



# 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: June 01, 2020

TIME: 11:20 AM

WSR 20-12-069

**Agency:** Washington Department of Fish and Wildlife (WDFW) (Order 20-91)

**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:** WDFW is reopening its lands to overnight camping in Washington counties that have been approved to move to Phase 2 of the Governor’s Safe Start plan where camping is otherwise allowed (e.g., campgrounds, water access areas, and dispersed camping on Wildlife Areas). Individuals staying overnight on WDFW lands must comply with the social distancing and public safety precautions described in the Safe Start plan.

All lands within counties that remain in Phase 1 shall remain closed to camping to comply with the Governor’s order to “Stay Home, Stay Healthy,” and the Governor’s Safe Start plan.

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

- New:
- Repealed: WAC 220-500-10000A
- Amended: WAC 220-500-100
- 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:** Under the Governor’s Safe Start plan, counties with an average of less than 10 new COVID-19 cases per 100,000 residents over a 14-day period are eligible to apply for a variance to move to Phase 2. The application process requires support from the local health officer, the local board of health, local hospitals, and the county commission or council. Each county must demonstrate that they have adequate local hospital bed capacity as well as adequate personal protection equipment supplies to keep health care workers safe and must submit a plan describing how they intend to comply with the provisions of the Safe Start plan. As of this date, there are 24 counties that have been approved to move to Phase 2 and an additional 3 counties that are eligible to apply.

Additionally, WDFW does not allow camping on its lands in western Washington; therefore, even if westside counties are in Phase 2, camping on WDFW lands would still be prohibited in those areas.

WDFW lands in those counties that remain in Phase 1 in central and eastern Washington where camping on WDFW lands is typically allowed shall remain closed to camping until further notice or the previous emergency rule (WSR 20-08-043) expires on July 23, 2020.

Individuals and families from the same household who use WDFW lands for camping must comply with the Governor’s Safe Start plan for Phase 2, such as limiting travel distance, and practicing social distancing and self-sanitation measures. Individuals and families are also required to comply with any county COVID-19 requirements, which may include mandatory face coverings when recreating outdoors.

WDFW will continue to reassess the camping restrictions as additional counties are approved to move to Phase 2 of the Governor's Safe Start plan.

**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	<u>1</u>
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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:** June 1, 2020

**Name:** Kelly Susewind

**Title:** WDFW Director

**Signature:**



## NEW SECTION

### **WAC 220-500-10000B Camping.**

Effective June 1, 2020, and until further notice, or until this expires on July 23, 2020, the provisions of WAC 220-500-100 shall be as described below for lands in the following counties: Benton, Chelan, Clark, Douglas, Franklin, Klickitat, Okanogan, and Yakima. All other provisions of WAC 220-500-100 not addressed herein, or unless otherwise amended, remain in effect:

- (1) It is unlawful to establish or occupy a camp on department lands.
- (2) It is unlawful to establish or occupy a residence camp on department lands. For purposes of this section, a residence camp is an encampment, occupancy, or presence on department lands that is the principal place of residence for the person or occupant.
- (3) A residence camp on department lands is declared to be a public nuisance and may be abated by the department after ten days of notice by the department.

## REPEALER

The following sections of the Washington Administrative Code are repealed, effective June 1, 2020:

WAC 220-500-10000A Camping. (20-50)