**Concise Explanatory Statement (CES)**

**Concise Explanatory Statement for**

**Importation and Fire Restriction Areas**

**Rules amended as part of this rulemaking:**

 WAC 220-413-030 Importation and retention of dead nonresident wildlife.

WAC 220-413-180 Special closures and firearm restriction areas.

**Rules repealed as part of this rulemaking:**

 N/A

**Rules created as part of this rulemaking:**

 N/A

1. **Background/Summary of Project:**

On August 3, 2021, Washington Department of Fish and Wildlife (WDFW) filed WSR 21-16-092, proposed rulemaking to amend WACs that govern the importation and retention of dead nonresident wildlife and special closures and firearm restriction areas. Written comments on the proposed amendments were to be submitted by September 15, 2021. The Department did not receive any written comments.

On September 17, 2021, the Fish and Wildlife Commission (FWC) heard WDFW staff presentations and explained the rationale for the proposed amendments and also heard one oral public comment. On October 22, 2021 the FWC made its decision to approve WDFW staff’s recommendation to amend the rules identified herein.

WAC 220-413-030  Importation and retention of dead nonresident wildlife.

Chronic Wasting Disease (CWD) is a prion disease (pathogenic agents that are transmissible and able to induce abnormal folding of specific normal cellular proteins) that affects cervids (family of hoofed ruminant mammals) and is fatal. There is no treatment or vaccine, and the disease presents a substantial risk to Washington’s cervid populations. CWD has not been detected in wild or captive cervid populations in Washington. CWD can be spread to new areas when infected animal parts are discarded on the landscape. This rule prohibits the importation of certain carcass parts from deer, elk, and moose that were harvested in states that have detected CWD in wild cervid populations. As such, this rule reduces the risk of hunters transporting deer, elk, or moose parts into Washington that are infected with CWD. This amendment also alphabetized the list of states identified in this rule.

WAC 220-413-180  Special closures and firearm restriction areas.

WDFW or other governmental agencies (city, county, federal, etc.) have established special closures and firearm restriction areas in places where there are human safety concerns associated with offering recreational hunting opportunities. Most often, they occur in areas that are within the suburban/urban interface where there is a higher density of residences. In most situations, hunters are limited to using archery equipment, muzzleloading firearms, or handguns within firearm restriction areas. Some, but not all, of these areas are identified in this rule. This includes all islands in San Juan County, including those islands that are identified by WDFW as standalone Game Management Units (GMUs). The Department clarifies the firearm restrictions also apply to standalone GMUs to ensure the rule is clear to hunters. This amendment adds Henry (GMU 423) and Stuart (GMU 424) Islands to the list of GMUs referenced in rule as being firearm restricted areas in San Juan County.

1. **Reasons for adopting the rule:**

WAC 220-413-030  Importation and retention of dead nonresident wildlife.

The amended WAC added Ohio to the list of states where hunters are prohibited from importing certain carcass parts of deer, elk, and moose harvested in those states. This amendment was made because the Department became aware that Ohio had detected CWD in wild white-tailed deer populations in February 2021. The Department alphabetized the list of states to make it easier for staff and the public to reference.

WAC 220-413-180  Special closures and firearm restriction areas.

This amendment did not change the intent of the rule, it only provided clarification that the firearm restrictions for all islands in San Juan County also applied to those islands that are identified by WDFW as standalone GMUs. Not making this amendment may have caused confusion for hunters.

1. **Differences between the text of the proposed rule and the rule as adopted:**

WAC 220-413-030  Importation and retention of dead nonresident wildlife.

None.

WAC 220-413-180  Special closures and firearm restriction areas.

None.

1. **Public comments, response to comments, and consideration of comments**

WAC 220-413-030  Importation and retention of dead nonresident wildlife.

One person testified during the briefing to the Fish and Wildlife Commission on September 17, 2021 and expressed support of the Department’s efforts to prevent CWD from becoming established in Washington.

WAC 220-413-180  Special closures and firearm restriction areas.

The Department received no comments regarding this amendment.