



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: November 23, 2022

TIME: 8:31 AM

WSR 22-23-165

Agency: Department of Fish and Wildlife (Order 22-268)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) January 1, 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 alter the number of days per week white sturgeon retention is allowed in the Bonneville and The Dalles pools.

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Repealed: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 set the open days per week for recreational sturgeon harvest in Bonneville and The Dalles reservoirs. Without altering open periods, these populations of sturgeon are at risk of exceeding retention guidelines within January, as indicated by the last decade of data. These actions are expected extend the sport fishing seasons and to help ensure the overall sport guidelines of 675 and 190 fish in the Bonneville and The Dalles pools respectively, are not exceeded. This action is consistent with decisions made by the States of Washington and Oregon during the Columbia River compact hearing on the November 9, 2022.

The duration of the retention seasons will be adjusted if catch rates and effort are much different than projected, based on pool-specific catch guidelines. The recommended days-per-week approach will allow fishery managers sufficient time to produce and monitor daily harvest estimates and recommend actions necessary to stay within the harvest guidelines.

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


New	1	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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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: November 10, 2022	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

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

Effective January 1, through March 22, 2023 the provisions of WAC 220-312-060, WAC 220-312-030, and WAC 220-316-010 regarding white sturgeon retention seasons from Bonneville 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:

(1) From Bonneville Dam upstream to The Dalles Dam, including adjacent tributaries:

- (a) From January 1, through March 22, 2023, it is permissible to retain white sturgeon only on the following dates:

January 1, 2, 4, 7, 9, 11, 14, 16, 18, 21, 23, 25, 28, 30;
February 1, 4, 6, 8, 11, 13, 15, 18, 20, 22, 25, 27; and
March 1, 4, 6, 8, 11, 13, 15, 18, 20, 22, 2023.

- (b) Minimum fork length 38 inches. Maximum fork length 54 inches.
(c) Catch and release angling for sturgeon is permissible on days not open to sturgeon retention.

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

- (a) From January 1, through March 22, 2023, it is permissible to retain white sturgeon only on the following dates:

January 1, 2, 4, 7, 9, 11, 14, 16, 18, 21, 23, 25, 28, 30;
February 1, 4, 6, 8, 11, 13, 15, 18, 20, 22, 25, 27; and
March 1, 4, 2023.

- (b) Minimum fork length 43 inches. Maximum fork length 54 inches.
(c) Catch and release angling for sturgeon is permissible on days not open to sturgeon retention.