

**WSR 24-18-039
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 24-166—Filed August 26, 2024, 4:49 p.m., effective August 26, 2024, 4:49 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule is to better clarify a previously filed emergency rule (see Order 24-162 filed on August 23, 2024) concerning chronic waste disease (CWD). The Washington department of fish and wildlife (WDFW) seeks to repeal the emergency rule filed as WAC 220-413-03000E Transportation, importation and retention of dead resident and nonresident wildlife, and replace it with an amended emergency rule that better describes the prohibition of transporting, importing, and retaining both resident and nonresident wildlife.

Citation of Rules Affected by this Order: Repealing WAC 220-413-03000E; and 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: Recently, CWD cases have been confirmed in Washington state. As a result, testing for the disease and limiting the potential spread of the disease are now more important than ever. These emergency rules are intended to increase testing by making it mandatory to test salvaged and harvested animals in the area surrounding the detection. Also, to reduce the potential spread of the disease, emergency rules will prohibit the transportation of deer, elk, and moose from the region surrounding the detection area and prohibit baiting during hunting in the area near the detection. The effect of CWD is always fatal on cervids.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.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, 2024.

Kelly Susewind
Director

NEW SECTION**WAC 220-413-03000F Transportation, importation and retention of dead resident and nonresident wildlife.** (1) It is unlawful:

(a) To import or possess dead wildlife, taken in another state or country, into Washington unless such wildlife was acquired lawfully. Proof of legal acquisition must be retained during the period of retention of the carcass or edible parts.

(b) For a person who imports a dead bighorn sheep, mountain goat, cougar, or bear to fail to report such importation to the department in writing within 10 days of the importation. The report must contain the name and address of the importer, the location where the dead wildlife is being stored, and general information describing where and how the wildlife was obtained.

(c) To transport deer, elk, or moose, or parts thereof, taken from within 100 series GMUs, excluding tribal lands, to other areas of Washington state; or to import or possess deer, elk, moose, or caribou, or parts thereof, harvested outside Washington state, with the following exceptions:

(i) Meat that has been deboned in the state or province where it was harvested and is imported as boned-out meat, or meat that has been deboned within 100 series GMUs and is transported as boned-out meat to other areas of the state;

(ii) Skulls and antlers, antlers attached to the skull plate, or upper canine teeth (buglers, whistlers, ivories) from which all soft tissue has been removed;

(iii) Hides or capes without heads attached;

(iv) Tissue imported for use by a diagnostic or research laboratory; and

(v) Finished taxidermy mounts.

(2) Violation of subsection (1) of this section is punishable under RCW 77.15.290 Unlawful transportation of fish or wildlife—Penalty.

(3) It is unlawful for an importer or receiver of deer, elk, or moose to fail to notify the department within 24 hours if a state, province, tribe, or laboratory alerts the importer or receiver that a harvested animal has tested positive for chronic wasting disease. Violation of this subsection is an infraction punishable under RCW 77.15.160 Infractions.

REPEALER

The following section of the Washington Administrative Code is repealed, effective immediately:

WAC 220-413-03000E Transportation, importation and retention of dead resident and nonresident wildlife. (24-162)