

**Concise Explanatory Statement
Sturgeon Sport Fishing Regulation Updates**

Rules amended as part of this rulemaking:

WAC 220-310-100 – Fish handling rules-Removal from water
WAC 220-316-010 – Sturgeon- Areas, seasons, limits and unlawful acts

Rules repealed as part of this rulemaking:

None

Rules created as part of this rulemaking:

None

1. Background/Summary of Project:

In an effort to simplify sturgeon sport rules and improve conservation efforts for sturgeon in Washington, a number of regulation updates are proposed, including:

- a. Update Columbia River sturgeon spawning sanctuaries to include an expansion in time for all sanctuaries upstream of Bonneville to remain closed through August 31st, and to include an expansion in area for the sanctuary in John Day Reservoir (below McNary Dam) and in the Hanford Reach (below Priest Rapids Dam). The purposes of these proposed rules are to minimize handling stress of mature female sturgeon during the post-spawn period, with the intended benefits of decreasing mortality rates of oversize sturgeon and increasing spawning success.
- b. Shifting retention fisheries upstream of McNary Dam to catch-and-release only as a precautionary measure to conserve sturgeon populations due to a lack of recent monitoring data.
- c. Closing night fishing for sturgeon in the Chehalis River to comply with statewide simplification rules.
- d. Improving clarity on sturgeon catch-and-release regulations to further define what fish must be released in all areas, regardless of whether a slot-limit is in effect.
- e. Defining oversize sturgeon as fish larger than 55 inches fork length.
- f. Simplifying and clarifying statewide sturgeon regulations (WAC 220-316-010) to comply with agency standards and improve readability.

2. Reasons for adopting the rule:

The purposes of the amendments are to meet conservation objectives outlined in Fish and Wildlife Commission policy, to improve the abundance of spawning adult sturgeon, enhance future fisheries, ensure the long-term viability of the Columbia River population, and to align sturgeon rules with state simplification standards.

- a. Extend time of Columbia and Snake river spawning sanctuaries upstream of Bonneville Dam through August 31.
 - i. The areas affected include the sturgeon sanctuary areas below The Dalles, John Day, McNary, and Priest Rapids dams on the Columbia River and Ice Harbor dam on the Snake River.
 - ii. Full closed period for all sanctuaries will be May 1-August 31.
 - iii. These sanctuary closure periods align with the sanctuary regulations below Bonneville Dam.
 - iv. The timing of the sanctuaries are based on the best available science to improve survival of mature spawning sturgeon during and after the critical spawning period and improve recruitment within the managed reservoir populations.
- b. Expand area of sanctuaries below McNary Dam and Priest Rapids Dam.
 - i. Below McNary Dam – Extends to Grain Elevators at Patterson Ferry Road (+12 miles).
 - ii. Below Priest Rapids Dam – Extend to Vernita Bridge (+7 miles).
 - iii. The area of expansion are based on the best available science to improve survival of mature spawning sturgeon during and after the critical spawning period and improve recruitment within the managed reservoir populations.
- c. Move to catch & release fisheries only upstream of McNary Dam.
 - i. The area affected includes the Columbia River from McNary Dam upstream to Priest Rapids Dam and the Snake River from the confluence with the Columbia River upstream to Ice Harbor Dam.
 - ii. These measures were implemented to help ensure the long-term viability of the population by helping to improve abundance of white sturgeon.
 - iii. This is a precautionary approach to management and is consistent with the Fish and Wildlife Commission policy guidelines for lower Columbia River sturgeon.
- d. Statewide night closure for White Sturgeon fishing.
 - i. Closes night fishing in the Chehalis River—currently the only area open to night fishing for sturgeon in Washington.
 - ii. Meets conservation objectives outlined in Fish and Wildlife Commission policy.
- e. Improve clarity on sturgeon catch-and-release regulations
 - i. Catch and release regulations were updated to provide clarity on releasing fish that are not allowed to be retained in all areas.
- f. Define oversize sturgeon—sturgeon greater than 55 inches fork length.
 - i. Improve clarity on the definition of “Oversize Sturgeon.”

- ii. Improves protection of oversize fish by prohibiting removal of oversize fish from the water.
 - g. Simplify and clarify statewide sturgeon sport fishing regulations
 - i. Aligns with state rule simplification standards.
 - ii. Directionality, rules read in the upstream direction.
 - iii. Section breaks align with GIS layers associated with the Fish Washington Mobile Application.
 - iv. Organization, improving readability and clarity.
- 3. **Differences between the text of the proposed rule and the rule as adopted:**
 - a. Added language “open when open for salmon and gamefish” to the Columbia River areas to align new rule with intent of the original rule.
 - b. All other changes were included on CR-102.

4. **Public comments, response to comments, and consideration of comments**

Staff presented the following summary of comments received during public meetings and written online submission to the Washington Fish and Wildlife Commission on October 18th. The commission received a copy of all written testimony and the submitted petition. There was a period open for public testimony at the commission hearing on October 18th, however no public testimony was given.

The public comments received included:

- a. Public comments received on Columbia River spawning sanctuary expansions:
 - i. Few objections raised regarding extending the time of the sanctuaries.
 - ii. Several objections raised regarding extending the area of the sanctuaries
 - iii. Concern over lost fishing opportunity – popular catch and release oversize sturgeon fishery below McNary Dam.
 - iv. Frustration over lack of recent data in McNary Pool.
 - v. Concern of impact of tribal fishing in John Day Pool.
- b. Public comments received on sturgeon sport fisheries upstream of McNary Dam, shift from retention to catch-and-release fisheries.
 - i. Disagreement over whether there is a conservation issue.
 - ii. Concern over lost fishing opportunity.
 - iii. Frustration over lack of recent data in McNary Pool.
 - iv. Strong support for establishing a volunteer program.
 - v. Recommendation for electronic catch-report-cards to improve monitoring.
- c. Public comments received on statewide night closure for White Sturgeon fishing.
 - i. Petition received from anglers who fish the Chehalis River– 129 signatures against the night closure recommendation.
 - ii. Concern over lost fishing opportunity.
 - iii. Concern with the impact of tribal gillnet fisheries.
 - iv. Petition received—129 signatures opposing closing night fishing.

The Washington Fish and Wildlife Commission considered the public comments received and made the decision to move forward with staff recommendations, as they determined that expansion of spawning sanctuaries in time and area and shifting from retention to catch-and-release were both necessary to address uncertainties with a precautionary approach, one of the objectives of Commission Policy C-3001. The Commission implemented a

statewide night closure of white sturgeon recreational fisheries as they determined it was necessary to maintain fishery monitoring and management capabilities, a statewide provision of Policy C-3001, and to address Commission objectives for increased regulatory simplicity. Agency capabilities for monitoring and managing nighttime fisheries are not comparable with capabilities for daylight fisheries. The commission encouraged staff to pursue volunteer opportunities where time and resources allowed.