



# PROPOSED RULE MAKING

**CR-102 (December 2017)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON  
FILED

**DATE: February 01, 2022**  
**TIME: 12:50 PM**

**WSR 22-04-104**

**Agency:** Washington Department of Fish and Wildlife (WDFW)

- Original Notice**
- Supplemental Notice to WSR** \_\_\_\_\_
- Continuance of WSR** \_\_\_\_\_

- Preproposal Statement of Inquiry was filed as WSR 21-24-080 on November 30, 2021 ; 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 220-413-030 Importation and retention of dead nonresident wildlife.

**Hearing location(s):**

<b>Date:</b>	<b>Time:</b>	<b>Location:</b> (be specific)	<b>Comment:</b>
March 18, 2022	8:00 a.m.	Webinar	This meeting will take place by webinar. The public may participate in the meeting. Registration is required to testify at the public hearing. Registration deadlines and registration forms are available at <a href="http://wdfw.wa.gov/about/commission/meetings">http://wdfw.wa.gov/about/commission/meetings</a> or contact the Commission office at (360) 902-2267.

**Date of intended adoption:** April 8, 2022 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Wildlife Program  
 Address: PO Box 43200, Olympia WA. 98504  
 Email: [2022CWD102@PublicInput.com](mailto:2022CWD102@PublicInput.com)  
 Fax: Voice Mail Comments – 855-925-2801 project code: 2482  
 Other: <http://publicinput.com/2022CWD102>  
 SEPA Comments: Website: <https://publicinput.com/2022CWDSEPA> Email: [2022CWDSEPA@PublicInput.com](mailto:2022CWDSEPA@PublicInput.com)  
 By (date) March 19, 2022

**Assistance for persons with disabilities:**

Contact Title VI/ADA Compliance Coordinator  
 Phone: 360-902-2349, TTY (711)  
 Fax:  
 TTY:  
 Email: [Title6@dfw.wa.gov](mailto:Title6@dfw.wa.gov)  
 Other: <https://wdfw.wa.gov/accessibility/requests-accommodation>  
 By (date) March 19, 2022

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** The purpose of this proposal is to limit the exposure of deer, elk, moose and caribou in Washington State to a fatal disease that can spread through ungulate carcasses. The proposed amendments would add caribou to the list of species with restricted importation rules, and would broaden the restriction on importing or possessing deer, elk, moose, and caribou carcasses or parts that originate from outside Washington to prevent the introduction of chronic wasting disease, a fatal neurologic disease of cervids. This change, if adopted, will 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.

**Reasons supporting proposal:** Chronic wasting disease (CWD) is a fatal neurologic disease of cervids that is not currently known to be present in Washington. There is no cure for CWD and once established within a free ranging population, the disease threatens cervid population sustainability. The best management practice available is the prevention of CWD emergence in new areas. Currently, importation of deer, elk, or moose, harvested outside of Washington is restricted for only those states and provinces where CWD was previously known to occur. Unfortunately, CWD has recently been detected in additional states, including neighboring Idaho, and many states and provinces have insufficient surveillance practices to detect CWD early, which may result in the inadvertent importation of CWD into Washington.

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

**Statute being implemented:** RCWs 77.04.012, 77.04.055, 77.12.047, and 77.12.240

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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) Washington Department of Fish and Wildlife

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Eric Gardner	1111 Washington St. SE Olympia, WA. 98501	360-902-2515
Implementation:	Eric Gardner	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.

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(4).

Explanation of exemptions, if necessary: Proposed rule does not affect small businesses because it applies to recreational hunting.

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency’s analysis showing how costs were calculated. \_\_\_\_\_
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:
- Other:

**Date:** 2/1/2022

**Name:** Annie Szvetecz

**Title:** Agency Rule Coordinator

**Signature:**



**WAC 220-413-030 Importation and retention of dead nonresident wildlife.** (1) It is unlawful:

(a) To import or possess dead wildlife, taken in another state or country, into Washington unless such wildlife was acquired lawfully. Proof of legal acquisition must be retained during the period of retention of the carcass or edible parts.

(b) For a person who imports a dead bighorn sheep, mountain goat, cougar or bear to fail to report such importation to the department in writing within (~~ten~~) 10 days of the importation. The report must contain the name and address of the importer, the location where the dead wildlife is being stored, and general information describing where and how the wildlife was obtained.

(c) To import or possess deer, elk, (~~or~~) moose, or caribou, or parts thereof, harvested (~~in Alberta, Arkansas, Colorado, Illinois, Iowa, Kansas, Maryland, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, New York, North Dakota, Ohio, Pennsylvania, Saskatchewan, South Dakota, Tennessee, Texas, Utah, Virginia, West Virginia, Wisconsin, and Wyoming~~) outside Washington state, with the following exceptions:

(i) Meat that has been deboned in the state or province where it was harvested and is imported as boned-out meat;

(ii) Skulls and antlers, antlers attached to the skull plate, or upper canine teeth (buglers, whistlers, ivories) from which all soft tissue has been removed;

(iii) Hides or capes without heads attached;

(iv) Tissue imported for use by a diagnostic or research laboratory; and

(v) Finished taxidermy mounts.

(2) Violation of subsection (1) of this section is punishable under RCW 77.15.290 Unlawful transportation of fish or wildlife—Penalty.

(3) It is unlawful for an importer or receiver of deer or elk to fail to notify the department within (~~twenty-four~~) 24 hours if a state or province 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.