



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: February 23, 2023

TIME: 11:32 AM

WSR 23-06-035

Agency: Washington Department of Fish and Wildlife (WDFW) P2022-13

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 amendments is to move the Columbian white-tailed deer to WAC 220-200-100 Wildlife classified as protected shall not be hunted or fished, removing it from WAC 220-610-010 Wildlife classified as endangered species. The Cascade red fox has been added to WAC 220-610-010 Wildlife classified as endangered.

On September 22, 2022, the department staff presented the Cascade red fox and the commission voted to classify the Cascade red fox as an endangered species following an initial staff recommendation as threatened. The rule making steps were not sufficiently taken to make the change to endangered following a threatened recommendation. In order to align the Endangered Wildlife WAC with this decision, staff asked the commission to reaffirm Cascade red fox as an endangered species on January 26, 2023.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 200-200-100, WAC 220-610-010
- Suspended:

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

Other authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.08.030

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 23-01-130 on December 20, 2022 (date).
Describe any changes other than editing from proposed to adopted version: None.

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 | ___ |
|-----|-----|---------|-----|----------|-----|

The number of sections adopted on the agency's own initiative:

| | | | | | |
|-----|-----|---------|----------|----------|-----|
| New | ___ | Amended | <u>2</u> | Repealed | ___ |
|-----|-----|---------|----------|----------|-----|

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

| | | | | | |
|-----|-----|---------|-----|----------|-----|
| New | ___ | Amended | ___ | Repealed | ___ |
|-----|-----|---------|-----|----------|-----|

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: January 27, 2023

Name: Barbara Baker

Title: WDFW Commission Chair

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> |
| sea otter | <i>Enhydra lutris</i> |
| green sea turtle | <i>Chelonia mydas</i> |
| Mazama pocket gopher | <i>Thomomys mazama</i> |
| American white pelican | <i>Pelecanus erythrorhynchos</i> |
| <u>Columbian white-tailed deer</u> | <u><i>Odocoileus virginianus leucurus</i></u> |

(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 robustus</i> |
| 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 | <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> |
| hoary marmot | <i>Marmota caligata</i> |
| Olympic marmot | <i>Marmota olympus</i> |
| Cascade golden-mantled ground squirrel | <i>Callospermophilus saturatus</i> |
| golden-mantled ground squirrel | <i>Callospermophilus lateralis</i> |
| Washington ground squirrel | <i>Urocitellus washingtoni</i> |
| red squirrel | <i>Tamiasciurus hudsonicus</i> |
| Douglas squirrel | <i>Tamiasciurus douglasii</i> |

| Common Name | Scientific Name |
|-------------------------------|------------------------------|
| northern flying squirrel | <i>Glaucomys sabrinus</i> |
| Humboldt's flying squirrel | <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 |
|--|--|
| Oregon vesper sparrow | <i>Pooecetes gramineus affinis</i> |
| pygmy rabbit | <i>Brachylagus idahoensis</i> |
| fisher | <i>Pekania pennanti</i> |
| gray wolf | <i>Canis lupus</i> |
| grizzly bear | <i>Ursus arctos</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> |
| North Pacific right whale | <i>Eubalaena japonica</i> |
| sperm whale | <i>Physeter macrocephalus</i> |
| ((Columbian white-tailed deer | <i>Odocoileus virginianus leucurus</i>) |
| woodland caribou | <i>Rangifer tarandus caribou</i> |
| Columbian sharp-tailed grouse | <i>Tympanuchus phasianellus columbianus</i> |
| sandhill crane | <i>Grus canadensis</i> |
| snowy plover | <i>Charadrius nivosus</i> |
| 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> |
| Loggerhead sea turtle | <i>Caretta caretta</i> |
| Yellow-billed cuckoo | <i>Coccyzus americanus</i> |
| Pinto abalone | <i>Haliotis kamtschatkana</i> |
| Greater sage grouse | <i>Centrocercus urophasianus</i> |
| Ferruginous hawk | <i>Buteo regalis</i> |
| <u>Cascade red fox</u> | <u><i>Vulpes vulpes cascadenis</i></u> |