



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: May 12, 2023

TIME: 2:20 PM

WSR 23-11-055

Agency: Department of Fish and Wildlife (Order 23-70)

Effective date of rule:

Emergency Rules

- ☐ Immediately upon filing.
☒ Later (specify) May 16, 2023

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

- ☐ Yes ☒ No If Yes, explain:

Purpose: The purpose of this emergency rule is to open hatchery Chinook seasons in the Icicle River.

Citation of rules affected by this order:

New:
Repealed:
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: This rule is needed to open hatchery Chinook retention in the Icicle River. A large return of spring Chinook is forecasted to return to the Icicle River this spring. Fish in excess of broodstock needs at Leavenworth National Fish Hatchery will be available for sport angler harvest. Returns of Icicle River hatchery spring Chinook salmon are sufficient to meet broodstock needs and to provide for sport angler harvest. 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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____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New Amended Repealed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New 1 Amended Repealed

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: May 12, 2023	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

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

Effective 1 hour before official sunrise May 16 through 1 hour after official sunset June 30, 2023, 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 by emergency rule remain in effect:

Icicle River:

- (a) From the closure signs located 800 feet upstream of the mouth of the river to 500 feet downstream from the Leavenworth National Fish Hatchery Barrier Dam: Salmon:
 - (i) Daily limit 2. Release all salmon other than hatchery Chinook.
 - (ii) Anglers must retain first 2 hatchery Chinook over 12 inches in length.
 - (iii) Night closure in effect.
- (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 from the Snow Lakes trailhead parking area): Salmon:
 - (i) Daily limit 2. Release all salmon other than hatchery Chinook.
 - (ii) Anglers must retain first 2 hatchery Chinook over 12 inches in length.
 - (iii) Night closure in effect.