



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 04, 2023

TIME: 9:40 AM

WSR 23-02-069

Agency: Washington Department of Fish and Wildlife:

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) **(If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)**

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 the new section to WAC chapter 220-500, WAC 220-500-045 Domestic sheep and goats on WDFW-managed lands is to reduce risk of disease transmission to bighorn sheep via contact with domestic goats and sheep on wildlife areas managed by the Department. The rule prohibits visitors from bringing domestic goats or sheep onto 31 wildlife area units spread across 12 wildlife areas managed by the Department. The Department identified these wildlife area units using a risk of contact tool adapted from a tool developed for the U.S. Forest Service. The rule also prohibits goats or sheep that have tested positive for Mycoplasma ovipneumoniae or that are displaying signs of illness from entering any WDFW-managed lands. Finally, section three of the rule requires a goat owner or owner’s agent to contact the Department by phone if a goat or sheep becomes lost on WDFW-managed lands.

CR101 was filed by the department on Aug. 23, 2021, and CR102 on Oct. 11, 2022. A SEPA DNS was issued Nov. 16, 2022. A public comment period was open from Oct. 11 until Nov. 30, 2022, and a public hearing on the rule was held online on Dec. 1, 2022.

At the beginning of the 1800s, there were an estimated 1.5 to 2 million bighorn sheep in North America. Today, less than 70,000 remain. Overhunting, habitat loss and, most significantly, the spread of the pneumonia pathogen from domestic sheep to wild herds led to the extirpation of bighorns from Washington by the mid-1920s.

About 1,500 sheep in 17 herds currently live in central and eastern Washington. The threat of disease still looms over the long-term success of bighorn restoration efforts. Bighorn sheep (*Ovis canadensis*) is listed as a species of greatest conservation need in the State Wildlife Action Plan and a priority species under WDFW's Priority Habitat and Species program.

In 2012, the Western Association of Fish and Wildlife Agencies (WAFWA) Wild Sheep Working Group published management recommendations for domestic sheep and goats in bighorn habitat in 2012. 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. Specifically, domestic sheep and goats have been linked to the transmission of mycoplasma ovipneumoniae, a bacteria commonly found in the nasal cavity and sinuses of apparently healthy domestic sheep and goats. Infection of bighorn herds can cause large all-age die-offs followed by years of poor lamb recruitment.

Citation of rules affected by this order:

- New: WAC 220-500-045
- Repealed:
- Amended:
- Suspended:

Statutory authority for adoption:

RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, and 77.12.210.

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 22-21-045 on October 11, 2022 (date).

Describe any changes other than editing from proposed to adopted version: The following was added to clarify penalties associated with noncompliance with the proposed rule:

[A violation of this subsection may be punishable under RCW 77.15.160 or other relevant statute depending on the circumstances of the violation.]

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Web site:
- Other:

**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: December 14, 2022

Name: Kelly Susewind

Title: Washington Department of Fish and Wildlife Director

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. A violation of this subsection may be punishable under RCW 77.15.160 or other relevant statute depending on the circumstances of the violation.