



**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: December 16, 2021

TIME: 12:48 PM

WSR 22-01-165

Agency: Department of Fish and Wildlife (Order 21-276)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) January 1, 2022

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 reduce the number of days open for sturgeon retention in the Dalles Pool to three days per week from January 1 through January 26, 2022.

Citation of rules affected by this order:

New:
 Repealed:
 Amended: WAC 220-312-060
 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 alter the open days per week for sturgeon sport harvest in The Dalles Reservoir. This population of sturgeon is at risk of exceeding the guideline within January, as indicated by the last decade of data, and these actions are expected to help ensure the overall sport guideline of 190 fish is not exceeded. This action is consistent with decisions made by the States of Washington and Oregon during the Columbia River compact hearing on December 15, 2021. The general public welfare is protected with the immediate and limited duration opening of recreational sturgeon fishing. This limited harvest allows for public use of the resource as well as the maintenance of a sustainable fish population. 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: December 16, 2021	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

WAC 220-312-06000G Freshwater exceptions to statewide rules—Columbia River.

Effective January 1 through January 26, 2022 the provisions of WAC 220-312-060, WAC 220-312-030, and WAC 220-316-010 regarding white sturgeon retention seasons from the Dalles Dam to John Day Dam are as follows. All other provisions of WAC 220-312-060, WAC 220-316-010, and WAC 220-312-030 not addressed herein remain in effect unless otherwise amended by emergency rule:

From The Dalles Dam upstream to John Day Dam, including adjacent tributaries:

- (a) It is permissible to retain white sturgeon on Saturday January 1, Monday January 3, Wednesday January 5, Saturday January 8, Monday January 10, Wednesday January 12, Saturday January 15, Monday January 17, Wednesday January 19, Saturday January 22, Monday January 24, and Wednesday January 26, 2022:
 - (i) The daily limit of white sturgeon is one fish.
 - (ii) Minimum fork length 43 inches. Maximum fork length 54 inches.

- (b) Catch and release angling for sturgeon is permissible on days and in areas not open to sturgeon retention.