

WSR 24-23-014
PERMANENT RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-14—Filed November 8, 2024, 3:10 p.m., effective December 9, 2024]

Effective Date of Rule: Thirty-one days after filing.

Purpose: This proposed rule will help the Washington department of fish and wildlife (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 WDFW 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.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, 77.12.210, and 77.15.230.

Adopted under notice filed as WSR 24-17-022 on August 29 [9], 2024.

Changes Other than Editing from Proposed to Adopted Version: (1) WDFW 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 WDFW to make trail or road modifications;

(2) WDFW 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 WDFW staff.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: November 8, 2024.

Kelly Susewind
Director

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.