



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 03, 2020

TIME: 4:53 PM

WSR 20-13-001

Agency: Department of Fish and Wildlife (Order 20-92)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) June 5, 2020

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

- Yes No If Yes, explain:

Purpose: This rule is needed to open spring Chinook Seasons in two areas 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, and from the shoreline markers where Cyo Road intersects the Icicle River at the Sleeping Lady Resort to the Icicle Peshastin Irrigation Footbridge.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-312-05000B
- Amended: WAC 220-312-050
- Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.12.045 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.

Reasons for this finding: Washington closed fisheries statewide beginning March 25 to help combat the spread of COVID-19 in the state. This rule is pursuant to the Governor's Proclamation amendment 20-25.2, issued April 27, 2020, indicating that recreational activities including fishing may resume, when and where permitted beginning May 5, 2020.

The Governor's proclamation amendment also includes requirements to exclude gatherings with people who are not members of the same household and maintain social distancing for the continued protection of public health and safety. These fishery openings considered that requirement as a basis for the decision to re-open fisheries, but do not incorporate those social distance elements within the regulations themselves. While not imposed in WDFW's fishery rules, they are and remain, a requirement of the Governor's Proclamation. Failure to abide by those social distance requirements could result in increased health risks requiring future fishery closures.

Sufficient returns of Icicle River hatchery spring Chinook are expected to meet broodstock needs at the Leavenworth National Fish Hatchery and also to provide for sport angler harvest. It is projected that up to 1000 spring Chinook will be available for non-treaty harvest. This fishery will be actively monitored and could close at any time if the non-treaty harvest share is met or if additional hatchery broodstock are needed. There is insufficient time to adopt permanent rules.

**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	___
-----	-----	---------	-----	----------	-----

The number of sections adopted on the agency's own initiative:

New	1	Amended	___	Repealed	<u>1</u>
-----	---	---------	-----	----------	----------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
-----	-----	---------	-----	----------	-----

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	___

Date Adopted: June 3, 2020

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

WAC 220-312-05000B Freshwater exceptions to statewide rules—Eastside.

Effective June 5 through June 30, 2020, or until further notice, provisions of WAC 220-312-050 regarding salmon seasons for the Icicle River shall be as described below. All other provisions of WAC 220-312-050 not addressed herein, or unless otherwise amended remain in effect:

Icicle River:

- (a) From the closure signs located 800 feet upstream of the mouth to 500 feet downstream of the Leavenworth National Fish Hatchery Barrier Dam is closed to all species, except open for salmon fishing:
 - (i) Daily limit 1, minimum length 12 inches. Release all salmon other than hatchery Chinook.
 - (ii) Mandatory retention of hatchery Chinook over 12” in length.
 - (iii) Night closure.

- (b) From the shoreline markers where Cyo Road intersects the Icicle River at the Sleeping Lady Resort to the Icicle Peshastin Irrigation Footbridge (approximately 750 feet upstream of the Snow Lakes trailhead parking area) is closed to all species, except open for salmon fishing:
 - (i) Daily limit 1, minimum length 12 inches. Release all salmon other than hatchery Chinook.
 - (ii) Mandatory retention of hatchery Chinook over 12 inches in length.
 - (iii) Night closure.

REPEALER

The following section of the Washington Administrative Code is repealed July 1, 2020:

WAC 220-312-05000B Freshwater exceptions to statewide rules—Eastside.

