



**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: July 28, 2021

TIME: 7:57 AM

WSR 21-16-048

Agency: Department of Fish and Wildlife (Order 21- 132)

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) September 11, 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 recreational sturgeon retention seasons in the Columbia River and Cowlitz River.

Citation of rules affected by this order:

- New:
- Repealed:
- 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 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 during the Columbia River compact hearing on March 23, 2021. This action was re-stated in the Oregon and Washington Departments of Fish and Wildlife Joint Staff Reports on May 18, May 25, June 10, and July 7, 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Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___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 ____

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: July 27, 2021
Name: Kelly Susewind
Title: Director

Signature:



NEW SECTION

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

Effective September 11 through September 18, 2021 the provisions of WAC 220-312-060, WAC 220-312-030, and WAC 220-316-010 regarding white sturgeon retention seasons from Buoy 10 upstream 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 Wauna powerlines upstream to Bonneville Dam, including the Cowlitz River:

- (a) It is permissible to retain white sturgeon on Saturday, September 11 and Saturday, September 18, 2021.
 - (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 for sturgeon is permissible on days and in areas not open to sturgeon retention.