



# 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: August 04, 2023

TIME: 2:44 PM

WSR 23-17-013

**Agency:** Department of Fish and Wildlife (Order 23-147)

**Effective date of rule:**

**Emergency Rules**

- Immediately upon filing.
- Later (specify) September 16, 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 retention of white sturgeon in Lake Roosevelt, from September 16 through November 30, 2023.

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

- New:
- Repealed:
- Amended: WAC 220-312-050
- 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 necessary to open retention of white sturgeon in Lake Roosevelt. Hatchery programs rearing white sturgeon began in 2001 in British Columbia (BC) and 2004 in Washington. The number of individual juvenile sturgeon released has ranged from 2,000-12,000 per year from the 2001 to 2010 brood years (including both Washington and BC releases). Survival of hatchery-produced juvenile sturgeon was higher than anticipated, resulting in a surplus of hatchery-origin sturgeon now available for harvest from Lake Roosevelt. There is insufficient time to adopt permanent rules.

Permanent rule making is currently underway for sturgeon retention in Lake Roosevelt. This emergency rule is interim until permanent rules take effect.

**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 \_\_\_\_

<b>Date Adopted:</b> August 4, 2023
<b>Name:</b> Kelly Susewind
<b>Title:</b> Director

**Signature:**



## NEW SECTION

### **WAC 220-312-05000H Freshwater exceptions to statewide rules—Eastside.**

Effective September 16 through November 30, 2023; the following provisions of WAC 220-312-050 regarding recreational sturgeon seasons and harvest rules for Lake Roosevelt shall be as described below. All other provisions of WAC 220-312-050 not addressed herein, or unless otherwise amended, remain in effect:

Lake Roosevelt: From Grand Coulee Dam to the Canadian border (including the Spokane River from Highway 25 Bridge upstream to 400' below Little Falls Dam, Colville River upstream to Meyers Falls Dam and the Kettle River upstream to Barstow Bridge)

- (a) Daily limit: 1 sturgeon; minimum fork length 53 inches, maximum fork length 63 inches.
- (b) Annual Limit: 2 sturgeon.
- (c) Anglers must cease fishing for the day after obtaining a daily limit. It is unlawful to fish for sturgeon after the annual limit has been retained.
- (d) Anglers may fish for sturgeon with two poles with the purchase of a Two-pole endorsement.
- (e) Night closure is in effect for sturgeon.
- (f) All other statewide rules for white sturgeon apply.