



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: December 23, 2024

TIME: 1:07 PM

WSR 25-02-071

Agency: Washington Department of Fish and Wildlife (WDFW) (Order 24-289)

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Repealed: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: CWD cases in the ungulate populations have been confirmed in Washington state. This emergency rule is part of the department's broad effort to reduce the infection and spread of Chronic Waste Disease (CWD) in GMUs 124,127 and 130. This is the second filing of an emergency rule to combat the spread of CWD that was originally filed on September 11, 2024 under WSR 24-19-046. It is filed in concert with several recent emergency rules filed by the department (see Order 24-162 filed on August 23, 2024 and Order 24-166 filed on August 26, 2024) to combat the spread of CWD. The department began permanent rule making on this topic under WSR 24-21-094 that was filed on October 17, 2024.

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Federal statute:	New	_____	Amended	_____	Repealed	_____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	_____

New _____ Amended _____ Repealed _____

New 1 Amended Repealed 1

New _____ Amended _____ Repealed _____

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

Name: Kelly Susewind

Signature: _____

[Signature]

NEW SECTION

WAC 220-440-26000B 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