



# 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 16-104**

- Immediately upon filing.
- Later (specify) May 16, 2016

**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 in Icicle River.

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

Repealed:  
 Amended: WAC 220-310-195  
 Suspended:

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

**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 3,000 salmon are currently enroute 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 a non-endemic stock returning to Leavenworth National Fish Hatchery, and are not listed under the ESA. An emergency rule is needed to open the Icicle River for hatchery Chinook fishing and will provide additional angling opportunity. There is insufficient time to adopt permanent rules.

**Date adopted:** May 11, 2016

**NAME (TYPE OR PRINT)**

J W Usworth

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: May 11, 2016**

**TIME: 9:05 AM**

**WSR 16-11-039**

**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	_____

ORDER NO. 16-104

NEW SECTION

**WAC 220-310-19500H Freshwater exceptions to statewide rules—Eastside.**

Notwithstanding the provisions of WAC 220-310-195, effective May 16, 2016, until further notice it is permissible to fish in 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 Barrier Dam. Also, it is permissible to fish from the closure signs located upstream of the Leavenworth National Fish Hatchery where Cyo Road would intersect the Icicle River at the Sleeping Lady Resort (RM 4.0) to the Icicle Peshastin Irrigation District footbridge 750' upstream of the Snow Lakes trailhead parking area (RM 5.7)

- (1) Daily limit two hatchery Chinook, minimum size 12 inches.
- (2) Mandatory retention of hatchery spring Chinook.
- (3) Anglers must release adipose present Chinook unharmed and cannot be removed from the water prior to release.
- (4) Anglers must release all Chinook with one or more round ¼ inch diameter holes punched in the caudal (tail) fin.
- (5) No gear restrictions. Night closure is in effect.

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( ) 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, 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.

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**(16-104, 5/11/2016)**