



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: January 11, 2023

TIME: 1:33 PM

WSR 23-03-058

Agency: Department of Fish and Wildlife (Order 23-03)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) January 12, 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 close sturgeon retention in the Bonneville Pool.

Citation of rules affected by this order:

- New:
- Repealed: WAC 220-312-06000F
- 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 close the recreational white sturgeon retention season in the Bonneville Reservoir. It is projected that the 2023 Bonneville Reservoir harvest guideline of 675 fish may be exceeded if the fishery were to continue beyond January 11. These populations are managed under sustainable harvest guidelines and this action will keep harvest within that guideline. This action is consistent with decisions made by the States of Washington and Oregon during Columbia River compact hearings on November 9, 2022, and January 10, 2023.

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 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: January 11, 2023	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

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

Effective January 12 through April 30, 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) Effective immediately through April 30, 2023, sturgeon retention is prohibited.
- (b) 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) Effective immediately through April 30, 2023, it is permissible to retain white sturgeon only on the following dates:

January 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.

REPEALER

The following section of Washington Administrative Code is repealed, effective January 12, 2023:

WAC 220-312-06000F Freshwater exceptions to statewide rules—Columbia River. (22-268)