



**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: March 23, 2021

TIME: 4:13 PM

WSR 21-07-130

Agency: Department of Fish and Wildlife (Order 21-37)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) March 24, 2021

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 open white sturgeon retention seasons in the Columbia River estuary.

Citation of rules affected by this order:

New:
 Repealed: WAC 220-312-060001
 Amended: WAC 220-3112-060
 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 allow a limited harvest of white sturgeon in the Columbia River estuary. The legal-size population is large enough to allow for a retention fishery within the lower Columbia River. This action is consistent with decisions made by the States of Washington and Oregon on March 23, 2021. 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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New ____ Amended ____ Repealed ____

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New 1 Amended ____ Repealed 1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	____

Date Adopted: March 23, 2021	Signature: 
Name: Kelly Susewind	
Title: Director	

NEW SECTION

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

Effective March 24, 2021, until further notice, the provisions of WAC 220-312-060 and WAC 220-316-110 regarding white sturgeon retention seasons from Buoy 10 upstream to McNary Dam are as follows. All other provisions of WAC 220-312-060 not addressed herein remain in effect unless otherwise amended by emergency rule:

(1) From Buoy 10 upstream to Wauna Powerlines, including Youngs Bay, and all adjacent

Washington tributaries:

- a. It is permissible to retain white sturgeon on the following dates: May 10, 12, 15, 17, 19, 22, 24, 26, 29, 31, and June 2, 5, 2021.
- b. On days open to white sturgeon retention the daily limit of white sturgeon is one fish between 44-inches minimum and 50-inches maximum fork length.
- c. Closed to angling for sturgeon at 2:00pm daily on dates open to sturgeon retention.
- d. Catch and release angling is permissible on days not open to sturgeon retention.

(2) From Bonneville Dam to McNary Dam: Sturgeon retention is prohibited.

REPEALER

The following section of Washington Administrative Code is repealed, effective March 24, 2021:

WAC 220-312-06000I Freshwater exceptions to statewide rules—Columbia River. (21-35)