



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (August 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: September 27, 2017

TIME: 3:02 PM

WSR 17-20-030

**Agency:** Washington Department of Fish and Wildlife: 17-254

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:**

The proposal will reclassify loggerhead sea turtle from the state's threatened subcategory (WAC 220-200-100) to state's endangered subcategory (WAC 220-610-010).  
In addition, the proposal will classify the yellow-billed cuckoo under the state's endangered subcategory (WAC 220-610-010).

**Citation of rules affected by this order:**

New:  
Repealed:  
Amended: 220-200-100 and 220-610-010.  
Suspended:

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

**Other authority:** None.

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 17-13-131 on June 21, 2017 (date).  
Describe any changes other than editing from proposed to adopted version:

**WAC 220-200-100 Wildlife classified as protected shall not be hunted or fished.**

Proposed corrections to common and scientific names include the following:

<u>Common Name</u>	<u>Scientific Name</u>
sage grouse	<i>Centrocercus urophasianus</i>
sharp-tailed grouse	<i>Phasianus columbianus</i>
gray whale	<i>Eschrichtius gibbosus</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>
Cascade golden-mantled ground squirrel	<i>Spermophilus saturatus</i>
golden mantled ground squirrel	<i>Spermophilus lateralis</i>
Washington ground squirrel	<i>Spermophilus washingtoni</i>

Change to the following respectively:

<u>Common Name</u>	<u>Scientific Name</u>
Greater sage grouse	<i>Centrocercus urophasianus</i>
sharp-tailed grouse	<i>Tympanuchus phasianellus</i>
gray whale	<i>Eschrichtius robustus</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>
cascade golden-mantled ground squirrel	<i>Callospermophilus saturatus</i>
golden-mantled ground squirrel	<i>Callospermophilus lateralis</i>
Washington ground squirrel	<i>Uroditellus washingtoni</i>

After northern flying squirrel, *Glaucomys sabrinus*, add the following:

<u>Common Name</u>	<u>Scientific Name</u>
Humboldt's flying squirrel	<i>Glaucomys oregonensis</i>

Rationale: The changes in taxonomy to sage-grouse, gray whale, golden-mantled ground squirrel, and Washington ground squirrel, have been accepted by the scientific community. Additionally, these authorities have recently split the northern flying squirrel into the northern flying squirrel and the Humboldt's flying squirrel. The scientific names for sharptailed grouse and the chipmunks were incorrect.

**WAC 220-610-010 Wildlife classified as endangered species.**

Proposed corrections to common and scientific names include the following:

<u>Common Name</u>	<u>Scientific Name</u>
Fisher	<i>Martes pennanti</i>
Black right whale	<i>Balaena glacialis</i>
Snowy plover	<i>charadrius alexandrinus</i>

change to the following respectively:

<u>Common Name</u>	<u>Scientific Name</u>
Fisher	<i>Pekania pennanti</i>
North Pacific right whale	<i>Eubalaena japonica</i>
Snowy plover	<i>Charadrius nivosus</i>

Rationale: These are changes in taxonomy by recognized scientific organizations/authorities that have been accepted by the scientific community.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

**The number of sections adopted at the request of a nongovernmental entity:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted in the agency's own initiative:**

New	___	Amended	<u>2</u>	Repealed	___
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted using:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

**Date adopted:** September 8, 2017

**Name:** Brad Smith

**Title:** Chair, Washington Fish and Wildlife Commission

**Signature:**



**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>
<del>((loggerhead sea turtle</del>	<del><i>Caretta caretta</i></del>
<u>greater</u> sage grouse	<i>Centrocercus urophasianus</i>
sharp-tailed grouse	<del>((<i>Phasianus columbianus</i>)</del> <u><i>Tympanuchus phasianellus</i></u>
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</i> <del>((<i>gibbosus</i>)</del> <u><i>robustus</i></u>
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	<del>((<i>Tamias</i>)</del> <u><i>Tamias minimus</i></u>
yellow-pine chipmunk	<del>((<i>Tamias</i>)</del> <u><i>Tamias amoenus</i></u>
Townsend's chipmunk	<del>((<i>Tamias</i>)</del> <u><i>Tamias townsendii</i></u>
red-tailed chipmunk	<del>((<i>Tamias</i>)</del> <u><i>Tamias ruficaudus</i></u>
hoary marmot	<i>Marmota caligata</i>
Olympic marmot	<i>Marmota olympus</i>
Cascade golden-mantled ground squirrel	<del>((<i>Spermophilus</i>)</del> <u><i>Callospermophilus saturatus</i></u>
golden-mantled ground squirrel	<del>((<i>Spermophilus</i>)</del> <u><i>Callospermophilus lateralis</i></u>

Common Name	Scientific Name
Washington ground squirrel	<i>((Spermophilus)) Urocyon washingtoni</i>
red squirrel	<i>Tamiasciurus hudsonicus</i>
Douglas squirrel	<i>Tamiasciurus douglasii</i>
northern flying squirrel	<i>Glaucomys sabrinus</i>
<u>Humboldt's flying squirrel</u>	<i>Glaucomys oregonensis</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	<del>((<i>Martes</i>))</del> <u><i>Pekania pennanti</i></u>
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>
<del>((black))</del> <u>North Pacific right whale</u>	<del>((<i>Balaena glacialis</i>))</del> <u><i>Eubalaena japonica</i></u>
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	<u><i>Charadrius</i></u> <del>((<i>alexandrinus</i>))</del> <u><i>nivosus</i></u>
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>