

Concise Explanatory Statement (CES)

Concise Explanatory Statement for Amendment of WAC 220-413-030 (Importation and retention of dead nonresident wildlife) related to Chronic Wasting Disease

Rules amended as part of this rulemaking:

WAC 220-413-030 Importation and retention of dead nonresident wildlife.

Rules repealed as part of this rulemaking:

N/A

Rules created as part of this rulemaking:

N/A

1. Background/Summary of Project:

Washington Department of Fish and Wildlife (WDFW) proposed amendments to this WAC for the purpose of limiting the exposure of deer, elk, moose, and caribou in Washington State to a fatal disease called chronic wasting disease (CWD). This disease is highly transmissible and can spread through ungulate carcasses. The Fish and Wildlife Commission voted in favor of adopting the proposed amendments on April 8, 2022.

The WAC amendments restrict the importation and possession of caribou, deer, elk, or moose carcasses or parts from any out of state origin, except when specific criteria for processing of carcasses or parts are met as outlined in the current rule language.

2. Reasons for adopting the rule:

The amendments are directed at preventing the establishment of CWD in Washington. WDFW historically regulated the importation and retention of dead nonresident wildlife on a state or province basis. That is, in the past when CWD was confirmed in a state or province, WDFW would amend WAC 220-413-030 by adding the newly affected state to a list within the WAC outlining special importation restrictions. Unfortunately, the list of affected states and provinces has grown numerous and continues to expand. Additionally, many states and provinces have inadequate disease surveillance programs to detect CWD. Prevention of the spread of CWD into disease-free areas is the best disease management strategy and, as such, WDFW adopted a blanket restriction of importation and retention of cervids (with exceptions outlined in WAC) from outside of Washington.

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

None.

4. **Public comments, response to comments, and consideration of comments**

The Department received public comment through online survey, SEPA comment, email, and public comment submissions for the Commission briefing. The comments represented both those in favor and those opposed to the proposed rule change.

Common themes to public comment:

- General support
- General disagreement
- Lack of belief that CWD can be prevented from establishment by this rule change
- Concern over onerous requirements regarding harvest processing
- Concern that out of state hunting becomes more difficult
- Concern that the rule won't be effective or enforceable
- Sentiment that existing rules work and a change is unnecessary
- Concern over feeding and baiting
- Concern over the impacts of predation on ungulates

Comment: Lack of belief that CWD can be prevented from establishment by this rule change.

The greatest tool for managing a disease, especially a disease of free ranging wildlife, is the prevention of a disease's establishment. By broadening importation restrictions of cervids to all areas outside of Washington, WDFW is employing the most common sense and cost-efficient method to prevent the establishment of CWD. Importation and retention of nonresident cervids is still allowable under rule by meeting relatively easy stipulations.

Comment: Concern over onerous requirements regarding harvest processing.

This rule change does require additional steps for out-of-state hunters to take to legally import their harvest. However, these steps are straightforward and are relatively minor additional requirements of the status-quo procedure of animal processing.

Comment: Concern that out of state hunting becomes more difficult

WDFW recognizes that additional regulations may be perceived as added difficulty for out-of-state hunting. However, the additional restrictions are straightforward and are relatively minor additional requirements of the status-quo procedure of animal processing. WDFW is charged with the management and conservation of resident wildlife, of which CWD represents a serious threat. This rule change is a relatively minor requirement, yet the change is among the greatest tools available to prevent the establishment of CWD.

Comment: Concern that the rule won't be effective or enforceable

WDFW recognizes that this rule change is difficult to quantify in terms of effectiveness. However, restrictions on the importation of nonresident cervids is identified by the

Association of Fish and Wildlife Agencies as one of the best management practices available for the prevention of CWD ([AFWA 2018](#)).

Comment: Sentiment that existing rules work and a change is unnecessary

Unfortunately, the list of states and provinces affected by CWD continues to expand, including neighboring Idaho. Relying on past restrictions – which indeed contributed to the prevention of CWD entering Washington – that were devised during periods when fewer states and provinces were affected is an outdated management approach. As more areas and ungulate populations are affected by CWD, the likelihood of CWD being inadvertently imported into Washington increases unless restrictions on importation of cervids is broadened.

Comment: Concern over feeding and baiting

WDFW recognizes that feeding and baiting of wildlife is an important consideration in the prevention of CWD establishment in Washington. However, the CR-102 for this rulemaking action focused on importation restrictions, and no restriction on feeding or baiting of wildlife was proposed (or adopted) for WAC 220-413-030.

Comment: Concern over the impacts of predation on ungulates

WDFW appreciates concern by the public for ungulate population health and sustainability. Predation by carnivores is normal and generally not a limitation for a hunted ungulate population. If an ungulate population is failing to meet objectives, WDFW's Game Management Plan identifies guidelines to determine when a particular population meets the criteria of an "at-risk" ungulate population and whether carnivore management actions are needed to promote recovery of the ungulate population.