

4. IMPORTATION AND RETENTION OF DEAD NONRESIDENT WILDLIFE – RULE BRIEFING, PUBLIC HEARING, AND RULE ACTION

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“GREEN SHEET”

Meeting: November 4-5, 2011

Agenda Item 4: Importation and Retention of Dead Nonresident Wildlife – **Rule Briefing, Public Hearing, and Rule Action**

Prepared By: Jerry Nelson, Ph.D., Deer and Elk Section Manager, Wildlife Program

Presented By: Dave Ware, Game Division Manager, Wildlife Program

Background:

Department staff will brief the Commission on proposed amendments to WAC 232-12-021 Retention of dead nonresident wildlife.

Research has confirmed the infective agents of chronic wasting disease (CWD) can transfer from decomposing carcasses into the environment. The research conducted by scientists from Colorado and Wyoming showed that infective agents in the soil could infect healthy deer. Therefore, the Commission adopted rules in 2004 to protect Washington deer and elk populations from exposure to CWD from animals harvested in states with confirmed cases of the disease. The Department has additional information on its web site at: <http://wdfw.wa.gov/wlm/cwd/index.htm>.

The Department is recommending adding two new states that have confirmed CWD in their wild cervid populations: Maryland and Minnesota.

Policy Issue(s) you are bringing to the Commission for consideration:

Amend restrictions on the importation of dead wildlife to include states known to harbor chronic wasting disease in wild populations. Add Maryland and Minnesota to list of states that have CWD in wild cervid populations. Reduce the risk for native deer, elk, and moose populations in Washington.

Public involvement process used and what you learned:

A letter was sent to approximately 600 organizations and individuals informing them of the opportunity to provide comments on the proposed regulation.

Action requested (identify the specific Commission decisions you are seeking):

Take public comment and adopt the amended language as proposed.

Draft motion language:

I move to amend WAC 232-12-021 as proposed.

Justification for Commission action:

Reduce the disease risk for native deer, elk, and moose populations in Washington.

Communications plan:

- Washington State Register
 - Hunting Pamphlets
 - Posted on Department Website
-

AMENDATORY SECTION (Amending Order 10-214, filed 8/20/10, effective 9/20/10)

WAC 232-12-021 Importation and retention of dead nonresident wildlife. It is unlawful:

(1) To import or possess dead wildlife, taken in another state or country, into Washington unless such wildlife was acquired lawfully. Proof of legal acquisition must be retained during the period of retention of the carcass or edible parts. Violation of this subsection is punishable under RCW 77.15.290.

(2) For a person who imports a dead mountain sheep, mountain goat, cougar or bear to fail to report such importation to the department in writing within ten days of the importation. The report must contain the name and address of the importer, the location where the dead wildlife is being stored and general information describing where and how the wildlife was obtained. Violation of this subsection is punishable under RCW 77.15.290.

(3) To import or possess deer, elk, or moose, or parts thereof, harvested in Colorado, Wyoming, Utah, New Mexico, Wisconsin, Illinois, South Dakota, Nebraska, Kansas, New York, West Virginia, Virginia, North Dakota, Alberta, Maryland, Minnesota, and Saskatchewan with the following exceptions:

(a) Meat that has been deboned in the state or province where it was harvested and is imported as boned out meat;

(b) Skulls and antlers, antlers attached to the skull plate, or upper canine teeth (buglers, whistlers, ivories) from which all soft tissue has been removed;

(c) Hides or capes without heads attached;

(d) Tissue imported for use by a diagnostic or research laboratory;

(e) Finished taxidermy mounts.

Violation of this subsection is punishable under RCW 77.15.290.

(4) To fail to notify the department within twenty-four hours if an importer or receiver of deer or elk is notified by a state or province that a harvested animal has tested positive for chronic wasting disease. Violation of this subsection is an infraction punishable under RCW 77.15.160.



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington Department of Fish and Wildlife

- Preproposal Statement of Inquiry was filed as WSR 11-16-102 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4).

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject):

Amend: WAC 232-12-021 Importation and retention of dead nonresident wildlife.

Hearing location(s):

Natural Resources Building, Conference Room 172
1111 Washington Street SE
Olympia, Washington 98504

Date: November 4-5, 2011 Time: 8:30 a.m.

Submit written comments to:

Name: Wildlife Program Commission Meeting Public Comments
Address: 600 Capitol Way North, Olympia WA 98501-1091

Email: Wildthing@dfw.wa.gov

Fax: (360) 902-2162 by (date) October 13, 2011

Assistance for persons with disabilities: Contact

Susan Galloway by October 31, 2011

TTY (800) 833-6388 or (360) 902-2267

Date of intended adoption: November 4-5, 2011

(Note: This is **NOT** the **effective** date)

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

This proposal updates the rules regarding restrictions on the importation of deer, elk, and moose from states known to harbor chronic wasting disease in wild game populations.

Reasons supporting proposal: Reduces the disease risk for native deer, elk, and moose populations in Washington.

Statutory authority for adoption: RCW 77.12.047

Statute being implemented: RCW 77.12.047

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 20, 2011

TIME: 2:49 PM

WSR 11-19-097

DATE
September 20, 2011

NAME (type or print)
Lori Preuss

SIGNATURE

Lori Preuss

TITLE
Rules Coordinator

(COMPLETE REVERSE SIDE)

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

None.

Name of proponent: (person or organization): Washington Fish and Wildlife Commission

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Nate Pamplin	Natural Resources Building, Olympia	(306) 902-2693
Implementation....Nate Pamplin	Natural Resources Building, Olympia	(360) 902-2693
Enforcement.....Bruce Bjork	Natural Resources Building, Olympia	(360) 902-2373

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name: Wildlife Program Administrative Division
Address: 600 Capitol Way North
Olympia, Washington 98501

phone (360) 902-2515
fax (360) 902-2162
e-mail Wildthing@dfw.wa.gov

No. Explain why no statement was prepared.

These rules do not directly regulate small business.

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 () _____
e-mail _____

No: Please explain: These are not hydraulics rules.