



# 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: February 09, 2023

TIME: 2:58 PM

WSR 23-05-045

**Agency:** Department of Fish and Wildlife (Order 23-20)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.  
 Later (specify) February 11, 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 open three additional sturgeon retention days for John Day pool.

**Citation of rules affected by this order:**

New:  
Repealed: WAC 220-312-060001  
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 open additional days of recreational white sturgeon retention in John Day reservoir.

In John Day pool, 21 fish remain on the harvest guideline and the relatively low daily catch rates indicate this fishery can support the additional three days of retention fishing. The project harvest through February 18, 2023 is 96 fish out of the 105 fish harvest guideline. These populations are managed under sustainable harvest guidelines and this action is intended to 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, January 10, January 24, and February 9, 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	___
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**The number of sections adopted on the agency's own initiative:**


New	1	Amended	___	Repealed	<u>1</u>
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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	___

<b>Date Adopted:</b> February 9, 2023	<b>Signature:</b> 
<b>Name:</b> Kelly Susewind	
<b>Title:</b> Director	

## NEW SECTION

### **WAC 220-312-06000J Freshwater exceptions to statewide rules—Columbia River.**

Effective February 11, 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 McNary 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, sturgeon retention is prohibited.
- (b) Catch and release angling for sturgeon is permissible on days not open to sturgeon retention.

**(3) From John Day Dam to McNary Dam, including adjacent tributaries:**

- (a) Effective immediately through April 30, 2023, with the exception of the dates included in Section 3(b):
  - (i) Sturgeon retention is prohibited.
  - (ii) Catch and release angling for sturgeon is permissible on days not open to sturgeon retention.
- (b) Effective February 11, February 15, and February 18, 2023, it is permissible to retain white sturgeon:
  - (i) Minimum fork length 43 inches. Maximum fork length 54 inches.
  - (ii) 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 February 11, 2023:

WAC 220-312-06000I Freshwater exceptions to statewide rules—Columbia River. (23-10)