



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Washington Department of Fish and Wildlife

Emergency Rule Only

Effective date of rule:

Emergency Rules

- Immediately upon filing. 13-178
- Later (specify) _____

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

- Yes
 - No
- If Yes, explain:

Purpose: The purpose of this emergency rule change is to correct errors in special permit hunts that are used to address agricultural damage by deer and elk as well as population control. This is a matter of safety as well as economic public welfare for impacted Washington citizens.

Citation of existing rules affected by this order:

Repealed:
 Amended: 232-28-359 and 232-28-360
 Suspended:

Statutory authority for adoption: RCW 77.12.047, 77.12.150, 77.12.150

Other authority :

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: The Department will address these corrections as a permanent rule change during the regularly scheduled 2014 rule development process, but the changes are needed immediately to address agricultural damage for the remainder of 2013.

Date adopted: 08/01/2013

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 01, 2013

TIME: 2:39 PM

WSR 13-16-058

(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:

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>2</u>	Amended	_____	Repealed	_____
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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	_____

NEW SECTION

WAC 232-28-35900D 2013 Deer Special Permits

Notwithstanding the provisions of WAC 232-28-359:

- 1) Under the Master Hunter category title, please add the following language;

Any legal weapon may be used while hunting the following hunts unless otherwise specified or required by the Hunt Coordinator. Only one animal may be taken under this special permit opportunity. For those special permit hunts allowing the purchase of a second deer tag, hunters can use either their first or second deer tag but are allowed to kill only one animal under the authorization of the special permit. If a hunter uses their general deer tag and kills and tags an animal under this special permit, the second tag may not be used for the general hunting season.

- 2) Under Master Hunter Deer Hunts, the special restrictions column in the table should read “2nd Tag Allowed” (not “2nd Tag Required”).

NEW SECTION

WAC 232-28-36000E 2013 Elk Special Permits

Notwithstanding the provisions of WAC 232-28-360:

- 1) Under the Master Hunter Category, the following changes should replace the text at the beginning of that category:

Any legal weapon may be used while hunting the following hunts unless otherwise specified or required by the Hunt Coordinator. Only one animal may be taken under this special permit opportunity. For those special permit hunts allowing the purchase of a second elk tag, hunters can use either their first elk or second elk tag but are allowed to kill only one animal under the authorization of the special permit. If a hunter uses their general elk tag and kills and tags an animal under this special permit, the second elk tag may not be used for the general elk hunting season.

- 2) Under Master Hunter Elk Hunts, the 5th column in the table should read “2nd Tag Allowed” (not “2nd Tag Required”).
- 3) Under 65+ Senior category, the first Centralia Mine hunt date should be changed to Jan. 4-5, and the second Centralia Mine hunt should be changed to Jan. 11-12.
- 4) Under the Hunters with Disabilities category, first Centralia Mine hunt date should be changed to Oct. 5-6, and the second Centralia Mine hunt should be changed to Oct. 12-13.