

Reducing the spread of hoof disease – Unlawful transport of elk hooves

220-413-200

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Summary Sheet

Meeting dates: September 14-15, 2018

Agenda item: Reducing the spread of hoof disease – Unlawful transport of elk hooves: **Briefing, Public Hearing, and Decision**

Presenter(s): Brock Hoenes, Elk Specialist, Wildlife Program

Background summary:

Staff will brief the Commission on proposed amendments to WAC 220-413-200 Reducing the spread of hoof disease – Unlawful transport of elk hooves, and request adoption of those amendments.

WAC 220-413-200 is intended to reduce the potential of spreading the causative bacterial agent(s) of treponeme associated hoof disease (TAHD). The rule restricts the transport of elk hooves from harvested animals that were killed in GMUs where TAHD has been confirmed. The rule provides an exception for those cooperating with Department directed management or research.

The proposed amendment adds four GMUs to the restriction. TAHD has been confirmed in GMU 568 and in the northwest corner of GMU 578 near the border of GMUs 574 and 572.

Policy issue(s) and expected outcome:

Restricting the movement of elk hooves from elk harvested in GMUs where TAHD has been confirmed or in GMUs with borders near where TAHD has been confirmed.

Fiscal impacts of agency implementation:

No fiscal impacts beyond the status quo.

Public involvement process used and what you learned:

The Department notified approximately 2,100 individuals informing them of the opportunity to provide comment on the proposed regulations. Additionally, these individuals and organizations were informed of the opportunity to provide verbal testimony at the September 14-15, 2018 Commission Meeting in Olympia.

Action requested and/or proposed next steps:

Amend WAC 200-413-413 as presented.

Draft motion language:

Motion: I move to amend WAC 220-413-200 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 Releases

AMENDATORY SECTION (Amending WSR 17-17-088, filed 8/17/17, effective 9/17/17)

WAC 220-413-200 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 407, 418, 437, 454, 501 through 564, 568, 572, 574, 578, 633, 636 and 642 through 699, except when specifically authorized by the department or when acting as an agent of the department in the limited capacity of cooperating with research or management actions regarding hoof disease as directed by the department.

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



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: July 20, 2018

TIME: 7:41 AM

WSR 18-16-006

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 18-12-095 on June 05, 2018 ; 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 220-413-200 Reducing the spread of hoof disease – Unlawful transport of elk hooves.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
September 14-15, 2018	8:00 a.m.	Natural Resources Building Room 172 1111 Washington Street SE Olympia, Washington 98501	

Date of intended adoption: September 15, 2018 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Wildlife Program
Address: PO Box 43200, Olympia, WA 98504
Email: wildthing@dfw.wa.gov
Fax: (360) 902-2162
Other: <https://surveymonkey.com/r/ZN5J298>
By (date) August 22, 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) September 7, 2018

Purpose of the proposal and its anticipated effects, including any changes in existing rules: 220-413-200 Reducing the spread of hoof disease - Unlawful transport of elk hooves.

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

This rule is an attempt to reduce the potential risk of inadvertently spreading the causative agents of treponeme associated hoof disease (TAHD) in elk.

New Game Management Units (GMUs) are being proposed in which transport of elk hooves from harvested elk would be restricted. These new GMUs include 568, 572, 574, and 578. The rule does allow, under certain circumstances, the legal transport of elk hooves coming from GMUs with TAHD to facilitate research by the Department.

Reasons supporting proposal:

This proposal adds GMUs where transport of elk hooves will be restricted in order to reduce the potential risk of the disease spreading.

Statutory authority for adoption:

RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.240.

Statute being implemented:

RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 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:

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

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:	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:	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.

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 ____.

Explanation of exemptions, if necessary:

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: July 20, 2018

Name: Scott Bird

Title: Rules Coordinator

Signature:

