



PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Print Form

In accordance with [RCW 34.05.330](#), the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <http://apps.leg.wa.gov/wac/default.aspx?cite=82-05>.

CONTACT INFORMATION *(please type or print)*

Petitioner's Name Rocky Ross
Name of Organization No Affiliation
Mailing Address ██████████
City ████ State WA Zip Code ████
Telephone ██████████ Email ██████████

COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <http://www.leg.wa.gov/CodeReviser/Documents/RClist.htm>.

INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: _____

1. NEW RULE - I am requesting the agency to adopt a new rule.

The subject (or purpose) of this rule is: _____

The rule is needed because: _____

The new rule would affect the following people or groups: _____

2. AMEND RULE - I am requesting the agency to change an existing rule.

List rule number (WAC), if known: WAC 220-414-030

I am requesting the following change: That the language in this WAC be changed to make it unlawful to hunt for deer and elk while using any type of bait, scents, or attractants, either natural or artificial

This change is needed because: Bait causes ungulates to gather in unnaturally high numbers, increasing the spread of Chronic Wasting Disease (CWD). Attractants such as urine can carry CWD

The effect of this rule change will be: If implemented immediately, this rule change will delay the onset of CWD in Washington and certainly reduce the spread once it is detected.

The rule is not clearly or simply stated: _____

3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.

List rule number (WAC), if known: _____

(Check one or more boxes)

It does not do what it was intended to do.

It is no longer needed because: _____

It imposes unreasonable costs: _____

The agency has no authority to make this rule: _____

It is applied differently to public and private parties: _____

It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: _____

It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: _____

Other (please explain): _____

TO: Washington Fish & Wildlife Commission

FROM: Rocky Ross

RE: Further Justification for Petition to Outlaw Baiting and Scents for Hunting Deer & Elk

DATE: January 13, 2022

Dear Commissioners:

I've been an opponent of putting out bait for deer and elk for many years. One of my primary arguments for abolishing the practice was hunting ethics and fair chase. I think it was seen by some as a hunter's choice so my argument didn't get much traction. But now, after musing over certain events in the past couple years, I can distill the reason for ending baiting and the use of scents down to a single word: Coronavirus.

This is not an issue that I suddenly became aware of. I have previously sent related correspondence to the Fish & Wildlife Commission, the first in 2015 and more recently in January of 2021. Those letters are being submitted again as part of the overall petition package.

You are all aware of how Covid-19 has ravaged the world and the primary reason for it...mass gatherings without recommended protection. Chronic Wasting Disease (CWD) is **precisely** the same concept. It is spread among deer and elk when they group together in unnaturally high densities, and that clearly occurs within the vicinity of bait piles. Using scents, such as doe-in-estrus urine, can easily carry the CWD virus when collected from infected animals and that industry is not well regulated. A single hunter, using an infected bottle, could plant the CWD "seed" anywhere in Washington. Once CWD arrives in our state, both baiting and use of scents will logically cause it to spread. A vaccine can control Covid-19 in people. There is no way to vaccinate wild animals against CWD and it's always fatal. Therefore, it is paramount we look at every single method to delay its arrival in Washington and to contain it when it does.

There are several issues that relate to the spread of CWD, many of which require a review before laws and regulations are changed. But changing the wording in the existing WAC (220-414-030) is the simplest way to make a significant step toward managing the disease. Baiting, or recreational feeding undoubtedly occurs year around but the practice certainly ramps up as hunting season approaches. During the spring, summer and early fall, there are generally ample food supplies for deer and elk across the landscape, which keep the animals naturally dispersed. As late fall approaches and vegetation begins to go dormant, bait piles become extremely attractive and this is what causes deer and elk to gather in higher densities.

There is currently no Washington law that dictates the parameters of baiting and the use of other attractants EXCEPT in the hunting regulations under WAC 220-414-030, where both activities are explicitly allowed. Changing this language before the 2022 hunting season should be the first of a multi-pronged attack to protect deer and elk in this state. Chronic Wasting Disease was found in Libby, Montana two years ago and in Idaho in 2021. It will likely be detected in Washington soon. It may already be here, just undetected....yet.

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Many states are spending thousands of dollars to monitor and control CWD. Monitoring is essential but it's paramount that we make the obvious and easiest changes right now that will slow the arrival, and spread of CWD. New York is the only state to date that has eliminated CWD. That's because of their tight monitoring system, which caught the occurrence early, but they had to "depopulate" (kill) all the animals within a certain radius of the detection. I'm sure such a depopulation event in Washington would be strongly condemned by hunters and non-hunters alike.

Chronic Wasting Disease is not new. It's been around for a long time and many states are affected by it. Washington State has been fortunate because CWD infections have been so far away. But now they aren't. We cannot simply "wait and see" any longer. I completely understand what a political hot potato this will be but these changes are for the good of the entire deer and elk population in Washington. No one can argue against it with a clear conscience. I'm confident if you truly survey a complete cross section of Washington residents you will find a resounding and favorable attitude about making these changes.

My primary purpose for hunting is to put a healthy source of meat in the freezer. I am fastidious about the care of my venison and cut and wrap it myself. It takes the better part of two days. If CWD becomes entrenched in Washington's ungulate herds am I to then spend 2 days caring for my venison, only to receive notice that it is infected with CWD and then having to toss it? Is WDFW prepared to refund the cost of my license and tag, even though the issue goes far beyond that? Although there are no known cases of animal-to-human transmission, all the literature AND the Department of Fish & Wildlife recommend not eating an infected animal. Can you understand why I am so passionate about preventing the arrival and spread of this disease?

I can fill many more pages of justification why this issue needs immediate attention. Instead, I hope you will read the document that follows this letter, which is a series of excerpts from the Chronic Wasting Disease Management Plan that was approved by Director Kelly Susewind earlier this month. The Plan itself is 72 pages long. The CWD Management Plan recognizes the problem with baiting and recommends that it be abolished. I have reviewed it in its entirety and condensed the most salient points down to 4 pages. I have further highlighted some of the information in bold text to allow an even faster review, although I'm sure you will want to read the entire document. If you read this information I am certain that you will agree that immediate action is necessary. Push back from hunters who bait will be very strong but this is an issue that affects **every** person in the state that values wildlife. This decision must be based on the well-being of the entire population of deer and elk in Washington and ALL the residents who enjoy them for whatever purpose. I urge you to act without delay. Thank you.

Sincerely,

Rocky Ross

Pasco, WA

CC: Kelly Susewind, Eric Gardner, Anis Aoude, Steve Pozzanghera, Melia DeVito

EXCERPTS FROM THE WDFW CHRONIC WASTING DISEASE MANAGEMENT PLAN

1 Chapter 1: Chronic Wasting Disease Plan Overview

... **the consequences of inaction could profoundly affect the social fabric of Washington's vibrant hunting and outdoor recreation culture, as well as the economic benefits that support communities and conservation throughout the state.** Chronic wasting disease (CWD) is one such risk and, of the many diseases affecting wild cervids (members of the deer family 15 Cervidae) in North America, has the greatest potential to negatively affect wild cervid 16 populations if not proactively addressed and diligently managed if detected.

Successful management of CWD requires substantial funding and staff resources well beyond what state wildlife agencies can support on their own **(Bishop 2004, Vaske 2010).**

If CWD becomes established in a population, **hunters may be less likely to participate in hunting activities (Vaske 2010),** which could decrease agency capacity to manage the disease.

The Legislative mandate (RCW 77.04.012) for the Commission and the Department includes the following directives for wildlife management: • The Commission, director, and the Department shall **preserve, protect, perpetuate,** and manage the wildlife. • **The Department shall conserve the wildlife resources in a manner that does not impair the resource.**

Using available information, Department staff develop rule recommendations to address emergent management issues, maximize sustainable hunting opportunities, and promote conservation. The final step in the rule development process occurs when the Commission adopts new rules and rule changes based upon recommendations from the Department biological staff and public input.

Major **hunting season rules** are set for three-year intervals; **minor adjustments occur annually,** such as modifying special permit hunt levels to address crop damage or nuisance problems, or sudden **unexpected habitat or environmental changes.**

Emergency rules can be implemented outside of these cycles in specific 104 circumstances. Emergency rules do not require public notice or hearing.

Researchers demonstrated that in molecular studies, deer and elk CWD prions did not easily convert normal human prions into a diseased form (Raymond et al. 2000)

...transmission of CWD to non-human primates shows discrepancies in susceptibility depending on species. Squirrel monkeys are highly susceptible to CWD (Race et al. 2014) and cynomolgus macaques, which are closer genetic relatives to humans, lack susceptibility to CWD (Race et al. 2018). Due to these certainties in species susceptibility and longer incubation periods (e.g. decades) associated with human prion diseases well beyond study termination dates, **it is prudent to exercise caution and reduce exposure to CWD prions (Waddel et al. 2018).** **The World Health Organization recommends keeping all known prion diseases from entering the human food chain,** and the U.S. Centers for Disease Control and Prevention advise against shooting, handling, or eating the meat of any animal that looks sick or is acting strangely.

...most CWD positive animals are asymptomatic (not showing illness), so to reduce exposure risk, hunters are advised to wear disposable gloves while field dressing game, thoroughly wash hands and equipment after processing carcasses, avoid cutting and consuming brain, spinal cord, eyes, spleen,

pancreas, tonsils, and lymph nodes where CWD prions accumulate, and **avoid consuming meat from an animal that has tested positive** (<https://wdfw.wa.gov/species-habitats/diseases/chronic-wasting>).

Prion accumulation is most abundant in the obex region of the brainstem and the retropharyngeal lymph nodes in the throat (Spraker et al. 2002; Miller and Williams 2002).

Infected cervids then excrete CWD prions in saliva, urine, feces, semen and antler velvet potentially for months to years before displaying any sign of the disease (Angers et al. 2009; Haley et al. 2009, 2011; Kramm et al. 2019). In that time, infected cervids can contaminate the environment and expose other cervids to infectious prions (Gough and Maddison 2010; Angers et al. 2009).

Infectious CWD prions can pass through the gastrointestinal tracts of scavengers, such as crows and coyotes, which has implications for dispersal but passage through the gut also destroys some infectious prions, further complicating the net impact of scavengers in disease transmission (**VerCauteren et al. 2012; Nichols et al. 2015**). Prions can bind to soil (Johnson et al. 2006) and, experimentally, were shown to travel up the stems and leaves of wheat grass, which when fed to “cervidized” hamsters (i.e., hamsters genetically modified to express cervid prion proteins), produced a TSE disease demonstrating potential unknown risks native forage poses to wildlife, livestock, and humans (Pritzkow et al. 2015).

Based on statistical models, in a newly affected area, transmission is a function of direct, animal-to-animal contact and is strongly influenced by cervid population density (Almberg et al. 2011).

In deer, the incubation period (i.e., time from infection until development of clinical signs of disease) for CWD may last several years (average incubation period probably 2-4 years), and **disease prevalence generally increases with age (Williams 2005)** with higher prevalence in adults relative to young of the year and yearlings (Miller and Conner 2005). In general, CWD prevalence in North American deer is about twice as high in adult males as it is in adult females (Saunders et al. 2012, DeVivo et al. 2017). **Chronic wasting disease prevalence is generally higher in deer than in elk** and is relatively rare in moose (**summarized by Rivera et al. 2019**). Specific to deer, prevalence tends to be higher in mule deer in areas where mule and white-tailed 13 deer are equally common.

However, CWD is fatal in all infected animals, and resistant genotypes have not been identified in the wild.

Studies show little to no effect of CWD on reproduction and recruitment of young (Dulberger et al. 2010, DeVivo et al. 2017). Instead, population declines are primarily attributed to the direct effects of CWD on adult survival, which limits lifetime productivity.

After CWD was first detected in Wisconsin in 2002, over \$32 million was spent by state agencies over the next 5 years responding to the outbreak, with the Wisconsin Department of Natural Resources contributing 83% of the cost (Stuiber et al. 2006).

New York has had the only known successful eradication effort to date. They had a very aggressive surveillance, and when first detected they essentially pulled out all stops to eliminate deer within the detection zone: such as including mandatory testing of all harvested deer, and bans on rehabilitation of deer, transport of whole carcasses, use of deer elk urine, and possession of vehicle-killed deer within the containment area. Then they depopulated the deer herd within the containment area. Estimated cost was \$1,000,000.

Prevention is the best approach available to wildlife managers to avoid the consequences associated with endemic wildlife diseases. **Preventive measures** often focus on human activities and practices that

reduce movement of CWD, such as restrictions on transporting whole carcasses and live cervids and **bans on feeding and baiting**

Risk minimization and disease prevention are the best tools to combat CWD before it becomes an issue that results in great losses to our wildlife, ecosystems, and economy.

Chapter 4: Risk Assessment and Minimization

Prevention is the most practical and effective tool available to avoid the establishment of CWD in Washington.

Artificial Feeding and Baiting Overview and Assessment.

—**Baiting and recreational or supplemental feeding of any wildlife species has the potential to artificially concentrate animals (Janousek et al. 2021) and increase the transmission of infectious disease agents among them (Sorenson et al. 2014).** Attraction of animals to artificial feed can also result in contamination of the feedstuffs and the environment by disease agents, such as prions, that are present in saliva, urine, and feces of CWD-infected cervids (Mathiason et al. 2009, Henderson et al. 2015, Plummer et al. 2017). For example, it has been demonstrated that **white-tailed deer with CWD deposit prions at mineral licks, creating environmental reservoirs of CWD prions (Plummer et al. 2018).** There are currently no prohibitions against recreational feeding of cervids in Washington, and **the practice is common throughout the state.** Current regulations allow baiting for the purposes of hunting deer and elk under certain conditions (WAC 220-414-030). Department sponsored feeding occurs on a very limited basis and is largely restricted to an historic winter feeding program in southcentral Washington implemented to reduce chronic localized conflict between elk and neighboring agricultural operations.

Risk Minimization Recommendations.

—According to AFWA, the **best management practice** to reduce the risk of CWD transmission and establishment through unnatural concentrations of cervids, is for states and provinces to **eliminate the baiting and feeding of all wild cervids** using regulatory mechanisms, such as jurisdictional bans. Therefore, the Department recommends seeking authority or rule changes to prohibit the feeding of wild cervids, including **eliminating the exceptions to baiting for the purposes of hunting deer and elk that currently exist in WAC 220-414-030.**

Urine-based Scents and Attractants Overview and Assessment.

—CWD prions are shed in the urine of infected deer for months to years before they show signs of disease, and an infected deer may shed thousands of infectious doses during its lifetime (Henderson et al. 2015). There are currently no practical tests to detect the presence of CWD prions in urine. Hunters use commercial urine-based products to mask human scent and to attract deer, particularly males, within shooting range. These products are readily available for purchase at sporting goods stores and online. The urine used in these products is collected from deer in captive facilities, typically using a grate system that also collects feces and other excretions (Spitznagel 2012) and is frequently batched/combined from multiple captive cervid facilities (Nark 2017). **Deer urine production and sales are not regulated by any agency, nor are there any testing or labeling requirements for urine products.** The Archery Trade Association (ATA) offers a voluntary certification program for deer urine businesses which is designed to mitigate the risk of spreading CWD via commercial deer urine products. However, there are **shortcomings with the ATA certification program (Gillin and Mawdsley, 2018)**, and the organization has no technical ability or regulatory authority to detect or prevent the distribution of

contaminated urine products. **Bans or restrictions on the use of urine-based scents and attractants for hunting cervids exist in 12 states and 4 Canadian provinces, and are being considered in another 5 states.** The use of urine-based scents and attractants is currently allowed in Washington under WAC 220-414-030. The extent to which these products are used in Washington is unknown, but they could serve as a source of CWD introduction into the state.

Risk Minimization Recommendations.

—**According to AFWA, the best management practice for reducing the risk of CWD transmission and establishment through use of natural cervid urine-based products is to “eliminate the sale and use of natural cervid urine-based products.”** Therefore, **the Department recommends that WAC 220-414-030 be updated to prohibit the use or possession of urine-based scents and lures for deer and elk hunting.**

Although male cervids are more likely to test positive for CWD than females in most studied systems, given constraints related to animals available for testing and influences such as harvest structure within a given surveillance unit, there will be no discrimination between males and females for sampling. However, the majority of deer harvest in Washington is targeted towards males and the structure in place will most likely result in males being overrepresented in samples. The Department will also make efforts to collect as many samples as possible from cervids presented to taxidermists, which will increase the adult male segment of the total sample.

During the 2020 fiscal year, Montana Fish, Wildlife, and Parks spent approximately \$441,000 on their CWD response

Key Messages:

Feeding and baiting creates CWD transmission hotspots where animals become infected through direct or indirect contact with infectious prions by congregating at artificially high densities and for long durations at these sites

Urine-based scent lures for hunting pose a risk of spreading CWD if the urine was collected from an infected cervid farm. There are no reliable tests to determine if the product is free of CWD prions.

Infected captive cervids have been the source of CWD introduction into several other states and provinces, and the movement of captive cervids is considered to be the biggest risk for introducing CWD into a new area.

CWD can be spread through transport of infected hunter-harvested carcasses and carcass parts to areas where CWD is not present.

There is no conclusive evidence that CWD can be transmitted from cervids to humans. Nonetheless, the U.S. Centers for Disease Control and Prevention advise against eating the meat of any animal known to be infected with a TSE, and the Washington Department of Fish and Wildlife (WDFW) advises against shooting, handling, or eating the meat of any animal that appears sick or is acting abnormally. • While prions may be found in all tissues of infected animals, hunters can decrease their risk of exposure by not consuming tissues where CWD prions accumulate (e.g., brain, spinal cord, eyes, spleen, pancreas, lymph nodes), wearing disposable gloves while field dressing game, thoroughly washing hands and equipment after processing carcasses with soap and water, and disinfecting processing equipment by soaking in a 40% household bleach solution (mixed with water) for a minimum of 5 minutes then rinsing with water.

TO: Washington Fish & Wildlife Commissioners

FROM: Rocky Ross

RE: Use of Baiting for Deer and Elk Hunting

DATE: January 8, 2021

Dear Commissioners:

Thank you very much for the opportunity to view the webcast yesterday on the subject of the 4 antler point restriction (APR) in NE Washington. It's very helpful to hear all the thought processes that go into management recommendations and decisions. This was my first one and I found it to be very enlightening. But I have another more pressing concern about the future of hunting: baiting.

I'm sure hunters have been baiting deer and elk for many years but I think it was only formalized by law in 2016. I have never been in favor of it, and previously expressed my position in written correspondence to you. In a 2014 survey, only 21 percent of deer hunters supported baiting and only 14 percent of elk hunters did. Since we are approaching the next 3-year hunting season package, I would like to once again weigh in on the issue. We can't afford to kick the can down the road on this.

My primary concerns with baiting are three-fold and I will discuss them in this order: 1) Hunting Ethics, 2) Hunter Health, and 3) Spread of Disease. I'll try to be brief but it is a complicated issue.

1) Hunter Ethics

Baiting is an unnatural part of the hunting experience. Animals, just like people, are drawn to low hanging fruit, so to speak. When my grandson was ready to hunt, I tried to instill in him some of my 59 years of outdoor/hunting experience, hoping to show him all the attributes of an enjoyable hunt. It goes so much beyond the simple harvest of an animal. Then a friend of his family invited him to go hunting on their property and he harvested his first deer.....over a pile of grain. He found it so easy, he immediately switched to archery. But now, as an archer, he's even more entrenched in baiting to improve success.

Baiting is not allowed for waterfowl or upland birds mostly because it's not an ethical way to hunt them. There are other ethics-related laws such as legal hunting hours and hunting with spotlights. Baiting is no less significant than these regulations, which are in place to assure fair chase ideals. Frankly, I'm very surprised that the animal rights groups have not weighed in on this subject, just as they have with hound hunting for bear and cougar and the use of leg hold traps for furbearers.

2) Hunter Health

Venison is the only type of red meat that my family eats. You don't have to look very far to see how disgusting the commercial meat industry is. Venison is the most natural of all red meat. At least it was until baiting became more widespread. I'm not a conspiracy theorist but I DO at least ponder how Genetically Modified Organisms (GMOs) are collectively affecting us. We really don't know, just as we didn't initially realize the true and long-lasting effects of DDT, Furadan, 2,4,5-T, Asbestos and a litany of others. Many of these products were hailed as miracle solutions to then current problems, which now

are seen as abominations to society. Roundup is now on the hook for possibly causing Non-Hodgkin's Lymphoma. Will GMOs be looked upon in similar fashion 20, 30 or 50 years from now?

I bring this up because most grains used for baiting are now GMO products. What effect is that having on my consumption of "natural" venison? More importantly, what effect is it having on the animals themselves? Surely Monsanto will say their Roundup Ready Corn and Soybeans are harmless to all life forms but they said the same thing about Roundup itself, and now we are finding it's just not true. I have personally heard pesticide reps say, "Roundup is so harmless to humans you can drink it".

I hunt public land exclusively, and wander randomly through the forest in search of my quarry. I am amazed at how often I run across bait piles. If I extrapolate just my experience across all public land, it means the incidence of baiting is alarmingly common. So now, the "natural" venison I harvest is no longer natural. That is really, really disturbing to me.

3) Spread of Disease

I can sum up this part of my letter in one word: **COVID19**. It is a biological fact that crowding causes disease to spread. At no time in history has this concept been so obvious to so many. Duck Virus Enteritis, Avian Botulism, CWD, EHD, Hoof Disease in Washington's elk herds, are just a few wildlife diseases that can spread more readily within high concentrations of birds or mammals.

Putting bait out for deer and elk has no safeguards. A single infected animal can spread disease to any or all animals coming to that bait pile. Chronic Wasting Disease is only a state away from Washington and it keeps marching along. With no way to actively treat it, it will soon be found in our state. When it proliferates, as it always does, how many hunters will stop buying deer and elk tags because they are afraid of eating an animal with CWD? In retrospect, I should have added a fourth section on Economics.

Why on earth would we knowingly allow activities, which will accelerate the spread of this disease? Many people are defiant in their activities that are responsible for the spread of COVID19. Radical steps have been taken to solve the spread of this pandemic, including shutting down state lands, and closing hunting and fishing seasons. Washington is one of just a few western states which allow baiting but many states are moving away from it because of CWD proliferation. We can use this to our advantage in ending this dangerous allowance. Extraordinary times require extraordinary measures, because CWD could easily become a pandemic among wild ungulates. We won't be able to blame China for a pandemic among Washington's ungulates. That will be our own undoing.

Yesterday in the webcast, when a study was mentioned about how mature bucks are MORE susceptible to CWD, my antennae shot right up! Consider all the dialogue in the past few years about the 4-point APR. Should we enable hunters to lure big adult bucks into a bait pile where does in heat are congregating and spreading CWD? I simply can't imagine how anyone can legitimately debate this issue.

Baiting has been allowed for so long that it will be difficult to wean hunters away from it. But it should be a clear management decision, not a political one. Making ALL baiting illegal will be a difficult decision, but I believe the future of deer and elk hunting depends on it. We need to act now, and not debate the issue for 3 more years until the next season-setting period.

As always, thank you for the opportunity to comment.

CC: Kelly Susewind, Eric Gardner, Brock Hoenes, Steve Pozzanghera, Chris Donley