

Importation and Retention of Dead Nonresident Wildlife

232-12-021

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Summary

Meeting dates: April 9-10, 2015

Agenda item: Importation and Retention of Dead Nonresident Wildlife

Presenter: Jerry Nelson, Ph.D., Deer and Elk Section Manager, Wildlife Program

Background summary:

Department staff will propose amendments to WAC 232-12-021 Importation and retention of dead nonresident wildlife.

Research has confirmed the infective agents of chronic wasting disease (CWD) can transfer from decomposing carcasses into the environment. The research conducted by scientists from Colorado and Wyoming showed that infective agents in the soil could infect healthy deer. Therefore, the Commission adopted rules in 2004 to protect Washington deer and elk populations from exposure to CWD from animals harvested in states with confirmed cases of the disease. The Department has additional information on its website at: <http://wdfw.wa.gov/wlm/cwd/index.htm>.

The Department is recommending adding a new state that has confirmed CWD in their wild deer populations: Iowa.

Policy issue(s) you are bringing to the Commission for consideration:

Amend restrictions on the importation of dead wildlife to include states known to harbor chronic wasting disease in wild populations. Add Iowa to the list of states that have CWD in wild deer, elk, or moose populations. Reduce the risk for native deer, elk, and moose populations in Washington.

Public involvement process used and what you learned:

The Department conducted an extensive public involvement process to develop the 2015-2017 hunting season recommendations. This summer, two online issue scoping surveys were made available to the public. The first survey laid out major issues of concern. The second survey was a follow-up based on the public response received from the first survey. The department also held six public meetings, three on each side of the state. Both the surveys and the meetings were publicized via news release, WDFW's website and an email to hunters from the last five years. Also, a request for comment was sent to over 9000 individuals and organizations through the rulemaking process. Additionally, these individuals and organizations were informed of the opportunity to provide verbal testimony at the March 20-21, 2015 Commission Meeting in Moses Lake.

Action requested:

Amend WAC 232-12-021 as proposed.

Draft motion language:

I move to amend WAC 232-12-021 as proposed.

Justification for Commission action:

Reduce the risk of disease for deer, elk, and moose populations in the state.

Communications Plan:

WDFW Website

AMENDATORY SECTION (Amending WSR 13-11-078, filed 5/16/13, effective 6/16/13)

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, Iowa, 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.]



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington Department of Fish and Wildlife

- Preproposal Statement of Inquiry was filed as WSR 14-24-118 filed 12/3/14; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

Title of rule and other identifying information:

WAC 232-12-052 Crossbow requirements
 WAC 232-12-047 Unlawful methods for hunting
 WAC 232-12-054 Archery requirements – Archery special use permits
 WAC 232-28-331 Game management units (GMUs) boundary descriptions—Region one
 WAC 232-28-335 Game management units (GMUs) boundary descriptions—Region five
 WAC 232-12-021 Importation and retention of dead nonresident wildlife

Hearing location(s):

Civic Center
 411 South Balsam Street
 Moses Lake, WA 98837

Date: March 20-21, 2015 Time: 8:00 AM

Submit written comments to:

Name: Wildlife Program Commission Meeting Public Comments
 Address: 600 Capitol Way North
 Olympia, WA 98501
 e-mail wildthing@dfw.wa.gov
 fax (360) 902-2162 by (date) 2/24/15

Assistance for persons with disabilities: Contact

Tami Lininger by March 1, 2015

TTY (800) 833-6388 or (360) 902-2267

Date of intended adoption: On or after April 9, 2015

(Note: This is NOT the effective date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

See attachment A

Reasons supporting proposal:

See attachment A

Statutory authority for adoption: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150 and 77.12.240.

Statute being implemented: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150 and 77.12.240.

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: February 02, 2015

TIME: 1:48 PM

WSR 15-04-086

DATE

February 2, 2015

NAME (type or print)

Joanna Eide

SIGNATURE

TITLE

Rules Coordinator

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

When filing the permanent rule-making order (CR-103P), the WAC sections containing rule amendments will be consolidated into two or three Order Typing Service (OTS) documents.

Name of proponent: (person or organization) Washington Department of Fish and Wildlife

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Nate Pamplin	Natural Resource Building	(360) 902-2515
Implementation....Nate Pamplin	Natural Resource Building	(360) 902-2515
Enforcement..... Steven Crown	Natural Resource Building	(360) 902-2373

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

These rules apply to recreational hunting and do not affect small business.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No: Please explain: This proposal does not involve hydraulics.

ATTACHMENT A

Title of rule and other identifying information:

Amendment to WAC 232-12 047, Unlawful methods for hunting
New Section WAC 232-12-052, Crossbow requirements
Amendment to WAC 232-12-054, Archery requirements
Amendment to WAC 232-12-021, Importation and retention of dead nonresident wildlife
Amendment to 232-28-331, Game Management Unit Boundary Descriptions, Region 1
Amendment to 232-28-335, Game Management Unit Boundary Descriptions, Region 6

(WAC 232-12 047 Unlawful methods for hunting)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The purposes of these proposals are five-fold. They remove language pertaining to archery and crossbow requirements that were in a modern firearm WAC. They consolidate the archery requirements in the existing archery requirements WAC. They remove crossbow requirements from the archery and modern firearm WACS and consolidate those requirements in a new crossbow requirement WAC. They allow the hunting of big game and turkeys with a crossbow. They remove the mechanical broadhead restriction from the archery requirement WAC.

Reasons supporting proposal:

Most of the proposal language is rule clarification and consolidation.

In addition, allowing crossbows for big game and turkey and allowing mechanical broadheads are not seen by the Department as a natural resource issue but rather an equipment selection choice by hunters. Restricting those choices doesn't seem to be necessary to sustain hunting seasons and sustain the wildlife populations in question.

(WAC 232-12-052 Crossbow requirements)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The purposes of these proposals are five-fold. They remove language pertaining to archery and crossbow requirements that were in a modern firearm WAC. They consolidate the archery requirements in the existing archery requirements WAC. They remove crossbow requirements from the archery and modern firearm WACS and consolidate those requirements in a new crossbow requirement WAC. They allow the hunting of big game and turkeys with a crossbow. They remove the mechanical broadhead restriction from the archery requirement WAC.

Reasons supporting proposal:

Most of the proposal language is rule clarification and consolidation.

In addition, allowing crossbows for big game and turkey and allowing mechanical broadheads are not seen by the Department as a natural resource issue but rather an equipment selection choice by hunters. Restricting those choices doesn't seem to be necessary to sustain hunting seasons and sustain the wildlife populations in question.

(WAC 232-12-054 Archery requirements)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The purposes of these proposals are five-fold. They remove language pertaining to archery and crossbow requirements that were in a modern firearm WAC. They consolidate the archery requirements in the existing archery requirements WAC. They remove crossbow requirements from the archery and modern firearm WACS and consolidate those requirements in a new crossbow requirement WAC. They allow the hunting of big game and turkeys with a crossbow. They remove the mechanical broadhead restriction from the archery requirement WAC.

Reasons supporting proposal:

Most of the proposal language is rule clarification and consolidation.

In addition, allowing crossbows for big game and turkey and allowing mechanical broadheads are not seen by the Department as a natural resource issue but rather an equipment selection choice by hunters. Restricting those choices doesn't seem to be necessary to sustain hunting seasons and sustain the wildlife populations in question.

(WAC 232-12-021 Importation and retention of dead nonresident wildlife.)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The purpose of the proposal would add Iowa to the list of states and provinces requiring additional processing of deer, elk, and moose carcasses before they can be brought into Washington. The states and provinces listed in the WAC have confirmed chronic wasting disease (CWD) in their wild, free-ranging populations of cervids.

Reasons supporting proposal:

The proposal reduces the risk of CWD being imported into Washington state via carcasses of animals harvested in other states. Reducing disease risk helps in sustaining deer, elk, and moose populations and hunting opportunities in Washington.

(232-28-331 Game Management Unit Boundary Descriptions, Region 1)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The proposed changes to the Game Management Unit Boundary Descriptions Region 1 will better clarify the boundary between two GMUs which has proved to be problematic in recent history for hunters and Enforcement.

Reasons supporting proposal:

The reasons for supporting the proposal are to provide opportunities to hunters, consistent with achieving management objectives and to address and prevent wildlife conflict problems using hunters. An additional reason to support the proposal is to avoid unintended confusion over GMU boundaries.

(232-28-335 Game Management Unit Boundary Descriptions, Region 6)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

The proposed changes to the Game Management Unit Boundary Descriptions in Region 5 are related to the new Elk Area proposed in GMU 522 which creates a new Quality elk opportunity. The boundary between GMU 522 and GMU 524 needs to be adjusted to accommodate the addition of the new Elk Area.

Reasons supporting proposal:

The reasons for supporting the proposal are to provide opportunities to hunters, consistent with achieving management objectives and to address and prevent wildlife conflict problems using hunters.