

Deer General Seasons and Special Permits – Decision

WAC 220-415-020 and WAC 220-415-030

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## Fish and Wildlife Commission Presentation Summary Sheet

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**Meeting date:**

April 8, 2022

**Agenda item:**

Deer General Seasons and Special Permits – Decision

**Presenter(s):**

Kyle Garrison, Acting Ungulate Section Manager

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**Background summary:**

Department staff briefed the Commission on:

- WAC 220-415-020 2021-2023 Deer general seasons and definitions.

Specific amendments include:

1. A change to black-tailed deer early archery 2022 general season dates is proposed to address an inadvertently lengthened general season resulting from the 2021-2023 season setting process. The lengthened season created overlap among hunters of different weapon types and this change will avoid that overlap in the 2022 license year. The 2023 license year was unaffected and does not need to be addressed.
  2. A change to the list of GMUs for western Washington black-tailed deer early muzzleloader season is proposed to list the open GMUs in numerical order. This change clarifies open GMUs and should help avoid confusion by hunters.
  3. A change in the 2022 and 2023 late archery mule deer general season for GMUs 209, 215, 233, 243, 250 is proposed to address an inadvertently shortened season resulting from the 2021-2023 3-year season setting process. This change restores season length and hunting opportunity to past levels.
- WAC 220-415-030 2021 Deer special permits.

Changes to deer special permit availability (i.e., permit dates, permit levels) are proposed to balance hunting opportunity among user groups with deer population status (i.e., increased hunting opportunities when populations can sustain additional harvest or reduced opportunities when surveys or trends indicate population decline), and to retain consistency in season timing.

Notable amendments include:

1. Reductions in permits in the antlerless, youth, 2nd deer, and hunter with disability categories are proposed to assist population recovery of white-tailed deer and mule deer. These changes are proposed in response to hemorrhagic disease outbreaks in eastern and north central Washington during late summer of 2021, which reduced abundance of white-tailed deer and mule deer.
2. Reductions in permits in the quality and buck categories are proposed to balance hunter opportunity with population status (i.e., the number of bucks on the landscape) for white-tailed deer and mule deer. These changes are proposed to balance opportunity with population objectives (e.g., buck to doe ratios) in response to hemorrhagic disease outbreaks in eastern and north central Washington during late summer of 2021, which reduced abundance of white-tailed deer and mule deer.
3. Moving Skokomish Quality deer permit opportunity to the Buck category.
4. Adjustments to permit numbers in Buck, Antlerless, Senior, Youth and Hunter with Disability categories in the Olympic and Willapa Hills black-tailed deer management zones. Adjustments are informed by population monitoring (e.g., harvest statistics) and proposed to maintain population management and harvest objectives for each zone and/or hunt unit.

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**Staff recommendation:**

Recommend adoption of the rules as presented by Department staff.

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**Policy issue(s) and expected outcome:**

The changes to the rules above were discussed in the March FWC meeting.

- Ensure sustainable/viable populations and sustainable hunting seasons for big game by balancing hunting opportunity (i.e., permit availability) with population characteristics (e.g., abundance, age/sex ratios)
- Maximize recreation hunting opportunities.

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**Fiscal impacts of agency implementation:**

None.

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**Public involvement process used and what you learned:**

On February 1, 2022, WDFW filed a CR-102, initiating public comment. The public was asked to provide input on the 2022 hunting season proposed changes via the department's website. Public comment period remained open through the Fish and Wildlife Commission Meeting on March 18, 2022, closing on March 19, 2022. The department emailed over 40,000 subscribers notifying them of the website survey and encouraged them to participate. Also, the department issued a news release and postings on social media.

Notification was made to individuals and organizations informing them of the opportunity to provide comments on the proposed regulation amendments. At the March 18, 2022, commission meeting online, the Commission and Department staff held public comments.

Please see the associated public comment form.

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**Action requested and/or proposed next steps:**

Recommend adoption of the rule as presented by Department staff.

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**Draft motion language:**

Motion: I move to adopt the recommended rule changes as presented by Department staff.

Is there a “second”?

If so, then motion maker discusses basis for the motion; other Commissioners discuss views on motion, amendments, if any, proposed and addressed.

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**Post decision communications plan:**

Washington Department of Fish and Wildlife Website

New Release

Hunting Regulation Pamphlet

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AMENDATORY SECTION (Amending WSR 21-14-022, filed 6/28/21, effective 7/29/21)

**WAC 220-415-020 2021-2023 Deer general seasons and definitions.**

It is unlawful to fail to comply with the bag, possession, and season limits described below. Violations of this section are punishable under RCW 77.15.410 Unlawful hunting of big game—Penalty.

**Bag Limit:** One (1) deer per hunter during the license year except where otherwise permitted by department rule.

**Hunting Method:** Hunters must select one of the hunting methods: Modern firearm, archery, or muzzleloader.

**Any Buck Deer Seasons:** Open only to the taking of deer with visible antlers (buck fawns illegal).

**Antler Point:** To qualify as an antler point, the point must be at least one inch long, measured on the longest side.

**Antler Restrictions:** APPLIES TO ALL HUNTERS DURING ANY GENERAL SEASON AND DESIGNATED SPECIAL PERMIT SEASONS. Buck deer taken in antler restricted game management units (GMUs) must meet minimum antler point requirements. Minimum antler

point requirements are antler points on one side only. Eye guards are antler points when they are at least one inch long.

**3-point Minimum GMUs:** All mule deer in 100, 200, and 300 series GMUs; white-tailed deer in GMUs 127, 130, 133, 136, 139, 142, 145, 149, 154, 162, 163, 166, 169, 172, 175, 178, 181, 186, and black-tailed deer in GMU 578.

**Permit-only Units:** The following GMUs require a special permit to hunt deer: 290 (Desert), 329 (Quilomene), 371 (Alkali), and 485 (Green River).

**GMUs Closed to Deer Hunting:** 157 (Mill Creek Watershed), 490 (Cedar River) and 522 (Loo-wit).

**Types of deer that a person may legally hunt in Washington:**

**Black-tailed Deer:** Any member of black-tailed/mule deer (species *Odocoileus hemionus*) found west of a line drawn from the Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation boundary in Yakima County to the Klickitat River; south down Klickitat River to the Columbia River.

**Mule Deer:** Any member of black-tailed/mule deer (species *Odocoileus hemionus*) found east of a line drawn from the Canadian border south on the Pacific Crest Trail and along the Yakama Indian Reservation

boundary in Yakima County to the Klickitat River; south down Klickitat River to the Columbia River.

**White-tailed Deer:** Any white-tailed deer (member of the species *Odocoileus virginianus*), except the Columbian whitetail deer (species *Odocoileus virginianus leucurus*).

**MODERN FIREARM DEER SEASONS**

**License Required:** A valid big game hunting license, which includes a deer species option.

**Tag Required:** A valid modern firearm deer tag for the area hunted.

**Hunting Method:** Modern firearm deer tag hunters may use rifle, handgun, shotgun, bow, crossbow, or muzzleloader, but only during modern firearm seasons.

Hunt Season	2021 Dates	2022 Dates	2023 Dates	Game Management Units (GMUs)	Legal Deer
<b>HIGH BUCK HUNTS</b>					
	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Mount Baker, Glacier Peak, Pasayten, Olympic Peninsula, and Henry Jackson Wilderness Areas and Lake Chelan Recreation Area	3 pt. min.
<b>GENERAL SEASON</b>					
<b>Eastern Washington White-tailed Deer</b>	Oct. 16-29	Oct. 15-28	Oct. 14-27	101, 105, 108, 111, 113, 117, 121, 124	Any buck
	Oct. 16-26	Oct. 15-25	Oct. 14-24	203 through 284	Any buck
	Oct. 16-26	Oct. 15-25	Oct. 14-24	127 through 154, 162 through 186	3 pt. min.
	Oct. 16-26	Oct. 15-25	Oct. 14-24	373, 379, 381	Any deer
<b>Eastern Washington Mule Deer</b>	Oct. 16-26	Oct. 15-25	Oct. 14-24	101 through 154, 162 through 186, 203 through 284, 328, 330 through 368, 372, 373, 379, 381, 382 (except closed in Deer Area 5382), 388	3 pt. min.
<b>Western Washington Black-tailed Deer</b>	Oct. 16-31	Oct. 15-31	Oct. 14-31	407, 418, 426, 437, 448, 450, 454, 460, 466, 501 through 520, 524 through 556, 560, 568, 572, 574, 601 through 621, 624 (except	Any buck

Hunt Season	2021 Dates	2022 Dates	2023 Dates	Game Management Units (GMUs)	Legal Deer
				Deer Area 6020), 627 through 654, 658 through 699	
				410, 411, 412, 413, 414, 415, 416, 417, 419, 420, 421, 422, 423, 424, 564, 655, Deer Area 6020	Any deer
	Oct. 16-31	Oct. 15-31	Oct. 14-31	578	3 pt. min
<b>LATE GENERAL SEASON</b>					
<b>Western Washington Black-tailed Deer</b>	Nov. 18-21	Nov. 17-20	Nov. 16-19	407, 454, 466, 501 through 520, 524 through 560, 568, 572, 601 through 621, 624 (except Deer Area 6020), 627 through 654, 658 through 699	Any buck
	Nov. 18-21	Nov. 17-20	Nov. 16-19	410, 411, 412, 413, 414, 415, 416, 417, 419, 420, 421, 422, 423, 424, 564, 655, Deer Area 6020	Any deer
<b>Eastern Washington White-tailed Deer</b>	Nov. 6-19	Nov. 5-19	Nov. 11-19	105, 108, 111, 113, 117, 121, 124	Any buck
<b>HUNTERS 65 AND OVER AND DISABLED GENERAL SEASONS</b>					
<b>Eastern Washington White-tailed Deer</b>	Oct. 23-26	Oct. 22-25	Oct. 21-24	145, 149, 154, Deer Area 1010, and 178	3 pt. min. or antlerless
<b>YOUTH GENERAL SEASONS</b>					
<b>Eastern Washington White-tailed Deer</b>	Oct. 23-29	Oct. 22-28	Oct. 21-27	124	Any deer
	Oct. 23-26	Oct. 22-25	Oct. 21-24	127 through 142	3 pt. min. or antlerless
	Oct. 16-26	Oct. 15-25	Oct. 14-24	145, 149, 154, Deer Area 1010, and 178	3 pt. min. or antlerless

**ARCHERY DEER SEASONS**

**License Required:** A valid big game hunting license, which includes a deer species option.

**Tag Required:** A valid archery deer tag for the area hunted.

**Special Notes:** Archery tag holders can only hunt during archery seasons with archery equipment (WAC 220-414-070).

Hunt Area	2021 Dates	2022 Dates	2023 Dates	Game Management Units (GMUs)	Legal Deer
<b>EARLY ARCHERY GENERAL DEER SEASONS</b>					
<b>Western Washington Black-tailed Deer</b>	Sept. 1-24	Sept. 1-23	Sept. 1-29	407 through 426, 437, 448, 450, 454, 466, 501, 504, 505, 554, 564, 568, 621 through 636, 648 through 652, 654 through 673, 684	Any deer
				460, 503, 574, 601 through 618, 638, 642, 653, 681 and 699	Any buck
				578	3 pt. min.
	Sept. 1-19	Sept. ( <del>1-25</del> ) <u>1-18</u>	Sept. 1-24	510, 513, 516, 520, 524, 530, 556	Any deer
				506, 550, 560, 572	Any buck



Hunt Area	2021 Dates	2022 Dates	2023 Dates	Game Management Units (GMUs)	Legal Deer
<b>Eastern Washington Mule Deer</b>	Sept. 1-24	Sept. 1-23	Sept. 1-29	101 through 136, 166 through 175, 181, 243, 334, 382 (except closed in Deer Area 5382), 388	3 pt. min.
				139, 142, 145, 149, 186, 244 through 247, 249, 250, 260, 284, 372, 373, 379, 381, Deer Area 3334	3 pt. min. or antlerless
	Sept. 1-19	Sept. 1-25	Sept. 1-24	163, 178	3 pt. min. or antlerless
	Sept. 1-19	Sept. 1-25	Sept. 1-24	154, 162, 251, 328, 335, 336, 340, 346, 352, 356, 360, 364, 368	3 pt. min.
	Sept. 1-15	Sept. 1-15	Sept. 1-15	204 through 242, 248, 254, 262, 266, 269, 272, 278	3 pt. min.
Sept. 16-24	Sept. 16-23	Sept. 16-29	204 through 242, 248, 254, 262, 266, 269, 272, 278	3 pt. min. or antlerless	
<b>Eastern Washington White-tailed Deer</b>	Sept. 1-24	Sept. 1-23	Sept. 1-29	101 through 124	Any buck
				204 through 250, 254 through 284, 373, 379, 381	Any deer
				145, 149, 172, 181, 186	3 pt. min. or antlerless
				127 through 142, 166, 169, 175	3 pt. min.
	Sept. 1-19	Sept. 1-25	Sept. 1-24	154, 162, 163, 178	3 pt. min. or antlerless
<b>LATE ARCHERY GENERAL DEER SEASONS</b>					
<b>Western Washington Black-tailed Deer</b>	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	Nov. 22 - Dec. 15	437, 466, 510 through 520, 524	Any deer
	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	Nov. 22 - Dec. 15	448, 460, 506, 530, 560, 572, 601, 603 through 618, 638, 642, 681, and 699	Any buck
	Nov. 24 - Dec. 31	Nov. 23 - Dec. 31	Nov. 22 - Dec. 31	407, 410, 411, 412, 413, 414, 415, 416, 417, 419, 420, 421, 422, 423, 424, 454, 505, 564, 624, 627, 636, 648, 652, 654, 655, 660 through 672	Any deer
<b>Eastern Washington Mule Deer</b>	Nov. 24-30	Nov. ( ( <del>23-30</del> ) ) <u>21-30</u>	Nov. ( ( <del>22-30</del> ) ) <u>21-30</u>	209, 215, 233, 243, 250	3 pt. min.
	Nov. 24 - Dec. 8	Nov. 23 - Dec. 8	Nov. 22 - Dec. 8	336, 342, 346, 352, 364, 388, Deer Area 3682	3 pt. min.
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	145, 163, 178, 272, 278, 373, Deer Area 3372	3 pt. min. or antlerless
<b>Eastern Washington White-tailed Deer</b>	Nov. 10 - Dec. 15	Nov. 10 - Dec. 15	Nov. 10 - Dec. 15	101	Any buck
	Nov. 25 - Dec. 15	Nov. 25 - Dec. 15	Nov. 25 - Dec. 15	105, 108, 117, 121, 124	Any buck
	Nov. 25 - Dec. 15	Nov. 25 - Dec. 15	Nov. 25 - Dec. 15	127	3 pt. min.
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	145, 163, 178, 272, 278	3 pt. min. or antlerless
	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	Nov. 22 - Dec. 15	204, 209, 215, 233, 243	Any deer
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	373	Any deer

**MUZZLELOADER DEER SEASONS**

**License Required:** A valid big game hunting license, which includes a deer species option.

**Tag Required:** A valid muzzleloader deer tag for the area hunted.

**Hunting Method:** Muzzleloader only.

**Special Notes:** Muzzleloader tag holders can only hunt during muzzleloader seasons and must hunt with muzzleloader equipment (WAC 220-414-060) or archery equipment (WAC 220-414-070).

Hunt Area	2021 Dates	2022 Dates	2023 Dates	Game Management Units (GMUs)	Legal Deer
High Buck Hunts	Sept. 15-25	Sept. 15-25	Sept. 15-25	Alpine Lakes, Glacier Peak, Pasayten, Mount Baker, Olympic Peninsula, and Henry Jackson Wilderness areas, and Lake Chelan Recreation Area	3 pt. min.
<b>EARLY MUZZLELOADER GENERAL DEER SEASONS</b>					
Western Washington Black-tailed Deer	Sept. 25 - Oct. 3	Sept. 24 - Oct. 2	Sept. 30 - Oct. 8	407, 418, 426, 437, 448, 450, 501, 503, 504, 505, 506, 510, 513, 516, 520, 530, 550, 554, 560, 568, 572, 574, 603, 607, 612, 615, <del>621</del> , 624 (except Deer Area 6020), ( ( <del>621</del> , ) ) 633 through 651, 660, 663, 672, 673	Any buck
				410, 411, 412, 413, 414, 415, 416, 417, 419, 420, 421, 422, 423, 424, 454, 564, 627, 652, 655, 666, 684, and Deer Area 6020	Any deer
				578	3 pt. min.
Eastern Washington White-tailed Deer	Sept. 25 - Oct. 3	Sept. 24 - Oct. 2	Sept. 30 - Oct. 8	101 through 124, 203, 204, 209, 215, 231, 233, 239, 242, 243, 244, 245, 246, 247, 248, 250, 251, 254, 260, 262, 266, 269, 272, 278, 284	Any buck
				145, 149	3 pt. min. or antlerless
				127, 130, 133, 136, 139, 142, 175, 181, 186	3 pt. min.
				373, 379	Any deer
Eastern Washington Mule Deer	Sept. 25 - Oct. 3	Sept. 24 - Oct. 2	Sept. 30 - Oct. 8	101 through 149, 175, 181, 186, 203, 204, 209, 215, 231, 233, 239, 242, 243, 244, 245, 246, 248, 250, 251, 254, 260, 262, 266, 269, 272, 278, 284, 328, 330 through 342, 352 through 368, 373, 379	3 pt. min.
Eastern Washington Mule Deer	Sept. 25 - Oct. 3	Sept. 24 - Oct. 2	Sept. 30 - Oct. 8	Deer Areas 3334 and 3372	3 pt. min. or antlerless
<b>LATE MUZZLELOADER GENERAL DEER SEASONS</b>					
Western Washington Black-tailed Deer	Nov. 24 - Dec. 15	Nov. 23 - Dec. 15	Nov. 22 - Dec. 15	407, 410, 411, 412, 413, 414, 415, 416, 417, 419, 420, 421, 422, 423, 424, 454, 504, 564, 633, 654, 666, 667, and 684	Any deer

Hunt Area	2021 Dates	2022 Dates	2023 Dates	Game Management Units (GMUs)	Legal Deer
				448, 460, 501, 602, 621, 651, 658, and 673	Any buck
<b>Eastern Washington White-tailed Deer</b>	Nov. 24 - Dec. 8	Nov. 23 - Dec. 8	Nov. 22 - Dec. 8	113	Any buck
	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	130, 133, 136, 139, 142	3 pt. min.
	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	Nov. 20 - Dec. 8	172, 181	3 pt. min.
	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	379, 381	Any deer
<b>Eastern Washington Mule Deer</b>	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	Nov. 25 - Dec. 8	379, 381	3 pt. min.
	Nov. 20-30	Nov. 20-30	Nov. 20-30	382 (except closed in Deer Area 5382)	3 pt. min.

[Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240. WSR 21-14-022 (Order 21-61), § 220-415-020, filed 6/28/21, effective 7/29/21; WSR 20-12-080 (Order 20-76), § 220-415-020, filed 6/1/20, effective 7/2/20. Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520. WSR 19-10-011 (Order 19-79), § 220-415-020, filed 4/19/19, effective 5/20/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.020, 77.12.040, 77.12.047, 77.12.150, 77.12.210, 77.12.240, 77.12.320, 77.12.570, 77.12.800, 77.15.245, 77.32.007, 77.32.050, 77.32.070, 77.32.090, 77.32.370, and 77.32.530. WSR 18-11-061 (Order 18-76), § 220-415-020, filed 5/11/18, effective 6/11/18. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090. WSR 17-10-076 (Order 17-10), amended and recodified as § 220-415-020, filed 5/3/17, effective 6/3/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055,

77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090, 77.32.155. WSR 16-15-045 (Order 16-182), § 232-28-357, filed 7/14/16, effective 8/14/16. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-059 (Order 15-98), § 232-28-357, filed 4/30/15, effective 5/31/15. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 14-10-019 (Order 14-95), § 232-28-357, filed 4/25/14, effective 5/26/14; WSR 13-11-078 (Order 13-94), § 232-28-357, filed 5/16/13, effective 6/16/13. Statutory Authority: RCW 77.12.047. WSR 12-11-005 (Order 12-70), § 232-28-357, filed 5/2/12, effective 6/2/12.]

## **Summary of Public Comments Received During the Official Comment Period and WDFW Response:**

WAC 220-415-020 2021-2023 Deer general seasons and definitions

The Department received public comment through online survey (75), email and public comment submissions for the Commission briefing. The comments represented both those in favor and those oppose to the proposed rule change.

Common themes:

- General support for proposed changes
- General disagreement with proposed changes
- Desire for enlarged hunt areas
- Concern over lost opportunity
- Support for antler point restrictions
- Lack of support for antler point restrictions
- Request to harvest more antlerless deer
- Concern about harvesting antlerless deer
- Concern over tribal hunting
- Desire for peak rut general archery season
- Desire to eliminate late season hunting
- Desire to have only special permit seasons
- Desire for species-specific deer tags
- Desire for longer seasons
- Desire for early or late seasons in specific areas
- Desire for no early, or no late seasons in specific areas
- Concern over late season hunting
- Desire for general season areas to be special permit only
- Concern over predation impacts to ungulate populations

## **Summary of Public Comments Received During the Official Comment Period and WDFW Response:**

WAC 220-415-030 2021 Deer special permits

The Department received public comment through on-line survey (32), email and public comment submissions for the Commission briefing. The comments represented both those in favor and those oppose to the proposed rule change.

Common themes:

- General support
- Support for reductions due to disease concerns
- Lack of support for permit change based on harvest data
- Comments addressing general seasons in addition to general permits
- Concern for youth hunt opportunities
- Comments related to antler point restrictions
- Concern over perceived lack of mature bucks
- Concern over technology leading to overharvest
- Concern over predation impacts to ungulate populations
- Concern over multiseason permits
- Concern for disabled hunter opportunities
- Concern over tribal hunting
- Concern about antlerless hunting
- Concern about land access
- Desire for expanded second deer opportunities



# PROPOSED RULE MAKING

**CR-102 (December 2017)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: February 01, 2022  
TIME: 12:43 PM

WSR 22-04-103

**Agency:** Washington Department of Fish and Wildlife (WDFW)

**Original Notice**

**Supplemental Notice to WSR** \_\_\_\_\_

**Continuance of WSR** \_\_\_\_\_

**Preproposal Statement of Inquiry was filed as WSR 21-24-092 on November 30, 2021 ; or**

**Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or**

**Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**

**Proposal is exempt under RCW \_\_\_\_\_.**

**Title of rule and other identifying information:** (describe subject)

WAC 220-412-100 Landowner hunting permits.

WAC 220-415-020 2021-2023 Deer general seasons and definitions.

WAC 220-415-030 2021 Deer special permits.

WAC 220-415-040 Elk area descriptions.

WAC 220-415-050 2021-2023 Elk general seasons and definitions.

WAC 220-415-060 2021 Elk special permits.

WAC 220-415-070 2021 Moose seasons, permit quotas, and areas.

WAC 220-415-120 2021 Bighorn sheep seasons, permit quotas, and areas.

WAC 220-415-130 2021 Mountain goat seasons, permit quotas, and areas.

WAC 220-416-060 2021-2022 Migratory gamebird seasons and regulations.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
March 18, 2022	8:00 a.m.	Webinar	This meeting will take place by webinar. The public may participate in the meeting. Registration is required to testify at the public hearing. Registration deadlines and registration forms are available at <a href="http://wdfw.wa.gov/about/commission/meetings">http://wdfw.wa.gov/about/commission/meetings</a> or contact the Commission office at (360) 902-2267.

**Date of intended adoption:** April 8, 2022 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Wildlife Program

Address: PO Box 43200, Olympia WA. 98504

Email: [2022HuntingSeason102@PublicInput.com](mailto:2022HuntingSeason102@PublicInput.com)

Fax: Voicemail Public Comment: 855-925-2801 project code 2331

Other: <https://publicinput.com/2022HuntingSeason102>

By (date) March 19, 2022

**Assistance for persons with disabilities:**

Contact Title VI/ADA Compliance Coordinator

Phone: 360-902-2349, TTY (711)

Fax:

TTY:

Email: [Title6@dfw.wa.gov](mailto:Title6@dfw.wa.gov)

Other: <https://wdfw.wa.gov/accessibility/requests-accommodation>

By (date) March 19, 2022

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

**WAC 220-412-100 Landowner hunting permits.**

The purpose of this proposal is to recommend for adoption slight changes to permit allocations and season dates for properties enrolled in the Landowner Hunting Permit Program. In addition, staff proposes wording changes to the WAC that addresses identified discrepancies between the WAC language and Commission Policy C-6002. Proposed changes will align and re-establish the language in the Commission Policy if adopted.

**WAC 220-415-020 2021-2023 Deer general seasons and definitions.**

The Department sets deer general seasons in accordance with the Department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012. Proposals for major changes to general seasons are considered at a three-year cycle (most recently completed in 2021). Minor proposed changes are considered on an annual basis or due to emerging needs. Proposed changes for 2022 include:

1. A change to black-tailed deer early archery 2022 general season dates is proposed to fix an error in the 2021-2023 season setting process that inadvertently lengthened the early archery season and created overlap with elk muzzleloader special permits in the same hunt areas. The change avoids season overlap and potential conflict among different weapon-type hunters in the same hunt area, minimal other effects are anticipated.
2. A change in the list of GMUs for western Washington black-tailed deer early muzzleloader season is proposed to fix a minor error (GMUs listed out of order). This change clarifies open GMUs and no effects are anticipated.
3. A change in the 2022 and 2023 late archery mule deer general season for GMUs 209, 215, 233, 243, 250 is proposed to fix an error in the 2021-2023 3-year season setting process which had inadvertently shortened the season without public input. This change is anticipated to restore season length and hunting opportunity to previous levels.

**WAC 220-415-030 2022 Deer special permits.**

The primary purpose of this proposal is to retain deer special permit opportunity in 2022 in accordance with the Department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012. Changes to deer special permit availability (i.e., permit dates, permit levels) are proposed to balance hunting opportunity among user groups with deer population status (i.e., increased hunting opportunities when populations allow, reduced opportunities when declining numbers warrant reduction), and to retain consistency in season timing (e.g., open/close day of week). Notable proposed changes include:

1. Reductions in permits in the antlerless, youth, 2<sup>nd</sup> deer, and hunter with disability categories are proposed to assist population recovery of white-tailed deer and mule deer. These changes are proposed in response to hemorrhagic disease outbreaks in eastern Washington during late summer of 2021, which reduced local population abundance. Reductions in Region 2 are also warranted due to concern over poor population productivity. Anticipated effects are a reduction in white-tailed deer and mule deer special permit hunting opportunity, in units/hunts where outbreaks occurred, to facilitate population rebound.
2. Reductions in permits in the quality and buck categories are proposed to balance hunter opportunity with population status (i.e., the number of bucks on the landscape) for white-tailed deer and mule deer. These changes are proposed in response to hemorrhagic disease outbreaks in eastern Washington during late summer of 2021, which reduced local population abundance. Anticipated effects are a reduction in white-tailed deer and mule deer special permit hunting opportunity in units/hunts where outbreaks occurred.
3. Moving Skokomish Quality deer permit opportunity to the Buck category; reductions in permit numbers in Buck, Antlerless, Senior, and Hunter with Disability categories in GMU 636 in response to harvest trends that indicate population decline in the unit. Anticipated effects are a reduced permit draw opportunity in GMU 636.
4. Reductions in Antlerless deer permits in North River (GMU 658), Minot Peak (GMU 660), Capitol Peak (GMU 663), and Williams Creek (GMU 673) and reductions in Youth, 65+ Senior, and Hunters with Disabilities permit levels for North River (GMU 658) and Capitol Peak (GMU 663) in response to harvest trends (i.e., total harvest, success, ratio of bucks to antlerless animals harvested) that indicate potential population decline, motivating conservative target harvest levels.

**WAC 220-415-040 Elk area descriptions.**

1. An elk area (3911) boundary change is proposed to exclude an area of non-agricultural land. Under the current boundary, elk in the unincorporated WDFW property are frequently pressured onto neighboring private property by hunting activity, occasionally creating conflict with landowners. Neighboring landowners have requested the change as they believe elk are being pressured onto private crop fields. A new boundary fence may be constructed in the near future in cooperation with the irrigation district. Anticipated effects are the reduction in neighboring private landowner conflict with elk, other effects are anticipated to be minimal.
2. An elk area (1054) is proposed in GMU 154. WDFW anticipates a better ability to mitigate elk damage in GMU 154 by concentrating hunting activity where damage is most prevalent, while preventing additional harvest of antlerless elk in other areas of GMU 154 where population growth is a priority.

**WAC 220-415-050 2021-2023 Elk general seasons and definitions.**

The Department sets elk general seasons in accordance with the Department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012. Proposals for major



changes to general seasons are considered at a three-year cycle (most recently completed in 2021). Minor proposed changes are considered on an annual basis or due to emerging needs. Proposed changes for 2022 include:

1. A change to the eastern Washington archery and muzzleloader general season open GMUs is proposed to exclude deer area 5382. This change is anticipated to eliminate overlap between elk general season hunters and deer special permit holders in deer area 5382, thereby maintaining hunt quality for deer special permit holders and minimizing potential conflict between elk general season hunters and deer special permit hunters. A minor reduction in open hunt area for general season elk hunters is anticipated (i.e., Deer Area 5382).

#### **WAC 220-415-060 2022 Elk special permits.**

The primary purpose of this proposal is to retain elk special permit opportunity in 2022 in accordance with the Department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012. Specific changes to elk special permit availability (i.e., permit dates, permit levels) are proposed to balance hunting opportunity among user groups against elk population status (i.e., increased hunting opportunities when populations allow, reduced opportunities when declining numbers warrant reduction), to retain consistency in season timing (e.g., open/close day of week), or to avoid overlap among big game special permits and general seasons (e.g., overlap of seasons with different legal weapon types). Notable proposed changes include:

1. Reduction in permit levels for Quality Elk permits in some of the Blue Mountains elk herd area (Blue Creek, Tucannon, Wenaha East, Mountain View, Peola) in response to reduced elk abundance in this population. Anticipated effects are a reduction in draw opportunity for the above hunts.
2. Elimination of the Mt. Adams 'quality' elk special permit hunt is proposed. This permit opportunity has declined in quality (i.e., hunter success, satisfaction) and has caused conflict among hunters of different weapon types due to overlapping deer general seasons. Anticipated effects are a reduction in quality draw opportunity (5 permits).
3. Elimination of the Carlton and West Goat Rocks special permit hunts is proposed. This permit opportunity has declined in quality (i.e., hunter success, satisfaction) and is sensitive to land closures (e.g., because of wildfire) because of the restricted hunt areas. The Department is proposing to offset the loss of Quality Elk opportunity in this area by increasing permit opportunity in the South Rainier and Packwood hunts, which offer more flexibility to an individual hunter in hunt area. Anticipated effects are a decreased Quality Bull permit opportunity (reduction in 10 permits), albeit offset by an increase in permit opportunity within the same area (i.e., South Rainier and Packwood hunts).
4. Increased permit levels for Skokomish Bull elk permits. Anticipated effects are an increase in Bull Elk permit opportunity.
5. Reduction of permit levels for Antlerless elk permits in the Mount St Helens elk herd area (Winston, Coweeman, Lewis River, Washougal, Siouxon, Wind River, West Klickitat) in response to population declines. Anticipated effects are a reduction in Antlerless elk permit opportunity.
6. Elimination of the Forks 65+ Senior antlerless elk special permit is proposed. The hunt is designed to address conflict elk, but the number of hunters has created crowding and associated landowner complaints. Anticipated effects are a reduction (by 10 permits) of 65+ Senior Antlerless elk special permit draw opportunity.
7. New "incentive" special permits are proposed that are associated with the Department's pilot program to incentivize the harvest of elk that display signs of treponeme-associated hoof disease. Anticipated effects are an additional permit opportunity (19 permits) for hunters that participated in the Department's Elk Hoof Disease Incentive program (<https://wdfw.wa.gov/species-habitats/diseases/elk-hoof/incentive-permits>).

#### **WAC 220-415-070 2022 Moose seasons, permit quotas, and areas.**

1. A change is proposed to exclude Parker Lake from hunt area 49 Degrees North. The excluded area is undergoing a large-scale timber harvest that will negatively impact hunt quality. The excluded area will likely be restored in the future. No substantial impact to harvest opportunity is anticipated.
2. A change to the hunt area of the Hangman and Cheney B hunts that expands the hunt area to include GMU 139 is proposed. Anticipated effects are expanded hunting opportunity while assisting the Department in addressing moose that occasionally cause conflict.

#### **WAC 220-415-120 2022 Bighorn sheep seasons, permit quotas, and areas.**

1. Changes to bighorn sheep permit availability (i.e., permit levels) are proposed to balance hunting opportunity with population status. Elimination of Selah Butte and Umtanum (Yakima bighorn herd) adult ewe, juvenile ram, and youth permits are proposed due to a recent outbreak of bighorn sheep pneumonia. Anticipated effects are a reduction in special permit hunting opportunity for bighorn sheep in the two hunt areas.
2. An adjustment of hunt dates is proposed that increase or maintain the number of open days for some hunts. The anticipated effect of this proposal is a maintenance or increase in hunt opportunity as measured by hunting days.
3. Modification of the hunt area for the Mountain View – Black Butte hunt is proposed to increase the hunt area to include GMUs 186 and portions of GMU 181. Anticipated effects are expanded hunting area for this permit, otherwise no effects are anticipated.

**WAC 220-415-130 2022 Mountain goat seasons, permit quotas, and areas.**

1. A one-permit reduction in mountain goat permit availability of the Goat Rocks East hunt is proposed to balance hunting opportunity with population status. The anticipated effect of this proposal is a minor reduction in mountain goat special permit opportunity.
2. Suspension of "conflict reduction special permits" are proposed. These permits are in association with a depopulation effort on the Olympic Peninsula. In summer 2022, aerial removal efforts will continue in the current hunt areas. As a result, few, if any, mountain goats are anticipated to remain in the hunt area and hunting opportunity will be poor quality. This change is anticipated to avoid poor hunt quality, at the expense of reduced mountain goat draw opportunity. Future permit opportunity may be reinstated after the aerial removal has concluded if mountain goats remain in accessible locations in the hunt area.

**WAC 220-416-060 2021-2022 Migratory gamebird seasons and regulations.**

Migratory game bird seasons and regulations are developed based on cooperative management programs among states of the Pacific Flyway and the U.S. Fish and Wildlife Service, considering population status and other biological parameters. The rule establishes migratory game bird seasons and regulations to provide recreational opportunity, control waterfowl damage, and conserve the migratory game bird resources of Washington.

The proposed changes, if adopted, will:

1. Adjust season dates relative to 2022-2023 calendar dates;
2. Maintain the "liberal regulatory alternative" as prescribed by the Western Mallard Adaptive Harvest Management Protocol for season length and bag-limit for ducks (107 days, up to 7 duck bag-limit, including no more than 2 female mallards);
3. Maintain one-pintail per day bag-limit and associated possession limit per the USFWS Northern Pintail Harvest Strategy;
4. Maintain two-scaup per day bag-limit and associated possession limits, while maintaining an 86-day season length per the optimal regulatory alternative described in AHM protocol;
5. Evaluate sea duck harvest estimates in relation to the most recent PSAMP aerial survey results for consistency with the WDFW sea duck management strategies of less than 5% of the winter index.
6. Decrease the Canada goose (including cackling geese) daily bag-limit in Goose Management Area 2-Coast and Goose Management Area 2-Inland to three Canada geese per day bag-limit and associated possession limits during the regular season;
7. The brant season in Skagit County will start closed as the most recent 3-year winter index has fallen below 3,000 brant;
8. Adjusts the nine-day band-tailed pigeon season dates to start and end on a weekend, and;
9. Clarifies that mandatory harvest reporting information must be recorded within the designated spaces provided on the harvest record card.

**Reasons supporting proposal:**

**WAC 220-412-100 Landowner hunting permits.**

The proposal, if adopted, would adjust the Landowner Hunting Permit WAC to reflect the new proposed permit allocations and season dates for the enrolled properties in the Landowner Hunting Permit Program. Date changes and permit allocations are proposed to allow opportunities where populations can handle increased recreational hunting. In addition, proposed adjustments to wording would align language between the WAC and Commission Policy C-6002. In reviewing the WAC and Policy language, staff realized that there were some discrepancies that could prompt confusion. The Landowner Hunting Permit Program is currently outlined in Commission Policy C-6002. Portions of the language in the current version of the WAC deviates from the language within the Commission Policy and may create confusion among the public and enrolled landowners. Aligning and re-establishing the language to be consistent with the Commission Policy should provide the necessary clarity and minimize the potential for confusion among the public and enrolled landowners.

**WAC 220-415-020 2021-2023 Deer general seasons and definitions.**

This proposal, if adopted, would provide clarity in the WAC to further the Department's mandate to provide sustainable recreational hunting opportunities. Date changes are proposed to avoid overlap of hunters of different species/weapon types, avoiding potential hunter dissatisfaction and conflict; or to restore season length to previous levels (i.e., levels set during the preceding 3-year cycle). Proposed changes to the GMU list for western Washington black-tailed deer early muzzleloader season is proposed to clarify open units, but no change in open units are proposed.

**WAC 220-415-030 2021 Deer special permits.**

This proposal, if adopted, would provide special permit deer hunting opportunities at levels that avoid overharvest to maintain sustainable general deer hunting season opportunities in 2022 and in the future. The proposal would help address deer agricultural damage problems and provides for deer population control when needed. Reductions in permit levels in Region 1 and Region 2 in the antlerless, youth, 2<sup>nd</sup> deer, and hunter with disability categories are proposed to assist population recovery of white-tailed deer and mule deer. These changes are proposed in response to hemorrhagic disease outbreaks in eastern Washington during late summer of 2021, which reduced local population abundance. Reductions in Region 2 are also warranted due to concern over poor population productivity. Reductions in Regions 1 and Region 2 Quality or Buck category permit levels are in response to the hemorrhagic disease outbreaks that occurred in late summer 2021, which

reduced deer abundance. Reductions are warranted to assist population recovery and to maintain hunt quality (e.g., success, satisfaction). Reductions in permit levels in GMU 636s, 658, 660, 663, and 673 are in response to harvest trends that indicate potential population decline, warranting conservative harvest levels. Inversely, permit increases are in response to harvest statistics that indicate populations that can sustain increased harvest levels or in an effort to address wildlife-landowner conflict issues.

**WAC 220-415-040 Elk area descriptions.**

The proposed boundary change to elk area 3911, if adopted, would allow for continued wildlife-conflict mitigation while addressing concerns from neighboring landowners. The proposed elk area 1054 would help address elk agricultural damage by concentrating harvest pressure where damage is most common, while avoiding harvest of antlerless elk in areas where population growth is desired.

**WAC 220-415-050 2021-2023 Elk general seasons and definitions.**

The proposed, if adopted, would eliminate overlap between elk general season hunters and deer special permit holders in deer area 5382, thereby maintaining hunt quality for deer special permit holders and minimizing potential conflict between elk general season hunters and deer special permit hunters.

**WAC 220-415-060 2021 Elk special permits.**

This proposal, if adopted, would provide special permit elk hunting opportunities at levels that avoid overharvest to maintain sustainable general elk hunting season opportunities in 2021 and in the future. The proposal would help address elk agricultural damage problems and provides for elk population control when needed. Reductions in permit levels in the Blue Mountains elk herd area (Blue Creek, Tucannon, Wenaha East, Mountain View, Peola) in the Quality and Antlerless categories are in response to reduced population abundance (population estimate was ~35% below objective in 2021). The proposed elimination of the Mt. Adams, Carlton, and West Goat Rocks 'quality' elk special permit hunt is in response to a decline in hunt quality and negative hunter feedback regarding hunt satisfaction. Reduction of permit levels for Antlerless elk permits in the Mount St Helens elk herd area (Winston, Coweeman, Lewis River, Washougal, Siouxon, Wind River, West Klickitat) are proposed because of a documented population decline in the last decade and conservative antlerless harvest is warranted until population surveys indicate increased abundance. The proposed elimination of the Forks 65+ Senior antlerless elk special permit is in an effort to mitigate hunter crowding and associated landowner complaints. The new "incentive" special permits are associated with the Department's pilot program to incentivize the harvest of elk that display signs of treponeme-associated hoof disease. This program is designed to reduce the prevalence of elk hoof disease in western Washington. The proposed 2022 incentive permits, if adopted, would be awarded via random draw to eligible hunters that participated in the program during the 2021 elk hunting seasons.

**WAC 220-415-070 2021 Moose seasons, permit quotas, and areas.**

In accordance with the Department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012, this proposal, if adopted, would provide special permit moose hunting opportunities at levels that avoid overharvest to maintain sustainable general moose hunting season opportunities in 2021 and in the future. Exclusion of Parker Lake from hunt area 49 Degrees North is due to a large-scale timber harvest operation, which will disturb moose from that area and could result in poor hunt quality for this once-in-a-lifetime hunt. An expanded hunt area in Hangman and Cheney B permit hunts is warranted due to a growing moose population in GMU 139 and a need to help address occasional human-moose conflict.

**WAC 220-415-120 2021 Bighorn sheep seasons, permit quotas, and areas.**

In accordance with the Department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012, this proposal, if adopted, would provide special permit bighorn hunting opportunities at levels that avoid overharvest to maintain sustainable general bighorn hunting season opportunities in 2021 and in the future. The proposed elimination of Selah Butte and Umtanum (Yakima bighorn herd) adult ewe, juvenile ram, and youth permits are due to a recent outbreak of bighorn sheep pneumonia. These permits were created in 2019 and modified in 2020 to assist in population reduction as part of a new novel effort to eliminate *Mycoplasma ovipneumoniae*, the pathogen that causes pneumonia. Unfortunately, an outbreak of pneumonia occurred in 2021 and management efforts must be put on hold until the impact of the outbreak are understood.

**WAC 220-415-130 2021 Mountain goat seasons, permit quotas, and areas.**

In accordance with the Department's mandate to provide recreational hunting opportunity and preserve, protect, perpetuate, and manage wildlife populations, RCW 77.04.012, this proposal, if adopted, would provide special permit mountain goat hunting opportunities at levels that avoid overharvest to maintain sustainable general mountain goat hunting season opportunities in 2021 and in the future. A reduction of the Goat Rocks East mountain goat permit hunt is warranted due to concerns of population decline. The "conflict reduction special permits" were originally created to assist a mountain goat depopulation effort on the Olympic Peninsula. In summer 2022, aerial removal efforts will continue in the current hunt areas and few, if any, mountain goats are anticipated to remain in the hunt area, resulting in poor quality hunting opportunity. Future permit opportunity may be reinstated after the aerial removal has concluded if mountain goats remain in accessible locations in the hunt area.

**WAC 220-416-060 2021-2022 Migratory gamebird seasons and regulations.**

Migratory gamebird season frameworks are established through ongoing interagency management programs involving U.S. Fish and Wildlife Service (USFWS) and flyway organizations, including input from Canada, Russia, and Mexico. Federal frameworks include maximum bag limits, season lengths, season timing, and other regulations. Pacific Flyway season frameworks follow harvest strategies and management plans that have been developed cooperatively by USFWS and the Pacific Flyway Council. All states adopt waterfowl seasons within federal frameworks, and in many cases, they are more restrictive to address regional conservation needs. Management agencies utilize Adaptive Harvest Management (AHM) to establish duck season frameworks. AHM relies on annual survey information and population models to prescribe optimal regulation packages each year. The population of ducks in the western part of North America is managed separately from the eastern flyways, as part of the models developed for western mallard AHM. Western mallard AHM uses results from breeding surveys and other information from western areas rather than from the Canadian prairies, recognizing differences in Pacific Flyway breeding areas. The season packages proposed for western mallard AHM are the same as developed under mid-continent mallard AHM (liberal, moderate, and restrictive), although different models are used to prescribe annual packages. No surveys of the breeding waterfowl were conducted due to COVID-19 and travel restrictions, however assessments of duck populations based on the most recent trends recommended status quo in season dates and bag-limit structure to those offered during the 2021-22 migratory gamebird seasons. Northern pintail status remained below population objective, maintaining a daily bag limit of one pintail per the USFWS Northern Pintail Harvest Strategy. Additionally, based on the most recent scaup status, the optimal regulatory alternative described in AHM protocol, requires a restrictive regulatory alternative, maintaining the daily bag limit to two scaup per day, but maintains the 86-day season length. Since June 2013, prescriptive guidelines inform sea duck harvest strategies with harvest rate targets of less than 5% or less of the winter index as measured by aerial surveys (PSAMP) conducted by WDFW. Updated information from this aerial survey will be available in late-February for current assessment of harvest rates. The Pacific Flyway Council's management plan for cackling goose (*Branta hutchinsii minima*) directs impacted states to implement regulatory actions to regain the population objective, when the 3-year average population index falls below 225,000 geese. The most recent 3-year average for this population is 206,763 prompting Washington, Oregon and Alaska to recommend reduced bag limits in high harvest regions of the Pacific Flyway to regain the objective. In Washington, Goose Management Area 2-Coast and Goose Management Area 2-Inland account for the highest harvest of cackling goose (*B. h. minima*). The mandatory harvest report cards provide improved estimates of total harvest for species and harvest effort in discrete or limited zones of Washington, where traditional methods are not capable of producing reliable or precise estimates of harvest. Harvest record cards are designed to improve how harvest reporting information is recorded and for the enforcement of the harvest restrictions in these specific cases. Specifying harvest must be recorded in the designated spaces on the card clarifies intent and reduces potential confusion by users.

**Statutory authority for adoption:** RCWs 77.04.012, 77.04.055, 77.12.047, and 77.12.240

**Statute being implemented:** RCWs 77.04.012, 77.04.055, 77.12.047, and 77.12.240

**Is rule necessary because of a:**

- Federal Law?  Yes  No
- Federal Court Decision?  Yes  No
- State Court Decision?  Yes  No

If yes, CITATION:

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** None.

**Name of proponent:** (person or organization) Washington Department of Fish and Wildlife  Private  Public  Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Eric Gardner	1111 Washington St. SE Olympia, WA. 98501	360-902-2515
Implementation:	Eric Gardner	1111 Washington St. SE Olympia, WA. 98501	360-902-2515

**Is a school district fiscal impact statement required under RCW 28A.305.135?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

**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:
- TTY:
- Email:
- Other:

No: Please explain: This proposal does not require a cost benefit analysis under RCW 34.05.328.

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- |   |  |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)<br>(Internal government operations)         | <input type="checkbox"/> RCW 34.05.310 (4)(e)<br>(Dictated by statute)   |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)<br>(Incorporation by reference)             | <input type="checkbox"/> RCW 34.05.310 (4)(f)<br>(Set or adjust fees)  |
| <input checked="" type="checkbox"/> RCW 34.05.310 (4)(d)<br>(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)<br>((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(4).

Explanation of exemptions, if necessary: Proposed rule does not affect small businesses.

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. \_\_\_\_\_

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

**Date:** February 1, 2022

**Name:** Annie Szvetecz

**Title:** Agency Rule Coordinator

**Signature:**

