

Crop Damage – Briefing and Public Comment
WACs 220-440-140, 220-440-150, and 220-440-160

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Fish and Wildlife Commission Presentation Summary Sheet

Meeting date:

5/16/2025

Agenda item:

Deer and Elk commercial crop damage claim rule amendments CR102

Presenter(s):

Jim Brown, Conflict Section Manager, Landowner Services Division, Wildlife Program

Background summary:

The department is required to adopt rules and processes for the implementation of commercial crop damage payments for wild deer or elk. These rule changes are necessary to provide clarity to the claim process and ensure that the necessary adjustor resources are available to comply with the requirements of RCW chapter 77.36.

When the deer and elk commercial crop damage rules were last significantly updated in 2013, the department did not have the number of claim filings to create the historical experience for both claimants and for staff as to how the process would apply, particularly across a myriad of crop types and crop growing situations that would be encountered. Over time, the department has determined some minor adjustments in rules would aid with the process of claim investigation and processing and has proposed rulemaking. None of the proposed amendments are believed to create new or extra costs or add claim preparation workload for the crop grower. The proposed rule changes are intended to clarify eligibility and process for claims, assessor fee payment process, and speedup claim processing, allowing suspension of claim process timelines for explicit reasons.

Rule structure:

Several code titling and other minor wording changes were made to clarify intent of the rule content. And clarify that they are only applicable for deer and elk commercial damage and, therefore, not for other species and clarify process flow steps. There are provisions in these rules that are duplicative between rules or, as in one case, superfluous and having nothing to do with claims filing or handling. That language is removed as unnecessary or confusing.

Crop adjusters qualifications:

In addition, the current rules provide an avenue for claimants to use department contracted crop adjusters to investigate claims and establish loss values with the assessment fees being shared between claimant and the department. Standards were originally established in rule that required that a crop adjuster to have both state license and federal crop adjuster certification to qualify. However, the department has historically contracted

with experienced crop adjusters that are retired from such employment and only handle claims for deer or elk commercial crop damage. As they are not employed by a federal crop insurance company, some contracted adjusters often cannot get the federal certification as it can only be obtained through such full time employment. And most federal crop insurance providers do not allow their adjusters to “moonlight” as contract assessors, even though the department does not compete with their business model. The department’s deer and elk commercial crop damage claim process is in addition to any multi-peril federal crop insurance program, not in competition with it.

Therefore, the department has determined that basic licensure of the available Washington state property-casualty license would be sufficient if, through the RFQ contracting application process, the potential contracted adjuster could be evaluated by the department for their experience with deer and elk crop damage investigation. An emergency rule has been in place for several months allowing this option for one of our existing adjusters while the department prepared for permanent rule making. The department believes that four years of actual deer and elk damage investigation experience as the minimum qualification for contractors is sufficient, while still maintaining the option of them having both state and federal licenses as an alternative to experience. And the department retains in rule the option of a claimant using and paying for their own adjuster if they use a Washington state licensed and federally certified adjuster as already exists in rule.

Assessment, investigation, and claim processing clarification:

Some crop types require multiple site crop adjuster visits due to the crop grown, such as cuttings of alfalfa, or agricultural practices involved. Language was added that clarifies in rule the “assessment fees” sharing is to be applied for each respective adjuster site visit, not just the first. The department already applies these sharing of “fees” this way, but the proposed language clarifies that in rule. Additionally, shared fee porting in existing rule is normally deducted from the claim award amount. However, we see a few claims every year that are never completed by the claimant or are found to be too low for claim, or otherwise are ineligible for payment after the assessment has already occurred. The department added proposed language to address collection of those shared fees where there is no claim award from which to deduct them from. This proposal clarifies that the claimant obligation remains and the department may bill them regardless of claim award outcome.

Another proposed change clarifies that when other causes of damage than deer or elk are observed, those other damages are to be separated out and accounted for when determining the deer or elk damage assessment.

A proposed change is being made allowing the department to pause processing the claim while awaiting an insurance claim process. Claims cannot be paid in excess of the crop value. Therefore, insurance payments already must be deducted from a deer or elk damage claim. When filed, insurance claims must be resolved before the remaining portion of the claim to the department can continue. The present rule was unclear the department could pause the required claim processing time limits if an insurance claim delay resulted in processing. The proposal also clarifies that the records surrounding the insurance claim are needed by the department, not the actual claim “payment” as the current rule now reads. The department needs to know what was claimed and the details around that to determine a state damage claim is not resulting in the claimant being double-paid for the same damage.

And lastly, the “order of priority” of identified assessment techniques language was removed. Those processes are not applicable in every situation or crop type. The department typically allows any of processes in existing rule to be used and they are not considered in any particular order. The crop type or growing situation typically dictates which process is best. In recognition of the variability of assessment methods, a proposal is added to explicitly allow the department to suspend claim processing and request additional assessment work or documentation to consider the assessment as complete.

Staff recommendation:

Briefing only.

Policy issue(s) and expected outcome:

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

The proposed rulemaking, if adopted, seeks to clarify the following:

1. Allowing the department to continue to use contracted crop damage claim adjusters. To do so, the department must establish updated certification and experience standards for department-contracted crop adjusters. Since there was a change in the availability of federal crop insurance continuing education training for crop adjusters, there has been a decline in available crop adjusters resulting in the department being unable to comply with existing rule. Consequently, the department has been unable to carry out this statutory obligation to assess crop damage claims by current department contracted adjusters. This change will allow for the substitution of experience for the federal license and allow claims to continue to be processed by contracted crop adjusters with at least a Washington state license.
2. The handling of shared adjustor fees and clarify that shared costs apply for multiple site visits and for shared repayment where no claim is paid.
3. Removal of redundant or irrelevant language unrelated to claims that appear in multiple rules.
4. The department may suspend timelines to allow for further investigation of a claim and require submission of additional information to complete the processing of a claim.
5. How causes of damage other than crop damage by deer or elk are considered in the claim process.
6. The assessor processes acceptable for how the value of crop damage in a claim is assessed and is considered and that the processes are not needed to be in any order of preference.
7. That assessor reports are not automatically accepted and that the department may require additional steps or reports in order to verify that the assessment is accurate and complete.
8. That WAC 220-440-230 contains the process of appeal that is used for claim decision appeals filed under chapter 34.05 RCW.

Fiscal impacts of agency implementation:

No fiscal impact

Public involvement process used and what you learned:

CR102 filed and public commenting is open until May 19, 2025.

Action requested and/or proposed next steps:

Informational only, for now. Decision will be requested at a future meeting after public commenting has closed and the final proposal (if changes are recommended) is brought to you.

Draft motion language:

NA

Post decision communications plan:

NA

WAC 220-440-140 Payment for deer and elk commercial crop damage
—**Eligibility and limitations.** Owners, who have worked with the department to prevent deer and elk damage, but continue to experience commercial crop losses, may be eligible to file a damage claim and receive cash compensation from money appropriated by the legislature.

Eligibility:

Damages payable under this section are limited to the lost or diminished value of a commercial crop, whether growing or harvested, and will only be paid to the owner of the crop at the time of damage, without assignment.

Cash compensation for claims from deer and elk damage does not include damage to other real or personal property, including other vegetation or animals, lost profits, consequential damages, or any other related damages.

The department is authorized to pay up to the amount provided in RCW 77.36.130.

Limitations:

Claims for cash compensation will be denied when:

- (1) The claim is for a noncommercial or an ineligible crop;
 - (2) The owner of the commercial crop does not meet the definition of "eligible farmer" in RCW 82.08.855 (4)(b)(i) through (iv);
 - (3) The loss estimate is less than \$1,000;
 - (4) The owner does not have a valid damage prevention cooperative agreement signed by the owner and the department(~~((7))~~) or a waiver signed by the director(~~((7-07))~~) and does not provide a department approved checklist of the preventative and nonlethal means that have been employed to prevent damage;
 - (5) The owner has not complied with the terms and conditions of his or her agreement(s) with the department;
 - (6) An owner or lessee has accepted noncash compensation to offset crop damage in lieu of cash consistent with conditions of the damage prevention cooperative agreement with the department. Acceptance of noncash compensation will constitute full and final payment for crop damages within the growing season of the damaged crop or for the time period specified by the department in writing to the owner;
 - (7) An owner or lessee has denied the department's offer of cost-share fencing as a long-term preventative measure;
 - (8) The owner or lessee has denied prevention measures offered by the department. The prevention measures offered shall be applicable, legal, practical, and industry recognized;
 - (9) Damages to the commercial crops claimed are covered by insurance or are eligible for payment from other entities. Any portion of the actual deer or elk damage not covered by others that exceeds \$1,000 is eligible for compensation from the department;
- The department may delay completion of processing the claim until the insurance claim or other third-party entities' claim process has either been paid or denied. After the third party claim has been paid or denied, the department's claim processing will continue;
- (10) The property where the damage occurred was not open to public hunting consistent with WAC 220-440-190 for the species, deer or elk, causing the damage, unless, as determined by the department, the property is inconsistent with hunting or hunting would not address the

damage problem. This includes all properties owned or leased by the owner adjacent to, contiguous to, or in the vicinity of the property where crop damage occurred;

(11) The crop is grown or stored on public property;

(12) The owner or lessee fails to provide on-site access to the department or designee for inspection and investigation of alleged damage or to verify eligibility for a claim;

(13) The owner has not provided a completed written claim form and all other required information, or met required timelines prescribed within WAC 220-440-150;

(14) The owner fails to sign a statement affirming that the facts and supporting documents are truthful to the best of the owner's knowledge;

(15) The owner or designee harvested commercial crops prior to providing a 72 hour notice to the department;

(16) The department will prioritize payment for commercial crop damage as set forth in RCW 77.36.100. The claimant must provide records in support of the prioritization method as proscribed therein. Before payment, claims in the current fiscal year will be prioritized after all crop damage claims have been received and approved, and any claim appeals have been resolved.

AMENDATORY SECTION (Amending WSR 24-22-007, filed 10/23/24, effective 11/23/24)

WAC 220-440-150 Application for cash compensation for deer or elk commercial crop damage—Procedure. ~~((Pursuant to this section, the department may distribute funds appropriated by the legislature to pay commercial crop damage caused by wild deer or elk in the amount of up to the amount provided in RCW 77.36.130 per claim.))~~ The department shall develop claim procedures and application forms consistent with this section for cash compensation ~~((of))~~ for commercial crop damage. ~~((Partnerships with other public and private organizations to assist with completion of applications, assessment of damage, and to provide funding for compensation are encouraged.))~~

Filing a claim:

(1) Claimants who have ~~((cooperated with the department and have a valid damage prevention cooperative agreement or a department approved checklist to prevent deer or elk damage and))~~ met the requirements of WAC 220-440-140, ~~((or a waiver from the director,))~~ yet still experience commercial crop loss ~~((and meet eligibility requirements))~~, may file a claim for cash compensation.

(2) The claimant must notify the department within 72 hours of discovery of crop damage and at least 72 hours prior to harvest of the claimed crop.

(3) A complete written claim and completed crop assessment must be submitted to the department within 60 days of harvest.

(4) Claimants may only file one claim per year. Multiple partners in a farming operation are considered one claimant. Operations involving multiple partners must designate a "primary grower" to receive payment from the department.

(5) The claim form declaration must be signed, affirming that the information provided is factual and truthful per the certification set out in RCW 9A.72.085, before the department will process the claim.

(6) In addition to a completed claim form, a claimant must provide:

(a) A copy of claimant's Schedule F of Form 1040, Form 1120, or other applicable forms filed with the Internal Revenue Service or other documentation indicating the claimant's gross sales or harvested value of commercial crops for the previous tax year.

(b) The assessment method used is consistent with WAC 220-440-160, valuation of property damage.

(c) Proof of ownership of claimed commercial crops or contractual lease of claimed commercial crops consistent with department procedural requirements for submission of documents.

(d) Written documentation of approved methodology used to assess and determine final crop loss and value.

(e) Records documenting average yield on claimed crop and parcel, certified yield reports, production reports and weight certificates completed at the time weighed for claimed year, and other applicable documents that support yield loss and current market price. Current market price will be determined less transportation and cleaning costs when applicable.

(f) A declaration signed under penalty of perjury as provided in RCW 9A.72.085, indicating that the claimant is eligible for the claim, meets eligibility requirements listed under this section, and that all claim evaluation and assessment information in the claim application is true and accurate to the best knowledge of the claimant.

(g) A copy of the insurance policy, completed claim forms, and payment records on the commercial crop where loss is claimed.

(h) Copies of any applications for other sources of loss compensation and any payment records or denial documentation.

Damage claim assessment:

(7) Completion of a damage claim assessment for the amount and value of commercial crop loss is the responsibility of the claimant. A crop damage evaluation and assessment must be conducted by a licensed crop insurance adjustor in cooperation with the claimant:

(a) The claimant must submit a damage claim assessment prepared by a qualified crop insurance adjustor. A qualified adjustor means a crop adjustor licensed by the state of Washington and certified by the federal crop insurance service.

An adjustor who is under contract with the department that has a current state of Washington insurance adjuster license with at least four years of verifiable deer and elk caused crop damage investigation experience may substitute that experience for the federal crop insurance certification.

(b) The department will provide the claimant with a list of approved contracted department adjustors. The claimant may select an adjustor from the approved list and work with the department and the adjustor to arrange for the completion of a crop damage assessment or select a ~~((state-licensed))~~ qualified adjustor of their own choosing.

(i) If the claimant selects an adjustor from the approved list, the department will provide the adjustor written authorization to proceed with an assessment ~~((and))~~. Adjustor fees, including for multiple site visits, will be the shared responsibility of the owner and the department. The claimant portion of ~~((the))~~ each assessment visit fee~~((s))~~ may not exceed one half or a maximum of \$600, whichever is smaller, and will be deducted from the final payment.

(ii) If, at the end of the claim evaluation process, no payment for the claim is made, the claimant's portion of a contracted adjuster's assessment fees shall be billed to the claimant for prompt reimbursement to the department and funds returned to the appropriate claim fund source.

(iii) If the claimant selects a ((state-licensed)) qualified adjuster of their own choosing, then the claimant accepts full responsibility for the assessment fees.

(c) The department or the claimant may accept the damage claim assessment provided by the ((licensed adjuster)) qualified adjuster or may hire a ((state-licensed)) qualified adjuster of their choosing and conduct a separate assessment or evaluation of the crop loss amount and value. The party hiring an adjuster to conduct a separate assessment or evaluation is responsible for payment of all related fees.

(8) Disagreement between the claimant and the department over the crop loss value may be settled through an adjudicative proceeding pursuant to chapter 34.05 RCW and WAC 220-440-230, subject to the limit provided in RCW 77.36.130.

Settlement of claims:

(9) Compensation paid by the department, in addition to any other compensation received by the claimant, may not exceed the total value of the assessed crop loss.

(10) The claimant will be notified by the department upon completion of the evaluation and has 60 days to accept or appeal the department's offer for settlement or denial of the claim, or the claim offer or denial is considered accepted and not subject to appeal.

(11) The department will prioritize payment for commercial crop damage as set forth in RCW 77.36.100.

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

WAC 220-440-160 Valuation methods for commercial crop damage assessment. Several methods may be used to determine the extent of a crop damaged by deer and elk and the lost value of the commercial crop resulting from the damage. Assessment methods used by qualified crop adjusters ((licensed by the state and certified by the federal crop insurance service)) under WAC 220-440-150 will be ((accepted)) considered by the department. Evaluation of crop losses must consider other impacts to crop production((7)) including, but not limited to, fertilization, irrigation, precipitation, weather, timing of planting or harvest, and weed control and shall deduct those impacts from the loss value calculation. At least one of the following methods ((are)) listed ((in preferred order based on reliability)) must be used to assess the crop damage:

(1) Amount consumed - Relies on wildlife-proof exclosures in the field; clipping similar sized plots inside and outside of exclosures; then comparing yields.

(2) Amount of stored crops consumed or damaged - Determine the bales or pounds of stored crops consumed or destroyed; then determine replacement value.

(3) Replacement value of horticultural trees lost as a result of damage; partial loss due to damage can be estimated per tree based on the percentage destroyed.

(4) Damage vs. undamaged areas - Using random sampling methods to compare the yields of damaged to undamaged portions of a field or two similar fields can provide an estimate of loss. Comparing similar fields assumes the fields are truly "similar" (soil type, aspect, slope, irrigation, fertilization, stand age, etc.).

(5) Animal use - Count the number of animals causing damage and the number of days they were present; then estimate the percentage of daily intake provided by the crop (generally less than ~~((fifty))~~ 50 percent), and the amount of waste, trampling, or trailing; the result should also consider the timing of the damage and potential recovery of the vegetation prior to crop harvest.

(6) Decrease from average yield - Historic yields can be used for comparison; the difference between average yield and current yield may shed light on the extent of damage; changing weather or crop growing conditions from one year to the next make this technique less reliable.

(7) The department may require additional information about the assessment process used and may request additional assessment be undertaken, or may request additional documentation in order to consider the assessment accurate and complete.



PROPOSED RULE MAKING

CR-102 (June 2024) (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: April 02, 2025

TIME: 9:49 AM

WSR 25-08-092

Agency: Washington Department of Fish and Wildlife (WDFW) [P2024-10]

☒ Original Notice

☐ Supplemental Notice to WSR []

☐ Continuance of WSR []

☒ Preproposal Statement of Inquiry was filed as WSR 24-16-048 on July 30, 2024 ; 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 220-440-140 Payment for Commercial crop damage – Limitations.

WAC 220-440-150 Application for cash compensation for commercial crop damage – Procedure.

WAC 220-440-160 Valuation methods for crop damage assessment.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
May 16-17, 2025	8:00 a.m.	1441 East Washington Sequim, WA 98382	Information on how to register to testify at the public hearing is available at: https://wdfw.wa.gov/about/commission/meetings/2025 or contact the Commission office at (360)-902-2267.

Date of intended adoption: On or after June 27, 2025 (Note: This is NOT the effective date)

Submit written comments to:

Name WDFW Rules Coordinator

Address PO Box 43200, Olympia, WA 98504

Email cropdamagecr102@publicinput.com

Fax (360)-902-2162

Other <https://publicinput.com/cropdamagecr102>

Phone: 855-925-2801 Project Code 11174]

Beginning (date and time) April 2, 2025

By (date and time) May 19, 2025

Assistance for persons with disabilities:

Contact [Title VI/ADA Compliance Coordinator]

Phone (360) 902-2349

Fax []

TTY 1-800-833-6388 or 711

Email Title6@dfw.wa.gov

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

By (date) May 19, 2025

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Statutory authority for adoption: RCWs 77.04.012, 77.04.055, 77.12.047, and 77.36.120.																			
Statute being implemented: RCWs 77.04.012, 77.04.055, 77.08.030, 77.12.047, 77.36.100, 77.36.110, and 77.36.120.																			
Is rule necessary because of a: <table style="width: 100%; border: none;"> <tr> <td style="width: 70%;">Federal Law?</td> <td style="width: 10%; text-align: center;"><input type="checkbox"/></td> <td style="width: 10%; text-align: center;">Yes</td> <td style="width: 10%; text-align: center;"><input checked="" type="checkbox"/></td> <td style="width: 10%; text-align: center;">No</td> </tr> <tr> <td>Federal Court Decision?</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">Yes</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;">No</td> </tr> <tr> <td>State Court Decision?</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">Yes</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;">No</td> </tr> </table> If yes, CITATION:				Federal Law?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	Federal Court Decision?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	State Court Decision?	<input type="checkbox"/>	Yes	<input checked="" type="checkbox"/>	No	
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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 Type of proponent: <input type="checkbox"/> Private. <input type="checkbox"/> Public. <input checked="" type="checkbox"/> Governmental.																			
Name of agency personnel responsible for: <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th style="width: 15%;"></th> <th style="width: 30%;">Name</th> <th style="width: 40%;">Office Location</th> <th style="width: 15%;">Phone</th> </tr> </thead> <tbody> <tr> <td>Drafting</td> <td>Mick Cope</td> <td>1111 Washington St. SE Olympia, WA. 98501</td> <td>(360) 902-2515</td> </tr> <tr> <td>Implementation</td> <td>Mick Cope</td> <td>1111 Washington St. SE Olympia, WA. 98501</td> <td>(360) 902-2515</td> </tr> <tr> <td>Enforcement</td> <td>Steve Bear</td> <td>1111 Washington St. SE Olympia, WA. 98501</td> <td>(360) 902-2373</td> </tr> </tbody> </table>					Name	Office Location	Phone	Drafting	Mick Cope	1111 Washington St. SE Olympia, WA. 98501	(360) 902-2515	Implementation	Mick Cope	1111 Washington St. SE Olympia, WA. 98501	(360) 902-2515	Enforcement	Steve Bear	1111 Washington St. SE Olympia, WA. 98501	(360) 902-2373
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Is a school district fiscal impact statement required under RCW 28A.305.135? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If yes, insert statement here: <div style="border: 1px solid black; padding: 10px; margin-top: 10px;"> The public may obtain a copy of the school district fiscal impact statement by contacting: <table style="width: 100%; border: none;"> <tr><td>Name</td><td></td></tr> <tr><td>Address</td><td></td></tr> <tr><td>Phone</td><td></td></tr> <tr><td>Fax</td><td></td></tr> <tr><td>TTY</td><td></td></tr> <tr><td>Email</td><td></td></tr> <tr><td>Other</td><td></td></tr> </table> </div>				Name		Address		Phone		Fax		TTY		Email		Other			
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Is a cost-benefit analysis required under RCW 34.05.328? <div style="margin-top: 10px;"> <input type="checkbox"/> Yes: A preliminary cost-benefit analysis may be obtained by contacting: <table style="width: 100%; border: none;"> <tr><td>Name</td><td></td></tr> <tr><td>Address</td><td></td></tr> <tr><td>Phone</td><td></td></tr> <tr><td>Fax</td><td></td></tr> <tr><td>TTY</td><td></td></tr> <tr><td>Email</td><td></td></tr> <tr><td>Other</td><td></td></tr> </table> </div> <div style="margin-top: 10px;"> <input checked="" type="checkbox"/> No: Please explain: This proposal does not require a cost benefit analysis under RCW 34.05.328. </div>				Name		Address		Phone		Fax		TTY		Email		Other			
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Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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:

☐ [RCW 34.05.310](#) (4)(b)
(Internal government operations)

☐ [RCW 34.05.310](#) (4)(c)
(Incorporation by reference)

☐ [RCW 34.05.310](#) (4)(d)
(Correct or clarify language)

☐ [RCW 34.05.310](#) (4)(e)
(Dictated by statute)

☐ [RCW 34.05.310](#) (4)(f)
(Set or adjust fees)

☐ [RCW 34.05.310](#) (4)(g)
((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). (Does not affect small businesses).

☐ This rule proposal, or portions of the proposal, is exempt under RCW | |.

Explanation of how the above exemption(s) applies to the proposed rule: | |

(2) Scope of exemptions: *Check one.*

☒ The rule proposal: Is fully exempt. (*Skip section 3.*) Exemptions identified above apply to all portions of the rule proposal.

☐ The rule proposal: Is partially exempt. (*Complete section 3.*) The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)): | |

☐ The rule proposal: Is not exempt. (*Complete section 3.*) No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. | |

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact 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: April 2, 2025	Signature: 
Name: Scott Bird	
Title: WDFW Agency Rules Coordinator	