



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Washington Department of Fish and Wildlife

Emergency Rule Only

Effective date of rule:

Emergency Rules

- Immediately upon filing. 15-184
- Later (specify)

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

- Yes
 - No
- If Yes, explain:

Purpose: To assist landowners with minimizing ungulate caused property damage during growing seasons for high value agriculture crops the emergency rule would change damage permit hunt start dates as follows:

- Statewide deer/elk: from August 1 to July 1
- Elk Area 3721 spike and antlerless elk: from August 1 to July 1

Additionally, Elk Area 3721 branch bull would change to any bull and the closing date changes from July 31 to June 30; to align with the changes outlined above. This will allow the department to utilize hunters to remove animals and increase pressure on animals causing damage to crops in July.

Citation of existing rules affected by this order:

Repealed:
 Amended: 232-28-266
 Suspended:

Statutory authority for adoption: RCW 77.12.047, 77.12.150, 77.36.30,

Other authority :

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding:

The department continues to receive escalating reports of ungulate caused crop damage during the month of July; particularly in areas where deer and elk populations have met or exceed current management objectives. The department has been effective in using damage prevention permits, from August 1 – March 31, to provide landowners opportunities to utilize licensed hunters for mitigating and minimizing damage to their crops. The inclusion of July in the damage prevention permit season provides an opportunity to increase pressure on those animals causing damage, thereby discouraging them from frequenting the crop lands, and remove individuals that are causing damage. These efforts will assist in minimizing damage to crops and mitigate potential claims for compensation. Therefore, it is in the interest of general welfare that an emergency rule be enacted. The department has initiated rule development for this WAC.

Date adopted: June 22, 2014

CODE REVISER USE ONLY

NAME (TYPE OR PRINT)
Jim Unsworth

SIGNATURE

TITLE
Director

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 22, 2015
TIME: 10:15 AM

WSR 15-14-016

(COMPLETE REVERSE SIDE)

**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>1</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	_____

NEW SECTION

WAC 232-28-26600A DAMAGE PREVENTION PERMIT HUNTS.

Notwithstanding the provisions of WAC 232-28-266, effective immediately until further notice:

(1) Landowners who violate this section are subject to prosecution under RCW 77.15.750(1). Hunters who violate this section are subject to prosecution under RCW 77.15.400 or 77.15.410, depending on the species hunted.

(2) Deer:

Tag Required: Deer hunter must have a current valid, unaltered, unnotched deer tag on his/her person.

Hunting Method: Any legal weapon

Season Framework: July 1- March 31

Location: Statewide

Legal Deer: Antlerless Only

Kill Quota: 300 per license year

Location: Region One

Legal Deer: Antlerless Only

Kill Quota: 300 per license year

Location: GMUs 105-124

Legal Deer: Whitetail Antlerless Only

Kill Quota: 300 per license year

(3) Elk:

Tag Required: Elk hunter must have a current valid, unnotched elk tag on his/her person.

Hunting Method: Any legal weapon

Season Framework: July 1- March 31

Location: Statewide

Legal Elk: Antlerless Only

Kill Quota: 200 per license year

Location: Hanford Area - GMUs 372 and 379

Legal Elk: Antlerless Only

Kill Quota: 60 per license year

Location: Elk Area 3721

Legal Elk: Spike or antlerless during July 1- March 31; any bull during May 15 – June 30, except spike and antlerless only July 1-31

Kill Quota: 50 Spike or antlerless per license year; 30 bulls per license year.

Location: GMU 501 - 578
Legal Elk: Antlerless Only
Kill Quota: 50 per license year

Special Note: Access in Elk Area 3721 may not be sold as a condition of use of these permits. The director may consider damage claims from landowners in Elk Areas 3721 and 3722 who accept these permits and do not charge for access.