



# 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**

Immediately upon filing. 14-164

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 on department lands during this period of extreme fire danger; protect wildlife and wildlife habitat; and 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Repealed:

Amended: 232-13-050, 232-13-070, 232-13-150

Suspended:

**Statutory authority for adoption:** RCW 77.04.012, 77.04.020, and 77.12.047.

**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: These emergency rules are needed to prevent new and multiple wildfires on department lands that could also spread to privately owned lands, to protect wildlife and wildlife habitat from wildfires, and protect public health and safety. There is insufficient time to adopt permanent rules.

**Date adopted:** July 3, 2014

**NAME (TYPE OR PRINT)**

Phil Anderson

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: July 03, 2014**

**TIME: 1:37 PM**

**WSR 14-15-011**

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	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		Amended	<u>3</u>	Repealed	
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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:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

NEW SECTION

**WAC 232-13-05000A Operating chainsaws, welding, or operating an acetylene or other torch with open flame.**

- (1) Effective immediately until further notice, in wildlife areas and access sites in eastern Washington owned or controlled by the department, it is unlawful to:
  - (a) Operate a chainsaw without a permit or approval from the director; or
  - (b) Weld or operate an acetylene torch or other open flame without a permit or approval from the director.
- (2) A violation of this section is an infraction punishable under RCW 77.15.160(5)(b).

NEW SECTION

**WAC 232-13-07000C Fires, campfires and smoking.**

- (1) Notwithstanding the provisions of WAC 232-13-070, effective immediately until further notice, it is unlawful to build, start, or maintain fires or campfires in wildlife areas and access sites owned or controlled by the department in eastern Washington without a permit or approval from the director. However, it is permissible to use personal camp stoves or lanterns fueled by liquid petroleum, liquid petroleum gas, or propane.
- (2) Effective immediately until further notice, it is unlawful to smoke in wildlife areas and access sites owned or controlled by the department in eastern Washington, except in an enclosed vehicle.
- (3) A violation of this section is an infraction punishable under RCW 77.15.160(5)(b).

NEW SECTION

**WAC 232-13-15000B 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 owned or controlled by the department in eastern Washington. However, 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 punishable under RCW 77.15.160(5)(b).