



**RULE-MAKING ORDER
EMERGENCY RULE ONLY**

**CR-103E (December 2017)
(Implements RCW 34.05.350
and 34.05.360)**

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 26, 2021

TIME: 9:30 AM

WSR 21-12-047

Agency: Washington Department of Fish and Wildlife (WDFW) Order 21-77

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) June 2, 2021

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

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

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 220-0500-040
- Suspended:

Statutory authority for adoption: RCWs 77.04.012, 77.04.055, 77.12.047, and 77.12.240

Other authority: None

EMERGENCY RULE

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.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

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. DFW plans to start permanent rule making to address this issue for the long-term and with additional public input within the next month.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New ____ Amended ____ Repealed ____

The number of sections adopted on the agency's own initiative:


New ____ Amended 1 Repealed ____

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New ____ Amended ____ Repealed ____

The number of sections adopted using:

Negotiated rule making:	New ____	Amended ____	Repealed ____
Pilot rule making:	New ____	Amended ____	Repealed ____
Other alternative rule making:	New ____	Amended ____	Repealed ____

Date Adopted: 5/26/21	Signature: 
Name: Kelly Susewind	
Title: WDFW Director	

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, 4-0 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.