



# 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: October 05, 2021

TIME: 7:14 AM

WSR 21-20-116

**Agency:** Washington Department of Fish and Wildlife (WDFW) 21-215

**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 prevent the spread of disease (*Mycoplasma ovipneumoniae*) to bighorn sheep from domestic goats and sheep on department lands. A preproposal has been filed, WSR 21-18-031 and proposed permanent rule making is anticipated to be in place by spring of 2022.

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

New:  
 Repealed:  
 Amended: 220-500-040  
 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 has started permanent rulemaking to address this issue for the long-term and will accept additional public input during the rulemaking process.

**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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____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 \_\_\_\_ Repealed \_\_\_\_

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

New \_\_\_\_ Amended 1 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:** 10/05/2021

**Name:** Kelly Susewind

**Title:** WDFW Director

**Signature:**



## NEW SECTION

### **WAC 220-500-04000H Domestic goats and sheep on Washington Department of Fish and Wildlife lands.**

Effective immediately, until further notice, the provisions of WAC 220-500-040 regarding domestic goats and sheep on Department lands shall be modified as follows. All other provisions of WAC 220-500-040 not contained herein, unless changed by emergency rule remain in effect:

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

- (a) Colockum Wildlife Area: Colockum Unit;
- (b) Wenas Wildlife Area: Wenas Unit;
- (c) Chelan Wildlife Area: Chelan Butte, Swakane, and Entiat Units;
- (d) LT Murray Wildlife Area: Quilomene and Whiskey Dick Units;
- (e) Oak Creek Wildlife Area: Oak Creek and Rock Creek Units;
- (f) Scotch Creek Wildlife Area: Scotch Creek, Charles and Mary Eder, Similkameen-Chopaka, and Tunk Valley Units;
- (g) Sinlahekin Wildlife Area: Sinlahekin, Driscoll Island, McLoughlin Falls, and Carter Mountain Units;
- (h) Asotin Creek Wildlife Area: Asotin Creek, Weatherly, and George Creek Units;
- (i) Chief Joseph Wildlife Area: Chief Joseph, 4-O Ranch, and Shumaker Units;

(2) 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.

(3) 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.