



# 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 30, 2020

TIME: 3:50 PM

WSR 20-14-110

**Agency:** Washington Department of Fish and Wildlife (WDFW) (Order 20-125)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) July 1, 2020

**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 during this period of high fire danger; and to prevent the severe deterioration of air quality, which exacerbates the risk to life, health, and property.

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

New:  
 Repealed:  
 Amended: WAC 220-500-030, 220-500-040, 220-500-110, and 220-500-140.  
 Suspended:

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

**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:** Addresses an emergency need to prevent new and multiple wildfires during this period of high fire danger, and reduces the risk to life, health, and property.

**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| Federal statute:                 | New | ___ | Amended | ___ | Repealed | ___ |
| Federal rules or standards:      | New | ___ | Amended | ___ | Repealed | ___ |
| Recently enacted state statutes: | New | ___ | Amended | ___ | Repealed | ___ |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 \_\_\_\_

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

New \_\_\_\_ Amended 4 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:** June 30, 2020

**Name:** Kelly Susewind

**Title:** Director

**Signature:**



## NEW SECTION

### **WAC 220-500-03000C Behavior and conduct.**

(1) Notwithstanding the provisions of WAC 220-500-030, effective July 1, 2020, 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).

Firefighting operations are not included in this provision. Chainsaws and logging operations will be consistent with DNR industrial timberland operations. Outdoor welding should be minimized and should only occur over bare ground.

## NEW SECTION

### **WAC 220-500-04000D Regulating public access.**

(1) Notwithstanding the provisions of WAC 220-500-040, effective July 1, 2020, 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).

Again safety precautions should be emphasized. Off-road travel should be minimized. Return inspections should occur in areas of off-road travel or parking to make sure no fires have started.

Lacey and Yakima Crews are to contact the wildlife area manager for any special instructions before beginning any work each week. Crews are to have someone remain at the worksite, with sufficient firefighting capability, for at least one hour after work has ceased for the day or if leaving for more than one hour, to ensure no fires have started.

Project managers/engineers are to contact the wildlife area manager before entering a wildlife area for any special instructions. Off-road travel is not authorized on a wildlife area unless permission is received from the wildlife area manager and their instructions must be followed.

All vehicles and construction equipment are to be equipped with a fire extinguisher, water and shovels.

## NEW SECTION

### **WAC 220-500-11000C Fires and campfires.**

(1) Notwithstanding the provisions of WAC 220-500-110, effective July 1, 2020, 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).

Prescribed fires to enhance or restore fire-dependent ecosystems must follow DNR permitting.

## NEW SECTION

### **WAC 220-500-14000C Firearms and target practicing.**

(1) Notwithstanding the provisions of WAC 220-500-140, effective July 1, 2020, until further notice, it is unlawful to discharge firearms on department owned or controlled lands unless engaged in lawful hunting.

(2) Unless otherwise provided, violation of any of the provisions of this section constitutes an infraction, pursuant to RCW 77.15.020 and 77.15.160.

Safety precautions should be emphasized.