



# PROPOSED RULE MAKING

## CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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FILED

DATE: June 16, 2020

TIME: 2:55 PM

WSR 20-13-088

**Agency:** Washington Department of Fish and Wildlife (WDFW)

**Original Notice**

**Supplemental Notice to WSR** \_\_\_\_\_

**Continuance of WSR** \_\_\_\_\_

**Preproposal Statement of Inquiry was filed as WSR 20-09-056 on April 09, 2020 ; 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); or**

**Proposal is exempt under RCW \_\_\_\_\_.**

**Title of rule and other identifying information:** (describe subject) The department is considering amendments to:

WAC 220-412-110 Hunting contests

WAC 220-413-060 Hunting restrictions

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
July 31-August 1, 2020	8 a.m.	Online webinar.	This meeting will take place by webinar. The public may participate in the meeting. Visit our website at <a href="http://wdfw.wa.gov/about/commission/meetings">http://wdfw.wa.gov/about/commission/meetings</a> or contact the Commission office at (360) 902-2267 or <a href="mailto:commission@dfw.wa.gov">commission@dfw.wa.gov</a> for instructions on how to join the meeting.

**Date of intended adoption:** August 21, 2020 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Wildlife Program

Address: PO Box 43200, Olympia, WA. 98504

Email: Rules.Coordinator@dfw.wa.gov

Fax: (360) 902-2162

Other: <https://www.surveymonkey.com/r/July2020FWC>

By (date) \_\_\_\_\_

**Assistance for persons with disabilities:**

Contact Dolores Noyes

Phone: (360) 902-2349

Fax:

TTY: (360) 902-2207

Email: dolores.noyes@dfw.wa.gov

Other:

By (date) July 14, 2020

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

There are two proposals related to hunting contests. Presently, an individual wishing to conduct a hunting contest must obtain a permit from the Department. The first proposed rule amendment prohibits the Department from issuing hunting contest permits for hunting contests involving classified and unclassified wildlife species that do not have bag limits. The purpose of this proposal is to prohibit "spree killing contests" which promote killing large numbers of those species.

Under current law, only the sponsor of an unpermitted contest commits a natural resources infraction. The second proposal makes it illegal for an individual to participate in a hunting contest that is not permitted by the department and specifies that

doing so would be punishable as an infraction. The purpose of this proposal is to ensure that individual participants who participate in unpermitted contests are held accountable for participating in unlawful activity.

**Reasons supporting proposal:** Hunting contest permits are issued to non-profit organizations. Through the hunting contest permit, organizations may hold a hunting contest whereby a monetary prize of up to \$2,000 may be offered to the contest participant who harvests the most animals.

The Fish and Wildlife Commission has determined that hunting contests that encourage and reward killing large numbers of native wildlife are not consistent with sound wildlife management principles. WDFW is addressing that concern through this proposed rule amendment. Under this new prohibition, for example, WDFW would no longer issue permits for contests that reward hunters for killing the highest number of coyotes.

Applying accountability measures at the level of the individual participant and clearly stating that there could be a monetary penalty imposed on an individual who is in violation of this rule helps strengthen the enforceability of these rules, thus increasing the likelihood of achieving the objective of the first proposal.

**Statutory authority for adoption:** RCWs 77.04.012, 77.04.055, 77.12.047, 77.32.050, and 77.32.525

**Statute being implemented:** RCWs 77.04.012, 77.04.055, 77.12.047, 77.32.050, and 77.32.525

**Is rule necessary because of a:**

- Federal Law?  Yes  No  
Federal Court Decision?  Yes  No  
State Court Decision?  Yes  No

If yes, CITATION:

**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	1111 Washington St. SE Olympia, WA. 98501	(360) 902-2515
Implementation:	Eric Gardner	1111 Washington St. SE Olympia, WA. 98501	(360) 902-2515
Enforcement:	Steve Bear	1111 Washington St. SE Olympia, WA. 98501	(360) 902-2373

**Is a school district fiscal impact statement required under RCW 28A.305.135?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

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

**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:
- TTY:
- Email:
- Other:

No: Please explain: A cost-benefit analysis is not required for this rule under RCW 34.05.328.

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- |   |  |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)<br>(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)<br>(Dictated by statute)   |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)<br>(Incorporation by reference)     | <input type="checkbox"/> RCW 34.05.310 (4)(f)<br>(Set or adjust fees)  |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)<br>(Correct or clarify language)    | <input type="checkbox"/> RCW 34.05.310 (4)(g)<br>((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(4) This chapter does not apply to the adoption of a rule if an agency is able to demonstrate that the proposed rule does not affect small businesses.

Explanation of exemptions, if necessary:

WAC 220-412-110 regulates the activities of hunting contest permit holders, which as specified in WAC 220-412-110, may be held by non-profit organizations; therefore, this rule does not affect small businesses.

Similarly, WAC 220-413-060 regulates the activities of an individual person who is participating in a hunting contest; therefore, this rule does not affect small businesses.

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. \_\_\_\_\_

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:

TTY:  
Email:  
Other:

**Date:** June 16, 2020

**Name:** Michele K Culver

**Title:** Agency Rules Coordinator

**Signature:**

A handwritten signature in cursive script that reads "Michele K. Culver".

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

**WAC 220-412-110 Hunting contests.** A person wishing to hold a hunting contest must comply with the following provisions:

(1) Only organizations filed with the state of Washington as a nonprofit corporation may apply for a hunting contest permit.

(2) Hunting contest permit applications shall be submitted to the department 30 days prior to the date for which the contest is proposed.

(3) Applications must include the permit fee required by ((RCW 77.32.211)) the department. The fee will be returned if the permit is denied.

(4) Contests (~~(are restricted to the species approved on the permit)~~) involving unclassified and classified wildlife species without a bag limit are prohibited and will not be permitted.

(5) Total value of prizes per contest shall not exceed \$2000.

(6) Entry fees or requests for donations are prohibited.

(7) It is unlawful to fail to comply with the conditions of a hunting contest permit.

Hunting contests which may adversely affect wildlife resources will be denied.

**WAC 220-413-060 Hunting restrictions.** (1) It is unlawful to hunt wildlife during any modern firearm deer or elk season with any firearm 240 caliber or larger, or containing slugs or buckshot, unless the hunter has a valid license, permits and tags for modern firearm deer or elk seasons are in his or her possession.

(a) This subsection does not apply to people hunting bear, cougar, mountain goat, mountain sheep, or turkey.

(b) A violation of this subsection is punishable under RCW 77.15.410 or 77.15.430, depending on the circumstances of the violation.

(2)(a) It is unlawful to hunt any wildlife at night or wild animals, except rabbits and hares, with dogs (hounds) during the month of October or November during the dates established for eastern and western Washington modern firearm deer or elk general seasons. During the modern firearm deer and elk general seasons the hunting hours are one-half hour before sunrise to one-half hour after sunset. A violation of this subsection is punishable under RCW 77.15.430, Unlawful hunting of wild animals—Penalty.

(b) It is unlawful to use hounds to hunt black bear, cougar (EXCEPT as pursuant to RCW 77.15.245), coyote, and bobcat year-round. A violation of this subsection is punishable under RCW 77.15.410, Unlawful hunting of big game—Penalty, or RCW 77.15.430, depending on the circumstances of the violation.

(3) It is unlawful to participate in a hunting contest for which no permit has been issued by the department. A violation of this subsection is punishable as an infraction under RCW 77.15.160 (6) (b).