



# 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 15-14-122 on 07/01/15; 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).

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

**Title of rule and other identifying information:**

232-12-284 Bighorn sheep – marking and ownership requirements

**Hearing location(s):**

Natural Resource Building, Room 630  
1111 Washington Street SE  
Olympia, WA 98501

Date: November 6, 2015 Time: 8:30 AM

**Submit written comments to:**

Name: Wildlife Program Commission Meeting Public Comments  
Address: 600 Capitol Way North  
Olympia, WA 98501  
e-mail wildthing@dfw.wa.gov  
fax (360) 902-2162 by (date) 10/31/15

**Assistance for persons with disabilities:** Contact

Tami Lininger by October 23, 2015

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

**Date of intended adoption:** On or after November 6, 2015

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

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

Provides a mechanism by which bighorn sheep horns legally acquired prior to the era of permanent marking can be inspected, marked, and entered into the long-term database. This provides certainty to both the owner of the horns and the Department that the horns were acquired legally.

**Reasons supporting proposal:**

Allay concern expressed by members of the public that bighorn sheep horns acquired prior to the initiation of the current marking system could not be legally retained.

**Statutory authority for adoption:** RCW 77.04.012, 77.04.055, and 77.12.047.

**Statute being implemented:** RCW 77.04.012, 77.04.055, and 77.12.047.

**Is rule necessary because of a:**

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

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: September 23, 2015**

**TIME: 9:17 AM**

**WSR 15-19-156**

**DATE**

September 23, 2015

**NAME** (type or print)

Joanna Eide

**SIGNATURE**

**TITLE**

Rules Coordinator

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

**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.....	Nate Pamplin	Natural Resource Building	(360) 902-2515
Implementation....	Nate Pamplin	Natural Resource Building	(360) 902-2515
Enforcement.....	Steven Crown	Natural Resource 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 rules apply to recreational hunting and do not affect small business.

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

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

Name:

Address:

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

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

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

No: Please explain: This proposal does not involve hydraulics.

**WAC 232-12-284 Bighorn sheep—Marking requirements.** (1) For the purpose of this section, horns are defined as the hollow sheath of bighorn sheep ram. The horns do not have to be paired and may include one horn.

(2) It is unlawful for a person who kills a bighorn sheep ram taken in Washington to fail, within ten days after acquisition, to personally present the horns for inspection and permanent marking at a department office or location designated by a department representative. A department employee shall permanently mark one of the horns of each lawfully acquired bighorn sheep. A violation of this subsection is punishable under RCW 77.15.280 (1)(c).

(3) It is unlawful for any person to possess the horns of a bighorn sheep ram originating in Washington except as described in subsections (2) and (4) of this section. Horns of bighorn sheep found dead in Washington must be left in the field. A violation of this subsection is punishable under RCW 77.15.410.

(4) It is unlawful to offer for sale, sell, purchase, or barter, bighorn sheep horns without a written permit authorized by the director. Permits will only be granted where such sale, purchase, or barter will specifically benefit bighorn sheep conservation or management. It is unlawful for any person who transfers ownership or possession of the horns of a bighorn sheep ram that have been permanently marked to fail to give written notice of the transfer to the department within ~~((ten))~~ thirty days after the transfer. In the case of horns originating from a bighorn sheep legally obtained prior to the initiation of permanent marking in the jurisdiction of its origin, the director is authorized to issue a permit for possession (but not for resale); such a permit must subsequently be retained with the horns. After such a permit is issued, the horns must be presented for permanent marking to a WDFW office within thirty days. A violation of this subsection is punishable under RCW 77.15.750, provided it does not involve trafficking of bighorn sheep or the parts thereof. ~~((A violation of this subsection involving the trafficking of bighorn sheep or the parts thereof is punishable under RCW 77.15.260.))~~