



RULE-MAKING ORDER EMERGENCY RULE ONLY

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

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 01, 2020

TIME: 11:33 AM

WSR 20-10-064

Agency: Washington Department of Fish and Wildlife (WDFW) 20-63

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) May 5, 2020

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

- Yes
 - No
- If Yes, explain:

Purpose: WDFW is repealing the closure of its lands, including all wildlife area units and all water access areas that are typically open for public access, effective May 5, 2020. These areas had been closed to public access due to the Governor’s order to “stay home and stay healthy” and are being reopened for day use only due to the Governor’s proclamation amendment 20-25.2 for the partial reopening of outdoor recreational activities.

WDFW lands remain closed to camping, until further notice, in order to comply with the social distancing and public safety precautions associated with the COVID-19 threat. We will reassess the need for the camping closure as more information becomes available.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-500-04000C
- Amended:
- Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.013, 77.04.020, and 77.04.055.

Other authority: None

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: WDFW is repealing the closure of its lands, including all wildlife area units and all water access areas that are typically open for public access. These areas had been closed to public access due to the Governor’s order to “stay home and stay healthy” and are being reopened for day use only due to the Governor’s partial reopening of outdoor recreational activities.

In addition to the Governor’s Office, this action is being coordinated with the Departments of Natural Resources and Parks and Recreation as part of a broader effort to reopen state lands for recreational day use, particularly by local residents. The Governor’s proclamation amendment includes requirements to exclude gatherings with people who are not members of the same household and maintain social distancing for the continued protection of public health and safety.

WDFW is maintaining the emergency closure of its lands for camping as that activity encourages overnight travel and gatherings of people and presents additional challenges associated with maintaining the social distancing and sanitation measures to prevent the spread of COVID-19. Prior to the state lands closure, we saw an increase in the use of our campgrounds and data indicates that most state campground users travel significant distances to experience camping, thus increasing the potential incidence of human interaction and contact that we are all trying to minimize.

**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	___
-----	-----	---------	-----	----------	-----

The number of sections adopted on the agency's own initiative:

New	___	Amended	___	Repealed	<u>1</u>
-----	-----	---------	-----	----------	----------

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

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

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: May 1, 2020

Name: Kelly Susewind

Title: WDFW Director

Signature:



REPEALER

The following section of the Washington Administrative Code is repealed, effective May 5, 2020.

WAC 220-500-04000C Regulating public access.