

**Concise Explanatory Statement
2025 CWD – Prohibition of Feeding Wildlife**

Rules amended as part of this rulemaking:

N/A

Rules repealed as part of this rulemaking:

N/A

Rules created as part of this rulemaking:

WAC 220-440-260 Prohibition of feeding deer, elk, or moose.

1. Background/Summary of Project:

This rule project is motivated by the detection of chronic wasting disease (CWD) in Washington state among cervid population. This disease is a serious threat to cervid (deer, elk, and moose) populations in the state because it is always fatal and can spread rapidly via multiple transmission routes. Limiting unnatural concentrations of cervids is one of several management actions WDFW is taking to limit this disease's spread and ultimate impacts.

2. Reasons for adopting the rule:

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 – Chronic Wasting Disease Management Plan](https://wdfw.wa.gov/publications/02292)
(<https://wdfw.wa.gov/publications/02292>)

3. Differences between the text of the proposed rule and the rule as adopted:

None

Public Comments and SEPA Comments Combined, with WDFW Responses:

This rule project received 498 comments. Of those comments, 263 directly mention baiting practices for the purposes of hunting (a different rule project), 83 directly mention hunting impacts (unrelated to this rule project), and 16 indirectly reference hunting; leaving 136 comments that appear directly related to WAC 220-440-260 rule project.

Comment: support for the rule proposal to prohibit public feeding of deer, elk, and moose

Response: The department appreciates public support for efforts to mitigate the impacts of this disease.

Comment: Opposition based on skepticism of the underlying science motivating this rule.

Response: The department appreciates the input and acknowledges the concern expressed in this rule's comments. However, the science behind this rule proposal is clear. 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). Prohibiting public feeding of cervids is one of many actions the department is taking to reduce the spread and mitigate the impacts of this disease.

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

Comment: Support for a ban on feeding but only at smaller scales, for example where the disease has been detected.

Response: The department acknowledges the support for a regional based baiting ban. However, the department's sampling and testing resources are currently allocated to its eastern region. Continuing feeding practices elsewhere in the state carries the risk of facilitating disease spread where the disease is present, but undetected. A statewide restriction is the simplest and most precautionary approach to minimize disease spread facilitated through feeding practices.

Comment: Opposition based on existing agency feeding practices (i.e., WDFW's elk winter feeding program)

Response: The department acknowledges that its elk winter feeding operations are contrary to the prohibition in this rule project. The winter elk feed program in central Washington is maintained to keep elk from adjacent private land to prevent significant agricultural damage. The purpose of the agency's elk feeding program is for conflict mitigation only, and not related to nutritional requirements of elk (i.e., the agency does not feed elk to keep them from starving overwinter). The department is currently evaluating its winter feed program and has already taken proactive steps to minimize winter feeding and concentration of elk.

Comment: Opposition based on concern for animal survival or welfare.

Response: The department acknowledges the concern many people have for deer, elk, and moose, especially in winter months. However, cervids evolved to survive – even in winter - without the help of supplemental feed. Supplemental feeding by humans is often harmful. For example, cervid digestive systems are highly sensitive, especially in winter, and supplemental feeding these animals can cause fatal physiological complications. Supplemental feeding can also create human habituated animals and those at high risk for vehicle collisions, both threats to public safety. Cervids do not need humans to feed them to maintain their populations and those populations should be in balance with their naturally available food resources. The best policy to mitigate disease and promote healthy, robust cervid populations is to keep wild animals wild on not reliant or concentrated at artificial feed sites.

Comment: Opposition based on lost wildlife viewing opportunity.

Response: The department wants all Washingtonians to appreciate and enjoy wildlife viewing. However, recreational enjoyment of deer, elk, and moose should not come at the cost of threatening individual and population health. Prohibiting the feeding of cervids is a prudent measure to maximize the health and sustainability of deer, elk, and moose populations in the long term.

Comment: Opposition based on landowner liability (e.g., agriculture production).

Response: This rule exempts agricultural practices. Existing but abandoned orchards, or similar food sources, are also exempt from this prohibition if an individual landowner is not purposely distributing the food source for the purpose of luring or attracting deer, elk, or moose.

Comment: Comments related to hunting

Response: This rule project is not related to hunting practices. The department addresses comments concerning impacts to baiting for the purposes of hunting in another rule project (WAC 220-414-030 Baiting for the purposes of hunting deer or elk).