



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Washington Department of Fish and Wildlife

Emergency Rule Only

Effective date of rule:

Emergency Rules 13-95

- Immediately upon filing.
- Later (specify) May 18, 2013

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

- Yes
 - No
- If Yes, explain:

Purpose: Amend recreational fishing rules

Citation of existing rules affected by this order:

Repealed: WAC 232-28-61900N
 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 year 2009, 2010, 2011, 2012, or 2013, 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 finding: In-season run analysis has predicted that about 4,000 salmon are currently forecast for 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 a non-endemic stock returning to Leavenworth National Fish Hatchery, and are not listed under the ESA. About 1,400 salmon are needed to meet hatchery broodstock. The 2013 return ensures that the hatchery will meet its escapement needs; the remaining fish will be available for harvest for both the recreational and tribal harvest. Steelhead have also likely finished spawning and cleared the river prior to the season. There is insufficient time to adopt permanent rules.

Date adopted: May 15, 2013

NAME (TYPE OR PRINT)

Philip Anderson

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: May 15, 2013

TIME: 9:07 AM

WSR 13-11-057

**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 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:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

ORDER NO. 13-95

NEW SECTION

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

Notwithstanding the provisions of WAC 232-28-619, effective May 18 through July 31, 2013, 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, two hatchery salmon; minimum size, 12 inches. Night closure is in effect.

REPEALER

The following section of the Washington Administrative Code is repealed effective 12:01 a.m. August 1, 2013:

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

EMERGENCY RULE ONLY

Under RCW 34.05.350 the agency for good cause finds:

(a) 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.

(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 analysis has predicted that about 4,000 salmon are currently forecast for 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 a non-endemic stock returning to Leavenworth National Fish Hatchery, and are not listed under the ESA. About 1,400 salmon are needed to meet hatchery broodstock. The 2013 return ensures that the hatchery will meet its escapement needs; the remaining fish will be available for harvest for both the recreational and tribal harvest. Steelhead have also likely finished spawning and cleared the river prior to the season. There is insufficient time to adopt permanent rules.

(13-95, 5/15/2013)