

WSR 23-12-096
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE

[Order 23-92—Filed June 7, 2023, 8:12 a.m., effective June 7, 2023, 8:12 a.m.]

Effective Date of Rule: Immediately upon filing.

Purpose: The purpose of this emergency rule is to open recreational salmon seasons in the Wenatchee River.

Citation of Rules Affected by this Order: Repealing WAC 220-312-05000B; and amending WAC 220-312-050.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

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.

Reasons for this Finding: Inseason 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 impact rates are met, the nontreaty 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.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: June 6, 2023.

Kelly Susewind
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)