

**Chapter 220-111 WAC
RULE-MAKING**

Last Update: 9/8/20

WAC

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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.

[Statutory Authority: RCW 43.17.060, 34.05.220, and 77.04.080. WSR 20-19-027 (Order 20-179), § 220-111-001, filed 9/8/20, effective 10/9/20.]

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.

[Statutory Authority: RCW 43.17.060, 34.05.220, and 77.04.080. WSR 20-19-027 (Order 20-179), § 220-111-002, filed 9/8/20, effective 10/9/20.]

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.

[Statutory Authority: RCW 43.17.060, 34.05.220, and 77.04.080. WSR 20-19-027 (Order 20-179), § 220-111-003, filed 9/8/20, effective 10/9/20.]

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>.

[Statutory Authority: RCW 43.17.060, 34.05.220, and 77.04.080. WSR 20-19-027 (Order 20-179), § 220-111-004, filed 9/8/20, effective 10/9/20.]

WAC 220-111-010 Emergency rule criteria. (1) The director may close or shorten a season pursuant to RCW 77.12.150 only:

(a) By emergency rule, and

(b) When the director determines from biological data or climatic conditions which were unforeseen by the commission when the season was established, that the population of game fish, game animals, or game birds is in jeopardy with established seasons, and

(c) When the delay necessary to have the issue determined by emergency action of the commission presents a real and immediate threat to wildlife.

(2) Any emergency rule issued by the director pursuant to this rule shall state:

(a) The time and date when it shall be effective, and

(b) The time and date when it shall terminate, and

(c) The justification for its issuance.

(3) If the director has taken emergency action pursuant to this rule, he/she shall, upon determination that the threat to wildlife has abated, thereafter reopen the season limited to the time period originally set by the commission, and reestablish bag limits as originally set by the commission.

(4) Whenever the director takes action to close, shorten, or reopen a season pursuant to (1) or (3) above, he/she shall first take all reasonable steps to notify commission members the action contemplated.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-111-010, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.150 and 77.12.040. WSR 88-24-004 (Order 325), § 232-12-083, filed 11/29/88.]