

**WSR 22-01-165
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 21-276—Filed December 16, 2021, 12:48 p.m., effective January 1, 2022]

Effective Date of Rule: January 1, 2022.

Purpose: The purpose of this emergency rule is to reduce the number of days open for sturgeon retention in The Dalles Pool to three days per week from January 1 through 26, 2022.

Citation of Rules Affected by this Order: 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 alter the open days per week for sturgeon sport harvest in The Dalles Reservoir. This population of sturgeon is at risk of exceeding the guideline within January, as indicated by the last decade of data, and these actions are expected to help ensure the overall sport guideline of 190 fish is not exceeded. This action is consistent with decisions made by the states of Washington and Oregon during the Columbia River compact hearing on December 15, 2021. 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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: December 16, 2021.

Kelly Susewind
Director

NEW SECTION

WAC 220-312-06000G Freshwater exceptions to statewide rules—Columbia River. Effective January 1 through January 26, 2022 the provisions of WAC 220-312-060, WAC 220-312-030, and WAC 220-316-010 regard-

ing white sturgeon retention seasons from the Dalles Dam to John Day 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 John Day Dam, including adjacent tributaries:

(a) It is permissible to retain white sturgeon on Saturday January 1, Monday January 3, Wednesday January 5, Saturday January 8, Monday January 10, Wednesday January 12, Saturday January 15, Monday January 17, Wednesday January 19, Saturday January 22, Monday January 24, and Wednesday January 26, 2022:

(i) The daily limit of white sturgeon is one fish.

(ii) Minimum fork length 43 inches. Maximum fork length 54 inches.

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

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