

Chapter 220-358 WAC

COMMERCIAL FISHERIES—COLUMBIA RIVER BELOW BONNEVILLE DAM

WAC

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WAC 220-358-010 General provision—Commercial fishing regulated. (1) It is unlawful to fish for food fish in the lower Columbia River for commercial purposes or to possess food fish taken from those waters for commercial purposes, except as provided in this chapter.

(2) In the Columbia River downstream of Bonneville Dam and in the select areas (described in WAC 220-301-010), it shall be lawful to have onboard a commercial fishing vessel more than one licensed net, each of the lawful size or length prescribed for a single net as long as the net or nets are of legal size for the fishery, or the net or nets has a minimum mesh size of 9 inches, and the length of any one net does not exceed 1,500 feet in length.

(a) When specifically authorized by the director, nets not lawful for use at that time and area may be onboard the boat if properly stored.

(b) A properly stored net is defined as a net on a drum that is fully covered by tarp (canvass or plastic) and bound with a minimum of ten revolutions of rope with a diameter of 3/8 (0.375) inches or greater.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-358-010, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 07-21-128 (Order 07-266), § 220-33-001, filed 10/23/07, effective 11/23/07. Statutory Authority: RCW 75.08.080. WSR 88-18-066 (Order 88-86), § 220-33-001, filed 9/2/88.]

WAC 220-358-020 Definitions—River mouth sanctuaries. As used in this chapter and emergency rules of the director, unless the context clearly requires otherwise:

Grays Bay

(1) "Grays Bay sanctuary" means those waters of the Columbia River and Grays Bay northerly of a line projected from Rocky Point Light (flashing green 4-second) easterly to Harrington Point.

Elokomin

(2) "Elokomin-A sanctuary" means those waters of Elokomin Slough and the Columbia River lying northerly and easterly of a straight line from light "37" on the Washington shore to light "39" on Hunting Island.

(3) "Elokomin-B sanctuary" means those waters of Elokomin Slough, Steamboat Slough and the Columbia River lying inside, northerly and easterly of a straight line from

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light "35" (group flashing green) located on Price Island to light "39" (flashing green) on Hunting Island and northerly and easterly of a line between flashing light "33" on Price Island and quick flashing green light "31" on the Washington shore.

Abernathy

(4) "Abernathy sanctuary" means those waters of the Columbia River near the mouth of Abernathy Creek from a point 1,300 yards downstream from Abernathy Creek at light "81" (flashing green 4-second) to a point one-half mile upstream and extending to the mid shipping channel of the Columbia River.

Cowlitz

(5) "Cowlitz sanctuary" means those waters of the Columbia River and Carrolls Channel lying inside the center of the shipping channel between a fishing boundary marker at the junction of the Port of Longview docks and international paper docks on the Washington shore approximately one mile downstream from the Cowlitz River mouth and flashing green light "29A" on Cottonwood Island and also those waters of Carrolls Channel downstream of a line between a fishing boundary marker approximately 3000 feet upstream of the Cowlitz River mouth and a fishing boundary marker on Cottonwood Island.

Kalama

(6) "Kalama-A sanctuary" means those waters of the Columbia River between a fishing boundary marker on the Washington shore approximately one mile downstream and a point one-half mile upstream of the mouth of the Kalama River and lying within one-quarter mile of the Washington shore.

(7) "Kalama-B sanctuary" means those waters of the Columbia River between a fishing boundary marker on the Washington shore approximately one mile downstream and a point one-half mile upstream of the mouth of the Kalama River and extending completely across the Columbia River, excepting those waters west of a line projected from Coffin Rock Light "42" in Oregon to the Kalama Range Light "47A" on the Washington shore.

Lewis

(8) "Lewis-A sanctuary" means those waters of the Columbia River between a point one mile downstream and a point one-half mile upstream of the mouth of the Lewis River and lying within one-quarter mile of the Washington shore.

(9) "Lewis-B sanctuary" means those waters of the Columbia River near the mouth of the Lewis River lying easterly of lines projected from light "79" (flashing green) to the

Red Buoy No. 4 thence to a fishing boundary marker on Bachelor Island.

Washougal

(10) "Washougal sanctuary" means those waters of Camas Slough lying upstream from a line projected true north from the most western tip of Lady Island to the Washington shore and inside of the State Highway 14 Bridge.

Oregon

(11) "Big Creek sanctuary" means those waters of the Columbia River at the mouth of Big Creek from the Oregon shore across Knappa Slough to Karlson Island about one-quarter mile upstream of the east bank of Big Creek, at the Gnat Creek deadline downstream to the east end of Minaker Island which is about three-quarters mile downstream from the west bank at the mouth of Big Creek.

(12) "Sandy River sanctuary" means those waters of the Columbia River within an area at the mouth of the Sandy River which is one-quarter mile in width extending out into the Columbia River from the Oregon bank at a right angle to the thread of the river between a point one mile below and a point at the upper easterly bank at the mouth of the Sandy River.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-358-020, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 07-09-055 (Order 07-60), § 220-33-005, filed 4/12/07, effective 5/13/07. Statutory Authority: RCW 75.08.080. WSR 89-09-051 (Order 89-21), § 220-33-005, filed 4/18/89; WSR 88-18-066 (Order 88-86), § 220-33-005, filed 9/2/88.]

WAC 220-358-030 Salmon. It is unlawful to fish for salmon in the lower Columbia River for commercial purposes or to possess salmon taken from those waters for commercial purposes, except as provided in this section:

Gear

(1) It is unlawful to use a gillnet to fish for salmon if the net exceeds 1,500 feet in length along the cork line.

(2) It is unlawful to use a gillnet to fish for salmon with mesh size larger than 9 3/4 inches.

(3) It is unlawful to use a gillnet to fish for salmon if the lead line weighs more than two pounds per fathom of net as measured on the cork line, provided that it is lawful to have a gillnet with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or transiting through the Tongue Point Select Area, and it is also lawful to have additional weights and anchors attached directly to the lead line in the Deep River, Blind Slough, Knappa Slough and South Channel Select Areas.

(4) From December 1 through March 31 it is lawful for salmon fishers to have smelt or sturgeon gillnets aboard while fishing for salmon.

Fishing periods

(5) The lower Columbia River is closed to commercial salmon fishing, except as provided by emergency rule of the director.

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General

(6) Unless otherwise specified by emergency rule of the director, the following areas of the lower Columbia River remain closed during open salmon fishing periods:

(a) All tributaries flowing into the lower Columbia River.

(b) Grays Bay sanctuary.

(c) Elokomin-A sanctuary.

(d) Cowlitz sanctuary.

(e) Kalama-A sanctuary.

(f) Lewis-A sanctuary.

(g) Washougal sanctuary.

(h) Big Creek sanctuary.

(i) Sandy River sanctuary.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-358-030, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 07-09-055 (Order 07-60), § 220-33-010, filed 4/12/07, effective 5/13/07; WSR 00-17-117 (Order 00-146), § 220-33-010, filed 8/17/00, effective 9/17/00. Statutory Authority: RCW 75.08.080. WSR 88-18-066 (Order 88-86), § 220-33-010, filed 9/2/88.]

WAC 220-358-040 Sturgeon. It is unlawful to fish for sturgeon in the lower Columbia River for commercial purposes or to possess sturgeon taken from those waters for commercial purposes, except as provided in this section:

Gear

(1) It is unlawful to use a gillnet to fish for sturgeon if the net exceeds 1,500 feet in length along the cork line.

(2) It is unlawful to use a gillnet to fish for sturgeon with mesh size larger than 9 3/4 inches.

(3) It is unlawful to use a gillnet to fish for sturgeon if the lead line weighs more than two pounds per fathom of net as measured on the cork line, provided that it is lawful to have a gillnet with a lead line weighing more than two pounds per fathom aboard a vessel when the vessel is fishing in or transiting through the Tongue Point Select Area, and it is also lawful to have additional weights and anchors attached directly to the lead line in the Deep River, Blind Slough, Knappa Slough and South Channel Select Areas.

(4) From December 1 through March 31 it is lawful for sturgeon fishers to have smelt or salmon gillnets aboard while fishing for sturgeon.

General

(5) A person engaged in commercial fishing may retain one sturgeon of legal commercial length for personal use.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-358-040, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 07-21-128 (Order 07-266), § 220-33-020, filed 10/23/07, effective 11/23/07; WSR 00-17-117 (Order 00-146), § 220-33-020, filed 8/17/00, effective 9/17/00. Statutory Authority: RCW 75.08.080. WSR 97-07-043 (Order 97-51), § 220-33-020, filed 3/14/97, effective 4/14/97; WSR 88-18-066 (Order 88-86), § 220-33-020, filed 9/2/88.]

WAC 220-358-050 Shad. It is unlawful to fish for shad in the lower Columbia River for commercial purposes, or to possess shad taken from those waters for commercial purposes, except as provided in this section:

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Gear

(1) Gillnet gear may be used to fish for shad if:

(a) The cork line of the gillnet does not exceed 900 feet in length (150 fathoms) and has sufficient buoyancy to float the cork line on the surface. Also, the net may not exceed 40 meshes in depth.

(b) The webbing of the gillnet is constructed of mesh having a breaking strength of less than 10 pounds. The gillnet may be constructed of monofilament webbing or twine.

(c) The mesh size of the gillnet is not less than 5-3/8 inches or more than 6-1/4 inches stretch measure.

(d) The gillnet does not have more than a single web. The gillnet web shall be suspended between a single cork line and a single lead line.

(e) The gillnet does not have added lines, strings, back-walls, trammels, or aprons. Riplines may be used but may not be less than 10 fathoms (60 feet) apart.

Fishing periods

(2) The lower Columbia River is open to commercial shad fishing in Shad Area 2S from 3:00 p.m. to 10:00 p.m. daily, Monday through Friday (except on the observed Memorial Day holiday), from May 10 through June 20 annually. Shad taken incidentally during an open commercial salmon or sturgeon fishing period may be retained for commercial purposes.

General

(3) As used in this chapter and in emergency rules of the director, unless the context clearly requires otherwise:

(a) "Shad Area 2S" means those waters of Salmon Management and Catch Reporting Area (SMCRA) 1D and 1E that are upstream of a line projected true north and south from the Oregon shore through the Washougal blinker light (light "50" flashing red) to a fishing boundary marker on the Washington shore (upper boundary of SMCRA 1E).

(b) "Camas-Washougal Reef Area" means those waters of SMCRA 1D inside of a line commencing at the white six-second equal-interval light approximately 3/4 mile east of the Washougal Woolen Mill pipeline and projected westerly to the Washougal blinker light, thence to the white four-second blinker light on the east end of Lady Island, thence easterly and along the shoreline of Lady Island to the State Highway 14 Bridge, thence easterly and along the shoreline of Lady Island to the State Highway 14 Bridge, thence easterly across the State Highway 14 Bridge to the mainland.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-358-050, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 10-07-065 (Order 10-34), § 220-33-030, filed 3/15/10, effective 4/15/10. Statutory Authority: RCW 75.08.080. WSR 88-18-066 (Order 88-86), § 220-33-030, filed 9/2/88.]

WAC 220-358-060 Smelt. It is unlawful to fish for smelt in the lower Columbia River for commercial purposes or to possess smelt taken from those waters for commercial purposes, except as provided in this section:

Gear

(1) Otter trawl gear may be used to fish for smelt if:

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(a) The head rope of the trawl does not exceed 25 feet in length.

(b) The foot rope or groundline of the trawl does not exceed 25 feet in length.

(c) The dimensions of the trawl's otter doors do not exceed 3 feet by 4 feet.

(d) The bag length of the trawl, as measured from the center of the head rope to the terminal end of the bunt, does not exceed 35 feet.

(e) The bridal rope from the rear of the otter doors to the foot and head ropes does not exceed 8 feet.

(f) Each breast rope does not exceed 5 feet.

(g) The mesh size used in the trawl does not exceed 2 inches stretch measure.

(h) Only one trawl net is fished from the boat at a time.

(2) Gillnet gear may be used to fish for smelt if it does not exceed 1,500 feet in length along the cork line and the mesh size of the net does not exceed 2 inches stretch measure.

(3) Hand dip net gear may be used to fish for smelt if it does not measure more than 36 inches across the bag frame.

(4) From December 1 through March 31 it is lawful for smelt fishers to have salmon or sturgeon gillnets aboard while fishing for smelt.

Fishing periods

(5) Otter trawl gear may be used to fish for smelt in SMCRA 1A from 6 p.m. Monday to 6 p.m. Wednesday of each week from March 1 through March 31, and for boats not exceeding 32 feet in length, in SMCRA 1B, 1C, 1D and 1E 7 days per week from December 1 through March 31 of the following year.

(6) Gillnet gear may be used to fish for smelt in SMCRA 1A, 1B, 1C, 1D and 1E 7 days per week from December 1 of each year through March 31 of the following year.

(7) Hand dip net gear may be used to fish for smelt in SMCRA 1A, 1B, 1C, 1D and 1E and tributaries to these areas 7 days per week from December 1 of each year through March 31 of the following year.

(8) The following areas of the lower Columbia River remain closed to smelt fishing during the open time periods specified in this section:

(a) Those waters within one mile of a dam or other obstruction.

(b) Those waters of the Cowlitz River upstream from a monument located at Peterson's Eddy, also known as Miller's Eddy.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-358-060, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 00-17-117 (Order 00-146), § 220-33-040, filed 8/17/00, effective 9/17/00. Statutory Authority: RCW 75.08.080. WSR 88-18-066 (Order 88-86), § 220-33-040, filed 9/2/88.]

WAC 220-358-070 Herring and anchovy. It is unlawful to fish for herring or anchovy in the lower Columbia River for commercial purposes or to possess herring or anchovy taken from those waters for commercial purposes, except as provided in this section:

Gear

(1) Purse seine and lampara gear may be used to fish for anchovy if the cork line of the gear does not exceed 1,400 feet in length and the mesh size of the gear is not less than one-half inch stretch measure.

(2) Lampara gear may be used to fish for herring if the cork line of the gear does not exceed 1,400 feet in length and the mesh size of the gear is not less than one-half inch stretch measure.

(3) It is unlawful to fish with purse seine or lampara gear in the waters of the Columbia River if any part of the purse seine or lampara is in waters that are less than 20 feet deep.

(4) A violation of subsections (1) through (3) of this section is punishable under RCW 77.15.520, Commercial fishing—Unlawful gear or methods—Penalty.

Licensing

(5)(a) A baitfish purse seine fishery license is required to operate gear as provided for in this section, and the license allows the operator to retain anchovy.

(b) A baitfish lampara fishery license is required to operate gear as provided for in this section, and the license allows the operator to retain anchovy.

(c) A herring lampara limited entry license is required to operate gear as provided for in this section, and the license allows the operator to retain herring.

(6) A violation of any portion of subsection (5) of this section is punishable under RCW 77.15.500, Commercial fishing without a license—Penalty.

Fishing periods

(7)(a) Purse seine and lampara gear may be used to fish for anchovy in Salmon Management and Catch Reporting Area (SMCRA) 1A, 7 days per week, from January 1 through December 31 of each calendar year.

(b) Lampara gear may be used to fish for herring in SMCRA 1A, 7 days per week, from January 1 through December 31 of each calendar year.

(8) A violation of subsection (7) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

General

(9) Species of fish other than herring, anchovy, shad, or sardine, taken in the operation of purse seine and lampara gear, shall be returned immediately to the water. Sardine taken incidental to herring or anchovy fisheries as provided for in this section may not exceed twenty percent of the weight of any landing. Herring taken incidental to an anchovy fishery as provided for in this section may not exceed five percent of the weight of any landing.

(10) It is unlawful for any person licensed to fish under a baitfish purse seine or baitfish lampara license to retain, possess, or deliver, to a place or port, regardless of catch area, anchovy in excess of 5 metric tons (11,023 pounds) in one day, and in excess of 10 metric tons (22,046 pounds) during any calendar week beginning 12:01 a.m. Sunday through 11:59 p.m. Saturday.

(11) It is unlawful to deliver anchovy, in excess of fifteen percent of the total landing weight, for the purposes of con-

version into fish flour, fishmeal, fish scrap, fertilizer, fish oil, or other fishery products.

(12) A violation of subsections (9) through (11) of this section is punishable under RCW 77.15.550, Violation of commercial fishing area or time—Penalty.

[Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), recodified as § 220-358-070, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.12.047. WSR 10-06-095 (Order 10-33), § 220-33-060, filed 3/2/10, effective 4/2/10; WSR 03-05-062 (Order 03-26), § 220-33-060, filed 2/18/03, effective 3/21/03; WSR 01-07-016 (Order 01-36), § 220-33-060, filed 3/13/01, effective 4/13/01. Statutory Authority: RCW 75.08.080. WSR 95-23-020 (Order 95-166), § 220-33-060, filed 11/8/95, effective 12/9/95; WSR 94-12-009 (Order 94-23), § 220-33-060, filed 5/19/94, effective 6/19/94; WSR 88-18-066 (Order 88-86), § 220-33-060, filed 9/2/88.]