RULE-MAKING ORDER
EMERGENCY RULE ONLY

CR-103E (December 2017)
(Implements RCW 34.05.350 and 34.05.360)

Agency: Department of Fish and Wildlife   (Order 24-38)

Effective date of rule:
Emergency Rules
☐   Immediately upon filing.
☒   Later (specify) March 15, 2024

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
☐ Yes   ☒ No   If Yes, explain:

Purpose: The purpose of this emergency rule is to close white sturgeon retention in the Columbia River from John Day Dam to McNary Dam.

Citation of rules affected by this order:
New:
Repealed: WAC 220-312-06000E
Amended: WAC 220-312-060
Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, 77.12.045 and 77.12.047

Other authority:

EMERGENCY RULE
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.
☐   That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: This rule is needed to close recreational sturgeon retention in the John Day reservoir. The projected total catch through March 14, 2024, is 99 fish as compared to the harvest guideline of 105 fish. Therefore, not enough fish remain under the guideline to allow for additional retention opportunity in this reservoir. This rule is necessary to remain within allowable harvest guidelines for non-treaty recreational fisheries for this pool. These populations are managed under sustainable harvest guidelines. This action is consistent with decisions made by the States of Washington and Oregon during the Columbia River compact hearing on March 13, 2024. There is insufficient time to adopt permanent rules.

Note: If any category is left blank, it will be calculated as zero. No descriptive text.

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	____	Amended	____	Repealed	____
Federal rules or standards:	New	____	Amended	____	Repealed	____
Recently enacted state statutes:	New	____	Amended	____	Repealed	____

The number of sections adopted at the request of a nongovernmental entity:

New _____ Amended _____ Repealed _____

The number of sections adopted on the agency's own initiative:

New 1 Amended _____ Repealed 1

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New _____ Amended _____ Repealed _____

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____

	Signature:
Date Adopted: March 13, 2024	
Name: Kelly Susewind	
Title: Director	

NEW SECTION

WAC 220-312-06000F Freshwater exceptions to statewide rules—Columbia River.
  Effective March 15 through April 30, 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 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:

From Bonneville Dam upstream to McNary Dam, including adjacent tributaries:

White sturgeon: Closed to retention. Catch and release fishing only.

REPEALER

  The following section of Washington Administrative code is repealed, effective March 15, 2024: WAC 220-312-06000E Freshwater exceptions to statewide rules—Columbia River. (24-26)