

WSR 23-02-069
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Filed January 4, 2023, 9:40 a.m., effective February 4, 2023]

Effective Date of Rule: Thirty-one days after filing.

Purpose: The purpose of the new section to [in] chapter 220-500 WAC, WAC 220-500-045 Domestic sheep and goats on Washington department of fish and wildlife (WDFW)-managed lands, is to reduce risk of disease transmission to bighorn sheep via contact with domestic goats and sheep on wildlife areas managed by WDFW. The rule prohibits visitors from bringing domestic goats or sheep onto 31 wildlife area units spread across 12 wildlife areas managed by WDFW. WDFW identified these wildlife area units using a risk-of-contact tool adapted from a tool developed for the United States Forest Service. The rule also prohibits goats or sheep that have tested positive for *Mycoplasma ovipneumoniae* or that are displaying signs of illness from entering any WDFW-managed lands. Finally, subsection (3) of the rule requires a goat owner or owner's agent to contact WDFW by phone if a goat or sheep becomes lost on WDFW-managed lands.

CR-101 was filed by WDFW on August 23, 2021, and CR-102 on October 11, 2022. A State Environmental Policy Act determination of non-significance was issued November 16, 2022. A public comment period was open from October 11 until November 30, 2022, and a public hearing on the rule was held online on December 1, 2022.

At the beginning of the 1800s, there were an estimated 1.5 to 2 million bighorn sheep in North America. Today, less than 70,000 remain. Overhunting, habitat loss, and, most significantly, the spread of the pneumonia pathogen from domestic sheep to wild herds led to the extirpation of bighorns from Washington by the mid-1920s.

About 1,500 sheep in 17 herds currently live in central and eastern Washington. The threat of disease still looms over the long-term success of bighorn restoration efforts. Bighorn sheep (*Ovis canadensis*) is listed as a species of greatest conservation need in the state wildlife action plan and a priority species under WDFW's priority habitat and species program.

In 2012, the Western Association of Fish and Wildlife Agencies (WAFWA) Wild Sheep Working Group published management recommendations for domestic sheep and goats in bighorn habitat in 2012. WAFWA advocates that effective separation should be a primary management goal of state, provincial, territorial, and federal agencies responsible for the conservation of wild sheep, based on evidence that domestic sheep or goats can transfer pathogens to wild sheep. Specifically, domestic sheep and goats have been linked to the transmission of *Mycoplasma ovipneumoniae*, a bacteria commonly found in the nasal cavity and sinuses of apparently healthy domestic sheep and goats. Infection of bighorn herds can cause large all-age die-offs, followed by years of poor lamb recruitment.

Citation of Rules Affected by this Order: New WAC 220-500-045.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.04.055, 77.12.047, and 77.12.210.

Adopted under notice filed as WSR 22-21-045 on October 11, 2022.

Changes Other than Editing from Proposed to Adopted Version: The following was added to clarify penalties associated with noncompliance with the proposed rule: "A violation of this subsection may be punish-

able under RCW 77.15.160 or other relevant statute, depending on the circumstances of the violation."

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: December 14, 2022.

Kelly Susewind
Director

OTS-4153.2

NEW SECTION

WAC 220-500-045 Domestic goats and sheep on Washington department of fish and wildlife managed lands. (1) It is unlawful for any person to bring or lead domestic goats or sheep onto the following department wildlife area units or other WDFW-managed lands posted as closed to domestic goats or sheep, unless otherwise permitted by the director to do so:

(a) Asotin Creek Wildlife Area: Asotin Creek, Weatherly, and George Creek Units;

(b) Chelan Wildlife Area: Beebe Springs, Chelan Butte, Swakane, and Entiat Units;

(c) Chief Joseph Wildlife Area: Chief Joseph, 4-0 Ranch, Grouse Flats, and Shumaker Units;

(d) Colockum Wildlife Area: Colockum Unit;

(e) Columbia Basin Wildlife Area: Lower Crab Creek and Quincy Lakes Units;

(f) L.T. Murray Wildlife Area: Quilomene, L.T. Murray, and Whiskey Dick Units;

(g) Oak Creek Wildlife Area: Cowiche, Oak Creek, and Rock Creek Units;

(h) Scotch Creek Wildlife Area: Chesaw, Ellemehan, Scotch Creek, Charles and Mary Eder, Similkameen-Chopaka, and Tunk Valley Units;

(i) Sinlahekin Wildlife Area: Sinlahekin, Driscoll Island, and Carter Mountain Units;

(j) Wells Wildlife Area: Indian Dan Canyon Unit;

(k) Wenas Wildlife Area: Wenas Unit;

(l) W.T. Wooten Wildlife Area: W.T. Wooten Unit.

(2) Goats or sheep that have tested positive for *Mycoplasma ovipneumoniae* or that are displaying signs of pneumonia or other illness will not be allowed on any WDFW-managed lands. Goats or sheep display-

ing signs of pneumonia or other illness while on department lands must be removed by the animal(s) owner or owner's agent within 48 hours.

(3) If a goat or sheep becomes lost, the owner or owner's agent must make every effort to locate and recover it. If the goat or sheep cannot be recovered, the animal's owner or owner's agent shall contact the department by telephone as soon as possible. A violation of this subsection may be punishable under RCW 77.15.160 or other relevant statute depending on the circumstances of the violation.

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