

WSR 24-20-099
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 24-216—Filed September 30, 2024, 2:31 p.m., effective October 1, 2024]

Effective Date of Rule: October 1, 2024.

Purpose: Current emergency wildfire rules in effect for Eastern Washington need to be repealed due to the reduced threat of fire danger. However, the same rules need to remain in effect for Lincoln, Whitman, and Spokane counties. These foregoing counties need the rules to remain in effect to prevent wildfires on Washington department of fish and wildlife (WDFW) lands during the current period of high fire danger. The new rules will help reduce the threat of wildfires on WDFW lands and provide protection of human health, safety, and wildlife habitat.

Citation of Rules Affected by this Order: Repealing WAC 220-500-03000F, 220-500-04000N, 220-500-11000F and 220-500-14000F; and amending WAC 220-500-030, 220-500-040, and 220-500-110.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.055, 77.12.047, and 77.12.240.

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.

Reasons for this Finding: Due to a reduced risk of fire danger in parts of Eastern Washington, current emergency wildlife rules need to be repealed while the same rules need to stay in effect for Whitman, Lincoln, and Spokane counties.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 3, Amended 0, Repealed 4.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: September 30, 2024.

Kelly Susewind
Director

NEW SECTION

WAC 220-500-03000G Behavior and conduct. Notwithstanding the provisions of WAC 220-500-030, effective July 1, 2024, until further notice, rules regarding allowable behavior in wildlife areas and access areas in Lincoln, Whitman, and Spokane counties (as described in

WAC 220-200-020) owned or controlled by the department shall be modified as follows, other provisions of WAC 220-500-030 not addressed herein remain in effect unless otherwise amended by emergency rule:

(1) In wildlife areas and access areas in Lincoln, Whitman, and Spokane counties owned or controlled by the department, it is unlawful to:

(a) Operate a chainsaw without a permit or approval from the director; or

(b) Weld or operate an acetylene torch or other open flame without a permit or approval from the director.

(2) A violation of this section is an infraction punishable under RCW 77.15.1606

Reviser's note: The section above appears as filed by the agency pursuant to RCW 34.08.040; however, the reference to WAC 220-500-0300G is probably intended to be WAC 220-500-03000G.

NEW SECTION

WAC 220-500-04000P Regulating public access. Notwithstanding the provisions of WAC 220-500-040, effective July 1, 2024, until further notice, rules regarding operating motor vehicles off of developed roadways in department managed wildlife and access areas shall be modified as follows, other provisions of WAC 220-500-040 not addressed herein remain in effect unless otherwise amended by emergency rule:

(1) It is unlawful to operate a motor vehicle off developed roadways in wildlife areas and access areas owned or controlled by the department in Lincoln, Whitman, and Spokane counties. However, it is permissible to park in an area devoid of vegetation within 10 feet of the roadway, and to park overnight in developed campgrounds and at trailheads unless otherwise posted.

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

NEW SECTION

WAC 220-500-11000G Fire and campfires. Notwithstanding the provisions of WAC 220-500-110, effective July 1, 2024, until further notice, rules regarding fires, campfires, and smoking in wildlife areas and access areas owned or controlled by the department shall be modified as follows, other provisions of WAC 220-500-110 not addressed herein remain in effect unless otherwise amended by emergency rule:

(1) It is unlawful to build, start, or maintain fires or campfires in wildlife areas and access areas owned or controlled by the department in Lincoln, Whitman and Spokane counties without a permit or approval from the director. However, it is permissible to use personal camp stoves or lanterns fueled by liquid petroleum, liquid petroleum gas, or propane.

(2) It is unlawful to smoke in wildlife areas and access areas owned or controlled by the department in Lincoln, Whitman, and Spokane counties, except in an enclosed vehicle.

(3) A violation of this section is an infraction punishable under RCW 77.15.160.

REPEALER

The following sections of Washington Administrative Code are repealed, effective October 1, 2024:

- WAC 220-500-03000F Behavior and conduct (24-107);
- WAC 220-500-04000N Regulating public access (24-107);
- WAC 220-500-11000F Fires and campfires (24-107);
- WAC 220-500-14000F Firearms and target practicing.
(24-107).