



# 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: August 26, 2021

TIME: 1:12 PM

WSR 21-18-061

**Agency:** Washington Department of Fish and Wildlife (WDFW) 21-163

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) \_\_\_\_\_

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

- Yes
  - No
- If Yes, explain:

**Purpose:** The purpose of this emergency rule is to reduce the likelihood of hunters transporting carcasses of deer from Ohio that are infected with chronic wasting disease (CWD), which could result in the disease becoming established in Washington State. The rule lists states from which the importation of ungulate carcasses is prohibited due to documented cases of CWD in wild deer, elk, or moose populations. This rule is to add Ohio to the list of states because Ohio recently detected CWD in wild white-tailed deer populations. A preproposal has been filed, WSR 21-10-079 and proposal WSR 21-16-092. The proposed permanent rule is anticipated to be effective by the end of November. This emergency rule will be in effect until the permanent rule is adopted.

**Citation of rules affected by this order:**

- New:
- Repealed:
- Amended: WAC 220-413-030
- 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:** Ohio's Deer archery season starts September 25, 2021. The Department became aware that Ohio had detected CWD in wild white-tailed deer populations in February 2021. CWD is a prion disease (pathogenic agents that are transmissible and able to induce abnormal folding of specific normal cellular proteins) that affects cervids (family of hoofed ruminant mammals) and is fatal. There is no treatment or vaccine, and the disease presents a substantial risk to Washington's cervid populations. CWD has not been detected in wild or captive cervid populations in Washington. CWD can be spread to new areas when infected animal parts are discarded on the landscape. The intent of this rule is to reduce the risk of hunters transporting deer, elk, or moose parts into Washington that are infected with CWD. The states and provinces identified in this rule have detected CWD in wild cervid populations. Immediate adoption 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. This rule is in the process of becoming permanent.

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

New	<u>1</u>	Amended	___	Repealed	___
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	___	Repealed	___
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**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:** August 26, 2021

**Name:** Kelly Susewind

**Title:** WDFW Director

**Signature:**



## NEW SECTION

### **WAC 220-413-03000C Importation and retention of dead nonresident wildlife.**

Effective immediately, until further notice the following provisions of WAC 220-413-030 regarding the importation and possession of deer, elk, or moose, or parts thereof, harvested in Ohio shall be as follows. All other provisions of WAC 220-413-030 not addressed herein, or unless otherwise amended by emergency rule, remain in effect:

It is unlawful to import or possess deer, elk, or moose, or parts thereof, harvested in Ohio with the following exceptions:

- (a) Meat that has been deboned in the state or province where it was harvested and is imported as boned-out meat;
- (b) Skulls and antlers, antlers attached to the skull plate, or upper canine teeth (buglers, whistlers, ivories) from which all soft tissue has been removed;
- (c) Hides or capes without heads attached;
- (d) Tissue imported for use by a diagnostic or research laboratory; and
- (e) Finished taxidermy mounts.