



# RULE-MAKING ORDER

**CR-103E (May 2009)**  
(Implements RCW 34.05.360)

**Agency:** Washington Department of Fish and Wildlife

**Emergency Rule Only**

**Effective date of rule:**

**Emergency Rules 11-101**

- Immediately upon filing.
- Later (specify) May 21, 2011

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes
  - No
- If Yes, explain:

**Purpose:** Amend personal use fishing rules

**Citation of existing rules affected by this order:**

Repealed: WAC 232-28-61900S  
 Amended: WAC 232-28-619  
 Suspended:

**Statutory authority for adoption:** RCW 77.12.047 and RCW 77.04.020

**Other authority :**

**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.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal years 2009, 2010, or 2011, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this for this finding: In-season run analyses predict that over 9,000 salmon (6,000 adults, 3,500 jacks) will return to the Icicle River. Although upper Columbia River spring Chinook have been listed as endangered under the Endangered Species Act (ESA), the salmon returning to the Icicle River are Carson stock and not listed under the ESA. About 1,000 salmon are needed to meet hatchery broodstock. The 2011 return ensures that the hatchery will meet its escapement needs; the remaining fish will be available for harvest. There is insufficient time to adopt permanent rules.

**Date adopted:** May 17, 2011

**NAME (TYPE OR PRINT)**  
Philip Anderson

**SIGNATURE**

**TITLE**  
Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE:** May 17, 2011

**TIME:** 11:24 AM

**WSR 11-11-076**

**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:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	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 in the agency's own initiative:**

New	<u>1</u>	Amended	_____	Repealed	<u>1</u>
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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:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____

NEW SECTION

**WAC 232-28-61900S Exceptions to statewide rules--Icicle River (Chelan Co.)**

Notwithstanding the provisions of WAC 232-28-619, effective May 21 through July 31, 2011, a person may fish for salmon in those waters of the Icicle River from the closure signs located 800 feet upstream of the mouth to 500 feet downstream of the Leavenworth National Fish Hatchery Rack. Daily limit, three salmon; minimum size, 12 inches. Night closure in effect. All fish with one or more round holes punched in the tail must be released.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 1, 2011:

WAC 232-28-61900S Exceptions to statewide rules—Icicle River (Chelan Co.)

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(b) 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: In-season run analyses predict that over 9,000 salmon (6,000 adults, 3,500 jacks) will return to the Icicle River. Although upper Columbia River spring Chinook have been listed as endangered under the Endangered Species Act (ESA), the salmon returning to the Icicle River are Carson stock and not listed under the ESA. About 1,000 salmon are needed to meet hatchery broodstock. The 2011 return ensures that the hatchery will meet its escapement needs; the remaining fish will be available for harvest. There is insufficient time to adopt permanent rules.

**(11-101, 5/17/2011)**