



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, 2024

TIME: 4:49 PM

WSR 24-18-039

Agency: Washington Department of Fish and Wildlife (WDFW) (Order 24-166)

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 better clarify a previously filed emergency rule (see Order 24-162 filed on August 23, 2024) concerning Chronic Waste Disease (CWD). The department seeks to repeal the emergency rule filed as WAC 220-413-03000E (Transportation, importation and retention of dead resident and nonresident wildlife) and replace it with an amended emergency rule that better describes the prohibition of transporting, importing and retaining both resident and non-resident wildlife.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-413-03000E
- 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: Recently, CWD cases have been confirmed in Washington state. As a result, testing for the disease and limiting the potential spread of the disease are now more important than ever. These emergency rules are intended to increase testing by making it mandatory to test salvaged and harvested animals in the area surrounding the detection. Also to reduce the potential spread of the disease, emergency rules will prohibit the transportation of deer, elk and Moose from the region surrounding the detection area and prohibit baiting during hunting in the area near the detection. The effect of CWD is always fatal on cervids.

**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 1

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: August 26, 2024	Signature: 
Name: Kelly Susewind	
Title: Director, Washington Department of Fish and Wildlife	

NEW SECTION

WAC 220-413-03000F Transportation, importation and retention of dead resident and nonresident wildlife.

(1) It is unlawful:

(a) To import or possess dead wildlife, taken in another state or country, into Washington unless such wildlife was acquired lawfully. Proof of legal acquisition must be retained during the period of retention of the carcass or edible parts.

(b) For a person who imports a dead bighorn sheep, mountain goat, cougar, or bear to fail to report such importation to the department in writing within 10 days of the importation. The report must contain the name and address of the importer, the location where the dead wildlife is being stored, and general information describing where and how the wildlife was obtained.

(c) To transport deer, elk, or moose, or parts thereof, taken from within 100 series GMUs, excluding tribal lands, to other areas of Washington state; or to import or possess deer, elk, moose, or caribou, or parts thereof, harvested outside Washington state, with the following exceptions:

(i) Meat that has been deboned in the state or province where it was harvested and is imported as boned-out meat, or meat that has been deboned within 100 series GMUs and is transported as boned-out meat to other areas of the state;

(ii) Skulls and antlers, antlers attached to the skull plate, or upper canine teeth (buglers, whistlers, ivories) from which all soft tissue has been removed;

(iii) Hides or capes without heads attached;

(iv) Tissue imported for use by a diagnostic or research laboratory; and

(v) Finished taxidermy mounts.

(2) Violation of subsection (1) of this section is punishable under RCW 77.15.290 Unlawful transportation of fish or wildlife—Penalty.

(3) It is unlawful for an importer or receiver of deer, elk, or moose to fail to notify the department within 24 hours if a state, province, tribe, or laboratory alerts the importer or receiver that a harvested animal has tested positive for chronic

wasting disease. Violation of this subsection is an infraction punishable under RCW 77.15.160 Infractions.

R E P E A L E R

The following section of the Washington Administrative Code is repealed, effective immediately:

WAC 220-413-03000E Transportation, importation and retention of dead resident and nonresident wildlife. (24-162)