



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: November 08, 2024

TIME: 3:10 PM

WSR 24-23-014

Agency: Washington Department of Fish and Wildlife (WDFW) (P2023-14)

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: This proposed rule will help WDFW better manage its wildlife areas and the public use that is occurring on them. It will give WDFW law enforcement remedies to discourage the construction, creation and maintenance of roads, trails and structures without department approval, which can otherwise pose a threat to natural or cultural resources and create safety hazards for public users

Citation of rules affected by this order:

New: WAC 220-500-041

Repealed:

Amended:

Suspended:

Statutory authority for adoption: RCWs 77.04.012, 77.04.055, 77.12.047, 77.12.210 and 77.15.230

Other authority: None

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 24-17-022 on August 29, 2024 (date).

Describe any changes other than editing from proposed to adopted version: There are two minor changes:

1. The department has identified several written documents that will satisfy the requirement of having express written permission to modify an existing trail or road. These referenced documents must include express written permission from the department to make trail or road modifications;
2. The department has changed the requirement to have a copy of the written permission at the work site to having a copy of written permission that must be made available upon request from department staff.

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Federal statute:	New	___	Amended	___	Repealed	___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	1	Amended	___	Repealed	___
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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: November 8, 2024

Name: Kelly Susewind

Title: Director, Department of Fish and Wildlife

Signature:



NEW SECTION

WAC 220-500-041 Construction, creation and maintenance of roads, trails, and structures. (1) A person must obtain the express written permission of the department to construct, create, modify, repair, relocate, or maintain a new or existing road, trail, sign, structure, or other facility or improvement. Such express written permission may be included in a volunteer agreement, cooperative agreement, or memorandum of understanding with the department. A copy of the written permission must be provided upon request.

(2) Violating this section is a misdemeanor pursuant to RCW 77.15.230.

(3) This section does not apply to erecting and using temporary camp and blind structures pursuant to WAC 220-500-130.

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