

**WSR 23-05-045
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 23-20—Filed February 9, 2023, 2:58 p.m., effective February 11, 2023]

Effective Date of Rule: February 11, 2023.

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: Repealing WAC 220-312-06000I; 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 open additional days of recreational white sturgeon retention in the 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 and 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.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 1.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: February 9, 2023.

Kelly Susewind
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.

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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)