

Black Bear Seasons

WAC 220-415-080 and WAC 220-415-090

TABLE OF CONTENTS

| | |
|---|----|
| Summary Sheet..... | 1 |
| WAC 220-415-080 2019-2020 Spring black bear special permits | 3 |
| Recommended Adjustments..... | 7 |
| Summary of Written Comment | 9 |
| WAC 220-415-090 2018-2020 Fall black bear seasons and regulations | 10 |
| Recommended Adjustments..... | 14 |
| Summary of Written Comment | 15 |
| CR-102 | 16 |

Summary Sheet

Meeting dates: April 13-14, 2018

Agenda item: Black Bear Seasons – **Decision**

Presenter(s): Stephanie Simek, Carnivore and Furbearer Section Manager, Game Division, Wildlife Program

Background summary:

Staff briefed the Fish and Wildlife Commission at the March Commission meeting in Wenatchee regarding the proposed amendments to WAC 220-415-080 2019-2020 Spring black bear special permits, and WAC 220-415-090 2018-2020 Fall black bear hunting seasons and regulations.

Staff recommendation:

220-415-080 2019-2020 Spring black bear special permits:

- Update the title of the WAC to read, “2019-2020 Spring black bear special Permits.”
- Adjust years for spring black bear special permit hunts in 2019 and 2020.
- Add the requirement that if hunting in a GMU within a grizzly bear recovery area, as identified by the department, then hunters must take and pass an annual bear identification test. The department will honor tests from other states that help discern between grizzly and black bears.
- Add language to include biological samples beyond teeth.
- Add language to include the consequences for failure to report or comply with conditions of the rule.

220-415-090 2018-2020 Fall black bear hunting seasons and regulations:

- Adjust season dates to indicate correct timeframe.
- Remove GMU 410 and GMU 422.
- Add the requirement that if hunting in a GMU within a grizzly bear recovery area, as identified by the department, then hunters must take and pass an annual bear identification test. The department will honor tests from other states that help discern between grizzly and black bears.
- Add language to include biological samples beyond teeth.
- Add language to include the consequences for failure to report or comply with conditions of the rule.

These amendments will align the rules with the appropriate season dates, assist in lessening the likelihood of incidental take of grizzly bear, bring awareness to hunters, and create stewardship of resources managed by other government agencies, and provide the department the ability to collect biological samples which further assist managing bear populations.

Note: The test will be offered through the WILD System and in a paper format at the Regional Offices.

Policy issue(s) and expected outcome:

- Maximize recreational hunting opportunity.
- Maintain sustainable hunting seasons.
- Maintain conservation efforts related to grizzly bear.

Fiscal impacts of agency implementation:

No fiscal impacts beyond the status quo.

Public involvement process used and what you learned:

The department conducted an extensive public involvement process to develop the 2018-2020 hunting season proposals. Six open house, public meetings were conducted throughout the state in July and August of 2017, to discuss a variety of issues with constituents. Concurrently, the public was asked to provide input on hunting seasons via the department website for a 6-week time period. The department emailed over 119,000 hunters notifying them of the website survey and encouraging them to participate. The department received over 1,250 responses related to carnivore and furbearer proposed rule changes. Using that information, the department determined which recommendations to move forward.

In preparation for this meeting, notification was made to approximately 12,000 individuals and organizations informing them of the opportunity to provide comment on the proposed regulation amendments. Additionally, individuals and organizations were informed of the opportunity to provide verbal testimony at the March 16-17, 2018 Commission meeting in Wenatchee.

Action requested and/or proposed next steps:

Amend WAC 220-415-080 and WAC 220-415-090 as presented.

Draft motion language:

Motion: I move to amend WAC 220-415-080 and WAC 220-415-090 as presented.

Is there a "second"?

If so, then motion maker discusses basis for motion; other Commissioners discuss views on motion; amendments, if any, proposed and addressed.

Post decision communications plan:

WDFW Website

News Release

Hunting Regulations Pamphlet

Notice to hunters and license vendors regarding the bear identification test (web, email, and paper).

Form revised 2-15-18

AMENDATORY SECTION (Amending WSR 17-19-088, filed 9/19/17, effective 10/20/17)

WAC 220-415-080 ((2018)) 2019-2020 Spring black bear special permits~~seasons and regulations~~. It is unlawful to fail to comply with the provisions of this section. A violation of this section is punishable under RCW 77.15.410, 77.15.245, or 77.15.280, depending on the circumstances of the violation.

Who May Apply: Anyone with a valid Washington big game license, which includes black bear as a species option.

Hunt Areas, Permit Levels, and Season Dates for Each License Year:

| Hunt Name | Hunt Area | Permits | Season Dates |
|------------------|---|---------|--------------------|
| Sherman | GMU 101 <u>Note: Mandatory bear identification test required.</u> | 50 | April 1 - June 15 |
| Kelly Hill | GMU 105 <u>Note: Mandatory bear identification test required.</u> | 50 | April 1 - June 15 |
| Douglas | GMU 108 <u>Note: Mandatory bear identification test required.</u> | 40 | April 1 - June 15 |
| Aladdin | GMU 111 <u>Note: Mandatory bear identification test required.</u> | 50 | April 1 - June 15 |
| 49 Degrees North | GMU 117 <u>Note: Mandatory bear identification test required.</u> | 100 | April 1 - June 15 |
| Huckleberry | GMU 121 | 100 | April 1 - June 15 |
| Blue Creek | GMU 154 | 15 | April 15 - June 15 |
| Dayton | GMU 162 | 15 | April 15 - June 15 |
| Tucannon | GMU 166 | 5 | April 15 - June 15 |
| Wenaha | GMU 169 | 45 | April 15 - June 15 |
| Mt. View | GMU 172 | 15 | April 15 - June 15 |
| Lick Creek | GMU 175 | 15 | April 15 - June 15 |
| Couse | GMU 181 | 4 | April 15 - June 15 |
| Grande Ronde | GMU 186 | 5 | April 15 - June 15 |
| Kitsap | GMU 627 | 5 | April 15 - May 31 |
| Mason | GMU 633 | 5 | April 15 - May 31 |
| Bear River | GMU 681 | 20 | April 15 - May 31 |
| Long Beach | GMU 684 | 12 | April 15 - May 31 |

| Hunt Name | Hunt Area | Permits | Season Dates |
|--------------|---|---------|--------------------|
| North Skagit | That portion of GMU 418 that is designated as the hunt area by DNR, Sierra Pacific, Weyerhaeuser-Columbia Timber Lands, and Grandy Lake Timber company. <u>Note: Mandatory bear identification test required.</u> | 30 | April 15 - June 15 |
| Copalis | GMU 642, 638, and 648 (excluding U.S. Forest Service lands). | 50 | April 15 - June 15 |
| Kapowsin | That portion of GMUs 653 and/or 654 that is designated as the hunt area by Hancock Forest Management ((and International Forestry)), Hampton, and Olympic Resource <u>Management.</u> | 150 | April 15 - June 15 |

Bag Limit: One black bear per black bear special permit season.

License Required: A valid big game hunting license, which includes

black bear as a species option, is required to [apply for a spring](#)

[black bear special permit](#) ~~hunt black bear~~. One black bear transport

tag is included with a big game hunting license that has black bear as a species option.

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of dogs or bait to hunt black bear is prohibited statewide.

Other Requirements: Hunters that are selected to hunt in GMUs located in grizzly bear recovery areas, as identified by the department, must successfully complete the [annual](#) WDFW online bear identification test with a passing score (80% or higher) or carry proof that they have passed an equivalent test from another state. The WDFW test may be taken repeatedly until a passing score is achieved. All hunters must

carry proof of passing a bear identification test while hunting in the GMUs identified by the department.

Submitting Biological Samples and Bear Teeth: Successful bear hunters must ((submit)) comply with ~~notification~~ harvest reporting and submission of biological samples including the black bear premolar located behind the canine tooth of the upper jaw. Failure to provide reports or comply with the submission of biological samples conditions of this chapter is an infraction a misdemeanor pursuant to RCW 77.15.160 RCW 77.15.280.

[Statutory Authority: RCW 77.04.012, 77.12.240, 77.04.055, 77.12.047, 77.12.150, and 77.32.070. WSR 17-19-088 (Order 17-253), § 220-415-080, filed 9/19/17, effective 10/20/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-415-080, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090, and 77.32.155. WSR 16-12-087, § 232-28-286, filed 5/31/16, effective 7/1/16. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-066 (Order 15-99), § 232-28-286, filed 5/1/15, effective 6/1/15. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 13-11-078 (Order 13-94), § 232-28-286, filed 5/16/13, effective 6/16/13.]

Statutory Authority: RCW 77.12.047. WSR 12-12-006 (Order 12-90), § 232-28-286, filed 5/23/12, effective 6/23/12; WSR 11-16-015 (Order 11-167), § 232-28-286, filed 7/22/11, effective 8/22/11. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240, 77.32.070, and 77.32.530. WSR 10-10-061 and 11-02-044 (Orders 10-94 and 10-94A), § 232-28-286, filed 4/30/10 and 12/30/10, effective 5/31/10 and 1/30/11. Statutory Authority: RCW 77.12.047, 77.12.020. WSR 09-09-082 (Order 09-52), § 232-28-286, filed 4/15/09, effective 6/16/09; WSR 08-01-052 (Order 07-292), § 232-28-286, filed 12/13/07, effective 1/13/08. Statutory Authority: RCW 77.12.047. WSR 07-01-049 (Order 06-300), § 232-28-286, filed 12/14/06, effective 1/14/07; WSR 06-11-030 (Order 06-90), § 232-28-286, filed 5/8/06, effective 6/16/06.]

RECOMMENDED ADJUSTMENTS

The department recommends the following adjustments since the Code Reviser filed (CR-102). The adjustments are included in your notebooks.

Page 3

- Change: Update the title of the WAC to read, “2019-2020 Spring black bear special permits.”

Rationale: The proposed title change clearly identifies the spring opportunity as a special permit hunt. This change makes this rule consistent with rules identifying other special permits (e.g. deer special permits and elk special permits) and minimizes potential confusion.

Page 4

- Change: Under “Licensed Required” update the first sentence to read as follows:
 - A valid big game hunting license, which includes black bear as a species option, is required to apply for a spring black bear special permit.

Rationale: This change makes it clear that the opportunity is a special permit opportunity, which hunters must submit an application to be considered.

- Change: Under “Other Requirements,” add the word “annual” to clarify that the test must be taken each year.
 - Hunters that are selected to hunt in GMUs located in grizzly bear recovery areas, as identified by the department, must successfully complete the annual WDFW online bear identification test with a passing score (80% or higher) or carry proof that they have passed an equivalent test from another state.

Rationale: This change makes it clear that bear identification test is an annual requirement.

Page 5

- Change: Under “Submitting Biological Samples and Bear Teeth”:
 - Strike “notification” and insert “harvest reporting”
 - Strike “conditions of this chapter” and insert “submission of biological samples”
 - Strike “an infraction” and insert “a misdemeanor”
 - Strike “RCW 77.15.160” and insert “RCW 77.15.280”

Rationale: The new language aligns the appropriate penalty to the failure to submit reports and/or biological samples per RCW.

Summary of Public Comments Received During the Official Comment Period and WDFW Response:

WAC 220-415-080 2019-2020 Spring black bear special permits.

Supporting Comments:

There were 77 (76 online and 1 letter) comments submitted for this WAC proposal. Eighteen (18) comments were in support of the proposed changes. Most individuals (13) stated “support,” “agree,” or provided no comment. Five (5) commenters expanded their input by suggesting expansion of spring bear opportunities into other areas and one (1) of these five (5) recommended extending the season and increasing tags available in District 1. One (1) commenter expanded their input by further suggesting a ban on black bear hunting in areas where grizzly bears are recovering.

Opposing, Neutral, and Other Comments:

There were 58 comments that were neutral (17) or opposed (41) the proposed rule. Many (13) of the neutral commenters agreed with the bear identification test but expressed interest in either opening a general spring bear season, expanding the spring bear opportunities into new areas, or changing the bag limit in eastern Washington.

Of the 41 that opposed the proposed changes, 18 requested expanding the areas for spring bear hunts, the season length, or the number of tags available. Eight (8) commenters requested that the Spring Bear Hunt permits be available over the counter. Ten (10) strictly opposed the bear identification test. Two (2) commenters were opposed to the reporting requirements and associated penalties. Three (3) others had general comments on management of the species.

Direction and Rationale:

The department will move forward with the recommendations to the Fish and Wildlife Commission. The department believes that providing outreach material, in the form of the bear identification study guide, and test that may be taken until passed, is an appropriate measure in conservation management of grizzly bears to minimize incidental take, bring awareness to hunters, and create stewardship of resources managed by other government agencies. The test will only be required of those planning to hunt in areas determined the department as having potential grizzly bear occurrences.

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

WAC 220-415-090 ((2015-2017)) 2018-2020 Fall black bear hunting seasons and regulations. It is unlawful to fail to comply with the provisions below. A violation of this section is punishable under RCW 77.15.410, 77.15.245, or 77.15.280-~~(1)(c)~~.

| Black Bear Management Unit | Season | Hunt Area |
|-----------------------------------|---|--|
| Coastal | Aug. 1 - Nov. 15, ((2015)) <u>2018</u> Aug. 1 - Nov. 15, ((2016)) <u>2019</u> Aug. 1 - Nov. 15, ((2017)) <u>2020</u> | GMUs 501, 504, 506, 530, 601, 602, 603, 607-621, 636-651, 658-663, 672-684 |
| Puget Sound | Aug. 1 - Nov. 15, ((2015)) <u>2018</u> Aug. 1 - Nov. 15, ((2016)) <u>2019</u> Aug. 1 - Nov. 15, ((2017)) <u>2020</u> | GMUs 407, ((410,)) 454, 624, 627, 633, 652, 666, 667 |
| North Cascades | Aug. 1 - Nov. 15, ((2015)) <u>2018</u> Aug. 1 - Nov. 15, ((2016)) <u>2019</u> Aug. 1 - Nov. 15, ((2017)) <u>2020</u> | GMUs ((418-450)) <u>418-421, 426-450</u> , 460 |
| South Cascades | Aug. 15 - Nov. 15, ((2015)) <u>2018</u> Aug. 15 - Nov. 15, ((2016)) <u>2019</u> Aug. 15 - Nov. 15, ((2017)) <u>2020</u> | GMUs 466, 485, 503, 505, 510-520, 524, 550-574, 653, 654 |

| Black Bear Management Unit | Season | Hunt Area |
|-----------------------------------|---|---|
| Okanogan | Aug. 15 - Nov. 15, (2015) <u>2018</u> Aug. 15 - Nov. 15, (2016) <u>2019</u> Aug. 15 - Nov. 15, (2017) <u>2020</u> | GMUs 203, 209-243 |
| East Cascades | Aug. 1 - Nov. 15, (2015) <u>2018</u> Aug. 1 - Nov. 15, (2016) <u>2019</u> Aug. 1 - Nov. 15, (2017) <u>2020</u> | GMUs 244-247, 249-251, 328, 329-368, 382, 388, 578 |
| Northeastern A | Sept. 1 - Nov. 15, (2015) <u>2018</u> Sept. 1 - Nov. 15, (2016) <u>2019</u> Sept. 1 - Nov. 15, (2017) <u>2020</u> | GMUs 101-121, 204 |
| Northeastern B | Aug. 15 - Nov. 15, (2015) <u>2018</u> Aug. 15 - Nov. 15, (2016) <u>2019</u> Aug. 15 - Nov. 15, (2017) <u>2020</u> | GMUs 124-130 |
| Blue Mountains | Sept. 1 - Nov. 15, (2015) <u>2018</u> Sept. 1 - Nov. 15, (2016) <u>2019</u> Sept. 1 - Nov. 15, (2017) <u>2020</u> | GMUs 145-154, 162-186 |
| Columbia Basin | Aug. 1 - Nov. 15, (2015) <u>2018</u> Aug. 1 - Nov. 15, (2016) <u>2019</u> Aug. 1 - Nov. 15, (2017) <u>2020</u> | GMUs 133, 136, 139, 142, 248, 254, 260-290, 371-381 |
| Long Island | Sept. 1 - Nov. 15, (2015) <u>2018</u> Sept. 1 - Nov. 15, (2016) <u>2019</u> Sept. 1 - Nov. 15, (2017) <u>2020</u> | GMU 699 |

Bag Limit: Two (2) black bear per annual hunting season, only one of which may be taken in Eastern Washington.

Area Restriction: Special deer permit required to hunt black bear in GMU 485. GMUs 410 and 422 are closed for black bear hunting. Hunters that choose to hunt in GMUs located in grizzly bear recovery areas, as identified by the department, must successfully complete the WDFW online bear identification test or equivalent test from another state and carry proof of successful completion.

License Required: A valid big game hunting license, which includes black bear as a species option, is required to hunt black bear. One black bear transport tag is included with a big game hunting license that has black bear as a species option. A second black bear transport tag must be purchased to take a second bear.

Hunting Method: Hunters may use any lawful big game modern firearm, archery, or muzzleloader equipment for hunting black bear. The use of hounds and bait to hunt black bear is prohibited statewide.

Other Requirements: Hunters that choose to hunt in GMUs located in grizzly bear recovery areas as identified by the department must successfully complete the [annual](#) WDFW online bear identification test with a passing score (80% or higher) or carry proof that they have passed an equivalent test from another state. The WDFW test may be

taken repeatedly until a passing score is achieved. All hunters must carry proof of passing a bear identification test while hunting in the GMUs identified by the department.

Submitting Biological Samples and Bear Teeth: Successful bear hunters must ((submit)) comply with ~~notification~~ harvest reporting and submission of biological samples including the black bear premolar tooth located behind the canine tooth of the upper jaw. ~~Failure to abide by the conditions of permits is a misdemeanor pursuant to RCW 77.15.750.~~ Failure to provide reports or comply with the ~~conditions of this chapter~~ submission of biological samples is ~~an infraction~~ a misdemeanor pursuant to ~~RCW 77.15.160~~ RCW 77.15.280.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-415-090, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-066 (Order 15-99), § 232-28-288, filed 5/1/15, effective 6/1/15. Statutory Authority: RCW 77.12.047. WSR 12-12-006 (Order 12-90), § 232-28-288, filed 5/23/12, effective 6/23/12. 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), § 232-28-288, filed 4/30/10, effective 5/31/10.]

WAC 220-415-090 2018-2020 Fall black bear hunting seasons and regulations.

RECOMMENDED ADJUSTMENTS

The department recommends the following adjustments since the Code Reviser filed (CR-102). The adjustments are included in your notebooks.

Page 10

- Change: Strike (1)(c) as referenced in WAC 220-415-090.

Rationale: Subsection RCW 77.15.280 (1)(c) no longer exists.

Page 12

- Change: Add the word “annual” to clarify that the test must be taken each year.
 - Hunters that are selected to hunt in GMUs located in grizzly bear recovery areas, as identified by the department, must successfully complete the annual WDFW online bear identification test with a passing score (80% or higher) or carry proof that they have passed an equivalent test from another state.

Rationale: This change makes it clear that bear identification test is an annual requirement.

Page 13

- Change: Under Submitting Biological Samples and Bear Teeth:
 - Strike “notification” and insert “harvest reporting”
 - Strike “Failure to abide by the conditions of permits is a misdemeanor pursuant to RCW 77.15.750.”
 - Strike “conditions of this chapter” and insert “submission of biological samples”
 - Strike “an infraction” and insert “a misdemeanor”
 - Strike “RCW 77.15.160” and insert “RCW 77.15.280”

Rationale: The new language aligns the appropriate penalty to the failure to submit reports and/or biological samples per RCW.

Summary of Public Comments Received During the Official Comment Period and WDFW Response:

WAC 220-415-090 2018-2020 Fall black bear hunting seasons and regulations.

Supporting Comments:

There were 49 comments submitted for this WAC proposal. Twenty-one (21) comments were in support of the proposed changes. Several commenters suggested changes to the bear season dates; ranging from earlier starts in Northeast Washington to extending the closing date to align with the close of the modern firearm elk season. One (1) comment stated a desire for separating the spring special permit bag limit from the annual bear bag limit.

Opposing, Neutral, and Other Comments:

There were seven (7) comments that stated neutral; four (4) suggested opening the season earlier, one (1) suggested increasing available tags, and one (1) suggested making the test part of the license. There were 21 comments opposing the proposed changes. Four (4) comments directly stated opposition to the bear identification test; stating “it is an additional hurdle for bear hunters,” “there should not be a test,” and “if someone can’t tell the difference they should be fined.” Other comments received from those that opposed the changes included: “a waste of time and resources... populations are stable or above goals...,” “should add more youth opportunities,” and requests to change the opening and closing dates for fall bear season. Two (2) comments received expressed opposition to an infraction being imposed for failure to report or submit biological samples. One (1) comment was received that questioned why only one (1) bear of the two (2) bear bag limit may come from eastern Washington. One (1) additional comment received expressed opposition to closing GMU 410 and GMU 422.

Direction and Rationale:

The department will move forward with the recommendations to the Fish and Wildlife Commission. The department believes that providing outreach material, in the form of the bear identification study guide, and test that may be taken until passed, is an appropriate measure in conservation management of grizzly bears to minimize incidental take, bring awareness to hunters, and create stewardship of resources managed by other government agencies. The test will only be required of those planning to hunt in areas determined by the department as having potential grizzly bear occurrences.



PROPOSED RULE MAKING

CR-102 (August 2017) (Implements RCW 34.05.320) Do NOT use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 24, 2018
TIME: 8:20 AM

WSR 18-03-177

Agency: Washington Department of Fish and Wildlife (WDFW)

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

- Preproposal Statement of Inquiry was filed as WSR 17-24-106 on December 6, 2017 ; 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).**
- Proposal is exempt under RCW _____.**

Title of rule and other identifying information: (describe subject)

- WAC 220-400-050 Requirements for sealing of pelts and collection of biological information for river otter, cougar, lynx, and bobcat.
- WAC 220-410-040 Game management units (GMUs) boundary descriptions-Region four.
- WAC 220-410-050 Game management units (GMUs) boundary descriptions-Region five.
- WAC 220-412-070 Big game and wild turkey auction, raffle, and special incentive permits.
- WAC 220-412-080 Special hunting season permits.
- WAC 220-412-100 Landowner hunting permits.
- WAC 220-413-030 Importation and retention of dead nonresident wildlife.
- WAC 220-413-070 Hunting with aid of aircraft, boats or other vehicles.
- WAC 220-413-100 Mandatory report of hunting activity.
- WAC 220-413-180 Special closures and firearm restriction areas.
- WAC 220-414-060 Muzzleloading firearms.
- WAC 220-414-080 Hunting—Hunter orange clothing requirements.
- WAC 220-415-010 Deer area descriptions.
- WAC 220-415-020 2015-2017 Deer general seasons and definitions.
- WAC 220-415-030 2017 Deer special permits.
- WAC 220-415-040 Elk area descriptions.
- WAC 220-415-050 2015-2017 Elk general seasons and definitions.
- WAC 220-415-060 2017 Elk special permits.
- WAC 220-415-070 2017 Moose seasons, permit quotas, and areas.
- WAC 220-415-080 2018 Spring black bear seasons and regulations.
- WAC 220-415-090 2015-2017 Fall black bear hunting seasons and regulations.
- WAC 220-415-100 2016-2017 and 2017-2018 Cougar hunting seasons and regulations.
- WAC 220-415-120 2017 Bighorn sheep seasons and permit quotas.
- WAC 220-415-130 2015-2017 Mountain goat seasons and permit quotas.
- WAC 220-416-010 2015-16, 2016-17, 2017-18 Small game and other wildlife seasons and regulations.
- WAC 220-416-060 2017-2018 Migratory waterfowl seasons and regulations.
- WAC 220-440-030 Public Safety Cougar Removals.

Hearing location(s):

| Date: | Time: | Location: (be specific) | Comment: |
|-------------------|-----------|---|----------|
| March 15-17, 2018 | 8:00 a.m. | Red Lion Hotel 1225 N. Wenatchee Avenue Wenatchee, WA 98801 | |

Date of intended adoption: April 12-14, 2018 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Wildlife Program Rules Coordinator
 Address: PO Box 43141, Olympia, WA 98504-3200
 Email: wildthing@dfw.wa.gov

Fax: (360) 902-2162

Other: <https://wdfw.wa.gov/hunting/regulations/seasonsetting/2018-2020/>

By (date) February 14, 2018

Assistance for persons with disabilities:

Contact Tami Lininger

Phone: (360) 902-2267

Fax:

TTY: (800) 833-6388

Email: tami.lininger@dfw.wa.gov

Other:

By (date) March 7, 2018

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

WAC 220-400-050 Requirements for sealing of pelts and collection of biological information for river otter, cougar, lynx, and bobcat.

The purpose of the proposal is to simplify the sealing requirements for bobcat and cougar pelts by aligning the date for sealing bobcat with the last date of trapper reporting and by requiring cougar pelt sealing to occur within 72 hours of harvest. The proposed changes align the dates for pelt sealing each species, regardless of method or reporting of harvest.

WAC 220-410-040 Game management units (GMUs) boundary descriptions-Region four.

The purpose of the proposal is to clarify boundary language as it pertains to Game Management Unit 485 Green River. The existing language can be somewhat complicated. The proposed changes take advantage of the well-marked boundaries of the watershed which are identical to the GMU boundary.

WAC 220-410-050 Game management units (GMUs) boundary descriptions-Region five.

The purpose of the proposal is to clarify boundary language as it pertains to Game Management Units 522 Loo Wit and 560 Lewis River. The proposed changes clarify directional movements on established roads that make up the boundaries.

WAC 220-412-070 Big game and wild turkey auction, raffle, and special incentive permits.

This proposal replaces GMU 172 with GMU 169 for the Rocky Mountain bighorn sheep raffle permit holder.

WAC 220-412-080 Special hunting season permits.

This proposal revises wording in the "once in a lifetime" part of special hunting permits for moose, to reflect the proposed change in hunt categories from "any moose" to "antlered bull moose." Any "point" accumulated under the "any moose" category will be transferred to the "antlered bull moose" category.

Additionally applicants for special hunting season permits will be required to either complete hunter education prior to submitting a permit application, or be exempt from the hunter education requirement.

WAC 220-412-100 Landowner hunting permits.

This proposal modifies hunt dates on properties enrolled in WDFW's Landowner Hunting Permit (LHP) program for the 2018 hunting seasons. These sites offer special hunting opportunities to the public through permits issued by WDFW, raffles, or selection by the landowner.

WAC 220-413-030 Importation and retention of dead nonresident wildlife.

The proposal will ban the importation and retention of specific parts of dead nonresident wildlife that could contain Chronic Wasting Disease (CWD) from Montana. Specific circumstances are fully set forth in WAC 220-413-030 to include the state of Montana.

WAC 220-413-070 Hunting with aid of aircraft, boats or other vehicles.

The purpose of this proposal is to add unmanned aircraft to the rule that restricts the use of aircraft, boats, or other types of vehicles to hunt, spot, or harass wildlife.

WAC 220-413-100 Mandatory report of hunting activity.

The proposal will change the reporting deadline for brant, sea duck, and snow goose to March 20 following the season for which the harvest card was issued, and adds a harvest report card requirement for the SW Canada Goose special species authorization.

WAC 220-413-180 Special closures and firearm restriction areas.

The purpose of the proposal is to modify restrictions in the Special Closures and Firearm Restriction rule by:

Adding mountain goat as an exception to the hunting restriction in GMU 522.

Clarifying and adding exceptions to the firearm restriction that exists in a portion of GMU 652.

Removing a firearm restriction area in Kitsap County that is no longer needed.

WAC 220-414-060 Muzzleloading firearms.

The purpose of the proposal is to eliminate the restriction that disallows the use of primers, designed for modern cartridges in the firearms ignition system, during muzzleloader hunting seasons. Such a rule change will allow more technologically advanced muzzleloaders to be used during muzzleloader seasons.

WAC 220-414-080 Hunting—Hunter orange clothing requirements.

This proposal adds turkey to the hunter orange rule and requires turkey hunters that are hunting during a modern deer or elk firearm season to wear florescent orange.

WAC 220-415-010 Deer area descriptions.

The purpose of the proposal is to eliminate the three Deer Areas surrounding Spokane and the Colfax Deer Area that are either ineffective or no longer needed and add the North Issaquah Deer Area in King and Snohomish Counties to help mitigate deer conflict issues. Deer Areas allow the department to focus deer hunting pressure on a smaller scale than the Game Management Unit. Deer Areas help expand hunting opportunity that would normally not be available. Deer Areas also help accommodate wildlife conflict mitigation using hunting as a tool.

WAC 220-415-020 2015-2017 Deer general seasons and definitions.

The purpose of this proposal is to retain general season deer hunting opportunity for 2018-2020. In addition, the purpose of the proposal is to balance the hunting opportunity between user groups. The proposal also increases the opportunity when deer populations allow, and reduces the opportunity when declining deer numbers warrant a change.

WAC 220-415-030 2017 Deer special permits.

The purpose of this proposal is to retain special permit deer hunting opportunity for 2018. In addition, the purpose of the proposal is to balance the hunting opportunity between user groups. The proposal also increases the opportunity when deer populations allow, and reduces the opportunity when declining deer numbers warrant a change.

WAC 220-415-040 Elk area descriptions.

The purpose of the proposal is to add new Elk Areas or adjust the boundaries of existing Elk Areas. Elk Areas allow the department to focus elk hunting pressure on a smaller scale than the Game Management Unit. Elk Areas help expand hunting opportunity that would normally not be available. Elk Areas also help accommodate wildlife conflict mitigation using hunting as a tool.

WAC 220-415-050 2015-2017 Elk general seasons and definitions.

The purpose of this proposal is to retain general season elk hunting opportunity for 2018-2020. In addition, the purpose of the proposal is to balance the hunting opportunity between user groups. The proposal also increases the opportunity when elk populations allow, and reduces the opportunity when declining elk numbers warrant a change.

WAC 220-415-060 2017 Elk special permits.

The purpose of this proposal is to retain elk special permit hunting opportunity for 2018. The purpose is also to balance the elk hunting opportunity between user groups. The proposal also increases elk hunting opportunity when elk populations allow, and reduces elk hunting opportunity when declining elk numbers warrant a change.

WAC 220-415-070 2017 Moose seasons, permit quotas, and areas.

The purpose of this proposal is to remove hunt category "any moose," replacing it with "any antlered bull moose;" require successful moose hunters to submit an incisor tooth by mail to WDFW for ageing; add "or archery" to the list of permitted weaponry for moose hunting in the Parker Lake special hunt area; and changes in permit levels.

WAC 220-415-080 2018 Spring black bear seasons and regulations.

The purpose of the proposed amendments is to align the rules with the appropriate season dates; require a bear identification test for hunters that will hunt within grizzly bear recovery areas as identified by the department; expand the biological samples that may be collected by the department; and include results for failure to report or comply with the conditions of the rule.

WAC 220-415-090 2015-2017 Fall black bear hunting seasons and regulations.

The purpose of the proposed amendments is to align the rules with the appropriate season dates; remove game management units that do not have resident bear populations; require a bear identification test for hunters that will hunt within grizzly bear recovery areas as identified by the department; expand the biological samples that may be collected by the department; and include results for failure to report or comply with the conditions of the rule.

WAC 220-415-100 2016-2017 and 2017-2018 Cougar hunting seasons and regulations.

The purpose of the proposed amendments is to align the rules with the appropriate season dates; align the cougar season with the license year and thereby minimize potential confusion by hunters; and align the late cougar season start date with the closing date of the general deer and elk seasons for modern firearm and muzzleloader with the exception of a few Master Hunter antlerless elk seasons that continue into January.

WAC 220-415-120 2017 Bighorn sheep seasons and permit quotas.

The purpose of the proposal is to initiate modest ewe (bighorn sheep female) harvests in two separate areas of the Lincoln Cliffs bighorn sheep populations. Additionally, increase harvest of both rams and ewes in the Chelan Butte population.

WAC 220-415-130 2015-2017 Mountain goat seasons and permit quotas.

The purpose of the proposal is to require holders of mountain goat hunting permits to pass an online test of their ability to distinguish mountain goats by gender (i.e., billy vs. nanny) before they would be allowed to purchase their mountain goat hunting license; establish new mountain goat hunting seasons in Mt. Margaret back-country, and Mt. St. Helens South (one permit in each area); and split the existing Goat Rocks mountain goat hunt area into two contiguous areas.

WAC 220-416-010 2015-16, 2016-17, 2017-18 Small game and other wildlife seasons and regulations.

The purpose of the proposal is to make date adjustments related to calendar changes; extend the fall turkey season in GMUs 101-154 and 162-186; remove the draw permits from Klickitat County and opens GMUs within that county to general season hunting; and prohibit night hunting in GMUs that fall within the lynx management zones as identified by the department.

WAC 220-416-060 2017-2018 Migratory waterfowl seasons and regulations.

The purpose of the proposal is to specify legal season dates and bag limits for the 2018-2019 season.

WAC 220-440-030 Public Safety Cougar Removals.

This proposal changes the current Public Safety Cougar Removal from a hunting opportunity authorizing the use of hounds, when certain conditions are met, to a permit program to provide training opportunities for owners of "working dogs" who are often summoned by WDFW Law Enforcement to assist in resolving wildlife conflict issues. If approved, this new program will allow working dogs and their owners the non-lethal pursuit of cougars under the conditions of a training permit.

Reasons supporting proposal:

WAC 220-400-050 Requirements for sealing of pelts and collection of biological information for river otter, cougar, lynx, and bobcat.

The proposed amendments will make the sealing requirements consistent for each species and thereby easily understood by user groups. The proposed changes will also make managing cougar hunt unit closures more efficient and timely.

WAC 220-410-040 Game management units (GMUs) boundary descriptions-Region four.

The proposed amendments will make the boundaries more discernable for hunters. The proposed changes will also make enforcement of hunting season rules and trespass rules more straightforward.

WAC 220-410-050 Game management units (GMUs) boundary descriptions-Region five.

The proposed amendments will make the boundaries more discernable for hunters. The proposed changes will also make enforcement of hunting season rules more straightforward.

WAC 220-412-070 Big game and wild turkey auction, raffle, and special incentive permits.

The proposed amendments will redirect hunters from a small herd that has few mature rams to a herd that can more easily support removal of a large-sized ram.

WAC 220-412-080 Special hunting season permits.

The proposed amendments will maintain consistency with proposed changes in the WAC 220-415-070 and requirements elsewhere in WAC that applicants for special permits possess the necessary qualifications to hunt under that permit should they be drawn.

WAC 220-412-100 Landowner hunting permits.

Several years ago, the Fish and Wildlife Commission developed a policy to expand the private lands available to the general public for hunting. One of the programs that was authorized is the Landowner Hunting Permit Program. This program encourages landowners to provide opportunity to the general hunter in exchange for customized hunting seasons and the ability to generate funding to offset the cost of providing public access.

WAC 220-413-030 Importation and retention of dead nonresident wildlife.

Because Montana has identified chronic wasting disease in wild free ranging deer, the department seeks to mitigate the risk to public health and safety by adding the state of Montana to WAC 220-413-030.

WAC 220-413-070 Hunting with aid of aircraft, boats or other vehicles.

Small unmanned aircraft have become a part of modern culture. Unmanned aircraft use is pervasive. In the same spirit of hunting ethics that inspired the Fish and Wildlife Commission to promulgate a rule that restricts the use of vehicles, aircraft, or boats to hunt or harass wildlife, the department feels that unmanned aircraft should be specifically called out and added to this rule.

WAC 220-413-100 Mandatory report of hunting activity.

Two proposed amendments of WAC 220-416-060 require changing the February 15 deadline date. The proposal to move 12-days of the snow goose hunting season in Goose Management Area 1 (Skagit and Snohomish Counties) would have the goose season ending at the end of February (February 27, 2019). Additionally, the requirement of a mandatory harvest report for goose hunting in Goose Management Area 2-Coast and Inland (Clark, Cowlitz, Grays Harbor, Pacific, and Wahkiakum Counties) has to accommodate goose hunting seasons that can extend to March 10 in some years. To minimize confusion, all waterfowl-related reporting deadlines would be changed to March 20.

WAC 220-413-180 Special closures and firearm restriction areas.

Reasons for supporting the rule include expanding mountain goat hunting opportunity; accommodating both firearm restriction needs and wildlife conflict mitigation; and adding flexibility to hunting seasons when restrictions are no longer necessary.

WAC 220-414-060 Muzzleloading firearms.

The Fish and Wildlife Commission requested that the department reach out to the hunting public and get their opinion on the use of modern cartridge primers on muzzleloading firearms during muzzleloader season. Deer and elk hunters were polled, and the majority of the respondents were in favor of allowing the more modern primers.

WAC 220-414-080 Hunting—Hunter orange clothing requirements.

This proposal is meant to increase safety. Turkey seasons in the past did not overlap with modern deer or elk firearm seasons. New proposals to control growing turkey populations make it necessary to overlap those seasons. This recommended rule adjustment provides consistency. All other species hunters are already required to wear hunter orange during modern deer or elk firearm season. This proposal adds turkey hunters to that list.

WAC 220-415-010 Deer area descriptions.

The proposed amendments will allow the department to use hunting as a management tool and expands deer hunting opportunity.

WAC 220-415-020 2015-2017 Deer general seasons and definitions.

This proposal provides for recreational deer hunting opportunity and protects deer from overharvest. The proposal would maintain sustainable general deer hunting season opportunities for 2018-2020. In addition, the proposal allows for the use of hunting as a management tool, helps address deer agricultural damage problems, and provides for deer population control when needed.

WAC 220-415-030 2017 Deer special permits.

This proposal provides for recreational deer hunting opportunity and protects deer from overharvest. The proposal would also maintain sustainable deer special permit hunting season opportunities for 2018. The proposal helps address deer agricultural damage problems and provides for deer population control when needed.

WAC 220-415-040 Elk area descriptions.

The proposed amendments allow the department to use hunting as a management tool and expands elk hunting opportunity.

WAC 220-415-050 2015-2017 Elk general seasons and definitions.

The proposal provides for recreational elk hunting opportunity and protects elk from overharvest. The proposal would maintain sustainable general elk hunting season opportunities for 2018-2020. The proposal helps address elk agricultural damage problems and provides for elk population control when needed.

WAC 220-415-060 2017 Elk special permits.

This proposal provides for recreational elk hunting opportunity and protects elk from overharvest. The proposal would maintain sustainable elk special permit hunting opportunity for 2018. The proposal helps address elk agricultural damage problems and provides for elk population control when needed.

WAC 220-415-070 2017 Moose seasons, permit quotas, and areas.

We expect the moose population in Northeastern Washington to stabilize or decline over the next few years. Being able to predict whether males (bulls) or females (cows) will be taken in any given hunt is important to managers. Almost all holders of "any moose" permits attempt to take bulls. Accumulated points held in the "any moose" category would be transferred to the new "any antlered bull moose" category; the definition of "antlered bull moose" would require the presence of "visible antlers." Public support for this proposal was high.

Models currently under development by WDFW to understand moose population trajectory require knowing the age of harvested moose. WDFW currently requests successful hunters to extract a tooth and send it to WDFW in a supplied envelope. However, compliance with the currently voluntary request is variable, and response is likely biased. Incorporating this request in rule should increase compliance, increasing the accuracy and precision of our monitoring models.

In response to a hunter's question from 2017, we realized that, unlike other 'muzzleloader hunts' offered for other species, we had not indicated that 'archery' – considered a lesser-capable weapon – could also be used in the muzzleloader season. WDFW received approval from The United States Air Force on this change.

Recent work has strongly suggested that moose have begun declining in abundance in most areas. We also received considerable support from the public for reducing "Youth only" hunts. Most of these specific changes reduce "antlerless moose" permits, particularly in WDFW District 2, where harvest rates have been relatively high. In response to suggestions from Enforcement, we would eliminate the Master Hunter moose permits, which have only been used a handful of times in the past decade, due to the difficulty of finding an appropriate situation. This would reduce expectation among Master Hunters for an opportunity, which, in reality, has rarely been realized.

WAC 220-415-080 2018 Spring black bear seasons and regulations.

The proposed amendments will announce the appropriate season dates, assist in lessening the likelihood of incidental take of grizzly bear, bring awareness to hunters, create stewardship of resources managed by other government agencies, and provide the department with the ability to collect biological samples which further assist managing bear populations.

WAC 220-415-090 2015-2017 Fall black bear hunting seasons and regulations.

The proposed amendments will announce the appropriate season dates, assist hunters by providing opportunities where they exist, assist in lessening the likelihood of incidental take of grizzly bear, bring awareness to hunters, create stewardship of resources managed by other government agencies, and provide the department with the ability to collect biological samples which further assist managing bear populations.

WAC 220-415-100 2016-2017 and 2017-2018 Cougar hunting seasons and regulations.

The proposed amendments will announce the appropriate season dates; assist in minimizing disturbance to ungulates that are already stressed from winter and birthing; minimize confusion and burden on hunters to buy two licenses; allow hunters who are deer and elk hunting to take a cougar through December 15 without having to call the toll free line to determine if the area is open or not; provide the department an earlier timeframe to manage the harvest guidelines; and attempt to minimize potential of exceeding the harvest guidelines.

WAC 220-415-120 2017 Bighorn sheep seasons and permit quotas.

Where bighorn sheep graze frequently on private, agricultural lands, public tolerance for them can be compromised. Because we have no current place to translocate these sheep, a ewe-only hunt is recommended.

The Chelan Butte bighorn sheep population has also grown, providing opportunity for hunters interested in taking rams (we propose a split season, early and late). Because this herd is situated close to small farms and rural residences, the risk of contact between bighorns and domestic sheep and goats is high. One action the department can take to manage this risk is to halt the slow down or halt the growth of the herd through increased provision of ewe permits.

WAC 220-415-130 2015-2017 Mountain goat seasons and permit quotas.

Mountain goat populations are sensitive to harvest of females, but identification of gender in the field is difficult. The department currently provides training videos and pamphlets to successful applicants for mountain goat hunting permits, but has no way of ensuring that these materials are used. The department proposes adding an online gender identification test that permit holders would be required to pass before being allowed to purchase a mountain goat hunting license. A passing score would be 80%, and permit holders could re-take the test as often as needed until they achieved a passing score.

We now have reliable surveys indicating that goats inhabiting the Mt. St. Helens and Mt. Margaret areas are sufficiently abundant to sustain a conservative hunt. Thus, new hunts are proposed in this area.

The conflict reduction hunt in the East Olympic Mountains remains in the proposed WAC revision as of 12/20/2017, but we hope to remove it prior to the March Commission meeting if we have more certainty that the multi-agency translocation project will commence in 2018. If agencies are moving goats from the Olympic Mountains, it would be inappropriate to provide hunters with the expectation that there would be goats for hunters to pursue in those same places.

The department's data suggests that mountain goat hunting in the Goat Rocks area has been sustainable, but almost all mountain goats taken have come from the more accessible portions of the area. Splitting the existing hunt area in two (and allocating permits approximately proportionally) would distribute harvest pressure more evenly among goats in the greater population.

WAC 220-416-010 2015-16, 2016-17, 2017-18 Small game and other wildlife seasons and regulations.

Annual shifts in the calendar require adjustment.

Turkey populations in those GMUs are high, causing crop and property damage. The proposed change will lengthen the fall season to facilitate additional turkey harvest and help mitigate those problems.

The turkey population in Klickitat County is doing well enough to support a general season hunting opportunity. In the past hunting in those GMUs were by draw permit only. The recommended change will do away with the draw permits and opens those GMUs to general season hunters.

A bobcat hunter mistakenly harvested a collared lynx at night last year. It is very difficult to differentiate the two species with artificial light or night vision equipment. The recommended rule change will help conserve the few lynx that exist in the lynx management zones by making it illegal to night hunt in the GMUs that fall within those zones.

WAC 220-416-060 2017-2018 Migratory waterfowl seasons and regulations.

Waterfowl seasons and regulations are developed based on cooperative management programs among states of the Pacific Flyway Council and the U.S. Fish and Wildlife Service, considering population status and other biological parameters. The rule establishes waterfowl seasons and regulations to provide recreational opportunity, control waterfowl damage, and conserve the waterfowl resources in Washington.

WAC 220-440-030 Public Safety Cougar Removals.

WDFW is often called upon to address wildlife conflict issues involving cougar and other species of wildlife. The issues include both public safety and the protection of property. This commonly requires assistance from local citizens who own working dogs (commonly known as hounds), that are especially capable of, and trained for, the detection, tracking, and treeing cougar. Due to broad hunting restrictions, working dogs are limited in access to training opportunities. Working dogs must be kept in peak physical condition in order to be effective. Young dogs require training in order to be of use. The current Public Safety Cougar Removal program was implemented as a pilot and has not been effective in addressing its original intent. Both the Law Enforcement and the Wildlife Programs support this concept. Representatives from The Humane Society of the United States and Conservation Northwest have been involved in creating this proposal and are in support.

Statutory authority for adoption: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.020, 77.12.040, 77.12.047, 77.12.150, 77.12.210, 77.12.240, 77.12.320, 77.12.570, 77.12.800, 77.15.245, 77.32.007, 77.32.050, 77.32.070, 77.32.090, 77.32.370, and 77.32.530.

Statute being implemented: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.020, 77.12.040, 77.12.047, 77.12.150, 77.12.210, 77.12.240, 77.12.320, 77.12.570, 77.12.800, 77.15.245, 77.32.007, 77.32.050, 77.32.070, 77.32.090, 77.32.370, and 77.32.530.

Is rule necessary because of a:

- Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None.

Name of proponent: (person or organization) WDFW

- Private
 Public
 Governmental

Name of agency personnel responsible for:

| | Name | Office Location | Phone |
|-----------------|------------------|--|----------------|
| Drafting: | Eric Gardner | 600 Capitol Way North Olympia, WA 98501 | (360) 902-2515 |
| Implementation: | Eric Gardner | 600 Capitol Way North Olympia, WA 98501 | (360) 902-2515 |
| Enforcement: | Chief Steve Bear | 600 Capitol Way North Olympia, WA 98501 | (360) 902-2373 |

Is a school district fiscal impact statement required under RCW 28A.305.135?

- Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:

TTY:
Email:
Other:

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:

TTY:

Email:

Other:

No: Please explain: The rule proposal does not require a cost-benefit analysis and does not affect hydraulics.

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)
(Internal government operations)

RCW 34.05.310 (4)(e)
(Dictated by statute)

RCW 34.05.310 (4)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025 (4).

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

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES


If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

| | |
|---------------------------------|---|
| Date: January 24, 2018 | Signature:  |
| Name: Scott Bird | |
| Title: Rules Coordinator | |