



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: 1:08 PM

WSR 25-02-072

Agency: Washington Department of Fish and Wildlife (WDFW): 24-290

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: : Chronic Wasting Disease (CWD) is a fatal neurologic disease of cervids including deer, elk, moose, and caribou. It is caused by infectious proteins called prions that are transmitted directly from animal to animal or indirectly through environments. There is no cure or vaccine for CWD, and the disease is always fatal. It can only be confirmed through testing of an animal's lymph nodes or brainstem tissue. The purpose of the rule is to aid in sample collection, reduce the concentration of animals and reduce the likelihood of disease transmission through transportation of carcasses. The emergency rules also prohibit scents that could contain cervid urine or glandular tissue in the area surrounding the detection as these scents can contain the disease

Citation of rules affected by this order:

New:
Repealed:
Amended: WACs 220-400-040; 220-413-030; 220-413-100; 220-414-030
Suspended:

Statutory authority for adoption: RCWs 77.04.012, 77.04.055, 77.12.047, and 77.12.240

Other authority:

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. This is a refiling of an emergency rule that was originally filed on August 22, 2024 under WSR 24-18-017. The department began permanent rule making on this topic under WSR 24-21-094 and that was filed with the Code Reviser 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	_____

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>4</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 20, 2024	Signature: 
Name: Kelly Susewind	
Title: Director, WDFW	

NEW SECTION

WAC 220-400-04000B Possession of dead wildlife.

Effective August 22, 2024, and until further notice, notwithstanding the provisions of WAC 220-415-020, WAC 220-415-030, WAC 220-415-050, WAC 220-415-060 and 220-415-070, the salvage possession requirements of WAC 220-400-040 for deer, elk and moose are modified as contained herein. All other provisions of WAC 220-415-020, WAC 220-415-030, WAC 220-415-050, WAC 220-415-060 and 220-415-070 not addressed herein remain in effect unless otherwise amended by emergency rule:

In GMUs 124, 127, and 130 salvagers must submit the whole head with at least 3 inches of the neck attached or extracted lymph nodes to WDFW for chronic wasting disease sampling within 3 days of receiving a salvage permit.

NEW SECTION

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

Effective August 22, 2024, and until further notice, notwithstanding the provisions of WAC 220-415-020, WAC 220-415-030, WAC 220-415-050, WAC 220-415-060 and 220-415-070, the transportation, importation, and retention requirements of WAC 220-413-030 for deer, elk and moose are modified as contained herein. All other provisions of WAC 220-415-020, WAC 220-415-030, WAC 220-415-050, WAC 220-415-060 and 220-415-070 not addressed herein remain in effect unless otherwise amended by emergency rule:

(1) It is unlawful:

(a) To transport deer, elk, or moose, or parts thereof, taken from within 100 series GMUs in areas that require a Washington state hunting license, to other areas of Washington state, with the following exceptions:

(b) To import or possess 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;

(2) 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.

NEW SECTION

WAC 220-413-10000B Mandatory report of hunting activity

Effective September 1, 2024, and until further notice, notwithstanding the provisions of WAC 220-415-020, WAC 220-415-030, WAC 220-415-050, WAC 220-415-060 and 220-415-070, the hunting reporting requirements of WAC 220-413-100 for deer, elk and moose are modified as contained herein. All other provisions of WAC 220-415-020, WAC 220-415-030, WAC 220-415-050, WAC 220-415-060 and 220-415-070 not addressed herein remain in effect unless otherwise amended by emergency rule:

In GMUs 124, 127, and 130 successful deer, elk or moose hunters must present the whole head with at least 3 inches of the neck attached or extracted lymph nodes to WDFW for chronic wasting disease sampling within 3 days of harvesting.

NEW SECTION

WAC 220-414-03000B Baiting for the purposes of hunting deer, moose or elk.

Effective September 1, 2024, and until further notice, notwithstanding the provisions of WAC 220-415-020, WAC 220-415-030, WAC 220-415-050, WAC 220-415-060 and 220-415-070, the baiting requirements of WAC 220-414-030 for deer, elk and moose are modified as contained herein. All other provisions of WAC 220-415-020, WAC 220-415-030, WAC 220-415-050, WAC 220-415-060 and 220-415-070 not addressed herein remain in effect unless otherwise amended by emergency rule:

In GMUs 124, 127, and 130, it is unlawful to hunt deer, elk or moose using:

(1) Any type of bait placed, exposed, deposited, distributed, scattered, or otherwise used for the purpose of attracting deer or elk with the intent to hunt them.

(2) Natural or synthetic scents that contain or are derived from cervid urine and glandular extracts