

Summary

Meeting dates: November 6, 2015

Agenda item: Bighorn sheep marking -Rule Briefing and Public Hearing

Presenter: Rich Harris, Ph. D., Special Species Section Manager, Game Division, Wildlife Program

Background summary:

The revision of 232-12-284 adopted in April 2015 will clarify to both Department staff and the general public that bighorn sheep heads/horns picked-up afield are “wildlife found dead” (as per WAC 232-12-287), and thus not legally retained. It clarified that a permit for selling heads/horns of bighorn sheep (required under WAC 232-12-071) would only be issued when such sale benefits bighorn conservation or management. Finally, it provided a mechanism whereby holders of old bighorn mounts, horns or heads that were legally obtained prior to the currently-operating marking system (and thus are technically illegal under existing language) can obtain permits and thus have these animals marked, and formally legitimized by the Department. This final revision of the WAC was presented to the Commission and approved in April 2015, but due to an error, never published as part of the final rule.

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

Providing an avenue for holders of bighorn sheep heads/horns obtained legally in Washington prior to the marking era to have them legitimized and marked by the Department.

Public involvement process used and what you learned:

At the March 20-21, 2015 Commission Meeting in Moses Lake, the Department was made aware of concerns regarding folks who had legitimately obtained bighorn heads prior to the era of permanent marking and record-keeping. Working with stake-holder groups, the Department subsequently crafted language to address that concern, and presented it to the Commission and the public at the April meeting in Olympia.

Action requested:

Approve amendment of WAC 232-12-284.

Draft motion language:

I move to amend WAC 232-12-284 as proposed.

Justification for Commission action:

To provide WDFW Enforcement additional certainty and documentation about legally vs. illegally obtained bighorn sheep heads, while providing hunters who had legitimately obtained them prior to the era of marking a procedure for documenting that.

Communications Plan:

WDFW Website
News Releases
Hunting Pamphlet

WAC 232-12-284 Bighorn sheep—Marking requirements. (1) For the purpose of this section, horns are defined as the hollow sheath of bighorn sheep ram. The horns do not have to be paired and may include one horn.

(2) It is unlawful for a person who kills 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 office or location designated by a department representative. 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 originating in Washington except as described in subsections (2) and (4) of this section. Horns of bighorn sheep found dead in Washington must be left in the field. A violation of this subsection is punishable under RCW 77.15.410.

(4) It is unlawful to offer for sale, sell, purchase, or barter, bighorn sheep horns without a written permit authorized by the director. Permits will only be granted where such sale, purchase, or barter will specifically benefit bighorn sheep conservation or management. 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))~~ thirty days after the transfer. In the case of horns originating from a bighorn sheep legally obtained prior to the initiation of permanent marking in the jurisdiction of its origin, the director is authorized to issue a permit for possession (but not for resale); such a permit must subsequently be retained with the horns. After such a permit is issued, the horns must be presented for permanent marking to a WDFW office within thirty days. A violation of this subsection is punishable under RCW 77.15.750, provided it does not involve trafficking of bighorn sheep or the parts thereof. ~~((A violation of this subsection involving the trafficking of bighorn sheep or the parts thereof is punishable under RCW 77.15.260.))~~



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 15-14-122 on 07/01/15; 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:

232-12-284 Bighorn sheep – marking and ownership requirements

Hearing location(s):

Natural Resource Building, Room 630
1111 Washington Street SE
Olympia, WA 98501

Date: November 6, 2015 Time: 8:30 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) 10/31/15

Assistance for persons with disabilities: Contact

Tami Lininger by October 23, 2015

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

Date of intended adoption: On or after November 6, 2015

(Note: This is **NOT** the **effective** date)

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

Provides a mechanism by which bighorn sheep horns legally acquired prior to the era of permanent marking can be inspected, marked, and entered into the long-term database. This provides certainty to both the owner of the horns and the Department that the horns were acquired legally.

Reasons supporting proposal:

Allay concern expressed by members of the public that bighorn sheep horns acquired prior to the initiation of the current marking system could not be legally retained.

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

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

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: September 23, 2015

TIME: 9:17 AM

WSR 15-19-156

DATE

September 23, 2015

NAME (type or print)

Joanna Eide

SIGNATURE

TITLE

Rules Coordinator

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

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.