

WSR 25-02-072
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-290—Filed December 23, 2024, 1:08 p.m., effective December 23, 2024, 1:08 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: Chronic wasting disease (CWD) is a fatal neurologic disease of cervids including deer, elk, moose, and caribou. It is caused by infectious proteins called prions that are transmitted directly from animal to animal or indirectly through environments. There is no cure or vaccine for CWD, and the disease is always fatal. It can only be confirmed through testing of an animal's lymph nodes or brainstem tissue. The purpose of the rule is to aid in sample collection, reduce the concentration of animals and reduce the likelihood of disease transmission through transportation of carcasses. The emergency rules also prohibit scents that could contain cervid urine or glandular tissue in the area surrounding the detection as these scents can contain the disease.

Citation of Rules Affected by this Order: Amending WAC 220-400-040, 220-413-030, 220-413-100, and 220-414-030.

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. This is a refile of an emergency rule that was originally filed on August 22, 2024, under WSR 24-18-017. The department of fish and wildlife began permanent rule making on this topic under WSR 24-21-094, which was filed with the code reviser on October 17, 2024.

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 4, 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: December 20, 2024.

Kelly Susewind
Director

NEW SECTION

WAC 220-400-04000B Possession of dead wildlife. Effective August 22, 2024, and until further notice, notwithstanding the provisions of WAC 220-415-020, WAC 220-415-030, WAC 220-415-050, WAC 220-415-060 and 220-415-070, the salvage possession requirements of WAC 220-400-040 for deer, elk and moose are modified as contained herein. All other provisions of WAC 220-415-020, WAC 220-415-030, WAC 220-415-050, WAC 220-415-060 and 220-415-070 not addressed herein remain in effect unless otherwise amended by emergency rule:

In GMUs 124, 127, and 130 salvagers must submit the whole head with at least 3 inches of the neck attached or extracted lymph nodes to WDFW for chronic wasting disease sampling within 3 days of receiving a salvage permit.

NEW SECTION

WAC 220-413-03000F Transportation, importation and retention of dead resident and nonresident wildlife Effective August 22, 2024, and until further notice, notwithstanding the provisions of WAC 220-415-020, WAC 220-415-030, WAC 220-415-050, WAC 220-415-060 and 220-415-070, the transportation, importation, and retention requirements of WAC 220-413-030 for deer, elk and moose are modified as contained herein. All other provisions of WAC 220-415-020, WAC 220-415-030, WAC 220-415-050, WAC 220-415-060 and 220-415-070 not addressed herein remain in effect unless otherwise amended by emergency rule:

(1) It is unlawful:

(a) To transport deer, elk, or moose, or parts thereof, taken from within 100 series GMUs in areas that require a Washington state hunting license, to other areas of Washington state, with the following exceptions:

(b) To import or possess 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;

(2) 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.

NEW SECTION

WAC 220-413-10000B Mandatory report of hunting activity Effective September 1, 2024, and until further notice, notwithstanding the provisions of WAC 220-415-020, WAC 220-415-030, WAC 220-415-050, WAC 220-415-060 and 220-415-070, the hunting reporting requirements of WAC 220-413-100 for deer, elk and moose are modified as contained herein. All other provisions of WAC 220-415-020, WAC 220-415-030, WAC 220-415-050, WAC 220-415-060 and 220-415-070 not addressed herein remain in effect unless otherwise amended by emergency rule:

In GMUs 124, 127, and 130 successful deer, elk or moose hunters must present the whole head with at least 3 inches of the neck attached or extracted lymph nodes to WDFW for chronic wasting disease sampling within 3 days of harvesting.

NEW SECTION

WAC 220-414-03000B Baiting for the purposes of hunting deer, moose or elk. Effective September 1, 2024, and until further notice, notwithstanding the provisions of WAC 220-415-020, WAC 220-415-030, WAC 220-415-050, WAC 220-415-060 and 220-415-070, the baiting requirements of WAC 220-414-030 for deer, elk and moose are modified as contained herein. All other provisions of WAC 220-415-020, WAC 220-415-030, WAC 220-415-050, WAC 220-415-060 and 220-415-070 not addressed herein remain in effect unless otherwise amended by emergency rule:

In GMUs 124, 127, and 130, it is unlawful to hunt deer, elk or moose using:

(1) Any type of bait placed, exposed, deposited, distributed, scattered, or otherwise used for the purpose of attracting deer or elk with the intent to hunt them.

(2) Natural or synthetic scents that contain or are derived from cervid urine and glandular extracts