

**Reducing the spread of hoof disease**

220-413-200

TABLE OF CONTENTS

Summary Sheet ..... 1

WAC 220-413-200 Reducing the spread of hoof disease-Unlawful transport of elk hooves ..... 2

Recommended Adjustments ..... 3

CR-102 ..... 4

## Summary

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**Meeting dates:** August 4-5, 2017

**Agenda item:** Reducing the spread of hoof disease: **Briefing, Public Hearing, and Decision**

**Presenter:** Jerry Nelson, Ph.D., Deer and Elk Section Manager, Wildlife Program

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**Background summary:**

Staff will brief the Commission on proposed amendments to WAC 220-413-200 Reducing the spread of hoof disease—Unlawful transport of elk hooves, and request adoption of those amendments.

WAC 220-413-200 is intended to reduce the potential of spreading the causative bacterial agent(s) of treponeme associated hoof disease (TAHD). The rule restricts the transport of elk hooves from harvested animals that were killed in GMUs where TAHD has been confirmed. The rule provides an exception for those cooperating with Department directed management or research.

The proposed amendment adds 5 GMUs to the restriction. TAHD has been confirmed in these 5 GMUs since the rule was originally written.

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

Restricting the movement of elk parts from elk harvested in GMUs where TAHD has been confirmed.

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

The Department notified approximately 1,200 individuals and organizations informing them of the opportunity to provide comment on the proposed regulations. Additionally, these individuals and organizations were informed of the opportunity to provide verbal testimony at the August 4-5, 2017 Commission Meeting in Olympia.

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**Action requested:**

Briefing, public hearing, and rule adoption.

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**Draft motion language:**

I move to amend WAC 220-413-200 as presented.

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**Justification for Commission action:**

To reduce the potential of spreading the causative bacterial agent(s) that cause TAHD.

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**Communications Plan:**

WDFW Website  
News Releases  
Hunting Pamphlet

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*Form revised 12/5/12*

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

**WAC 220-413-200 Reducing the spread of hoof disease—Unlawful transport of elk hooves.** (1) It is unlawful to transport the hooves of harvested elk beyond the site where the animal was killed in Game Management Units 407, 418, 437, 454, 501 through 564, 633, 636 and 642 through 699, except when specifically authorized by the department or when acting as an agent of the department in the limited capacity of cooperating with research or management actions regarding hoof disease as directed by the department.

(2) Violation of this section is an infraction under RCW 77.15.160 Infractions.  
[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-413-200, filed 2/15/17, effective 3/18/17. 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, and 77.32.155. WSR 16-12-087, § 232-12-286, filed 5/31/16, effective 7/1/16. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.455, and 77.32.070. WSR 14-17-093 (Order 14-215), § 232-12-286, filed 8/19/14, effective 9/19/14.]

**WAC 220-413-200 Reducing the spread of hoof disease–Unlawful transport of elk hooves.**

**RECOMMENDED ADJUSTMENTS**

The following adjustments are proposed since the Code Reviser (CR 102) filing and are shown in colored type within the WAC text contained in your notebook.

**Page 2**

- Change: In section 1 of WAC 220-413-200, in the new Game Management Units (GMUs) being added to the list of GMUs where the restriction applies, after GMU 437 add GMU 454.

Rationale: Treponeme associated hoof disease was confirmed in a wild elk in GMU 454 after the filing of the CR 102 that describes the proposed WAC amendment.



# PROPOSED RULE MAKING

## CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

**Agency:** Washington Department of Fish and Wildlife

- Preproposal Statement of Inquiry was filed as WSR 17-10-070 on May 3, 2017**
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or**
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).**

- Original Notice**
- Supplemental Notice to WSR \_\_\_\_\_**
- Continuance of WSR \_\_\_\_\_**

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

WAC 220-412-070 Big game and wild turkey auction, raffle, and special incentive permits.  
WAC 220-413-200 Reducing the spread of hoof disease-Unlawful transport of elk hooves.  
WAC 220-415-080 2017 and 2018 Spring black bear seasons and regulations.

**Hearing location(s):**  
Natural Resources Building, Room 172  
1111 Washington Street Southeast  
Olympia, Washington 98501

Date: Friday, August 4-5, 2017 Time: 8:00 a.m.

**Submit written comments to:**  
Online: <https://www.surveymonkey.com/r/KQXJQTS>  
Name: Wildlife Program  
Attn: Commission Meeting Public Comments  
Address: 600 Capitol Way North  
Olympia, WA 98501-1091  
Fax: (360) 902-2162 by July 12, 2017

**Assistance for persons with disabilities:** Contact  
Tami Lininger by July 28, 2017  
TTY (800) 833-6388 or (360) 902-2267

**Date of intended adoption:** on or after August 4, 2017  
(Note: This is **NOT** the **effective** date)

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

See Attachment A.

**Reasons supporting proposal:**

See Attachment A.

**Statutory authority for adoption:** RCW 77.04.012, 77.12.240, 77.04.055, 77.12.047, 77.12.150, 77.32.090, and 77.32.530.

**Statute being implemented:** RCW 77.04.012, 77.12.240, 77.04.055, 77.12.047, 77.12.150, 77.32.090, and 77.32.530.

- Is rule necessary because of a:**
- Federal Law?  Yes  No
  - Federal Court Decision?  Yes  No
  - State Court Decision?  Yes  No
- If yes, CITATION:

### CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: June 21, 2017**

**TIME: 11:38 AM**

**WSR 17-13-132**

**DATE**  
June 21, 2017

**NAME** (type or print)  
Scott Bird

**SIGNATURE**

**TITLE**  
Rules Coordinator

(COMPLETE REVERSE SIDE)

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

None.

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

- Private
- Public
- Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting.....	Eric Gardner	Natural Resources Building	(360) 902-2515
Implementation....	Eric Gardner	Natural Resources Building	(360) 902-2515
Enforcement.....	Chris Anderson	Natural Resources Building	(360) 902-2373

**Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?**

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

These rule changes does not impact small businesses.

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No: Please explain: These rule proposals do not affect hydraulics.

# ATTACHMENT A

## **220-412-070 Big game and wild turkey auction, raffle, and special incentive permits.**

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

This rule codifies the locations, restrictions, and legal bag limit for auction, raffle and special incentive permits.

The proposal clarifies language on those auction and raffle tags that include elk hunting. The proposed language clarifies where the auction, raffle, and incentive permits can be used and which animals are legal for harvest.

### **Reasons supporting proposal:**

This proposed clarifies where and how auction, raffle, and special incentive permits can be used which make them easier to understand for the users and also provides clarity to law enforcement.

## **220-413-200 Reducing the spread of hoof disease-Unlawful transport of elk hooves.**

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

This rule is an attempt to reduce the potential risk of inadvertently spreading the causative agents of treponeme associated hoof disease (TAHD) in elk.

New Game Management Units (GMUs) are being proposed in which transport of elk hooves from harvested elk would be restricted. These new GMUs include 407, 418, 437, 633, and 636. The rule does allow, under certain circumstances, the legal transport of elk hooves coming from GMUs with TAHD to facilitate research by the Department.

### **Reasons supporting proposal:**

This proposal adds GMUs where transport of elk hooves will be restricted in order to reduce the potential risk of the disease spreading.

## **220-415-080 2017 and 2018 Spring black bear seasons and regulations.**

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

The proposal is intended to establish harvest guidelines for 21 spring bear hunts around the state during 2018. The proposal will: 1) remove the 2017 season from the current rule, 2) extend the season ending date to June 15 for GMUs 154, 162, 166, 169, 172, 175, 181, and 186, and 3) remove the Monroe hunt area. The anticipated effects include mitigation of nuisance and damage activity while providing distributed recreational hunting opportunities within harvest management levels described in the 2015-2021 Game Management Plan.

### **Reasons supporting proposal:**

Spring bear seasons are typically used to address specific management needs such as nuisance and damage to property, and improve distribution of harvest. These amendments will remove a hunt area where the Department no longer requires removals to mitigate damage because damage occurrences have diminished. Additionally, the amendments will extend season dates by 15 days in areas where the Department has determined there is a need to use hunting pressure to mitigate damage and improve distribution of harvest and further minimize confusion for those who are permitted to participate in WDFW's Region 1.