

**WSR 23-22-120
EMERGENCY RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 23-247—Filed October 31, 2023, 4:29 p.m., effective January 1, 2024]

Effective Date of Rule: January 1, 2024.

Purpose: The purpose of this emergency rule is to limit white sturgeon retention to three days per week when retention seasons open January 1 from Bonneville Dam to John Day 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: This rule is needed to set the open days-per-week for recreational sturgeon harvest in Bonneville and The Dalles reservoirs. Without altering open periods within permanent rules, these populations of sturgeon are at risk of exceeding retention guidelines within January, as indicated by the last decade of data. These actions are expected to extend the sport fishing seasons and to help ensure the overall sport guidelines of 675 and 190 fish in the Bonneville and The Dalles pools respectively, are not exceeded. This action is consistent with decisions made by the states of Washington and Oregon during the Columbia River Compact hearing on October 31, 2023.

The duration of the retention seasons will be adjusted if catch rates and efforts are much different than projected, based on pool-specific catch guidelines. The recommended days-per-week approach will allow fishery managers sufficient time to produce and monitor daily harvest estimates and recommend actions necessary to stay within the harvest guidelines.

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Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 0, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.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: October 31, 2023.

Kelly Susewind

NEW SECTION

WAC 220-312-06000A Freshwater exceptions to statewide rules—Columbia River. Effective January 1, through February 7, 2024, 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 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:

(1) From Bonneville Dam upstream to The Dalles Dam, including adjacent tributaries:

(a) From January 1, through February 7, 2024, it is permissible to retain white sturgeon only on the following dates:

January 1, 3, 6, 8, 10, 13, 15, 17, 20, 22, 24, 27, 29, 31;
February 3, 5, 7.

(b) Minimum fork length 38 inches. Maximum fork length 54 inches.

(c) 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) From January 1, through January 29, 2024, it is permissible to retain white sturgeon only on the following dates:

January 1, 3, 6, 8, 10, 13, 15, 17, 20, 22, 24, 27, 29.

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

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