



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Washington Department of Fish and Wildlife

Emergency Rule Only

Effective date of rule:

Emergency Rules 13-199

- Immediately upon filing.
- Later (specify)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes
 - No
- If Yes, explain:

Purpose: To prevent new and multiple wildfires in Eastern Washington during this period of extreme fire danger; and to prevent the severe deterioration of air quality, which exacerbates the risk to life, health, and property.

Citation of existing rules affected by this order:

Repealed: WAC 232-13-07000A, 232-13-07500A, 232-13-13000A, 232-13-14300A, 232-13-14500A, & 232-13-15500A
 Amended: WAC 232-13-070 and 232-13-130
 Suspended:

Statutory authority for adoption: RCW 77.12.210

Other authority :

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: Fire danger is exceedingly high in Eastern Washington at this time. Numerous fires in the central part of the state have threatened extensive damage to homes, public facilities, businesses, public utilities, and infrastructure, impacting the life and health of our citizens throughout Eastern Washington. Fires also have created an air-pollution problem effecting citizens statewide. The department must thwart new and multiple fires by prohibiting many activities that could cause wildfires.

Date adopted: August 15, 2013

NAME (TYPE OR PRINT)
Philip Anderson

SIGNATURE

TITLE
Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: August 15, 2013

TIME: 3:27 PM

WSR 13-17-058

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted in the agency's own initiative:

New	6	Amended		Repealed	6
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

NEW SECTION

WAC 232-13-07000B Fires and campfires

- (1) Notwithstanding the provisions of WAC 232-13-070, effective immediately until further notice, it is unlawful without a permit or approval from the director to build, start, or maintain fires or campfires in wildlife areas and access sites in Eastern Washington (as defined in WAC 232-12-809) that are owned or controlled by the department of fish and wildlife. However, it is permissible in those wildlife areas and access sites to use personal camp stoves or lanterns that are fueled by liquid petroleum, liquid petroleum gas, or propane.
- (2) A violation of this section is an infraction punished under RCW 77.15.160(5)(b).

NEW SECTION

WAC 232-13-07500B Smoking

- (1) Effective immediately until further notice, it is unlawful to smoke in wildlife areas and access sites in Eastern Washington (as defined in WAC 232-12-809) that are owned or controlled by the department of fish and wildlife, unless a person smokes in an enclosed vehicle, a building, or within a 3-foot diameter that is cleared down to mineral soil.
- (2) A violation of this section is an infraction punished under RCW 77.15.160(5)(b).

NEW SECTION

WAC 232-13-13000B Firearms and target practicing

- (1) Notwithstanding the provisions of WAC 232-13-130, in wildlife areas and access sites in Eastern Washington (as defined in WAC 232-12-809) that are owned or controlled by the department of fish and wildlife, it is unlawful to discharge firearms for purposes of target practicing, except in designated target-shooting areas.
- (2) A violation of this section is an infraction punished under RCW 77.15.160(5)(b).

NEW SECTION

WAC 232-13-14300B Chainsaws and other power equipment

- (1) Effective immediately until further notice, it is unlawful without a permit or approval from the director to operate a chainsaw or other equipment powered by an internal combustion engine in wildlife areas and access sites in Eastern Washington (as defined in WAC 232-12-809) that are owned or controlled by the department of fish and wildlife.
- (2) A violation of this section is an infraction punished under RCW 77.15.160(5)(b).

NEW SECTION

WAC 232-13-14500B Welding or operating an acetylene or other torch with open flame.

(1) Effective immediately until further notice, it is unlawful without a permit or approval from the director to weld or operate an acetylene torch or other open flame in wildlife areas and access sites in Eastern Washington (as defined in WAC 232-12-809) that are owned or controlled by the department of fish and wildlife.

(2) A violation of this section is an infraction punished under RCW 77.15.160(5)(b).

NEW SECTION

WAC 232-13-15500B Operating a motor vehicle off developed roadways.

(1) Effective immediately until further notice, it is unlawful to operate a motor vehicle off developed roadways in wildlife areas and access sites in Eastern Washington (as defined in WAC 232-12-809) that are owned or controlled by the department of fish and wildlife. However, within those wildlife areas and access sites, it is permissible to park in an area devoid of vegetation within 10 feet of the roadway, and to park overnight in developed campgrounds and at trailheads.

(2) A violation of this section is an infraction punished under RCW 77.15.160(5)(b).

REPEALER

The following sections of the Washington Administrative Code are repealed:

WAC 232-13-07000A Fires and campfires.

WAC 232-13-07500A Smoking.

WAC 232-13-13000A Firearms and target practicing.

WAC 232-13-14300A Chainsaws and other power equipment.

WAC 232-13-14500A Welding or operating an acetylene or other torch with open flame.

WAC 232-13-15500A Operating a motor vehicle off developed roadways. (13-175)