



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: July 27, 2023

TIME: 12:51 PM

WSR 23-16-068

Agency: Department of Fish and Wildlife (Order 23-146)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) July 29, 2023

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: This emergency rule is needed to close sturgeon fishing in the Columbia River from The Dalles Dam to Priest Rapids Dam.

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- Repealed: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: To minimize additional stress to adult sturgeon in the catch-and-release sturgeon fishery from The Dalles Dam upstream to Priest Rapids Dam, Joint State action was necessary to minimize any additional sturgeon handle in the recreational fishery. This rule conforms Washington state rules with Oregon state rules. The Washington Department of Fish and Wildlife (WDFW) has received several reports of dead adult sturgeon in the Columbia River. Most of these reports are from the John Day pool, with others coming from The Dalles pool, McNary pool, and the Hanford Reach. Sturgeon mortalities are associated with the stressors of spawning as water temperature increases over the summer. Additionally, these areas are exhibiting decreased abundance and recruitment success, and WDFW is concerned about the negative impacts these adult mortalities will have on individual populations.

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: July 26, 2023

Name: Kelly Susewind

Title: Director

Signature:



NEW SECTION

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

Effective July 29 through September 15, 2023; 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 Priest Rapids 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 Priest Rapids Dam: Effective July 29 through September 15, 2023: Angling for and retention of sturgeon is prohibited.