

WSR 22-04-105
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed February 1, 2022, 12:54 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-24-081 on November 30, 2021.

Title of Rule and Other Identifying Information: WAC 220-413-060 Hunting restrictions, 220-413-090 Field identification of wildlife—Evidence of sex—Definitions, 220-414-010 Hunting equipment restrictions, 220-414-020 Unlawful methods for hunting—Firearms, 220-414-040 Nontoxic shot requirements, 220-414-050 Shotgun shell restriction areas, 220-414-060 Muzzleloading firearms, 220-414-070 Archery requirements, 220-414-090 Use of decoys and calls, and 220-414-100 Crossbow requirements.

Hearing Location(s): On March 18, 2022, at 8 a.m., webinar. This meeting will take place by webinar. The public may participate in the meeting. Registration is required to testify at the public hearing. Registration deadlines and registration forms are available at <http://wdfw.wa.gov/about/commission/meetings> or contact the commission office at 360-902-2267.

Date of Intended Adoption: April 8, 2022.

Submit Written Comments to: Wildlife Program, P.O. Box 43200, Olympia, WA 98504, email 2022WeaponsRestrictions102@PublicInput.com, voicemail public comment 855-925-2801 project code 2556, <https://publicinput.com/2022WeaponsRestrictions102>, by March 19, 2022.

Assistance for Persons with Disabilities: Contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 711, email Title6@dfw.wa.gov, <https://wdfw.wa.gov/accessibility/requests-accommodation>, by March 19, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: **WAC 220-413-060 Hunting restrictions.** The specific amendments associated with this proposal, if adopted, would result in:

1. A minor administrative change to rule language that clarifies it is unlawful to hunt any wildlife at night and that it is unlawful to hunt wild animals, except rabbits and hares, with hounds during established modern firearm general deer and elk seasons during the months of October and November. There are no anticipated effects associated with this amendment other than reducing confusion that potentially exists.

2. Allow hunters to use one dog controlled by leash during lawful hunting hours and within 72 hours of shooting a big game animal, except bear and cougar, to assist with recovering wounded big game. Anticipated effects of this proposal would be a reduction in the number of big game animals that are mortally wounded, but not recovered.

WAC 220-413-090 Field identification of wildlife—Evidence of sex—Definitions. 1. A change to subsection (1) to make it clear that game birds must be transported with a feathered wing or head attached to the carcass until the carcass is processed and or stored for consumption with exceptions stated as follows:

- a. Falconry-caught birds, no evidence of sex;
- b. Canada and crackling [cackling] geese harvested in Goose Management Area 2 - Coast and Inland: Fully feather head must be left attached; and

c. Turkeys: The head and, if present at harvest, the beard must be left attached.

2. A change to the last statement of the existing rule into subsection (6) to state that failure to comply with the rule (section) is unlawful possession of game animals under RCW 77.15.410. The changes proposed would direct hunters of specific requirements and allow for the sex of harvested animals to be identifiable.

WAC 220-414-010 Hunting equipment restrictions. This proposal, if adopted, would clarify that it is unlawful to hunt all big game, not just deer and elk, with the aid of infrared night vision equipment or with laser sights. There are no anticipated effects associated with this proposal other than eliminating any confusion that potentially exists.

WAC 220-414-020 Unlawful methods for hunting—Firearms. This proposed amendment, if adopted, would expand opportunity by allowing use of air rifles and handguns for hunting specific species. The specifics allowable for each weapon are identified within the amendments. These amendments will provide lighter weight weapons for hunting identified species and thereby provide opportunity to hunters who are not able to carry the heavier weight weapons.

WAC 220-414-040 Nontoxic shot requirements. The changes proposed to WAC 220-414-040, if adopted, would:

1. Adjust wildlife area and unit naming conventions under subsection (2) to reflect current relationships to wildlife areas with significant wetlands occurring within boundaries; and

2. Remove sites listed under subsection three to accurately reflect pheasant release sites on non-Washington department of fish and wildlife (WDFW) managed lands.

WAC 220-414-050 Shotgun shell restriction areas. The changes proposed to WAC 220-414-050, if adopted, would result in:

1. Technical adjustment under subsection (1)(d) - Johnson/DeBay's Slough Hunt Unit area description fixing GPS coordinates to align intent with legal description;

2. Technical adjustment under subsection (1)(e) - Dungeness Unit in Clallam County due to a change in a previous contract agreement;

3. Addition of subsection (1)(f) - Samish River Unit of Skagit Wildlife Area in Skagit County, as a technical adjustment required from differentiating from the Samish Unit; and

4. Addition of subsection (1)(g) - South Padilla Bay Unit of Skagit Wildlife Area in Skagit County, to align with current management of waterfowl, coot, and snipe hunting on this unit.

WAC 220-414-060 Muzzleloading firearms. Specific amendments associated with this proposal, if adopted, would result in:

1. Allowing the use of 1x or red dot scopes on muzzleloading firearms. Anticipated effects associated with this amendment would be increased hunter participation, increased hunter retention, and ensuring a clean and ethical kill;

2. Allowing video cameras to be mounted to muzzleloading firearms. There are no anticipated effects associated with this proposal other than hunters who wish to video their hunt being allowed to do so; and

3. Clarifying that the term "load" refers to the powder charge and projectile and that both must be loaded from the muzzle. Anticipated effects associated with this amendment would be hunters having a clearer understanding of the muzzleloading firearms that are legal to use during established muzzleloader seasons.

WAC 220-414-070 Archery requirements. Currently, it is unlawful for hunters to have any electrical equipment or electric device(s) attached to archery equipment. The purpose of this proposal is, if adopted, to allow the use of specific electronic equipment. Specific proposed amendments associated with this proposal would result in:

1. Allowing the use of range-finding bow sights;
2. Allowing the use of breadcrumb nocks;
3. Allowing the use of verifiers for peep sights; and
4. Allowing video cameras to be mounted to archery equipment.

Anticipated effects associated with amendments 1-3 would be increased hunter participation, increased hunter retention, and ensuring a clean and ethical kill. There are no anticipated effects associated with amendment 4, allowing video cameras to be mounted to archery equipment, other than hunters who wish to video their hunt being allowed to do so.

WAC 220-414-090 Use of decoys and calls. The changes proposed to WAC 220-414-090(2), allows the limited use of electronic calls when hunting lesser snow geese and Ross' geese during season dates occurring after February 1 in Goose Management Area 1 and Goose Management Area 4, when lesser snow geese and Ross' geese are the only species open to harvest as specified by WAC 220-416-060. This brings state regulation in alignment with federal allowances (C.F.R. 20.21.g.1).

WAC 220-414-100 Crossbow requirements. The purpose of this proposal is, if adopted, to allow the use of crossbows during established muzzleloader seasons. The only anticipated effect associated with this proposal would be increased participation during established muzzleloader seasons, but that effect is expected to be minor.

Reasons Supporting Proposal: **WAC 220-413-060 Hunting restrictions.** 1. This amendment would be a minor administrative change that only provides clarification related to night hunting and would not change the intent of the rule and the language that currently exists can be confusing; and

2. The department frequently receives requests from hunters to allow the use of dogs for tracking wounded big game, as is allowed in many other states. Those requests are usually associated with deer and elk hunting, but it is likely to be beneficial for recovering other big game species as well. Additionally, the department does not believe this would result in an increase in hunters that use dogs to hunt big game unlawfully.

WAC 220-413-090 Field identification of wildlife—Evidence of sex—Definitions. 1. Minimize potential for violations and improve enforcement of rules.

2. Continue sustainable species conservation/management and hunting seasons.

WAC 220-414-010 Hunting equipment restrictions. This amendment would be a minor administrative change that would include all big game in the prohibition of using infrared and night vision [vision] in hunting. The current language only includes deer and elk. Additionally, it provides language consistent with RCW 77.15.450 (Hunting with artificial lights).

WAC 220-414-020 Unlawful methods for hunting—Firearms. The proposed amendments, if adopted, would expand opportunity by allowing use of air rifles and handguns for hunting specific species. These amendments will provide lighter weight weapons for hunting identified species and thereby provide opportunity to hunters who are not able to carry the heavier weight weapons. The proposed changes would further

WDFW's mandate to provide sustainable recreational hunting opportunities for all citizens of the state.

WAC 220-414-040 Nontoxic shot requirements. The 2021-2022 migratory waterfowl, coot and snipe season will mark the 30th year since prohibiting the use of lead for waterfowl hunting nationwide. These changes, if adopted, would provide consistency in naming conventions of our wildlife area units, and address wildlife area units with significant wetlands presenting a high probability for contact with spent shot pellets. Additionally, it would remove pheasant release sites that are no longer in use in order to reduce confusion.

WAC 220-414-050 Shotgun shell restriction areas. The proposed changes, if adopted, would improve the presence of waterfowl over the course of the 107-day season on the specified units, balancing resource and user objectives consistent with objective 104e in WDFW's game management plan. The proposed changes would further WDFW's mandate to provide sustainable recreational hunting opportunities.

WAC 220-414-060 Muzzleloading firearms. 1. Under current rule, sights on muzzleloading firearms must be open, peep, or of other open sight design. Optic sights are allowed, but telescopic sights or sights containing glass are not. The department routinely receives requests from hunters to allow the use of 1x scopes on muzzleloading firearms. Common arguments in support of allowing them to be used are related to increased hunter participation, hunter retention, and ensuring a clean and ethical kill. 1x Scopes do not magnify the target, but rather provide a clearer sight window, in much the same way eyeglasses correct someone's vision (i.e., they make the target clearer, but don't make it bigger). Common arguments against their use are typically related to the use of scopes not adhering to the spirit of primitive weapons. The department is not opposed to allowing the use of 1x scopes on muzzleloading firearms because we do not anticipate it would result in more animals being harvested;

2. Currently, it is unlawful for hunters to have any electrical equipment or electric device(s) attached to muzzleloading firearms. By rule, this precludes a hunter from mounting a video camera to their weapon for the purpose of filming their hunt. Filming hunts has become a common practice with hunters, but it is difficult for hunters that prefer to hunt without other hunting companions. Allowing video cameras to be mounted to muzzleloading firearms would make it easier for them to film their hunts and does not present a resource concern; and

3. Recent technological advancements in muzzleloading equipment have resulted in the development of muzzleloading firearms that use an encapsulated propellant charge that loads from the breech and is completely impervious to moisture. The bullet is still loaded from the muzzle. Hunters have begun to inquire as to whether this type of muzzleloading firearm is legal to use in Washington. It is not because the current rule requires that the load be loaded from the muzzle. The proposed amendment would amend the rule to clearly state that the term load includes both the powder charge and bullet, and clarify these new muzzleloading firearms are not lawful during established muzzleloader seasons.

WAC 220-414-070 Archery requirements. 1. The main reason supporting the proposed amendment to allow the use of range-finding bow sights is related to improving the likelihood of a clean and ethical kill. Because the sights do not magnify the target, they also would not qualify as a scope. The sights simply produce a digital reading of the estimated distance that is visible to the shooter while they are looking at the sight pins. The department is not opposed to the use of

range-finding bow sights because we do not feel it will result in more animals being harvested;

2. Breadcrumb nocks use Bluetooth technology via a cell phone app to assist with the recovery of arrows that miss an intended target, and that would be the primary benefit to hunters if the proposed amendment is adopted. Although some may advocate this technology would also assist with recovering wounded game, that is unlikely because the range limit on a breadcrumbnock is 50 yards. The department is proposing the amendment in response to hunter interest and is not opposed to the use of breadcrumb nocks because we do not feel it will result in more animals being harvested;

3. Verifiers are small glass inserts for peep sights that are designed to allow shooters who are farsighted (i.e., unable to see things clearly that are close) to see their sight pins more clearly. They are manufactured with several different magnification powers, to fit the needs of the user. Although they are made of glass and clarify the sight pins, they do not magnify the target. The main argument for allowing the use of verifiers is related to increasing the likelihood that hunters make clean and ethical kills. The current rules defining archery requirements do not specifically address the use of verifiers but do make it unlawful for hunters to hunt wildlife with any bow equipped with a scope, which some would interpret to mean verifiers are also illegal. This proposal seeks to clarify the rule by allowing the use of verifiers because they do not magnify a target in the same way a scope does. The department is not opposed to the use of verifiers for peep sights because we do not feel it will result in more animals being harvested; and

4. Currently, it is unlawful for hunters to have any electrical equipment or electric device(s) attached to archery equipment, which precludes a hunter from mounting a video camera to their weapon for the purpose of filming their hunt. Filming hunts has become a common practice with hunters, but it is difficult for hunters that prefer to hunt without other hunting companions. The proposal to allow video cameras to be mounted to archery equipment would make it easier for them to film their hunts and does not present a resource concern.

WAC 220-414-090 Use of decoys and calls. WAC 220-416-060 defines the term "white geese" as including lesser snow geese, Ross' geese and their blue phase (or plumage) variants, as the two species have identical plumage, and are nearly indistinguishable in flight. In Washington, lesser snow geese the predominant white goose during the winter months, with Ross' geese being considered an incidental or rare occurrence as Washington is on the edge of the species' range in North America.

The proposed change, if adopted, would allow for an extremely limited and targeted use of electronic calls during white goose-only season segments for lesser snow geese and Ross' geese. The proposed change only impacts the lesser snow goose population that has experienced rapid population growth in the past three years and is now significantly above both established flyway and winter-flock population objectives. It is consistent with the Pacific Flyway Management Plan for the Wrangel Island Population for Lesser Snow Geese, that prescribes harvest rates in excess of 14 percent when total breeding population estimate is above 120,000 geese and Skagit-Fraser winter flock size estimate is above 70,000 adult geese. The current total breeding population index (three-year average) is 611,063 geese and the Skagit-Fraser winter flock index (three-year average) is 84,624 adult geese.

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

WAC 220-440-060 (3)(e) encourages the use of general season hunting to help minimize private property damage potential. For migratory game birds, sport harvest allows consumptive use of harvested geese, whereas agricultural depredation permits do not allow for consumptive uses as this is defined as "take" outside of established seasons under the Migratory Bird Treaty Act (16 U.S.C. § 704).

WAC 220-414-100 Crossbow requirements. Currently, hunters can only use muzzleloading firearms as defined under WAC 220-414-060, or bow and arrow, as defined under WAC 220-414-070 during established muzzleloader seasons for deer and elk. This proposal aims to also allow the use of crossbows during established general and special permit muzzleloader seasons for deer and elk because it is considered a "lesser" weapon than a muzzleloading firearm and it does not represent a resource concern.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240.

Statute Being Implemented: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240.

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

Name of Proponent: WDFW, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Eric Gardner, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2515; Enforcement: Steve Bear, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2373.

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

A cost-benefit analysis is not required under RCW 34.05.328. This proposal does not require a cost-benefit analysis under RCW 34.05.328.

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

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: Proposed rule does not affect small businesses.

February 1, 2022
Annie Szvetcz
Rule Coordinator

OTS-2864.1

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

WAC 220-414-010 Hunting equipment restrictions. (1) It is unlawful to hunt (~~deer or elk~~) all big game 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 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-414-010, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210. WSR 08-09-090 (Order 08-78), § 232-12-045, filed 4/18/08, effective 5/19/08. Statutory Authority: RCW 77.12.047. WSR 03-13-047 (Order 03-129), § 232-12-045, filed 6/12/03, effective 7/13/03.]

OTS-2899.3

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

WAC 220-414-020 Unlawful methods for hunting—Firearms. (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 it is 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, a crossbow, or by falconry, with the following exceptions:

(a) Bullfrogs may be hunted only by methods listed in WAC 220-416-120.

(b) Dusky grouse, sooty grouse, spruce grouse, ruffed grouse, snowshoe hare, and cottontail rabbit may be hunted with an air rifle no smaller than .22 caliber and no larger than .25 caliber.

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

(5) It is unlawful to hunt game birds with a rifle or handgun, with the exception of ~~((blue))~~:

(a) Dusky grouse, sooty grouse, spruce grouse and ruffed grouse ~~((-~~

~~(6) It is unlawful to hunt~~); and

(b) Turkey, which it is unlawful to hunt with a weapon other than ~~((shotgun shooting #4 or smaller shot, bow and arrow, crossbow,))~~ the following:

(i) Crossbow or bow and arrow;

(ii) Shotgun shooting #4 or smaller shot, or muzzleloading shotgun shooting #4 or smaller shot;

(iii) Legal modern handgun designed for hunting, shooting #4 or smaller shot, and not capable of holding more than three shells. Handgun barrel length must be a minimum of 10 inches, inclusive of choke tube. Modern handguns must shoot a minimum three inch shotshell of .140 caliber or larger;

(iv) Legal muzzleloading handgun designed for hunting, shooting #4 or smaller shot, and not capable of holding more than three shells. Handgun barrel length must be a minimum of 10 inches. Muzzleloading handguns must be .45 caliber or larger.

~~((7))~~ (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 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-414-020, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-035 (Order 15-97), § 232-12-047, filed 4/28/15, effective 5/29/15. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 14-10-019 (Order 14-95), § 232-12-047, filed 4/25/14, effective 5/26/14. Statutory Authority: RCW 77.12.047. WSR 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. WSR 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. WSR 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. WSR 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. WSR 00-11-137 (Order 00-50), § 232-12-047, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.040. WSR 98-10-006 (Order 98-53), § 232-12-047, filed 4/22/98, effective 5/23/98; WSR 90-14-108 (Order 449), § 232-12-047, filed 7/5/90, effective 8/5/90; WSR 83-01-006 (Order 198), § 232-12-047, filed 12/2/82; WSR 82-04-034 (Order 177), § 232-12-047, filed 1/28/82; WSR 81-22-002 (Order 174), § 232-12-047, filed 10/22/81; WSR 81-12-029 (Order 165), § 232-12-047, filed 6/1/81. Formerly WAC 232-12-130.]

OTS-2890.3

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

WAC 220-414-040 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
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
copper-clad iron	84 to 56.59 iron core, with copper cladding up to 44.1 of the shot mass
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, zinc chrome, and fluoropolymers 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:

- (a) Well's Wildlife Area (Bridgeport Bar Unit);
- (b) Cowlitz Wildlife Area (all units);
- (c) Whatcom Wildlife Area (all units);
- (d) Shillapoo Wildlife Area (all units);
- (e) Skagit Wildlife Area (all units);
- (f) Snoqualmie Wildlife Area (all units);
- (g) Sunnyside-Snake River Wildlife Area (Headquarters, Byron and Windmill Ranch units);
- (h) Sinlahekin Wildlife Area (Driscoll Island, Hegdahl, and Kline Parcel units);

(i) ~~((Olympic))~~ Johns River Wildlife Area (Chinook ~~((and))~~, Chehalis, and Elk River units);

(j) ~~South Puget Sound Wildlife Area ((Davis Creek (Koopman Unit))~~ (Big Beef Creek, Lake Koeneman, Nisqually, Skokomish, and Union River units);

(k) Scatter Creek Wildlife Area (all units);

(l) North Olympic Wildlife Area (all units).

(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:

(a) Chehalis River pheasant release site;

~~(b) ((Dungeness Recreation Area;~~

~~(c) Hoehn Road pheasant release site;~~

~~(d)) Hunter Farms pheasant release site;~~

~~((e) Raymond Airport pheasant release site;~~

~~(f))~~ (c) Two Rivers and Wallula Units of the U.S. Fish and Wildlife Service's McNary National Wildlife Refuge;

~~((g))~~ (d) All Whidbey Island pheasant release sites.

(4) 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, and band-tailed pigeons on all WDFW designated pheasant release sites not listed in subsections (2) and (3) of this section.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-414-040, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-034 (Order 15-96), § 232-12-068, filed 4/28/15, effective 5/29/15. 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. WSR 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. WSR 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. WSR 08-01-052 (Order 07-292), § 232-12-068, filed 12/13/07, effective 1/13/08. Statutory Authority: RCW 77.12.047. WSR 06-16-133 (Order 06-181), § 232-12-068, filed 8/2/06, effective 9/2/06; WSR 05-17-098 (Order 05-174), § 232-12-068, filed 8/15/05, effective 9/15/05; WSR 03-16-030 (Order 03-165), § 232-12-068, filed 7/29/03, effective 8/29/03; WSR 03-13-047 (Order 03-129), § 232-12-068, filed 6/12/03, effective 7/13/03. Statutory Authority: RCW 77.12.040. WSR 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. WSR 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. WSR 00-11-137 (Order 00-50), § 232-12-068, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.040. WSR 99-17-034 (Order 99-118), § 232-12-068, filed 8/11/99, effective 9/11/99; WSR 98-17-044 (Order 98-152), § 232-12-068, filed 8/13/98, effective 9/13/98; WSR 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. WSR 96-18-009 (Order 96-127), § 232-12-068, filed 8/22/96, effective

9/22/96. Statutory Authority: RCW 77.12.040. WSR 95-18-072 (Order 95-126) § 232-12-068, filed 9/1/95, effective 10/2/95.]

OTS-2900.1

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

- WAC 220-414-050 Shotgun shell restriction areas.** (1) It is unlawful to have in possession more than 15 shotgun shells or to fire (shoot) more than 15 shells in one day on the following areas:
- (a) The Island Unit of the Skagit Wildlife Area in Skagit County.
 - (b) The Spencer Island Unit of the Snoqualmie Wildlife Area in Snohomish County.
 - (c) The Samish Unit of the Skagit Wildlife Area in Skagit County.
 - (d) The Johnson/DeBay's Slough Hunt Unit of the Skagit Wildlife Area in Skagit County: In Skagit County beginning at the intersection of Francis Road and DeBay Isle Road (N 48.467817 W -122.255143); then northeast approximately 125 feet to a white corner marker (N 48.46818 W -122.254977); then east approximately 250 feet along the parking area fence line to a white corner marker (N 48.468087 W -122.25392); then north along the fence line approximately 334 feet to corner of fence line (N 48.469067 W -122.253787); then east along the fence line approximately 250 feet to a white corner marker (N 48.469081 W -122.252834); then north approximately 2185 feet to orange corner marker (N 48.475024 W -122.252937); then west approximately 1421 feet to the white corner marker (~~(N 48.475072 W -122.26007)~~) (N 48.4750691 W -122.2582045); then south approximately 1170 feet to the west shoreline of DeBay Slough white corner marker (N 48.471872 W -122.258097); then move easterly and southerly along the west shoreline of DeBay Slough approximately 1850 feet to white corner marker on the south side of DeBay Isle Road (~~(N 48.468225 W -122.260139)~~) (N 48.4680860 W -122.2563066); then easterly along the south side of DeBay's Isle Road to the intersection of Francis Road and the point of beginning.
 - (e) (~~All lands managed by the department north of East Anderson Road and west of~~) The Dungeness ((River)) Unit of the North Olympic Wildlife Area in Clallam County.
 - (f) The Samish River Unit of the Skagit Wildlife Area in Skagit County.
 - (g) The South Padilla Bay Unit of the Skagit Wildlife Area in Skagit County.
- (2) It is unlawful to have in possession more than 25 shotgun shells or to fire (shoot) more than 25 shells in one day on the Nisqually Unit of the South Puget Sound Wildlife Area in Thurston County.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-414-050, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-034 (Order 15-96), § 232-16-770, filed 4/28/15, effective 5/29/15. Statutory Authority: RCW 77.12.040. WSR 98-17-042 (Order 98-153), § 232-16-770, filed 8/13/98, effective 9/13/98. Statutory Au-

thority: RCW 77.12.040 and 77.12.010. WSR 96-18-008 (Order 96-126), § 232-16-770, filed 8/22/96, effective 9/22/96.]

OTS-2865.1

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

WAC 220-414-060 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. The term load refers to the powder charge and projectile and both must be loaded from the muzzle.

(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 smooth-bore 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. Primers designed to be used in modern cartridges are legal.

(b) Sights must be open, peep, (~~or~~) of other open sight design, or scopes not exceeding 1x magnification. Fiber optic sights are legal. Telescopic sights (~~or sights containing glass~~) are prohibited.

(c) It is unlawful to have any electrical aiming device (~~or equipment~~) attached to a muzzleloading firearm while hunting except for red dot or other similar electronically powered scopes not exceeding 1x magnification. It is lawful to mount a video camera to your

muzzleloader while hunting provided it cannot be used for aiming the firearm.

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

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

(5) 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 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.020, 77.12.040, 77.12.047, 77.12.150, 77.12.210, 77.12.240, 77.12.320, 77.12.570, 77.12.800, 77.15.245, 77.32.007, 77.32.050, 77.32.070, 77.32.090, 77.32.370, and 77.32.530. WSR 18-11-061 (Order 18-76), § 220-414-060, filed 5/11/18, effective 6/11/18. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-414-060, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 14-10-019 (Order 14-95), § 232-12-051, filed 4/25/14, effective 5/26/14. 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. WSR 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. WSR 09-09-083 (Order 09-53), § 232-12-051, filed 4/15/09, effective 5/16/09. Statutory Authority: RCW 77.12.047. WSR 06-11-032 (Order 06-92), § 232-12-051, filed 5/8/06, effective 6/8/06; WSR 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. WSR 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. WSR 90-14-109 (Order 450), § 232-12-051, filed 7/5/90, effective 8/5/90; WSR 89-11-062 (Order 393), § 232-12-051, filed 5/18/89. Statutory Authority: RCW 77.12.040. WSR 84-18-013 (Order 234), § 232-12-051, filed 8/28/84; WSR 81-12-029 (Order 165), § 232-12-051, filed 6/1/81. Formerly WAC 232-12-135.]

OTS-2866.1

AMENDATORY SECTION (Amending WSR 19-10-011, filed 4/19/19, effective 5/20/19)

WAC 220-414-070 Archery requirements. (1) The following provisions apply to all archery hunting seasons:

(a) It is unlawful for any person to carry or have in his possession any firearm while archery hunting in the field 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) (~~(, except for)~~) attached to the bow or arrow while hunting with the following exceptions: Illuminated nocks, ((attached to the

~~bow or arrow while hunting)) bluetooth enabled nocks also known as breadcrumb nocks, range finding bow sights, and video camera provided the camera cannot be used for aiming the bow.~~

(c) It is unlawful to discharge a bow from a vehicle or from, across, or along the maintained portion of a public highway.

(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.

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

(f) It is unlawful to hunt wildlife with any bow equipped with a scope. A verifier peep site that magnifies the sights is not considered a scope and is lawful.

(2) The following provisions apply to long bow, recurve bow and compound bow archery equipment:

(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.

(3) 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 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520. WSR 19-10-011 (Order 19-79), § 220-414-070, filed 4/19/19, effective 5/20/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-414-070, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-035 (Order 15-97), § 232-12-054, filed 4/28/15, effective 5/29/15. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 14-10-019 (Order 14-95), § 232-12-054, filed 4/25/14, effective 5/26/14; WSR 13-11-078 (Order 13-94), § 232-12-054, filed 5/16/13, effective 6/16/13. Statutory Authority: RCW 77.12.047. WSR 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. WSR 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. WSR 09-09-083 (Order 09-53), § 232-12-054, filed 4/15/09, effective 5/16/09. Statutory Authority: RCW 77.12.047. WSR 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. WSR 04-11-036 (Order 04-98), § 232-12-054, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.047. WSR 03-13-047 (Order 03-129), § 232-12-054, filed 6/12/03, effective 7/13/03; WSR 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. WSR 00-11-137 (Order 00-50), § 232-12-054, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.040. WSR 90-03-092 (Order 427), § 232-12-054, filed 1/24/90, effective 2/24/90; WSR 88-13-012 (Order 310), § 232-12-054, filed 6/6/88; WSR 81-12-029 (Order 165), § 232-12-054, filed 6/1/81. Formerly WAC 232-12-140.]

OTS-3587.1

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

WAC 220-414-090 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, except electronic calls may be used for lesser snow geese and Ross' geese during season dates occurring after February 1st in Goose Management Area 1 and Goose Management Area 4, when lesser snow geese and Ross' geese are the only species open to harvest as specified in WAC 220-416-060.

(3) 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 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-414-090, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 07-21-085 (Order 07-255), § 232-12-257, filed 10/17/07, effective 11/17/07; WSR 06-11-032 (Order 06-92), § 232-12-257, filed 5/8/06, effective 6/8/06. Statutory Authority: RCW 77.12.040. WSR 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. WSR 00-11-137 (Order 00-50), § 232-12-257, filed 5/23/00, effective 6/23/00. Statutory Authority: RCW 77.12.040. WSR 81-12-029 (Order 165), § 232-12-257, filed 6/1/81. Formerly WAC 232-12-630.]

OTS-2867.1

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

WAC 220-414-100 Crossbow requirements. (1) The following provisions apply to hunting with a crossbow:

- (a) It is unlawful to hunt big game with a crossbow outside of a modern firearm or muzzleloader season.
- (b) 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.

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

(d) 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.

(e) It is unlawful to hunt big game animals with a broadhead blade unless the broadhead is unbarbed.

(f) It is unlawful to discharge a crossbow from a vehicle or from, across, or along the maintained portion of a public highway.

(g) It is unlawful to hunt wildlife with a crossbow during an archery season.

(2) 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 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-414-100, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-035 (Order 15-97), § 232-12-052, filed 4/28/15, effective 5/29/15.]

OTS-3577.1

AMENDATORY SECTION (Amending WSR 20-19-115, filed 9/21/20, effective 10/22/20)

WAC 220-413-060 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.

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

(b) A violation of this subsection is punishable under RCW 77.15.410 or 77.15.430, depending on the circumstances of the violation.

(2)(a) It is unlawful to hunt any wildlife at night (~~(e)~~) and it is unlawful to hunt wild animals, except rabbits and hares, with dogs (hounds) during the month of October or November during the dates established for eastern and western Washington modern firearm deer or elk general seasons. During the modern firearm deer and elk general seasons the hunting hours are one-half hour before sunrise to one-half hour after sunset. A violation of this subsection is punishable under RCW 77.15.430(~~(f)~~) Unlawful hunting of wild animals—Penalty.

(b) It is unlawful to use hounds to hunt black bear, cougar (~~EXCEPT~~ as pursuant to RCW 77.15.245), coyote, and bobcat year-round. A violation of this subsection is punishable under RCW 77.15.410(~~(f)~~) Unlawful hunting of big game—Penalty, or RCW 77.15.430, depending on the circumstances of the violation.

(c) A person may not use the aid of a dog to take, chase, harm or harass big game. The use of one blood-trailing dog controlled by leash during lawful hunting hours within 72 hours of shooting a big game an-

imal, except bear and cougar, is allowed to track wounded big game and aid in recovery.

(3) It is unlawful to participate in a hunting contest for which no permit has been issued by the department. A violation of this subsection is punishable as an infraction under RCW 77.15.160 (6) (b).

[Statutory Authority: RCW 77.04.012, 77.04.055, 71.12.047, 77.32.050, and 77.32.525. WSR 20-19-115 (Order 20-199), § 220-413-060, filed 9/21/20, effective 10/22/20. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-413-060, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-033 (Order 15-95), § 232-12-242, filed 4/28/15, effective 5/29/15. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 14-10-019 (Order 14-95), § 232-12-242, filed 4/25/14, effective 5/26/14. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 13-02-043 (Order 12-290), § 232-12-242, filed 12/21/12, effective 1/21/13. Statutory Authority: RCW 77.12.040. WSR 93-04-074 (Order 593), § 232-12-242, filed 1/29/93, effective 3/1/93.]

OTS-3578.1

AMENDATORY SECTION (Amending WSR 19-10-011, filed 4/19/19, effective 5/20/19)

WAC 220-413-090 Field identification of wildlife—Evidence of sex—Definitions. (1) It is unlawful to possess or transport game birds (~~unless~~) without a feathered wing or head (~~is left~~) attached to each carcass until the carcass is processed and/or stored for consumption, except:

(a) Falconry-caught birds; which do not require evidence of sex.

(b) Canada and cackling geese harvested in Goose Management Area 2 - Coast and Inland: Where the fully feathered head must be left attached for subspecies determination (~~, and falconry-caught birds, until the carcass is processed and/or stored for consumption~~).

(c) Turkeys: Where the fully feathered head and the beard, if present at harvest, must be left attached.

(2) It is unlawful to possess or transport big game animals unless evidence of the sex of the animal remains naturally 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 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520. WSR 19-10-011 (Order 19-79), § 220-413-090, filed 4/19/19, effective 5/20/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-413-090, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 02-15-018 (Order 02-129), § 232-12-267, filed 7/8/02, effective 8/8/02. Statutory Authority: RCW 77.12.040. WSR 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. WSR 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. WSR 89-14-018 (Order 401), § 232-12-267, filed 6/26/89. Statutory Authority: RCW 77.12.040. WSR 81-12-029 (Order 165), § 232-12-267, filed 6/1/81.]