



# PROPOSED RULE MAKING

**CR-102 (July 2022)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: September 13, 2023

TIME: 1:50 PM

WSR 23-19-041

**Agency:** Washington Department of Fish and Wildlife (WDFW) P2023-13

- Original Notice**
- Supplemental Notice to WSR** \_\_\_\_\_
- Continuance of WSR** \_\_\_\_\_

- Preproposal Statement of Inquiry was filed as WSR 23-16-129 on August 01, 2023 ; 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) 220-412-090 Multi-season deer and elk tags.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
October 24, 2023	3:00 p.m.	Virtual: Zoom Link: Please click the link below to join the webinar: <a href="https://us06web.zoom.us/j/85276615269">https://us06web.zoom.us/j/85276615269</a> Or Telephone  1 253 215 8782 US (Tacoma) +1 253 205 0468 US	The public can provide comment during webinars by phone or electronic device. Attendees that provide verbal comment are audio only. In order to testify, you must <a href="#">register by 8 a.m.</a> the day of the hearing..  At the appropriate time to speak, you will be recognized by your partial phone number, or your Zoom username and staff will unmute your connection. You will be asked to state your name and residence for the record, just as if you were attending the meeting in-person. Please also state whether you are representing yourself, or a group or organization.:

**Date of intended adoption:** On or after October 25, 2023 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Wildlife Program  
 Address: PO Box 43200, Olympia, WA 98504  
 Email: [78983@PublicInput.com](mailto:78983@PublicInput.com)  
 Fax: (360) 902-2162  
 Other: <https://publicinput.com/cwd-cr-102>  
 SEPA Comment: [cwd\\_sampling\\_sepa@PublicInput.com](mailto:cwd_sampling_sepa@PublicInput.com)  
 Phone: 855-925-2801 Project Code: 3632  
 By (date) Written Public Comment October 11, 2023

**Assistance for persons with disabilities:**

Contact Title VI/ADA Compliance Coordinator  
 Phone: (360) 902-2349  
 Fax:  
 TTY: 1-800-833-6388 or 711  
 Email: [Title6@dfw.wa.gov](mailto:Title6@dfw.wa.gov)  
 Other: <http://wdfw.wa.gov/accessibility/requests-accommodation>

By (date) October 11, 2023

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** This rule proposal, if adopted, will create a special subset of multi-season deer tags that will be available only to those hunters who are eligible to participate in WDFW's Chronic Wasting Disease Incentive Program (CWDIP).

The recommended changes to WAC 220-412-090 will allow for 100 tags to be drawn at no cost for hunting deer for any licensed hunter who meets the eligibility requirements of the Chronic Wasting Disease Incentive Program. To be eligible to participate in the CWDIP, a hunter must have submitted their deer or elk for Chronic Wasting Disease sampling to WDFW staff during the preceding license year. The hunting season for this special program will start in 2024 and occur between September 1 through December 31 each year thereafter. The special hunt is statewide in GMUs that allow general seasons for archery, muzzleloader, or modern firearm hunters. This rule will provide for an overall increase in the total number of multi-season deer tags offered for each hunting season starting in 2024.

**Reasons supporting proposal:** Chronic wasting disease (CWD) is a fatal illness of free-ranging deer, elk, moose, and caribou. While CWD has not been detected in Washington, the disease continues to spread and is found as close as Idaho. To preserve and protect the deer and elk population of the state, it is important for WDFW to detect the disease early across GMUs. The CWDIP will assist the Department in the early detection and prevention of this disease. It should be noted that most animals infected with CWD will look healthy for several months before showing signs of the disease, during that time, they are infecting other animals.

**Statutory authority for adoption:** RCW 77.04.012, 77.04.055, 77.12.047, and 77.08.030.

**Statute being implemented:** RCW 77.04.012, 77.04.055, 77.12.047, and 77.08.030.

**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.

**Type of proponent:**  Private  Public  Governmental

**Name of proponent:** (person or organization) WDFW.

**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: This proposal does not require a cost benefit analysis under RCW 34.05.328.

**Regulatory Fairness Act and Small Business Economic Impact Statement**

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

**(1) Identification of exemptions:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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:

[RCW 34.05.310](#) (4)(b)  
(Internal government operations)

[RCW 34.05.310](#) (4)(e)  
(Dictated by statute)

[RCW 34.05.310](#) (4)(c)  
(Incorporation by reference)

[RCW 34.05.310](#) (4)(f)  
(Set or adjust fees)

[RCW 34.05.310](#) (4)(d)  
(Correct or clarify language)

[RCW 34.05.310](#) (4)(g)  
(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\(4\)](#) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW \_\_\_\_\_.

Explanation of how the above exemption(s) applies to the proposed rule:

**(2) Scope of exemptions:** *Check one.*

The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.

The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

**(3) Small business economic impact statement:** *Complete this section if any portion is not exempt.*

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. \_\_\_\_\_

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

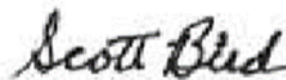
Other:

**Date:** September 13, 2023

**Name:** Scott Bird

**Title:** WDFW Agency Rules Coordinator

**Signature:**



AMENDATORY SECTION (Amending WSR 20-12-080, filed 6/1/20, effective 7/2/20)

**WAC 220-412-090 Multi-season deer and elk tags.** Multi-season deer and elk tags allow hunters who draw and purchase those tags to hunt during more than one general season.

The department will conduct an annual drawing for multi-season tags.

(1) Multi-season deer and elk tags:

(a) To apply for multi-season deer and elk tags, applicants must purchase a multi-season application for deer and/or elk.

(b) The department will not refund or exchange applications for multi-season deer and elk after they submit the application.

(c) An applicant may purchase only one application for a multi-season tag for each species.

(d) Applicants will be randomly drawn by computer selection.

(e) Incomplete applications will not be accepted.

(f) Multi-season deer and elk drawings will be held in April.

(2) Multi-season tags:

(a) Hunters who are drawn will be required to purchase their multi-season tag by July 31.

(b) Multi-season tags are not transferable.

(c) Multi-season tags not purchased by successful applicants prior to August 1 may be made available for purchase to unsuccessful applicants at the discretion of the department.

(3) Multi-season tag holders are required to follow all rules and restrictions, including bag limits, for general season hunters, for the species, within the game management unit or area hunted.

<b>Number of Tags</b>	<b>Dates</b>	<b>Game Management Units (GMUs)</b>	<b>Legal Animal</b>	<b>Eligible Hunters</b>
<b>Multi-season Deer Tags</b>				
8500	Sept. 1 - December 31 within general seasons and regulations established by the commission for deer	Statewide in those GMUs with general seasons for archery, muzzleloader, or modern firearm hunters	Any legal deer consistent with the game management unit or area restrictions	Any licensed deer hunter
50	Sept. 1 - December 31 within general seasons and regulations established by the commission for deer	Statewide in those GMUs with general seasons for archery, muzzleloader, or modern firearm hunters	Any legal deer consistent with the game management unit or area restrictions	Hunter education instructors meeting qualifications and selection criteria established by the department
<u>100</u>	<u>Sept. 1 - December 31 within general seasons and regulations established by the commission for deer</u>	<u>Statewide in those GMUs with general seasons for archery, muzzleloader, or modern firearm hunters</u>	<u>Any legal deer consistent with the game management unit or area restrictions</u>	<u>Any licensed hunter that meets the eligibility requirements of the WDFW Chronic Wasting Disease Incentive Program<sup>a</sup></u>
<b>Multi-season Elk Tags</b>				
1000	Sept. 1 - December 31 within general seasons and regulations established by the commission for elk	Statewide in those GMUs with general seasons for archery, muzzleloader, or modern firearm hunters	Any legal elk consistent with the game management unit or area restrictions	Any licensed elk hunter
25	Sept. 1 - December 31 within general seasons and regulations	Statewide in those GMUs with general seasons for archery,	Any legal elk consistent with the game management	Hunter education instructors meeting qualifications and selection criteria

<b>Number of Tags</b>	<b>Dates</b>	<b>Game Management Units (GMUs)</b>	<b>Legal Animal</b>	<b>Eligible Hunters</b>
	established by the commission for elk	muzzleloader, or modern firearm hunters	unit or area restrictions	established by the department

<sup>a</sup> To be eligible, hunters must have submitted their deer or elk for CWD sampling to WDFW staff during the preceding license year.

[Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240. WSR 20-12-080 (Order 20-76), § 220-412-090, filed 6/1/20, effective 7/2/20. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-412-090, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-061 (Order 15-100), § 232-28-294, filed 5/1/15, effective 6/1/15. Statutory Authority: RCW 77.12.047, 77.32.450, and 77.32.370. WSR 12-06-008 (Order 12-21), § 232-28-294, filed 2/24/12, effective 3/26/12. Statutory Authority: RCW 77.12.047, 77.32.450, and 77.32.370. WSR 11-01-041 (Order 10-313), § 232-28-294, filed 12/6/10, effective 1/6/11. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210, 77.12.150, 77.12.240. WSR 09-09-083 (Order 09-53), § 232-28-294, filed 4/15/09, effective 5/16/09. Statutory Authority: RCW 77.12.047, 77.12.020. WSR 08-01-052 (Order 07-292), § 232-28-294, filed 12/13/07, effective 1/13/08; WSR 06-04-066 (Order 06-09), § 232-28-294, filed 1/30/06, effective 3/2/06.]