

**WSR 23-04-031
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 23-10—Filed January 25, 2023, 11:07 a.m., effective January 26, 2023]

Effective Date of Rule: January 26, 2023.

Purpose: The purpose of this emergency rule is to set closure dates for harvest of white sturgeon in The Dalles and John Day pools.

Citation of Rules Affected by this Order: Repealing WAC 220-312-06000H; and amending WAC 220-312-060.

Statutory Authority for Adoption: RCW 77.04.012, 77.04.020, 77.12.045, and 77.12.047.

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.

Reasons for this Finding: This rule is needed to close the recreational white sturgeon retention seasons in The Dalles and John Day reservoirs.

Projected white sturgeon harvest for The Dalles Pool, through January 25, is 184 of the 190 fish guideline. It is projected that the 2023 The Dalles Reservoir harvest guideline may be exceeded if the fishery were to continue beyond January 25.

Projected catch for John Day Pool, through January 29, is 101 of the 105 fish guideline. It is projected that the 2023 John Day Reservoir harvest guideline may be exceeded if the fishery were to continue beyond January 29.

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, and January 24, 2023.

The 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.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.

Date Adopted: January 25, 2023.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-06000I Freshwater exceptions to statewide rules—Columbia River. Effective January 26 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 January 29, 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.

(b) Effective January 30, through April 20, 2023:

(i) Sturgeon retention is prohibited.

(ii) Catch and release angling for sturgeon is permissible on days not open to sturgeon retention.

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REPEALER

The following section of Washington Administrative Code is repealed, effective January 26, 2023:

WAC 220-312-06000H Freshwater exceptions to statewide rules—Columbia River. (23-03)