



**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: July 23, 2021
TIME: 8:56 AM

WSR 21-16-015

Agency: Washington Department of Fish and Wildlife (WDFW) 21-126

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) July 23, 2021_____

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 this emergency rule is to create additional regulations that are needed to prevent wildfires on Department lands in eastern Washington during the current period of very high and extreme fire danger. The new rule will help reduce the threat of wildfires on Department lands in eastern Washington and provide protection of human health, safety, and wildlife habitat.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: WAC 220-500-040
- Suspended:

Statutory authority for adoption: RCWs 77.04.012, 77.04.055, 77.12.047 and 77.12.240

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: An emergency rule is necessary to protect Department lands from imminent risk of wildfire damage during a very high fire danger period which is occurring currently. These additional prohibitions are needed immediately to protect humans, wildlife, 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| Federal statute: | New | _____ | Amended | _____ | Repealed | _____ |
| Federal rules or standards: | New | _____ | Amended | _____ | Repealed | _____ |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 1 Repealed ____

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: July 23, 2021 | Signature:  |
| Name: Kelly Susewind | |
| Title: WDFW Director | |

NEW SECTION

WAC 220-500-04000E Regulating public access

(1) Notwithstanding the provisions of WAC 220-500-040, effective July 23, 2021, until further notice, it is unlawful to be present in wildlife areas, and in water access areas within wildlife areas, owned or controlled by the department in Eastern Washington from 9:00 pm – 6:00 am without written approval from the director.

(2) A violation of this section is an infraction punishable under RCW 77.15.160 and 77.15.230