



# RULE-MAKING ORDER EMERGENCY RULE ONLY

## CR-103E (August 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: October 05, 2017

TIME: 4:27 PM

WSR 17-21-008

**Agency:** Washington Department of Fish and Wildlife: 17-276

**Effective date of rule:**

**Emergency Rules**

- 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:** This emergency rule action is intended as a safety measure for hunters participating in any hunt that overlaps a deer or elk modern firearm season by requiring them to wear high-visibility "hunter orange" clothing.

**Citation of rules affected by this order:**

New:  
Repealed:  
Amended: WAC 220-414-080  
Suspended:

**Statutory authority for adoption:** RCW 77.04.012; 77.04.020; 77.04.055; 77.12.047; and 77.12.150

**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.

**Reasons for this finding:** This action corrects a safety issue that stems from an oversight in the hunter orange rule. This rule currently excludes turkey hunters from the regulation of wearing hunter orange during a season that overlaps with a modern firearm season. The change would fix that exclusion.

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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 on the agency's own initiative:**

New	___	Amended	<u>1</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:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

**Date adopted:** October 5, 2017

**Name:** J W Unsworth

**Title:** Director

**Signature:**



NEW SECTION

**WAC 220-414-08000A Hunting—Hunter orange clothing requirements**

Notwithstanding the provisions of WAC 220-414-080, effective immediately, until further notice, add turkey to subsection five to read:

(5) It is unlawful to hunt bear, cougar, bobcat, raccoon, fox, coyote, rabbit, forest grouse, turkey, or hare during those times and in those places open to the taking of deer or elk during a modern firearm season, unless the hunter is wearing fluorescent hunter orange clothing.