



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: September 08, 2020

TIME: 1:24 PM

WSR 20-19-027

**Agency:** Washington Department of Fish and Wildlife (WDFW) (Order: 20-179)

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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

- Yes  No If Yes, explain:

**Purpose:** The purpose of the proposed modification to Chapter 220-111 WAC is to broaden the chapter to encompass agency rules to govern rule-making activities beyond emergency rules. The purpose of the proposed new rules is to identify a point of contact for the department's rule-making files and clarify the department's procedures relative to requests for public access to its rule-making files.

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

New: WAC 220-111-001, 220-111-002, 220-111-003, 220-111-004  
 Repealed:  
 Amended:  
 Suspended:

**Statutory authority for adoption:** RCWs 43.17.060, 34.05.220, and 77.04.080.

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 20-16-100 on July 31, 2020 (date).  
 Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:  
 Address:  
 Phone:  
 Fax:  
 TTY:  
 Email:  
 Web site:  
 Other:

**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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New	___	Amended	___	Repealed	___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	<u>4</u>	Amended	___	Repealed	___
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>4</u>	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:** September 8, 2020

**Name:** Kelly Susewind

**Title:** WDFW Director

**Signature:**



**Chapter 220-111 WAC**  
**((EMERGENCY RULES)) RULE-MAKING**

NEW SECTION

**WAC 220-111-001 Rule-making files—Generally.** The purpose of this chapter is to specify criteria for the director to close or shorten seasons pursuant to RCW 77.12.150, and to provide procedures governing the department's maintenance of, and the public's request to inspect, rule-making files of the department pursuant to the Administrative Procedure Act, chapter 34.05 RCW.

NEW SECTION

**WAC 220-111-002 Agency rules coordinator.** (1) The department's rules coordinator:

- (a) Has knowledge of the subjects of rules being proposed or prepared within the agency for proposal;
- (b) Maintains the records of any such action;
- (c) Maintains the department's rule-making docket;
- (d) Responds to public inquiries about possible, proposed, or adopted rules and the identity of agency personnel working, reviewing, or commenting on them; and
- (e) Oversees the department's compliance with the Administrative Procedure Act requirements concerning locating, processing, and making department rule-making files available for public inspection.

(2) The department's rules coordinator can be contacted at:

Agency Rules Coordinator  
Department of Fish and Wildlife

Office Location:  
Natural Resources Building, 5th Floor  
1111 Washington Street S.E.  
Olympia, WA 98501-1091

Mailing Address:  
P.O. Box 43200  
Olympia, WA 98504-3200  
email address: Rules.Coordinator@dfw.wa.gov

Current contact information is also available at the department's website at <http://wdfw.wa.gov>.

(3) The department's rules coordinator may designate one or more department staff to carry out the responsibilities set forth in subsection (1) of this section; and other staff may process requests to inspect rule-making files. Therefore, use of the term "department rules coordinator" in this chapter may include the department rules coordinator's designee(s) and/or any other staff assisting in processing requests to inspect rule-making files, where indicated by context.

NEW SECTION

**WAC 220-111-003 Rule-making files available.** (1) The department's rule-making docket and many of its rule-making files are publicly available on the department's website at <http://wdfw.wa.gov>. Requestors are encouraged to search for and view department rule-making activities on the department's website in lieu of or prior to submitting a request to inspect the department's rule-making files.

(2) Rule-making files are available for inspection, upon request, from 9:00 a.m. to 12:00 p.m. and from 1:30 p.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. Based on other demands on the agency and/or the size, format, and location of the rule-making file, the department rules coordinator may specify the date and times during which particular rule-making files will be made available for inspection.

(3) Requestors providing a valid email address may be able to view rule-making files on their own computers, or rule-making files may be inspected at the department's central office, located at 1111 Washington Street S.E., Olympia, Washington 98501.

(4) Requestors should contact the department's rules coordinator to determine the availability of records for inspection. The department will ordinarily respond to such requests within three days.

NEW SECTION

**WAC 220-111-004 Requests to inspect rule-making files.** (1) Any person wishing to inspect rule-making files of the department must contact the agency rules coordinator by letter or email to the office or email address set forth in WAC 220-111-002(2). The written request must be addressed and sent to the department's rules coordinator and include the following information:

(a) Name of the requestor;

(b) Contact information, including telephone number and email address, if the requestor has one; and

(c) Identification of the rule-making files sought, in a form or description that is sufficient for the department's rules coordinator to identify and locate the requested file. If a request for inspection of a rule-making file is unclear, the rules coordinator may request clarification.

(2) If the requestor wishes to have copies of the records made, whether hard copy or electronic, instead of inspecting them, the requestor must submit a request for public records pursuant to the Public Records Act, chapters 42.56 RCW and 220-120 WAC. A public records request form is available to requestors at the office of the public records officer and at the department's website at <http://wdfw.wa.gov>.