



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: February 07, 2020

TIME: 1:39 PM

WSR 20-05-022

Agency: Washington State Department of Fish and Wildlife (20-23)

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

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

1. 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 purpose 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.
2. 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.
3. Closing night fishing for sturgeon in the Chehalis River to comply with statewide simplification rules.
4. 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.
5. Defining oversize sturgeon as fish larger than 55 inches fork length.
6. Simplifying and clarifying statewide sturgeon regulations (WAC 220-316-010) to comply with agency standards and improve readability.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended:
 - 220-310-100 - Fish handling rules - Removal from water.
 - 220-316-010 - Sturgeon - Areas, seasons, limits and unlawful acts
- Suspended:

Statutory authority for adoption: RCWs 77.04.012, 77.04.055 and 77.12.047

Other authority:

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 19-18-069 on September 03, 2019 (date).

Describe any changes other than editing from proposed to adopted version:

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

- Name:
- Address:
- Phone:
- Fax:
- TTY:
- Email:

Web site:

Other:

**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	___	Amended	<u>2</u>	Repealed	___
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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: December 13, 2019

Name: Larry M Carpenter

Title: Fish and Wildlife Commission Chair

Signature:

WAC 220-310-100 Fish handling rules—Removal from water. In order to protect fish that are required to be released:

(1) ~~((It is unlawful to totally or partially remove oversize sturgeon from the water.~~

~~(2))~~ It is unlawful to totally or partially remove six-gill shark from the water.

~~((3))~~ (2) In all freshwater areas, except the Columbia River downstream from a line between Rocky Point and Tongue Point, it is unlawful to totally remove salmon, steelhead, Dolly Varden or bull trout from the water if it is unlawful to retain those salmon, steelhead, Dolly Varden or bull trout or if the angler subsequently releases the salmon, steelhead, Dolly Varden or bull trout.

~~((4))~~ (3) In Marine Areas 5 through 13, it is unlawful to bring wild salmon or a species of salmon aboard a vessel if it is unlawful to retain that salmon. For purposes of this subsection, "aboard" means inside the gunnel of a vessel.

~~((5))~~ (4) In Marine Area 2-2 east of the Buoy 13 line, salmon required to be released may not be totally removed from the water, except anglers fishing from vessels thirty feet or longer as shown on their state registration or Coast Guard documentation are exempt from this subsection.

WAC 220-316-010 Sturgeon—Areas, seasons, limits and unlawful acts.

- (1) It is unlawful to fish for or retain green sturgeon.
- ~~(2) ((The following limits and requirements apply in areas where it is permissible to catch sturgeon for release or retention:~~
 - ~~(a)) It is unlawful to fish for sturgeon with terminal gear other than bait and one single-point barbless hook.~~
 - ~~((b) It is unlawful to fail to release undersize or oversize))~~
- (3) Any sturgeon that cannot lawfully be retained must be released immediately.
 - ~~((c) It is permissible to use artificial scent with bait when fishing for white sturgeon.~~
 - ~~(d))~~ (4) It is unlawful to totally or partially remove oversized sturgeon from the water. Oversized sturgeon are defined as: Any sturgeon larger than 55 inches fork length.
 - (5) It is unlawful to use a gaff or other body-penetrating device while restraining, handling, or landing a sturgeon.
 - ~~((e) It is unlawful to fish for or possess sturgeon from freshwater, except the Chehalis River, from one hour after official sunset to one hour before official sunrise.~~
- ~~(3) It is permissible to catch and release white sturgeon in saltwater waterways year-round. However, for freshwater waterways, including freshwater Puget Sound tributaries, it is permissible to catch and release white sturgeon only when the season is open for salmon or game fish, except in the Snohomish River from mouth to Highway 9 Bridge it is permissible to catch and release sturgeon year-round.~~
- ~~(4) It is permissible to catch and release, but unlawful to retain, white sturgeon in the following areas:~~
 - ~~(a) Coastal waters and tributaries of coastal waters;~~
 - ~~(b) Puget Sound waters and tributaries of Puget Sound;~~
 - ~~(c) Vancouver Lake and all other waters west of Burlington Northern Railroad from the Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County);~~
 - ~~(d) Columbia River and tributaries from a true north-south line through Buoy 10 (the mouth) upstream to Chief Joseph Dam, unless otherwise provided; and~~
 - ~~(e) Snake River and tributaries from the mouth upstream to the border with Oregon, unless otherwise provided.~~
- ~~(5) White sturgeon retention is allowed in the areas open to fishing and following rules as specified in WAC 220-312-060:~~
 - ~~(a) Columbia River:~~
 - ~~(i) Columbia River and tributaries from Bonneville Dam upstream to McNary Dam: January 1 through July 31.~~
 - ~~(ii) Columbia River and tributaries from McNary Dam upstream to Priest Rapids Dam: February 1 through July 31.~~
 - ~~(b) Snake River: From the Snake River mouth (also called the Snake River Confluence Protection Area) upstream to Ice Harbor Dam: February 1 through July 31.~~
- ~~(6) The following waters are closed to fishing for sturgeon:~~
 - ~~(a) Columbia River:~~
 - ~~(i) Mouth to Bonneville Dam:~~
 - ~~(A) Year-round from Bonneville Dam downstream to a boundary marker on the Washington shore approximately 4,000 feet below the fish~~

ladder at the powerhouse, south to the downstream end of Cascade Island, and across to the Oregon angling boundary on Bradford Island (the Cascade Island-Bradford Island line).

~~(B) May 1 through August 31 from Bonneville Dam downstream 9 miles to a line crossing the Columbia River from navigation marker 82 on the Oregon shore, westerly to the boundary marker on the Washington shore upstream of Fir Point (navigational marker 82 line).~~

~~(ii) Bonneville Dam to McNary Dam:~~

~~(A) May 1 through July 31 from The Dalles Dam downstream 1.8 miles to a line from the east (upstream) dock at the Port of The Dalles boat ramp straight across to a marker on the Washington shore.~~

~~(B) May 1 through July 31 from John Day Dam downstream 2.4 miles to a line crossing the Columbia at a right angle to the thread of the river from the west end of the grain silo at Rufus, Oregon.~~

~~(C) May 1 through July 31 from McNary Dam downstream to the Highway 82 (395) Bridge.~~

~~(iii) McNary Dam to Priest Rapids Dam:~~

~~(A) May 1 through July 31 from Priest Rapids Dam downstream 2.5 miles to the boundary marker on the river bank 400 feet downstream from Priest Rapids Hatchery outlet channel (Jackson Creek).~~

~~(B) October 23 through January 31 from the Old Hanford townsite wooden power line towers to Vernita Bridge.~~

~~(iv) Chief Joseph Dam upstream:~~

~~(A) Columbia River and its tributaries.~~

~~(B) Roosevelt Lake and its tributaries.~~

~~(b) Snake River Mouth to Ice Harbor Dam: May 1 through July 31 from the downstream end of Goose Island upstream 1.5 miles to Ice Harbor Dam.~~

~~(7) The following limits and requirements apply in areas where it is permissible to retain sturgeon:~~

~~(a) The daily limit is one white sturgeon.~~

~~(b) The possession limit is two daily limits of fresh, frozen, or processed white sturgeon.~~

~~(c) The annual personal-use limit for white sturgeon from April 1 through March 31 is two fish, regardless of where the angler takes the sturgeon.~~

~~(d) The maximum fork-length is 54 inches.~~

~~(e) The minimum fork-length is 38 inches, except the minimum fork-length is 43 inches in:~~

~~(i) The mainstem Columbia and its tributaries from The Dalles Dam to Priest Rapids Dam; and~~

~~(ii) The Snake River from the Snake River Confluence Protection Area to Ice Harbor Dam.~~

~~(f) Once an angler reaches his or her annual limit of white sturgeon, he or she may continue to fish for white sturgeon in the mainstem Columbia River downstream from where the river forms the common boundary between Oregon and Washington, unless otherwise provided by department rule, so long as the angler releases all subsequent sturgeon immediately.~~

~~(g) It is unlawful to possess sturgeon eggs in the field without retaining the intact carcass of the fish from which the eggs have been removed.~~

~~(8-)) (6) The daily limit for white sturgeon is one fish.~~

(7) The annual limit for white sturgeon is two fish, regardless of where the angler takes the sturgeon. After an angler reaches their annual limit of white sturgeon, catch and release fishing is permitted in areas open to catch and release fishing.

- (8) The possession limit is two daily limits of fresh, frozen, or processed white sturgeon.
- (9) It is unlawful to possess sturgeon eggs in the field without retaining the intact carcass of the fish from which the eggs have been removed.
- (10) Statewide night closure for white sturgeon fishing.
- (11) Coastal marine areas: Open year-round catch and release only.
- (12) Coastal tributaries:
- (a) Open when season is open for salmon or game fish.
- (b) Catch and release only.
- (13) Puget Sound marine areas: Open year-round catch and release only.
- (14) Puget Sound tributaries:
- (a) Open when season is open for salmon or game fish; except: Snohomish River from mouth to Highway 9 Bridge: Open year-round.
- (b) Catch and release only.
- (15) Columbia River and tributaries (except Snake River):
- (a) From a true north-south line through Buoy 10 (the mouth) upstream to a line crossing the Columbia River from navigation marker 82 on the Oregon shore, westerly to the boundary marker on the Washington shore upstream of Fir Point (navigational marker 82 line; including Vancouver Lake and all other waters west of Burlington Northern Railroad from the Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County): Open year-round catch and release only when season is open for salmon or game fish.
- (b) From a line crossing the Columbia River from navigation marker 82 on the Oregon shore, westerly to the boundary marker on the Washington shore upstream of Fir Point (navigational marker 82 line) to a boundary marker on the Washington shore approximately 4,000 feet below the fish ladder at the powerhouse, south to the downstream end of Cascade Island, and across to the Oregon angling boundary on Bradford Island (the Cascade Island-Bradford Island line):
- (i) Open September 1 through April 30: Catch and release only when season is open for salmon or game fish.
- (ii) May 1 through August 31: Closed.
- (c) From a boundary marker on the Washington shore approximately 4,000 feet below the fish ladder at the new powerhouse, south to the downstream end of Cascade Island, and across to the Oregon angling boundary on Bradford Island (the Cascade Island-Bradford Island line) to the Bonneville Dam: Closed.
- (d) From Bonneville Dam to a line from the east (upstream) dock at the Port of The Dalles boat ramp straight across to a marker on the Washington shore:
- (i) Open January 1 through April 30 for retention: Minimum fork-length 38 inches and maximum fork-length 54 inches.
- (ii) Open May 1 through December 31: Catch and release only when season is open for salmon or game fish.
- (e) From a line from the east (upstream) dock at the Port of The Dalles boat ramp straight across to a marker on the Washington shore to The Dalles Dam:
- (i) Open January 1 through April 30 for retention: Minimum fork-length 38 inches and maximum fork-length 54 inches.
- (ii) May 1 through August 31: Closed.
- (iii) Open September 1 through December 31: Catch and release only when season is open for salmon or game fish.

(f) From The Dalles Dam to a line crossing the Columbia River at a right angle to the thread of the river located at the west end of the grain silo at Rufus, Oregon:

(i) Open January 1 through April 30 for retention: Minimum fork-length 43 inches and maximum fork-length 54 inches.

(ii) Open May 1 through December 31: Catch and release only when season is open for salmon or game fish.

(g) From a line crossing the Columbia River at a right angle to the thread of the river located at the west end of the grain silo at Rufus, Oregon to John Day Dam:

(i) Open January 1 through April 30 for retention: Minimum fork-length 43 inches and maximum fork-length 54 inches.

(ii) May 1 through August 31: Closed.

(iii) Open September 1 through December 31: Catch and release only when season is open for salmon or game fish.

(h) From John Day Dam to a line from the grain elevators at Patterson Ferry Road on the Oregon shore, straight across to a marker on the Washington shore at the west end of the old concrete foundation:

(i) Open January 1 through April 30 for retention: Minimum fork-length 43 inches and maximum fork-length 54 inches.

(ii) Open May 1 through December 31: Catch and release only when season is open for salmon or game fish.

(i) From a line from the grain elevators at Patterson Ferry Road on the Oregon shore, straight across to a marker on the Washington shore at the west end of the old concrete foundations to McNary Dam:

(i) Open January 1 through April 30 for retention: Minimum fork-length 43 inches and maximum fork-length 54 inches.

(ii) May 1 through August 31: Closed.

(iii) Open September 1 through December 31: Catch and release only when season is open for salmon or game fish.

(j) From McNary Dam to Vernita Bridge: Open year-round catch and release only when season is open for salmon or game fish.

(k) From Vernita Bridge to Priest Rapids Dam:

(i) Open September 1 through April 30: Catch and release only when season is open for salmon or game fish.

(ii) May 1 through August 31: Closed.

(l) From Priest Rapids Dam to Chief Joseph Dam: Open year-round catch and release only when season is open for salmon or game fish.

(m) From Chief Joseph Dam to Grand Coulee Dam and tributaries: Closed.

(n) Roosevelt Lake and tributaries: Closed.

(16) Snake River and tributaries:

(a) From the Snake River mouth (from the Burbank to Pasco railroad bridge) upstream to the downstream end of Goose Island: Open year-round catch and release only when season is open for salmon or game fish.

(b) From the downstream end of Goose Island upstream to Ice Harbor Dam:

(i) Open September 1 through April 30: Catch and release only when season is open for salmon or game fish.

(ii) May 1 through August 31: Closed.

(c) From Ice Harbor Dam upstream to the border with Oregon: Open year-round catch and release only when season is open for salmon or game fish.

(17) A violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested sturgeon. If the person has harvested sturgeon, the violation is punishable under RCW

77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the sturgeon are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty—Criminal wildlife penalty assessment.

~~((9))~~ (18) It is unlawful to possess sturgeon taken with gear in violation of the provisions of this section. Possession of sturgeon while using gear in violation of the provisions of this section is a rebuttable presumption that the sturgeon were taken with such gear. Possession of such sturgeon is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the sturgeon are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty—Criminal wildlife penalty assessment.