



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 07, 2023

TIME: 8:12 AM

WSR 23-12-096

Agency: Department of Fish and Wildlife (Order 23-92)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify)

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 recreational salmon seasons in the Wenatchee River.

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 Repealed: WAC 220-312-05000B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: In-season run size forecasts indicate sufficient numbers of both hatchery and wild spring Chinook are available to expand recreational harvest opportunities while remaining within Endangered Species Act (ESA) impact rates on wild fish. This fishery will be monitored closely and could potentially close at any time if ESA impacts rates are met, the non-treaty harvest share is met, and/or if additional broodstock are needed.

This rule also corrects the salmon daily limit for the Icicle River, previously set by WSR 23-11-055.

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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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 1

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 6, 2023	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

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

Effective immediately, through June 30, 2023, provisions of WAC 220-312-050 regarding salmon seasons for the Icicle River and Wenatchee 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:

(1) Icicle River (Chelan Co.):

- (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:

Effective immediately, through 1 hour after official sunset June 30, 2023: Salmon:

- (i) Daily limit 3. Release all salmon other than hatchery Chinook.
- (ii) Anglers must retain first 3 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):

Effective immediately, through 1 hour after official sunset June 30, 2023: Salmon:

- (i) Daily limit 3. Release all salmon other than hatchery Chinook.
- (ii) Anglers must retain first 3 hatchery Chinook over 12 inches in length.
- (iii) Night closure in effect.

- #### **(2) Wenatchee River (Chelan Co.), from the Hwy. 2 Bridge crossing the Wenatchee River in Leavenworth to the upstream point of the confluence with the Icicle River and from that point to a line perpendicular with the Wenatchee River to the opposite riverbank (adjacent to the Leavenworth Golf Course):**

Effective 1 hour before official sunrise June 9, through 1 hour after official sunset June 30, 2023: Salmon:

- (a) Daily limit 3. Release all salmon other than hatchery Chinook.
- (b) Anglers must retain first 3 legally landed hatchery Chinook over 12 inches in length.
- (c) Selective Gear Rules in effect, except use of bait is allowed.
- (d) Night closure in effect.

REPEALER

The following section of Washington Administrative Code is repealed, effective immediately:
WAC 220-312-05000B Freshwater exceptions to statewide rules—Eastside. (23-70)