

WSR 21-12-047  
EMERGENCY RULES  
DEPARTMENT OF  
FISH AND WILDLIFE

[Order 21-77—Filed May 26, 2021, 9:30 a.m., effective June 2, 2021]

Effective Date of Rule: June 2, 2021.

Purpose: To prevent the spread of disease (*Mycoplasma ovipneumoniae*) to bighorn sheep from domestic goats and sheep on department lands.

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.

Other Authority: None.

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 Washington department of fish and wildlife plans to start permanent rule making to address this issue for the long-term and with additional public input within the next month.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: May 26, 2021.

Kelly Susewind  
Director

**OTS-3110.1**

AMENDATORY SECTION (Amending WSR 17-05-112, filed 2/15/17, effective 3/18/17)

**WAC 220-500-040 Regulating public access.** (1) The director may close or restrict access to department lands by an emergency or other

permanent regulation on a seasonal, emergent, or permanent basis to protect human safety, vulnerable fish and wildlife resources or habitats, and department or other infrastructures from damage or abuse.

(2) The director may control public access on department lands to increase wildlife use in order to improve hunter success or manage wildlife viewing opportunities. Public access may be controlled by limiting the number of users in the areas and/or limiting the days of the week or hours of the day that the public can access the area.

(3) It is unlawful to enter or remain on department lands or portions thereof when such restrictions are in place or are established by department posted notice. This does not apply during the administration of authorized activities.

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

- Colockum Wildlife Area: Colockum Unit
- Wenas Wildlife Area: Wenas Unit
- Chelan Wildlife Area: Chelan Butte, Swakane, and Entiat Units
- LT Murray Wildlife Area: Quilomene and Whiskey Dick Units
- Oak Creek Wildlife Area: Oak Creek and Rock Creek Units
- Scotch Creek Wildlife Area: Scotch Creek, Charles and Mary Eder, Similkameen-Chopaka, and Tunk Valley Units
- Sinlahekin Wildlife Area: Sinlahekin, Driscoll Island, McLoughlin Falls, and Carter Mountain Units
- Asotin Creek Wildlife Area: Asotin Creek, Weatherly, and George Creek Units
- Chief Joseph Wildlife Area: Chief Joseph, 4-O Ranch, and Shumaker Units

(5) 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.

(6) 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.

[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 § 220-500-040, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.210, 77.12.880. WSR 08-01-078 (Order 07-293), § 232-13-150, filed 12/17/07, effective 1/17/08.]