

WSR 25-04-105
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-16D—Filed February 4, 2025, 1:09 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 24-21-094 on October 17, 2024.

Title of Rule and Other Identifying Information: WAC 220-440-260 Prohibition of feeding wildlife.

Hearing Location(s): On March 18, 2025, at 10:30 a.m., via Zoom <https://us06web.zoom.us/j/84881506498>. Register to testify at the public hearing by signing up through the linked survey [contact agency for link] or contact Heather Bonagofski at 360-902-2512.

Date of Intended Adoption: On or after March 24, 2025.

Submit Written Comments to: Wildlife Program, P.O. Box 43200, Olympia, WA 98504, email cwdfeedingcr102@publicinput.com, fax 360-902-2162, <https://publicinput.com/cwdfeedingcr102>, phone 855-925-2801, project code 11053, beginning February 5, 2025, by March 21, 2025.

Assistance for Persons with Disabilities: Contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 1-800-833-6388 or 711, email Title6@dfw.wa.gov, CivilRightsTeam@dfw.wa.gov, by March 21, 2025.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: WAC 220-440-260 Prohibition of feeding wildlife. The purpose of this proposal, if adopted, is to make it unlawful "to place, deposit, distribute, or scatter feed including but not limited to grain, hay, minerals, salt, fruit, or other such substances or food types to feed, lure or attract deer, elk, or moose not lawfully held in captivity" statewide (unless otherwise excepted in the existing rule).

The anticipated effect of this rule is the prohibition of feeding of deer, elk, or moose (unless the activity is excepted as written) and the education of the risk of introducing or spreading chronic wasting disease (CWD) in the state by reducing unnatural concentrations.

Reasons Supporting Proposal: WAC 220-440-260 Prohibition of feeding wildlife. Baiting and recreational or supplemental feeding of any wildlife species has the potential to artificially concentrate animals (Janousek et al., 2021) and increase the transmission of infectious disease agents among them (Sorenson et al., 2014). Attraction of animals to artificial feed can also result in contamination of the feed-stuffs and the environment by disease agents, such as prions, that are present in saliva, urine, and feces of CWD-infected cervids (Mathiason et al., 2009, Henderson et al., 2015, Plummer et al., 2017). For example, it has been demonstrated that white-tailed deer with CWD deposit prions at mineral licks, creating environmental reservoirs of CWD prions (Plummer et al., 2018). According to the Association of Fish and Wildlife Agencies (AFWA), the best management practice to reduce the risk of CWD transmission and establishment through unnatural concentrations of cervids is for states and provinces to eliminate the baiting and feeding of all wild cervids using regulatory mechanisms, such as jurisdictional bans (Gillin and Mawdsley, 2018).

For more information regarding the citations above, visit [WDFW.wa.gov - CWD Management Plan \(https://wdfw.wa.gov/publications/02292\)](https://wdfw.wa.gov/publications/02292).

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.610, 77.12.620, 77.12.630, 77.12.071, and 77.145.010.

Statute Being Implemented: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.610, 77.12.620, 77.12.630, 77.12.071, 77.15.160, and 77.145.010.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington state department of fish and wild-life, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Mick Cope, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2515; Enforcement: Steve Bear, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2373.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

February 4, 2025
Scott Bird
Rules Coordinator

RDS-6102.2

NEW SECTION

WAC 220-440-260 Prohibition of feeding wildlife deer, elk, or moose. (1) Except as provided in subsection (3) of this section, it is an infraction under RCW 77.15.160 (6)(b) to place, deposit, distribute, or scatter feed including, but not limited to, grain, hay, minerals, salt, fruit, or other such substances or food types to feed, lure or attract deer, elk, or moose not lawfully held in captivity. A person may not allow food to be placed for the purposes of feeding other wildlife that causes deer, elk, or moose to congregate.

(2) This rule does not apply in the completion of any of the following agricultural practices:

(a) Cultivation, production, and harvest of crops including, but not limited to, fruit, vegetable, hay, and grains;

(b) Animal husbandry related to the care and feeding of domestic livestock and poultry.

(3) The director may authorize the feeding of deer, elk, or moose under the following conditions:

(a) Prevent damage to private property;

(b) Mitigate population loss anticipated by a predicted winter mortality;

(c) Support a WDFW research or management program.