

**WSR 23-16-068
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 23-146—Filed July 27, 2023, 12:51 p.m., effective July 29, 2023]

Effective Date of Rule: July 29, 2023.

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: 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: 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.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 1, Amended 0, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 0, Repealed 0.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: July 26, 2023.

Kelly Susewind
Director

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.

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