

**WSR 25-02-071
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 24-289—Filed December 23, 2024, 1:07 p.m., effective December 23, 2024, 1:07 p.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule is to prohibit the feeding of wildlife including deer, elk, and moose located in game management units (GMU) 124, 127, and 130.

Citation of Rules Affected by this Order: New WAC 220-440-26000A.

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

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: Chronic wasting disease (CWD) cases in the ungulate populations have been confirmed in Washington state. This emergency rule is part of the department of fish and wildlife's (department) broad effort to reduce the infection and spread of CWD in GMUs 124, 127, and 130. This is the second filing of an emergency rule to combat the spread of CWD that was originally filed on September 11, 2024, under WSR 24-19-046. It is filed in concert with several recent emergency rules filed by the department (see Order 24-162 filed on August 23, 2024, and Order 24-166 filed on August 26, 2024) to combat the spread of CWD. The department began permanent rule making on this topic under WSR 24-21-094 that was filed on October 17, 2024.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: December 20, 2024.

Kelly Susewind
Director

NEW SECTION

WAC 220-440-26000B Prohibition of feeding wildlife (1) Except as provided in subsection (3), it is an infraction under RCW 77.15.160 (6)(b) to place, deposit, distribute, or scatter feed including but not limited to grain, hay, minerals, salt, fruit, or other such substances or food types to feed, lure or attract deer, elk, or moose not

lawfully held in captivity in Game Management Units (GMU) 124, 127, and 130.

(2) This rule does not apply in the completion of any of the following agricultural practices:

(a) Cultivation, production, and harvest of crops including but not limited to, fruit, vegetable, hay, and grains;

(b) Animal husbandry related to the care and feeding of domestic livestock and poultry.

(3) The Director may authorize the feeding of deer, elk, or moose under the following conditions:

(a) Prevent damage to private property;

(b) Mitigate population loss anticipated by a predicted winter mortality;

(c) Support a WDFW research or management program.