

Chapter 220-200 WAC

DEFINITIONS AND GENERAL RULES

WAC

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DEFINITIONS

WAC 220-200-010 Definitions—Authorized. "Authorized" when used in the context of authorized employee, authorized department personnel, authorized representative of the department, and terms of similar character, shall be defined as any person employed by the department and performing department activities, or any other person under the direct supervision of an employee and who is performing department activities.

[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 § 220-200-010, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 75.08.080 and 77.12.040. WSR 98-15-081 (Order 98-122), § 220-16-005, filed 7/15/98, effective 8/15/98.]

WAC 220-200-020 Definition of Eastern and Western Washington. For purposes of all rules of the commission, Eastern and Western Washington are defined as:

Eastern Washington - All lands lying east of the Cascade Crest Trail and east of the Big White Salmon River in Klickitat County.

Western Washington - All lands lying west of the Cascade Crest Trail and west of and including the Big White Salmon River in Klickitat County.

[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 § 220-200-020, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.040. WSR 86-09-024 (Order 271), § 232-12-809, filed 4/10/86; WSR 82-11-099 (Order 184), § 232-12-809, filed 5/19/82.]

WAC 220-200-030 Definition—Extenuating circumstances. "Extenuating circumstances" for purposes of this title mean circumstances that lessen the seriousness or magnitude of an act, and which are to be considered in determining

if an individual is to be granted extraordinary relief. Such personal characteristics as age, education, fishing experience, and physical capability, as well as other personal characteristics, and such physical circumstances as weather, age of vessel, and vessel propulsion mechanism, as well as other physical circumstances, may be considered when reviewing a set of facts for extenuating circumstances.

[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 § 220-200-030, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 75.08.080. WSR 90-03-068 (Order 90-05), § 220-16-410, filed 1/19/90, effective 2/19/90; WSR 89-15-032 (Order 89-61), § 220-16-410, filed 7/14/89.]

WAC 220-200-040 Definitions—In a wild state. "In a wild state," when used to describe a population of animals, means the population is naturally reproducing within the state.

[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), amended and recodified as § 220-200-040, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 04-07-009 (Order 04-39), § 220-16-810, filed 3/4/04, effective 5/1/04.]

WAC 220-200-050 Definition—Residency. For purposes of establishing and maintaining residency in order to purchase and use a Washington state resident commercial or recreational hunting or fishing license, a resident license that is issued to a valid resident of Washington state remains valid for the remainder of the licensing year unless that person obtains a resident license in another state. When a person obtains a resident license in another state, the Washington state resident license becomes invalid.

[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), amended and recodified as § 220-200-050, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 02-16-069 (Order 02-181), § 220-20-001, filed 8/6/02, effective 9/6/02.]

WAC 220-200-060 Geographical definitions—River mouths. Unless otherwise defined, any reference to the mouths of rivers or streams shall be construed to include those waters of any river or stream, including sloughs and tributaries, upstream and inside of a line projected between the outermost uplands at the mouth. The term "outermost upland" shall be construed to mean those lands not covered by water during an ordinary high tide.

[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 § 220-300-060, filed 2/15/17, effective 3/18/17; Order 817, § 220-16-245, filed 5/29/69. Formerly WAC 220-16-020 (part).]

WAC 220-200-070 Definitions—Time. All times referred to in any order or regulation shall be Pacific Standard Time, except that during the period from the first Sunday in

April through the last Sunday in October all times referred to shall be Pacific Daylight Time.

[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), amended and recodified as § 220-200-070, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 75.08.080, 77.12.040. WSR 00-08-038 (Order 00-29), § 220-16-345, filed 3/29/00, effective 5/1/00; Order 1193, § 220-16-345, filed 3/4/75; Order 817, § 220-16-345, filed 5/29/69. Formerly WAC 220-16-030 (part).]

GENERAL RULES

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>
ferruginous hawk	<i>Buteo regalis</i>
green sea turtle	<i>Chelonia mydas</i>
greater sage grouse	<i>Centrocercus urophasianus</i>
Mazama pocket gopher	<i>Thomomys mazama</i>
American white pelican	<i>Pelecanus erythrorhynchos</i>

(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>

Common Name	Scientific Name
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>
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.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.020, and 77.12.047. WSR 18-17-153 (Order 18-207), § 220-200-100, filed 8/21/18, effective 9/21/18. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.-020, and 77.12.047. WSR 17-20-030 (Order 17-254), § 220-200-100, filed 9/27/17, effective 10/28/17. 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 § 220-200-100, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.020, and 77.12.047. WSR 17-02-084 (Order 17-02), § 232-12-011, filed 1/4/17, effective 2/4/17; WSR 15-10-021 (Order 14-95), § 232-12-011, filed 4/27/15, effective 5/28/15. Statutory Authority: RCW 77.12.047, 77.12.020. WSR 08-03-068 (Order 08-09), § 232-12-011, filed 1/14/08, effective 2/14/08; WSR 06-04-066 (Order 06-09), § 232-12-011, filed 1/30/06, effective 3/2/06. Statutory Authority: RCW 77.12.047, 77.12.655, 77.12.020. WSR 02-11-069 (Order 02-98), § 232-12-011, filed 5/10/02, effective 6/10/02. Statutory Authority: RCW 77.12.047. WSR 02-08-048 (Order 02-53), § 232-12-011, filed 3/29/02, effective 5/1/02; WSR 00-17-106 (Order 00-149), § 232-12-011, filed 8/16/00, effective 9/16/00. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770. WSR 00-10-001 (Order 00-47), § 232-12-011, filed 4/19/00, effective 5/20/00. Statutory Authority: RCW 77.12.040, 77.12.010, 77.12.020, 77.12.770, 77.12.780. WSR 00-04-017 (Order 00-05), § 232-12-011, filed 1/24/00, effective 2/24/00. Statutory Authority: RCW 77.12.020. WSR 98-23-013 (Order 98-232), § 232-12-011, filed 11/6/98, effective 12/7/98. Statutory Authority: RCW 77.12.040. WSR 98-10-021 (Order 98-71), § 232-12-011, filed 4/22/98, effective 5/23/98. Statutory Authority: RCW 77.12.040 and 75.08.080. WSR 98-06-031, § 232-12-011, filed 2/26/98, effective 5/1/98. Statutory Authority: RCW 77.12.020. WSR 97-18-019 (Order 97-167), § 232-12-011, filed 8/25/97, effective 9/25/97. Statutory Authority: RCW 77.12.040, 77.12.020, 77.12.030 and 77.32.220. WSR 97-12-048, § 232-12-011, filed 6/2/97, effective 7/3/97. Statutory Authority: RCW 77.12.020. WSR 93-21-027 (Order 615), § 232-12-011, filed

10/14/93, effective 11/14/93; WSR 90-11-065 (Order 441), § 232-12-011, filed 5/15/90, effective 6/15/90. Statutory Authority: RCW 77.12.040. WSR 89-11-061 (Order 392), § 232-12-011, filed 5/18/89; WSR 82-19-026 (Order 192), § 232-12-011, filed 9/9/82; WSR 81-22-002 (Order 174), § 232-12-011, filed 10/22/81; WSR 81-12-029 (Order 165), § 232-12-011, filed 6/1/81.]

WAC 220-200-110 Buying or selling game unlawful—Game-farmed meat exception. (1) It is unlawful to offer for sale, sell, purchase, or barter edible parts of wild animals or game birds. It is unlawful to offer for sale, sell, purchase, or barter edible parts of game fish, except pursuant to RCW 77.65.480.

(2) It is unlawful to offer for sale, sell, purchase, or barter the nonedible parts of wild animals, game birds, or game fish if:

(a) The possession, sale, selling, purchase, or barter is prohibited by federal regulations;

(b) The wild animals, game birds, or game fish were taken in violation of any law or regulation in any jurisdiction, and the seller, purchaser, or person bartering knew the animal, bird, or fish was illegally taken; or

(c) The nonedible parts are of bighorn sheep or mountain goat; bear gall bladders; claws or teeth of bear that are not permanently attached to a full bear skin or mounted bear; or velvet antlers of deer, elk, or moose; and a permit has not been granted by the department allowing for the sale, purchase, or barter of any of the animal parts listed in this subsection (2)(c).

(3) For purposes of subsection (2)(c) of this section, all of those parts are considered "nonedible" even if they are used for human consumption.

(4) Under RCW 77.15.194, it is unlawful to knowingly buy, sell, or otherwise exchange, or to offer to buy, sell, or otherwise exchange, the raw fur or carcass of a wild animal trapped in Washington with a body-gripping trap, whether or not the animal is trapped pursuant to a permit.

(5) It is unlawful to offer for sale, sell, purchase, or barter game-farm raised deer and elk, unless the following conditions have been met:

(a) Proof of the source of the game-farmed meat is maintained with the meat until the meat is consumed or exported. Qualifying proof includes sales or purchase invoices or receipts containing the following information in the English language:

- (i) Name of seller or importer;
- (ii) Name of the company selling the meat;
- (iii) The date of sale;
- (iv) The quantity of meat sold; and
- (v) The species of the meat sold.

(b) The meat is imported from a U.S. licensed game farm, or a game farm in another country.

(c) The meat is boned, and only the meat is imported.

(d) The meat is packaged for retail sale prior to importation into this state.

(6) A violation of subsection (4) of this section is punishable under RCW 77.15.194. The remaining subsections in this section are punishable under RCW 77.15.260.

(7) If you request a written permit to offer for sale, sell, purchase, or barter the nonedible parts of wild animals listed in subsection (2)(c) of this section, and your request is denied, you have a right to a hearing under the provisions of

(8/21/18)

chapter 34.05 RCW. In order to obtain a hearing, you must notify the department, in writing, within forty-five days of the date of the letter denying your permit. The address to send hearing requests to is:

The Washington Department of Fish and Wildlife
Legal Affairs - Office of the Director
Post Office Box 43137
Olympia, Washington 98504-3137

If you do not request a hearing to contest denial of the permit, the permit denial will become effective forty-five days following the denial.

[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 § 220-200-110, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.020 and 77.12.047. WSR 11-07-065 (Order 11-38), § 232-12-071, filed 3/21/11, effective 4/21/11. Statutory Authority: RCW 77.12.047. WSR 06-17-102 (Order 06-209), § 232-12-071, filed 8/16/06, effective 9/16/06. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. WSR 01-10-048 (Order 01-69), § 232-12-071, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.12.040. WSR 82-04-034 (Order 177), § 232-12-071, filed 1/28/82; WSR 81-12-029 (Order 165), § 232-12-071, filed 6/1/81. Formerly WAC 232-12-171.]

WAC 220-200-120 Wildlife taken by another. It is unlawful to possess wildlife taken during the open season by another unless it is accompanied by a statement which shows the name, address, hunting, fishing or other license or permit number and signature of the taker, the date, county and game management unit where taken.

[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 § 220-200-120, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.040. WSR 81-12-029 (Order 165), § 232-12-077, filed 6/1/81. Formerly WAC 232-12-210.]

WAC 220-200-130 Hunting and fishing opportunities for terminally ill persons. Pursuant to RCW 77.32.565 the director is authorized to provide special hunting opportunities for terminally ill persons. The director may establish criteria for application and award of these special opportunities.

(1) The director is authorized to receive special permits from donors and redistribute them to terminally ill persons.

(2) The director may issue special permits allowing the harvest or catch of fish and game as exceptions or additions to other rules established by the commission.

(3) The director may make agreements with landowners to provide access for special hunting and fishing opportunities.

(4) The director may also make agreements with others to assist the terminally ill in facilitating the harvest or catch of fish and game.

The director shall report annually to the fish and wildlife commission the number and types of opportunities provided to terminally ill persons.

[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 § 220-200-130, filed 2/15/17, effective 3/18/17. 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), § 232-12-840, filed 4/15/09, effective 5/16/09.]

WAC 220-200-140 General provisions—Rearing and planting food fish. It is unlawful for any person, group, corporation, association, or governmental entity to plant or release any food fish into the waters of the state of Washington without first obtaining a permit from the department. The department may not issue a permit unless the following time periods are observed and information is provided to the department prior to planting:

(1) Thirty days prior to obtaining or importing food fish or food fish eggs, fry, or fingerlings with the intention of planting them in Washington state waters, the person, group, corporation, association, or governmental entity must provide the department with information regarding the:

(a) Source of the food fish or food fish eggs, fry, or fingerlings;

(b) Species, race, and size of the food fish or food fish eggs, fry, or fingerlings; and

(c) Time and place for the proposed release or other disposition of the food fish to be planted.

(2) Thereafter, the department will examine the provided information and determine whether it should issue a permit. The department will not issue a permit if the planting:

(a) Presents an important conflict or competition to the established stocks in the waters to be planted;

(b) Conflicts with the department's overall management plan for the waters in which the planting is proposed;

(c) Would cause a significant decrease in the abundance of stocks already present; or

(d) Would significantly inhibit the ability to harvest existing stocks.

(3) Thirty days prior to planting, and within 10 days of the actual plant, the permittee must make the food fish to be released available to the department for inspection for disease. If the department representative inspecting the fish is not satisfied the food fish are disease-free or otherwise in a condition specified in subsection (2) of this section, then the department representative may not allow the food fish to be released in state waters, and may automatically withdraw any prior department approval for the planting. In lieu of actual department inspection, the department will consider a certification by department-approved pathologists that the food fish to be released are disease-free.

(4) Any person, group, corporation, association or governmental entity intending to release food fish in the waters of the state, must report to the department immediately the outbreak of any disease among the food fish, food fish eggs, fry or fingerlings intended to be released. If an outbreak presents a threat to a state fishery resource, the department may immediately order actions necessary to protect the state's fisheries in a manner satisfactory to the department, including quarantine or destruction of stocks, sterilization of closures and facilities, cessation of activities, and disposal of the infected fish.

(5) It is unlawful to brand, tattoo, tag, fin-clip, or otherwise mark food fish covered under a permit under this section for identification without prior approval by the department.

(6) It is unlawful to construct or operate facilities for food fish propagating or rearing without first obtaining a permit from the department. The department may not issue a permit unless the entity wanting to propagate or rear the fish

provides the following information prior to beginning construction of a facility:

(a) The species to be produced in the facility or otherwise affected by the facility;

(b) A general plan of times and places for the proposed releases or other disposition;

(c) The size, age, and maturity of the food fish to be released; and

(d) Functional plans for constructing the facility.

(7) Once the department receives the information required under subsection (6) of this section, it will examine the information and determine whether the facility construction permit should be issued. The department will not issue a permit if the proposed planting, release, or operational scheme:

(a) Presents an important conflict or competition to established stocks of food fish;

(b) Conflicts with the department's overall management plan for the waters or areas to be planted;

(c) Would cause a significant decrease in the abundance of stocks already present; or

(d) Will significantly inhibit the ability to harvest existing stocks.

(8) The department may revoke a permit for construction or operation of a propagation facility if any food fish are planted, released, or otherwise disposed of by entity that holds a construction or operation permit under this section and does not, prior to planting or releasing the fish, provide the department with the required information and secure any additional permits this section requires.

(9) The department will establish an advisory committee of potentially affected groups to provide technical input on the requirements of this section.

[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 § 220-200-140, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.045, and 77.12.047. WSR 13-02-043 (Order 12-290), § 220-20-040, filed 12/21/12, effective 1/21/13; Order 76-96, § 220-20-040, filed 9/23/76.]

WAC 220-200-150 Scientific collection permits. (1)

The following definitions apply to this section:

(a) "Collect" means to take control or to attempt to take control of fish, shellfish, wildlife, or the nests of birds. Collect does not include transitory holding of reptiles, amphibians and invertebrates solely for identification purposes.

(b) "Display" means to place or locate fish, shellfish, wildlife, or the nests of birds, so that public viewing is allowed.

(c) "Encountered" means targeted or nontargeted specimens captured, handled or physically affected by the collecting activity.

(d) "Project" means a planned undertaking of common temporal or geographical activities to reach a common objective. Multiple activities of a similar nature may be grouped under a single project.

(e) "Research" means scientific investigation, and includes education. Electrofishing is a form of scientific investigation.

(f) "Scientific collection permit" and "scientific permit" as referenced in RCW 77.15.660 and 77.32.240 have the same meaning.

(2) It is unlawful for any person to collect fish, shellfish, wildlife, or the nests of birds for research or display purposes on the lands or in the waters of the state of Washington for species, by means, in amounts, or in such condition not authorized under personal use or commercial rules, or in violation of any rule prohibiting possession of unclassified wildlife or prohibited aquatic species, without first obtaining a permit from the department. It is unlawful to fail to comply with any of the provisions of the permit and it is unlawful to buy or sell fish, shellfish, wildlife, or the nests of birds taken under the permit, and it is unlawful to consume or offer for human consumption any fish, shellfish, or wildlife taken under the permit.

(3) Application procedure:

(a) All applications for scientific collection must be submitted on a department application form and delivered to the department office in Olympia. Approval or denial of a scientific collection permit application will be given no more than sixty days after receipt of a complete application.

(b) A separate permit application must be submitted for each project.

(c) Each request for a permit to collect for research purposes must be accompanied by the following information:

(i) A study title.

(ii) A statement of the applicant's qualifications for conducting the project. A statement of the qualifications of anyone conducting activities under the permit, including experience with the methodology of the proposed collection, and the applicant's access to facilities and competence to care for the specimens to be collected, if the collected specimens will be retained in live form by the applicant.

(iii) A study plan which includes: Specific objective(s) for the proposed project including defining an identifiable end point or conclusion toward which efforts are to be directed; the justification for the project; methodology of collection; project start and end dates; project location including county name; names of participants in the collection; names and numbers of species expected to be collected or encountered; and proposed final disposition of specimens collected. Students under the direct on-site supervision of an instructor in an official course of study under an accredited educational institution may collect on behalf of the instructor holding a scientific collection permit and are not required to be listed on the permit.

(d) Each request for a permit to collect for display purposes must be accompanied by the following information:

(i) A statement of the qualifications of the applicant and all other persons conducting activities under the permit, including experience with the methodology of the proposed collection, and, if live fish, shellfish or wildlife are to be displayed, the name of the publicly owned facility where the display will occur and the competence of the facility operators to care for the specimens.

(ii) A project description, which includes: Reason for display; project location including county name; methodology of collection; names of participants in the collection; names and numbers of species expected to be collected or

encountered; display site; length of display; and proposed final disposition of specimens collected.

(e) Any application for a scientific collection permit using firearms must contain a statement that all persons who will use firearms are legally capable of possessing firearms.

(f) An amendment to a project application will be treated as a project application except for the addition or deletion of names of participants in the collection.

(4) Permit periods: Permits are valid for the project period, but not to exceed one year from the date of issuance, except multiyear permits, at the discretion of the department, may be issued for public health purposes.

(5) Reporting: A final report as specified in the permit conditions must be submitted to the department upon completion of the research or display project, and must be received by the department no later than 60 days after the expiration of the permit. Renewable annual permit holders must submit a report each year, and the report must be received by the department within 60 days of the anniversary date of the initial issuance date of the permit. In addition to the final or annual report, interim reports may be required. Issuance of additional permits or permit renewals are subject to prior submission of a project report.

(6) Permit granting and denial: Permits will normally be granted for requests which contribute to the body of fish, shellfish, or wildlife knowledge, increase or maximize the fish, shellfish, and wildlife resource, avoid damage to the various resources, and do not unnecessarily duplicate previous research. Permits will not be granted if the project conflicts with existing activities or conservation goals. Permits will not be granted if the applicant was a prior permit holder and failed to submit required reports. Permits may be denied if the applicant or any other person involved in the collection has a history of fish or wildlife violations or may be revoked if, during the project period, the applicant or any other person involved in the collection commits a fish or wildlife violation.

(7) Miscellaneous permit provisions:

(a) A copy of the scientific collection permit must be in the physical possession of any person exercising the privileges authorized by the permit. Only collection participants named under subsection (3)(c)(iii) or (d)(ii) of this section may collect under the permit.

(b) A scientific collection permit does not authorize the release of specimens collected under the permit except for an immediate release to the exact site where the collection occurred unless release is specifically allowed as a condition of the permit. Release at any other site requires a transport, release, or planting permit. The conditions of the permit may specify that no release of certain specimens will be allowed.

(c) If the scientific collection allows retention of specimens, an interim, final, or annual collection report for the period documenting when the specimen was collected must be retained for the period of retention of the specimen.

(d) As a condition of receiving a scientific collection permit, the applicant agrees that fish and wildlife officers may, at reasonable times and in a reasonable manner, inspect the specimens collected, as well as the permits, records and facilities of a permit holder.

(e) A scientific collection permit may be revoked for violating the conditions of the permit.

(8) Appeal procedure: A person who is denied a scientific collection permit, who disputes the conditions of a permit, or who has a permit revoked may appeal the department action. Appeals must be filed in writing, and delivered to Legal Services, Department of Fish and Wildlife, 600 Capitol Way N., Olympia, WA 98501-1091. Specific grounds for contesting the revocation, denial, or permit conditions must be stated in the appeal. An appeal will be held under the provisions of chapter 34.05 RCW, the Administrative Procedure Act.

[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 § 220-200-150, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 06-07-081 (Order 06-47), § 220-20-045, filed 3/14/06, effective 4/14/06; Order 76-96, § 220-20-045, filed 9/23/76.]

WAC 220-200-160 Definition of a person with a disability. (1) "Person with a disability" for purposes of eligibility under disability designation means a person who has a permanent physical disability or permanent developmental disability which substantially impairs the person's ability to participate in recreational activities or to access department lands including, but not limited to:

(a) "Lower extremity disability," which means the person has a permanent lower extremity impairment and is not ambulatory over natural terrain without a lower extremity prosthesis or must permanently use a medically prescribed assistive device every time for mobility including, but not limited to, a wheelchair, crutch, walker, or oxygen bottle; or

(b) "Upper extremity disability," which means the person has a permanent upper extremity impairment and is physically limited in their ability to hold and safely operate a legal hunting or harvesting device.

(c) These definitions include, but are not limited to, persons with a permanent upper or lower extremity impairment who have lost the use of one or both upper or lower extremities, or who have a severe physical limitation in the use of one or both upper or lower extremities, or who have a diagnosed permanent disease or disorder which substantially impairs or severely interferes with mobility or the use of one or both upper or lower extremities.

(2) "Blind" or "visually impaired," which means:

(a) Having a central visual acuity that does not exceed 20/200 in the better eye with corrective lenses, or the widest diameter of the visual field does not exceed twenty degrees; or

(b) Having a severe loss of visual acuity ranging from 20/70 to 20/200 while retaining some visual function; or

(c) Having inoperable visual impairments including, but are not limited to: Albinism, aniridia, aphakia, cataracts, glaucoma, macular degeneration, or other similar diagnosed disease or disorder.

(3) "Developmental disability," which means a cognitive intellectual disability such as: Cerebral palsy, down syndrome, epilepsy, autism, or another neurological condition of an individual found to be closely related to an intellectual disability or to require treatment similar to that required for individuals with intellectual disabilities, which originates before the individual attains age eighteen, which has continued or can be expected to continue indefinitely, and which constitutes a substantial limitation to the individual.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.047, 77.32.237, 77.32.238, and 77.32.400. WSR 18-16-074 (Order 18-162), § 220-200-160, filed 7/30/18, effective 8/30/18. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 17-17-109, recodified as § 220-200-160, filed 8/21/17, effective 9/21/17. 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 § 220-413-150, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 14-10-019 (Order 14-95), § 232-12-825, filed 4/25/14, effective 5/26/14.]

WAC 220-200-170 Special use permits. (1) A special use permit issued by the department sets forth terms and conditions to allow for reasonable accommodations for persons granted disability designation.

(2) A special use permit must be carried on the person acting under or using devices authorized by the special use permit.

(3) The terms for use granted by a special use permit, when provided as a reasonable modification, supersede department rules that conflict with the terms of the special use permit.

(4) It is unlawful to fail to abide by the conditions of a special use permit. Violation of this subsection is punishable under RCW 77.15.160 (6)(b), 77.15.230, or 77.15.750, or other statutes under chapter 77.15 RCW depending on the circumstances of the violation.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.047, 77.32.237, 77.32.238, and 77.32.400. WSR 18-16-074 (Order 18-162), § 220-200-170, filed 7/30/18, effective 8/30/18. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 17-17-109, recodified as § 220-200-170, filed 8/21/17, effective 9/21/17. 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 § 220-413-130, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 14-10-019 (Order 14-95), § 232-12-819, filed 4/25/14, effective 5/26/14.]

WAC 220-200-180 Suspension of a special use permit—Appeal hearing. (1) The department may suspend a person's special use permit for the following reasons and corresponding lengths of time:

(a) Upon conviction or any outcome in criminal court whereby a person voluntarily enters into a disposition that continues or defers the case for dismissal upon the successful completion of specific terms or conditions or is found to have committed an infraction under Title 77 RCW or the department's rules for an act committed while the person is using the special use permit, the department shall suspend the person's special use permit for two years;

(b) Upon conviction or any outcome in criminal court whereby a person voluntarily enters into a disposition that continues or defers the case for dismissal upon the successful completion of specific terms or conditions or is convicted of a misdemeanor or gross misdemeanor under Title 77 RCW or the department's rules for an act committed while the person is using the special use permit, the department shall suspend the person's special use permit for five years;

(c) Upon conviction or any outcome in criminal court whereby a person voluntarily enters into a disposition that continues or defers the case for dismissal upon the successful completion of specific terms or conditions or is convicted of trespass, reckless endangerment, criminal conspiracy, or making a false statement to law enforcement while hunting, fishing, or engaging in any activity regulated by the depart-

ment, the department shall suspend the person's special use permit for life;

(d) Upon conviction or any outcome in criminal court whereby a person voluntarily enters into a disposition that continues or defers the case for dismissal upon the successful completion of specific terms or conditions or is convicted of a felony violation under Title 77 RCW for an act committed while the person is using the special use permit, the department shall suspend the person's special use permit for life;

(e) If the person has a hunting or fishing license revoked or has hunting or fishing license privileges suspended in another state, the department shall suspend the person's special use permit for the duration of the underlying suspension or revocation;

(f) If the person is cited, or charged by complaint, for an offense under Titles 76, 77, 79, 79A, 9, and 9A RCW; or for unlawful use of a department permit, trespass, reckless endangerment, criminal conspiracy, or making a false statement to law enforcement while hunting, fishing, or engaging in any activity regulated by the department for an act committed while the person is using the special use permit, the department shall immediately suspend the person's special use permit until the offense has been adjudicated; or

(g) If the person submits fraudulent information to the department related to the person's special use permit, the department shall suspend the person's special use permit for five years.

(2) The department may suspend a person's special use permit for two years if the person fails to abide by the terms or conditions of the special use permit issued to that person.

(3) Any person with a disability issued a special use permit, who is notified of an intended suspension may request an appeal hearing under chapter 34.05 RCW. A written request for hearing must be received within twenty days of the notice of suspension.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.047, 77.32.237, 77.32.238, and 77.32.400. WSR 18-16-074 (Order 18-162), § 220-200-180, filed 7/30/18, effective 8/30/18.]

WAC 220-200-190 Disability designation. (1) A person meeting the definition of "person with a disability" under WAC 220-200-160, and who submits the required application and accompanying documentation shall be granted a disability designation by the department.

(2) A person whose application for a disability designation is denied by the department may request a hearing to contest the denial. A written request for a hearing must be received within twenty days of the notice of suspension.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, 77.12.047, 77.32.237, 77.32.238, and 77.32.400. WSR 18-16-074 (Order 18-162), § 220-200-190, filed 7/30/18, effective 8/30/18.]