



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

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 16-13-044 on 6/8/16	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).	<input type="checkbox"/> Continuance of WSR _____

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

WAC 220-200-100 Wildlife classified as protected shall not be hunted or fished.
WAC 220-610-010 Wildlife classified as endangered species.

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

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

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

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 September 8, 2017
(Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The proposal will reclassify loggerhead sea turtle from state's threatened subcategory (WAC 220-200-100) to state endangered (WAC 220-610-010).

In addition, the proposal will classify the yellow-billed cuckoo as state endangered (WAC 220-610-010).

Reasons supporting proposal:

The department has reviewed all relevant data pertaining to the population status of loggerhead sea turtle and yellow-billed cuckoo in Washington.

Loggerhead sea turtles in Washington are part of the North Pacific population, which migrate from nesting sites near Japan to waters off the west coast of North America. Loggerhead sea turtles are rarely seen in Washington. The North Pacific population of loggerhead sea turtles declined substantially in the last half of the 20th century. Threats to these turtles include harvest by humans, incidental capture in fisheries, and damage to nesting habitat.

Just 20 sightings of yellow-billed cuckoos have been documented in Washington since the 1950s and were likely non-breeding vagrants or migrants, indicating that cuckoos are now functionally extirpated in the state. Nevertheless, due to a lack of surveys and the presence potential habitat in Washington, the possibility exists that this species may occasionally breed in the state and that these rare breeders are yet to be discovered.

The greatest threats to western yellow-billed cuckoos is the loss or degradation of riparian habitats caused by dam construction, flood control practices, commercial and residential development, changes in farming and ranching practices, and nonnative plant invasions. Agricultural pesticide use, which may affect prey abundance as well as the birds' health, is a potential additional threat.

Statutory authority for adoption: RCW 77.04.012; 77.04.055;
77.12.020; 77.12.047

Statute being implemented: RCW 77.04.012; 77.04.055;
77.12.020; 77.12.047

Is rule necessary because of a:

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

If yes, CITATION:

CODE REVISER USE ONLY

<p>OFFICE OF THE CODE REVISER STATE OF WASHINGTON FILED</p> <p>DATE: June 21, 2017 TIME: 11:37 AM</p> <p>WSR 17-13-131</p>
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DATE
June 21, 2017

NAME (type or print)
Scott Bird

SIGNATURE

TITLE
Rules Coordinator

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.

WAC 220-200-100 Wildlife classified as protected shall not be hunted or fished. Protected wildlife are designated into three subcategories: Threatened, sensitive, and other.

(1) Threatened species are any wildlife species native to the state of Washington that are likely to become endangered within the foreseeable future throughout a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as threatened include:

Common Name	Scientific Name
western gray squirrel	<i>Sciurus griseus</i>
ferruginous hawk	<i>Buteo regalis</i>
green sea turtle	<i>Chelonia mydas</i>
((loggerhead sea turtle	<i>Caretta caretta</i>
sage grouse	<i>Centrocercus urophasianus</i>
sharp-tailed grouse	<i>Phasianus columbianus</i>
Mazama pocket gopher	<i>Thomomys mazama</i>
American white pelican	<i>Pelecanus erythrorhynchos</i>

(2) Sensitive species are any wildlife species native to the state of Washington that are vulnerable or declining and are likely to become endangered or threatened in a significant portion of their range within the state without cooperative management or removal of threats. Protected wildlife designated as sensitive include:

Common Name	Scientific Name
Gray whale	<i>Eschrichtius gibbosus</i>
Common Loon	<i>Gavia immer</i>
Larch Mountain salamander	<i>Plethodon larselli</i>
Pygmy whitefish	<i>Prosopium coulteri</i>
Margined sculpin	<i>Cottus marginatus</i>
Olympic mudminnow	<i>Novumbra hubbsi</i>

(3) Other protected wildlife include:

Common Name	Scientific Name
cony or pika	<i>Ochotona princeps</i>
least chipmunk	<i>Tamias minimus</i>
yellow-pine chipmunk	<i>Tamias amoenus</i>
Townsend's chipmunk	<i>Tamias townsendii</i>
red-tailed chipmunk	<i>Tamias ruficaudus</i>
hoary marmot	<i>Marmota caligata</i>
Olympic marmot	<i>Marmota olympus</i>
Cascade golden-mantled ground squirrel	<i>Spermophilus saturatus</i>
golden-mantled ground squirrel	<i>Spermophilus lateralis</i>
Washington ground squirrel	<i>Spermophilus washingtoni</i>
red squirrel	<i>Tamiasciurus hudsonicus</i>

Common Name	Scientific Name
Douglas squirrel	<i>Tamiasciurus douglasii</i>
northern flying squirrel	<i>Glaucomys sabrinus</i>
wolverine	<i>Gulo gulo</i>
painted turtle	<i>Chrysemys picta</i>
California mountain kingsnake	<i>Lampropeltis zonata</i>

All birds not classified as game birds, predatory birds or endangered species, or designated as threatened species or sensitive species; all bats, except when found in or immediately adjacent to a dwelling or other occupied building; mammals of the order *Cetacea*, including whales, porpoises, and mammals of the order *Pinnipedia* not otherwise classified as endangered species, or designated as threatened species or sensitive species. This section shall not apply to hair seals and sea lions which are threatening to damage or are damaging commercial fishing gear being utilized in a lawful manner or when said mammals are damaging or threatening to damage commercial fish being lawfully taken with commercial gear.

WAC 220-610-010 Wildlife classified as endangered species. Endangered species include:

Common Name	Scientific Name
pygmy rabbit	<i>Brachylagus idahoensis</i>
fisher	<i>Martes pennanti</i>
gray wolf	<i>Canis lupus</i>
grizzly bear	<i>Ursus arctos</i>
sea otter	<i>Enhydra lutris</i>
killer whale	<i>Orcinus orca</i>
sei whale	<i>Balaenoptera borealis</i>
fin whale	<i>Balaenoptera physalus</i>
blue whale	<i>Balaenoptera musculus</i>
humpback whale	<i>Megaptera novaeangliae</i>
black right whale	<i>Balaena glacialis</i>
sperm whale	<i>Physeter macrocephalus</i>
Columbian white-tailed deer	<i>Odocoileus virginianus leucurus</i>
woodland caribou	<i>Rangifer tarandus caribou</i>
sandhill crane	<i>Grus canadensis</i>
snowy plover	<i>charadrius alexandrinus</i>
upland sandpiper	<i>Bartramia longicauda</i>
spotted owl	<i>Strix occidentalis</i>
western pond turtle	<i>Clemmys marmorata</i>
leatherback sea turtle	<i>Dermochelys coriacea</i>
mardon skipper	<i>Polites mardon</i>
Oregon silverspot butterfly	<i>Speyeria zerene hippolyta</i>
Oregon spotted frog	<i>Rana pretiosa</i>
northern leopard frog	<i>Rana pipiens</i>
Taylor's checkerspot	<i>Euphydryas editha taylori</i>
Streaked horned lark	<i>Eremophila alpestris strigata</i>
Tufted puffin	<i>Fratercula cirrhata</i>
North American lynx	<i>Lynx canadensis</i>
marbled murrelet	<i>Brachyramphus marmoratus</i>
<u>Loggerhead sea turtle</u>	<u><i>Caretta caretta</i></u>
<u>Yellow-billed cuckoo</u>	<u><i>Coccyzus americanus</i></u>