



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 16-06

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 revision of 232-12-284 clarifies 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 clarifies 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 provides 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.

Reasons Supporting Proposal: This rule change proposal was discussed by the Fish and Wildlife Commission and a public hearing was held at the November 6, 2016, Fish and Wildlife Commission meeting. The proposed changes were adopted by the Commission at the same meeting. The changes will clarify marking requirements for bighorn sheep and provides a mechanism whereby people who obtained bighorn sheep horns, heads, or mounts prior to the establishment of marking requirements may obtain a permit to possess those parts or mounts lawfully.

Citation of existing rules affected by this order:

Repealed:
Amended: WAC 232-12-284
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 15-19-156 on 09/23/2015
Describe any changes other than editing from proposed to adopted version:

There were no changes from the proposed version to the adopted version.

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:

November 6, 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: January 14, 2016

TIME: 2:26 PM

WSR 16-03-045

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

New	<u>0</u>	Amended	<u>1</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:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

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.))~~