



PROPOSED RULE MAKING

CR-102 (July 2022) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: October 11, 2022

TIME: 11:16 AM

WSR 22-21-045

Agency: Washington Department of Fish and Wildlife (WDFW) (P2021-11)]

- Original Notice**
- Supplemental Notice to WSR** _____
- Continuance of WSR** _____

- Preproposal Statement of Inquiry was filed as WSR 21-18-031 on August 23, 2021. ; or**
- Expedited Rule Making--Proposed notice was filed as WSR _____; or**
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or**
- Proposal is exempt under RCW _____.**

Title of rule and other identifying information: (describe subject) New Section: WAC 220-500-045 Domestic goats and sheep on Washington department of fish and wildlife managed lands.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
December 1, 2022	3 p.m.	Virtual Meeting: December 1, 2022, WDFW Director Decision Hearing	Written public comment submission deadline is November 30, 2022, by 11:59 PM. All public comments will be considered, however, to have your comment incorporated into the Director Decision Briefing presentation, your comment needs to be submitted no later than 8 a.m. on November 23, 2022.

Date of intended adoption: On or after December 12, 2022 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Wildlife Program
 Address: PO Box 43200, Olympia, WA 98504
 Email: SheepAndGoats102@PublicInput.com
 Fax: (360) 902-2162
 Other: <https://publicinput.com/SheepAndGoats102>
 Comment by Phone: 1-855-925-2801 Project Code: 2652
 By (date) November 30, 2022

Assistance for persons with disabilities:

Contact Title VI/ADA Compliance Coordinator
 Phone: (360) 902-2349, TTY 711
 Fax:
 TTY: 1-800-833-6388
 Email: Title6@dfw.wa.gov
 Other: <http://wdfw.wa.gov/accessibility/requests-accommodation>
 By (date) November 30, 2022

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of the proposed new section to WAC chapter 220-500, WAC 220-500-045 Domestic goats and sheep on Washington department of fish and wildlife managed lands, if adopted, is to reduce risk of disease transmission to bighorn sheep via contact with domestic goats and sheep on wildlife areas managed by the department.

Reasons supporting proposal: The Western Association of Fish and Wildlife Agencies Wild Sheep Working Group (WAFWA) published management recommendations for domestic sheep and goats in bighorn habitat in 2012. WAFWA defines "Effective Separation" as spatial or temporal separation between wild sheep and domestic sheep or goats to minimize the potential for association and the probability of transmission of diseases between species. WAFWA advocates that effective separation should be a primary management goal of state, provincial, territorial and federal agencies responsible for the conservation of wild sheep, based on evidence that domestic sheep or goats can transfer pathogens to wild sheep. Scientific literature and experimental evidence support the goal that domestic sheep or goats should not concurrently occupy areas where conservation of wild sheep is a clearly stated management goal.

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, and 77.12.210.

Statute being implemented: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, and 77.12.210.

Is rule necessary because of a:

Federal Law? Yes No

Federal Court Decision? Yes No

State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: If adopted the proposed amendments would prohibit access of visitors with domestic sheep or goats to twelve wildlife areas managed by the department. These restrictions would be implemented with a combination of education, signage, and enforcement following the rule's enactment. Anticipated costs associated with implementation outreach and engagement efforts, signage design and installation costs, and marginal enforcement costs to support enforcement of this rule among the suite of regulations of visitor access and use of WDFW-managed lands,

Type of proponent: Private Public Governmental
Name of proponent: (person or organization) Washington Department of Fish and Wildlife.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Eric Gardner	1111 Washington St. SE Olympia, WA. 98501	(360) 902-2515
Implementation:	Eric Gardner	1111 Washington St. SE Olympia, WA. 98501	(360) 902-2515
Enforcement:	Steve Bear	1111 Washington St. SE Olympia, WA. 98501	(360) 902-2373

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:
Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

No: Please explain: This proposal does not require a cost benefit analysis under RCW 34.05.328.

Regulatory Fairness Act and Small Business Economic Impact Statement
Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:
This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.061](#) because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.
Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by [RCW 34.05.313](#) before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of [RCW 15.65.570\(2\)](#) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(3\)](#). Check all that apply:

[RCW 34.05.310](#) (4)(b)
(Internal government operations)

[RCW 34.05.310](#) (4)(c)
(Incorporation by reference)

[RCW 34.05.310](#) (4)(d)
(Correct or clarify language)

[RCW 34.05.310](#) (4)(e)
(Dictated by statute)

[RCW 34.05.310](#) (4)(f)
(Set or adjust fees)

[RCW 34.05.310](#) (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under [RCW 19.85.025\(4\)](#) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.

The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):

The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs.

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Date: October 11, 2022

Name: Annie Szvetecz

Title: WDFW Agency Rules Coordinator

Signature:



NEW SECTION

WAC 220-500-045 Domestic goats and sheep on Washington department of fish and wildlife managed lands. (1) It is unlawful for any person to bring or lead domestic goats or sheep onto the following department wildlife area units or other WDFW-managed lands posted as closed to domestic goats or sheep, unless otherwise permitted by the director to do so:

(a) Asotin Creek Wildlife Area: Asotin Creek, Weatherly, and George Creek Units;

(b) Chelan Wildlife Area: Beebe Springs, Chelan Butte, Swakane, and Entiat Units;

(c) Chief Joseph Wildlife Area: Chief Joseph, 4-O Ranch, Grouse Flats, and Shumaker Units;

(d) Colockum Wildlife Area: Colockum Unit;

(e) Columbia Basin Wildlife Area: Lower Crab Creek and Quincy Lakes Units;

(f) L.T. Murray Wildlife Area: Quilomene, L.T. Murray, and Whiskey Dick Units;

(g) Oak Creek Wildlife Area: Cowiche, Oak Creek, and Rock Creek Units;

(h) Scotch Creek Wildlife Area: Chesaw, Ellemehan, Scotch Creek, Charles and Mary Eder, Similkameen-Chopaka, and Tunk Valley Units;

(i) Sinlahekin Wildlife Area: Sinlahekin, Driscoll Island, and Carter Mountain Units;

(j) Wells Wildlife Area: Indian Dan Canyon Unit;

(k) Wenas Wildlife Area: Wenas Unit;

(l) W.T. Wooten Wildlife Area: W.T. Wooten Unit.

(2) Goats or sheep that have tested positive for *Mycoplasma ovipneumoniae* or that are displaying signs of pneumonia or other illness will not be allowed on any WDFW-managed lands. Goats or sheep displaying signs of pneumonia or other illness while on department lands must be removed by the animal(s) owner or owner's agent within 48 hours.

(3) If a goat or sheep becomes lost, the owner or owner's agent must make every effort to locate and recover it. If the goat or sheep cannot be recovered, the animal's owner or owner's agent shall contact the department by telephone as soon as possible.