

WAC 220-430-010 Game farm license provisions. It is unlawful to operate a game farm without a current, valid Washington state game farm license. It is unlawful to sell those species listed in subsection (2) of this section without a current, valid Washington state game farm license except with the written permission of the director.

(1) Under a current, valid license issued by the department, game farms licensed prior to January 1, 1992, may continue to possess, propagate, sell and transfer wildlife they lawfully possessed on January 1, 1992. Transfers of wildlife other than those species listed under subsection (2) are restricted to licensed game farms authorized by written license to possess said wildlife.

(2) Game farms licensed on or after January 1, 1992, may purchase, possess, propagate, sell or transfer the following wildlife, except species designated as deleterious wildlife: Game birds - Pheasant, of the genus *Phasianus*; gray partridge of the genus *Perdix*; chukar of the genus *Alectoris*; quail of the genus *Colinus*, *Callipepla*, and *Oreortyx*; waterfowl of the family *Anatidae*.

(3) Application for a game farm license shall be made on a form provided by the department.

(4) The director or designee of the director may issue, with conditions or restrictions, a game farm license, if the applicant meets the requirements of subsection (1) or (2) above and complies with the following criteria:

(a) The applicant is the owner or tenant of or has a possessory interest in the lands, waters, and riparian rights shown in the application.

(b) The rearing and holding facilities are adequate and structurally sound to prevent the egress of game farm wildlife.

(c) Operating conditions are clean and humane.

(d) No hazards to state wildlife exist from the operation.

(e) The license covers only the immediate premises and areas described on the application where wildlife will be held.

(5) Holders of a game farm license must make annual reports no later than the 15th of January to the director on forms to be furnished by the department. Violation of this subsection is an infraction, punishable under RCW 77.15.160.

(6) A licensed game farm must be inspected annually. All inspection costs will be paid by the licensee. The inspection must occur during the months of June, July, or August. An inspection form will be provided by the department and must be completed and signed by a licensed veterinarian or an agent authorized by the department. The inspection form must accompany the annual report and be submitted to the director no later than the 15th day of January.

(7) During June, July, or August, a licensed game farm must conduct annual avian influenza disease testing of ten percent or a maximum of thirty representative game birds on-site. Testing required under this subsection and subsection (8) of this section must be performed by a qualified testing agent approved by WDFW. Testing is not required for the year in which all birds on-site were transferred from a game farm that has complied with the testing requirements of this rule within one year of the transfer. Copies of testing records must be kept for one year. The licensee is responsible for all testing costs. Any test results indicating the presence of avian influenza disease must be reported immediately to the Washington state department of agriculture state veterinarian.

(8) If birds being held on the game farm exhibit symptoms of respiratory infection, diarrhea, central nervous system malfunction, or

more than twenty-five percent flock mortality, licensed game farms must test for one or more of the following diseases as soon as possible upon the observation of symptoms: Mycoplasma gallisepticum and Mycoplasma synoviae, pullorum, salmonella, histomoniasis, and exotic Newcastle disease. The licensee is responsible for all testing costs.

(9) A game farm license is not required for captive-bred mink, *Mustela vison*, and captive-bred silver fox, *Vulpes fulva*, lawfully acquired from a licensed breeder or fur farm and held for fur farming purposes.

(10) A game farm license may be revoked and any future licenses may be denied by the director or director's designee if the department determines:

(a) Information contained in a game farm license application was inaccurate or false;

(b) The game farm licensee fails to comply with department statutes or rules.

(11) Revocation of a game farm license shall remain in effect until all issues pertaining to revocation are resolved.

(12) If the initial application or the application to renew a game farm license is denied or revoked, the department will provide the applicant, in writing, a notice containing a statement of the reason(s) for the denial or revocation.

(a) The applicant may request an appeal to contest the denial or revocation pursuant to chapter 34.05 RCW. The department must receive an appeal request in writing within twenty days from the mailing date of the notice of denial or revocation. Address appeal requests to WDFW Legal Services Office, P.O. Box 40100, Olympia WA 98504-0100.

(b) A notice contested by written appeal is final when that proceeding ends in a final order pursuant to chapter 34.05 RCW, or is otherwise dismissed.

(c) If there is no timely request for an appeal, then the department's denial or revocation of the permit is final and effective on the 21st calendar day following the mailing date of the notice of denial or revocation.

(13) A game farm license applicant who provides false or misleading information in their game farm license application may be subject to prosecution under RCW 9A.76.175 or 40.16.030. A game farm license holder who fails to comply with department statutes or rules as required by their game farm license may be subject to prosecution under RCW 77.15.340.

[Statutory Authority: RCW 77.04.090, 77.04.130, 77.15.568, 77.08.010, 77.65.510, 77.65.515, and 77.65.520. WSR 19-10-011 (Order 19-79), § 220-430-010, filed 4/19/19, effective 5/20/19. 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 § 220-430-010, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 07-01-049 (Order 06-300), § 232-12-027, filed 12/14/06, effective 1/14/07; WSR 06-09-021 (Order 06-67), § 232-12-027, filed 4/11/06, effective 5/12/06. Statutory Authority: RCW 77.12.040, 77.12.020, 77.32.070, 77.32.530. WSR 01-10-048 (Order 01-69), § 232-12-027, filed 4/26/01, effective 5/27/01. Statutory Authority: RCW 77.04.055, 77.12.040 and 77.12.570. WSR 91-24-016 (Order 520), § 232-12-027, filed 11/22/91, effective 12/23/91. Statutory Authority: RCW 77.12.030, 77.12.040, 77.16.020 and 77.32.211. WSR 85-20-127 (Order 258), § 232-12-027, filed 10/2/85. Statutory Authority: RCW 77.12.040. WSR 82-19-026 (Order 192), § 232-12-027, filed 9/9/82; WSR 81-22-002 (Order 174), §

232-12-027, filed 10/22/81; WSR 81-12-029 (Order 165), § 232-12-027,
filed 6/1/81. Formerly WAC 232-12-070.]