

**WSR 22-04-104  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Filed February 1, 2022, 12:50 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-24-080 on November 30, 2021.

Title of Rule and Other Identifying Information: WAC 220-413-030 Importation and retention of dead nonresident wildlife.

Hearing Location(s): On March 18, 2022, at 8:00 a.m., webinar. This meeting will take place by webinar. The public may participate in the meeting. Registration is required to testify at the public hearing. Registration deadlines and registration forms are available at <http://wdfw.wa.gov/about/commission/meetings> or contact the commission office at 360-902-2267.

Date of Intended Adoption: April 8, 2022.

Submit Written Comments to: Wildlife Program, P.O. Box 43200, Olympia, WA 98504, email [2022CWD102@PublicInput.com](mailto:2022CWD102@PublicInput.com), voicemail comments 855-925-2801 project code 2482, <http://publicinput.com/2022CWD102>, SEPA comments website <https://publicinput.com/2022CWDSEPA>, email [2022CWDSEPA@PublicInput.com](mailto:2022CWDSEPA@PublicInput.com), by March 19, 2022.

Assistance for Persons with Disabilities: Contact Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 711, email [Title6@dfw.wa.gov](mailto:Title6@dfw.wa.gov), <https://wdfw.wa.gov/accessibility/requests-accommodation>, by March 19, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of this proposal is to limit the exposure of deer, elk, moose, and caribou in Washington state to a fatal disease that can spread through ungulate carcasses. The proposed amendments would add caribou to the list of species with restricted importation rules, and would broaden the restriction on importing or possessing deer, elk, moose, and caribou carcasses or parts that originate from outside Washington to prevent the introduction of chronic wasting disease, a fatal neurologic disease of cervids. This change, if adopted, will restrict the importation and possession of caribou, deer, elk, or moose carcasses or parts from any out-of-state origin, except when specific criteria for processing of carcasses or parts are met.

Reasons Supporting Proposal: Chronic wasting disease (CWD) is a fatal neurologic disease of cervids that is not currently known to be present in Washington. There is no cure for CWD and once established within a free ranging population, the disease threatens cervid population sustainability. The best management practice available is the prevention of CWD emergence in new areas. Currently, importation of deer, elk, or moose harvested outside of Washington is restricted for only those states and provinces where CWD was previously known to occur. Unfortunately, CWD has recently been detected in additional states, including neighboring Idaho, and many states and provinces have insufficient surveillance practices to detect CWD early, which may result in the inadvertent importation of CWD into Washington.

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

Statute Being Implemented: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting and Implementation: Eric Gardner, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2515; Enforcement: Steve Bear, 1111 Washington Street S.E., Olympia, WA 98501, 360-902-2373.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This proposal does not require a cost-benefit analysis under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Explanation of exemptions: Proposed rule does not affect small businesses because it applies to recreational hunting.

February 1, 2022  
Annie Szvetcz  
Rule Coordinator

## OTS-3576.2

AMENDATORY SECTION (Amending WSR 21-23-037, filed 11/8/21, effective 12/9/21)

### **WAC 220-413-030 Importation and retention of dead 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 (~~ten~~) 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 import or possess deer, elk, (~~or~~) moose, or caribou, or parts thereof, harvested (~~in Alberta, Arkansas, Colorado, Illinois, Iowa, Kansas, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, New York, North Dakota, Ohio, Pennsylvania, Saskatchewan, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming~~) 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;

(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 or elk to fail to notify the department within (~~twenty-four~~) 24 hours if a state or province 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.

[Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240. WSR 21-23-037 (Order 21-247), § 220-413-030, filed 11/8/21, effective 12/9/21. 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), § 220-413-030, filed 4/19/19, effective 5/20/19. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, 77.12.020, 77.12.040, 77.12.047, 77.12.150, 77.12.210, 77.12.240, 77.12.320, 77.12.570, 77.12.800, 77.15.245, 77.32.007, 77.32.050, 77.32.070, 77.32.090, 77.32.370, and 77.32.530. WSR 18-11-061 (Order 18-76), § 220-413-030, filed 5/11/18, effective 6/11/18. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090. WSR 17-10-076 (Order 17-10), recodified as § 220-413-030, filed 5/3/17, effective 6/3/17. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.150, 77.12.240, 77.12.800, 77.32.090, and 77.32.155. WSR 16-12-087, § 232-12-021, filed 5/31/16, effective 7/1/16. Statutory Authority: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.150, and 77.12.240. WSR 15-10-035 (Order 15-97), § 232-12-021, filed 4/28/15, effective 5/29/15. Statutory Authority: RCW 77.12.047, 77.12.240, and 77.32.070. WSR 13-11-078 (Order 13-94), § 232-12-021, filed 5/16/13, effective 6/16/13. Statutory Authority: RCW 77.12.047. WSR 11-23-083 (Order 11-299), § 232-12-021, filed 11/16/11, effective 12/17/11. Statutory Authority: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, 77.12.210, and C.F.R. Title 50, Part 21, Subpart C, Section 21.29; Migratory Bird Treaty Act. WSR 10-18-012 (Order 10-214), § 232-12-021, filed 8/20/10, effective 9/20/10. Statutory Authority: RCW 77.12.047, 77.12.020, 77.12.570, 77.12.210. WSR 07-11-017 (Order 07-62), § 232-12-021, filed 5/3/07, effective 6/3/07. Statutory Authority: RCW 77.12.047. WSR 06-02-063 (Order 05-271), § 232-12-021, filed 1/3/06, effective 2/3/06; WSR 05-02-046 (Order 04-327), § 232-12-021, filed 1/3/05, effective 2/3/05. Statutory Authority: RCW 77.12.030. WSR 93-04-040 (Order 583), § 232-12-021, filed 1/27/93, effective 2/13/93. Statutory Authority: RCW 77.12.040. WSR 82-04-034 (Order 177), § 232-12-021, filed 1/28/82; WSR 81-12-029 (Order 165), § 232-12-021, filed 6/1/81. Formerly WAC 232-12-060.]