

**WSR 22-21-045  
PROPOSED RULES  
DEPARTMENT OF  
FISH AND WILDLIFE**

[Order 21-11—Filed October 11, 2022, 11:16 a.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 21-18-031 on August 23, 2021.

Title of Rule and Other Identifying Information: New WAC 220-500-045 Domestic goats and sheep on Washington department of fish and wildlife managed lands.

Hearing Location(s): On December 1, 2022, at 3 p.m., virtual meeting December 1, 2022, WDFW Director Decision Hearing [contact agency for URL]. Written public comment submission deadline is November 30, 2022, by 11:59 p.m. All public comments will be considered; however, to have your comment incorporated into the director decision briefing presentation, your comment needs to be submitted no later than 8 a.m. on November 23, 2022.

Date of Intended Adoption: On or after December 12, 2022.

Submit Written Comments to: Wildlife Program, P.O. Box 43200, Olympia, WA 98504, email SheepAndGoats102@PublicInput.com, fax 360-902-2162, <https://publicinput.com/SheepAndGoats102>, phone 1-855-925-2801, project code 2652, by November 30, 2022.

Assistance for Persons with Disabilities: Title VI/ADA compliance coordinator, phone 360-902-2349, TTY 711 or 1-800-833-6388, email Title6@dfw.wa.gov, <http://wdfw.wa.gov/accessibility/requests-accommodation>, by November 30, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The purpose of the proposed new section to chapter 220-500 WAC, WAC 220-500-045 Domestic goats and sheep on Washington department of fish and wildlife managed lands, if adopted, is to reduce risk of disease transmission to bighorn sheep via contact with domestic goats and sheep on wildlife areas managed by the department.

Reasons Supporting Proposal: The Western Association of Fish and Wildlife Agencies Wild Sheep Working Group (WAFWA) published management recommendations for domestic sheep and goats in bighorn habitat in 2012. WAFWA defines "effective separation" as spatial or temporal separation between wild sheep and domestic sheep or goats to minimize the potential for association and the probability of transmission of diseases between species. WAFWA advocates that effective separation should be a primary management goal of state, provincial, territorial, and federal agencies responsible for the conservation of wild sheep, based on evidence that domestic sheep or goats can transfer pathogens to wild sheep. Scientific literature and experimental evidence support the goal that domestic sheep or goats should not concurrently occupy areas where conservation of wild sheep is a clearly stated management goal.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, and 77.12.210.

Statute Being Implemented: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, and 77.12.210.

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

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: If adopted,

the proposed amendments would prohibit access of visitors with domestic sheep or goats to 12 wildlife areas managed by the department. These restrictions would be implemented with a combination of education, signage, and enforcement following the rule's enactment. Anticipated costs associated with implementation outreach and engagement efforts, signage design and installation costs, and marginal enforcement costs to support enforcement of this rule among the suite of regulations of visitor access and use of Washington department of fish and wildlife (WDFW)-managed lands.

Name of Proponent: WDFW, 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).

Scope of exemption for rule proposal:

Is fully exempt.

October 11, 2022

Annie Szvetcz

Agency Rules Coordinator

## OTS-4153.1

### NEW SECTION

**WAC 220-500-045 Domestic goats and sheep on Washington department of fish and wildlife managed lands.** (1) It is unlawful for any person to bring or lead domestic goats or sheep onto the following department wildlife area units or other WDFW-managed lands posted as closed to domestic goats or sheep, unless otherwise permitted by the director to do so:

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

(b) Chelan Wildlife Area: Beebe Springs, Chelan Butte, Swakane, and Entiat Units;

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

(d) Colockum Wildlife Area: Colockum Unit;

(e) Columbia Basin Wildlife Area: Lower Crab Creek and Quincy Lakes Units;

(f) L.T. Murray Wildlife Area: Quilomene, L.T. Murray, and Whiskey Dick Units;

(g) Oak Creek Wildlife Area: Cowiche, Oak Creek, and Rock Creek Units;

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

(i) Sinlahekin Wildlife Area: Sinlahekin, Driscoll Island, and Carter Mountain Units;

(j) Wells Wildlife Area: Indian Dan Canyon Unit;

(k) Wenas Wildlife Area: Wenas Unit;

(l) W.T. Wooten Wildlife Area: W.T. Wooten Unit.

(2) Goats or sheep that have tested positive for *Mycoplasma ovipneumoniae* or that are displaying signs of pneumonia or other illness will not be allowed on any WDFW-managed lands. Goats or sheep displaying signs of pneumonia or other illness while on department lands must be removed by the animal(s) owner or owner's agent within 48 hours.

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

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