

Summary Sheet

Meeting dates: November 1, 2019 WDFW Commission Conference Call

Agenda item: Colville River rules and inclusion of Meyers Falls Reservoir - Decision

Presenter(s): Bill Baker, District 1 Fish Biologist, Fish Program

Background summary: The Commission was petitioned in June 2019 to restore a year-round fishing season to the portion of the Colville River which extends from the mouth upstream to the bridge at the town of Valley (Figure 1). This portion of the Colville River was moved to a standard stream season (Sat. before Memorial Day-Oct. 31) during rule simplification in 2018. Prior to that, it had been regulated under a year-round open fishing season since 1950. Following the change enacted during rule simplification, staff received comments from the public and elected officials stating concern that the new season unnecessarily limits recreational opportunity, with much of the trout fishing opportunity occurring in late winter/early spring, prior to the current season opener. During that time, fishing conditions are more favorable than later in the spring and summer when turbidity and warm water temperatures make fishing difficult.

Staff recommendation:

Adopt rules to open the portion of the Colville River, extending from the mouth upstream to the bridge at the town of Valley, to a year-round fishing season. Maintain statewide stream rules for minimum size and daily limit and include "Meyers Falls Reservoir" in the description of this section of the Colville River.

Policy issue(s) and expected outcome:

Proposal to adopt a year-round fishing season for the Colville River (mouth upstream to the bridge at the town of Valley).

Fiscal impacts of agency implementation:

None.

Public involvement process used and what you learned:

Department staff provided an explanation for this proposal to reinstate a year-round fishing season for the section of the Colville River extending from the mouth upstream to the town of Valley and add Meyers Falls Reservoir to the description of this section of the river in the WAC and fishing regulations pamphlet. Public comment on the proposal was solicited via a news release and online notice through the Department's website. The Department also conducted a public meeting in Spokane on October 2, 2019 to discuss the rule process and proposed regulation changes. The Department received no comments at the public meeting. Six comments were submitted online, all in favor of the proposed rule change. The end date for submission of comments was October 17, 2019. The Commission held a public hearing on October 18, 2019 at the Natural Resources Building in Olympia. No public testimony was received.

Action requested and/or proposed next steps:

Adopt rule to open the portion of the Colville River, extending from the mouth upstream to the bridge at the town of Valley, to a year-round fishing season. Maintain statewide stream rules for minimum size and daily limit and include "Meyers Falls Reservoir" in the description of this

section of the Colville River.

Draft motion language:

Motion: I move to adopt WAC 220-312-050 Colville River (Stevens County) as presented by staff.

Is there a “second”?

If so, then motion maker discusses basis for motion; other Commissioners discuss views on motion; amendments, if any, proposed and addressed.

Post decision communications plan:

A news release will be distributed with the decision. Any changes to rules will be posted on the department web page and Fish Washington mobile application.



Figure 1. Section of Colville River proposed for rule change highlighted in light blue.

WAC language for Colville River changes

WAC 220-312-050 Freshwater exceptions to statewide rules—East-side. (1) Countywide freshwater exceptions to statewide rules:

~~((+76))~~ (78) Colville River (Stevens County): From the mouth to bridge at the town of Valley including Meyers Falls: Open year-round.



PROPOSED RULE MAKING

CR-102 (October 2017)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 03, 2019
TIME: 2:20 PM

WSR 19-18-074

Agency: Washington State Department of Fish and Wildlife (WDFW)

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 19-13-052 June 13, 2019 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject)

The department is considering amendments to freshwater recreational gamefish rules.

220-310-070 – Statewide bait rules

220-310-090 – Game fish possession limits and size limits

220-312-010 – Freshwater exceptions to statewide rules – General rules

220-312-020 – Freshwater exceptions to statewide rules – Coast

220-312-030 – Freshwater exceptions to statewide rules – Southwest

220-312-040 – Freshwater exceptions to statewide rules – Puget Sound

220-312-050 – Freshwater exceptions to statewide rules – Eastside

Hearing location(s):

Date: **Time:** **Location:** (be specific) **Comment:**

October 18-19, 2019	8:00 am	Natural Resource Building, 1111 Washington St. SE, Olympia, WA 98501	
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Date of intended adoption: October 20, 2019 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: WDFW Rules Coordinator

Address: PO Box 43152 Olympia, WA 98501

Email: Rules.Coordinator@dfw.wa.gov

Fax: 360-902-2155

Other:

By (date) October 17, 2019

Assistance for persons with disabilities:

Contact WDFW ADA Manager

Phone: 360-902-2349

Fax:

TTY: 360-902-2207

Email: adaprogram@dfw.wa.gov

Other:

By (date) October 17, 2019

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
 Implementation of 2SHB 1579. Eliminates harvest restrictions for bass, walleye, and channel catfish in all rivers, streams and beaver ponds, and in lakes, ponds and reservoirs where these three species may inhabit the same water as salmon smolts.

Implements changes requested by petition to fishing boundaries in the upper Green (Duwamish) River.

Implements changes requested by petition to revert fishing season on the Colville River including Meyers Falls.

Makes adjustments to recreational fishing rules to maximize conservation and recreational-fishing opportunity. This proposal includes changes to other freshwater recreational fishing regulations.

Reasons supporting proposal: The changes in this proposal are needed to make necessary adjustments to recreational fishing rules based on department data, public feedback, and the desire of the department to reduce complexity of the sport rules as reflected in the annual pamphlet. The department also proposes amendments for conservation purposes and to provide greater fishing opportunity. Technical changes are needed to ensure accuracy, clarity, and uniformity in the code

Statutory authority for adoption: RCWs 77.04.012, 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Statute being implemented: RCWs 77.04.012, 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Private Public Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Kelly Henderson	1111 Washington Street, Olympia, WA 98501	360-902-2684
Implementation:	Craig Burley	1111 Washington Street, Olympia, WA 98501	360-902-2784
Enforcement:	Chief Steve Bear	1111 Washington Street, Olympia, WA 98501	360-902-2373

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
 Address:
 Phone:
 Fax:
 TTY:
 Email:
 Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:
 Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

No: Please explain: The proposed rule does not affect hydraulics

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(4).

Explanation of exemptions, if necessary: The department is exempt from the requirements of RCW chapter 19.85 because the proposed recreational fishing rules do not regulate small businesses; rather, the department's proposed fishing rules regulate individuals who undertake recreational fishing activities. The statewide recreational rules that are the subject of this rule making simply govern the time, place and manner for individuals who want to enjoy the recreational fishing opportunities provided.

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's analysis showing how costs were calculated. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: September 3, 2019

Name: Jacalyn M Hursey

Title: Rules Coordinator

Signature:

