

Chapter 232-12 WAC

PERMANENT REGULATIONS

<p>WAC 232-12-001 232-12-002 232-12-004 232-12-005 232-12-007 232-12-011 232-12-014 232-12-016 232-12-017 232-12-01701 232-12-019 232-12-021 232-12-024 232-12-025 232-12-027 232-12-031 232-12-034 232-12-037 232-12-041 232-12-044 232-12-045 232-12-047 232-12-051 232-12-054 232-12-055 232-12-057 232-12-061 232-12-062 232-12-063 232-12-064 232-12-066 232-12-067 232-12-068 232-12-071 232-12-072 232-12-073 232-12-077 232-12-081 232-12-082 232-12-083 232-12-087 232-12-091 232-12-094 232-12-097 232-12-134 232-12-141 232-12-142 232-12-154 232-12-164 232-12-166 232-12-168 232-12-169 232-12-174 232-12-177 232-12-181 232-12-189</p>	<p>Definition of terms. Fish and wildlife commission members' recusal requirements for commissioners with beneficial interests in certain commission decisions and transactions. Classification of wild birds. Predatory birds. Classification of wild animals. Wildlife classified as protected shall not be hunted or fished. Wildlife classified as endangered species. Nonnative aquatic species. Deleterious exotic wildlife. Aquatic nuisance species. Classification of game fish. Importation and retention of dead nonresident wildlife. Requirements for sealing of pelts and collection of biological information for river otter, cougar, lynx, and bobcat. Depredation hunts. Game farm license provisions. Game farm invoice requirements. Acquisition of wildlife by game farmer. Shooting preserves—Licensing—Permits—Operations. Permit for holding field trials. Use of game birds for training dogs, field trials—Marking requirements. Hunting equipment restrictions. Unlawful methods for hunting. Muzzleloading firearms. Archery requirements. Hunting—Hunter orange clothing requirements. Hunting with aid of aircraft, boats or other vehicles. Tagging requirements. Party hunting. Live wildlife—Facility, fencing, and marking requirements. Live wildlife—Taking from the wild, importation, possession, transfer, and holding in captivity. Revocation, modification, or suspension of a permit to hold wild animals, wild birds, or game fish in captivity. Sale of fish and wildlife by zoos and aquariums. Nontoxic shot requirements. Buying or selling game unlawful—Game-farmed meat exception. Eastern Washington pheasant enhancement—Funding level determination. Master hunter permit program. Wildlife taken by another. Checking stations—Inspection of game and licenses. Collection of sampling data—Unlawful acts. Emergency rule criteria. Requirements to possess Indian caught anadromous game fish or roe. Commercial buying and processing of anadromous game fish or roe. Records for purchase and receipt of anadromous game fish and roe. Transportation of anadromous game fish and roe. Report required of licensed trappers. Wild animal trapping. Special trapping permit—Use of body-gripping traps. Juvenile fishing waters. Fishing near dams—Department facilities. Northern squawfish sport-reward fishery Columbia and Snake rivers. Fishing contests. Hunting contests. Domestic animals on department lands. Vehicles using department lands. Livestock grazing on department of fish and wildlife lands. Duplicate licenses, tags, etc.—Rules for issuance.</p>	<p>232-12-221 232-12-227 232-12-228 232-12-242 232-12-243 232-12-24402 232-12-247 232-12-251 232-12-253 232-12-254 232-12-257 232-12-261 232-12-264 232-12-267 232-12-271 232-12-272 232-12-275 232-12-277 232-12-284 232-12-286 232-12-287 232-12-288 232-12-289 232-12-291 232-12-292 232-12-297 232-12-421 232-12-422 232-12-619 232-12-809 232-12-819 232-12-825 232-12-828 232-12-830 232-12-840 232-12-841 232-12-843 232-12-845 232-12-847 232-12-849 232-12-851 232-12-853 232-12-855 232-12-857 232-12-859 232-12-861 232-12-863 232-12-865</p>	<p>Petitions—Form—Scheduling—Ruling. Hunter education training program requirements. Hunter education deferral. Hunting restrictions. Public safety cougar removals. Colville Indian Reservation—Prohibiting the taking or hunting of big game and grouse and trapping of furbearers. Transmission lines—Unlawful hunting. Removal of minerals, wood and artifacts from department lands. Tribal hunting—Medicine Creek Treaty hunters—Enforcement policy. Discharge of litter on department lands—Unlawful. Use of decoys and calls. Live decoys unlawful—Waterfowl and wild turkey. Baiting of game birds—Unlawful. Field identification of wildlife—Evidence of sex—Definitions. Criteria for planting aquatic plants and releasing wildlife. Juvenile fishing events. Definitions—Oiled-wildlife and wildlife rehabilitation permits. Taxidermy and furdealing records. Bighorn sheep—Marking requirements. Reducing the spread of hoof disease—Unlawful transport of elk hooves. Possession of dead wildlife. Official hunting hours for game animals and forest grouse. Official hunting hours for game birds—Migratory game birds, upland birds, and wild turkeys. Hunting before or after hours. Bald eagle protection rules. Endangered, threatened, and sensitive wildlife species classification. Hunt or possess big game without an access permit. Hunt or possess a wild animal or wild bird without an access permit. Bullfrogs. Definition of Eastern and Western Washington. Special use permits. Definition of a person with a disability. Hunting of game birds and animals by persons with a disability. Waters in which either a personal use freshwater or personal use saltwater fishing license is valid. Hunting and fishing opportunities for terminally ill persons. Wildlife rehabilitation permits—Requirements and restrictions. Wildlife rehabilitation—Responsibilities of primary permittees and subpermittees. Wildlife rehabilitation—Permit revocation, modification, or suspension. Wildlife rehabilitation—Facility requirements and inspections—On- and off-site care. Wildlife rehabilitation—Releasing wildlife. Wildlife rehabilitation—Veterinary care. Wildlife rehabilitation—Records retention and reporting requirements. Wildlife rehabilitation—Falconers assisting with raptor rehabilitation. Wildlife rehabilitation—Transfer, import, and export of wildlife. Wildlife rehabilitation—Possession of dead wildlife and wildlife parts. Wildlife rehabilitation—Disposition of nonreleasable and habituated, imprinted, and tamed wildlife. Wildlife rehabilitation—Euthanizing protected, threatened, or endangered wildlife and migratory birds. Wildlife rehabilitation—Disposing of wildlife remains.</p>
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232-12-867	Wildlife rehabilitation—Prohibition on commercial uses.		filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-027.
232-12-869	Oiled bird rehabilitation—Facility requirements.	232-12-074	Retention of game. [Statutory Authority: RCW 77.12.-040. WSR 81-12-029 (Order 165), § 232-12-074, filed 6/1/81.] Repealed by WSR 93-04-075 (Order 592), filed 1/29/93, effective 3/1/93. Statutory Authority: RCW 77.12.040.
232-12-871	Reporting receipt, death, carcass retention, and release of oiled birds.		
DISPOSITION OF SECTIONS FORMERLY CODIFIED IN THIS CHAPTER			
232-12-010	Definition of terms. [Statutory Authority: RCW 77.12.-040. WSR 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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-001.	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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-031.
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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-019.	232-12-084	Director empowered to alter seasons. [Statutory Authority: RCW 77.12.040. WSR 81-12-029 (Order 165), § 232-12-084, filed 6/1/81. Formerly WAC 232-12-205.] Repealed by WSR 84-12-009 (Order 226), filed 5/25/84. Statutory Authority: RCW 77.04.020.
232-12-018	Definitions—Landlocked chinook and coho. [Statutory Authority: RCW 75.08.080 and 77.12.040. WSR 99-08-029 (Order 99-13), § 232-12-018, filed 3/30/99, effective 5/1/99. Statutory Authority: RCW 77.12.040. WSR 97-07-076 (Order 97-50), § 232-12-018, filed 3/19/97, effective 5/1/97; WSR 95-17-063 (Order 95-103), § 232-12-018, filed 8/15/95, effective 9/15/95.] Repealed by WSR 00-08-038 (Order 00-29), filed 3/29/00, effective 5/1/00. Statutory Authority: RCW 75.08.080, 77.12.040.	232-12-085	Director empowered to alter seasons. [Statutory Authority: RCW 77.04.020. WSR 84-12-009 (Order 226), § 232-12-085, filed 5/25/84.] Repealed by WSR 88-24-004 (Order 325), filed 11/29/88. Statutory Authority: RCW 77.12.150 and 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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-019.	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. WSR 04-01-053 (Order 03-303), § 232-12-086, filed 12/11/03, effective 1/11/04. Statutory Authority: RCW 77.04.020. WSR 84-21-086 (Order 255), § 232-12-086, filed 10/19/84.] Repealed by WSR 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.
232-12-030	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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-004.	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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-034.
232-12-040	Classification of wild animals. [Statutory Authority: RCW 77.12.040. WSR 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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-007.	232-12-099	Treaty Indian fishing gear identification. [Statutory Authority: RCW 77.12.040. WSR 82-11-099 (Order 184), § 232-12-099, filed 5/19/82.] Repealed by WSR 14-01-056 (Order 13-301), filed 12/12/13, effective 1/12/14. Statutory Authority: RCW 77.04.012, 77.04.-013, 77.04.055, and 77.12.047.
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.	232-12-100	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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-037.
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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-021.	232-12-101	Falconry and captive propagation of raptors permitted. [Statutory Authority: RCW 77.12.040 and 77.12.010. WSR 96-18-061 (Order 96-137), § 232-12-101, filed 8/30/96, effective 9/30/96. Statutory Authority: RCW 77.12.040. WSR 82-04-034 (Order 177), § 232-12-101, filed 1/28/82; WSR 81-12-029 (Order 165), § 232-12-101, filed 6/1/81. Formerly WAC 232-12-230 and 232-12-237.] Repealed by WSR 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.
232-12-065	Bobcat, Canada lynx and river otter pelt tagging requirements. [Statutory Authority: RCW 77.12.040. WSR 78-02-055 (Order 114), § 232-12-065, filed 1/20/78.] Repealed by WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-024.	232-12-104	Falconry definitions. [Statutory Authority: RCW 77.12.040 and 77.12.010. WSR 96-18-060 (Order 96-136), § 232-12-104, filed 8/30/96, effective 9/30/96. Statutory Authority: RCW 77.12.040. WSR 82-04-034 (Order 177), § 232-12-104, filed 1/28/82; WSR 81-12-029 (Order 165), § 232-12-104, filed 6/1/81. Formerly WAC 232-12-231.] Repealed by WSR 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. WSR 98-01-213 (Order 97-247), § 232-12-069, filed 12/23/97, effective 1/23/98.] Repealed by WSR 99-03-029 (Order 99-02), filed 1/13/99, effective 2/13/99. Statutory Authority: 1998 c 191 and RCW 75.08.080.	232-12-105	Shooting preserve for wild animals. [Order 26, § 232-12-105, filed 1/14/72.] Repealed by WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-037.
232-12-070	Game farmer license provisions. [Statutory Authority: RCW 77.12.040. WSR 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 WSR 81-12-029 (Order 165),	232-12-106	Provisions for accidental take by falconers. [Statutory Authority: RCW 77.12.047. WSR 06-09-021 (Order 06-67), § 232-12-106, filed 4/11/06, effective 5/12/06; WSR 03-03-016 (Order 03-03), § 232-12-106, filed 1/7/03, effective 2/7/03. Statutory Authority: RCW 77.12.040. WSR 00-20-032 (Order 00-197), § 232-12-106, filed 9/27/00, effective 10/28/00.] Repealed by

	WSR 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.		12-237.] Repealed by WSR 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.
232-12-107	Falconry permit license required. [Statutory Authority: RCW 77.12.040 and 77.12.010. WSR 96-18-062 (Order 96-138), § 232-12-107, filed 8/30/96, effective 9/30/96. Statutory Authority: RCW 77.12.040. WSR 90-22-064 (Order 472), § 232-12-107, filed 11/5/90, effective 12/6/90; WSR 82-04-034 (Order 177), § 232-12-107, filed 1/28/82; WSR 81-12-029 (Order 165), § 232-12-107, filed 6/1/81. Formerly WAC 232-12-232.] Repealed by WSR 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. WSR 82-04-034 (Order 177), § 232-12-127, filed 1/28/82; WSR 81-12-029 (Order 165), § 232-12-127, filed 6/1/81. Formerly WAC 232-12-238.] Repealed by WSR 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.
232-12-110	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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-041.	232-12-129	Captive propagation of raptors—Sale, records, reports and inspection. [Statutory Authority: RCW 77.12.047. WSR 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. WSR 85-09-006 (Order 245), § 232-12-129, filed 4/5/85.] Repealed by WSR 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.
232-12-111	Limitation on possession of raptors. [Statutory Authority: RCW 77.12.040. WSR 81-12-029 (Order 165), § 232-12-111, filed 6/1/81. Formerly WAC 232-12-233.] Repealed by WSR 82-04-034 (Order 177), filed 1/28/82. Statutory Authority: RCW 77.12.040.	232-12-130	Unlawful firearms for hunting. [Statutory Authority: RCW 77.12.040. WSR 80-05-022 (Order 146), § 232-12-130, filed 4/11/80; WSR 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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-047.
232-12-114	Permit required for capture of raptors. [Statutory Authority: RCW 77.12.047. WSR 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. WSR 96-18-064 (Order 96-140), § 232-12-114, filed 8/30/96, effective 9/30/96. Statutory Authority: RCW 77.12.040. WSR 90-22-062 (Order 470), § 232-12-114, filed 11/5/90, effective 12/6/90; WSR 82-04-034 (Order 177), § 232-12-114, filed 1/28/82; WSR 81-12-029 (Order 165), § 232-12-114, filed 6/1/81. Formerly WAC 232-12-234.] Repealed by WSR 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.	232-12-131	Permits for special hunting and trapping seasons. [Statutory Authority: RCW 77.12.040. WSR 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. WSR 96-04-027, § 232-12-131, filed 2/1/96, effective 3/3/96. Statutory Authority: RCW 77.12.040. WSR 95-03-034 (Order 94-145), § 232-12-131, filed 1/10/95, effective 2/10/95; WSR 94-11-030 (Order 638), § 232-12-131, filed 5/10/94, effective 6/10/94; WSR 87-12-034 (Order 289), § 232-12-131, filed 5/29/87; WSR 82-04-034 (Order 177), § 232-12-131, filed 1/28/82; WSR 81-12-029 (Order 165), § 232-12-131, filed 6/1/81. Formerly WAC 232-12-255.] Repealed by WSR 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.
232-12-117	Marking and identification of raptors required. [Statutory Authority: RCW 77.12.047. WSR 03-02-005 (Order 02-301), § 232-12-117, filed 12/20/02, effective 1/20/03. Statutory Authority: RCW 77.12.040. WSR 90-22-063 (Order 471), § 232-12-117, filed 11/5/90, effective 12/6/90; WSR 82-04-034 (Order 177), § 232-12-117, filed 1/28/82; WSR 81-12-029 (Order 165), § 232-12-117, filed 6/1/81. Formerly WAC 232-12-235.] Repealed by WSR 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.	232-12-135	Muzzle-loading rifles. [Order 56, § 232-12-135, filed 7/11/74; Order 2, § 232-12-135, filed 4/20/70.] Repealed by WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-051.
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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-044.	232-12-137	Unlawful to use game species for trapping. [Statutory Authority: RCW 77.12.040. WSR 83-15-060 (Order 211), § 232-12-137, filed 7/20/83; WSR 81-22-002 (Order 174), § 232-12-137, filed 10/22/81; WSR 81-12-029 (Order 165), § 232-12-137, filed 6/1/81. Formerly WAC 232-12-300.] Repealed by WSR 99-17-034 (Order 99-118), filed 8/11/99, effective 9/11/99. Statutory Authority: RCW 77.12.040.
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. WSR 96-18-065 (Order 96-141), § 232-12-121, filed 8/30/96, effective 9/30/96. Statutory Authority: RCW 77.12.040. WSR 90-22-061 (Order 469), § 232-12-121, filed 11/5/90, effective 12/6/90; WSR 82-04-034 (Order 177), § 232-12-121, filed 1/28/82; WSR 81-12-029 (Order 165), § 232-12-121, filed 6/1/81. Formerly WAC 232-12-236.] Repealed by WSR 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.	232-12-140	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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-054.
232-12-124	Methods of capture and prohibitions in taking raptors. [Statutory Authority: RCW 77.12.040 and 77.12.010. WSR 96-18-063 (Order 96-139), § 232-12-124, filed 8/30/96, effective 9/30/96. Statutory Authority: RCW 77.12.040. WSR 82-04-034 (Order 177), § 232-12-124, filed 1/28/82; WSR 81-12-029 (Order 165), § 232-12-124, filed 6/1/81. Formerly WAC 232-12-233 and 232-	232-12-144	Possession of live fish for bait while fishing. [Statutory Authority: RCW 77.12.040. WSR 81-12-029 (Order 165), § 232-12-144, filed 6/1/81. Formerly WAC 232-12-320.] Repealed by WSR 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. WSR 92-11-078 (Order 544), § 232-12-147, filed 5/20/92, effective 6/20/92; WSR 81-22-002 (Order 174), § 232-12-147, filed 10/22/81; WSR

	81-12-029 (Order 165), § 232-12-147, filed 6/1/81. Formerly WAC 232-12-340.] Repealed by WSR 02-08-048 (Order 02-53), filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 77.12.047.		(Order 324), filed 11/22/88. Statutory Authority: RCW 77.12.210.
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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-057.	232-12-184	Aircraft—Authorized use on department lands. [Statutory Authority: RCW 77.12.210 and 77.12.320. WSR 90-11-049 (Order 437), § 232-12-184, filed 5/11/90, effective 6/11/90. Statutory Authority: RCW 77.12.040. WSR 81-12-029 (Order 165), § 232-12-184, filed 6/1/81. Formerly WAC 232-12-410.] Repealed by WSR 08-01-078 (Order 07-293), filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 77.12.210, 77.12.-880.
232-12-151	Fly fishing rules. [Statutory Authority: RCW 77.12.040. WSR 95-05-008 (Order 95-11), § 232-12-151, filed 2/1/95, effective 5/1/95; WSR 82-04-034 (Order 177), § 232-12-151, filed 1/28/82; WSR 81-12-029 (Order 165), § 232-12-151, filed 6/1/81. Formerly WAC 232-12-350.] Repealed by WSR 02-08-048 (Order 02-53), filed 3/29/02, effective 5/1/02. Statutory Authority: RCW 77.12.047.	232-12-187	Access areas—Other department lands—Wildlife agent to control traffic thereon. [Statutory Authority: RCW 77.12.210 and 77.12.320. WSR 90-11-049 (Order 437), § 232-12-187, filed 5/11/90, effective 6/11/90. Statutory Authority: RCW 77.12.040. WSR 82-04-034 (Order 177), § 232-12-187, filed 1/28/82; WSR 81-12-029 (Order 165), § 232-12-187, filed 6/1/81. Formerly WAC 232-12-420.] Repealed by WSR 08-01-078 (Order 07-293), filed 12/17/07, effective 1/17/08. Statutory Authority: RCW 77.12.210, 77.12.880.
232-12-157	Steelhead catch record card. [Statutory Authority: 1998 c 191 and RCW 75.08.080. WSR 99-03-029 (Order 99-02), § 232-12-157, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 77.12.040. WSR 85-12-005 (Order 252), § 232-12-157, filed 5/23/85; WSR 84-03-021 (Order 220), § 232-12-157, filed 1/11/84. Statutory Authority: RCW 77.12.020 and 77.12.040. WSR 83-21-003 (Order 218), § 232-12-157, filed 10/6/83. Statutory Authority: RCW 77.12.040. WSR 82-22-032 (Order 195), § 232-12-157, filed 10/27/82; WSR 81-22-002 (Order 174), § 232-12-157, filed 10/22/81; WSR 81-12-029 (Order 165), § 232-12-157, filed 6/1/81. Formerly WAC 232-12-360.] Repealed by WSR 99-17-066 (Order 99-125), filed 8/13/99, effective 4/1/00. Statutory Authority: RCW 75.08.080 and 77.12.040.	232-12-190	Tag required for storing or processing game. [Regulation No. 19, effective 1/1/64.] Repealed by WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-061.	232-12-191	Suspension of licensing privileges—Reinstatement. [Statutory Authority: RCW 77.12.040. WSR 98-02-018 (Order 97-255), § 232-12-191, filed 12/30/97, effective 1/30/98. Statutory Authority: RCW 77.21.060. WSR 90-11-051 (Order 439), § 232-12-191, filed 5/11/90, effective 6/11/90. Statutory Authority: RCW 77.12.040. WSR 81-12-029 (Order 165), § 232-12-191, filed 6/1/81. Formerly WAC 232-12-430.] Repealed by WSR 00-01-102 (Order 99-210), filed 12/16/99, effective 1/16/00. Statutory Authority: RCW 75.08.080.
232-12-161	Fishing guide reports. [Statutory Authority: RCW 77.12.040. WSR 81-12-029 (Order 165), § 232-12-161, filed 6/1/81. Formerly WAC 232-12-365.] Repealed by WSR 00-13-090 (Order 00-102), filed 6/20/00, effective 7/21/00. Statutory Authority: 2000 c 107 § 7.	232-12-194	Procedure—Petitions for reissuance of hunting license—Time period for petition—Juvenile applicants. [Statutory Authority: RCW 77.12.040. WSR 81-12-029 (Order 165), § 232-12-194, filed 6/1/81. Formerly WAC 232-12-435.] Repealed by WSR 98-02-018 (Order 97-255), filed 12/30/97, effective 1/30/98. Statutory Authority: RCW 77.12.040.
232-12-167	Hunting and fishing contest rules. [Statutory Authority: RCW 77.12.040. WSR 82-04-034 (Order 177), § 232-12-167, filed 1/28/82; WSR 81-12-029 (Order 165), § 232-12-167, filed 6/1/81. Formerly WAC 232-12-380.] Repealed by WSR 86-21-017 (Order 280), filed 10/6/86. Statutory Authority: RCW 77.12.040 and 77.16.010.	232-12-197	Procedures to review administrative license decisions. [Statutory Authority: RCW 77.12.040. WSR 81-12-029 (Order 165), § 232-12-197, filed 6/1/81.] Repealed by WSR 98-02-018 (Order 97-255), filed 12/30/97, effective 1/30/98. 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 WSR 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.	232-12-200	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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040.
232-12-171	Commercial use of wildlife prohibited. [Order 95, § 232-12-171, filed 1/14/77.] Repealed by WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-071.	232-12-201	Checking stations—Inspection of game and licenses. [Statutory Authority: RCW 77.12.040. WSR 79-08-066 (Order 137), § 232-12-201, filed 7/23/79.] Repealed by WSR 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 WSR 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	Director empowered to alter seasons. [Statutory Authority: RCW 77.12.040. WSR 78-11-056 (Order 126), § 232-12-205, filed 10/25/78.] Repealed by WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-084.
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.	232-12-207	Petitions—Consideration by commission. [Statutory Authority: RCW 77.12.040. WSR 81-12-029 (Order 165), § 232-12-207, filed 6/1/81. Formerly WAC 232-12-470.] Repealed by WSR 98-02-018 (Order 97-255), filed 12/30/97, effective 1/30/98. Statutory Authority: RCW 77.12.040.
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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-287.	232-12-210	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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-077.
232-12-182	Interim grazing lease regulation. [Statutory Authority: RCW 77.12.210. WSR 87-21-028 (Order 300), § 232-12-182, filed 10/12/87.] Repealed by WSR 88-23-110	232-12-211	Requirements to possess Indian caught steelhead. [Order 62, § 232-12-211, filed 10/9/74.] Repealed by WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-157.
		232-12-212	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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-091.	232-12-240	Permit to kill game—Game damage. [Statutory Authority: RCW 77.12.040. WSR 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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040.
232-12-213	Records for purchase and receipt of steelhead trout. [Order 88, § 232-12-213, filed 9/13/76.] Repealed by WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-094.	232-12-241	Requirements of license dealers. [Statutory Authority: RCW 77.04.020 and 77.32.050. WSR 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. WSR 86-03-055 (Order 268), § 232-12-241, filed 1/15/86. Statutory Authority: RCW 77.12.040. WSR 81-22-002 (Order 174), § 232-12-241, filed 10/22/81; WSR 81-12-029 (Order 165), § 232-12-241, filed 6/1/81. Formerly WAC 232-12-510.] Repealed by WSR 99-03-029 (Order 99-02), filed 1/13/99, effective 2/13/99. Statutory Authority: 1998 c 191 and RCW 75.08.080.
232-12-214	Transportation of steelhead trout. [Order 88, § 232-12-214, filed 9/13/76.] Repealed by WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-097.	232-12-244	Hunting restrictions. [Statutory Authority: RCW 77.12-040. WSR 82-04-034 (Order 177), § 232-12-244, filed 1/28/82; WSR 81-12-029 (Order 165), § 232-12-244, filed 6/1/81. Formerly WAC 232-12-520.] Repealed by WSR 91-13-061 (Order 496), filed 6/17/91, effective 7/18/91. Statutory Authority: RCW 77.12.040 and 77.04.055.
232-12-215	Proper marking on packages and containers of steelhead trout. [Order 88, § 232-12-215, filed 9/13/76.] Repealed by WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040.	232-12-24401	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. WSR 83-09-022 (Order 201), § 232-12-24401, filed 4/14/83.] Repealed by WSR 98-10-019 (Order 98-70), filed 4/22/98, effective 5/23/98. 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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040.	232-12-250	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 WSR 80-13-012 (Order 152), filed 9/8/80. 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. WSR 81-12-029 (Order 165), § 232-12-224, filed 6/1/81. Formerly WAC 232-12-490.] Repealed by WSR 04-23-040 (Order 04-300), filed 11/10/04, effective 12/11/04. Statutory Authority: RCW 77.12.047.	232-12-255	Permits for controlled hunts. [Order 2, § 232-12-255, filed 4/20/70.] Repealed by WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-131.
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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-101.	232-12-260	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 WSR 80-15-063 (Order 155), filed 10/16/80. Statutory Authority: RCW 77.12.040.
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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-104.	232-12-270	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 WSR 80-15-063 (Order 155), filed 10/16/80. Statutory Authority: RCW 77.12.040.
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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-107.	232-12-274	Conditions for issuance of permits for scientific collection, research or display. [Statutory Authority: RCW 77.12.040. WSR 82-04-034 (Order 177), § 232-12-274, filed 1/28/82; WSR 81-12-029 (Order 165), § 232-12-274, filed 6/1/81. Formerly WAC 232-12-676.] Repealed by WSR 88-05-031 (Order 304), filed 2/12/88. Statutory Authority: RCW 77.32.010 (2)(b) and 77.32.240.
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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-111.	232-12-276	Scientific permits. [Statutory Authority: RCW 77.32-010 (2)(b) and 77.32.240. WSR 88-05-031 (Order 304), § 232-12-276, filed 2/12/88.] Repealed by WSR 06-07-081 (Order 06-47), filed 3/14/06, effective 4/14/06. Statutory Authority: RCW 77.12.047.
232-12-234	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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-114.	232-12-280	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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-134.
232-12-235	Marking and identification of raptors required. [Order 88, § 232-12-235, filed 9/13/76.] Repealed by WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-117.	232-12-281	Copying. [Statutory Authority: RCW 77.12.040. WSR 81-12-029 (Order 165), § 232-12-281, filed 6/1/81. Formerly WAC 232-12-816.] Repealed by WSR 82-04-034 (Order 177), filed 1/28/82. Statutory Authority: RCW 77.12.040.
232-12-236	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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-121.	232-12-290	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.
232-12-237	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 WSR 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.	232-12-294	Definitions—Hydraulic project permits. [Statutory Authority: RCW 77.12.040. WSR 81-12-029 (Order
232-12-238	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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-127.		

	165), § 232-12-294, filed 6/1/81.] Repealed by WSR 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.		RCW 77.12.040. Later promulgation, see WAC 232-12-167.
232-12-300	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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-137.	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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-174.
232-12-310	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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-141.	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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-177.
232-12-315	Planting or releasing fish in state waters. [Regulation No. 54, filed 1/25/67.] Repealed by Order 2, filed 4/20/70.	232-12-405	Livestock grazing on department of game lands. [Statutory Authority: RCW 77.12.040. WSR 78-02-055 (Order 114), § 232-12-405, filed 1/20/78.] Repealed by WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-181.
232-12-320	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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-144.	232-12-410	Colockum airstrip—Authorized use only. [Regulation No. 41, effective 1/1/64.] Repealed by WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-184.
232-12-330	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 WSR 78-11-057 (Order 127), filed 10/25/78. Statutory Authority: RCW 77.12.040.	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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-187.
232-12-340	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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-147.	232-12-423	Public hunting defined and access contracts. [Statutory Authority: RCW 77.12.047. WSR 06-04-065 (Order 06-12), § 232-12-423, filed 1/30/06, effective 3/2/06.] Repealed by WSR 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.
232-12-350	Definition of fly fishing. [Statutory Authority: RCW 77.12.040. WSR 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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-350.	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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-191.
232-12-355	Juvenile fishing and catch limits. [Order 2, § 232-12-355, filed 4/20/70.] Repealed by WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-154.	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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040.
232-12-360	Steelhead fishing permit punch card requirements. [Statutory Authority: RCW 77.12.040. WSR 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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-157.	232-12-440	Forfeiture of privileges—Subsequent convictions. [Regulation No. 44, effective 1/1/64; Regulation No. 32, filed 4/14/60.] Repealed by WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040.
232-12-365	Fishing guide reports. [Order 80, § 232-12-365, filed 4/22/76.] Repealed by WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-161.	232-12-450	Application for hearing. [Regulation No. 45, effective 1/1/64; Regulation No. 48, filed 4/14/60.] Repealed by WSR 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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-164.	232-12-460	Notification of decision. [Regulation No. 46, effective 1/1/64; Regulation No. 49, filed 4/14/60.] Repealed by WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040.
232-12-373	Unlawful to fish in irrigation ditches or canals when closure notice posted. [Order 56, filed 9/11/68.] Repealed by WSR 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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-207.
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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority:	232-12-480	Petitions—Form—Scheduling—Ruling. [Regulation No. 48, effective 1/1/64; Regulation No. 51, filed 4/14/60.] Repealed by WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-221.
		232-12-490	Possession of game off an Indian reservation legally possessed on reservation. [Statutory Authority: RCW 77.12.040. WSR 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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-224.
		232-12-500	Firearm safety license requirement for juveniles. [Statutory Authority: RCW 77.12.040. WSR 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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-227.
- 232-12-510 Requirements of license dealers. [Statutory Authority: RCW 77.12.040. WSR 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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-241.
- 232-12-520 Hunting restrictions. [Order 2, § 232-12-520, filed 4/20/70; Regulation No. 52, effective 1/1/64.] Repealed by WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-244.
- 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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-247.
- 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.
- 232-12-550 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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-251.
- 232-12-570 Discharge of litter on department lands—Unlawful. [Order 2, § 232-12-570, filed 4/20/70.] Repealed by WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-254.
- 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.
- 232-12-618 1990-92 Washington game fish regulations. [Statutory Authority: RCW 77.12.040. WSR 90-01-067 (Order 413), § 232-12-618, filed 12/18/89, effective 1/18/90.] Repealed by WSR 92-01-083 (Order 523), filed 12/16/91, effective 4/16/92. Statutory Authority: RCW 77.12.040.
- 232-12-630 Control of unattended decoys. [Order 2, § 232-12-630, filed 4/20/70.] Repealed by WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-257.
- 232-12-640 Live decoys unlawful. [Order 20, § 232-12-640, filed 9/2/71.] Repealed by WSR 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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-264.
- 232-12-655 Definitions—Hydraulic project permits. [Statutory Authority: RCW 77.12.040. WSR 79-08-066 (Order 137), § 232-12-655, filed 7/23/79.] Repealed by WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-194.
- 232-12-660 Managed marine mammals protected. [Order 20, § 232-12-660, filed 9/2/71.] Repealed by WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040.
- 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 WSR 81-12-029 (Order 165), filed 6/1/81. 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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-271.
- 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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-274.
- 232-12-680 Rare and endangered species designated. [Order 21, § 232-12-680, filed 9/16/71.] Repealed by WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040.
- 232-12-690 Taxidermy records. [Statutory Authority: RCW 77.12.-040. WSR 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 WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-277.
- 232-12-700 Taxidermy tagging. [Order 38, § 232-12-700, filed 4/12/73.] Repealed by WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-277.
- 232-12-710 Taxidermy purchasing and selling. [Statutory Authority: RCW 77.12.040. WSR 80-05-022 (Order 146), § 232-12-710, filed 4/11/80; Order 38, § 232-12-710, filed 4/12/73.] Repealed by WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040.
- 232-12-800 Purpose. [Order 42, § 232-12-800, filed 7/19/73.] Repealed by WSR 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.
- 232-12-802 Definitions. [Order 42, § 232-12-802, filed 7/19/73.] Repealed by WSR 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. WSR 86-03-052 (Order 265), § 232-12-804, filed 1/15/86; WSR 81-22-002 (Order 174), § 232-12-804, filed 10/22/81; Order 42, § 232-12-804, filed 7/19/73.] Repealed by WSR 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 WSR 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. WSR 86-03-053 (Order 266), § 232-12-807, filed 1/15/86.] Repealed by WSR 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 WSR 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. WSR 81-22-002 (Order 174), § 232-12-810, filed 10/22/81; Order 42, § 232-12-810, filed 7/19/73.] Repealed by WSR 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 WSR 81-22-002 (Order 174), filed 10/22/81. Statutory Authority: RCW 77.12.040.
- 232-12-813 Copying. [Statutory Authority: RCW 77.12.040. WSR 82-04-034 (Order 177), § 232-12-813, filed 1/28/82.] Repealed by WSR 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.
- 232-12-814 Requests for public records. [Statutory Authority: RCW 77.12.040. WSR 81-22-002 (Order 174), § 232-12-814, filed 10/22/81; Order 42, § 232-12-814, filed 7/19/73.] Repealed by WSR 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.
- 232-12-816 Copying. [Statutory Authority: RCW 77.12.040. WSR 79-08-066 (Order 137), § 232-12-816, filed 7/23/79; Order 42, § 232-12-816, filed 7/19/73.] Repealed by WSR 81-12-029 (Order 165), filed 6/1/81. Statutory Authority: RCW 77.12.040. Later promulgation, see WAC 232-12-281.
- 232-12-818 Exemptions. [Order 42, § 232-12-818, filed 7/19/73.] Repealed by WSR 81-22-002 (Order 174), filed 10/22/81. Statutory Authority: RCW 77.12.040.

- 232-12-820 Review of denials of public records requests. [Statutory Authority: RCW 77.12.040. WSR 81-22-002 (Order 174), § 232-12-820, filed 10/22/81; Order 42, § 232-12-820, filed 7/19/73.] Repealed by WSR 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.
- 232-12-822 Protection of public records. [Order 42, § 232-12-822, filed 7/19/73.] Repealed by WSR 81-22-002 (Order 174), filed 10/22/81. Statutory Authority: RCW 77.12.040.
- 232-12-824 Records index. [Statutory Authority: RCW 77.12.040. WSR 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 WSR 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.
- 232-12-826 Address for request. [Order 42, § 232-12-826, filed 7/19/73.] Repealed by WSR 81-22-002 (Order 174), filed 10/22/81. Statutory Authority: RCW 77.12.040.
- 232-12-827 Hunting of game animals by persons of disability. [Statutory Authority: RCW 77.12.010 and 77.12.040. WSR 88-17-029 (Order 316), § 232-12-827, filed 8/12/88; WSR 88-11-051 (Order 309), § 232-12-827, filed 5/16/88.] Repealed by WSR 96-04-027, filed 2/1/96, effective 3/3/96. Statutory Authority: RCW 77.12.010 and 77.12.040.
- 232-12-829 Hunting of game animals by persons of disability. [Statutory Authority: RCW 77.12.010 and 77.12.040. WSR 89-11-073 (Order 396), § 232-12-829, filed 5/19/89, effective 7/23/89.] Repealed by WSR 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.
- 232-12-831 Assistance to the visually handicapped. [Statutory Authority: RCW 77.12.010 and 77.32.237. WSR 91-15-056 (Order 505), § 232-12-831, filed 7/19/91, effective 8/19/91.] Repealed by WSR 96-04-027, filed 2/1/96, effective 3/3/96. Statutory Authority: RCW 77.12.010 and 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 firearm with a barrel length of less than sixteen inches and does not have a shoulder stock.

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

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

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

[Statutory Authority: RCW 77.12.047. WSR 06-13-023 (Order 06-135), § 232-12-001, filed 6/13/06, effective 7/14/06. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. WSR 01-10-048 (Order 01-69), § 232-12-001, filed 4/26/01, effective 5/27/01. Statutory Authority: 2000 c 107 § 7. WSR 00-16-091 (Order 00-134), § 232-12-001, filed 7/31/00, effective 8/31/00. Statutory Authority: RCW 75.08.080 and 77.12.040. WSR 99-08-029 (Order 99-13), § 232-12-001, filed 3/30/99, effective 5/1/99. Statutory Authority: 1998 c 191 and RCW 75.08.080. WSR 99-03-029 (Order 99-02), § 232-12-001, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080 and 75.12.040. WSR 97-18-035, § 232-12-001, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 77.12.040. WSR 97-07-076 (Order 97-50), § 232-12-001, filed 3/19/97, effective 5/1/97; WSR 96-11-079 (Order 96-45), § 232-12-001, filed 5/13/96, effective 6/13/96; WSR 95-05-008 (Order 95-11), § 232-12-001, filed 2/1/95, effective 5/1/95. Statutory Authority: RCW 77.04.055 and 77.12.040. WSR 93-21-070 (Order 617), § 232-12-001, filed 10/20/93, effective 4/16/94; WSR 92-01-084 (Order 524), § 232-12-001, filed 12/16/91, effective 4/16/92. Statutory Authority: RCW 77.12.040. WSR 89-10-026 (Order 387), § 232-12-001, filed 4/26/89. Statutory Authority: RCW 77.12.040 and 77.16.010. WSR 86-21-017 (Order 280), § 232-12-001, filed 10/6/86. Statutory Authority: RCW 77.12.040. WSR 81-22-002 (Order 174), § 232-12-001, filed 10/22/81; WSR 81-12-029 (Order 165), § 232-12-001, filed 6/1/81. Formerly WAC 232-12-010.]

Statutory Authority: RCW 75.08.080 and 77.12.040. WSR 99-08-029 (Order 99-13), § 232-12-001, filed 3/30/99, effective 5/1/99. Statutory Authority: 1998 c 191 and RCW 75.08.080. WSR 99-03-029 (Order 99-02), § 232-12-001, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 75.08.080 and 75.12.040. WSR 97-18-035, § 232-12-001, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 77.12.040. WSR 97-07-076 (Order 97-50), § 232-12-001, filed 3/19/97, effective 5/1/97; WSR 96-11-079 (Order 96-45), § 232-12-001, filed 5/13/96, effective 6/13/96; WSR 95-05-008 (Order 95-11), § 232-12-001, filed 2/1/95, effective 5/1/95. Statutory Authority: RCW 77.04.055 and 77.12.040. WSR 93-21-070 (Order 617), § 232-12-001, filed 10/20/93, effective 4/16/94; WSR 92-01-084 (Order 524), § 232-12-001, filed 12/16/91, effective 4/16/92. Statutory Authority: RCW 77.12.040. WSR 89-10-026 (Order 387), § 232-12-001, filed 4/26/89. Statutory Authority: RCW 77.12.040 and 77.16.010. WSR 86-21-017 (Order 280), § 232-12-001, filed 10/6/86. Statutory Authority: RCW 77.12.040. WSR 81-22-002 (Order 174), § 232-12-001, filed 10/22/81; WSR 81-12-029 (Order 165), § 232-12-001, filed 6/1/81. Formerly WAC 232-12-010.]

WAC 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 com-

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

(2) Predatory birds include:

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

[Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210. WSR 08-09-090 (Order 08-78), § 232-12-004, filed 4/18/08, effective 5/19/08. Statutory Authority: RCW 77.12.047 and 77.12.020. WSR 04-11-036 (Order 04-98), § 232-12-004, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. WSR 01-10-048 (Order 01-69), § 232-12-004, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.020 and 77.12.040. WSR 91-11-006 (Order 491), § 232-12-004, filed 5/2/91, effective 6/2/91. Statutory Authority: RCW 77.12.040. WSR 81-22-002 (Order 174), § 232-12-004, filed 10/22/81; WSR 81-12-029 (Order 165), § 232-12-004, filed 6/1/81. Formerly WAC 232-12-030.]

WAC 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. WSR 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>
white-tailed jackrabbit	<i>Lepus townsendii</i>
black-tailed jackrabbit	<i>Lepus californicus</i>

Common Name	Scientific Name
fox	<i>Vulpes vulpes</i>
black bear	<i>Ursus americanus</i>
raccoon	<i>Procyon lotor</i>
cougar	<i>Puma concolor</i>
bobcat	<i>Lynx rufus</i>
Roosevelt and Rocky Mountain elk	<i>Cervus elaphus</i>
mule deer and black-tailed deer	<i>Odocoileus hemionus</i>
white-tailed deer	<i>Odocoileus virginianus</i>
moose	<i>Alces alces</i>
pronghorn	<i>Antilocapra americana</i>
mountain goat	<i>Oreamnos americanus</i>
California and Rocky Mountain bighorn sheep	<i>Ovis canadensis</i>
bullfrog	<i>Rana catesbeiana</i>

(2) Furbearing animals are game animals and include:

Common Name	Scientific Name
beaver	<i>Castor canadensis</i>
muskrat	<i>Ondatra zibethicus</i>
fox	<i>Vulpes vulpes</i>
raccoon	<i>Procyon lotor</i>
marten	<i>Martes americana</i>
short-tailed weasel or ermine	<i>Mustela erminea</i>
long-tailed weasel	<i>Mustela frenata</i>
mink	<i>Mustela vison</i>
badger	<i>Taxidea taxus</i>
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. WSR 01-10-048 (Order 01-69), § 232-12-007, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.020 and 77.12.040. WSR 93-21-025 (Order 614), § 232-12-007, filed 10/14/93, effective 11/14/93; WSR 91-11-007 (Order 492), § 232-12-007, filed 5/2/91, effective 6/2/91. Statutory Authority: RCW 77.12.040. WSR 82-19-026 (Order 192), § 232-12-007, filed 9/9/82; WSR 81-22-002 (Order 174), § 232-12-007, filed 10/22/81; WSR 81-12-029 (Order 165), § 232-12-007, filed 6/1/81. Formerly WAC 232-12-040.]

WAC 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>

Common Name	Scientific Name
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>
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>

Common Name	Scientific Name
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. WSR 08-03-068 (Order 08-09), § 232-12-011, filed 1/14/08, effective 2/14/08; WSR 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. WSR 02-11-069 (Order 02-98), § 232-12-011, filed 5/10/02, effective 6/10/02. Statutory Authority: RCW 77.12.047. WSR 02-08-048 (Order 02-53), § 232-12-011, filed 3/29/02, effective 5/1/02; WSR 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. WSR 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. WSR 00-04-017 (Order 00-05), § 232-12-011, filed 1/24/00, effective 2/24/00. Statutory Authority: RCW 77.12.020. WSR 98-23-013 (Order 98-232), § 232-12-011, filed 11/6/98, effective 12/7/98. Statutory Authority: RCW 77.12.040. WSR 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. WSR 98-06-031, § 232-12-011, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 77.12.020. WSR 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. WSR 97-12-048, § 232-12-011, filed 6/2/97, effective 7/3/97. Statutory Authority: RCW 77.12.020. WSR 93-21-027 (Order 615), § 232-12-011, filed 10/14/93, effective 11/14/93; WSR 90-11-065 (Order 441), § 232-12-011, filed 5/15/90, effective 6/15/90. Statutory Authority: RCW 77.12.040. WSR 89-11-061 (Order 392), § 232-12-011, filed 5/18/89; WSR 82-19-026 (Order 192), § 232-12-011, filed 9/9/82; WSR 81-22-002 (Order 174), § 232-12-011, filed 10/22/81; WSR 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>

Common Name	Scientific Name
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. WSR 06-04-066 (Order 06-09), § 232-12-014, filed 1/30/06, effective 3/2/06; WSR 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. WSR 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. WSR 00-04-017 (Order 00-05), § 232-12-014, filed 1/24/00, effective 2/24/00. Statutory Authority: RCW 77.12.020. WSR 98-23-013 (Order 98-232), § 232-12-014, filed 11/6/98, effective 12/7/98; WSR 97-18-019 (Order 97-167), § 232-12-014, filed 8/25/97, effective 9/25/97; WSR 93-21-026 (Order 616), § 232-12-014, filed 10/14/93, effective 11/14/93. Statutory Authority: RCW 77.12.020(6). WSR 88-05-032 (Order 305), § 232-12-014, filed 2/12/88. Statutory Authority: RCW 77.12.040. WSR 82-19-026 (Order 192), § 232-12-014, filed 9/9/82; WSR 81-22-002 (Order 174), § 232-12-014, filed 10/22/81; WSR 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 non-native 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 prohibited 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, Scootene 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. WSR 04-01-096 (Order 03-312), § 232-12-016, filed 12/16/03, effective 1/16/04; WSR 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 family Bovidae, Sassabies (all members of the Genus *Damaliscus*), Hartebeest (*Alcelaphus buselaphus*), Wildebeests (all members of the Genus *Connochaetes*), Markhor (*Capra falconeri*), and Marcopolo 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 com-

plex *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 (*Paralophostrongylus tenuis*), and muscle worm (*Elaphostrongylus 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 pos-

sensor 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. WSR 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. WSR 07-06-086, § 232-12-017, filed 3/7/07, effective 4/7/07. Statutory Authority: RCW 77.12.047. WSR 02-19-007 (Order 02-223), § 232-12-017, filed 9/5/02, effective 10/6/02. Statutory Authority: RCW 77.12.040. WSR 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. WSR 93-04-039 (Order 582), § 232-12-017, filed 1/27/93, effective 2/13/93. Statutory Authority: RCW 77.12.020. WSR 91-03-082 (Order 482), § 232-12-017, filed 1/17/91, effective 1/18/91; WSR 90-10-067 (Order 434), § 232-12-017, filed 5/1/90, effective 6/1/90. Statutory Authority: RCW 77.12.040. WSR 85-09-014 (Order 247), § 232-12-017, filed 4/9/85; WSR 81-22-002 (Order 174), § 232-12-017, filed 10/22/81; WSR 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. WSR 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. WSR 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

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

WAC 232-12-021 Importation and retention of dead nonresident wildlife. (1) It is unlawful:

(a) 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.

(b) For a person who imports a dead bighorn 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.

(c) To import or possess deer, elk, or moose, or parts thereof, harvested in Pennsylvania, Texas, Missouri, 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:

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

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

(iii) Hides or capes without heads attached;

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

(v) Finished taxidermy mounts.

(2) Violation of subsection (1) of this section is punishable under RCW 77.15.290, Unlawful transportation of fish or wildlife—Penalty.

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

[Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 13-11-078 (Order 13-94), § 232-12-021, filed 5/16/13, effective 6/16/13. Statutory Authority: RCW 77.12.047. WSR 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. WSR 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. WSR 07-11-017 (Order 07-62), § 232-12-021, filed 5/3/07, effective 6/3/07. Statutory Authority: RCW 77.12.047. WSR 06-02-063 (Order 05-271), § 232-12-021, filed 1/3/06, effective 2/3/06; WSR 05-02-046 (Order 04-327), § 232-12-021, filed 1/3/05, effective 2/3/05. Statutory Authority: RCW 77.12.030. WSR 93-04-040 (Order 583), § 232-12-021, filed 1/27/93, effective 2/13/93. Statutory Authority: RCW 77.12.040. WSR 82-04-034 (Order 177), § 232-12-021, filed 1/28/82; WSR 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 manner 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. WSR 06-11-032 (Order 06-92), § 232-12-024, filed 5/8/06, effective 6/8/06. Statutory Authority: RCW 77.12.040. WSR 99-17-034 (Order 99-118), § 232-12-024, filed 8/11/99, effective 9/11/99; WSR 94-18-059 (Order 94-58), § 232-12-024, filed 8/31/94, effective 10/1/94. Statutory Authority: RCW 77.12.030, 77.12.040 and 77.32.220. WSR 91-13-063 (Order 498), § 232-12-024, filed 6/17/91, effective 7/18/91; WSR 89-18-015 (Order 404), § 232-12-024, filed 8/28/89, effective 9/28/89. Statutory Authority: RCW 77.12.030 and 77.12.040. WSR 88-13-091 (Order 312), § 232-12-024, filed 6/20/88. Statutory Authority: RCW 77.12.040. WSR 81-12-029 (Order 165), § 232-12-024, filed 6/1/81. Formerly WAC 232-12-065.]

WAC 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 spe-

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cies 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. WSR 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. WSR 07-09-060 (Order 07-38), § 232-12-025, filed 4/13/07, effective 5/14/07. Statutory Authority: RCW 77.12.240. WSR 85-04-042 (Order 241), § 232-12-025, filed 2/1/85; WSR 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. WSR 07-01-049 (Order 06-300), § 232-12-027, filed 12/14/06, effective 1/14/07; WSR 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. WSR 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. WSR 91-24-016 (Order 520), § 232-12-027, filed 11/22/91, effective 12/23/91. Statutory Authority: RCW 77.12.030, 77.12.040, 77.16.020 and 77.32.211. WSR 85-20-127 (Order 258), § 232-12-027, filed 10/2/85. Statutory Authority: RCW 77.12.040. WSR 82-19-026 (Order 192), § 232-12-027, filed 9/9/82; WSR 81-22-002 (Order 174), § 232-12-027, filed 10/22/81; WSR 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. WSR 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. WSR 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. WSR 82-04-034 (Order 177), § 232-12-037, filed 1/28/82; WSR 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. WSR 82-04-034 (Order 177), § 232-12-041, filed 1/28/82; WSR 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. WSR 83-12-055 (Order 206), § 232-12-044, filed 6/1/83; WSR 81-22-002 (Order 174), § 232-12-044, filed 10/22/81; WSR 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. 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.]

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.

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

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

(7) 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, 77.12.240, 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.]

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) 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 77.12.047, 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.]

WAC 232-12-054 Archery requirements. (1) The following rules 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 illuminated nocks, attached to the bow or arrow while hunting.

(c) It is unlawful to discharge a bow or crossbow 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 wildlife with a crossbow during an archery season.

(f) 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.

(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. The smooth line must 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.

(2) The following rules 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 or weighing less than 6 grains per pound of draw weight with a minimum arrow weight of 300 grains.

(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 77.12.047, 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.]

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. WSR 09-09-083 (Order 09-53), § 232-12-055, filed 4/15/09, effective 5/16/09. Statutory Authority: RCW 77.12.047, WSR 06-09-021 (Order 06-67), § 232-12-055, filed 4/11/06, effective 5/12/06; WSR 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. WSR 91-08-075 (Order 489), § 232-12-055, filed 4/3/91, effective 9/1/91; WSR 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.

(8/19/14)

(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, WSR 82-04-034 (Order 177), § 232-12-057, filed 1/28/82; WSR 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, WSR 07-17-064, § 232-12-061, filed 8/13/07, effective 9/13/07. Statutory Authority: RCW 77.12.040, WSR 97-18-020 (Order 97-168), § 232-12-061, filed 8/25/97, effective 9/25/97; WSR 81-22-002 (Order 174), § 232-12-061, filed 10/22/81; WSR 81-12-029 (Order 165), § 232-12-061, filed 6/1/81. Formerly WAC 232-12-160.]

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. WSR 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. WSR 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. WSR 13-02-043 (Order 12-290), § 232-12-064, filed 12/21/12, effective 1/21/13. Statutory Authority: RCW 77.12.047. WSR 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. WSR 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. WSR 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. WSR 96-18-059 (Order 96-135), § 232-12-064, filed 8/30/96, effective 9/30/96. Statutory Authority: RCW 77.12.030. WSR 93-04-038 (Order 581), § 232-12-064, filed 1/27/93, effective 2/13/93. Statutory Authority: RCW 77.16.040. WSR 85-09-008 (Order 243), § 232-12-064, filed 4/5/85; WSR 84-09-052 (Order 224), § 232-12-064, filed 4/16/84. Statutory Authority: RCW 77.12.040. WSR 82-04-034 (Order 177), § 232-12-064, filed 1/28/82; WSR 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. WSR 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. WSR 06-07-081 (Order 06-47), § 232-12-067, filed 3/14/06, effective 4/14/06. Statutory Authority: RCW 77.12.030. WSR 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
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 (Hartsock 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, Hartsock, Mill Creek, Wallula, 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. 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.]

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, purchase, 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. WSR 11-07-065 (Order 11-38), § 232-12-071, filed 3/21/11, effective 4/21/11. Statutory Authority: RCW 77.12.047. WSR 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. WSR 01-10-048 (Order 01-69), § 232-12-

071, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.040. WSR 82-04-034 (Order 177), § 232-12-071, filed 1/28/82; WSR 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. WSR 99-17-096 (Order 99-128), § 232-12-072, filed 8/17/99, effective 9/17/99. Statutory Authority: 1998 c 191 and RCW 75.08.080. WSR 99-03-029 (Order 99-02), § 232-12-072, filed 1/13/99, effective 2/13/99.]

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 additional 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. WSR 09-19-084 (Order 09-215), § 232-12-073, filed 9/17/09, effective 10/18/09; WSR 08-03-088, § 232-12-073, filed 1/16/08, effective 2/16/08; WSR 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. WSR 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. WSR 82-15-014 (Order 186), § 232-12-081, filed 7/12/82; WSR 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 direc-

tions 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 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. WSR 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. WSR 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. WSR 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. WSR 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. WSR 86-09-023 (Order 270), § 232-12-091, filed 4/10/86. Statutory Authority: RCW 77.12.040. WSR 85-09-014 (Order 247), § 232-12-091, filed 4/9/85; WSR 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, WSR 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. WSR 13-02-043 (Order 12-290), § 232-12-097, filed 12/21/12, effective 1/21/13. Statutory Authority: RCW 77.12.040, WSR 81-12-029 (Order 165), § 232-12-097, filed 6/1/81. Formerly WAC 232-12-214.]

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. WSR 10-18-012 (Order 10-214), § 232-12-134, filed 8/20/10, effective 9/20/10. Statutory Authority: RCW 77.12.047, WSR 06-17-095 (Order 06-196), § 232-12-134, filed 8/15/06, effective 9/15/06; WSR 06-09-021 (Order 06-67), § 232-12-134, filed 4/11/06, effective 5/12/06. Statutory Authority: RCW 77.12.040, WSR 99-17-034 (Order 99-118), § 232-12-134, filed 8/11/99, effective 9/11/99; WSR 84-16-015 (Order 232), § 232-12-134, filed 7/23/84; WSR 81-22-002 (Order 174), § 232-12-134, filed 10/22/81; WSR 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, WSR 01-10-048 (Order 01-69), § 232-12-141, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.040, WSR 00-20-032 (Order 00-197), § 232-12-141, filed 9/27/00, effective 10/28/00; WSR 99-17-034 (Order 99-118), § 232-12-141, filed 8/11/99, effective 9/11/99; WSR 98-01-207 (Order 97-253), § 232-12-141, filed 12/23/97, effective 10/1/98; WSR 92-18-083 (Order 563), § 232-12-141, filed 9/2/92, effective 10/3/92; WSR 90-19-097 (Order 460), § 232-12-141, filed 9/19/90, effective 10/20/90; WSR 87-15-082 (Order 293), § 232-12-141, filed 7/20/87; WSR 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, unpadded 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. WSR 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. WSR 88-07-065 (Order 307), § 232-12-154, filed 3/16/88; WSR 81-22-002 (Order 174), § 232-12-154, filed 10/22/81; WSR 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. WSR 81-22-002 (Order 174), § 232-12-164, filed 10/22/81; WSR 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. WSR 99-03-029 (Order 99-02), § 232-12-166, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 77.12.040. WSR 94-09-019 (Order 632), § 232-12-166, filed 4/14/94, effective 5/1/94; WSR 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. WSR 11-22-002 (Order 11-282), § 232-12-168, filed 10/19/11, effective 11/19/11. Statutory Authority: RCW 77.12.047. WSR 09-06-042 (Order 09-27), § 232-12-168, filed 2/25/09, effective 5/1/09; WSR 08-07-003, § 232-12-168, filed 3/5/08, effective 4/5/08; WSR 06-05-085 (Order 06-23), § 232-12-168, filed 2/14/06, effective 5/1/06; WSR 04-07-009 (Order 04-39), § 232-12-168, filed 3/4/04, effective 5/1/04; WSR 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. WSR 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. WSR 96-15-096 (Order 96-80), § 232-12-168, filed 7/19/96, effective 8/19/96. Statutory Authority: RCW 77.12.040. WSR 96-11-079, § 232-12-168, filed 5/13/96, effective 7/1/96; WSR 94-06-014 (Order 629), § 232-12-168, filed 2/18/94, effective 3/21/94; WSR 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. WSR 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. WSR 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. WSR 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. WSR 88-23-108 (Order 322), § 232-12-174, filed 11/22/88. Statutory Authority: RCW 77.12.040. WSR 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. WSR 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. WSR 90-11-050 (Order 438), § 232-12-177, filed 5/11/90, effective 6/11/90. Statutory Authority: RCW 77.12.040. WSR 82-04-034 (Order 177), § 232-12-177, filed 1/28/82; WSR 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

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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. WSR 07-11-017 (Order 07-62), § 232-12-181, filed 5/3/07, effective 6/3/07. Statutory Authority: RCW 77.12.047. WSR 03-03-016 (Order 03-03), § 232-12-181, filed 1/7/03, effective 2/7/03. Statutory Authority: RCW 77.12.210. WSR 88-23-109 (Order 323), § 232-12-181, filed 11/22/88. Statutory Authority: RCW 77.12.040. WSR 82-04-034 (Order 177), § 232-12-181, filed 1/28/82; WSR 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. WSR 99-03-029 (Order 99-02), § 232-12-189, filed 1/13/99, effective 2/13/99. Statutory Authority: RCW 77.32.256. WSR 86-03-054 (Order 267), § 232-12-189, filed 1/15/86. Statutory Authority: RCW 77.12.040. WSR 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.

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. WSR 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. WSR 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. WSR 97-22-003, § 232-12-227, filed 10/23/97, effective 11/23/97. Statutory Authority: RCW 77.12.040. WSR 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. WSR 90-19-087 (Order 458), § 232-12-227, filed 9/18/90, effective 10/19/90. Statutory Authority: RCW 77.32.155. WSR 85-16-004 (Order 260), § 232-12-227, filed 7/25/85. Statutory Authority: RCW 77.12.040. WSR 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. WSR 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.

(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 or wild animals, except rabbits and hares, with dogs (hounds) during the months of September, October, or November in any area open to a modern firearm deer or elk season. A violation of this subsection is punishable under RCW 77.15.430, 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, Unlawful hunting of big game—Penalty, or RCW 77.15.430, depending on the circumstances of the violation.

[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.]

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 per-

mit 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 administrated 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. WSR 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. WSR 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. WSR 08-17-034 (Order 08-197), § 232-12-243, filed 8/13/08, effective 9/13/08. Statutory Authority: RCW 77.12.047. WSR 04-21-036 (Order 04-284), § 232-12-243, filed 10/14/04, effective 11/14/04; WSR 03-17-037 (Order 03-186), § 232-12-243, filed 8/14/03, effective 9/14/03; WSR 02-17-013 (Order 02-183), § 232-12-243, filed 8/9/02, effective 9/9/02; WSR 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. WSR 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. WSR 82-04-034 (Order 177), § 232-12-247, filed 1/28/82; WSR 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. WSR 90-11-049 (Order 437), § 232-12-251, filed 5/11/90, effective 6/11/90. Statutory Authority: RCW 77.12.040. WSR 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 govern-

ments, 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. WSR 02-16-043 (Order 02-178), § 232-12-253, filed 7/31/02, effective 8/31/02; WSR 02-05-021 (Order 01-289), § 232-12-253, filed 2/11/02, effective 3/14/02.]

(8/19/14)

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. WSR 90-11-049 (Order 437), § 232-12-254, filed 5/11/90, effective 6/11/90. Statutory Authority: RCW 77.12.040. WSR 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. 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.]

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. WSR 13-02-043 (Order 12-290), § 232-12-261, filed 12/21/12, effective 1/21/13. Statutory Authority: RCW 77.12.040. WSR 99-17-034 (Order 99-118), § 232-12-261, filed 8/11/99, effective 9/11/99; WSR 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 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, postharvest 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 postharvest 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, postharvest 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. WSR 12-11-005 (Order 12-70), § 232-12-264, filed 5/2/12, effective 6/2/12. Statutory Authority: RCW 77.12.040. WSR 99-17-034 (Order 99-118), § 232-12-264, filed 8/11/99, effective 9/11/99; WSR 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 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 77.12.047, 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.]

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, WSR 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, WSR 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, WSR 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, WSR 89-12-044 (Order 397), § 232-12-271, filed 6/2/89. Statutory Authority: RCW 77.12.040, WSR 82-04-034 (Order 177), § 232-12-271, filed 1/28/82; WSR 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, WSR 06-09-021 (Order 06-67), § 232-12-272, filed 4/11/06, effective 5/12/06; WSR 02-08-048 (Order 02-53), § 232-12-272, filed 3/29/02, effective 5/1/02.]

WAC 232-12-275 Definitions—Oiled-wildlife and wildlife rehabilitation permits. For the purposes of WAC 232-12-841 through 232-12-871, the following definitions apply:

(1) "Bird" means any wild animal of the class Aves.

(2) "Dedicated workspace" means the minimum amount of floor space necessary to maintain access to oiled bird rehabilitation pens.

(3) "Director" means the director of the department of fish and wildlife or his or her designee.

(4) "Drying resources" mean the floor space and pen requirements associated with the removal of water from the skin and feathers of a bird.

(5) "Hacking" means the release, sometimes temporary, of a raptor to the wild so that it may survive on its own.

(6) "Imping" means a method of replacing a broken feather with an undamaged feather by cutting the shaft of the broken feather on the bird, trimming the replacement feather to the correct length, and gluing the shaft of the replacement feather to the shaft of the broken feather.

(7) "Imprinting" means when a very young animal fixes its attention on and follows the first object or creature it sees, hears, or touches, and becomes socially, and later sexually, bonded to that object or creature, identifying itself as whatever it imprints upon.

(8) "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 can include oiled bird rehabilitation pools, morgues, freezers, isolation/intensive care units, medical laboratories, laundry and storage facilities, and electrical and mechanical equipment. These areas may consist of space for conducting intake, prewash holding, washing and rinsing, drying, necropsy, and preparing bird food.

(9) "Intake space" means the minimum amount of floor space necessary to admit live or dead birds into an oiled bird rehabilitation facility.

(10) "Mesh size" means the measured distance between one vertical side of a mesh unit and the opposite vertical side of the same mesh unit when the netting is pulled taut.

(11) "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.

(12) "Oiled bird" means a bird that has come in contact with oil.

(13) "Oiled bird rehabilitation pen" means an enclosure used to hold birds during oiled bird rehabilitation.

(14) "Oiled bird rehabilitation pool" means a container filled with fresh water used during the rehabilitation of oiled birds.

(15) "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, and drying, to allow the birds to return to their natural habitat. This form of rehabilitation includes keeping the birds in pools and providing semi-static and static areas with steady air temperatures and air exchanges while the birds are in the rehabilitation facility.

(16) "Oiled bird rehabilitation facility" is a type or portion of a wildlife rehabilitation facility and means the indoor and outdoor areas used for the rehabilitation of oiled birds.

(17) "Outdoor area" means an area within an oiled bird rehabilitation facility that does not fit the definition of an indoor area.

(18) "Orphan-imprinting" means to use wildlife for the purpose of feeding, socializing, and teaching appropriate wild behavior to young wildlife.

(19) "Permit" means a wildlife rehabilitation permit without any additional endorsements.

(20) "Prewash holding resources" mean the floor-space and oiled bird rehabilitation-pen capabilities of an oiled bird rehabilitation facility to hold birds after intake and prior to washing.

(21) "Primary permittee" means the person listed on the wildlife rehabilitation permit who originally applied for and received the permit and is licensed to practice wildlife rehabilitation.

(22) "Principal veterinarian" means a licensed veterinarian who agrees, in writing, to assist, direct, and oversee a wildlife rehabilitator in conducting wildlife rehabilitation services and activities.

(23) "Public display" means to place or locate wildlife so that they may be viewed by the public.

(24) "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 preparing bird food, conducting necropsies, and storing and freezing items.

(25) "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 areas include isolation/intensive care units, medical laboratories, laundry facilities, and electrical and mechanical equipment.

(26) "Subpermittee" means persons listed on the primary permittee's (also "wildlife rehabilitator") wildlife rehabilitation permit who care for wildlife away from the rehabilitation facility with the permission and under the direction of the primary licensed wildlife rehabilitation permittee ("primary permittee"). The primary permittee is responsible for monitoring and approving the subpermittee's conduct, practices, and facilities.

(27) "Veterinarian" means a licensed veterinarian.

(28) "Wash/rinse resources" mean the water, cleaning agent, and space requirements necessary to remove oil from the skin and feathers of a bird.

(29) "Wildlife rehabilitation" means the care and treatment of injured, diseased, oiled, or abandoned wildlife, including, but not limited to, capturing, transporting, treating, feeding, housing, and conditioning animals so they can be released back to the wild.

(30) "Wildlife rehabilitation facility," or "facility," means the authorized site(s), as shown on the wildlife rehabilitation permit, where treatment and rehabilitation of wildlife takes place.

(31) "Wildlife rehabilitation permit" means a permit issued by the director that authorizes a person to practice wildlife rehabilitation.

(32) "Wildlife rehabilitator" means a person who conducts wildlife rehabilitation and possesses a current wildlife rehabilitator permit from the department.

[Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-275, filed 8/30/13, effective 9/30/13. Statutory Authority: RCW 77.12.047 and 90.56.110. WSR 09-01-123, § 232-12-275, filed 12/19/08, effective 1/19/09. Statutory Authority: RCW 77.12.047. WSR 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. WSR 04-20-020 (Order 04-250), § 232-12-275, filed 9/27/04, effective 10/28/04. Statutory Authority: RCW 77.12.040. WSR 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. WSR 96-12-045, § 232-12-275, filed 5/31/96, effective 7/1/96. Statutory Authority: RCW 77.12.030 and 77.12.040. WSR 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 preprinted 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.

(8/19/14)

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

WAC 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. WSR 10-10-061 (Order 10-94), § 232-12-284, filed 4/30/10, effective 5/31/10. Statutory Authority: RCW 77.12.040. WSR 96-22-073 (Order 96-193), § 232-12-284, filed 11/5/96, effective 12/6/96; WSR 81-12-029 (Order 165), § 232-12-284, filed 6/1/81.]

WAC 232-12-286 Reducing the spread of hoof disease—Unlawful transport of elk hooves. (1) It is unlawful to transport the hooves of harvested elk beyond the site where the animal was killed in Game Management Units 501 through 564, and 642 through 699.

(2) Violation of this section is an infraction under RCW 77.15.160, Infractions.

[Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.455, and 77.32.070. WSR 14-17-093 (Order 14-215), § 232-12-286, filed 8/19/14, effective 9/19/14.]

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

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(WAC 246-203-120). Wildlife removed under this section remain the property of the state.

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

WAC 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

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(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
Mon.	Nov. 10	-	Sun.	Nov. 16	6:40 5:05	6:30 4:55
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

				Western Washington from A.M. to P.M.	Eastern Washington from A.M. to P.M.	
Dates (Inclusive)						
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

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Dates (Inclusive)				Western Washington from A.M. to P.M.		Eastern Washington from A.M. to P.M.		
				Pacific Standard Time				
			Sun.	Nov. 1	6:20	5:25	6:05	5:15
Mon.	Nov. 2	-	Sun.	Nov. 8	6:30	5:15	6:15	5:05
Mon.	Nov. 9	-	Sun.	Nov. 15	6:40	5:05	6:30	4:55
Mon.	Nov. 16	-	Sun.	Nov. 22	6:50	5:00	6:40	4:45
Mon.	Nov. 23	-	Sun.	Nov. 29	7:00	4:55	6:50	4:40
Mon.	Nov. 30	-	Sun.	Dec. 6	7:10	4:50	6:55	4:40
Mon.	Dec. 7	-	Sun.	Dec. 13	7:15	4:50	7:05	4:35
Mon.	Dec. 14	-	Sun.	Dec. 20	7:20	4:50	7:10	4:40
Mon.	Dec. 21	-	Sun.	Dec. 27	7:25	4:50	7:15	4:40
Mon.	Dec. 28	-	Sun.	Jan. 3	7:30	5:00	7:15	4:45
Mon.	Jan. 4	-	Sun.	Jan. 10	7:25	5:05	7:15	4:55
Mon.	Jan. 11	-	Sun.	Jan. 17	7:25	5:15	7:10	5:00
Mon.	Jan. 18	-	Sun.	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
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
Dates (Inclusive)				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

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				Western Washington from A.M. to P.M.	Eastern Washington from A.M. to P.M.
Dates (Inclusive)					
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

				Western Washington from A.M. to P.M.	Eastern Washington from A.M. to P.M.
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

(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

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				Western Washington from A.M. to P.M.	Eastern Washington from A.M. to P.M.
Dates (Inclusive)					
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

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Dates (Inclusive)				Western Washington from A.M. to P.M.	Eastern Washington from A.M. to P.M.
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
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. WSR 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		Eastern Washington from			
				A.M.	to	P.M.	A.M.	to	P.M.
Daylight Savings Time									
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									
			Sun. Nov. 3	6:20		4:55	6:10		4:50
Mon.	Nov. 4	-	Sun. Nov. 10	6:30		4:45	6:20		4:30
Mon.	Nov. 11	-	Sun. Nov. 17	6:40		4:35	6:30		4:20
Mon.	Nov. 18	-	Sun. Nov. 24	6:50		4:25	6:40		4:15

Permanent Regulations

Dates (Inclusive)				Western Washington			Eastern Washington		
				from			from		
				A.M.	to	P.M.	A.M.	to	P.M.
Mon.	Nov. 25	-	Sun.	Dec. 1	7:00		4:20	6:50	4:10
Mon.	Dec. 2	-	Sun.	Dec. 8	7:10		4:20	7:00	4:10
Mon.	Dec. 9	-	Sun.	Dec. 15	7:15		4:20	7:05	4:10
Mon.	Dec. 16	-	Sun.	Dec. 22	7:20		4:20	7:10	4:10
Mon.	Dec. 23	-	Sun.	Dec. 29	7:25		4:25	7:10	4:15
Mon.	Dec. 30	-	Sun.	Jan. 5	7:25		4:30	7:15	4:15
Mon.	Jan. 6	-	Sun.	Jan. 12	7:25		4:35	7:15	4:25
Mon.	Jan. 13	-	Sun.	Jan. 19	7:20		4:45	7:10	4:35
Mon.	Jan. 20	-	Sun.	Jan. 26	7:15		4:55	7:05	4:45
Mon.	Jan. 27	-	Fri.	Jan. 31	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			Eastern Washington		
				from			from		
				A.M.	to	P.M.	A.M.	to	P.M.
				Daylight Savings Time					
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
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

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(5) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON TUESDAY

Dates (Inclusive)				Western Washington from			Eastern Washington from		
	A.M.	to	P.M.	A.M.	to	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	

(6) OFFICIAL HUNTING HOURS
WHEN THE SEPTEMBER 1 - JANUARY 31 PERIOD BEGINS ON WEDNESDAY

Dates (Inclusive)				Western Washington from			Eastern Washington from		
	A.M.	to	P.M.	A.M.	to	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	

Permanent Regulations

Dates (Inclusive)				Western Washington			Eastern Washington		
				from			from		
				A.M.	to	P.M.	A.M.	to	P.M.
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			from		
				A.M.	to	P.M.	A.M.	to	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

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				Western Washington from		Eastern Washington from			
Dates (Inclusive)				A.M.	to	P.M.	A.M.	to	P.M.
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	
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

				Western Washington from		Eastern Washington from			
Dates (Inclusive)				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

				Western Washington from		Eastern Washington from			
Dates (Inclusive)				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	

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Dates (Inclusive)				Western Washington from			Eastern Washington from		
				A.M.	to	P.M.	A.M.	to	P.M.
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	
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. WSR 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. WSR 07-11-017 (Order 07-62), § 232-12-289, filed 5/3/07, effective 6/3/07. Statutory Authority: RCW 77.12.047. WSR 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. WSR 99-17-034 (Order 99-118), § 232-12-291, filed 8/11/99, effective 9/11/99; WSR 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 management 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.
- 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 predecides 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.

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.

- 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, WSR 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, WSR 02-02-062 (Order 01-283), § 232-12-292, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 77.12.655, WSR 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, predation, 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. WSR 02-02-062 (Order 01-283), § 232-12-297, filed 12/28/01, effective 1/28/02. Statutory Authority: RCW 77.12.040. WSR 98-05-041 (Order 98-17), § 232-12-297, filed 2/11/98, effective 3/14/98. Statutory Authority: RCW 77.12.020. WSR 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. WSR 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. WSR 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. WSR 06-13-023 (Order 06-135), § 232-12-619, filed 6/13/06, effective 7/14/06; WSR 06-05-085 (Order 06-23), § 232-12-619, filed 2/14/06, effective 5/1/06; WSR 05-17-007 (Order 05-168), § 232-12-619, filed 8/3/05, effective 9/3/05; WSR 05-05-035 (Order 05-15), § 232-12-619, filed 2/10/05, effective 5/1/05; WSR 04-19-012 (Order 04-242), § 232-12-619, filed 9/2/04, effective 10/3/04; WSR 04-07-

009 (Order 04-39), § 232-12-619, filed 3/4/04, effective 5/1/04; WSR 02-08-048 (Order 02-53), § 232-12-619, filed 3/29/02, effective 5/1/02. Statutory Authority: 2000 c 107 § 7. WSR 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. WSR 00-08-038 (Order 00-29), § 232-12-619, filed 3/29/00, effective 5/1/00; WSR 99-15-081 (Order 99-102), § 232-12-619, filed 7/20/99, effective 8/20/99; WSR 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. WSR 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. WSR 98-06-031, § 232-12-619, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 75.08.080 and 75.12.040. WSR 97-18-035, § 232-12-619, filed 8/27/97, effective 9/27/97. Statutory Authority: RCW 77.12.040. WSR 97-07-076 (Order 97-50), § 232-12-619, filed 3/19/97, effective 5/1/97; WSR 96-11-079 (Order 96-45), § 232-12-619, filed 5/13/96, effective 6/13/96; WSR 95-17-063 (Order 95-103), § 232-12-619, filed 8/15/95, effective 9/15/95; WSR 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. WSR 93-21-070 (Order 617), § 232-12-619, filed 10/20/93, effective 4/16/94. Statutory Authority: RCW 77.12.040. WSR 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. WSR 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. WSR 86-09-024 (Order 271), § 232-12-809, filed 4/10/86; WSR 82-11-099 (Order 184), § 232-12-809, filed 5/19/82.]

WAC 232-12-819 Special use permits. (1) The director may develop conditions and criteria for administering and issuing special use permits to allow for reasonable accommodations for persons with disabilities.

(2) 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.

(3) Special use permits must be carried on the person acting under or using devices authorized by the special use permit.

(4) The terms for use granted by a special use permit, when provided as a reasonable modification, supersede department rules that conflict with the terms of the special use permit.

(5) Failure to abide by the conditions of a special use permit is punishable under RCW 77.15.400, 77.15.430, or 77.15.750, depending on the circumstances of the violation.

[Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 14-10-019 (Order 14-95), § 232-12-819, filed 4/25/14, effective 5/26/14.]

WAC 232-12-825 Definition of a person with a disability. (1) "Person with a disability" means a person who has a permanent physical disability or permanent developmental disability which substantially impairs their ability to participate in recreational activities or access department lands; and

(a) "Lower extremity disability" means a person who has a permanent lower extremity impairment and is not ambula-

(8/19/14)

tory over natural terrain without a lower extremity prosthesis or must permanently use a medically prescribed assistive device every time for mobility including, but not limited to, a wheelchair, crutch, walker, or oxygen bottle; or

(b) "Upper extremity disability" means a person who has a permanent upper extremity impairment and is physically limited in their ability to hold and safely operate a legal hunting or harvesting device; or

These definitions include, but are 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 physical 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.

(2) "Blind" or "visually impaired" means:

(a) Blindness is 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; or

(b) Low vision is a severe loss of visual acuity ranging from 20/70 to 20/200 while retaining some visual function; or

(c) Visual impairments may include, but are not limited to: Albinism, aniridia, aphakia, cataracts, glaucoma, macular degeneration, or other similar diagnosed disease or disorder.

(3) "Developmental disability" means a cognitive intellectual disability such as: Cerebral palsy, down syndrome, epilepsy, autism, or another neurological condition of an individual found to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.

[Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 14-10-019 (Order 14-95), § 232-12-825, filed 4/25/14, effective 5/26/14.]

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.

(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.

(i) Upon approval of the application, the department will issue a vehicle identification placard.

(ii) A designated hunter companion card will be issued to the holder of a disabled hunter permit along with the issuance of a hunting license.

(c) "Designated hunter companion" means a person who assists or acts on behalf of 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 a hunter with a disability for use by another person in assisting or acting on the

behalf of the hunter with a disability while engaging in hunting activities.

(e) "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.

(2) It is unlawful for a hunter with a disability to fail to obtain all required licenses, tags, or stamps before hunting.

(3) 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 card on his or her person. A designated hunter companion must have a valid hunting license issued by Washington state or another state.

(a) The designated hunter companion must accompany the hunter with a disability when stalking or shooting game on behalf of the hunter with a disability.

(b) 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 the hunter with a disability or the designated hunter companion to fail to:

(a) Immediately cut, notch, or date any required tag upon harvesting a game bird or animal; and

(b) Affix the tag to the carcass of the game bird or animal as soon as reasonably possible after killing the game.

(5) A violation of subsection (2), (3), or (4) of this section is punishable under RCW 77.15.400, 77.15.410, 77.15.430, or 77.15.750 or other statutes under chapter 77.15 RCW depending on the circumstances of the violation.

(6) 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.

[Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 14-10-019 (Order 14-95), § 232-12-828, 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. WSR 09-09-083 (Order 09-53), § 232-12-828, filed 4/15/09, effective 5/16/09. Statutory Authority: RCW 77.12.047. WSR 07-04-087, § 232-12-828, filed 2/6/07, effective 3/9/07. Statutory Authority: RCW 77.12.047 and 77.12.020. WSR 04-11-036 (Order 04-98), § 232-12-828, filed 5/12/04, effective 6/12/04. Statutory Authority: RCW 77.12.047. WSR 03-10-040 (Order 03-85), § 232-12-828, filed 4/30/03, effective 5/31/03. Statutory Authority: RCW 77.32.237. WSR 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. WSR 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. WSR 09-09-083 (Order 09-53), § 232-12-840, filed 4/15/09, effective 5/16/09.]

WAC 232-12-841 Wildlife rehabilitation permits—Requirements and restrictions. (1) All wildlife held under a wildlife rehabilitation permit remains the property of the state and is subject to control by the state.

(2) **Wildlife rehabilitation permits.**

(a) The department may issue a wildlife rehabilitation permit if the applicant:

(i) Completes and submits a current application form to the department's wildlife rehabilitation manager;

(ii) Demonstrates completion of at least six months, or one thousand hours, of experience in wildlife rehabilitation under the direct supervision of a wildlife rehabilitator. At least three months, or five hundred hours, of this experience must occur during the spring or summer. The department, at its discretion, may consider education in wildlife rehabilitation to suffice as a partial substitute for experience;

(iii) Submits to the department a written letter of recommendation from a wildlife rehabilitator who has two or more years of experience in wildlife rehabilitation and who agrees to advise the applicant in performing wildlife rehabilitation;

(iv) Submits to the department a written agreement from a veterinarian who is willing to serve as the principal veterinarian for the applicant;

(v) Successfully completes the Washington general wildlife rehabilitation examination by correctly answering eighty percent or more of the questions. An applicant who fails the exam may retake it beginning fourteen days from the date of the failed exam; and

(vi) Possesses, is employed by, or volunteers at suitable facilities that are inspected and approved by the department.

(b) Veterinarians are exempt from the requirements in (a)(ii) through (v) of this subsection.

(c) The department will determine which species the wildlife rehabilitator is qualified to care for and may tailor the permit according to the applicant's training, experience, capabilities, and facilities.

(d) Wildlife rehabilitators must display the wildlife rehabilitation permit or a copy of the permit in a location at the facility that is visible to the public.

(e) Wildlife rehabilitation permits are valid for up to three years, as long as the information on the permit remains valid and the permittee adheres to permit conditions and department rules.

(f) Wildlife rehabilitators must report any permit information changes to the department within ten business days of the change.

(g) The department may refuse to issue a wildlife rehabilitation permit to an applicant if the applicant:

- (i) Was convicted of a fish or wildlife offense; or
- (ii) Was convicted of any offense involving animal cruelty or neglect, or child abuse or neglect.

(3) Large-carnivore rehabilitation endorsement.

(a) A person must possess a large-carnivore rehabilitation endorsement to rehabilitate large carnivores. Large carnivores are brown bear, black bear, cougar, wolf, bobcat, and lynx. The department may issue large-carnivore endorsements to wildlife rehabilitators who:

(i) Have at least three months, or five hundred hours, of direct rehabilitation practice with and handling of large carnivores;

(ii) Have received training in large-animal restraint techniques, including knowledge of proper catchpole use and immobilization-drug administration;

(iii) Submit to the department a written recommendation from a wildlife rehabilitator who has two or more years of experience in large-carnivore rehabilitation and who agrees to advise the applicant in performing large-carnivore rehabilitation;

(iv) Successfully complete the written large-carnivore rehabilitation examination by correctly answering eighty percent or more of the questions. An applicant who fails the exam may retake it beginning fourteen days from the date of the failed exam; and

(v) Possess department-inspected and -approved facilities suitable for large carnivores as required by department rule and the standards set by the International Wildlife Rehabilitation Council (IWRC) and the National Wildlife Rehabilitators Association (NWRA).

(b) Applicants are exempt from the requirements in (a)(i) and (iii) of this subsection if they are or were employed for at least three months or five hundred hours as a zookeeper or wildlife biologist with direct practice handling and housing large carnivores.

(4) Raptor rehabilitation endorsement. A person must possess a raptor rehabilitation endorsement to rehabilitate raptors. The department may issue raptor rehabilitation endorsements to wildlife rehabilitators who:

(a) Demonstrate one hundred hours direct practice with and handling of raptors;

(b) Successfully complete the written raptor rehabilitation examination by correctly answering eighty percent or

more of the questions. An applicant who fails the exam may retake it beginning fourteen days from the date of the failed exam;

(c) Possess department-inspected and department-approved facilities suitable for raptor housing and rehabilitation as required by department rule and the standards set by the IWRC and the NWRA; and

(d) Submit to the department a written recommendation from a wildlife rehabilitator who has two or more years of experience in raptor rehabilitation and who agrees to advise the applicant in performing raptor rehabilitation.

(5) Raptors-only rehabilitation permit.

(a) The department may issue raptors-only rehabilitation permits that allow a person to rehabilitate only raptors and no other wildlife. To qualify for these permits, an applicant must:

(i) Demonstrate one hundred hours direct practice with and handling of raptors;

(ii) Successfully complete the raptor rehabilitation examination by correctly answering eighty percent or more of the questions. An applicant who fails the raptor rehabilitation examination may retake it beginning fourteen days from the date of the failed exam;

(iii) Submit to the department a written recommendation from a wildlife rehabilitator who has two or more years of experience in raptor rehabilitation and who agrees to advise the applicant in performing raptor rehabilitation; and

(iv) Possess department-inspected and department-approved facilities suitable for raptor housing and rehabilitation as required by department rule and IWRC/NWRA.

(b) General falconers licensed for three years or more and master falconers are exempt from the requirements in (a)(i) and (iii) of this subsection.

(6) Oiled-wildlife rehabilitation endorsement. An oiled-wildlife rehabilitation endorsement is required to rehabilitate oiled-wildlife. The department may issue oiled-wildlife rehabilitation endorsements to wildlife rehabilitators who possess or have permission to access or use department-inspected and department-approved facilities for oiled-wildlife.

(7) Wildlife rehabilitation permit renewal. To renew a wildlife rehabilitation permit, the permittee must submit the following information at least thirty days prior to his or her permit expiring:

(a) A new, completed wildlife rehabilitation permit application form; and

(b) Documentation demonstrating ten hours or more of continuing education during the previous permit period. Continuing education includes:

(i) Documented attendance at state wildlife rehabilitator meetings, NWRA annual meetings, or IWRC Annual Symposiums;

(ii) A certificate of completion of an IWRC online or in-person class;

(iii) Completion and documented attendance of privately offered wildlife rehabilitation training;

(iv) Completion and documented attendance of wildlife rehabilitation classes at a college or university;

(v) Documented training with a wildlife rehabilitator; or

(vi) Other continuing education activities as approved by the department.

(8) Reinstatement of expired permits.

(a) A permit expired for less than three years may be reinstated for the facility and species listed on the expired permit so long as the facilities have not changed within that three-year period. If the facilities change after the permit expires, the department must inspect and approve the facilities before the permit is reinstated.

(b) Permits expired for three years or more may be reinstated if:

(i) The applicant possesses facilities that meet the standards set by the department, the NWRA, and the IWRC's minimum standards for wildlife rehabilitation for treating and housing wildlife for rehabilitation;

(ii) The facilities are inspected and approved by the department; and

(iii) The applicant takes and successfully completes the Washington general wildlife rehabilitation examination, the raptor rehabilitation examination, or large carnivore rehabilitation examination, whichever examination is applicable, by correctly answering eighty percent or more of the questions. An applicant who fails the examination may retake it beginning fourteen days from the date of the failed exam.

(9) Out-of-state wildlife rehabilitators. Wildlife rehabilitators who have a current wildlife rehabilitation permit or a comparable permit issued by another state, and who move to Washington state for the purpose of residency and wish to practice wildlife rehabilitation in Washington, must follow the same procedures and requirements as a new applicant for a Washington state wildlife rehabilitation permit. However, out-of-state wildlife rehabilitators are exempt from the requirement of providing a letter of recommendation from another wildlife rehabilitator.

(10) A violation of this section by a person who engages in wildlife rehabilitation without a department permit is punishable under the appropriate statute for the species being rehabilitated, including RCW 77.15.120 for endangered fish or wildlife; RCW 77.15.130 for protected fish or wildlife; RCW 77.15.400 for wild birds; RCW 77.15.410 for big game; and RCW 77.15.430 for wild animals not classified as big game.

(11) A violation of this section by a person who has a wildlife rehabilitation permit is punishable under RCW 77.15.750(1), Unlawful use of a department permit—Penalty.

[Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-841, filed 8/30/13, effective 9/30/13.]

WAC 232-12-843 Wildlife rehabilitation—Responsibilities of primary permittees and subpermittees. (1) A primary permittee on a wildlife rehabilitation permit is the person who applies for and receives the permit. A primary permittee may include other persons on his or her permit. These other people, known as "subpermittees," operate with the permission and under the direction of the primary permittee.

(2) A primary permittee has the following responsibilities for his or her subpermittees:

(a) Ensuring that subpermittees listed on the permit abide by the permit's conditions and state and federal laws and regulations, when conducting wildlife rehabilitation practices or

actions associated with wildlife rehabilitation on or off the facility premises; and

(b) Notifying the department within ten business days of removing or adding a subpermittee or changing the address of a subpermittee's facilities.

(3) Subpermittees must:

(a) Be listed on the primary permittee's wildlife rehabilitation permit;

(b) Be eighteen years of age or older;

(c) Be employed by or a registered volunteer for the primary permittee's wildlife rehabilitation facility, have assisted or observed all facets of wildlife care practices at the facility, and possess sufficient experience to tend to the species in his or her care to the satisfaction of the primary wildlife rehabilitator and the department;

(d) Possess direct contact information for at least one other employee or volunteer of the permitted facility in addition to the primary permittee, who the subpermittee must be able to reach at any time;

(e) Have read the National Wildlife Rehabilitators Association/International Wildlife Rehabilitation Council minimum standards for wildlife rehabilitation and retained a copy of the publication for reference; and

(f) Comply with all federal migratory bird treaty act rules.

(4) A violation of this section by a primary permittee or a subpermittee is punishable under RCW 77.15.750(1), Unlawful use of a department permit—Penalty.

[Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-843, filed 8/30/13, effective 9/30/13.]

WAC 232-12-845 Wildlife rehabilitation—Permit revocation, modification, or suspension. (1) The department may revoke, modify, or suspend a wildlife rehabilitation permit if the primary permittee or a subpermittee violates any conditions of the permit. Such violations include, but are not limited to:

(a) Violating a department rule;

(b) Failing to comply with permit conditions;

(c) Failing to provide adequate facilities for the care and housing of wildlife;

(d) Possessing a species of wildlife not expressly permitted in the wildlife rehabilitation permit or by department authorization;

(e) Failing to provide adequate care, feed for, or maintenance of the health of wildlife in the permittee's care;

(f) Treating wildlife in the permittee's care inhumanely, or negligently, or keeping the wildlife in unsanitary conditions;

(g) Publicly displaying wildlife in rehabilitation or using wildlife in rehabilitation for public education or profit;

(h) Improperly handling, imprinting, habituation, or taming wildlife at the facility; or

(i) Failing to maintain a daily patient log or ledger.

(2) A primary permittee who is in violation of permit conditions or department wildlife rehabilitation rules, or whose subpermittee is in violation of permit conditions or department wildlife rehabilitation rules, except for oiled bird facility requirements as provided in WAC 232-12-869, may provide a corrective-action plan to return to compliance. The

primary permittee must provide the plan to the department within ten days of the notice of the violation. If the department accepts the plan for corrective action, it will allow the primary permittee at least thirty days to correct the permit violation. If the primary permittee fails to return to compliance by the deadline the department gave him or her, the department may revoke his or her permit.

(3) If the department revokes, suspends, or modifies a permit, then the department or the U.S. Fish and Wildlife Service may seize and find a new rehabilitator for the primary permittee's wildlife.

(4) The department's revocation, modification, or suspension of a rehabilitation permit under this section does not preclude the department from taking criminal action against the primary permittee, subpermittee, or both.

(5) Any primary permittee whose rehabilitation permit is revoked, modified, or suspended under this section may request an administrative hearing to appeal the department's action. The department will administer such appeals in accordance with chapter 34.05 RCW.

[Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-845, filed 8/30/13, effective 9/30/13.]

WAC 232-12-847 Wildlife rehabilitation—Facility requirements and inspections—On- and off-site care. (1) The facility requirements listed in this section address wildlife health and safety. The department of labor and industries and other local, state, or federal agencies may have additional requirements relating to human health and safety. It is the primary permittee's responsibility to comply with all state and federal laws and regulations, and to ensure that his or her subpermittees do the same.

(2) Facilities.

(a) Primary permittees on a wildlife rehabilitation permit must maintain approved facilities that meet the standards set by the department, the National Wildlife Rehabilitators Association (NWRA), and the International Wildlife Rehabilitation Council's (IWRC) minimum standards for wildlife rehabilitation, unless as otherwise provided by the department. More information on facilities requirements is available at www.wdfw.wa.gov.

(b) All wildlife held under a wildlife rehabilitation permit must be maintained in humane, healthful, and secluded conditions.

(c) The wildlife rehabilitation facility must protect wildlife from predators, weather extremes, undue human contact and noise, and domestic animals.

(d) In-home wildlife rehabilitation facilities must designate separate and exclusive rooms used only for wildlife housing, treatment, and rehabilitation. It is unlawful to house, treat, or handle wildlife in other parts of the residence. It is unlawful to house or treat wildlife anywhere human food is prepared, stored, or consumed.

(e) The primary permittee must notify the department at least thirty days prior to moving if he or she intends to transfer his or her wildlife rehabilitation facilities to another location. The new facilities must pass a department facility inspection before wildlife is moved to the new facility.

(f) The wildlife rehabilitation facility must be associated with a primary permittee at all times. If a facility is left with

no primary permittees, facility personnel must notify the department within five days of the departure of the last primary permittee. The facility has thirty days in which to bring a primary permittee into the facility. After thirty days, if the facility is no longer associated with a primary permittee, the facility must transfer wildlife to another facility associated with a primary permittee.

(3) Off-site care.

(a) A primary permittee is responsible for ensuring that his or her off-site facilities, or those of his or her subpermittee, meet all species- and treatment-stage-specific facility requirements as provided by department rule.

(b) A primary permittee, or subpermittee authorized to care for wildlife off-site from the wildlife rehabilitation facilities, must have adequate facilities to house the species in his or her care, based on the criteria for wildlife rehabilitation facilities outlined in the NWRA/IWRC minimum standards for wildlife rehabilitation.

(c) It is unlawful for a subpermittee to care for wildlife in his or her off-site facility, or for the primary permittee to transfer wildlife to the subpermittee, unless the following requirements are met:

(i) The primary facility is overcrowded or there is a need for twenty-four-hour or after-hours care, such as nestling care or nursing small mammals, or critical care;

(ii) The subpermittee only houses the following species off-site: Common small mammals (except bats), ducks and geese (except swans), pheasant, grouse, quail, pigeon and dove, woodpeckers (except pileated woodpecker), and songbirds and perching birds;

(iii) The wildlife receives an initial intake exam at the primary permittee's facility before wildlife is transferred to the subpermittee for off-site care;

(iv) The wildlife exhibits no signs of a reportable disease;

(v) The subpermittee follows a treatment plan developed by the veterinarian or primary permittee if a treatment plan is prescribed for any nonreportable condition;

(vi) The subpermittee returns the animal to the wildlife rehabilitation facility under which the subpermittee is permitted as soon as the facility is able to care for the animal, such as space becoming available; and

(vii) The subpermittee possesses a copy of the wildlife rehabilitation permit at all times while in possession of wildlife, including while transporting wildlife for the wildlife rehabilitation facility.

(d) It is unlawful for a subpermittee to house large carnivores at his or her off-site facilities.

(e) It is unlawful for a subpermittee to house, possess, care for, or treat state and federally designated threatened or endangered species at his or her off-site facilities.

(4) Inspections.

(a) Wildlife rehabilitation facilities, records, equipment, and animals may be inspected without advance notice at reasonable times and in a reasonable manner by authorized state or federal personnel. This includes off-site wildlife rehabilitation facilities, records, equipment, and animals.

(b) Inspecting authorities may not enter the facilities or disturb wildlife unless the primary permittee, a subpermittee, or a designated staff member or volunteer is present.

(c) If wildlife rehabilitation facilities are on property owned by a person other than the primary permittee or a subpermittee, the permittee must submit a signed, dated statement in which the property owner:

- (i) Gives written permission to the permittee to engage in wildlife rehabilitation on the property; and
- (ii) Agrees that the wildlife rehabilitation facilities may be inspected by the department at reasonable times and in a reasonable manner.

(5) A violation of this section by a primary permittee or a subpermittee is punishable under RCW 77.15.750(1), Unlawful use of a department permit—Penalty.

[Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-847, filed 8/30/13, effective 9/30/13.]

WAC 232-12-849 Wildlife rehabilitation—Releasing wildlife. (1) A primary permittee must release rehabilitated wildlife according to subsection (3) of this section as soon as the animal is deemed physically, behaviorally, and psychologically capable of surviving in the wild.

(2) It is unlawful to hold wildlife for rehabilitation longer than one hundred eighty days. A primary permittee must obtain department authorization if he or she wishes to retain wildlife longer than the one hundred eighty-day time limit normally allowed for wildlife rehabilitation. The department will grant an extension of time if the permittee needs to find suitable placement for the wildlife, or the wildlife is overwintering, molting, or completing recovery.

(3) A primary permittee must release wildlife into the same area from which the wildlife was taken. If doing this poses a substantial risk to the health or safety of the wildlife or humans, the permittee may release the wildlife at a location within its normal individual range and appropriate habitat. The primary permittee must obtain department approval prior to releasing wildlife at a location other than where it was taken or outside its normal individual range. The department may direct the permittee to release wildlife at a location other than where the wildlife was taken.

(4) A group of unrelated wildlife that are of the same species and that were raised together for socialization purposes may be released at the same location even if that location is not where the wildlife was originally taken. All other release requirements must be followed.

(5) If a primary permittee does not know where wildlife was originally taken, he or she must release the wildlife into appropriate habitat and at a location where substantial risk to the health or safety of the wildlife and humans is minimal. Primary permittees must obtain department authorization for the release location prior to releasing cervids, large carnivores, or coyotes.

(6) The primary permittee must notify the department at least seventy-two hours prior to releasing state or federally designated threatened, endangered, or sensitive species.

(7) Hacking of orphaned raptors is permitted at or through a permitted facility where appropriate hacking facilities are available.

(8) A violation of this section is punishable under RCW 77.15.750(1), Unlawful use of a department permit—Penalty.

[Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-849, filed 8/30/13, effective 9/30/13.]

WAC 232-12-851 Wildlife rehabilitation—Veterinary care. (1) Veterinarians may provide initial care for wildlife without a wildlife rehabilitation permit. However, veterinarians must transfer the wildlife to a primary permittee after stabilizing the wildlife, preferably within forty-eight hours of receiving wildlife.

(2) A violation of this section is punishable under the statute for the species being rehabilitated, including RCW 77.15.120 for endangered fish or wildlife; RCW 77.15.130 for protected fish or wildlife; RCW 77.15.400 for wild birds; RCW 77.15.410 for big game; and RCW 77.15.430 for wild animals not classified as big game.

(3) A wildlife rehabilitation permit is not a veterinary license.

[Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-851, filed 8/30/13, effective 9/30/13.]

WAC 232-12-853 Wildlife rehabilitation—Records retention and reporting requirements. (1) This section contains records retention and reporting requirements for primary permittees on wildlife rehabilitation permits. Other state and federal laws and regulations may require additional records retention and reporting. It is the primary permittee's responsibility to comply with all state and federal laws and regulations, and to ensure that his or her subpermittees do the same.

(2) Retaining records.

(a) The primary permittee must keep all required permits and records at the wildlife rehabilitation facility and retain those permits and records for a period of five years. Electronic records retention is acceptable.

(b) The primary permittee must make the permits and records available for inspection by department personnel upon request.

(3) Daily ledger.

(a) The primary permittee must record the following information in his or her daily ledger: All wildlife acquisitions; transfers; admissions; releases; deaths; reasons for admission; nature of illness or injury; dates of release, transfer, or any other disposition; and any tag or band numbers.

(b) The primary permittee must make the daily ledger available for inspection by department personnel upon request.

(4) Annual report.

(a) The primary permittee must fill out the annual report form provided by the department and submit the annual report to the department no later than January 31st of each year.

(b) Along with the annual report form, the primary permittee must submit a copy of his or her daily ledger containing records for the year.

(5) Reporting requirements for threatened, endangered, or sensitive wildlife.

(a) The primary permittee must notify the department's wildlife rehabilitation manager within twenty-four hours of

receiving wildlife designated as a threatened or endangered species under state or federal laws or rules.

(b) The primary permittee must notify the department's wildlife rehabilitation manager within seventy-two hours of receiving a state designated sensitive species.

(c) The primary permittee must notify the department's wildlife rehabilitation manager within twenty-four hours if a state or federally designated threatened or endangered species in his or her possession dies. The primary permittee must receive prior department approval before disposing of deceased state or federally designated threatened or endangered species.

(6) The primary permittee must notify the department's wildlife rehabilitation manager within seventy-two hours if he or she admits any wildlife that has a band, research marker, tag, or transmitter attached to it. The primary permittee must include band numbers and any other relevant information in the report. Primary permittees must send these reports, in writing, to the department's wildlife rehabilitation manager at P.O. Box 43200, Olympia, WA 98504-3200, or at rehabcoord@dfw.wa.gov.

(7) The primary permittee must report the following diseases, confirmed by a veterinarian, to the department's wildlife veterinarian within twenty-four hours of diagnosis: West Nile virus, white-nose syndrome, avian cholera, avian pox, duck viral enteritis, psittacosis, rabies, environmental toxins, canine distemper, tuberculosis, Newcastle disease, salmonellosis, hair loss syndrome, deer adenovirus, plague, leptospirosis, and tularemia.

(8) If wildlife is stolen or missing from a primary permittee or subpermittee, the primary permittee must report the stolen or missing wildlife to the department and to the U.S. Fish and Wildlife Service Regional Law Enforcement office within twenty-four hours of discovering the theft of the wildlife.

(9) A violation of this section is punishable under RCW 77.15.750(1), Unlawful use of a department permit—Penalty.

[Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-853, filed 8/30/13, effective 9/30/13.]

WAC 232-12-855 Wildlife rehabilitation—Falconers assisting with raptor rehabilitation. (1) A general or master falconer may assist a primary permittee in rehabilitating raptors to prepare the birds for release into the wild so long as the primary permittee and falconer comply with all applicable federal rules. Only master-class falconers or those falconers with U.S. Fish and Wildlife Service (USFWS) written authorization may assist in rehabilitating bald or golden eagles. Raptors held by falconers for rehabilitation remain under the primary permittee's permit.

(2) If the raptor is assigned to a falconer, the primary permittee must provide the falconer with:

(a) A copy of the USFWS wildlife rehabilitation permit showing the falconer listed as a subpermittee; or

(b) A copy of the primary permittee's wildlife rehabilitation permit; and

(c) A written document identifying the raptor and explaining that the falconer is assisting in the raptor's rehabil-

itation and acting as an authorized subpermittee of the primary permittee. The written document must:

(i) Provide the dates of possession and the falconer's name, state falconry license number, contact information, and location of the falconer's facility; and

(ii) Accompany the raptor at all times, including during transport and at the housing location of the raptor.

(3) The primary permittee is responsible for ensuring that falconers adhere to permit terms, state law, department rules, and federal law and regulations at all times when assisting in rehabilitation activities under the primary permittee's rehabilitation permit.

(4) A falconer may house and treat a raptor undergoing rehabilitation at an approved falconry facility that does not meet wildlife rehabilitation facility standards so long as the facility meets the standards under department rule for housing raptors.

(5) Any raptor that cannot be permanently released into the wild must be returned to the primary permittee or transferred to the department within one hundred eighty days, unless:

(a) The department authorizes retaining the raptor for longer than one hundred eighty days; or

(b) The primary permittee or department transfers the raptor to a permitted educational facility.

(6) A primary permittee may transfer a raptor directly to a falconer for falconry purposes so long as the falconer can lawfully possess the species of raptor and complies with all applicable state and federal laws and regulations. The primary permittee must notify the department of the transfer of the raptor to a falconer within ten days of the transfer. The USFWS may also require notification of raptor transfers and release. It is the primary permittee's and falconer's responsibility to ensure compliance with all state and federal laws and regulations.

(7)(a) A violation of this section by a primary permittee is punishable under RCW 77.15.750(1), Unlawful use of a department permit—Penalty.

(b) A violation of this section by a falconer assisting a primary permittee is punishable under the statute for the species being rehabilitated, including RCW 77.15.120 for endangered birds; RCW 77.15.130 for protected birds; and RCW 77.15.400 for all other wild birds.

[Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-855, filed 8/30/13, effective 9/30/13.]

WAC 232-12-857 Wildlife rehabilitation—Transfer, import, and export of wildlife. (1) A primary permittee may import wildlife into Washington state for wildlife rehabilitation purposes if it is legal to import that species and the primary permittee possesses a health certificate for the animal.

(2) It is unlawful to transfer Washington state mammals to an out-of-state rehabilitator without obtaining prior department approval.

(3) It is unlawful to import species in the order Cervidae, and rabies vector species, into Washington state for rehabilitation purposes.

(a) Cervids are Roosevelt and Rocky Mountain elk, mule deer, black-tailed deer, white-tailed deer, moose, and caribou.

(b) Rabies vector species are bat, skunk, fox, raccoon, and coyote.

(4) Transferring wildlife for socialization.

(a) Transferring wildlife undergoing rehabilitation between Washington wildlife rehabilitators for the purpose of orphan imprinting, appropriate companionship, socialization, appropriate species behavior maintenance, flight conditioning and specialized care is permissible and encouraged.

(b) Wildlife possessed for rehabilitation may be transferred between Washington wildlife rehabilitators without prior department approval if the receiving wildlife rehabilitator is permitted to possess those species.

(5) A violation of this section is punishable under RCW 77.15.290, Unlawful transportation of fish or wildlife—Penalty.

[Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-857, filed 8/30/13, effective 9/30/13.]

WAC 232-12-859 Wildlife rehabilitation—Possession of dead wildlife and wildlife parts. (1) A primary permittee may receive and possess dead wildlife from the department for the purpose of feeding wildlife in rehabilitation.

(2)(a) A primary permittee may possess bird feathers for imping as long as he or she possesses a valid wildlife rehabilitation permit. Permittees may receive or exchange feathers of birds from and with other wildlife rehabilitators if the rehabilitators possess and comply with necessary U.S. Fish and Wildlife Service migratory bird treaty act permits.

(b) A primary permittee may donate feathers from rehabilitation birds to any person or institution with a valid permit to possess feathers, except feathers from golden eagle or bald eagle.

(c) A primary permittee may leave feathers that are molted or otherwise lost by a bird in wildlife rehabilitation where they fall, store the feathers, or destroy the feathers, except that the rehabilitator must gather primary or secondary flight feathers or retrices from golden eagle and bald eagle and send these feathers or retrices, if not kept for imping, to the National Eagle Repository.

(d) A primary permittee whose permit is expired, suspended, or revoked must donate any feathers from wildlife that was in his or her care to a person or institution with a valid permit to possess the feathers, or the primary permittee must burn, bury, or otherwise destroy the feathers.

(3) A violation of this section is punishable under the statute for the species being unlawfully retained, including RCW 77.15.120 for endangered fish or wildlife; RCW 77.15.130 for protected fish or wildlife; RCW 77.15.400 for wild birds; RCW 77.15.410 for big game; or RCW 77.15.430 for wild animals not classified as big game.

[Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-859, filed 8/30/13, effective 9/30/13.]

WAC 232-12-861 Wildlife rehabilitation—Disposition of nonreleasable and habituated, imprinted, and tamed wildlife. (1) A primary permittee may retain live, non-releasable wildlife for the purposes of:

(a) Orphan imprinting, socialization, and appropriate wild behavior retention and development, if the permittee possesses valid U.S. Fish and Wildlife Service (USFWS) permits and written authorization from the department. The department determines whether wildlife may be retained for these purposes on a case-by-case basis.

(b) Display and education, if the permittee possesses valid USFWS permits and written authorization from the department.

(i) Wildlife tamed by, imprinted on, or habituated to humans before admission to the primary permittee's facility can be retained for education if the department authorizes this in writing. The department will make such determinations on a case-by-case basis.

(ii) Permittees must house wildlife used for educational purposes separately and out of sight of wildlife in rehabilitation.

(iii) Wildlife retained for education purposes may not be used for orphan imprinting or companionship for wildlife in rehabilitation.

(2) Wildlife tamed by, imprinted on, or habituated to humans while at the primary permittee's facility or subpermittee's facility must be humanely euthanized no later than one hundred eighty days following admission to the rehabilitation facility, to protect the public and to protect the animal from human abuse.

(3) A violation of this section is punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.

[Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-861, filed 8/30/13, effective 9/30/13.]

WAC 232-12-863 Wildlife rehabilitation—Euthanizing protected, threatened, or endangered wildlife and migratory birds. (1) Bald eagles, golden eagles, peregrine falcons and other state or federally endangered or threatened wildlife may be euthanized, without prior department approval, if the animal is suffering and untreatable or has a terminal illness or injury. In all other cases, prior department approval must be obtained before euthanizing bald eagles, golden eagles, peregrine falcons, and other state or federally endangered or threatened wildlife.

(2) Any bird that has sustained injuries requiring amputation of a leg, foot, or wing at the elbow (humero-ulnar joint) or above, or a bird that is completely blind must be euthanized.

(3) If a migratory bird cannot, after medical management, feed itself, perch upright, or ambulate without inflicting additional injury, the bird must be euthanized.

(4) The primary permittee must comply with all applicable migratory bird treaty act rules when taking action under this section.

(5) A violation of this section is punishable under RCW 77.15.120 for endangered birds; RCW 77.15.130 for protected birds; or RCW 77.15.400 for all other wild birds, depending on the bird species.

[Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-863, filed 8/30/13, effective 9/30/13.]

WAC 232-12-865 Wildlife rehabilitation—Disposing of wildlife remains. (1) Wildlife carcasses must be burned, buried, or otherwise destroyed, according to local laws and regulations, within ten days of the animal's death or after final necropsy by a veterinarian. However:

(a) Wildlife carcasses may be donated to any person or institution authorized under state or federal law to acquire and possess wildlife carcasses or parts.

(b) A primary permittee on a wildlife rehabilitation permit may keep the carcass of any bird, except golden eagle or bald eagle, so the feathers on the carcass are available for imping and education.

(c) A primary permittee must send the entire carcass of a golden eagle or bald eagle, including all talons, feathers (unless feathers are kept for imping purposes), and other parts, to the National Eagle Repository within thirty days of the bird's death.

(d) A primary permittee may retain wildlife carcasses and skins, instead of disposing of the carcasses or skins, to have the carcass mounted or the skin prepared by a taxidermist for the purpose of public display and education programs. The primary permittee must supply the taxidermist with written documentation that the carcass or skin is possessed pursuant to a wildlife rehabilitation permit. The taxidermist must possess the written documentation at all times while the carcass or skin is in the taxidermist's possession. The primary permittee must keep the mount at the wildlife rehabilitation facility and may use it for public display for education programs. If the wildlife carcass is a banded bird or has an implanted microchip, the band or microchip must stay in place.

(e) A primary permittee who retains a wildlife carcass or parts may only possess the carcass or parts so long as the primary permittee possesses a valid wildlife rehabilitation permit and complies with all applicable federal laws.

(2) A primary permittee must take appropriate precautions to avoid the risk of poisoning scavenging wildlife when disposing of carcasses of euthanized wildlife. Wildlife euthanized by chemical injection may not be buried or taken to a landfill.

(3) A violation of this section by a permittee on a wildlife rehabilitation permit is punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.

(4) A violation of this section by a person who lacks a valid wildlife rehabilitation permit is punishable under RCW 77.15.120 for endangered birds; RCW 77.15.130 for protected birds; or RCW 77.15.400 for all other wild birds, depending on the bird species.

[Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-865, filed 8/30/13, effective 9/30/13.]

WAC 232-12-867 Wildlife rehabilitation—Prohibition on commercial uses. (1) It is unlawful to sell, offer for sale, purchase, or use for commercial purposes wildlife or parts of wildlife under any circumstances under a wildlife rehabilitation permit.

(2) As long as a primary permittee or rehabilitation facility is not paid and does not collect a fee or receive compensation, the primary permittee may use photographs, films, live video, or other sources of information to:

(a) Provide education on the practice of wildlife rehabilitation or the biology, ecological roles, and conservation needs of wildlife;

(b) Raise funds to support the wildlife rehabilitation facility or wildlife rehabilitation activities, so long as the primary permittee complies with the following criteria:

(i) He or she may not require payment or sell items, but may request a "suggested donation." Money exchanged for any item must be by donation only. A primary permittee may not refuse to give an item to a person if the person refuses to donate money or donates less money than the suggested donation;

(ii) All funds received through fund-raising efforts must go to operating the wildlife rehabilitation facility or supporting wildlife rehabilitation activities; and

(iii) The primary permittee may not keep money received through fund-raising efforts for personal use.

(3) A violation of this section is punishable under RCW 77.15.260 or 77.15.750, or both.

[Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-867, filed 8/30/13, effective 9/30/13.]

WAC 232-12-869 Oiled bird rehabilitation—Facility requirements. (1) The facility requirements listed in this section 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. It is the primary permittee's responsibility to ensure compliance with all state and federal laws and regulations.

(2) **Air temperature and air exchange requirements within indoor areas:**

(a) Air temperature: A primary permittee must ensure that the air temperature in all indoor areas where live birds are kept is adjustable and can be maintained at between 65°F - 85°F. When the number of birds in an oiled bird rehabilitation facility at a given time exceeds fifty, the following requirements also apply:

(i) Intake and prewash holding areas must be air-temperature controlled independently of other oiled bird rehabilitation facility areas. However, intake and prewash holding areas may be controlled together;

(ii) Wash/rinse and drying areas must be air-temperature controlled independently of other oiled bird rehabilitation facility areas. However, wash/rinse and drying areas may be controlled together; and

(iii) The isolation/intensive care unit must be air-temperature controlled independently of other oiled bird rehabilitation facility areas.

(b) Air exchange: A primary permittee must ensure that all indoor areas where live birds are kept allow the exchange of 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. Recirculation cannot account for more than ninety percent of the fresh-air exchange requirement. The filters in the recirculation system must 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 requirements also apply:

(i) Intake and prewash holding areas must be independent of other oiled bird rehabilitation facility air-exchange systems, but they may be combined on the same air-exchange system;

(ii) Wash/rinse and drying areas must be independent of other oiled bird rehabilitation facility air-exchange systems, but they may be combined on the same air exchange system;

(iii) The isolation/intensive care unit air-exchange system must be independent of other oiled bird rehabilitation facility areas; and

(iv) The morgue/necropsy air-exchange system must be independent of other oiled bird rehabilitation facility areas.

(3) **Intake space requirement:** Intake of oiled birds must occur in an indoor area. Forty square feet of contiguous floor space must 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 must be impermeable. Water must not accumulate on the floor.

(4) **Prewash holding resource requirements:** Prewash holding must occur in an indoor area. Oiled bird rehabilitation pen space and the associated dedicated workspace must be provided in the prewash holding area.

(a) Oiled bird rehabilitation pen requirements: Prewash oiled bird rehabilitation holding pens must be:

(i) Two feet in length by two feet in width or larger;

(ii) At least two feet high;

(iii) Constructed with knotless nylon net-bottoms with a stretched mesh size of one-half inch;

(iv) Constructed so that no point within the pen is greater than two feet from a pen wall;

(v) Elevated twelve inches or more above the floor surface; and

(vi) Constructed to provide 1.6 square feet of pen space per bird.

(b) Space requirements: In addition to the space required for prewash oiled bird rehabilitation holding pens, an additional 3.2 square feet of dedicated workspace must be provided in the prewash holding area for each bird held in the prewash holding area. The floor of the prewash holding area must be impermeable. Water must not accumulate on the floor.

(5) **Wash/rinse resource requirements:** Wash/rinse must occur in an indoor area. A bird must be provided wash/rinse space and associated resources within twenty-four hours after intake.

(a) Water requirements: A minimum of three hundred gallons of fresh water with the following characteristics must be made available within each wash/rinse space for each oiled bird being washed and rinsed:

(i) The water temperature must be adjustable and maintainable at any given temperature between 102°F - 108°F;

(ii) The water hardness must be maintained between 34 mg - 85 mg calcium carbonate/liter (2-5 grain hardness);

(iii) The water pressure must be maintained between 40 - 60 p.s.i.;

(iv) The water flow rate must be no less than two gallons per minute from the wash/rinse supply line measured with the wash/rinse nozzle in place; and

(v) All water requirements listed above must remain within the specified ranges at all times.

(b) Cleaning agent requirements: The only cleaning agents that may be used to remove oil from birds are liquid dishwashing detergents. Use of any other cleaning agent to remove oil from birds must be approved by the department prior to use.

(c) Space requirements: One hundred square feet of contiguous floor space must 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 must be impermeable. Water must not accumulate on the floor.

(6) **Drying resource requirements:** Drying must occur in an indoor area. Oiled bird rehabilitation pen space and the associated dedicated workspace must be provided in the drying area. Drying must be accomplished by warming the air in the drying pen. The drying temperature must be adjustable and maintainable at any given temperature between 90°F - 106°F.

(a) Oiled bird rehabilitation drying pen requirements.

(i) Oiled bird rehabilitation drying pens must be:

(A) A minimum of three feet in length by two feet in width;

(B) At least two feet high;

(C) Constructed with knotless nylon net-bottoms with a stretched mesh size of one-half inch;

(D) Constructed so that no point within the pen is greater than two feet from a pen wall;

(E) Constructed to provide 2.7 square feet of pen space per bird; and

(F) Elevated twelve inches or more above the floor surface.

(ii) 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.

(b) Space requirements: In addition to the space required for oiled bird rehabilitation drying pens, an additional 3.2 square feet of dedicated workspace must be provided in the drying area for each bird held in the drying area. The floor of the drying area must be impermeable. Water must not accumulate on the floor.

(7) **Oiled bird rehabilitation pool resource requirements:** Oiled bird rehabilitation pools must be filled with fresh water. Oiled bird rehabilitation pool space must be provided immediately after a bird has been dried, and must be provided until the bird is released.

(a) Oiled bird rehabilitation pool requirements: Water from oiled bird rehabilitation pools may be reused within a facility if made oil-free. Each oiled bird rehabilitation pool must:

(i) Afford a minimum of seven and one-half square feet of water-surface space for each bird (e.g., a twelve-foot diameter oiled bird rehabilitation pool may not house more than fifteen birds);

(ii) Have dimensions so no point within the pool is greater than eight feet from a side of the pool;

(iii) Have a breathable cover to prevent birds from escaping;

(iv) Have a constant supply of water sufficient to maintain a depth of three feet and an exchange rate of not less than four and one-half times per day;

(v) Be constructed so that water exiting the pool comes from the surface of the pool so that floating debris and oil are removed.

(b) Space requirements: Oiled bird rehabilitation pools must be located within the oiled bird rehabilitation facility and constructed at least four feet away from another structure.

(8) Semi-static areas:

(a) Semi-static areas must be indoor areas constructed with impermeable floors. Water must not accumulate on the floor.

(b) Space requirements:

(i) When the total number of birds, on a given day, is less than fifty, there are no minimum space requirements for semi-static areas.

(ii) When the total number of birds, on a given day, is between fifty and one thousand, each semi-static area listed in Table 1, below, must be allocated the associated space.

(iii) When the total number of birds, on a given day, is between one thousand one and two thousand, each semi-static area listed in Table 1 must be allocated two times the associated space.

(iv) When the total number of birds, on a given day, is between two thousand one and three thousand, each semi-static area listed in Table 1 must be allocated three times the associated space, etc.

(v) Space for the semi-static areas listed in Table 1 must be accommodated within an oiled bird rehabilitation facility, with the exception of the morgue/necropsy area.

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.

(9) Static areas:

(a) Static areas must be indoor areas constructed with impermeable floors. Water must not be allowed to accumulate on the floor.

(b) Space requirements:

(i) When the total number of birds, on a given day, is less than fifty, there are no minimum space requirements for static areas.

(ii) When the number of birds, on a given day, exceeds fifty, each static area listed in Table 2 must be allocated the associated space.

(iii) All of the space associated with the areas listed in Table 2 must be accommodated within an oiled bird rehabilitation facility, with the exception of the laundry area.

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.

(10) Violation of facility requirements:

(a) The department will give primary permittees who violate the provisions of this section twenty-four hours to correct the violations, or the department may suspend or revoke his or her oiled-wildlife endorsement.

(b) The department may reinstate a suspended oiled-wildlife endorsement on a case-by-case basis.

(11) A failure to correct oiled bird rehabilitation facility violations as required by this section is punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.

[Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-869, filed 8/30/13, effective 9/30/13.]

WAC 232-12-871 Reporting receipt, death, carcass retention, and release of oiled birds.

(1) A primary permittee on a rehabilitation permit must have an oiled-wildlife endorsement or written department approval to retain oiled birds. If the primary permittee does not possess an oiled-wildlife endorsement, the permittee must transfer the oiled birds to a primary permittee who has an oiled-wildlife endorsement, or obtain department approval to retain the oiled birds.

(2) A primary permittee must notify the department within twenty-four hours of the receipt or death of oiled birds.

(3) A primary permittee must notify the department seventy-two hours prior to releasing oiled birds into the wild.

(4) A primary permittee must not dispose of dead oiled birds without obtaining prior department approval.

(5) A violation of this section is punishable under RCW 77.15.750, Unlawful use of a department permit—Penalty.

[Statutory Authority: RCW 77.12.047, 77.12.240, 77.12.467, 77.12.469, and 77.32.070. WSR 13-18-046 (Order 13-192), § 232-12-871, filed 8/30/13, effective 9/30/13.]