



# 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 15-100**

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:** See attachment A

**Citation of existing rules affected by this order:**

Repealed:

Amended: WAC 220-55-174, 232-12-055, and 232-28-294

Suspended:

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

**Other authority :**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 15-04-088 on 02/02/2015

Describe any changes other than editing from proposed to adopted version: See Attachment B.

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:**

April 10, 2015

**NAME (TYPE OR PRINT)**

Brad Smith

**SIGNATURE**

**TITLE**

Chair, Fish and Wildlife Commission

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: May 01, 2015**

**TIME: 9:30 AM**

**WSR 15-10-061**

(COMPLETE REVERSE SIDE)

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

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

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	<u>0</u>	Amended	<u>3</u>	Repealed	<u>0</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

ATTACHMENT A – Purpose

**WAC 232-12-055 Hunting—Hunter orange clothing requirements**

**Purpose:**

This rulemaking clarifies the hunter orange requirement in regards to Master Hunters. The rule change will increase safety by ensuring all Master Hunters wear hunter orange during all hunts that allow the use of modern firearms.

**WAC 220-55-174 Reduced rate combination elk general licenses**

**Purpose:**

This rulemaking provides Master Hunters with an incentive to participate in hunts such as the early 3911 hunt to help in addressing elk damage. This rule was modified in 2014 to provide a discounted elk license to Master Hunters who purchase a second elk tag for special permit hunts, but did not allow this incentive for Area 3911. This rule change allows the incentive to apply to this area.

**WAC 232-28-294 Multiple season big game permits**

**Purpose:**

This rulemaking provides more opportunity for hunters who were not drawn for a multiple season big game permit to purchase a leftover permit earlier in the year. This change will allow more time for those who were not drawn to have the opportunity to utilize the permit and extend their season.

## **ATTACHMENT B - Changes**

### **220-55-174 Reduced rate combination elk general licenses**

*Describe any changes other than editing from proposed to adopted version:*

Under subsection (1)(a), the language is changed from " Master hunters must purchase a master hunter elk tag to participate in both special permit and general season master hunter hunts" to "Master hunters must purchase a master hunter second elk transport tag to participate in a master hunter special permit hunt. Master hunters must purchase a master hunter elk area 3911 second elk transport tag to participate in the early elk area 3911 master hunter general season hunt."

### **232-28-294 Multiple season big game permits.**

*Describe any changes other than editing from proposed to adopted version:*

Language in subsection (3)(d) was amended to read: "Permits not purchased by successful applicants prior to August 1st may be sold at the discretion of the department on a first-come, first-served basis."

**WAC 220-55-174 Reduced rate combination elk general licenses.**

(1) There is hereby created combination elk hunting licenses that allow the holder to hunt elk for the purposes described below. A person purchasing any big game license that includes elk may purchase a reduced rate combination as follows:

(a) ~~((If a hunter is drawn for a special permit in the master hunter elk category, they))~~ Master hunters must purchase a master hunter second elk transport tag ~~((as authorized and conditioned by the commission to harvest a second elk))~~ to participate in a master hunter special permit hunt. Master hunters must purchase a master hunter elk area 3911 second elk transport tag to participate in the early elk area 3911 master hunter general season hunt. A master hunter in good standing must also purchase a master hunter elk tag in order to utilize a damage prevention or kill permit authorized and conditioned by the department. The fee for this combined license is forty dollars less than the sum of the big game license containing elk and the master hunter second elk tag.

(b) If a hunter is issued a damage prevention or kill permit authorized and conditioned by the department, the hunter must purchase a damage elk tag. The fee for this combined license is forty dollars less than the sum of the big game license containing elk and the damage elk second tag.

(2)(a) It is unlawful to possess a second elk transport tag except as authorized by this section.

(b) Violation of this subsection is punishable under RCW 77.15.410, Unlawful hunting of big game—Penalty.

**WAC 232-12-055 Hunting—Hunter orange clothing requirements.**

(1) Except as authorized in subsection (~~((5))~~) (6) of this section, it is unlawful to hunt upland birds or rabbits during any upland game bird season unless the hunter is wearing fluorescent hunter orange clothing.

(2) It is unlawful to hunt deer or elk during all modern firearm general seasons in any manner unless the hunter is wearing fluorescent hunter orange clothing.

(3) All modern firearm permit holders must wear fluorescent hunter orange clothing.

(4) All master hunters must wear fluorescent hunter orange clothing during all deer and elk hunting seasons that allow the use of modern firearms, except as authorized by department permit.

(5) It is unlawful to hunt bear, cougar, bobcat, raccoon, fox, coyote, rabbit, forest grouse or hare during those times and in those places open to the taking of deer or elk during a modern firearm season, unless the hunter is wearing fluorescent hunter orange clothing.

~~((5))~~ (6) Persons who are hunting upland game birds during an upland game bird season with a muzzleloading firearm, bow and arrow or falconry are not required to wear fluorescent hunter orange clothing.

~~((6))~~ (7) Wearing fluorescent hunter orange clothing means: A minimum of 400 square inches of fluorescent hunter orange exterior clothing, worn above the waist and visible from all sides.

~~((7))~~ (8) A violation of this section is an infraction, punishable under RCW 77.15.160.

AMENDATORY SECTION (Amending WSR 12-06-008, filed 2/24/12, effective 3/26/12)

**WAC 232-28-294 Multiple season big game permits.** The commission may, by rule, offer permits for hunters to hunt deer or elk during more than one general season.

An annual drawing will be conducted by the department for multiple season permits.

(1) Multiple season big game hunting permit applications:

(a) To apply for multiple season big game hunting season permits for deer or elk, applicants must purchase a permit application.

(b) No refunds or exchanges for applications will be made for persons applying for multiple season big game hunting season permits after the application has been submitted.

(c) An applicant may purchase only one application for a multiple season big game hunting season permit for each species.

(d) Permits will be randomly drawn by computer selection.

(e) Incomplete applications will not be accepted.

(f) The department will establish application and drawing dates.

(2) The bag limit for this permit is one deer or elk.

(3) Multiple season permits:

(a) Hunters who are drawn will be required to purchase their original deer or elk license, corresponding to their permit, and the multiple season big game permit.

(b) Successful applicants will be allowed to purchase their permit at any time prior to (~~September~~) August 1st.

(c) The permits are not transferable.

(d) Permits not purchased by successful applicants prior to August 1st may be sold at the discretion of the department on a first-come, first-served basis.

(4) Permit holders are required to follow all rules and restrictions for general season hunters within the game management unit or area hunted.

<b>Number of Permits</b>	<b>Dates</b>	<b>Game Management Units (GMUs)</b>	<b>Legal Animal</b>	<b>Eligible Hunters</b>
<b>Multiple Season Deer Permits</b>				
8500	Sept. 1 - December 31 within general seasons and regulations established by the commission for deer	Statewide in those GMUs with general seasons for archery, muzzleloader, or modern firearm hunters	Any legal deer consistent with the game management unit or area restrictions	Any licensed deer hunter
50	Sept. 1 - December 31 within general seasons and regulations established by the commission for deer	Statewide in those GMUs with general seasons for archery, muzzleloader, or modern firearm hunters	Any legal deer consistent with the game management unit or area restrictions	Hunter education instructors meeting qualifications and selection criteria established by the department
<b>Multiple Season Elk Permits</b>				
1000	Sept. 1 - December 31 within general seasons and regulations established by the commission for elk	Statewide in those GMUs with general seasons for archery, muzzleloader, or modern firearm hunters	Any legal elk consistent with the game management unit or area restrictions	Any licensed elk hunter

<b>Number of Permits</b>	<b>Dates</b>	<b>Game Management Units (GMUs)</b>	<b>Legal Animal</b>	<b>Eligible Hunters</b>
25	Sept. 1 - December 31 within general seasons and regulations established by the commission for elk	Statewide in those GMUs with general seasons for archery, muzzleloader, or modern firearm hunters	Any legal elk consistent with the game management unit or area restrictions	Hunter education instructors meeting qualifications and selection criteria established by the department