



Fish and Wildlife Commission Presentation Summary Sheet

Meeting date: April 8th, 2022;

Agenda item: Chelan River Sport Fishing Rule Making Process

Presenter(s): Craig Burley, Fish Program Deputy Director

Background summary:

- The WDFW received a Petition for Adoption, Amendment, or Repeal of a State Administrative Rule and companion letter from a Mr. Scott Bean on January 11th, 2022. Mr. Bean is petitioning the Commission to open the Chelan River to fishing:
 - From a “safe distance below the Chelan PUD safety barrier to the powerhouse at Chelan Lake”.
 - Under “catch-and-release only” rules for all species.
 - Prohibit “any bait fishing”.
 - Require “barbless hooks”.
- At the February 25th Fish and Wildlife Commission Meeting staff recommended the Commission: *“Recommend the Commission accept the petition and initiate rulemaking separate from, but concurrent with the 2022 North of Falcon rules making process to open the upper Chelan River to fishing.”*
- The Commission adopted the staff recommendation as presented.
- After additional review staff have determined that the Department is not procedurally able to have the Commission adopt one section of a rule and the Director adopt other rules in the same CR-102 filing.
- Given this development Department staff are proposing two options for Commission consideration:
- Option 1: delegate decision making for the Chelan River rulemaking to the Director to run concurrently with the North of Falcon Process.
 - Target filing CR-102 May 18
 - Target public hearing after June 21
 - Adoption target the following week.
- Option 2: direct the department to conduct rulemaking for the Chelan River separately starting in July after the North of Falcon Process is completed.
 - Target filing CR-102 on July 20
 - Target September 22-24 for Commission Briefing/Public Hearing
 - Adoption target on October 7 or October 27-29
 - Target filing CR-103 on October 22.

Staff recommendation(s):

- Option 1: delegate decision making for the Chelan River rulemaking to the Director to run concurrently with the North of Falcon Process.

Policy issue(s) and expected outcome(s):

The Department is unable to promulgate the rule as originally proposed at the February 25, 2022, meeting. Adopting Option 1 will allow the Department to complete rule making for the Chelan River at the same time as the WAC is open for the North of Falcon rule making.

Fiscal impact(s) of agency implementation: None

Public involvement process used and what you learned:

- Public involvement will occur during the rulemaking process.

Action(s) requested and/or proposed next step(s): Adopt Option 1 to delegate decision making for the Chelan River rule to the Director to complete concurrent with the North of Falcon Salmon season setting process.

Draft motion language:

Option 1:

- I move that the Commission delegate decision-making authority for the Chelan River rulemaking to the Director to run concurrently with the North of Falcon Process.
- Is there a “second”?

If yes, then:

The motion maker discusses the basis for accepting the petition.
Other Commissioners may discuss their views on the motion.
Amendments, if any, to the original motion may be made.
A final motion (original or modified) is identified.
Commission votes to approve or deny the motion.

Option 2:

- I move that the Commission directs staff to conduct rulemaking for the Chelan River after the North of Falcon-related rules are completed, with the goal of having the Commission vote on the final Chelan rule in October 2022 or as soon thereafter as possible.
- Is there a “second”?

If yes, then:

The motion maker discusses the basis for accepting the petition.
Other Commissioners may discuss their views on the motion.
Amendments, if any, to the original motion may be made.

A final motion (original or modified) is identified.
Commission votes to approve or deny the motion.

Post decision communications plan: Communicate the outcome of the Commission's decision to the petitioner.

Figure 1.

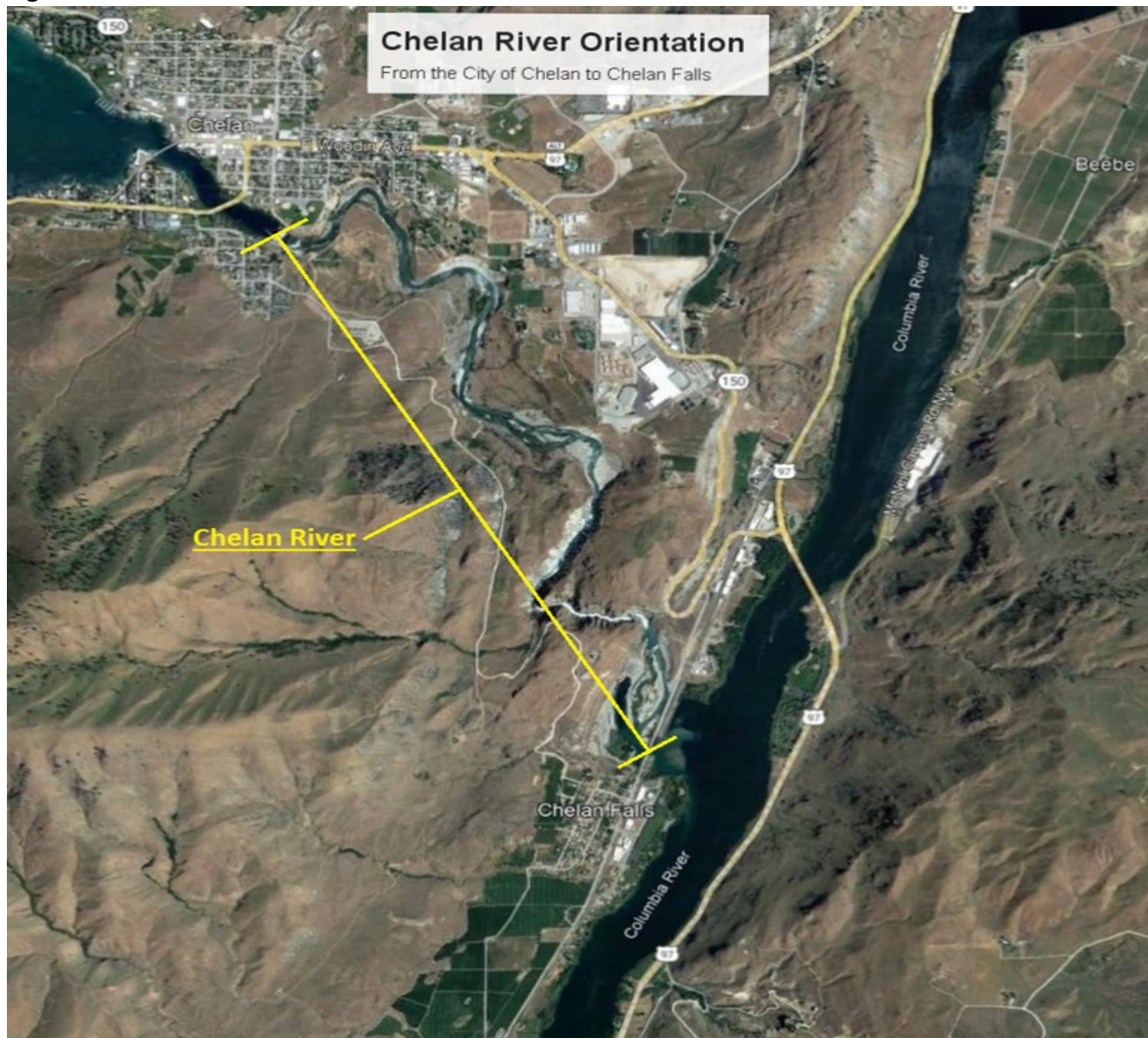


Figure 2.

