

**WSR 21-18-061
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 21-163—Filed August 26, 2021, 1:12 p.m., effective August 26, 2021, 1:12 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule is to reduce the likelihood of hunters transporting carcasses of deer from Ohio that are infected with chronic wasting disease (CWD), which could result in the disease becoming established in Washington state. The rule lists states from which the importation of ungulate carcasses is prohibited due to documented cases of CWD in wild deer, elk, or moose populations. This rule is to add Ohio to the list of states because Ohio recently detected CWD in wild white-tailed deer populations. A preproposal has been filed, WSR 21-10-079 and proposal, WSR 21-16-092. The proposed permanent rule is anticipated to be effective by the end of November. This emergency rule will be in effect until the permanent rule is adopted.

Citation of Rules Affected by this Order: Amending WAC 220-413-030.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240.

Under RCW 34.05.350 the agency for good cause finds that immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.

Reasons for this Finding: Ohio's deer archery season starts September 25, 2021. The department became aware that Ohio had detected CWD in wild white-tailed deer populations in February 2021. 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. The intent of this rule is to reduce the risk of hunters transporting deer, elk, or moose parts into Washington that are infected with CWD. The states and provinces identified in this rule have detected CWD in wild cervid populations. This rule is in the process of becoming permanent.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: August 26, 2021.

Kelly Susewind
Director

NEW SECTION

WAC 220-413-03000C Importation and retention of dead nonresident wildlife. Effective immediately, until further notice the following provisions of WAC 220-413-030 regarding the importation and possession of deer, elk, or moose, or parts thereof, harvested in Ohio shall be as follows. All other provisions of WAC 220-413-030 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

It is unlawful to import or possess deer, elk, or moose, or parts thereof, harvested in Ohio with the following exceptions:

- (a) Meat that has been deboned in the state or province where it was harvested and is imported as boned-out meat;
- (b) Skulls and antlers, antlers attached to the skull plate, or upper canine teeth (buglers, whistlers, ivories) from which all soft tissue has been removed;
- (c) Hides or capes without heads attached;
- (d) Tissue imported for use by a diagnostic or research laboratory; and
- (e) Finished taxidermy mounts.

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