

WSR 21-20-116
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 21-215—Filed October 5, 2021, 7:14 a.m., effective October 5, 2021, 7:14 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule is to prevent the spread of disease (*Mycoplasma ovipneumoniae*) to bighorn sheep from domestic goats and sheep on department lands. A preproposal has been filed, WSR 21-18-031, and proposed permanent rule making is anticipated to be in place by spring of 2022.

Citation of Rules Affected by this Order: Amending WAC 220-500-040.

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: There is an existing and imminent threat on department land where pack goats are in close vicinity to wild bighorn sheep. The current threat of disease transmission could have dire impacts on state bighorn sheep populations during the upcoming recreational and hunting seasons. The department of fish and wildlife has started permanent rule making to address this issue for the long-term and will accept additional public input during the rule-making process.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 1, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: October 5, 2021.

Kelly Susewind
Director

NEW SECTION

WAC 220-500-04000H Domestic goats and sheep on Washington department of fish and wildlife lands. Effective immediately, until further notice, the provisions of WAC 220-500-040 regarding domestic goats and sheep on Department lands shall be modified as follows. All

other provisions of WAC 220-500-040 not contained herein, unless changed by emergency rule remain in effect:

(1) It is unlawful for any person to cause or allow goats or sheep to be untethered or unattended on the following department wildlife area units, unless otherwise permitted by the director to do so:

(a) Colockum Wildlife Area: Colockum Unit;

(b) Wenas Wildlife Area: Wenas Unit;

(c) Chelan Wildlife Area: Chelan Butte, Swakane, and Entiat Units;

(d) LT Murray Wildlife Area: Quilomene and Whiskey Dick Units;

(e) Oak Creek Wildlife Area: Oak Creek and Rock Creek Units;

(f) Scotch Creek Wildlife Area: Scotch Creek, Charles and Mary Eder, Similkameen-Chopaka, and Tunk Valley Units;

(g) Sinlahekin Wildlife Area: Sinlahekin, Driscoll Island, McLoughlin Falls, and Carter Mountain Units;

(h) Asotin Creek Wildlife Area: Asotin Creek, Weatherly, and George Creek Units;

(i) Chief Joseph Wildlife Area: Chief Joseph, 4-0 Ranch, and Shumaker Units;

(2) Goats or sheep that have tested positive for *Mycoplasma ovipneumoniae* or that are displaying signs of pneumonia or other illness will not be permitted. Goats or sheep showing signs of pneumonia or other illness while on department lands must be removed within forty-eight hours.

(3) If a goat or sheep becomes lost, the owner must make every effort to locate and recover it. If the goat or sheep cannot be recovered, the owner shall contact the department by telephone as soon as possible.

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