



**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: September 11, 2024

TIME: 1:43 PM

WSR 24-19-046

**Agency:** Washington Department of Fish and Wildlife (WDFW) (Order 24-185)

**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 prohibit the feeding of wildlife including deer, elk and moose located in Game Management Units (GMU) 124,127 and 130

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

New: WAC 220-440-26000A  
Repealed:  
Amended:  
Suspended:

**Statutory authority for adoption:** RCWs 77.04.012, 77.04.055 and 77.12.047

**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:** Chronic Wasting Disease (CWD) cases in ungulates have been confirmed in Washington state. This emergency rule is part of the department's broad effort to reduce the infection and spread of CWD in the foregoing GMUs. It is filed in concert with several recent emergency rules filed by the department (see WSR 24-18-017 filed on August 22, 2024, and WSR 24-18-039 filed on August 26, 2024) to combat the spread of CWD.

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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 1 Amended \_\_\_\_ Repealed \_\_\_\_

**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	____

<b>Date Adopted:</b> September 11, 2024	<b>Signature:</b> 
<b>Name:</b> Kelly Susewind	
<b>Title:</b> Director, Washington Department of Fish and Wildlife	

## NEW SECTION

### **WAC 220-440-26000A Prohibition of Feeding Wildlife**

- (1) Except as provided in subsection (3), it is an infraction under RCW 77.15.160(6)(b) to place, deposit, distribute, or scatter feed including but not limited to grain, hay, minerals, salt, fruit, or other such substances or food types to feed, lure or attract deer, elk, or moose not lawfully held in captivity in Game Management Units (GMU) 124,127, and 130.
- (2) This rule does not apply in the completion of any of the following agricultural practices:
  - (a) Cultivation, production, and harvest of crops including but not limited to, fruit, vegetable, hay, and grains;
  - (b) Animal husbandry related to the care and feeding of domestic livestock and poultry.
- (3) The Director may authorize the feeding of deer, elk, or moose under the following conditions:
  - (a) Prevent damage to private property;
  - (b) Mitigate population loss anticipated by a predicted winter mortality;
  - (c) Support a WDFW research or management program.