PROPOSED RULE MAKING



CR-102 (June 2024) (Implements RCW 34.05.320)

Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER 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 MakingProposed 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/s 506498	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 comm	ents to:		Assistance for persons with disabilities:			
Name: Wildlife Program			Contact: Title VI/ADA Compliance Coordinator			
Address: PO Box 43200, Olympia, WA. 98504			Phone: (360) 902-2349			
Email: cwdfeedingcr10	2@publicinp	out.com	Fax:			
Fax : (360)-902-2162			TTY: [1-800-833-6388 or 711]			
Other: https://publicinput.com/cwdfeedingcr102			Email: Title6@dfw.wa.gov			
Phone: 855-925-2801		_ 1				
Beginning (date and time): February 5, 2025			Other: CivilRightsTeam@dfw.wa.gov			
By (date and time): March 21, 2025			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.						

(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

Baiting and recreational or supplemental feeding of any wildlife species has the potential to artificially concentrate animals

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 - 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? ⊠ No Yes 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:** \square Private. \square Public. \boxtimes Governmental. Name of agency personnel responsible for: Name Office Location Phone 1111 Washington St. SE Drafting Mick Cope Olympia, WA. 98501 (360) 902-2515 1111 Washington St. SE Olympia, WA. 98501 Implementation Mick Cope (360) 902-2515 1111 Washington St. SE Enforcement Olympia, WA. 98501 (360) 902-2373 Steve Bear 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.

	rness Act and Small Business Economic Impa rnor's Office for Regulatory Innovation and Assist	act Statement tance (ORIA) provides support in completing this part.
This rule propos chapter 19.85 R		rom requirements of the Regulatory Fairness Act (see consult the exemption guide published by ORIA. Please
adopted solely to	o conform and/or comply with federal statute or reule is being adopted to conform or comply with, a	er RCW 19.85.061 because this rule making is being egulations. Please cite the specific federal statute or nd describe the consequences to the state if the rule is not
defined by RCW	/ 34.05.313 before filing the notice of this propose	
This rule pro adopted by a ref		er the provisions of RCW 15.65.570(2) because it was
	posal, or portions of the proposal, is exempt unde	er RCW 19.85.025(3). Check all that apply:
□ RC	CW 34.05.310 (4)(b)	RCW 34.05.310 (4)(e)
1 1	ternal government operations)	(Dictated by statute)
, ,	CW 34.05.310 (4)(c)	
	corporation by reference)	(Set or adjust fees)
□ RC	CW 34.05.310 (4)(d)	RCW 34.05.310 (4)(g)
(Co	orrect or clarify language)	((i) Relating to agency hearings; or (ii) process
		requirements for applying to an agency for a license or permit)
	posal, or portions of the proposal, is exempt under	er RCW 19.85.025(4). (Does not affect small businesses).
\square This rule pro	posal, or portions of the proposal, is exempt unde	er RCW
Explanation of h	now the above exemption(s) applies to the propos	ed rule:
	remptions: Check one. posal: Is fully exempt. (Skip section 3.) Exemption	ns identified above apply to all portions of the rule proposal.
☐ The rule propproposal, but les		The exemptions identified above apply to portions of the rule ere (consider using this template from ORIA):
(3) Small busin	ess economic impact statement: Complete this	s section if any portion is not exempt.
If any portion of on businesses?		more-than-minor costs (as defined by RCW 19.85.020(2))
impose more	e-than-minor costs.	and how the agency determined the proposed rule did not
1 1	Iculations show the rule proposal likely imposes repact statement is required. Insert the required sm	more-than-minor cost to businesses and a small business hall business economic impact statement here:
The publicontacting		mic impact statement or the detailed cost calculations by
Name		
Addre		
Phone	; []	
Fax TTY		
Email		
Other		

Date: February 4, 2025	Signature:
Name: Scott Bird	Scott Bud
Title: WDFW Agency Rules Coordinator	Scou Dud

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.