



PROPOSED RULE MAKING

CR-102 (June 2024)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: February 04, 2025

TIME: 1:09 PM

WSR 25-04-105

Agency: Washington Department of Fish and Wildlife (WDFW P2024-16D)

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 24-21-094 filed on October 17, 2024 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject)

WAC 220-440-260 Prohibition of feeding wildlife.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
March 18, 2025	10:30 a.m.	Zoom https://us06web.zoom.us/j/84881506498	Register to testify at the public hearing by signing up through the linked survey: CWD Feeding Public Hearing or contact Heather Bonagofski at (360) 902-2512

Date of intended adoption: On or after March 24, 2025 (Note: This is **NOT** the effective date)

Submit written comments to:

Name: Wildlife Program

Address: PO Box 43200, Olympia, WA. 98504

Email: cwdfeedingcr102@publicinput.com

Fax : (360)-902-2162

Other: <https://publicinput.com/cwdfeedingcr102>

Phone: 855-925-2801 project code 11053]

Beginning (date and time): February 5, 2025

By (date and time): March 21, 2025

Assistance for persons with disabilities:

Contact: Title VI/ADA Compliance Coordinator

Phone: (360) 902-2349

Fax: _____

TTY: 1-800-833-6388 or 711

Email: Title6@dfw.wa.gov

Other: CivilRightsTeam@dfw.wa.gov

By (date): March 21, 2025

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

WAC 220-440-260 Prohibition of feeding wildlife.

The purpose of this proposal, if adopted, is to make it unlawful "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" statewide (unless otherwise excepted in the existing rule).

The anticipated effect of this rule is the prohibition of feeding of deer, elk, or moose (unless the activity is excepted as written) and the education of the risk of introducing or spreading CWD in the state by reducing unnatural concentrations.

Reasons supporting proposal:

WAC 220-440-260 Prohibition of feeding wildlife.

Baiting and recreational or supplemental feeding of any wildlife species has the potential to artificially concentrate animals (Janousek et al. 2021) and increase the transmission of infectious disease agents among them (Sorenson et al. 2014). Attraction of animals to artificial feed can also result in contamination of the feedstuffs and the environment by disease agents, such as prions, that are present in saliva, urine, and feces of CWD-infected cervids (Mathiason et al. 2009, Henderson et al. 2015, Plummer et al. 2017). For example, it has been demonstrated that white-tailed deer with CWD deposit prions at mineral licks, creating environmental reservoirs of CWD prions (Plummer et al. 2018). According to the

Association of Fish and Wildlife Agencies (AFWA), the best management practice to reduce the risk of CWD transmission and establishment through unnatural concentrations of cervids, is for states and provinces to eliminate the baiting and feeding of all wild cervids using regulatory mechanisms, such as jurisdictional bans (Gillin and Mawdsley, 2018).

For more information regarding the citations above, visit [WDFW.wa.gov](https://wdfw.wa.gov) – Chronic Wasting Disease Management Plan (<https://wdfw.wa.gov/publications/02292>)

Statutory authority for adoption: RCWs 77.04.012, 77.04.055, 77.12.047, 77.12.610, 77.12.620, 77.12.630, 77.12.071, and 77.145.010.

Statute being implemented: RCWs 77.04.012, 77.04.055, 77.12.047, 77.12.610, 77.12.620, 77.12.630, 77.12.071, 77.15.160 and 77.145.010.

Is rule necessary because of a:

Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION: []

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: [None.]

Name of proponent: (person or organization) [WDFW]

Type of proponent: Private. Public. Governmental.

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting	[Mick Cope]	[1111 Washington St. SE Olympia, WA. 98501]	[(360) 902-2515]
Implementation	[Mick Cope]	[1111 Washington St. SE Olympia, WA. 98501]	[(360) 902-2515]
Enforcement	[Steve Bear]	[1111 Washington St. SE Olympia, WA. 98501]	[(360) 902-2373]

Is a school district fiscal impact statement required under [RCW 28A.305.135](#)? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name []
Address []
Phone []
Fax []
TTY []
Email []
Other []

Is a cost-benefit analysis required under [RCW 34.05.328](#)?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name []
Address []
Phone []
Fax []
TTY []
Email []
Other []

No: Please explain: [This proposal does not require a cost benefit analysis under RCW 34.05.328.]

Date: February 4, 2025
Name: Scott Bird
Title: WDFW Agency Rules Coordinator

Signature: 

NEW SECTION

WAC 220-440-260 Prohibition of feeding wildlife deer, elk, or moose. (1) Except as provided in subsection (3) of this section, 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. A person may not allow food to be placed for the purposes of feeding other wildlife that causes deer, elk, or moose to congregate.

(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.