



RULE-MAKING ORDER EMERGENCY RULE ONLY

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

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 24, 2020

TIME: 3:28 PM

WSR 20-20-013

Agency: Department of Fish and Wildlife (Order 20-202)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
 Later (specify) September 26, 2020

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 rule is to open additional white sturgeon retention seasons on September 26, September 29, and October 3, 2020.

Citation of rules affected by this order:

New:
Repealed: WAC 220-312-06000X; WAC 220-312-06000Y
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 open additional white sturgeon seasons on September 26, September 29, and October 30. Due to lower-than-expected effort, catches were 78% of expectations for the first open period with an estimated 412 fish kept from approximately 1,850 angler trips. Angler success decreased well below expectations for the second period with approximately 230 fish kept from about 2,900 angler trips. Based on these observations, 484 remain available for harvest under the harvest guideline. This action is consistent with decisions made by the States of Washington and Oregon during compact actions of September 23, 2020.

Immediate adoption of this rule is necessary for the preservation of the public health, safety, or general welfare. Observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest. There is insufficient time to adopt permanent regulations.

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


New	1	Amended	___	Repealed	<u>2</u>
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	___	Amended	___	Repealed	___
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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	___

Date Adopted: September 24, 2020	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

WAC 220-312-06000Y Freshwater exceptions to statewide rules—Columbia River.

Effective September 19 through December 31, 2020, the provisions of WAC 220-312-060 regarding recreational sturgeon seasons in the Columbia River downstream of Bonneville Dam and the Cowlitz River and Columbia River salmon and steelhead seasons from the mouth (Buoy 10) to the Hwy. 395 Bridge at Pasco, shall be as described below. All other provisions of WAC 220-312-060 not addressed herein remain in effect unless otherwise amended by emergency rule:

- (1) From Wauna powerlines upstream to Bonneville Dam, including the Cowlitz River:
Sturgeon:
 - (a) It is permissible to retain white sturgeon on September 26, September 29, and October 3, 2020.
 - (i) The daily limit of white sturgeon is one fish.
 - (ii) Minimum fork length 44 inches. Maximum fork length 50 inches.
 - (b) Catch and release angling is permissible on days not open to sturgeon retention.

- (2) From a true North and South line through Buoy 10 to a projected line from Rocky Point on the Washington bank through Red Buoy 44 to the red navigation marker 2 at Tongue Point on the Oregon Bank (the Rocky Point/Tongue Point line), and including Youngs Bay:
Salmon and Steelhead
 - (a) Effective immediately through September 30, 2020: Daily limit 2, no more than 1 may be a Chinook. Coho minimum size 16 inches. Chinook minimum size 24". Release all salmon other than Chinook and hatchery coho. Release all steelhead.
 - (b) Effective October 1 through October 31, 2020: Daily limit 6. Up to 2 adults may be retained, no more than 1 may be a Chinook. Coho minimum size 16 inches. Release all salmon other than Chinook and hatchery coho. Release all steelhead.
 - (c) Effective November 1 through December 31, 2020: Daily limit 6. Up to 2 adults may be retained, no more than 1 may be a Chinook and no more than 1 may be a steelhead. Coho minimum size 16 inches. Release all salmon other than Chinook and hatchery coho. Release wild steelhead.

- (3) From the Rocky Point/Tongue Point line to Bonneville Dam:
 - (a) Effective immediately through October 31, 2020: Daily limit 6. Up to 2 adults may be retained, of which up to 1 may be a Chinook. Release all salmon other than Chinook and hatchery coho. Release all steelhead.
 - (b) Effective November 1 through December 31, 2020: Daily limit 6. Up to 2 adults may be retained, of which up to 1 may be a Chinook and up to 1 may be a hatchery steelhead. Release all salmon other than Chinook and hatchery coho. Release wild steelhead.

- (4) From Bonneville Dam to Hood River Bridge: salmon and steelhead:
 - (a) Effective immediately through October 15: Daily limit 6. Up to 2 adults may be retained, of which up to 1 may be a Chinook. Release all salmon other than Chinook and

- hatchery coho. Release all steelhead. Anti-Snagging rule in effect. Only fish hooked inside the mouth may be retained.
- (b) October 16 through October 31, 2020: Daily limit 6. Up to 2 adults may be retained, of which up to 1 may be a Chinook. Release all salmon other than Chinook and hatchery coho. Release all steelhead.
 - (c) Effective November 1 through December 31, 2020: Daily limit 6. Up to 2 adults may be retained, of which up to 1 may be a Chinook and up to 1 may be a hatchery steelhead. Release all salmon other than Chinook and hatchery coho. Release wild steelhead.
- (5) From the Hood River Bridge to the Dalles Dam: salmon and steelhead:
- (a) Effective immediately through October 15: Daily limit 6. Up to 2 adults may be retained, of which up to 1 may be a Chinook. Release all salmon other than Chinook and coho. Release all steelhead. Anti-Snagging rule in effect. Only fish hooked inside the mouth may be retained.
 - (b) October 16 through October 31, 2020: Daily limit 6. Up to 2 adults may be retained, of which up to 1 may be a Chinook. Release all salmon other than Chinook and coho. Release all steelhead.
 - (c) Effective November 1 through December 31, 2020: Daily limit 6. Up to 2 adults may be retained, of which up to 1 may be a Chinook and up to 1 may be a hatchery steelhead. Release all salmon other than Chinook and coho. Release wild steelhead.
- (6) From the Dalles Dam to Hwy. 395 Bridge at Pasco;
- (a) Effective immediately through October 15: Daily limit 6. Up to 2 adults may be retained, of which up to 1 may be a Chinook. Release all salmon other than Chinook and coho. Release all steelhead. Anti-Snagging rule in effect. Only fish hooked inside the mouth may be retained.
 - (b) October 16 through December 31, 2020: Daily limit 6. Up to 2 adults may be retained, of which up to 1 may be a Chinook. Release all salmon other than Chinook and coho. Release all steelhead.

REPEALERS

The following section of Washington Administrative Code is repealed, effective immediately:
WAC 220-312-06000X Freshwater exceptions to statewide rules—Columbia River. (20-198)

The following section of Washington Administrative Code is repealed, effective January 1, 2021:
WAC 220-312-06000Y Freshwater exceptions to statewide rules—Columbia River.