



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Washington Department of Fish and Wildlife

Permanent Rule Only

Effective date of rule:

Permanent Rules 11-38

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If Yes, explain:

Purpose: The current rule does not make it illegal to buy and sell unlawfully taken wildlife. The proposed rule will prohibit the sale, purchase, and trade of fish, shellfish, and wildlife taken in violation of any law or regulation. The rule also adds velvet antlers of moose to the list of nonedible wildlife parts that cannot be sold, purchased, or traded without a permit from the director; and it more clearly details the conditions required for selling, purchasing, or trading game-farm raised deer and elk. Lastly, it provides information so that a person whose permit was denied to sell, purchase, or trade nonedible wildlife parts can request a hearing to contest the denial.

Reasons supporting proposal: The changes will reduce poaching by prohibiting the sale, purchase, and trade of unlawfully taken wildlife. The changes also will provide clearer guidance to people who want to buy, sell, or trade game-farm raised deer and elk, or who want to contest a denial of a permit to sell, purchase, or trade nonedible parts of wild animals, game birds, or game fish.

Citation of existing rules affected by this order:

Repealed:
Amended: WAC 232-12-071
Suspended:

Statutory authority for adoption: RCW 77.04.020 and 77.12.047

Other authority : N/A

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 10-21-119 on October 20, 2010; and WSR 11-01-135 on December 21, 2010 (date). Describe any changes other than editing from proposed to adopted version: None.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: _____ phone () _____
Address: _____ fax () _____
e-mail _____

Date adopted: March 18, 2011

NAME (TYPE OR PRINT)
Miranda Wecker

SIGNATURE
Miranda Wecker

TITLE
Chair, Fish and Wildlife Commission

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 21, 2011
TIME: 12:09 PM

WSR 11-07-065

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in the agency's own initiative:

New	_____	Amended	<u>1</u>	Repealed	_____
-----	-------	---------	----------	----------	-------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

AMENDATORY SECTION (Amending Order 06-209, filed 8/16/06, effective 9/16/06)

WAC 232-12-071 Buying or selling game unlawful--Game-farmed meat exception. (1) ~~((Unless prohibited by federal regulations,))~~ 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 ((lawfully taken may be offered for sale, sold, purchased or traded, **except** it is unlawful to offer for sale, sell, purchase or trade the following unless authorized by a written permit issued by the director)) 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((-

(b)); 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 ((or)), elk((-

(c) Gall bladder, claws, or teeth of bear, **except** those claws or teeth permanently attached to a full bear skin or mounted bear.

(2) It is unlawful to knowingly buy, sell, or otherwise exchange, or 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 pursuant to permit.

(3)), 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 ((lawful)) unlawful to offer for sale, sell, purchase ((and sell the meat of)), or barter game-farm raised deer and elk, ((provided)) 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 ((state or)) country((7)).

(c) The meat is boned, and only the meat is imported ((for sale, and)).

(d) The meat is packaged for retail sale prior to ((import)) importation into this state. ((It is unlawful to fail to maintain proof of the source of the game-farmed meat together with the meat until the meat is consumed or exported.))

(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.