife that cannot be released unharmed must be left in the trap, and the department of fish and wildlife must be notified immediately.

(3) Lawfully trapped wild animals must be lethally dispatched or immediately released. A firearm may be used to dispatch trapped animals.

(4) It is unlawful to trap for wild animals:

(a) With body-gripping traps, EXCEPT as provided for in subsection (b).

(b) Conibear-type traps in water, nonstrangling foot snares, and padded foot-hold traps may be used for the following purposes with a permit issued by the director:

(i) To protect public health and safety, in consultation with the department of social and health services or the United States Department of Health and Human Services.

(ii) To abate damages caused to private property, domestic animals, livestock or timber, that cannot be reasonably abated by nonlethal control tools. Any person requesting a damage control permit must apply in writing, stating the threat or damages, the nonlethal control methods attempted or why they cannot be applied, and agree to use the above traps for no more than thirty days under the permit granted.

(iii) To protect threatened or endangered species, if such traps are used by department employees or agents.

(iv) To conduct wildlife research, EXCEPT that Conibear-type traps are prohibited for this purpose.

(c) Unless kill traps are checked and animals removed within seventy-two hours.

(d) Unless animals captured in restraining traps (any nonkilling set) are removed within twenty-four hours of capture.

(e) Using game birds, game fish or game animals for bait, except nonedible parts of game birds, game fish or game animals may be used as bait.

(f) Within thirty feet of any exposed meat bait or nonedible game parts which are visible to flying raptors.

(5) Game bird feathers may be used as an attractor.

[Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. 01-10-048 (Order 01-69), § 232-12-141, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.040. 00-20-032 (Order 00-197), § 232-12-141, filed 9/27/00, effective 10/28/00; 99-17-034 (Order 99-118), § 232-12-141, filed 8/11/99, effective 9/11/99; 98-01-207 (Order 97-253), § 232-12-141, filed 12/23/97, effective 10/1/98; 92-18-083 (Order 563), § 232-12-141, filed 9/2/92, effective 10/3/92; 90-19-097 (Order 460), § 232-12-141, filed 9/19/90, effective 10/20/90; 87-15-082 (Order 293), § 232-12-141, filed 7/20/87; 81-12-029 (Order 165), § 232-12-141, filed 6/1/81. Formerly WAC 232-12-310.]

WAC 232-12-142 Special trapping permit—Use of body-gripping traps. (1) As used in this section, unless the context clearly requires otherwise, the following definitions apply:

(a) "Animal" means any nonhuman vertebrate.

(b) "Animal problem" means any animal that threatens or damages timber or private property or threatens or injures livestock or any other domestic animal.

(c) "Body-gripping trap" means a trap that grips an animal's body or body part. Body-gripping trap includes, but is not limited to, unpadding foot-hold traps, padded foot-hold

traps, Conibear 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.

(d) "Conibear or Conibear-type trap" means any trap of various manufacturers having design and operational characteristics essentially the same as or like that developed by Frank Conibear and designed and set to grip and hold an animal's body across its main axis.

(e) "In water" means beneath the water surface so that the trap is completely submerged.

(f) "Nonstrangling-type foot snare" means a cable or wire designed and set to encircle and hold an animal's foot or limb.

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

(h) "Permit" means a special trapping permit issued to a person under the authority of RCW 77.15.194 and the provisions of this section to use certain body-gripping traps to abate an animal problem for thirty days.

(i) "Permittee" means the person to whom a permit is granted.

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

(2) It is unlawful to trap animals using body-gripping traps without a permit issued by the department.

(3) It is unlawful to fail to comply with any conditions of a permit to trap.

(4) It is unlawful for any person issued a permit to fail to complete and submit to the department a report of animals taken under the permit. This report is due within ten days of the expiration date of the permit.

(5) It is unlawful to knowingly offer to sell, barter, or otherwise exchange the raw fur or carcass of a mammal that has been trapped pursuant to a permit.

(6) A person seeking a special trapping permit shall submit a complete application to the department. The applicant shall provide the following information:

(a) Applicant's name, address, and telephone number.

(b) Location(s) of animal problem (physical address or legal description including township, range, and section number).

(c) Description of the animal problem:

(i) Duration of the animal problem.

(ii) Description of the damage or potential damage being caused (i.e., crop, timber, property, livestock, or pet animals, etc.).

(iii) Any threat or potential threat to the health and/or safety of people.

(d) Species of animal causing the problem and, if known, the number of animals involved.

(e) Description of the measures taken to prevent or alleviate the problem or damage.

(f) Explanation of why the measures taken were ineffective to abate the problem or why such measures could not reasonably or effectively be used to abate the animal problem.

(g) Whether Conibear-type traps in water, padded foot-hold traps or nonstrangling-type foot snares will be used.

(h) Species and number of animals to be removed.

(7) For wildlife research, the applicant shall provide the following information:

- (a) Applicant's name, address, and telephone number.
 - (b) Location(s) where wildlife trapping will occur (physical address or legal description including township, range, and section number).
 - (c) Whether padded foot-hold traps or nonstrangling-type foot snares will be used.
 - (d) Species and number of animals to be captured.
 - (e) Research objective or proposal.
 - (f) A copy of a valid department scientific collection permit.
- (8) A completed report of animals taken pursuant to a special trapping permit shall include the following information:

- (a) Permittee's name, address, and telephone number.
- (b) The number of the permit for which the report is being submitted.
- (c) The common name of the animal(s) taken, the number of animals taken, and the disposition.
- (d) For any nontargeted animals taken, the common name of the animal, the number of animals, and the disposition.

(9) Successive permits for the same animal problem may be requested by completing the justification and applicant certification on the report of animals taken.

(10) The conditions of a special trapping permit shall include:

- (a) The term of the permit is thirty days.
- (b) Any body-gripping trap authorized under a permit shall be checked at least every twenty-four hours.
- (c) Each body-gripping trap authorized under a permit shall have attached to its chain or to the trap a legible metal tag with either the department identification number of the trapper or the name and address of the trapper in English letters not less than one-eighth inch in height.
- (d) Nontargeted species shall be released unharmed if possible.

(e) Any mammal trapped pursuant to a permit must be lethally dispatched or released as soon as possible, unless taken for scientific research, in which case the animal may be retained alive if so provided in the permit.

(f) The carcass of any mammal taken under a permit must be properly disposed of in a lawful manner.

(g) A copy of the permit shall be in the immediate possession of the person authorized to trap pursuant to a permit.

(11) A special trapping permit may be denied when, in the judgment of the department:

- (a) Other appropriate nonlethal methods have not been utilized;
- (b) The alleged animal problem either does not exist or the extent is insufficient to justify lethal removal;
- (c) The use of the requested body-gripping trap(s) would result in direct or indirect harm to people or domestic animals;

(d) The use of the requested body-gripping trap(s) would conflict with federal or state law, local ordinance or department rule; or

(e) The application is not complete.

(12) A special trapping permit may be revoked when, in the judgment of the department:

(a) Information contained in the application was inaccurate or false;

(b) The permittee or person trapping under the permit fails to comply with any of the permit conditions; or

(c) The permittee or person trapping under the permit exceeds the number of animals authorized.

(13) If the permit is denied or revoked, the department shall provide the applicant, in writing, a statement of the specific reason(s) for the denial or revocation. The applicant may request an appeal in accordance with chapter 34.05 RCW. Appeal requests shall be filed in writing and returned within twenty days from the mailing date of the denial and be addressed to WDFW Legal Services Office, 600 Capitol Way North, Olympia, Washington 98501-1091.

[Statutory Authority: RCW 77.12.047. 01-17-067 (Order 01-165), § 232-12-142, filed 8/15/01, effective 9/15/01.]

WAC 232-12-154 Juvenile fishing waters. It is unlawful for a person fifteen years of age or older to fish any waters restricted to juvenile fishing only.

[Statutory Authority: RCW 77.12.040. 88-07-065 (Order 307), § 232-12-154, filed 3/16/88; 81-22-002 (Order 174), § 232-12-154, filed 10/22/81; 81-12-029 (Order 165), § 232-12-154, filed 6/1/81. Formerly WAC 232-12-355.]

WAC 232-12-164 Fishing near dams—Department facilities. Except as provided in current season game fish regulations, it is unlawful to fish within four hundred feet downstream from man-made dams, fish ladders or other obstructions, or in facilities used by the department for rearing, holding, or passage of fish. It is unlawful to fish in an irrigation canal or ditch, when the area is posted as closed waters.

[Statutory Authority: RCW 77.12.040. 81-22-002 (Order 174), § 232-12-164, filed 10/22/81; 81-12-029 (Order 165), § 232-12-164, filed 6/1/81. Formerly WAC 232-12-370.]

WAC 232-12-166 Northern squawfish sport-reward fishery Columbia and Snake rivers. The Washington department of fish and wildlife shall administer a bounty voucher program for Northern squawfish (*Ptychocheilus oregonensis*) taken by legal fishing methods, in waters open to fishing, from the mouth of the Columbia River to the boundary markers 650 feet below the fish ladders at Priest Rapids Dam; from the mouth of the Snake River to the boat restricted zone below Hells Canyon Dam, and from the backwaters and sloughs as well as up to 400 feet into the tributaries of the reaches listed above on the Columbia and Snake rivers. In addition, the following requirements shall be met to qualify for a voucher:

(a) Each angler must register in person, prior to fishing, at one of the registration stations each fishing day. A fishing day is a 24-hour period from 9:01 p.m. through 9:00 p.m. of the following day;

(b) Each angler, in person must exchange their eligible Northern squawfish for a voucher during the posted hours, and at the same registration station where the angler registered during the same fishing day;

(c) Each Northern squawfish must be eleven inches or longer in total length and presented in fresh condition or alive;

(d) Anglers shall provide information regarding their catch as requested by department personnel at the registration site and mail in survey forms; and

(e) Anglers shall obtain a valid Washington state fishing license and must use a single rod, reel, and line with up to three hooks with no more than three points each.

[Statutory Authority: 1998 c 191 and RCW 75.08.080, 99-03-029 (Order 99-02), § 232-12-166, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 77.12.040, 94-09-019 (Order 632), § 232-12-166, filed 4/14/94, effective 5/1/94; 93-10-013, § 232-12-166, filed 4/23/93, effective 4/30/93.]

WAC 232-12-168 Fishing contests. (1) Contest defined: By definition, a fishing contest exists when 6 or more licensed persons fish competitively and determine winners, regardless of prize value.

(2) Application:

(a) Fishing contest permit applications should be submitted to the department by July 1 of each year for contests that are to take place the following calendar year. After July 1, applications must be submitted not less than 30 days prior to the date for which the contest is proposed.

(b) Applications must include the permit fee required by RCW 77.65.480. The fee will be returned if the permit is denied. No more than seven permits will be issued to any one permittee during a calendar year.

(c) For purposes of application for a fishing contest permit, "permittee" means a "person" as defined in RCW 77.08.010. All applications from a permittee must be in a single name.

(3) Approval:

(a) Fishing contests which adversely affect fish or wildlife resources or other recreational opportunity may be denied.

(b) Contests will not be allowed on sea-run cutthroat trout, wild steelhead, Dolly Varden or bull trout.

(c) During fishing contests, where anglers target tiger muskies, no retention of caught fish is allowed. Tiger muskies may be caught, measured for length, photographed and all fish must be immediately released alive.

(4) Prize value: Total prize value per contest will not exceed \$5,000 when trout, steelhead, char, whitefish, grayling, tiger muskie, or kokanee are included as target species; provided that contests wherein other species not listed above are targeted, or where bass or walleye are the targeted species and at least 90 percent of bass or walleye are released alive and in good condition after the contest, may qualify for no limitation on amount of prize.

(5) Legal requirements, all contests:

(a) Fishing contest permits must be in the possession of the contest sponsor or official at the contest site.

(b) Contests are restricted to the species and waters approved on the permit. Only those species listed as a target of the contest may be retained by contest participants during bass or walleye contests where all contestants fish at the same time and place.

(c) Sponsors must report contest information requested by the department within 30 days after the contest has ended. Subsequent contest permits will not be issued for one year after the date of the contest for which the report was not returned if this requirement is not fulfilled.

(d) Contest participants may not restrict public access at boat launches.

(e) Contests for bass and walleye where participants expect to fish at the same time from boats on lakes or reservoirs will not last longer than four consecutive days and have the following limits per water:

ACRES	CONTESTS PER DAY	BOATS PER CONTEST DAY
Less than 300	1	15
301 - 3,000	1	35
3,001 - 6,000	2	75
6,001 - 10,000	2	120
More than 10,000	3	250

* No more than four weekend days per month nor more than two weekends per month may be scheduled on any water when contestants fish at the same time, and are allowed to fish from boats.

(f) It is unlawful for the fishing contest permittee or any of the contest participants to fail to comply with the conditions of the fishing contest permit, or of general fishing rules not specifically exempted by this permit. Failure of the permittee or any of the contestants to comply with all provisions of the contest permit or of other fishing regulations during a contest may lead to revocation of the permit and result in denial of fishing contest permits to the permittee and related organizations or individuals sponsoring contests for two years.

(6) Special regulations, bass and walleye contests:

(a) In any contest targeting either bass or walleye, all live bass or walleye must be released alive into the water from which they were caught after being weighed and/or measured. At the end of each day's competition, if the mortality of target fish caught that day exceeds 10%, the contest will be suspended. Suspended contests may be continued (within assigned permit dates) only if the cause of the high mortality can be positively identified, and the cause of the mortality (high waves, equipment deficiency, etc.) ceases or is corrected by contest officials.

(b) During bass and walleye contests only, participants may continue to fish while holding up to five fish in possession, as long as one fish is released immediately upon catching a fish which would make the angler in excess of five fish if kept. The fish released may come either from the one just caught, or from the livewell, but at no time may the angler have more than five fish in the livewell.

(c) During bass contests, contestants may not use live bait.

(d) During bass and walleye contests participants may retain up to five bass and walleye of any size to be weighed in. A tournament angler may not be in possession of more than five bass or walleye from the water being fished, except as authorized under (6)(e) below.

(e) The contest director or director designee may exceed possession limits for bass or walleye for the purpose of transporting fish from a weigh-in site to an open-water area. During transportation, the transport boat must not leave the water

the fish were caught from and a copy of the contest permit must be on board during actual fish transport.

(f) Boat identification: All boats used for fishing in bass and walleye contests must be clearly identified according to criteria established by the department.

(7) Aquatic invasive species decontamination. Prior to launching into any Washington state body of water:

(a) All contest participants are required to sign an aquatic invasive species decontamination statement that their boats and/or boat trailers have or have not been in physical contact with any waters outside of Washington state for thirty days immediately preceding the contest and, if the boat and/or trailer has been in contact with such waters, the participant must complete an aquatic invasive species decontamination report indicating that the following actions have been taken:

(i) A physical inspection has been made of the hull, motor, trailer, livewell and bilge by the contest director or designee, according to criteria established by the department; and

(ii) Any aquatic invasive species, if found, have been disposed of in a garbage container; and

(iii) The hull, motor, trailer, livewell, and bilge have been decontaminated according to criteria established by the department.

(b) The aquatic invasive species decontamination statement and decontamination report shall be submitted to the department as part of the fishing contest report.

[Statutory Authority: RCW 77.08.045, 77.12.170, 77.12.177, 77.32.050, 77.32.240, 77.32.350, 77.32.370, 77.32.430, 77.32.450, 77.32.460, 77.32.470, 77.32.520, 77.32.580, 77.65.020, 77.65.090, 77.65.110, 77.65.150, 77.65.160, 77.65.170, 77.65.190, 77.65.200, 77.65.210, 77.65.220, 77.65.280, 77.65.340, 77.65.390, 77.65.440, 77.65.450, 77.65.480, 77.65.510, 77.70.080, 77.70.190, 77.70.220, 77.70.260, 77.70.490, 77.115.040, and 43.84.092. 11-22-002 (Order 11-282), § 232-12-168, filed 10/19/11, effective 11/19/11. Statutory Authority: RCW 77.12.-047. 09-06-042 (Order 09-27), § 232-12-168, filed 2/25/09, effective 5/1/09; 08-07-003, § 232-12-168, filed 3/5/08, effective 4/5/08; 06-05-085 (Order 06-23), § 232-12-168, filed 2/14/06, effective 5/1/06; 04-07-009 (Order 04-39), § 232-12-168, filed 3/4/04, effective 5/1/04; 02-08-048 (Order 02-53), § 232-12-168, filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 75.08.080, 77.12.040. 00-08-038 (Order 00-29), § 232-12-168, filed 3/29/00, effective 5/1/00. Statutory Authority: RCW 77.12.020 and 77.12.040. 96-15-096 (Order 96-80), § 232-12-168, filed 7/19/96, effective 8/19/96. Statutory Authority: RCW 77.12.040. 96-11-079, § 232-12-168, filed 5/13/96, effective 7/1/96; 94-06-014 (Order 629), § 232-12-168, filed 2/18/94, effective 3/21/94; 92-22-015 (Order 577), § 232-12-168, filed 10/21/92, effective 11/21/92. Statutory Authority: RCW 77.12.040 and 77.04.055. 90-22-057 (Order 464), § 232-12-168, filed 11/5/90, effective 12/6/90. Statutory Authority: RCW 77.12.040 and 77.16.010. 86-21-017 (Order 280), § 232-12-168, filed 10/6/86.]

WAC 232-12-169 Hunting contests. A person wishing to hold a hunting contest must comply with the following provisions:

(1) Only organizations filed with the state of Washington as a nonprofit corporation may apply for a hunting contest permit.

(2) Hunting contest permit applications shall be submitted to the department 30 days prior to the date for which the contest is proposed.

(3) Applications must include the permit fee required by RCW 77.32.211. The fee will be returned if the permit is denied.

(4) Contests are restricted to the species approved on the permit.

(5) Total value of prizes per contest shall not exceed \$2000.

(6) Entry fees or requests for donations are prohibited.

(7) It is unlawful to fail to comply with the conditions of a hunting contest permit.

Hunting contests which may adversely affect wildlife resources will be denied.

[Statutory Authority: RCW 77.12.040 and 77.16.010. 87-09-026 (Order 287), § 232-12-169, filed 4/7/87.]

WAC 232-12-174 Domestic animals on department lands. It is unlawful for any person to allow domesticated animals to be unattended on, or to permit livestock to graze upon land under the control of the department without a written permit from the director. In addition to other penalties provided by law, any such person may be liable to the department for a compensatory fee of one dollar per head of livestock per day.

[Statutory Authority: RCW 77.12.210. 88-23-108 (Order 322), § 232-12-174, filed 11/22/88. Statutory Authority: RCW 77.12.040. 81-12-029 (Order 165), § 232-12-174, filed 6/1/81. Formerly WAC 232-12-390.]

WAC 232-12-177 Vehicles using department lands. It is unlawful to operate a motor driven vehicle on a road controlled or managed by the department pursuant to road management agreement in a manner or for a purpose contrary to posted signs or notices except as authorized by the director.

Violation of this section is an infraction, punishable under RCW 77.15.160.

[Statutory Authority: RCW 77.12.047. 06-09-021 (Order 06-67), § 232-12-177, filed 4/11/06, effective 5/12/06. Statutory Authority: RCW 77.12.210 and 77.12.320. 90-11-050 (Order 438), § 232-12-177, filed 5/11/90, effective 6/11/90. Statutory Authority: RCW 77.12.040. 82-04-034 (Order 177), § 232-12-177, filed 1/28/82; 81-12-029 (Order 165), § 232-12-177, filed 6/1/81. Formerly WAC 232-12-400.]

WAC 232-12-181 Livestock grazing on department of fish and wildlife lands. All persons wishing to apply for a grazing permit should contact the Washington Department of Fish and Wildlife, 600 North Capitol Way, Olympia, Washington 98501-1091.

(1) The director is authorized to enter into grazing permits when the director determines that a grazing permit will be consistent with the desired ecological condition for those lands or the department's strategic plan. Except for temporary permits, or permits that are being renewed or renegotiated with existing permittees, grazing permits shall first be submitted to the commission, which may review the permit to ensure it conforms with commission policy. If, within thirty days, the commission has not disapproved the permit, the director shall be deemed authorized to enter into that permit.

(2) The director shall negotiate grazing permits with potential grazing operators to ensure the highest benefits to fish and wildlife. The director may advertise and sell a permit to use department lands for grazing at public auction to the highest bidder. The director is authorized to reject any and all bids if it is determined to be in the best interest of the fish and wildlife to do so.

(3) The term of each grazing permit shall be no greater than five years. When an existing permit expires or is about to expire, the director may renew the permit for up to another

five years, renegotiate the grazing permit with the existing permittee, negotiate a new permit with a new grazing operator, or sell the permit at public auction to the highest bidder. The director is authorized to reject any and all bids if it is determined to be in the best interest of the fish and wildlife to do so. The director may grant a term longer than five years only with the prior approval of the commission.

(4) A temporary permit may be granted by the director to satisfy short-term needs where benefits to wildlife management programs and the public interest can be demonstrated. The term of a temporary permit shall not exceed one year and no fee need be charged.

(5) Except for temporary permits lasting less than two weeks, each grazing permit proposal shall be accompanied by a domestic livestock grazing management plan that includes a description of ecological impacts, desired ecological condition, fish and wildlife benefits, a monitoring plan, and an evaluation schedule for lands that will be grazed by livestock. The department shall inspect the site of a grazing permit no less than two times each year. The director shall retain the right to alter any provision of the plan as required to benefit fish or wildlife management, public hunting and fishing, or other recreational uses.

(6) The director may cancel a permit (a) for noncompliance with the terms and conditions of the permit, or (b) if the area described in the permit is included in a land use plan determined by the agency to be a higher and better use, or (c) if the property is sold or conveyed, or (d) if damage to wildlife or wildlife habitat occurs.

(7) All lands covered by any grazing permit agreement shall at all times be open to public hunting, fishing and other wildlife recreational uses unless such lands have been closed by action of the commission or emergency order of the director.

[Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 07-11-017 (Order 07-62), § 232-12-181, filed 5/3/07, effective 6/3/07. Statutory Authority: RCW 77.12.047, 03-03-016 (Order 03-03), § 232-12-181, filed 1/7/03, effective 2/7/03. Statutory Authority: RCW 77.12.210, 88-23-109 (Order 323), § 232-12-181, filed 11/22/88. Statutory Authority: RCW 77.12.040, 82-04-034 (Order 177), § 232-12-181, filed 1/28/82; 81-12-029 (Order 165), § 232-12-181, filed 6/1/81. Formerly WAC 232-12-405.]

WAC 232-12-189 Duplicate licenses, tags, etc.—

Rules for issuance. Request for replacement of licenses, permits, tags, stamps or catch record cards required by chapter 77.32 RCW, which have been lost, mutilated, or stolen, must be made by the licensee.

Duplicate licenses, permits, tags, stamps and catch record cards may be issued at department offices or by recreational license dealers.

[Statutory Authority: 1998 c 191 and RCW 75.08.080, 99-03-029 (Order 99-02), § 232-12-189, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 77.32.256, 86-03-054 (Order 267), § 232-12-189, filed 1/15/86. Statutory Authority: RCW 77.12.040, 81-22-002 (Order 174), § 232-12-189, filed 10/22/81.]

WAC 232-12-221 Petitions—Form—Scheduling—

Ruling. Petitioners for declaratory rulings by the commission shall set forth the rule or statute brought into issue by the petition, the facts relied upon by the applicant, the prayer of the petitioner and shall generally conform to the form of complaints at law.

(12/21/12)

The petition shall be submitted to the director who may in his discretion place the petition on the agenda of the commission at one of its regular meetings and shall give reasonable notice to the petitioner of the time and place for hearing by the commission. Petitioner may appear and present argument to the commission at any such hearing.

The commission after hearing, shall issue a binding declaratory rule, a nonbinding declaratory rule or notify the petitioner that no declaratory rule is to be issued.

The director shall notify the petitioner of action taken with reference to the petition.

[Statutory Authority: RCW 77.12.040, 81-12-029 (Order 165), § 232-12-221, filed 6/1/81. Formerly WAC 232-12-480.]

WAC 232-12-227 Hunter education training program requirements.

(1) The director may designate a state coordinator for the purpose of administering the hunter education program. The state coordinator shall be responsible for the certification of volunteer instructors and the development of instructional materials, training aids, operating policies and procedures necessary to comply with the provisions of this section and RCW 77.32.155.

(2) It is unlawful for any person born after January 1, 1972, to obtain an initial hunting license in the state of Washington without having completed a department-approved course involving at least ten hours of instruction in conservation, safety and sportsmanship.

(3) Upon satisfactory completion of these requirements, each student shall be issued a certificate of accreditation signed by an authorized instructor or the state coordinator.

(4) It is unlawful for a license dealer to issue a hunting license for a person born after January 1, 1972, unless a hunter education certificate is presented at the time of purchase. This subsection does not apply to individuals listed in the department's licensing data base system with a valid hunter education certificate number.

[Statutory Authority: RCW 77.12.047, 09-13-031 (Order 09-111), § 232-12-227, filed 6/9/09, effective 7/10/09. Statutory Authority: RCW 77.12.040 and 77.32.155, 97-22-003, § 232-12-227, filed 10/23/97, effective 11/23/97. Statutory Authority: RCW 77.12.040, 95-02-070 (Order 94-146), § 232-12-227, filed 1/4/95, effective 1/4/95. Statutory Authority: RCW 77.32.050 and 77.32.070, 90-19-087 (Order 458), § 232-12-227, filed 9/18/90, effective 10/19/90. Statutory Authority: RCW 77.32.155, 85-16-004 (Order 260), § 232-12-227, filed 7/25/85. Statutory Authority: RCW 77.12.040, 81-12-029 (Order 165), § 232-12-227, filed 6/1/81. Formerly WAC 232-12-500.]

WAC 232-12-228 Hunter education deferral. (1) Pursuant to RCW 77.32.155, individuals may apply for a director-authorized, once in a lifetime, one-license-year deferral of hunter education training. To qualify, the applicant for deferral and his or her accompanying, licensed hunter must comply with the following requirements:

(a) The applicant for deferral must:

(i) Be at least ten years of age when applying for the deferral; and

(ii) Not have failed the hunter education training course within the previous twelve months, if he or she took the course.

(b) The accompanying, licensed hunter, as defined in RCW 77.32.155, must:

(i) Be over eighteen years of age; and

(ii) Provide proof that he or she had a Washington hunting license for the three years prior to being an accompanying, licensed hunter.

(c) To provide maximum supervision and to enhance safety afield, an accompanying, licensed hunter must supervise only one deferred hunter while afield.

(d) An accompanying hunter must remain close enough to the deferred hunter to have uninterrupted, unaided visual and auditory communication with the deferred hunter.

(2) Application procedures.

(a) Applicants for deferral must submit their applications to the department's hunter education division office in Olympia, Washington.

(b) Applicants for deferral must submit with each deferral application a twenty-dollar application fee payable via personal or cashier's check written to WDFW. Applications submitted without the required fee or information will not be processed and will be returned to the applicant.

(c) Deferral applications will be on forms prescribed by the department and may be made available to the public in both printed and electronic formats.

(3) License purchases.

(a) Individuals granted a deferral under this section will receive a special WILD identification number and a special authorization card that allow the applicant to purchase hunting licenses and tags for the license year during which the applicant requested a deferral. An applicant may not use his or her special WILD identification number and special authorization card for future hunting license purchases in Washington state.

(b) Individuals deferred under this administrative regulation:

(i) Must purchase hunting licenses and tags in accordance with current licensing procedures;

(ii) Must pay all hunting license and tag fees established under current law; and

(iii) Are only eligible to participate in general hunting seasons and/or youth opportunities.

(4) Possession of deferral authorization.

(a) Individuals hunting with a deferral under this administrative regulation must carry their department-issued deferral card at all times while hunting.

(b) Request for replacement of deferral cards must be made by the licensee. A duplicate deferral card may be issued at department offices.

(5) If either the deferred education licensee or the required nondeferred accompanying person, hunting under the authority of RCW 77.32.155(2), is convicted of a violation of this title, except for a violation of unlawful hunting of wild birds, RCW 77.15.400 (1) through (3), the department may revoke all hunting licenses and tags and order a suspension of one or both the deferred education licensee and the nondeferred accompanying person's hunting privileges for one year.

[Statutory Authority: RCW 77.12.047, 07-22-100 (Order 07-276), § 232-12-228, filed 11/6/07, effective 12/7/07.]

WAC 232-12-242 Hunting restrictions. (1) It is unlawful to hunt wildlife during any modern firearm deer or elk season with any firearm 240 caliber or larger, or containing slugs or buckshot, unless the hunter has a valid license,

permits and tags for modern firearm deer or elk seasons are in his or her possession.

(2) This section does not apply to people hunting bear, cougar, mountain goat, mountain sheep, or turkey.

(3) Violation of this section is punishable under RCW 77.15.410 or 77.15.430, depending on the circumstances of the violation.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047, 13-02-043 (Order 12-290), § 232-12-242, filed 12/21/12, effective 1/21/13. Statutory Authority: RCW 77.12.040, 93-04-074 (Order 593), § 232-12-242, filed 1/29/93, effective 3/1/93.]

WAC 232-12-243 Public safety cougar removals. (1)

Definitions:

As used in this section and in the context of public safety cougar removals, the following definitions apply:

(a) "Confirmed" means qualified department staff is led to believe a cougar(s) was at the scene of the incident by interview of the complainant or observation of evidence at the scene.

(b) "Human-cougar safety incident" means aggressive or unusual behavior by a cougar which presents an actual or perceived threat to an individual.

(c) "Livestock or pet depredation" means incidents where livestock and/or pets are killed and/or injured by cougar.

(d) "Nuisance activity" means incidents associated with property disturbance, property damage, or livestock/pet harassment.

(e) "Public safety need" means there exists a reasonable threat to human safety or property by one or more cougar, as indicated by the level of confirmed human-cougar safety incidents or livestock/pet depredations.

(f) "Removal" means the act of killing one or more cougar with the aid of dogs.

(g) "Sighting" means a confirmed direct observation of one or more cougar, in urban or rural settings, near individuals or residences; typically more than chance observations.

(h) "Human-cougar interaction" means a confirmed human-cougar safety incident, or confirmed livestock or pet depredation.

(i) "Dog hunter" means a person that owns and hunts with dogs that are capable of detecting, tracking and treeing a cougar.

(2) Public safety cougar removal authorization: The commission authorizes the director to issue public safety cougar removal permits consistent with this rule. Prior to issuing public safety cougar removal permits, the department shall use other practical alternatives to address a public safety need, including livestock or pet depredations. Other practical alternatives may include, but are not limited to, general cougar hunting seasons, general public information, educational programs, information to recreational hunters, cougar depredation/kill permits, and department capture and relocation/euthanasia of specific cougars.

(3) Public safety cougar removal criteria:

(a) The commission determines that when the above practical alternatives have been utilized within a game management unit, an annual or seasonal increase in confirmed human-cougar interactions above the 2005-2010 level, therein demonstrates that the practical alternatives have been

inadequate to address the public safety need. The director then is authorized by the commission to remove one or more cougar, with the aid of dogs, in a selected area of that game management unit or nearby geographic area suitable for the use of dogs. The commission authorizes the director to remove one cougar per three hundred square kilometers of complaint area.

(b) If warranted by conditions of this rule, a public safety cougar removal(s) will be conducted annually between December 1st and March 31st in selected areas of game management units designated by the director to address a public safety need presented by one or more cougar.

(c) The department shall not target more than one hundred nine cougar during a public safety cougar removal period unless otherwise authorized by the commission.

(4) Public safety cougar removal permit issuance procedure.

(a) To participate in a public safety cougar removal, individuals must request that his/her name be placed on a list of available participants (participant list) by mailing their request to Washington Department of Fish and Wildlife, Enforcement Program - Public Safety Cougar Removal, 600 Capitol Way North, Olympia, WA 98501-1091. The request must include the individual's name, address, phone number, and game management units being applied for. Individuals may apply for no more than four game management units. An individual's request to be placed on a participant list for a removal period must be postmarked no later than October 15, or be received at the department's Olympia office no later than 5:00 p.m. on October 15, during the year the removal period begins.

(b) To be eligible for a public safety cougar removal permit (permit), the participant must be a Washington resident dog hunter who, at the time of application for a permit, possesses a valid big game license with cougar as a species option. The permit holder must use dogs while participating in a cougar management removal.

(c) Individuals eligible for participation in a public safety cougar removal will be randomly selected from the participant list. The department will issue a permit to the person whose name is selected from the participant list. Individuals selected will be notified by telephone or mail. Individuals selected must contact the department's enforcement program in Olympia and accept the public safety cougar removal permit within fifteen days of being notified. Failure to contact the department will result in forfeit of the permit and the individual will be placed on the participant list for later selections. Permits may not be sold or reassigned.

(d) Permit holders and all individuals who will accompany the permit holder must complete the department's public safety cougar removal education course prior to participating in a public safety cougar removal.

(5) Public safety cougar removals: Quota system and participation in public safety cougar removal.

(a) This is a public safety cougar removal administered by a WDFW designated coordinator. Permit holders will be contacted on an as-needed basis to conduct removals in portions of GMUs. Not all permit hunters will be contacted in a given year.

(b) Public safety cougar removals will be based on a quota system, where permit holders may hunt cougar until the

allotted numbers of cougar have been killed from each game management unit or March 31, whichever is first.

(c) To verify if the public safety cougar removal season is open or closed in each game management unit, the permit holders shall notify the department's enforcement program in Olympia within twenty-four hours prior to exercising a public safety cougar removal permit.

(d) No more than four total individuals may participate per public safety cougar removal, including the permit holder(s). Only the permit holder, whose name appears on the permit, may take a cougar.

(e) Hunters killing a cougar during a public safety cougar removal must notify the department's enforcement program in Olympia within twenty-four hours after harvesting the cougar.

(f) The department reserves the right to accompany permit holders while participating in a public safety cougar removal.

(6) Public safety cougar removal general requirements.

(a) A valid big game hunting license which includes cougar as a species option is required to hunt cougar.

(b) It is unlawful to kill or possess spotted cougar kittens or adult cougars accompanied by spotted kittens. Individuals selected for a public safety cougar removal permit may take one cougar per permit.

(c) Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting cougar. The use of dogs to hunt cougar is prohibited except during a public safety cougar removal.

(d) Any person who takes a cougar must notify the department within twenty-four 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 sealed by an authorized department employee within seventy-two hours 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.

(e) The public safety cougar removal permit (permit) belongs to the state of Washington. The permit holder may be required to return to or turn over to the department the permit when, in the judgment of the department, the permit holder violates any conditions of the permit, violates trespass laws while acting under this permit, or violates any other criminal law or hunting regulation of the state while acting under this permit. If the permit holder is required to return to or turn over to the department the permit, the permit holder may request an appeal of that action in accordance with chapter 34.05 RCW. Appeal request shall be filed in writing and returned within twenty days of the date of action and be addressed to WDFW Legal Services Office, 600 Capitol Way North, Olympia, Washington 98501-1091.

[Statutory Authority: RCW 77.12.047, 12-11-005 (Order 12-70), § 232-12-243, filed 5/2/12, effective 6/2/12. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.15.245, and 2007 c 178, 11-19-074, § 232-12-243, filed 9/16/11, effective 10/17/11. Statutory Authority: RCW 77.12.047, 77.12.040, 77.12.020, 77.12.570, 77.12.210, 08-17-034 (Order 08-197), § 232-12-243, filed 8/13/08, effective 9/13/08. Statutory Authority: RCW 77.12.047, 77.12.047, 04-21-036 (Order 04-284), § 232-12-243, filed 10/14/04, effective 11/14/04; 03-17-037 (Order 03-186), § 232-12-243, filed 8/14/03, effective 9/14/03; 02-17-013 (Order 02-183), § 232-12-243, filed 8/9/02, effective 9/9/02; 01-20-011 (Order 01-198), § 232-12-243, filed 9/20/01, effective 10/21/01.]

WAC 232-12-24402 Colville Indian Reservation—Prohibiting the taking or hunting of big game and grouse and trapping of furbearers. The taking or hunting of big game or grouse within the Colville Indian Reservation boundaries is prohibited. The trapping of furbearers within the Colville Indian Reservation boundaries is prohibited.

[Statutory Authority: RCW 77.12.040. 98-10-007 (Order 98-52), § 232-12-24402, filed 4/22/98, effective 5/23/98.]

WAC 232-12-247 Transmission lines—Unlawful hunting. It is unlawful to shoot at wild animals or wild birds while they are on a telephone or electrical transmission line, or the pole, crossarm or insulator thereof.

[Statutory Authority: RCW 77.12.040. 82-04-034 (Order 177), § 232-12-247, filed 1/28/82; 81-12-029 (Order 165), § 232-12-247, filed 6/1/81. Formerly WAC 232-12-530.]

WAC 232-12-251 Removal of minerals, wood and artifacts from department lands. It is unlawful to remove petrified wood, minerals, fossils, wood products or artifacts from department lands unless such removal is authorized by a permit issued by the director.

[Statutory Authority: RCW 77.12.210 and 77.12.320. 90-11-049 (Order 437), § 232-12-251, filed 5/11/90, effective 6/11/90. Statutory Authority: RCW 77.12.040. 81-12-029 (Order 165), § 232-12-251, filed 6/1/81. Formerly WAC 232-12-550.]

WAC 232-12-253 Tribal hunting—Medicine Creek Treaty hunters—Enforcement policy. (1) This rule establishes an interim enforcement and management line intended to address a long-standing dispute over the location of the southern boundary of the area ceded by the tribes signatory to the Treaty of Medicine Creek, 10 Stat. 1132. This interim line will guide the enforcement efforts of the department and will enable the department, the county prosecutors of Thurston, Mason, Lewis, Pierce, and Grays Harbor counties, and the tribes signatory to the Treaty of Medicine Creek, to better coordinate wildlife enforcement and resource planning in the region, without the need for time-consuming and costly litigation.

(2) For purposes of state law, enrolled members of the Puyallup, Nisqually, Squaxin Island and Muckleshoot Indian tribes, when authorized by their respective tribal governments, shall be deemed to be exercising their respective tribes' hunting right, as secured in the Treaty of Medicine Creek, when hunting on open and unclaimed lands, bounded on the west, north and east by the ceded area language contained in the Treaty of Medicine Creek, and lying north of the following line:

From the main stem of the Skookumchuck River up the drainage divide to the central point between the Skookumchuck and the North Fork of the Tilton River; thence south along the drainage divide to the point where the Skookumchuck, Newaukum, and North Fork of the Tilton rivers meet just north of Newaukum Lake; thence southerly along the drainage divide to Rooster Rock; thence along the top of Bremer Mountain to the confluence of the North Fork of the Tilton River with the Tilton River; thence south to the top of peak (el. 2,960); thence south along the divide between the Cowlitz and Tilton rivers and along the summit of the ridge known as Cottler's Rock, staying on the divide to encompass

all of Sand Creek; thence across the valley and up the northern drainage boundary of Landers Creek to Vanson Peak (el. 4,935); thence along the drainage divide between the Cowlitz and Green rivers, along the eastern shore of Deadman Lake to the summit of Goat Mountain; thence dropping through the pass along the drainage divide at Ryan Lake; thence along the drainage divide between the Cispus and Green rivers, and Clearwater Creek of the Lewis River and continuing southeasterly along the divide between the Cispus and Lewis rivers to Badger Peak; thence continuing along the divide to an unnamed peak (el. 5,295) located north of Dark Mountain; thence along the drainage divide between McKoy Creek and Dark Creek to Surprise Peak; thence along the drainage divide to the top of Spud Hill; thence down and across the Cispus River and up the face of Blue Lake Ridge to the divide between Mouse Creek and Blue Lake tributaries; thence along the divide between Timonium Creek and Cat Creek to Hamilton Buttes; thence along the divide between the North Fork of the Cispus River and the Cispus River to Elk Peak; thence continuing northeasterly along the same divide, and the divide between Johnson Creek and the Cispus River, passing through Buckhorn Camp (el. 6,240), honoring the divide between the Cowlitz and Cispus rivers, to the summit of Old Snowy Mountain; thence north along the crest of the Cascade range to Naches Peak; thence west through Chinook Pass along the divide of the Cowlitz River and the White River to the summit of Mt. Rainier.

(3) State hunting laws shall apply to enrolled members of the Puyallup, Nisqually, Squaxin Island and Muckleshoot Indian tribes when hunting outside of the above-described area, or on lands that are not "open and unclaimed" within the above-described area.

(4) This rule does not purport to define where the southern boundary of the Medicine Creek Ceded Area is in fact, nor does it represent an attempt to resolve any other legal issue regarding the nature or geographic scope of the hunting right secured by the Treaty of Medicine Creek.

[Statutory Authority: RCW 77.12.047. 02-16-043 (Order 02-178), § 232-12-253, filed 7/31/02, effective 8/31/02; 02-05-021 (Order 01-289), § 232-12-253, filed 2/11/02, effective 3/14/02.]

WAC 232-12-254 Discharge of litter on department lands—Unlawful. It is unlawful for any person to throw, to drop, or to leave any discarded object, garbage, debris, or waste upon any of the properties owned, leased or controlled by the department except into a litter or garbage receptacle or container installed for that purpose on such property.

[Statutory Authority: RCW 77.12.210 and 77.12.320. 90-11-049 (Order 437), § 232-12-254, filed 5/11/90, effective 6/11/90. Statutory Authority: RCW 77.12.040. 81-12-029 (Order 165), § 232-12-254, filed 6/1/81. Formerly WAC 232-12-570.]

WAC 232-12-257 Use of decoys and calls. (1) It is unlawful to hunt waterfowl, 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.

(3) 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;
 - (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.
- (4) This regulation shall be enforced under RCW 77.15.-400.

[Statutory Authority: RCW 77.12.047, 07-21-085 (Order 07-255), § 232-12-257, filed 10/17/07, effective 11/17/07; 06-11-032 (Order 06-92), § 232-12-257, filed 5/8/06, effective 6/8/06. Statutory Authority: RCW 77.12.040, 01-17-092 (Order 01-157), § 232-12-257, filed 8/20/01, effective 9/20/01. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.-780, 00-11-137 (Order 00-50), § 232-12-257, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.040, 81-12-029 (Order 165), § 232-12-257, filed 6/1/81. Formerly WAC 232-12-630.]

WAC 232-12-261 Live decoys unlawful—Waterfowl and wild turkey. (1) It is unlawful to hunt waterfowl and wild turkeys with the use or aid of live birds as decoys.

(2) Violation of this section is a misdemeanor, punishable under RCW 77.15.400, Unlawful hunting of wild birds—Violation of a rule requiring nontoxic shot—Penalty, unless waterfowl or wild turkey are taken in quantities constituting a first degree offense, which is a gross misdemeanor.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047, 13-02-043 (Order 12-290), § 232-12-261, filed 12/21/12, effective 1/21/13. Statutory Authority: RCW 77.12.040, 99-17-034 (Order 99-118), § 232-12-261, filed 8/11/99, effective 9/11/99; 81-12-029 (Order 165), § 232-12-261, filed 6/1/81. Formerly WAC 232-12-640.]

WAC 232-12-264 Baiting of game birds—Unlawful. It is unlawful to hunt game birds by the aid of baiting, on or over any baited area, or on or over any area posted as an upland bird feeding site, where a person knows or reasonably should know that the area is or has been baited. As used in this section, the following definitions apply:

"Baited area" means any area on which salt, grain, or other feed has been placed, exposed, deposited, distributed, or scattered, if that salt, grain, or other feed could serve as a lure or attraction for game birds to, on, or over areas where hunters are attempting to take them. Any such area will remain a baited area for ten days following the complete removal of all such salt, grain, or other feed.

"Baiting" means the direct or indirect placing, exposing, depositing, distributing or scattering of salt, grain, or other feed that could serve as a lure or attraction for game birds to, on or over areas where hunters are attempting to take them.

"Manipulation" means the alteration of natural vegetation or agricultural crops by activities that include, but are not limited to, mowing, shredding, discing, rolling, chopping, trampling, flattening, burning, or herbicide treatments. The term manipulation does not include the distributing or scattering of grain, seed, or other feed after removal from or storage on the field where grown.

"Natural vegetation" means any nonagricultural, native, or naturalized plant species that grows at a site in response to planting or from existing seeds or other propagules. The term

(12/21/12)

natural vegetation does not include planted millet. However, planted millet that grows on its own in subsequent years after the year of planting is considered natural vegetation.

"Normal agricultural operation" means a normal agricultural planting, harvesting, post-harvest manipulation, or agricultural practice, that is conducted in accordance with official recommendations of State Extension Specialists of the Cooperative Extension Service of the U.S. Department of Agriculture.

"Normal agricultural planting, harvesting, or post-harvest manipulation" means a planting or harvesting undertaken for the purpose of producing and gathering a crop, or manipulation after such harvest and removal of grain, that is conducted in accordance with official recommendations of State Extension Specialists of the Cooperative Extension Service of the U.S. Department of Agriculture.

"Normal soil stabilization practice" means a planting for agricultural soil erosion control or postmining land reclamation conducted in accordance with official recommendations of State Extension Specialists of the Cooperative Extension Service of the U.S. Department of Agriculture for agricultural soil erosion control.

Nothing in this section shall prohibit hunting of game birds on or over the following lands or areas that are not otherwise baited areas:

(1) Standing crops, or flooded standing crops (including aquatics); standing, flooded, or manipulated natural vegetation; flooded harvested crop lands; or lands or areas where seeds or grains have been scattered solely as the result of normal agricultural planting, harvesting, post-harvest manipulation, or normal soil stabilization practice;

(2) From a blind or other place of concealment camouflaged with natural vegetation;

(3) From a blind or other place of concealment camouflaged with vegetation from agricultural crops, as long as such camouflaging does not result in the exposing, depositing, distributing or scattering of grain or other feed; or

(4) Standing or flooded standing agricultural crops where grain is inadvertently scattered solely as a result of a hunter entering or exiting a hunting area, placing decoys, or retrieving downed birds.

Nothing in this section shall prohibit hunting of any game bird, except waterfowl and coots, on or over lands or areas that are not otherwise baited areas, and where grain or other feed has been distributed or scattered solely as the result of manipulation of an agricultural crop or other feed on the land where grown, or solely as the result of a normal agricultural operation.

[Statutory Authority: RCW 77.12.047, 12-11-005 (Order 12-70), § 232-12-264, filed 5/2/12, effective 6/2/12. Statutory Authority: RCW 77.12.040, 99-17-034 (Order 99-118), § 232-12-264, filed 8/11/99, effective 9/11/99; 81-12-029 (Order 165), § 232-12-264, filed 6/1/81. Formerly WAC 232-12-650.]

WAC 232-12-267 Field identification of wildlife—Evidence of sex—Definitions. (1) It is unlawful to possess or transport game birds unless the feathered heads are left attached to the carcass, except falconry caught birds, until the carcass is processed and/or stored for consumption.

(2) It is unlawful to possess or transport big game animals unless evidence of the sex of the animal remains natu-

rally attached to the carcass until the carcass is processed and/or stored for consumption.

(a) Evidence of sex means the head with antlers or horns attached or penis or testes of male big game animals or the head or udder of female big game animals any of which must be naturally attached to at least one quarter of the carcass or to the largest portion of meat.

(b) For the purpose of this rule, "stored for consumption" means at the final point of storage prior to consumption of the meat.

(3) It is unlawful to possess or transport goat, sheep, moose, deer or elk taken in hunting areas which have horn or antler restrictions unless the head or skull plate, with both horns or both antlers naturally attached, accompanies the carcass.

(4) The possession of a taxidermist's receipt which includes the taxidermist's name, address, and telephone number, the hunter's name, address, telephone number, license, and tag number, the species and sex of the game bird or big game animal taken, as well as antler points or horn size and the date and GMU location or special deer/elk permit area where taken, shall be deemed to constitute compliance with this section.

For the purpose of this rule "accompanies the carcass" means to remain with the carcass until it has reached the point of processing or storage.

(5) It is lawful for persons who have complied with the department of fish and wildlife's chronic wasting disease sampling program to possess deer and elk without proof of sex under the following provisions:

(a) The head of the deer or elk must have been surrendered to an authorized department collection site.

(b) The hunter is in possession of an official department disease testing program identification card, completely filled out and signed and dated by a department employee or authorized agent.

(c) The carcass of the deer or elk is transported directly from where the head has been surrendered to the point of processing or storage.

Failure to comply with (a) through (c) of this subsection constitutes unlawful possession of big game and is punishable under RCW 77.15.410.

[Statutory Authority: RCW 77.12.047. 02-15-018 (Order 02-129), § 232-12-267, filed 7/8/02, effective 8/8/02. Statutory Authority: RCW 77.12.040. 92-12-064 (Order 555), § 232-12-267, filed 6/1/92, effective 7/2/92. Statutory Authority: RCW 77.12.040 and 77.16.095. 91-13-064 (Order 499), § 232-12-267, filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 77.12.030, 77.12.105 and 77.16.095. 89-14-018 (Order 401), § 232-12-267, filed 6/26/89. Statutory Authority: RCW 77.12.040. 81-12-029 (Order 165), § 232-12-267, filed 6/1/81.]

WAC 232-12-271 Criteria for planting aquatic plants and releasing wildlife. (1) Release by persons other than the director. It is unlawful for persons other than the director to plant aquatic plants or release any species, subspecies, or hybrids of animals which do not already exist in the wild in Washington. If such species, subspecies, or hybrid does already exist in the wild in Washington, it may be released within its established range by persons other than the director, but only after obtaining a permit from the director.

(a) Application for a permit must be made on a form provided by the department. It must be submitted at least thirty

days prior to acquisition of the wildlife or aquatic plants intended for release or planting, and must provide all information indicated.

(b) Permits will only be issued if the director determines there will be no adverse impact on the wildlife or wildlife habitat of the state.

(c) Each permit shall require that at least thirty days prior to planting or release of wildlife or aquatic plants they must be made available for inspection by the director. It shall be the responsibility of the applicant to show that the wildlife will not pose a disease threat. If the director is not satisfied that the wildlife or aquatic plants do not pose a disease threat, they shall not be released or planted in the state. Director approval for release or planting may be withdrawn for cause.

(d) Each permit shall require that an applicant intending to release wildlife in the state shall report immediately to the director the outbreak of any disease among the wildlife intended to be released. If the director determines that such outbreak presents a threat to the wildlife of the state, the director may immediately order such action as necessary including quarantine or destruction of stock, sterilization of enclosures and facilities, cessation of activities, and disposal of wildlife in a manner satisfactory to the director.

(e) Each permit shall require that wildlife to be released shall not be branded, tattooed, tagged, fin clipped or otherwise marked for identification without approval of the director or as required in WAC 232-12-044.

(f) Legally acquired pheasant of the genus *Phasianus*; gray partridge of the genus *Perdix*; chukar of the genus *Alectoris*; quail of the genus *Callipepla* and *Colinus*; and mallards (*Anas platyrhynchos*) may be released without a permit for purposes of dog training, and hunting pursuant to WAC 232-12-044. Game birds of these species released for these purposes must be purchased from facilities that have been inspected by a certified veterinarian within the past twelve months. Rock doves may be released without permit for purposes of bird dog training.

(2) Release by the director. The director may plant aquatic plants or release animal species, subspecies, or hybrids which have been planted or released previously in Washington if they do not pose a disease threat and if planting or release will not cause adverse impact on the wildlife or wildlife habitat of the state. Before releasing any species, subspecies, or hybrid of animal not already existing in the wild in Washington, the director shall report to the commission on the planned release, stating the basis for determining that the planned release fulfills the criteria set forth herein. The director may release nonnative species, subspecies, or hybrids not previously released in Washington only if the director in his or her sole discretion has determined that:

(a) There is no reasonable expectation of adverse impact on the wildlife or wildlife habitat of the state and there is an adequate plan for evaluating such impact following the release;

(b) The commission has classified the species, subspecies, or hybrids to be released pursuant to RCW 77.12.020;

(c) Suitable habitat is available;

(d) The nonnative species, subspecies, or hybrids to be released are free of exotic pathogens;

(e) The release serves the public interest.

(3) This section does not apply to release of classified or unclassified fish or shellfish by persons who have caught or taken the fish or shellfish, provided the fish or shellfish are released into the water or on the tidelands at the approximate location where taken, except that fishing contest participants may release fish at a contest-designated location in the same body of water from which the fish were taken.

[Statutory Authority: RCW 77.12.047 and 77.12.020. 04-11-036 (Order 04-98), § 232-12-271, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. 01-10-048 (Order 01-69), § 232-12-271, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.04.055, 77.12.040 and 77.16.150. 91-24-015 (Order 521), § 232-12-271, filed 11/22/91, effective 12/23/91. Statutory Authority: RCW 77.12.020, 77.12.040 and 77.16.150. 89-12-044 (Order 397), § 232-12-271, filed 6/2/89. Statutory Authority: RCW 77.12.040. 82-04-034 (Order 177), § 232-12-271, filed 1/28/82; 81-12-029 (Order 165), § 232-12-271, filed 6/1/81. Formerly WAC 232-12-675.]

WAC 232-12-272 Juvenile fishing events. (1) Juvenile fishing events are restricted to persons under fifteen years of age. A juvenile fishing event exists when ten or more juveniles fish competitively and determine winners, regardless of prize value.

(2) It is unlawful for a juvenile fishing event sponsor to fail to notify the department regional office in the region in which the event will occur prior to holding a juvenile fishing event. The department shall approve or deny the juvenile fishing event. It is unlawful to sponsor a juvenile fishing event if the department has denied approval of the event. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(3) Juvenile fishing events that may adversely affect fish or wildlife resources or other recreational opportunity may be denied. Juvenile fishing events are not allowed on sea-run cutthroat trout, Dolly Varden, or bull trout.

(4) The daily limit for the juvenile fishing event shall not exceed the daily limit for the species being fished in the body of water where the event is being held, except that the event sponsor may set a daily limit lower than the daily limit for the body of water. Events are restricted to approved waters.

(5) Events may not exceed three consecutive days.

(6) Event participants may not restrict public access at boat launches.

(7) The total prizes awarded for any juvenile fishing event may not exceed \$1,000.

(8) Juvenile fishing event sponsors requesting fish from the department are required to apply for fish by February 1st of the year in which the event is planned.

Sponsors who receive fish are required to report event information required by the department by February 1st of the year following the event. Failure to report event information will result in a denial of fish for the calendar year following the calendar year during which the event was held.

[Statutory Authority: RCW 77.12.047. 06-09-021 (Order 06-67), § 232-12-272, filed 4/11/06, effective 5/12/06; 02-08-048 (Order 02-53), § 232-12-272, filed 3/29/02, effective 5/1/02.]

WAC 232-12-275 Wildlife rehabilitation permits. (1) For the purposes of this rule, the following definitions apply:

(a) "Bird" means any wild animal of the class Aves.

(b) "Dedicated workspace" means the minimum amount of floor space necessary to maintain access to oiled bird rehabilitation pens.

(c) "Drying resources" mean the floor space and pen requirements associated with the removal of water from the skin and feathers of a bird.

(d) "Imping" means a method of repairing broken feathers.

(e) "Indoor area" means the space within an oiled bird rehabilitation facility in which the air temperature and exchange of air can be controlled and maintained. Indoor areas may consist of space for: Intake, prewash holding, wash/rinse, drying, oiled bird rehabilitation pools, morgue/necropsy, bird food preparation, storage, freezers, isolation/intensive care unit, medical laboratory, laundry, electrical, and mechanical areas.

(f) "Intake space" means the minimum amount of floor space necessary to admit live or dead birds into an oiled bird rehabilitation facility.

(g) "Mesh size" means the measured distance between the centers of the two opposing vertices in the same mesh of a piece of netting when pulled taut.

(h) "Oil" means oil of any kind and any form, such as petroleum and nonpetroleum oils including, but not limited to, crude oil and refined petroleum products, animal fats and vegetable oil, other oils of animal or vegetable origin, and other nonpetroleum oils.

(i) "Oiled bird" means a bird that has come in contact with oil.

(j) "Oiled bird rehabilitation pen" means an enclosure used to hold birds during oiled bird rehabilitation.

(k) "Oiled bird rehabilitation pool" means a container filled with unheated fresh water used during the rehabilitation of oiled birds.

(l) "Oiled bird rehabilitation" is a specialized form of wildlife rehabilitation and means the process of caring for oiled birds during intake, prewash holding, washing and rinsing, drying; while in pools; by providing semi-static and static areas; and by maintaining air temperature and air exchange while the birds are in an oiled bird rehabilitation facility.

(m) "Oiled bird rehabilitation facility" is a type or portion of a wildlife rehabilitation facility and means the contiguous indoor and outdoor areas used for the rehabilitation of oiled birds.

(n) "Outdoor area" means an area within an oiled bird rehabilitation facility that does not fit the definition of an indoor area.

(o) "Orphan-imprinting" means to use wildlife for the purpose of feeding, socializing, and teaching appropriate behavior to young wildlife.

(p) "Prewash holding resources" mean the floor space and oiled bird rehabilitation pen requirements within an oiled bird rehabilitation facility necessary to hold birds after intake and prior to washing.

(q) "Principal veterinarian" means a licensed veterinarian who provides in writing their willingness to assist the rehabilitator in conducting wildlife rehabilitation activities.

(r) "Public display" means to place or locate wildlife so that they may be viewed by the public.

(s) "Semi-static areas" mean dedicated indoor spaces within an oiled bird rehabilitation facility where the required size of the space will vary relative to the number of birds to be rehabilitated. These include areas for bird food preparation, morgue/necropsy, storage, and freezers.

(t) "Static areas" mean dedicated indoor spaces within an oiled bird rehabilitation facility where the required size of the space does not vary regardless of the number of birds to be rehabilitated. These include areas for the isolation/intensive care unit, medical laboratory, laundry, electrical, and mechanical spaces.

(u) "Wash/rinse resources" mean the water, cleaning agent, and space requirements necessary to remove oil from the skin and feathers of a bird.

(v) "Wildlife rehabilitation" means the care and treatment of injured, diseased, oiled, or abandoned wildlife, including, but not limited to, capture, transporting, veterinary treatment, feeding, housing, exercise therapy, and any other treatment or training necessary for release back to the wild.

(w) "Wildlife rehabilitation facility" means the authorized sites as shown on the wildlife rehabilitation permit where the treatment and rehabilitation takes place.

(x) "Wildlife rehabilitator" means a person who conducts wildlife rehabilitation or someone who conducts wildlife rehabilitation under the supervision of a valid wildlife rehabilitation permit holder.

(y) "Wildlife rehabilitation permit" means a permit issued by the director, or director's designee, that authorizes a person, or someone under the supervision of a valid wildlife rehabilitation permit holder, to conduct wildlife rehabilitation.

(2) It shall be unlawful for any person to possess wildlife for the purpose of rehabilitation unless:

(a) They have a valid wildlife rehabilitation permit; or

(b) They are working under the supervision of a person who has a valid wildlife rehabilitation permit.

(3) A wildlife rehabilitation permit may be issued to a person to conduct or oversee wildlife rehabilitation and is valid so long as the information in the permit remains current, the permit holder continues to meet the conditions and requirements of the permit, and provisions of this rule are followed. Any change to the information on the permit must be reported in writing within ten working days or the permit may be invalidated.

(4) The director, or director's designee, may issue and condition a wildlife rehabilitation permit if the applicant complies with the following:

(a) The applicant is either a licensed veterinarian or can demonstrate six months of experience in wildlife rehabilitation, which must include three months during the spring or summer and has a principal veterinarian as a sponsor. The director, or director's designee, may consider education in wildlife rehabilitation as a substitute for experience.

(b) The applicant must successfully complete a wildlife rehabilitator's examination(s) as prescribed by the director, or director's designee.

(c) The wildlife rehabilitation facility is inspected by the department and meets the wildlife rehabilitation care and facility standards for wildlife in the *Washington State Wildlife Rehabilitation Facility and Care Standards* pamphlet. In order for the wildlife rehabilitation permit to allow for the

rehabilitation of oiled birds, the facility also needs to meet the requirements in subsection (24) of this section. When facility requirements in subsection (24) of this section conflict with requirements in the *Wildlife Rehabilitation Facility and Care Standards* pamphlet, subsection (24) of this section shall take precedence.

(5) The wildlife rehabilitation permit holder must maintain and upon request make available to the department, a wildlife rehabilitation daily ledger. The ledger must include the date the wildlife is received, the species and nature of the illness, the location where the wildlife was found, the date and disposition of the wildlife, the release location, and if any, tags and/or band numbers. It is unlawful for a wildlife rehabilitation permit holder to fail to enter required information in the wildlife rehabilitation ledger within twenty-four hours of the day wildlife is received and on the day of all subsequent activities as required in the ledger.

(6) The wildlife rehabilitation permit holder must submit to the department no later than January 31 of each year an annual report providing information as required by the director, or director's designee, and a copy of the daily ledger. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(7) All permits and records held pursuant to statutes and rules dealing with wildlife rehabilitation will be kept on file at the wildlife rehabilitation facility. The records will be retained for a period of five years.

(8) A copy of the valid wildlife rehabilitation permit must be in possession of any person possessing or transporting wildlife for the wildlife rehabilitation facility.

(9) The wildlife rehabilitation permit holder will notify the department within twenty-four hours of receiving a state or federal endangered or threatened species or an oiled bird; within seventy-two hours of receiving a state sensitive species or marked, tagged, or banded wildlife; and prior to release of threatened or endangered species or oiled birds. The release notification information relative to oiled birds shall include the number of birds being released, the species of birds being released, the proposed location of the release, and the proposed date/time of release.

(10) The wildlife rehabilitation permit holder will notify the department within twenty-four hours after the death of an oiled bird or a state or federal endangered or threatened species; or as soon as an endangered or threatened species is determined to be nonreleasable to the wild. Oiled birds or endangered or threatened species will not be disposed of or euthanized without prior department approval.

(11) Rehabilitated wildlife may be banded or otherwise identified by the department.

(12) The wildlife rehabilitation permit holder will notify the department, within five working days from the date of death, of any wildlife known to have died of the following diseases: Avian cholera, avian pox, duck viral enteritis, environmental contaminants, ornithosis, Newcastle's disease, rabies, canine distemper or tuberculosis (in species other than birds).

(13) Rehabilitated wildlife will be released as soon as possible into its proper habitat in the same area as recovered, except as provided by written authorization from the director or director's designee. Rehabilitated oiled birds shall only be released in the same area as recovered when the threat of

becoming reoiled no longer exists. If the area that they were recovered in is not clean enough to allow for their release at that location, department approval is required prior to releasing rehabilitated oiled birds in another location.

(14) It is unlawful to hold wildlife for longer than one hundred eighty days, except as provided by written authorization from the director, or director's designee.

(15) Dead wildlife, excluding oiled birds, will be disposed of through deposit at an approved Washington state university or college, a permitted research project or through burial, incineration, or a licensed rendering facility. The wildlife rehabilitation permit holder shall notify the department when in possession of dead oiled birds. Dead oiled birds shall not be disposed of without prior department approval.

(16) It is unlawful to publicly display wildlife while it is undergoing rehabilitation.

(17) It is unlawful to retain wildlife for the purpose of orphan imprinting or to retain feathers of protected or endangered wildlife for the purpose of "imping," except as provided by written authorization from the director, or director's designee.

(18) It is unlawful for wildlife being held for rehabilitation to be used for propagation.

(19) Wildlife being held for the purposes of rehabilitation must be kept separate from wildlife held under other licenses and domestic animals, except as provided by written authorization from the director, or director's designee.

(20) The wildlife rehabilitation permit holder may receive from the department and possess at the wildlife rehabilitation facility, dead wildlife for the purpose of feeding wildlife being rehabilitated.

(21) Fish and wildlife enforcement officers may inspect at reasonable times and in a reasonable manner the wildlife, permits, records, and wildlife rehabilitation facility of any wildlife rehabilitator.

(22) Any wildlife rehabilitation permit holder who fails to comply with any condition within the holder's permit or any provision of this rule is in violation of the permit and the permit may be revoked. Any wildlife rehabilitation permit holder found in violation of the permit conditions, with the exception of oiled bird facility requirements, may provide to the department a plan for corrective action, within ten days, to return to compliance. Any wildlife rehabilitation permit holder with an acceptable plan for corrective action to violations other than oiled bird facility requirements will be given a minimum of thirty days to correct a permit violation prior to revocation. Wildlife rehabilitation permit holders found in violation of oiled bird rehabilitation facility requirements shall correct these violations within twenty-four hours to avoid revocation of their authorization to rehabilitate oiled birds.

(23) All wildlife held by a wildlife rehabilitation permit holder remains the property of the state, is subject to control by the state and will not be offered for sale or sold.

(24) Oiled bird rehabilitation facility requirements. The facility requirements listed in this subsection address oiled bird health and safety. The department of labor and industries and other government agencies may have additional requirements relating to human health and safety.

(a) Air temperature and air exchange requirements: This section refers to the air temperature and air exchange requirements within indoor areas.

(i) Air temperature: All indoor areas shall have the means to control air temperature and shall be adjustable and maintainable at any given air temperature between 65°F - 85°F. When the number of birds in an oiled bird rehabilitation facility at a given time exceeds fifty, the following shall also apply:

(A) Intake and prewash holding areas shall be air temperature controlled independently of other oiled bird rehabilitation facility areas but may be controlled together;

(B) Wash/rinse and drying areas shall be air temperature controlled independently of other oiled bird rehabilitation facility areas but may be controlled together; and

(C) The isolation/intensive care unit shall be air temperature controlled independently of other oiled bird rehabilitation facility areas.

(ii) Air exchange: All indoor areas shall have the means to exchange the air volume a minimum of ten times per hour with fresh air from outside.

The fresh air exchange rate for any given indoor area may be reduced by the use of an air recirculation system that employs a high efficiency particulate air (HEPA) filter and an activated carbon filter. The volume of air filtered by the recirculation system may replace an equal volume of air in the fresh air exchange requirement. No more than ninety percent of the fresh air exchange requirement shall be met by recirculation. The filters in the recirculation system shall be maintained in accordance with the manufacturer's recommendations. When the number of birds in an oiled bird rehabilitation facility at a given time exceeds fifty, the following shall also apply:

(A) Intake and prewash holding areas may be combined on the same air exchange system. Air exchange systems in the intake and prewash holding areas shall be independent of other oiled bird rehabilitation facility air exchange systems; and

(B) Wash/rinse and drying areas may be combined on the same air exchange system. Air exchange systems in the wash/rinse and drying areas shall be independent of other oiled bird rehabilitation facility air exchange systems; and

(C) The isolation/intensive care unit air exchange system shall be independent of other oiled bird rehabilitation facility areas; and

(D) The morgue/necropsy air exchange system shall be independent of other oiled bird rehabilitation facility areas.

(b) Intake space requirement: Intake shall occur in an indoor area. Forty square feet of contiguous floor space shall be provided for each group of sixty live or dead oiled birds, or portion of each group of sixty, that have been collected and are awaiting intake. The floor of the intake space shall be impermeable. Water shall not be allowed to accumulate on the floor.

(c) Prewash holding resource requirements: Prewash holding shall occur in an indoor area. Oiled bird rehabilitation pen space and the associated dedicated workspace shall be provided in the prewash holding area.

(i) Oiled bird rehabilitation pen requirements: Prewash oiled bird rehabilitation holding pens shall be no smaller than

two feet in length by two feet in width; and a minimum of two feet high. Prewash oiled bird rehabilitation holding pens shall be constructed with knotless nylon net-bottoms with a stretched mesh size of one-half inch and shall provide 1.6 square feet of pen space per bird. Oiled bird rehabilitation holding pens shall be constructed in a manner such that no point within the pen is greater than two feet from a pen wall. Oiled bird rehabilitation holding pens shall be elevated a minimum of twelve inches above the floor surface.

(ii) Space requirements: In addition to the space required for prewash oiled bird rehabilitation holding pens, an additional 3.2 square feet of dedicated workspace shall be provided in the prewash holding area for each bird held in the prewash holding area. The floor of the prewash holding area shall be impermeable. Water shall not be allowed to accumulate on the floor.

(d) Wash/rinse resource requirements: Wash/rinse shall occur in an indoor area. A bird shall be provided wash/rinse space and associated resources within twenty-four hours after intake.

(i) Water requirements: A minimum of three hundred gallons of fresh water with the following characteristics shall be made available within each wash/rinse space for each oiled bird being washed and rinsed:

(A) The water temperature shall be adjustable and maintainable at any given temperature between 102°F - 108°F;

(B) The water hardness shall be maintained between 34 mg - 85 mg calcium carbonate/liter (2-5 grain hardness);

(C) The water pressure shall be maintained between 40-60 p.s.i.;

(D) The water flow rate shall be not less than two gallons per minute from the wash/rinse supply line measured with the wash/rinse nozzle in place.

(E) All water requirements listed above shall remain within the specified ranges at all times.

(ii) Cleaning agent requirements: Liquid dishwashing detergents are the only cleaning agents that shall be used to remove oil from birds.

(iii) Space requirements: One hundred square feet of contiguous floor space shall be provided for each group of sixteen live oiled birds, or portion of each group of sixteen, that are ready to be washed and rinsed. The floor of the wash/rinse area shall be impermeable. Water shall not be allowed to accumulate on the floor.

(e) Drying resource requirements: Drying shall occur in an indoor area. Oiled bird rehabilitation pen space and the associated dedicated workspace shall be provided in the drying area. Drying shall be accomplished by warming the air in the drying pen. The drying temperature shall be adjustable and maintainable at any given temperature between 90°F - 106°F.

(i) Oiled bird rehabilitation drying pen requirements: Oiled bird rehabilitation drying pens shall be no smaller than three feet in length by two feet in width; and a minimum of two feet high. Oiled bird rehabilitation drying pens shall be constructed with knotless nylon net-bottoms with a stretched mesh size of one-half inch and shall provide 2.7 square feet of pen space per bird. Each oiled bird rehabilitation pen shall be constructed in a manner such that no point within the pen is greater than two feet from a pen wall. Oiled bird rehabilita-

tion drying pens shall be elevated a minimum of twelve inches above the floor surface. If prewash oiled bird rehabilitation holding pens meet the criteria for use as oiled bird rehabilitation drying pens and are used in the drying process, they must be cleaned of oil residue prior to use.

(ii) Space requirements: In addition to the space required for oiled bird rehabilitation drying pens, an additional 3.2 square feet of dedicated workspace shall be provided in the drying area for each bird held in the drying area. The floor of the drying area shall be impermeable. Water shall not be allowed to accumulate on the floor.

(f) Oiled bird rehabilitation pool resource requirements: Oiled bird rehabilitation pools shall be filled with unheated fresh water. Oiled bird rehabilitation pool space shall be provided immediately after a bird has been dried, and shall be provided until the bird is released.

(i) Oiled bird rehabilitation pool requirements: Each bird shall be afforded a minimum of 7.5 square feet of water surface space (e.g., a twelve-foot diameter oiled bird rehabilitation pool shall house not more than fifteen birds). Each oiled bird rehabilitation pool shall be of dimensions such that no point within the pool is greater than eight feet from a side of the pool. In addition, each oiled bird rehabilitation pool shall have a breathable cover to prevent birds from escaping. Each oiled bird rehabilitation pool shall be constantly supplied with water sufficient to maintain a depth of three feet and an exchange rate of not less than four and one-quarter times per day. Water exiting the oiled bird rehabilitation pool shall come from the surface of the pool so that floating debris and oil are removed. Water from oiled bird rehabilitation pools may be reused within a facility if made oil free.

(ii) Space requirements: Oiled bird rehabilitation pools shall be within the oiled bird rehabilitation facility. Oiled bird rehabilitation pools shall be no closer than four feet from another structure.

(g) Semi-static areas:

Space requirements: Semi-static areas shall be indoor areas. The floors in semi-static areas shall be impermeable. Water shall not be allowed to accumulate on the floor. When the total number of birds in an oiled bird rehabilitation facility, on a given day, is less than fifty, there are no minimum space requirements for semi-static areas. When the total number of birds in an oiled bird rehabilitation facility, on a given day, is between fifty and one thousand, each semi-static area listed in Table 1 shall be allocated the associated space. When the total number of birds in an oiled bird rehabilitation facility, on a given day, is between one thousand one and two thousand, each semi-static area listed in Table 1 shall be allocated two times the associated space, and, when the total number of birds in the oiled bird rehabilitation facility, on a given day, is between two thousand one and three thousand, each semi-static area listed in Table 1 shall be allocated three times the associated space, etc. Space for the semi-static areas listed in Table 1 shall be accommodated within an oiled bird rehabilitation facility with the exception of the morgue/necropsy.

Table 1:
Semi-static area space requirements by activity type.

Area	Space
Morgue/necropsy	250 sq. ft.
Bird food preparation	300 sq. ft.
Storage	100 sq. ft.
Freezers	100 sq. ft.

(h) Static areas:

Space requirements: Static areas shall be indoor areas. The floors in static areas shall be impermeable. Water shall not be allowed to accumulate on the floor. When the total number of birds in an oiled bird rehabilitation facility, on a given day, is less than fifty, there are no minimum space requirements for static areas. When the number of birds in an oiled bird rehabilitation facility, on a given day, exceeds fifty, each static area listed in Table 2 shall be allocated the associated space. All of the space associated with the areas listed in Table 2 shall be accommodated within an oiled bird rehabilitation facility with the exception of the laundry.

Table 2:
Static area space requirements by activity type.

Area	Space
Isolation/intensive care unit	200 sq. ft.
Medical laboratory	200 sq. ft.
Laundry	200 sq. ft.
Electrical	100 sq. ft.
Mechanical	250 sq. ft.

[Statutory Authority: RCW 77.12.047 and 90.56.110. 09-01-123, § 232-12-275, filed 12/19/08, effective 1/19/09. Statutory Authority: RCW 77.12.047. 06-09-021 (Order 06-67), § 232-12-275, filed 4/11/06, effective 5/12/06. Statutory Authority: RCW 77.12.047 and 90.56.110. 04-20-020 (Order 04-250), § 232-12-275, filed 9/27/04, effective 10/28/04. Statutory Authority: RCW 77.12.040. 98-01-210 (Order 97-251), § 232-12-275, filed 12/23/97, effective 1/23/98. Statutory Authority: RCW 77.12.040, 77.12.700 and 77.12.010. 96-12-045, § 232-12-275, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 77.12.030 and 77.12.040. 88-09-036 (Order 308), § 232-12-275, filed 4/15/88.]

WAC 232-12-277 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 232-12-021 and 232-12-077.

[Statutory Authority: RCW 77.12.040. 92-12-064 (Order 555), § 232-12-277, filed 6/1/92, effective 7/2/92; 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 232-12-284 Bighorn sheep—Marking requirements. (1) For the purpose of this regulation, horns shall be defined as the permanent, paired, hollow sheath of bighorn sheep ram attached to the bony core and skull.

(2) It is unlawful for a person who kills or possesses a bighorn sheep ram taken in Washington to fail, within ten days after acquisition, to personally present the horns for inspection and permanent marking at a department regional office. A department employee shall permanently mark one of the horns of each lawfully acquired bighorn sheep. A violation of this subsection is punishable under RCW 77.15.280 (1)(c).

(3) It is unlawful for any person to possess the horns of a bighorn sheep ram taken in Washington without one of the horns being permanently marked by the department. A violation of this subsection is punishable under RCW 77.15.410.

(4) A person may not transfer ownership or possession of bighorn sheep horns by offering them for sale, selling them, purchasing them, or bartering them, without a written permit authorized by the director. It is unlawful for any person who transfers ownership or possession of the horns of a bighorn sheep ram that have been permanently marked to fail to give written notice of the transfer to the department within ten days after the transfer. A violation of this subsection is punishable under RCW 77.15.750.

[Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 77.32.070, 77.32.530. 10-10-061 (Order 10-94), § 232-12-284, filed 4/30/10, effective 5/31/10. Statutory Authority: RCW 77.12.040. 96-22-073 (Order 96-193), § 232-12-284, filed 11/5/96, effective 12/6/96; 81-12-029 (Order 165), § 232-12-284, filed 6/1/81.]

WAC 232-12-287 Possession of dead wildlife. (1) Except as authorized by permit of the director or by subsection (2) of 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) 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 246-203-120). Wildlife removed under this section remain the property of the state.

Permanent Regulations

[Statutory Authority: RCW 77.12.047, 03-16-087 (Order 03-175), § 232-12-287, filed 8/5/03, effective 9/5/03. Statutory Authority: RCW 77.12.040, 95-10-026, § 232-12-287, filed 4/26/95, effective 5/27/95; 81-12-029 (Order 165), § 232-12-287, filed 6/1/81. Formerly WAC 232-12-180.]

WAC 232-12-288 Official hunting hours for game animals and forest grouse. (1) The following tables show the lawful hunting hours (1/2 hour before sunrise to 1/2 hour after sunset) for game animals and forest grouse (ruffed, blue, spruce) during established seasons.

(2) Exceptions:

(a) Bobcat and raccoon are exempt from hunting hour restrictions during established bobcat and raccoon seasons. However, when the area is open to modern firearm hunting of deer or elk, hunting hours are one-half hour before sunrise to one-half hour after sunset.

(b) Hunting hours for falconry seasons (except for migratory game bird seasons) are exempt from these hunting hours, except on designated pheasant release sites.

(3) OFFICIAL HUNTING HOURS

WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SUNDAY

				Western Washington from A.M. to P.M.		Eastern Washington from A.M. to P.M.	
Dates (Inclusive)							
Daylight Savings Time							
Sun.	Sept. 1	-	Sun.	Sept. 8	6:00	8:15	5:45 8:00
Mon.	Sept. 9	-	Sun.	Sept. 15	6:10	8:00	6:00 7:45
Mon.	Sept. 16	-	Sun.	Sept. 22	6:20	7:45	6:10 7:30
Mon.	Sept. 23	-	Sun.	Sept. 29	6:30	7:30	6:20 7:15
Mon.	Sept. 30	-	Sun.	Oct. 6	6:40	7:15	6:30 7:05
Mon.	Oct. 7	-	Sun.	Oct. 13	6:50	7:00	6:40 6:50
Mon.	Oct. 14	-	Sun.	Oct. 20	7:00	6:50	6:50 6:35
Mon.	Oct. 21	-	Sun.	Oct. 27	7:10	6:35	7:00 6:25
Mon.	Oct. 28	-	Sat.	Nov. 2	7:20	6:25	7:10 6:20
Pacific Standard Time							
			Sun.	Nov. 3	6:20	5:25	6:10 5:20
Mon.	Nov. 4	-	Sun.	Nov. 10	6:30	5:15	6:20 5:00
Mon.	Nov. 11	-	Sun.	Nov. 17	6:40	5:05	6:30 4:50
Mon.	Nov. 18	-	Sun.	Nov. 24	6:50	4:55	6:40 4:45
Mon.	Nov. 25	-	Sun.	Dec. 1	7:00	4:50	6:50 4:40
Mon.	Dec. 2	-	Sun.	Dec. 8	7:10	4:50	7:00 4:40
Mon.	Dec. 9	-	Sun.	Dec. 15	7:15	4:50	7:05 4:40
Mon.	Dec. 16	-	Sun.	Dec. 22	7:20	4:50	7:10 4:40
Mon.	Dec. 23	-	Sun.	Dec. 29	7:25	4:55	7:10 4:45
Mon.	Dec. 30	-	Sun.	Jan. 5	7:25	5:00	7:15 4:45
Mon.	Jan. 6	-	Sun.	Jan. 12	7:25	5:05	7:15 4:55
Mon.	Jan. 13	-	Sun.	Jan. 19	7:20	5:15	7:10 5:05
Mon.	Jan. 20	-	Sun.	Jan. 26	7:15	5:25	7:05 5:15
Mon.	Jan. 27	-	Fri.	Jan. 31	7:10	5:35	7:00 5:25

(4) OFFICIAL HUNTING HOURS

WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON MONDAY

				Western Washington from A.M. to P.M.		Eastern Washington from A.M. to P.M.	
Dates (Inclusive)							
Daylight Savings Time							
Mon.	Sept. 1	-	Sun.	Sept. 7	6:00	8:15	5:50 8:00
Mon.	Sept. 8	-	Sun.	Sept. 14	6:10	8:00	6:00 7:50
Mon.	Sept. 15	-	Sun.	Sept. 21	6:20	7:45	6:10 7:35
Mon.	Sept. 22	-	Sun.	Sept. 28	6:30	7:30	6:15 7:20
Mon.	Sept. 29	-	Sun.	Oct. 5	6:40	7:15	6:30 7:05
Mon.	Oct. 6	-	Sun.	Oct. 12	6:50	7:00	6:40 6:55
Mon.	Oct. 13	-	Sun.	Oct. 19	7:00	6:50	6:50 6:40
Mon.	Oct. 20	-	Sun.	Oct. 26	7:10	6:40	7:00 6:25
Mon.	Oct. 27	-	Sat.	Nov. 1	7:20	6:25	7:15 6:15
Pacific Standard Time							
			Sun.	Nov. 2	6:20	5:25	6:10 5:15
Mon.	Nov. 3	-	Sun.	Nov. 9	6:30	5:15	6:20 5:00

Permanent Regulations

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(4) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON MONDAY

Dates (Inclusive)					Western Washington from A.M. to P.M.		Eastern Washington from A.M. to P.M.	
	Mon.	Nov. 10	-	Sun.	Nov. 16	6:40	5:05	6:30
Mon.	Nov. 17	-	Sun.	Nov. 23	6:50	5:00	6:40	4:45
Mon.	Nov. 24	-	Sun.	Nov. 30	7:00	4:50	6:50	4:40
Mon.	Dec. 1	-	Sun.	Dec. 7	7:10	4:50	7:00	4:40
Mon.	Dec. 8	-	Sun.	Dec. 14	7:15	4:50	7:05	4:40
Mon.	Dec. 15	-	Sun.	Dec. 21	7:20	4:50	7:10	4:40
Mon.	Dec. 22	-	Sun.	Dec. 28	7:25	4:55	7:10	4:40
Mon.	Dec. 29	-	Sun.	Jan. 4	7:25	5:00	7:15	4:45
Mon.	Jan. 5	-	Sun.	Jan. 11	7:25	5:05	7:15	4:55
Mon.	Jan. 12	-	Sun.	Jan. 18	7:25	5:15	7:10	5:05
Mon.	Jan. 19	-	Sun.	Jan. 25	7:20	5:25	7:05	5:15
Mon.	Jan. 26	-	Fri.	Jan. 31	7:10	5:30	7:00	5:25

(5) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON TUESDAY

Dates (Inclusive)					Western Washington from A.M. to P.M.		Eastern Washington from A.M. to P.M.	
	Daylight Savings Time							
Tues.	Sept. 1	-	Sun.	Sept. 6	6:00	8:15	5:50	8:05
Mon.	Sept. 7	-	Sun.	Sept. 13	6:10	8:05	6:00	7:50
Mon.	Sept. 14	-	Sun.	Sept. 20	6:20	7:50	6:05	7:35
Mon.	Sept. 21	-	Sun.	Sept. 27	6:30	7:35	6:15	7:20
Mon.	Sept. 28	-	Sun.	Oct. 4	6:40	7:20	6:25	7:05
Mon.	Oct. 5	-	Sun.	Oct. 11	6:45	7:05	6:35	6:55
Mon.	Oct. 12	-	Sun.	Oct. 18	6:55	6:50	6:45	6:40
Mon.	Oct. 19	-	Sun.	Oct. 25	7:05	6:40	6:55	6:30
Mon.	Oct. 26	-	Sat.	Oct. 31	7:20	6:25	7:05	6:15
Pacific Standard Time								
Mon.	Nov. 2	-	Sun.	Nov. 1	6:20	5:25	6:05	5:15
Mon.	Nov. 9	-	Sun.	Nov. 8	6:30	5:15	6:15	5:05
Mon.	Nov. 16	-	Sun.	Nov. 15	6:40	5:05	6:30	4:55
Mon.	Nov. 23	-	Sun.	Nov. 22	6:50	5:00	6:40	4:45
Mon.	Nov. 30	-	Sun.	Nov. 29	7:00	4:55	6:50	4:40
Mon.	Dec. 7	-	Sun.	Dec. 6	7:10	4:50	6:55	4:40
Mon.	Dec. 14	-	Sun.	Dec. 13	7:15	4:50	7:05	4:35
Mon.	Dec. 21	-	Sun.	Dec. 20	7:20	4:50	7:10	4:40
Mon.	Dec. 28	-	Sun.	Dec. 27	7:25	4:50	7:15	4:40
Mon.	Jan. 4	-	Sun.	Jan. 3	7:30	5:00	7:15	4:45
Mon.	Jan. 11	-	Sun.	Jan. 10	7:25	5:05	7:15	4:55
Mon.	Jan. 18	-	Sun.	Jan. 17	7:25	5:15	7:10	5:00
Mon.	Jan. 25	-	Sat.	Jan. 24	7:20	5:25	7:05	5:10
Mon.	Jan. 25	-	Sat.	Jan. 31	7:10	5:30	7:00	5:20

(6) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON WEDNESDAY

Dates (Inclusive)					Western Washington from A.M. to P.M.		Eastern Washington from A.M. to P.M.	
	Daylight Savings Time							
Wed.	Sept. 1	-	Sun.	Sept. 5	6:00	8:15	5:50	8:05
Mon.	Sept. 6	-	Sun.	Sept. 12	6:10	8:05	5:55	7:50
Mon.	Sept. 13	-	Sun.	Sept. 19	6:15	7:50	6:05	7:40
Mon.	Sept. 20	-	Sun.	Sept. 26	6:25	7:35	6:15	7:25
Mon.	Sept. 27	-	Sun.	Oct. 3	6:35	7:20	6:25	7:10

Permanent Regulations

(6) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON WEDNESDAY

				Western Washington from A.M. to P.M.		Eastern Washington from A.M. to P.M.	
Dates (Inclusive)							
Mon.	Oct. 4	-	Sun.	Oct. 10	6:45	7:10	6:35 6:55
Mon.	Oct. 11	-	Sun.	Oct. 17	6:55	6:55	6:45 6:40
Mon.	Oct. 18	-	Sun.	Oct. 24	7:05	6:40	6:55 6:30
Mon.	Oct. 25	-	Sun.	Oct. 31	7:15	6:30	7:05 6:15
Mon.	Nov. 1	-	Sat.	Nov. 6	7:25	6:20	7:15 6:05
				Pacific Standard Time			
			Sun.	Nov. 7	6:25	5:20	6:15 5:05
Mon.	Nov. 8	-	Sun.	Nov. 14	6:40	5:10	6:25 4:55
Mon.	Nov. 15	-	Sun.	Nov. 21	6:50	5:00	6:35 4:50
Mon.	Nov. 22	-	Sun.	Nov. 28	7:00	4:55	6:45 4:40
Mon.	Nov. 29	-	Sun.	Dec. 5	7:05	4:50	6:55 4:40
Mon.	Dec. 6	-	Sun.	Dec. 12	7:15	4:50	7:05 4:35
Mon.	Dec. 13	-	Sun.	Dec. 19	7:20	4:50	7:10 4:35
Mon.	Dec. 20	-	Sun.	Dec. 26	7:25	4:50	7:15 4:40
Mon.	Dec. 27	-	Sun.	Jan. 2	7:25	4:55	7:15 4:45
Mon.	Jan. 3	-	Sun.	Jan. 9	7:25	5:05	7:15 4:50
Mon.	Jan. 10	-	Sun.	Jan. 16	7:25	5:10	7:10 5:00
Mon.	Jan. 17	-	Sun.	Jan. 23	7:20	5:20	7:10 5:10
Mon.	Jan. 24	-	Mon.	Jan. 31	7:10	5:30	7:00 5:20

(7) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON THURSDAY

				Western Washington from A.M. to P.M.		Eastern Washington from A.M. to P.M.	
Dates (Inclusive)							
				Daylight Savings Time			
Thurs.	Sept. 1	-	Sun.	Sept. 4	6:00	8:15	5:45 8:05
Mon.	Sept. 5	-	Sun.	Sept. 11	6:05	8:05	5:55 7:55
Mon.	Sept. 12	-	Sun.	Sept. 18	6:15	7:50	6:05 7:40
Mon.	Sept. 19	-	Sun.	Sept. 25	6:25	7:40	6:10 7:25
Mon.	Sept. 26	-	Sun.	Oct. 2	6:35	7:25	6:25 7:10
Mon.	Oct. 3	-	Sun.	Oct. 9	6:45	7:10	6:35 6:55
Mon.	Oct. 10	-	Sun.	Oct. 16	6:55	7:05	6:40 6:45
Mon.	Oct. 17	-	Sun.	Oct. 23	7:05	6:40	6:55 6:30
Mon.	Oct. 24	-	Sun.	Oct. 30	7:15	6:30	7:00 6:20
Mon.	Oct. 31	-	Sat.	Nov. 5	7:25	6:20	7:15 6:05
				Pacific Standard Time			
			Sun.	Nov. 6	6:25	5:20	6:15 5:05
Mon.	Nov. 7	-	Sun.	Nov. 13	6:35	5:10	6:25 4:55
Mon.	Nov. 14	-	Sun.	Nov. 20	6:45	5:00	6:35 4:50
Mon.	Nov. 21	-	Sun.	Nov. 27	6:55	4:55	6:45 4:40
Mon.	Nov. 28	-	Sun.	Dec. 4	7:05	4:50	6:55 4:40
Mon.	Dec. 5	-	Sun.	Dec. 11	7:15	4:50	7:00 4:35
Mon.	Dec. 12	-	Sun.	Dec. 18	7:20	4:50	7:10 4:35
Mon.	Dec. 19	-	Sun.	Dec. 25	7:25	4:50	7:10 4:40
Mon.	Dec. 26	-	Sun.	Jan. 1	7:25	4:55	7:15 4:45
Mon.	Jan. 2	-	Sun.	Jan. 8	7:25	5:00	7:15 4:50
Mon.	Jan. 9	-	Sun.	Jan. 15	7:25	5:10	7:10 5:00
Mon.	Jan. 16	-	Sun.	Jan. 22	7:20	5:20	7:10 5:10
Mon.	Jan. 23	-	Sun.	Jan. 29	7:15	5:30	7:00 5:20
Mon.	Jan. 30	-	Tues.	Jan. 31	7:10	5:35	6:55 5:25

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(8) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON FRIDAY

				Western Washington from A.M. to P.M.		Eastern Washington from A.M. to P.M.		
Dates (Inclusive)								
				Daylight Savings Time				
Fri.	Sept. 1	-	Sun.	Sept. 3	6:00	8:20	5:45	8:05
Mon.	Sept. 4	-	Sun.	Sept. 10	6:05	8:10	5:55	7:55
Mon.	Sept. 11	-	Sun.	Sept. 17	6:15	7:55	6:05	7:40
Mon.	Sept. 18	-	Sun.	Sept. 24	6:25	7:40	6:10	7:30
Mon.	Sept. 25	-	Sun.	Oct. 1	6:35	7:25	6:20	7:15
Mon.	Oct. 2	-	Sun.	Oct. 8	6:45	7:10	6:30	7:00
Mon.	Oct. 9	-	Sun.	Oct. 15	6:55	6:55	6:40	6:45
Mon.	Oct. 16	-	Sun.	Oct. 22	7:05	6:45	6:50	6:30
Mon.	Oct. 23	-	Sun.	Oct. 29	7:10	6:35	7:00	6:20
Mon.	Oct. 30	-	Sat.	Nov. 4	7:25	6:20	7:10	6:10
				Pacific Standard Time				
			Sun.	Nov. 5	6:25	5:20	6:10	5:10
Mon.	Nov. 6	-	Sun.	Nov. 12	6:35	5:10	6:25	5:00
Mon.	Nov. 13	-	Sun.	Nov. 19	6:45	5:00	6:35	4:50
Mon.	Nov. 20	-	Sun.	Nov. 26	6:55	4:55	6:45	4:45
Mon.	Nov. 27	-	Sun.	Dec. 3	7:05	4:50	6:55	4:40
Mon.	Dec. 4	-	Sun.	Dec. 10	7:15	4:50	7:00	4:35
Mon.	Dec. 11	-	Sun.	Dec. 17	7:20	4:50	7:10	4:35
Mon.	Dec. 18	-	Sun.	Dec. 24	7:25	4:50	7:10	4:40
Mon.	Dec. 25	-	Sun.	Dec. 31	7:25	4:55	7:15	4:40
Mon.	Jan. 1	-	Sun.	Jan. 7	7:30	5:00	7:15	4:50
Mon.	Jan. 8	-	Sun.	Jan. 14	7:25	5:10	7:15	5:00
Mon.	Jan. 15	-	Sun.	Jan. 21	7:20	5:20	7:10	5:10
Mon.	Jan. 22	-	Sun.	Jan. 28	7:15	5:30	7:00	5:20
Mon.	Jan. 29	-	Wed.	Jan. 31	7:10	5:35	6:55	5:20

(9) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SATURDAY

				Western Washington from A.M. to P.M.		Eastern Washington from A.M. to P.M.		
Dates (Inclusive)								
				Daylight Savings Time				
Sat.	Sept. 1	-	Sun.	Sept. 2	6:00	8:20	5:45	8:10
Mon.	Sept. 3	-	Sun.	Sept. 9	6:05	8:10	5:50	8:00
Mon.	Sept. 10	-	Sun.	Sept. 16	6:15	7:55	6:00	7:45
Mon.	Sept. 17	-	Sun.	Sept. 23	6:20	7:40	6:10	7:30
Mon.	Sept. 24	-	Sun.	Sept. 30	6:30	7:25	6:20	7:15
Mon.	Oct. 1	-	Sun.	Oct. 7	6:40	7:15	6:30	7:00
Mon.	Oct. 8	-	Sun.	Oct. 14	6:50	7:00	6:40	6:45
Mon.	Oct. 15	-	Sun.	Oct. 21	7:00	6:45	6:50	6:35
Mon.	Oct. 22	-	Sun.	Oct. 28	7:10	6:35	7:00	6:20
Mon.	Oct. 29	-	Sat.	Nov. 3	7:20	6:20	7:10	6:10
				Pacific Standard Time				
			Sun.	Nov. 4	6:20	5:20	6:10	5:10
Mon.	Nov. 5	-	Sun.	Nov. 11	6:35	5:10	6:20	5:00
Mon.	Nov. 12	-	Sun.	Nov. 18	6:45	5:05	6:30	4:50
Mon.	Nov. 19	-	Sun.	Nov. 25	6:55	4:55	6:40	4:45
Mon.	Nov. 26	-	Sun.	Dec. 2	7:05	4:50	6:50	4:40
Mon.	Dec. 3	-	Sun.	Dec. 9	7:10	4:50	7:00	4:35
Mon.	Dec. 10	-	Sun.	Dec. 16	7:20	4:50	7:05	4:35
Mon.	Dec. 17	-	Sun.	Dec. 23	7:25	4:50	7:10	4:35
Mon.	Dec. 24	-	Sun.	Dec. 30	7:25	4:55	7:15	4:40
Mon.	Dec. 31	-	Sun.	Jan. 6	7:25	5:00	7:15	4:50
Mon.	Jan. 7	-	Sun.	Jan. 13	7:25	5:10	7:15	4:55
Mon.	Jan. 14	-	Sun.	Jan. 20	7:20	5:15	7:10	5:05

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(9) OFFICIAL HUNTING HOURS

WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SATURDAY

Dates (Inclusive)					Western Washington from A.M. to P.M.		Eastern Washington from A.M. to P.M.	
	Mon. Jan. 21 - Sun. Jan. 27				7:15	5:25	7:05	5:15
Mon. Jan. 28 - Thur. Jan. 31				7:10	5:35	7:00	5:25	

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. 13-02-043 (Order 12-290), § 232-12-288, filed 12/21/12, effective 1/21/13.]

WAC 232-12-289 Official hunting hours for game birds—Migratory game birds, upland birds, and wild turkeys. (1)

A person may hunt for migratory game birds (duck, goose, coot, snipe, mourning dove, and band-tailed pigeon); upland birds (pheasant, quail, partridge); and turkey during established seasons. The table below in subsections (4) through (9) of this section contains the legal hunting hours for migratory game birds.

(2) Exceptions to legal hunting hours for migratory game birds.

(a) Western Washington - Pheasant and quail hunting hours are 8:00 a.m. to 4:00 p.m. in all areas.

(b) Clark (except areas south of the Washougal River), Cowlitz, Pacific, and Wahkiakum counties - Goose hunting hours are 8:00 a.m. to 4:00 p.m., except that during the September goose season the hunting hours are 1/2 hour before sunrise to sunset; and during the late goose season, the hunting hours are 7:00 a.m. to 4:00 p.m.

(c) Hunting hours for falconry seasons (except migratory game bird seasons) are exempt from the hunting hours in subsection (3) of this section, except on designated pheasant release sites.

(3) OFFICIAL HUNTING HOURS

WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SUNDAY

Dates (Inclusive)					Western Washington from A.M. to P.M.		Eastern Washington from A.M. to P.M.	
	Sun. Sept. 1 - Sun. Sept. 8				6:00	7:45	5:45	7:30
Mon. Sept. 9 - Sun. Sept. 15				6:10	7:30	6:00	7:15	
Mon. Sept. 16 - Sun. Sept. 22				6:20	7:15	6:10	7:00	
Mon. Sept. 23 - Sun. Sept. 29				6:30	7:00	6:20	6:45	
Mon. Sept. 30 - Sun. Oct. 6				6:40	6:45	6:30	6:35	
Mon. Oct. 7 - Sun. Oct. 13				6:50	6:30	6:40	6:20	
Mon. Oct. 14 - Sun. Oct. 20				7:00	6:20	6:50	6:05	
Mon. Oct. 21 - Sun. Oct. 27				7:10	6:05	7:00	5:55	
Mon. Oct. 28 - Sat. Nov. 2				7:20	5:55	7:10	5:50	
				Pacific Standard Time				
Mon. Nov. 4 - Sun. Nov. 10				6:20	4:55	6:10	4:50	
Mon. Nov. 11 - Sun. Nov. 17				6:30	4:45	6:20	4:30	
Mon. Nov. 18 - Sun. Nov. 24				6:40	4:35	6:30	4:20	
Mon. Nov. 25 - Sun. Dec. 1				6:50	4:25	6:40	4:15	
Mon. Dec. 2 - Sun. Dec. 8				7:00	4:20	6:50	4:10	
Mon. Dec. 9 - Sun. Dec. 15				7:10	4:20	7:00	4:10	
Mon. Dec. 16 - Sun. Dec. 22				7:15	4:20	7:05	4:10	
Mon. Dec. 23 - Sun. Dec. 29				7:20	4:20	7:10	4:10	
Mon. Dec. 30 - Sun. Jan. 5				7:25	4:25	7:10	4:15	
Mon. Jan. 6 - Sun. Jan. 12				7:25	4:30	7:15	4:15	
Mon. Jan. 13 - Sun. Jan. 19				7:25	4:35	7:15	4:25	
Mon. Jan. 20 - Sun. Jan. 26				7:20	4:45	7:10	4:35	
Mon. Jan. 27 - Fri. Jan. 31				7:15	4:55	7:05	4:45	
				7:10	5:05	7:00	4:55	

(4) OFFICIAL HUNTING HOURS

WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON MONDAY

Dates (Inclusive)					Western Washington from A.M. to P.M.		Eastern Washington from A.M. to P.M.	
	Mon. Sept. 1 - Sun. Sept. 7				6:00	7:45	5:45	7:30
Mon. Sept. 8 - Sun. Sept. 14				6:10	7:30	5:50	7:20	
Mon. Sept. 15 - Sun. Sept. 21				6:20	7:15	6:10	7:05	

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(4) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON MONDAY

Dates (Inclusive)					Western Washington		Eastern Washington		
					from	to	from	to	P.M.
					A.M.	P.M.	A.M.	P.M.	P.M.
Mon.	Sept. 22	-	Sun.	Sept. 28	6:30	7:00	6:15	6:50	
Mon.	Sept. 29	-	Sun.	Oct. 5	6:40	6:45	6:30	6:35	
Mon.	Oct. 6	-	Sun.	Oct. 12	6:50	6:30	6:40	6:25	
Mon.	Oct. 13	-	Sun.	Oct. 19	7:00	6:20	6:50	6:10	
Mon.	Oct. 20	-	Sun.	Oct. 26	7:10	6:10	7:00	5:55	
Mon.	Oct. 27	-	Sat.	Nov. 1	7:20	5:55	7:15	5:45	
				Pacific Standard Time					
			Sun.	Nov. 2	6:20	4:55	6:15	4:45	
Mon.	Nov. 3	-	Sun.	Nov. 9	6:30	4:45	6:20	4:30	
Mon.	Nov. 10	-	Sun.	Nov. 16	6:40	4:35	6:30	4:25	
Mon.	Nov. 17	-	Sun.	Nov. 23	6:50	4:30	6:40	4:15	
Mon.	Nov. 24	-	Sun.	Nov. 30	7:00	4:20	6:50	4:10	
Mon.	Dec. 1	-	Sun.	Dec. 7	7:10	4:20	7:00	4:10	
Mon.	Dec. 8	-	Sun.	Dec. 14	7:15	4:20	7:05	4:05	
Mon.	Dec. 15	-	Sun.	Dec. 21	7:20	4:20	7:10	4:10	
Mon.	Dec. 22	-	Sun.	Dec. 28	7:25	4:25	7:10	4:10	
Mon.	Dec. 29	-	Sun.	Jan. 4	7:25	4:30	7:15	4:15	
Mon.	Jan. 5	-	Sun.	Jan. 11	7:25	4:35	7:15	4:25	
Mon.	Jan. 12	-	Sun.	Jan. 18	7:25	4:45	7:10	4:35	
Mon.	Jan. 19	-	Sun.	Jan. 25	7:20	4:55	7:05	4:45	
Mon.	Jan. 26	-	Fri.	Jan. 31	7:10	5:00	7:00	4:55	

(5) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON TUESDAY

Dates (Inclusive)					Western Washington		Eastern Washington		
					from	to	from	to	P.M.
					A.M.	P.M.	A.M.	P.M.	P.M.
				Daylight Savings Time					
Tues.	Sept. 1	-	Sun.	Sept. 6	6:00	7:45	5:50	7:35	
Mon.	Sept. 7	-	Sun.	Sept. 13	6:10	7:35	6:00	7:20	
Mon.	Sept. 14	-	Sun.	Sept. 20	6:20	7:20	6:05	7:05	
Mon.	Sept. 21	-	Sun.	Sept. 27	6:30	7:05	6:15	6:50	
Mon.	Sept. 28	-	Sun.	Oct. 4	6:40	6:50	6:25	6:35	
Mon.	Oct. 5	-	Sun.	Oct. 11	6:45	6:35	6:35	6:25	
Mon.	Oct. 12	-	Sun.	Oct. 18	6:55	6:20	6:45	6:10	
Mon.	Oct. 19	-	Sun.	Oct. 25	7:05	6:10	6:55	6:00	
Mon.	Oct. 26	-	Sat.	Oct. 31	7:20	5:55	7:05	5:45	
				Pacific Standard Time					
			Sun.	Nov. 1	6:20	4:55	6:05	4:45	
Mon.	Nov. 2	-	Sun.	Nov. 8	6:30	4:45	6:15	4:35	
Mon.	Nov. 9	-	Sun.	Nov. 15	6:40	4:35	6:30	4:25	
Mon.	Nov. 16	-	Sun.	Nov. 22	6:50	4:30	6:40	4:15	
Mon.	Nov. 23	-	Sun.	Nov. 29	7:00	4:25	6:45	4:10	
Mon.	Nov. 30	-	Sun.	Dec. 6	7:10	4:20	6:55	4:10	
Mon.	Dec. 7	-	Sun.	Dec. 13	7:15	4:20	7:05	4:05	
Mon.	Dec. 14	-	Sun.	Dec. 20	7:20	4:20	7:10	4:10	
Mon.	Dec. 21	-	Sun.	Dec. 27	7:25	4:20	7:15	4:10	
Mon.	Dec. 28	-	Sun.	Jan. 3	7:30	4:30	7:15	4:15	
Mon.	Jan. 4	-	Sun.	Jan. 10	7:25	4:35	7:15	4:25	
Mon.	Jan. 11	-	Sun.	Jan. 17	7:25	4:45	7:10	4:30	
Mon.	Jan. 18	-	Sun.	Jan. 24	7:20	4:55	7:05	4:40	
Mon.	Jan. 25	-	Sat.	Jan. 31	7:10	5:00	7:00	4:50	

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(6) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON WEDNESDAY

Dates (Inclusive)					Western Washington		Eastern Washington		
					from	to	from	to	P.M.
				A.M.	P.M.	A.M.	P.M.	P.M.	
Daylight Savings Time									
Wed.	Sept. 1	-	Sun.	Sept. 5	6:00	7:45	5:50	7:35	
Mon.	Sept. 6	-	Sun.	Sept. 12	6:10	7:35	5:55	7:20	
Mon.	Sept. 13	-	Sun.	Sept. 19	6:15	7:20	6:05	7:10	
Mon.	Sept. 20	-	Sun.	Sept. 26	6:25	7:05	6:15	6:55	
Mon.	Sept. 27	-	Sun.	Oct. 3	6:35	6:50	6:25	6:40	
Mon.	Oct. 4	-	Sun.	Oct. 10	6:45	6:40	6:35	6:25	
Mon.	Oct. 11	-	Sun.	Oct. 17	6:55	6:25	6:45	6:10	
Mon.	Oct. 18	-	Sun.	Oct. 24	7:05	6:10	6:55	6:00	
Mon.	Oct. 25	-	Sun.	Oct. 31	7:15	6:00	7:05	5:45	
Mon.	Nov. 1	-	Sat.	Nov. 6	7:25	5:50	7:15	5:35	
Pacific Standard Time									
			Sun.	Nov. 7	6:25	4:50	6:15	4:35	
Mon.	Nov. 8	-	Sun.	Nov. 14	6:40	4:40	6:25	4:25	
Mon.	Nov. 15	-	Sun.	Nov. 21	6:50	4:30	6:35	4:20	
Mon.	Nov. 22	-	Sun.	Nov. 28	7:00	4:25	6:45	4:10	
Mon.	Nov. 29	-	Sun.	Dec. 5	7:05	4:20	6:55	4:10	
Mon.	Dec. 6	-	Sun.	Dec. 12	7:15	4:20	7:05	4:05	
Mon.	Dec. 13	-	Sun.	Dec. 19	7:20	4:20	7:10	4:05	
Mon.	Dec. 20	-	Sun.	Dec. 26	7:25	4:20	7:15	4:10	
Mon.	Dec. 27	-	Sun.	Jan. 2	7:25	4:25	7:15	4:15	
Mon.	Jan. 3	-	Sun.	Jan. 9	7:25	4:35	7:15	4:20	
Mon.	Jan. 10	-	Sun.	Jan. 16	7:25	4:40	7:10	4:30	
Mon.	Jan. 17	-	Sun.	Jan. 23	7:20	4:50	7:10	4:40	
Mon.	Jan. 24	-	Mon.	Jan. 31	7:10	5:00	7:00	4:50	

(7) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON THURSDAY

Dates (Inclusive)					Western Washington		Eastern Washington		
					from	to	from	to	P.M.
				A.M.	P.M.	A.M.	P.M.	P.M.	
Daylight Savings Time									
Thur.	Sept. 1	-	Sun.	Sept. 4	6:00	7:45	5:45	7:35	
Mon.	Sept. 5	-	Sun.	Sept. 11	6:05	7:35	5:55	7:25	
Mon.	Sept. 12	-	Sun.	Sept. 18	6:15	7:20	6:05	7:10	
Mon.	Sept. 19	-	Sun.	Sept. 25	6:25	7:10	6:10	6:55	
Mon.	Sept. 26	-	Sun.	Oct. 2	6:35	6:55	6:25	6:40	
Mon.	Oct. 3	-	Sun.	Oct. 9	6:45	6:40	6:35	6:25	
Mon.	Oct. 10	-	Sun.	Oct. 16	6:55	6:25	6:45	6:15	
Mon.	Oct. 17	-	Sun.	Oct. 23	7:05	6:10	6:55	6:00	
Mon.	Oct. 24	-	Sun.	Oct. 30	7:15	6:00	7:05	5:50	
Mon.	Oct. 31	-	Sat.	Nov. 5	7:25	5:50	7:15	5:35	
Pacific Standard Time									
			Sun.	Nov. 6	6:25	4:50	6:15	4:35	
Mon.	Nov. 7	-	Sun.	Nov. 13	6:35	4:40	6:25	4:25	
Mon.	Nov. 14	-	Sun.	Nov. 20	6:45	4:30	6:35	4:20	
Mon.	Nov. 21	-	Sun.	Nov. 27	6:55	4:25	6:45	4:10	
Mon.	Nov. 28	-	Sun.	Dec. 4	7:05	4:20	6:55	4:10	
Mon.	Dec. 5	-	Sun.	Dec. 11	7:15	4:20	7:00	4:05	
Mon.	Dec. 12	-	Sun.	Dec. 18	7:20	4:20	7:10	4:05	
Mon.	Dec. 19	-	Sun.	Dec. 25	7:25	4:20	7:10	4:10	
Mon.	Dec. 26	-	Sun.	Jan. 1	7:25	4:25	7:15	4:15	
Mon.	Jan. 2	-	Sun.	Jan. 8	7:25	4:30	7:15	4:20	
Mon.	Jan. 9	-	Sun.	Jan. 15	7:25	4:40	7:10	4:30	
Mon.	Jan. 16	-	Sun.	Jan. 22	7:20	4:50	7:10	4:40	

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(7) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON THURSDAY

Dates (Inclusive)				Western Washington			Eastern Washington		
				from			from		
				A.M.	to	P.M.	A.M.	to	P.M.
Mon.	Jan. 23	-	Sun.	Jan. 29	7:15	5:00	7:00	4:50	
Mon.	Jan. 30	-	Tues.	Jan. 31	7:10	5:05	6:55	4:55	

(8) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON FRIDAY

Dates (Inclusive)				Western Washington			Eastern Washington		
				from			from		
				A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time									
Fri.	Sept. 1	-	Sun.	Sept. 3	6:00	7:50	5:45	7:35	
Mon.	Sept. 4	-	Sun.	Sept. 10	6:05	7:40	5:55	7:25	
Mon.	Sept. 11	-	Sun.	Sept. 17	6:15	7:25	6:05	7:10	
Mon.	Sept. 18	-	Sun.	Sept. 24	6:25	7:10	6:10	7:00	
Mon.	Sept. 25	-	Sun.	Oct. 1	6:35	6:55	6:20	6:45	
Mon.	Oct. 2	-	Sun.	Oct. 8	6:45	6:40	6:30	6:30	
Mon.	Oct. 9	-	Sun.	Oct. 15	6:55	6:25	6:40	6:15	
Mon.	Oct. 16	-	Sun.	Oct. 22	7:05	6:15	6:50	6:00	
Mon.	Oct. 23	-	Sun.	Oct. 29	7:10	6:05	7:00	5:50	
Mon.	Oct. 30	-	Sat.	Nov. 4	7:25	5:50	7:10	5:40	
Pacific Standard Time									
			Sun.	Nov. 5	6:25	4:50	6:10	4:40	
Mon.	Nov. 6	-	Sun.	Nov. 12	6:35	4:40	6:25	4:30	
Mon.	Nov. 13	-	Sun.	Nov. 19	6:45	4:30	6:35	4:20	
Mon.	Nov. 20	-	Sun.	Nov. 26	6:55	4:25	6:45	4:15	
Mon.	Nov. 27	-	Sun.	Dec. 3	7:05	4:20	6:55	4:10	
Mon.	Dec. 4	-	Sun.	Dec. 10	7:15	4:20	7:00	4:05	
Mon.	Dec. 11	-	Sun.	Dec. 17	7:20	4:20	7:10	4:05	
Mon.	Dec. 18	-	Sun.	Dec. 24	7:25	4:20	7:10	4:10	
Mon.	Dec. 25	-	Sun.	Dec. 31	7:25	4:25	7:15	4:10	
Mon.	Jan. 1	-	Sun.	Jan. 7	7:30	4:30	7:15	4:20	
Mon.	Jan. 8	-	Sun.	Jan. 14	7:25	4:40	7:15	4:30	
Mon.	Jan. 15	-	Sun.	Jan. 21	7:20	4:50	7:10	4:40	
Mon.	Jan. 22	-	Sun.	Jan. 28	7:15	5:00	7:00	4:50	
Mon.	Jan. 29	-	Wed.	Jan. 31	7:10	5:05	6:55	4:50	

(9) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SATURDAY

Dates (Inclusive)				Western Washington			Eastern Washington		
				from			from		
				A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time									
Sat.	Sept. 1	-	Sun.	Sept. 2	6:00	7:50	5:45	7:40	
Mon.	Sept. 3	-	Sun.	Sept. 9	6:05	7:40	5:50	7:30	
Mon.	Sept. 10	-	Sun.	Sept. 16	6:15	7:25	6:00	7:15	
Mon.	Sept. 17	-	Sun.	Sept. 23	6:20	7:10	6:10	7:00	
Mon.	Sept. 24	-	Sun.	Sept. 30	6:30	6:55	6:20	6:45	
Mon.	Oct. 1	-	Sun.	Oct. 7	6:40	6:45	6:30	6:30	
Mon.	Oct. 8	-	Sun.	Oct. 14	6:50	6:30	6:40	6:15	
Mon.	Oct. 15	-	Sun.	Oct. 21	7:00	6:15	6:50	6:05	
Mon.	Oct. 22	-	Sun.	Oct. 28	7:10	6:05	7:00	5:50	
Mon.	Oct. 29	-	Sat.	Nov. 3	7:20	5:50	7:10	5:40	
Pacific Standard Time									
			Sun.	Nov. 4	6:20	4:50	6:10	4:40	
Mon.	Nov. 5	-	Sun.	Nov. 11	6:35	4:40	6:20	4:30	
Mon.	Nov. 12	-	Sun.	Nov. 18	6:45	4:35	6:30	4:20	
Mon.	Nov. 19	-	Sun.	Nov. 25	6:55	4:25	6:40	4:15	

(9) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON SATURDAY

Dates (Inclusive)				Western Washington from		Eastern Washington from	
				A.M.	to P.M.	A.M.	to P.M.
Mon.	Nov. 26	-	Sun. Dec. 2	7:05	4:20	6:50	4:10
Mon.	Dec. 3	-	Sun. Dec. 9	7:10	4:20	7:00	4:05
Mon.	Dec. 10	-	Sun. Dec. 16	7:20	4:20	7:05	4:05
Mon.	Dec. 17	-	Sun. Dec. 23	7:25	4:20	7:10	4:05
Mon.	Dec. 24	-	Sun. Dec. 30	7:25	4:25	7:15	4:10
Mon.	Dec. 31	-	Sun. Jan. 6	7:25	4:30	7:15	4:20
Mon.	Jan. 7	-	Sun. Jan. 13	7:25	4:40	7:15	4:25
Mon.	Jan. 14	-	Sun. Jan. 20	7:20	4:45	7:10	4:35
Mon.	Jan. 21	-	Sun. Jan. 27	7:15	4:55	7:05	4:45
Mon.	Jan. 28	-	Thur. Jan. 31	7:10	5:05	7:00	4:55

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. 13-02-043 (Order 12-290), § 232-12-289, filed 12/21/12, effective 1/21/13. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210. 07-11-017 (Order 07-62), § 232-12-289, filed 5/3/07, effective 6/3/07. Statutory Authority: RCW 77.12.047. 03-06-110 (Order 03-23), § 232-12-289, filed 3/5/03, effective 4/5/03.]

WAC 232-12-291 Hunting before or after hours. It is unlawful to hunt wild animals or wild birds contrary to posted or official hunting hours in current season regulations.

[Statutory Authority: RCW 77.12.040. 99-17-034 (Order 99-118), § 232-12-291, filed 8/11/99, effective 9/11/99; 81-12-029 (Order 165), § 232-12-291, filed 6/1/81.]

WAC 232-12-292 Bald eagle protection rules.

Rule applicability

1.1 The following rules are only applicable and enforceable when the bald eagle is listed under state law as threatened or endangered.

Purpose

2.1 The purpose of these rules is to protect the habitat and thereby maintain the population of the bald eagle so that the species is not classified as threatened, endangered or sensitive in Washington state. This can best be accomplished by promoting cooperative efforts to manage for eagle habitat needs through a process which is sensitive to the landowner goals as well. The following rules are designed to promote such cooperative management.

Authority

3.1 These rules are promulgated pursuant to RCW 77.12.-655.

Definitions

4.1 "Communal roost site" means all of the physical features surrounding trees used for night roosting that are important to the suitability of the roost for eagle use. These features include flight corridors, sources of disturbance, trees in which eagles spend the night, trees used for perching during arrival or departure and other trees or physical features, such as hills, ridges, or cliffs that provide wind protection.

4.2 "Cultural activities" means activities conducted to foster the growth of agricultural plants and animals.

4.3 "Department" means department of fish and wildlife.

4.4 "Endangered" means a species which is seriously threatened with extirpation throughout all or a significant portion of its range within Washington.

4.5 "Government entities" means all agencies of federal, state and local governments.

4.6 "Landowner" means any individual, private, partnership, nonprofit, municipal, corporate, city, county, or state agency or entity which exercises control over a bald eagle habitat whether such control is based on legal or equitable title, or which manages or holds in trust land in Washington state.

4.7 "Nest tree" means any tree that contains a bald eagle nest or has contained a nest.

4.8 "Nest site" means all of the physical features surrounding bald eagle nests that are important to normal breeding behavior. These features include alternate and potential nest trees, perch trees, vegetative screening, foraging area, frequently used flight paths, and sources of disturbance. This site is also referred to as the territory defended by a breeding pair of eagles.

4.9 "Perch tree" means a tree that is consistently used by eagles. It is often close to a nest or feeding site and is used for resting, hunting, consumption of prey, mating display and as a sentry post to defend the nest.

4.10 "Predicides" means chemicals used to kill or control problem wildlife.

4.11 "Region" means an ecological/geographic area that forms a unit with respect to eagles, e.g., Hood Canal, lower Columbia River, outer coast and south Puget Sound.

4.12 "Sensitive" means any wildlife species native to the state of Washington that is vulnerable or declining and is likely to become endangered or threatened in a significant portion of its range within the state without cooperative management or removal of threats.

4.13 "Site management plan" means a legal agreement between the department and the landowner for man-

agement of a bald eagle nest or roost site. This plan may be a list of conditions on a permit or a more detailed, site-specific plan.

- 4.14 "Threatened" means a species that could become endangered within Washington without active management or removal of threats.

Applicability and operation

- 5.1 The department shall make available to other governmental entities, interest groups, landowners and individuals information regarding the location and use pattern of eagle nests and communal roosts.
- 5.2 The department shall itself and through cooperative efforts (such as memoranda of understandings pursuant to chapter 39.34 RCW) work with other government agencies and organizations to improve the data base for nest and communal roost site activity and productivity and to protect eagle habitats through site management plans.
- 5.3 The department's goal shall be to identify, catalog and prioritize eagle nest or communal roost sites. The department shall notify permitting agencies of nesting or roost site locations.
- 5.4 When a landowner applies for a permit for a land-use activity that involves land containing or adjacent to an eagle nest or communal roost site, the permitting agency shall notify the department.

If the department determines that the proposed activity would adversely impact eagle habitat, a site management plan shall be required. The department, a permitting agency, or wildlife biologist may work with the landowner to develop a plan. The department has final approval authority on all plans.

- 5.5 It is recognized that normal on-going agricultural activities of land preparation, cultivating, planting, harvesting, other cultural activities, grazing and animal-rearing activities in existing facilities do not have significant adverse consequences for eagles and therefore do not require a site management plan. New building construction, conversion of lands from agriculture to other uses, application of preacides and aerial pesticide spraying, may, following a conference with the department, be subject to the site management planning process described in these rules.
- 5.6 Emergency situations, such as insect infestation of crops, requires immediate action on the site management plan or special permission to address the impending crisis by the department.

Site management plan for bald eagle habitat protection

- 6.1 The purpose of the site management plan is to provide for the protection of specific bald eagle habitat in such a way as to recognize the special characteristics of the site and the landowner's property rights, goals and pertinent options. To this end, every land owner shall have fair access to the process including available incentives and benefits. Any relevant factor may be

considered, including, but not limited to, the following:

- 6.1.1 The status of the eagle population in the region.
- 6.1.2 The useful life of the nest or communal roost trees and condition of the surrounding forest; the topography; accessibility and visibility; and existing and alternative flight paths, perch trees, snags and potential alternative nest and communal roost trees.
- 6.1.3 Eagle behavior and historical use patterns, available food sources, and vulnerability to disturbance.
- 6.1.4 The surrounding land-use conditions, including degree of development and human use.
- 6.1.5 Land ownership, landowner ability to manage, and flexibility of available landowner options.
- 6.1.6 Appropriate and acceptable incentive mechanisms such as conservation easements, transfer or purchase of development rights, leases, mutual covenants, or land trade or purchase.
- 6.1.7 Published recommendations for eagle habitat protection of other government entities such as the U.S. Fish and Wildlife Service.
- 6.2 The site management plan may provide for
 - 6.2.1 Tailoring the timing, duration or physical extent of activities to minimize disturbance to the existing eagle habitat and, where appropriate, identifying and taking steps to encourage and create alternative eagle habitat; and
 - 6.2.2 Establishing a periodic review of the plan to monitor whether:
 - a) The plan requires amendment in response to changing eagle and landowner circumstances
 - b) The terms of the plan comply with applicable laws and regulations,
 - c) The parties to the plan are complying with its terms.
- 6.3 The site management plan may also provide for implementing landowner incentive and compensation mechanisms through which the existing eagle habitat can be maintained or enhanced.

Guidelines for acquisition of bald eagle habitat

- 7.1 Real property interests may be acquired and agreements entered into which could enhance protection of bald eagle habitat. These include fee simple acquisition, land trades, conservation easements, transfer or purchase of development rights, leases, and mutual covenants. Acquisition shall be dependent upon having a willing seller and a willing buyer. Whatever interest or method of protection is preferable will depend on the particular use and ownership characteristics of a site. In discussing conservation objectives with private

or public landowners, the department shall explore with the landowner the variety of protection methods which may be appropriate and available.

- 7.2 The following criteria and priorities shall be considered by the department when it is contemplating acquiring an interest in a bald eagle habitat.

7.2.1 Site considerations:

- a) Relative ecological quality, as compared to similar habitats
- b) Ecological viability - The ability of the habitat and eagle use to persist over time
- c) Defensibility - The existence of site conditions adequate to protect the eagle habitat from unnatural encroachments
- d) Manageability - The ability to manage the site to maintain suitable eagle habitat
- e) Proximity to food source
- f) Proximity to other protected eagle habitat
- g) Proximity to department land or other public land
- h) Eagle population density and history of eagle use in the area
- i) The natural diversity of native species, plant communities, aquatic types, and geologic features on the site.

7.2.2 Other considerations

- a) Ownership
- b) Degree of threat
- c) Availability of funding
- d) Existence of willing donor or seller and prior agency interest
- e) Cost

In general, priority shall be given to the most threatened high quality eagle habitats with associated natural values which require the least management.

Resolution of site management plan disputes

- 8.1 The department and the landowner shall attempt to develop a mutually agreeable site management plan within 30 days of the original notice to the department.
- 8.2 Should agreement not be reached, the landowner may request an informal settlement conference with the department.
- 8.3 If the landowner chooses not to use the informal settlement conference process or if resolution is not reached, the department shall within 15 days provide a site management plan to the landowner.
- 8.4 Upon issuance of a final site management plan, the landowner may initiate a formal appeal of the department's decision.

The appeal shall be conducted according to the Administrative Procedure Act, chapter 34.05 RCW and the model rules of procedure, chapter 10-08 WAC.

A request for an appeal shall be in writing and shall be received by the department during office hours within thirty days of the issuance of the final site management plan. Requests for appeal shall be mailed to Department of Fish and Wildlife, 600 Capitol Way N., Olympia, Washington 98501-1091, or hand delivered to 1111 Washington Street S.E., Wildlife Program, Fifth floor. If there is no timely request for an appeal, the site management plan shall be unappealable.

The written request for an appeal shall be plainly labeled as "request for formal appeal" and shall contain the following:

- (a) The name, address, and phone number of the person requesting the appeal;
- (b) The specific site management plan that the person contests;
- (c) The date of the issuance of the site management plan;
- (d) Specific relief requested; and
- (e) The attorney's name, address, and phone number, if the person is represented by legal counsel.

The appeal may be conducted by the director, the director's designee, or by an administrative law judge (ALJ) appointed by the office of administrative hearings. If conducted by an ALJ, the ALJ shall issue an initial order pursuant to RCW 34.05.461. The director or the director's designee shall review the initial order and enter a final order as provided by RCW 34.05.-464.

Penalties

- 9.1 Failure of a landowner to comply with the processes set forth in these rules or with the provisions of a site management plan approved by the department constitutes a misdemeanor as set forth in RCW 77.15.130.

[Statutory Authority: RCW 77.12.047, 11-10-049 (Order 11-78), § 232-12-292, filed 4/28/11, effective 5/29/11. Statutory Authority: RCW 77.12.047, 77.12.655, 77.12.020, 02-02-062 (Order 01-283), § 232-12-292, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 77.12.655, 86-21-010 (Order 283), § 232-12-292, filed 10/3/86.]

WAC 232-12-297 Endangered, threatened, and sensitive wildlife species classification.

Purpose

- 1.1 The purpose of this rule is to identify and classify native wildlife species that have need of protection and/or management to ensure their survival as free-ranging populations in Washington and to define the process by which listing, management, recovery, and delisting of a species can be achieved. These rules are established to ensure that consistent procedures and criteria are followed when classifying wildlife as endangered, or the protected wildlife subcategories threatened or sensitive.

Definitions

For purposes of this rule, the following definitions apply:

- 2.1 "Classify" and all derivatives means to list or delist wildlife species to or from endangered, or to or from the protected wildlife subcategories threatened or sensitive.
- 2.2 "List" and all derivatives means to change the classification status of a wildlife species to endangered, threatened, or sensitive.
- 2.3 "Delist" and its derivatives means to change the classification of endangered, threatened, or sensitive species to a classification other than endangered, threatened, or sensitive.
- 2.4 "Endangered" means any wildlife species native to the state of Washington that is seriously threatened with extinction throughout all or a significant portion of its range within the state.
- 2.5 "Threatened" means any wildlife species native to the state of Washington that is likely to become an endangered species within the foreseeable future throughout a significant portion of its range within the state without cooperative management or removal of threats.
- 2.6 "Sensitive" means any wildlife species native to the state of Washington that is vulnerable or declining and is likely to become endangered or threatened in a significant portion of its range within the state without cooperative management or removal of threats.
- 2.7 "Species" means any group of animals classified as a species or subspecies as commonly accepted by the scientific community.
- 2.8 "Native" means any wildlife species naturally occurring in Washington for purposes of breeding, resting, or foraging, excluding introduced species not found historically in this state.
- 2.9 "Significant portion of its range" means that portion of a species' range likely to be essential to the long term survival of the population in Washington.

Listing criteria

- 3.1 The commission shall list a wildlife species as endangered, threatened, or sensitive solely on the basis of the biological status of the species being considered, based on the preponderance of scientific data available, except as noted in section 3.4.
- 3.2 If a species is listed as endangered or threatened under the federal Endangered Species Act, the agency will recommend to the commission that it be listed as endangered or threatened as specified in section 9.1. If listed, the agency will proceed with development of a recovery plan pursuant to section 11.1.
- 3.3 Species may be listed as endangered, threatened, or sensitive only when populations are in danger of failing, declining, or are vulnerable, due to factors including but not restricted to limited numbers, disease, pre-

dition, exploitation, or habitat loss or change, pursuant to section 7.1.

- 3.4 Where a species of the class Insecta, based on substantial evidence, is determined to present an unreasonable risk to public health, the commission may make the determination that the species need not be listed as endangered, threatened, or sensitive.

Delisting criteria

- 4.1 The commission shall delist a wildlife species from endangered, threatened, or sensitive solely on the basis of the biological status of the species being considered, based on the preponderance of scientific data available.
- 4.2 A species may be delisted from endangered, threatened, or sensitive only when populations are no longer in danger of failing, declining, are no longer vulnerable, pursuant to section 3.3, or meet recovery plan goals, and when it no longer meets the definitions in sections 2.4, 2.5, or 2.6.

Initiation of listing process

- 5.1 Any one of the following events may initiate the listing process.
 - 5.1.1 The agency determines that a species population may be in danger of failing, declining, or vulnerable, pursuant to section 3.3.
 - 5.1.2 A petition is received at the agency from an interested person. The petition should be addressed to the director. It should set forth specific evidence and scientific data which shows that the species may be failing, declining, or vulnerable, pursuant to section 3.3. Within 60 days, the agency shall either deny the petition, stating the reasons, or initiate the classification process.
 - 5.1.3 An emergency, as defined by the Administrative Procedure Act, chapter 34.05 RCW. The listing of any species previously classified under emergency rule shall be governed by the provisions of this section.
 - 5.1.4 The commission requests the agency review a species of concern.
- 5.2 Upon initiation of the listing process the agency shall publish a public notice in the Washington Register, and notify those parties who have expressed their interest to the department, announcing the initiation of the classification process and calling for scientific information relevant to the species status report under consideration pursuant to section 7.1.

Initiation of delisting process

- 6.1 Any one of the following events may initiate the delisting process:
 - 6.1.1 The agency determines that a species population may no longer be in danger of failing, declining, or vulnerable, pursuant to section 3.3.
 - 6.1.2 The agency receives a petition from an interested person. The petition should be addressed

to the director. It should set forth specific evidence and scientific data which shows that the species may no longer be failing, declining, or vulnerable, pursuant to section 3.3. Within 60 days, the agency shall either deny the petition, stating the reasons, or initiate the delisting process.

6.1.3 The commission requests the agency review a species of concern.

6.2 Upon initiation of the delisting process the agency shall publish a public notice in the Washington Register, and notify those parties who have expressed their interest to the department, announcing the initiation of the delisting process and calling for scientific information relevant to the species status report under consideration pursuant to section 7.1.

Species status review and agency recommendations

7.1 Except in an emergency under 5.1.3 above, prior to making a classification recommendation to the commission, the agency shall prepare a preliminary species status report. The report will include a review of information relevant to the species' status in Washington and address factors affecting its status, including those given under section 3.3. The status report shall be reviewed by the public and scientific community. The status report will include, but not be limited to an analysis of:

- 7.1.1 Historic, current, and future species population trends
- 7.1.2 Natural history, including ecological relationships (e.g. food habits, home range, habitat selection patterns).
- 7.1.3 Historic and current habitat trends.
- 7.1.4 Population demographics (e.g. survival and mortality rates, reproductive success) and their relationship to long term sustainability.
- 7.1.5 Historic and current species management activities.

7.2 Except in an emergency under 5.1.3 above, the agency shall prepare recommendations for species classification, based upon scientific data contained in the status report. Documents shall be prepared to determine the environmental consequences of adopting the recommendations pursuant to requirements of the State Environmental Policy Act (SEPA).

7.3 For the purpose of delisting, the status report will include a review of recovery plan goals.

Public review

8.1 Except in an emergency under 5.1.3 above, prior to making a recommendation to the commission, the agency shall provide an opportunity for interested parties to submit new scientific data relevant to the status report, classification recommendation, and any SEPA findings.

8.1.1 The agency shall allow at least 90 days for public comment.

Final recommendations and commission action

9.1 After the close of the public comment period, the agency shall complete a final status report and classification recommendation. SEPA documents will be prepared, as necessary, for the final agency recommendation for classification. The classification recommendation will be presented to the commission for action. The final species status report, agency classification recommendation, and SEPA documents will be made available to the public at least 30 days prior to the commission meeting.

9.2 Notice of the proposed commission action will be published at least 30 days prior to the commission meeting.

Periodic species status review

10.1 The agency shall conduct a review of each endangered, threatened, or sensitive wildlife species at least every five years after the date of its listing. This review shall include an update of the species status report to determine whether the status of the species warrants its current listing status or deserves reclassification.

10.1.1 The agency shall notify any parties who have expressed their interest to the department of the periodic status review. This notice shall occur at least one year prior to end of the five year period required by section 10.1.

10.2 The status of all delisted species shall be reviewed at least once, five years following the date of delisting.

10.3 The department shall evaluate the necessity of changing the classification of the species being reviewed. The agency shall report its findings to the commission at a commission meeting. The agency shall notify the public of its findings at least 30 days prior to presenting the findings to the commission.

10.3.1 If the agency determines that new information suggests that classification of a species should be changed from its present state, the agency shall initiate classification procedures provided for in these rules starting with section 5.1.

10.3.2 If the agency determines that conditions have not changed significantly and that the classification of the species should remain unchanged, the agency shall recommend to the commission that the species being reviewed shall retain its present classification status.

10.4 Nothing in these rules shall be construed to automatically delist a species without formal commission action.

Recovery and management of listed species

11.1 The agency shall write a recovery plan for species listed as endangered or threatened. The agency will write a management plan for species listed as sensitive. Recovery and management plans shall address the listing criteria described in sections 3.1 and 3.3, and shall include, but are not limited to:

11.1.1 Target population objectives

- 11.1.2 Criteria for reclassification
- 11.1.3 An implementation plan for reaching population objectives which will promote cooperative management and be sensitive to landowner needs and property rights. The plan will specify resources needed from and impacts to the department, other agencies (including federal, state, and local), tribes, landowners, and other interest groups. The plan shall consider various approaches to meeting recovery objectives including, but not limited to regulation, mitigation, acquisition, incentive, and compensation mechanisms.
- 11.1.4 Public education needs
- 11.1.5 A species monitoring plan, which requires periodic review to allow the incorporation of new information into the status report.
- 11.2 Preparation of recovery and management plans will be initiated by the agency within one year after the date of listing.
 - 11.2.1 Recovery and management plans for species listed prior to 1990 or during the five years following the adoption of these rules shall be completed within 5 years after the date of listing or adoption of these rules, whichever comes later. Development of recovery plans for endangered species will receive higher priority than threatened or sensitive species.
 - 11.2.2 Recovery and management plans for species listed after five years following the adoption of these rules shall be completed within three years after the date of listing.
 - 11.2.3 The agency will publish a notice in the Washington Register and notify any parties who have expressed interest to the department interested parties of the initiation of recovery plan development.
 - 11.2.4 If the deadlines defined in sections 11.2.1 and 11.2.2 are not met the department shall notify the public and report the reasons for missing the deadline and the strategy for completing the plan at a commission meeting. The intent of this section is to recognize current department personnel resources are limiting and that development of recovery plans for some of the species may require significant involvement by interests outside of the department, and therefore take longer to complete.
- 11.3 The agency shall provide an opportunity for interested public to comment on the recovery plan and any SEPA documents.

Classification procedures review

- 12.1 The agency and an ad hoc public group with members representing a broad spectrum of interests, shall meet as needed to accomplish the following:
 - 12.1.1 Monitor the progress of the development of recovery and management plans and status reviews, highlight problems, and make recommendations to the department and other interested parties to improve the effectiveness of these processes.

- 12.1.2 Review these classification procedures six years after the adoption of these rules and report its findings to the commission.

Authority

- 13.1 The commission has the authority to classify wildlife as endangered under RCW 77.12.020. Species classified as endangered are listed under WAC 232-12-014, as amended.
- 13.2 Threatened and sensitive species shall be classified as subcategories of protected wildlife. The commission has the authority to classify wildlife as protected under RCW 77.12.020. Species classified as protected are listed under WAC 232-12-011, as amended.

[Statutory Authority: RCW 77.12.047, 77.12.655, 77.12.020. 02-02-062 (Order 01-283), § 232-12-297, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 77.12.040. 98-05-041 (Order 98-17), § 232-12-297, filed 2/11/98, effective 3/14/98. Statutory Authority: RCW 77.12.020. 90-11-066 (Order 442), § 232-12-297, filed 5/15/90, effective 6/15/90.]

WAC 232-12-421 Hunt or possess big game without an access permit. (1) It is unlawful to hunt for big game or possess big game taken on property in an access contract between the landowner or land manager and the department, unless:

- (a) The hunter possesses a valid access permit provided on a standard form by the department, and issued to the hunter by the landowner, land manager, or the department in addition to all other required hunting licenses and permits; or
- (b) The property is in a contract between the department and the landowner that does not restrict persons from hunting and does not require an access permit.

(2) Each big game animal possessed in violation of this section shall be treated as a separate offense under RCW 77.15.030.

(3) Violation of this section is punishable under RCW 77.15.410, unlawful recreational hunting of big game in the second degree, unless the hunting for or possession of big game constitutes unlawful recreational hunting of big game in the first degree.

[Statutory Authority: RCW 77.12.047. 06-04-065 (Order 06-12), § 232-12-421, filed 1/30/06, effective 3/2/06.]

WAC 232-12-422 Hunt or possess a wild animal or wild bird without an access permit. (1) It is unlawful to hunt for a wild bird or wild animal, except big game, or possess any wild bird or wild animal, except big game, taken on property in an access contract between the landowner or land manager and the department, unless:

- (a) The hunter possesses a valid access permit provided on a standard form by the department, and issued to the hunter by the landowner, land manager, or the department in addition to all other required hunting licenses and permits; or
- (b) The property is in a contract between the department and the landowner that does not restrict persons from hunting and does not require an access permit.

(2) Violation of this section is punishable under RCW 77.15.400 or 77.15.430.

[Statutory Authority: RCW 77.12.047. 06-04-065 (Order 06-12), § 232-12-422, filed 1/30/06, effective 3/2/06.]

WAC 232-12-619 Bullfrogs. It is unlawful to take bullfrogs except by angling, hand dip netting, spearing (gigging) or with bow and arrow. There is no daily limit on the number of bullfrogs that may be taken, no possession limit, and no size restrictions.

[Statutory Authority: RCW 77.12.047, 06-13-023 (Order 06-135), § 232-12-619, filed 6/13/06, effective 7/14/06; 06-05-085 (Order 06-23), § 232-12-619, filed 2/14/06, effective 5/1/06; 05-17-007 (Order 05-168), § 232-12-619, filed 8/3/05, effective 9/3/05; 05-05-035 (Order 05-15), § 232-12-619, filed 2/10/05, effective 5/1/05; 04-19-012 (Order 04-242), § 232-12-619, filed 9/2/04, effective 10/3/04; 04-07-009 (Order 04-39), § 232-12-619, filed 3/4/04, effective 5/1/04; 02-08-048 (Order 02-53), § 232-12-619, filed 3/29/02, effective 5/1/02. Statutory Authority: 2000 c 107 § 7. 00-16-091 (Order 00-134), § 232-12-619, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080, 77.12.040, 00-08-038 (Order 00-29), § 232-12-619, filed 3/29/00, effective 5/1/00; 99-15-081 (Order 99-102), § 232-12-619, filed 7/20/99, effective 8/20/99; 99-08-029 (Order 99-13), § 232-12-619, filed 3/30/99, effective 5/1/99. Statutory Authority: 1998 c 191 and RCW 75.08.080, 99-03-029 (Order 99-02), § 232-12-619, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 77.12.040 and 75.08.080, 98-06-031, § 232-12-619, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080 and 75.12.040, 97-18-035, § 232-12-619, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 77.12.040, 97-07-076 (Order 97-50), § 232-12-619, filed 3/19/97, effective 5/1/97; 96-11-079 (Order 96-45), § 232-12-619, filed 5/13/96, effective 6/13/96; 95-17-063 (Order 95-103), § 232-12-619, filed 8/15/95, effective 9/15/95; 95-05-008 (Order 95-11), § 232-12-619, filed 2/1/95, effective 5/1/95. Statutory Authority: RCW 77.04.055 and 77.12.040, 93-21-070 (Order 617), § 232-12-619, filed 10/20/93, effective 4/16/94. Statutory Authority: RCW 77.12.040, 93-10-054 (Order 600), § 232-12-619, filed 4/30/93, effective 5/31/93. Statutory Authority: RCW 77.04.055 and 77.12.040, 92-01-084 (Order 524), § 232-12-619, filed 12/16/91, effective 4/16/92.]

WAC 232-12-809 Definition of Eastern and Western Washington. For purposes of all rules of the commission, Eastern and Western Washington are defined as:

Eastern Washington - All lands lying east of the Cascade Crest Trail and east of the Big White Salmon River in Klickitat County.

Western Washington - All lands lying west of the Cascade Crest Trail and west of and including the Big White Salmon River in Klickitat County.

[Statutory Authority: RCW 77.12.040, 86-09-024 (Order 271), § 232-12-809, filed 4/10/86; 82-11-099 (Order 184), § 232-12-809, filed 5/19/82.]

WAC 232-12-828 Hunting of game birds and animals by persons with a disability. (1) Definitions:

(a) "Hunter with a disability" means a person with a permanent disability who possesses a disabled hunter permit issued by the department. A hunter with a disability must have all required licenses, tags, permits, and stamps before hunting.

(b) "Disabled hunter permit" means a permit, card, or endorsement to a license issued by the department to any person with a permanent disability who applies to the department and presents such evidence as the director may require showing that the applicant is a person with a qualifying disability. Upon approval of the application, the department will issue a vehicle identification placard. A designated hunter companion card will be issued with a hunting license.

(c) "Designated hunter companion" means a person who assists a hunter with a disability in the stalking, shooting, tracking, retrieving, or tagging of game birds and game animals.

(d) "Designated hunter companion card" means an identification card issued by the department to the hunter with a disability.

(e) "Blind or visually impaired" means a central visual acuity that does not exceed 20/200 in the better eye with corrective lenses, or the widest diameter of the visual field does not exceed twenty degrees.

(f) "Accompany" means the hunter with a disability and the designated hunter companion are in the physical presence of each other, not to exceed a 1/4-mile separation. While stalking or shooting an animal, the hunter with a disability and the designated hunter companion must have a form of reliable and direct communication.

(g) "Special use permit" means a permit issued by the department to a person with a specific permanent disability as a reasonable accommodation. The special use permit allows for a specific act or acts to include, but not be limited to, use of adaptive mechanical, electrical, or specialty equipment or devices that aid the person in hunting.

(h) "Person with a disability" means:

(i) A person who has a permanent disability and is not ambulatory over natural terrain without a lower extremity prosthesis or must permanently use a medically prescribed assistive device for mobility, including, but not limited to, a wheelchair, crutch, cane, walker, or oxygen bottle; or

(ii) A person who has a permanent disability and is physically incapable of holding and safely operating a firearm or other legal hunting device.

This definition includes, but is not limited to, persons with a permanent upper or lower extremity impairment who have lost the use of one or both upper or lower extremities, or who have a severe limitation in the use of one or both upper or lower extremities, or who have a diagnosed permanent disease or disorder which substantially impairs or severely interferes with mobility or the use of one or both upper or lower extremities for holding and safely operating a firearm or other legal hunting device; or

(iii) A person who is blind or visually impaired.

(i) "Public highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel as defined in RCW 46.04.197.

(2) The designated hunter companion must accompany the hunter with a disability when stalking or shooting game on behalf of the hunter with a disability. The hunter with a disability or the designated hunter companion must immediately cut, notch, or date any required tag. The tag must be affixed to the carcass of the game bird or animal as soon as is reasonably possible after killing the game.

(3) The designated hunter companion does not need to accompany the hunter with a disability while tracking an animal wounded by either hunter, or while tagging or retrieving a downed animal on behalf of the hunter with a disability.

(4) It is unlawful for a designated hunter companion to assist a hunter with a disability unless the designated hunter companion has the designated hunter companion identification card on his or her person.

(5) It is unlawful for a hunter with a disability to shoot from a motor vehicle, unless the vehicle is stopped, the motor is turned off and the vehicle is removed from the maintained portion of a public highway. If the roadway is not paved, and

it is impossible for the hunter with a disability to completely remove the vehicle from the roadway, then the hunter may shoot from the vehicle if the vehicle is as far off the roadway as possible. A disabled hunter vehicle identification placard must be displayed.

(6) It is unlawful for any person to possess a loaded fire-arm in or on a motor vehicle, except if the person is a hunter with a disability and the vehicle is in compliance with subsection (5) of this section.

(7) Game birds or game animals killed, tagged or retrieved by a designated hunter companion on behalf of a hunter with a disability do not count against the designated hunter companion's bag or possession limit.

(8) A designated hunter companion shooting game for or who may be shooting game for a hunter with a disability must have a valid hunting license issued by Washington or another state.

(9) Special use permits.

(a) The director may develop conditions and criteria for administering and issuing special use permits.

(b) The hunters and fishers with disabilities advisory committee established in RCW 77.04.150 may assist the department in evaluating requests and criteria for issuing special use permits.

(c) Special use permits must be carried on the person acting under or using devices authorized by the permit.

(d) The terms for use granted by a special use permit, when provided as a reasonable accommodation, shall supersede other hunting or fishing rules and restrictions.

[Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240. 09-09-083 (Order 09-53), § 232-12-828, filed 4/15/09, effective 5/16/09. Statutory Authority: RCW 77.12.047, 07-04-087, § 232-12-828, filed 2/6/07, effective 3/9/07. Statutory Authority: RCW 77.12.047 and 77.12.020. 04-11-036 (Order 04-98), § 232-12-828, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.047. 03-10-040 (Order 03-85), § 232-12-828, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 77.32.237. 96-03-084 (Order 96-07), § 232-12-828, filed 1/18/96, effective 2/18/96.]

WAC 232-12-830 Waters in which either a personal use freshwater or personal use saltwater fishing license is valid. In the following described waters, it is lawful to fish for food fish and gamefish with a personal use freshwater license, saltwater license, or combination license:

(1) Those waters of the Columbia River downstream from a line between Rocky Point on the Washington shore and Tongue Point on the Oregon shore.

(2) Those waters of Grays Harbor described as Catch Record Card Area 2-2 in WAC 220-56-185, and seaward of any river mouth as defined in WAC 232-12-001(16) and 232-12-619(18).

(3) Those waters of Willapa Bay described as Catch Record Card Area 2-1 in WAC 220-56-185, and seaward of any river mouth as defined in WAC 232-12-001(16) and 232-12-619(18).

[Statutory Authority: 1998 c 191 and RCW 75.08.080. 99-03-029 (Order 99-02), § 232-12-830, filed 1/13/99, effective 2/13/99.]

WAC 232-12-840 Hunting and fishing opportunities for terminally ill persons. Pursuant to RCW 77.32.565 the director is authorized to provide special hunting opportunities

for terminally ill persons. The director may establish criteria for application and award of these special opportunities.

(1) The director is authorized to receive special permits from donors and redistribute them to terminally ill persons.

(2) The director may issue special permits allowing the harvest or catch of fish and game as exceptions or additions to other rules established by the commission.

(3) The director may make agreements with landowners to provide access for special hunting and fishing opportunities.

(4) The director may also make agreements with others to assist the terminally ill in facilitating the harvest or catch of fish and game.

The director shall report annually to the fish and wildlife commission the number and types of opportunities provided to terminally ill persons.

[Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240. 09-09-083 (Order 09-53), § 232-12-840, filed 4/15/09, effective 5/16/09.]