



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: October 08, 2019

TIME: 10:04 AM

WSR 19-21-034

Agency: Washington Department of Fish and Wildlife (19-250)

Effective date of rule:

Permanent Rules

- 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: Clarifies regulations for the public concerning the possession of aquatic invasive species and inspection of vessels and boating equipment to check for harmful aquatic invasive species under WAC chapter 220-640.

Citation of rules affected by this order:

New: WAC 220-640-011, WAC 220-640-051
Repealed:
Amended: WAC 220-640-030, WAC 220-640-050
Suspended:

Statutory authority for adoption: RCWs 77.04.012, 77.04.020, 77.04.055, 77.12.045 and 77.12.047

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 19-14-125 on July 3, 2019 (date).

Describe any changes other than editing from proposed to 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:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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 on the agency's own initiative:

New	<u>2</u>	Amended	<u>2</u>	Repealed	___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New	___	Amended	___	Repealed	___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:

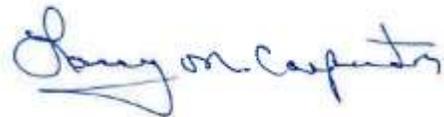
Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: September 27, 2019

Name: Larry Carpenter

Title: Chair, WDFW Commission

Signature:



NEW SECTION

WAC 220-640-011 Failure to stop at mandatory AIS check station—Infraction. Any person who fails to stop at a mandatory check station is guilty of a gross misdemeanor under RCW 77.15.809; however, if a person has never been previously issued either a citation or warning for this violation, the violation may be issued as an infraction under RCW 77.15.160.

NEW SECTION

WAC 220-640-051 Lawful possession of dead prohibited level 3 species for personal or commercial use—Allowable forms—Records required. (1) It is lawful to possess dead prohibited level 3 species for human or animal consumption use. For purpose of this rule, "dead" is defined as the following forms:

- (a) Fully cooked;
- (b) Frozen solid;
- (c) Canned or otherwise vacuum-sealed in a container;
- (d) Preserved by drying, salting, or pickling; or
- (e) Raw/fresh if the head has been removed and/or all the internal organs have been removed.

(2) The person or commercial entity must possess the following records upon receiving and while in possession of a prohibited level 3 species in a dead form:

- (a) The records must be in accordance with RCW 77.15.568; and
- (b) The records must identify:
 - (i) Taxonomic species name or subspecies name to distinguish the subspecies from another prohibited species or a regulated type A species; and
 - (ii) The dead form in which the species was received as listed under subsection (1) of this section.

(3) It is unlawful for any person or commercial entity to receive or possess any live prohibited level 3 species or that does not meet the requirements of subsection (1) of this section.

(4) Any person or commercial entity in possession of a prohibited level 3 species violating this regulation shall be guilty of unlawful use of invasive species in the second degree under RCW 77.15.809.

AMENDATORY SECTION (Amending WSR 18-16-042, filed 7/25/18, effective 8/25/18)

WAC 220-640-030 Prohibited level 1 species. The following species are classified as prohibited level 1 species:

(1) Molluscs: Family Dreissenidae: Zebra and quagga mussels: *Dreissena polymorpha* and *Dreissena rostriformis bugensis*.

(2) Crustaceans:

(a) Family Grapsidae: Mitten crabs: All members of the genus *Erochier*.

(b) Family Portunidae: European green crab, *Carcinus maenas*.

(3) Fish:

(a) Family Channidae: China fish, snakeheads: All members of the genus *Channa*.

(b) Family Clariidae: All members of the walking catfish family.

(c) Family Cyprinidae:

(i) Carp, Bighead, *Hypophthalmichthys nobilis*.

(ii) Carp, Black, *Mylopharyngodon piceus*.

(iii) Carp, Silver, *Hypophthalmichthys molitrix*.

(iv) Carp, largescale silver, *Hypophthalmichthys harmandi*.

(d) Family Esocidae: Northern pike, *Esox Lucius*.

AMENDATORY SECTION (Amending WSR 18-16-042, filed 7/25/18, effective 8/25/18)

WAC 220-640-050 Prohibited level 3 species. The following species are classified as prohibited level 3 species:

(1) Amphibians:

(a) In the family Hylidae: Cricket frog, in the genus *Hyla* species in the group *Arborea* including: *Hyla annectans*, *Hyla arborea*, *Hyla chinensis*, *Hyla hallowellii*, *Hyla immaculata*, *Hyla japonica*, *Hyla meridionalis*, *Hyla sanchiangensis*, *Hyla simplex*, *Hyla suweonensis*, *Hyla tsinlingensis*, and *Hyla zhaopingensis*.

(b) In the family Pelobatidae, spadefoots, all species of the genus *Pelobates* including *P. cultripes*, *P. fuscus*, *P. syriacus*, and *P. varaldii*. All species of the genus *Scaphiopus* including: *S. couchii*, *S. holbrookii*, and *S. hurterii*. All species of the genus *Spea* including: *S. bombifrons*, *S. hammondii*, and *S. multiplicata* with the exception of the native species: *Spea intermontana* the great basin spadefoot.

(c) In the family Pipidae: African clawed frog, all members of the genera *Silurana*, and *Xenopus*.

(d) In the family Ranidae:

(i) American Bull frog, *Rana (Lithobates) catesbeiana*.

(ii) Holarctic brown frogs and Palearctic green frogs of the genus *Rana*, including the following: *Rana arvalis* group (*R. arvalis*, *R. chaochiaoensis*, *R. chevronta*); *Rana chensinensis* group (*R. altaica*, *R. chensinensis*, *R. dybowskii*, *R. kukunoris*, *R. kunyuensis*, *R. ornativentris*, *R. pirica*); *Rana graeca* group (*R. graeca*, *R. italica*); *Rana japonica* group (*R. amurensis*, *R. aragonensis*, *R. japonica*, *R. omeimontis*, *R. zhenhaiensis*); the subgenus *Rugosa* (*Rana rugosa*, *Rana emeljanovi*, *Rana tientaiensis*); *Rana tagoi* group (*R. sakuraii*, *R. tagoi*); *Rana temporaria* group (*R. asiatica*, *R. dalmatina*, *R. honnorate*, *R.*

huanrenensis, *R. iberica*, *R. latastei*, *R. macrocnemis*, *R. okinavana*, *R. pyrenaica*, *R. tsushimensis*, *R. zhengi*); and in the Rana Pelophylax section, the subgenus Pelophylax (*R. bedriagae*, *R. bergeri*, *R. ceri-gensis*, *R. chosenica*, *R. cretensis*, *R. demarchii*, *R. epeirotica*, *R. fukienensis*, *R. grafti*, *R. hubeiensis*, *R. lateralis*, *R. lessonae*, *R. nigrolineata*, *R. nigromaculata*, *R. perezi*, *R. plancyi*, *R. porosa*, *R. ridibunda*, *R. saharica*, *R. shqipericana*, *R. shuchinae*, *R. terentievi*, *R. tenggerensis*); and the Rana ridibunda-Rana lessonae hybridogenetic complex species *R. esculenta* and *R. hispanica*.

(e) In the family Ambystomatidae: Mole salamanders. In the genus Ambystomata: *A. californiense*, *A. laterale*, *A. opacum*, *A. rosaceum*, *A. tigrinum*, except for the native species *A. tigrinum mavortium* Western tiger salamander, and *A. tigrinum melanostictum* Tiger salamander.

(f) In the family Amphiumidae one, two, and three toed salamanders or congo eels: All members of the genus Amphiuma.

(g) In the family Cryptobranchidae: Giant salamanders and hell-benders, all members of the genera Andrias and Cryptobranchus.

(h) In the family Dicamptodontidae, American giant salamanders, all members of the genus Dicamptodon, except for the native species: *Dicamptodon tenebrosus*, Pacific giant salamander, and *Dicamptodon copei*, Cope's giant salamander.

(i) In the family Hynobiidae: Mountain salamanders, all members of the genera Batrachuperus, Hynobius, Liua, Onychodactylus, Pachyhynobius, Pseudohynobius, Ranodon, and Salamandrella.

(j) In the family Plethodontidae, subfamily Desmognathinae: All members of the genus Desmognathus, dusky salamander.

(k) In the family Plethodontidae, subfamily Plethodontinae: All members of the genera Eurycea (American brook salamanders); Gyrinophilus (cave salamanders); Hemidactylium (four-toed salamanders); Hydro-mantes and Pseudotriton (mud or red salamanders).

(l) In the family Proteidae, mudpuppies, all members of the genus Necturus and Proteus.

(m) In the family Salamandridae: Newts, all members of the genera Chioglossa; Echinotriton (mountain newts); Euproctus (European mt. salamander); Neurergus (Kurdistan newts); Notophthalmus (red-spotted newts); Pachytriton (Chinese newts); Paramesotriton (warty newts); Salamandrina (speckled salamander); Taricha except for the native species *Taricha granulosa granulosa* the Northern rough-skin newt, and *Ichthyosaura* and *Triturus* (alpine newts).

(n) In the family Sirenidae, sirens, all species of the genera Pseudobranchus and Siren.

(2) Reptiles:

(a) In the family Chelydridae, snapping turtles, all species.

(b) In the family Emydidae:

(i) Chinese pond turtles, all members of the genus Chinemys.

(ii) Pond turtles, all members of the genus Clemmys.

(iii) European pond turtle, *Emys orbicularis*.

(iv) Asian pond turtle, all members of the genus Mauremys.

(c) In the family Trionychidae, American soft shell turtles, all members of the genus Apalone.

(3) Crustaceans:

(a) Family Cercopagidae:

(i) Fish hook water flea, *Cercopagis pengoi*.

(ii) Spiny water flea, *Bythotrephes cederstroemi*.

(b) Family Cambaridae: Crayfish: All genera.

(c) Family Parastacidae: Crayfish: All genera except Engaeos, and except the species Cherax quadricarinatus, Cherax papuanus, and Cherax tenuimanus.

(d) Family Spheromatidae: Burrowing isopod, Sphaeroma quoyanum.

(4) Fish:

(a) Family Amiidae: Bowfin, grinnel, or mudfish, Amia calva.

(b) Family Characidae: Piranha or caribe: All members of the genera Pygocentrus, Rooseveltiella, and Serrasalmus.

(c) Family Cyprinidae:

(i) Fathead minnow, Pimephales promelas.

(ii) Carp, Grass (in the diploid form), Ctenopharyngodon idella.

(iii) Ide, silver orfe or golden orfe, Leuciscus idus.

(iv) Rudd, Scardinius erythrophthalmus.

(d) Family Gobiidae: Round goby, Neogobius melanostomus.

(e) (~~Family Esocidae: Northern pike, Esox lucius.~~

~~(f)~~) Family Lepisosteidae: Gar-pikes: All members of the family.

(5) Mammals: Family Myocastoridae: Nutria, Myocastor coypu.

(6) Molluscs:

(a) Family Dreissenidae: All members of the genus Dreissenid except the species zebra mussel, Dreissena polymorpha, and the quagga mussel, Dreissena rostriformis bugensis.

(b) Family Gastropoda: New Zealand mud snail, Potamopyrgus anti-podarum.