

Lake Roosevelt and Tributaries Rule Change – (Decision)

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Summary

Meeting dates:	October 7 Fish and Wildlife Commission conference call
Agenda item:	Lake Roosevelt and tributaries Regulation Update – (Final Rule recommendation)
Presenter(s):	Chris Donley, Region One, Fish Program Manager

Background summary:

The Fish and Wildlife Commission received a petition from the Colville Tribe to reduce harvest impacts on wild Redband Rainbow Trout in Lake Roosevelt. The Commission accepted the petition, and asked WDFW staff to develop rule options and take public comment on the rule options. At the August 5-6 Fish and Wildlife Commission meeting staff briefed the Commission on the rule options and public comment that had been received to date.

The rule options included:

- Option 1: No Action. This option maintains the current regulation, which includes a daily limit of five trout, with no more than two over 20 inches in length. The Sanpoil River arm of the reservoir is closed Feb. 1 through March 31.
- Option 2: This option increases the daily limit in Lake Roosevelt to 10 trout with no more than one wild trout, which must be 18 inches or greater in length. The Sanpoil River arm would be closed to fishing for trout and other game fish Feb. 1 to May 31.
- Option 3: Anglers fishing Lake Roosevelt from Grand Coulee Dam upstream to Northport Bridge have a daily limit of five hatchery trout (adipose-fin-clipped) and must release all wild trout. Anglers fishing from the Northport Bridge to Canadian border have a daily limit of two trout, with a minimum size of 18 inches.

Based on public comment staff have developed a final rule recommendation that provides protection of wild Redband Rainbow trout resources in Lake Roosevelt while also providing excellent recreational fishing opportunity.

The final staff recommended rule option is:

- Anglers fishing Lake Roosevelt from Grand Coulee Dam to Little Dalles power line crossing have a daily limit of five hatchery trout (adipose-fin-clipped) and must release all wild trout. Anglers fishing from the Little Dalles power line crossing to the Canadian Border have a daily limit of two trout, with a minimum size of 18 inches. Regulatory Sections A and B on the Sanpoil River Arm of Lake Roosevelt open to fishing two months later than the current rule (June 1).

In addition to this final rule recommendation, the Commission received several petitions regarding re-opening Big Sheep and Deep creeks in upper Lake Roosevelt to angling. These streams were unintentionally omitted from the freshwater WAC (220-310-195) and fishing rule pamphlet during the Columbia Basin stream strategy rule making process in 2014. Because the Lake Roosevelt portion of the freshwater WAC is open at this time, staff can address these petitions and reopen those streams in Spring 2017. Staff recommend to the commission amending WAC 220-310-195 to address this issue. Staff recommend to the commission amending WAC 220-310-195 to open tributaries of Lake Roosevelt from Grand Coulee Dam to the Canadian border from the Saturday before Memorial Day through October 31 unless otherwise listed.

Policy issue(s) you are bringing to the Commission for consideration:

Adopt regulations on Lake Roosevelt and tributaries for protection of wild Redband Rainbow trout and to restore recreational angling opportunities in select tributaries.

Public involvement process used and what you learned:

Public comment was solicited through the WDFW website with outreach through social media to encourage commenting. Additionally, a public meeting was held in Spokane on June 30 with two members of the public in attendance. There was also an opportunity for public testimony during the August 5-6 Commission meeting, no public testified regarding this issue at that Commission meeting. Online and written comments taken in from the public regarding this petition have ranged from no change desired to protection of wild trout resources is of paramount importance. Based on public comment to date, a rule change that is more protective for wild trout in Lake Roosevelt would be palatable to most fishery users.

Action requested:

Adopt regulations on Lake Roosevelt and tributaries for protection of wild Redband Rainbow trout and to restore recreational angling opportunities in select tributaries.

Draft motion language:

I move to adopt permanent amendments to:
WAC 220-310-195 Freshwater exceptions to statewide rules – Eastside
as presented by staff.

Justification for Commission action:

This action is justified under RCW 77.12.047

Communications Plan:

Public comment was solicited through the WDFW website with outreach through social media to encourage commenting. Additionally, a public meeting was held in Spokane on June 30. There was also an opportunity for public testimony during the August 5-6 Commission meeting. The Department will publish a news release regarding the Commission decision and will post the rules on the Department web page.



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington Department of Fish and Wildlife

- | | |
|------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 16-02-119 _____ ; or | <input type="checkbox"/> Original Notice |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____ ; or | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1). | <input checked="" type="checkbox"/> Continuance of WSR 16-11-099 _____ |

Title of rule and other identifying information: (Describe Subject) Changes to WDFW's freshwater fishing rules resulting from stakeholder recommendations made during North of Falcon meetings and a petition filed by the Colville tribes:

WAC 220-310-195 Freshwater exceptions to statewide rules—Eastside.

Hearing location(s):
Natural Resources Building, Room 259
1111 Washington St., SE
Olympia, WA 98501

Date: Friday –Saturday, August 5-6, 2016 Time: 8AM

Submit written comments to:
Name: Scott Bird WDFW Rules Coordinator
Address: 600 Capitol Way N
Olympia, WA 98501-1091

e-mail Rules.Coordinator@dfw.wa.gov
fax (360) 902-2155 by July 25, 2016

Assistance for persons with disabilities: Contact

Date of intended adoption: On or after August 5, 2016
(Note: This is NOT the effective date)

Dolores Noyes by August 2, 2016
TTY (360) 902-2207 or (360) 902-2349

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
The Fish and Wildlife Commission will hold a public hearing at the August 5-6 Commission meeting for proposed amendments WAC 220-310-195 regarding sportfishing rules for Lake Roosevelt and tributaries. The agency is continuing the proposed date of intended adoption and the deadline for written comments for WAC 220-310-195 only.

Reasons supporting proposal:

Statutory authority for adoption: RCW 77.32.470 ,77.04.012, 77.04.013, 77.04.055, and 77.12.047

Statute being implemented: RCW 77.32.470 ,77.04.012, 77.04.013, 77.04.055, 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:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 24, 2016

TIME: 8:42 AM

WSR 16-14-014

DATE
June 24, 2016

NAME (type or print)
Scott Bird

SIGNATURE

TITLE
Rules Coordinator

(COMPLETE REVERSE SIDE)

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.....		
Implementation....		
Enforcement.....		

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

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 () _____

e-mail _____

No: Please explain:

AMENDATORY SECTION (Amending WSR 16-06-073, filed 2/26/16, effective 7/1/16)

WAC 220-310-195 Freshwater exceptions to statewide rules—

Eastside. (1) Countywide freshwater exceptions to statewide rules:

(a) All lake, pond, and reservoir inlets and outlets and irrigation canals, wasteways, and drains in Grant and Adams counties (except Crab Creek, Rocky Ford Creek and Ponds, Columbia Basin Hatchery Creek, Bobcat Creek, Coyote Creek, Hays Creek, Red Rock Creek, Sand Hollow Creek, and Lake Lenore inlet and outlet) are open year-round.

(b) In Adams, Douglas, Franklin, Grant, and Okanogan counties, except Zosel Dam (Okanogan River) and Enloe Dam (Similkameen River): It is permissible to fish up to the base of all dams.

(c) In Ferry, Lincoln, and Stevens counties:

(i) Unless otherwise provided in this section, all tributaries to Lake Roosevelt between Grand Coulee Dam and the ~~State Highway 25 Bridge at Northport except Barnaby, Nancy, and Onion creeks~~ Canadian border are open the Saturday before Memorial Day through October 31.

~~(ii) Trout: Limit 5, no minimum length.~~

(2) **Aeneas Lake (Okanogan County):**

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Catch and release only.

(312) **Roosevelt Lake (Grant/Ferry/Lincoln/Stevens counties):**

(a) The following areas are closed:

(i) From the Little Dalles power line crossing upstream approximately one mile to the marked rock point, and from Northport power line crossing upstream to the most upstream point of Steamboat Rock, from March 1 through the Friday before Memorial Day.

(ii) The Kettle arm upstream to Barstow Bridge from April 1 through the Friday before Memorial Day.

(b) Carp: It is unlawful to fish for carp with bow and arrow.

(c) From Grand Coulee Dam to the ~~Northport Bridge~~ Little Dalles power line crossing:

(i) Kokanee: Limit 6; no more than 2 with intact adipose fins may be retained.

~~((d))~~ (ii) Salmon: Landlocked salmon rules apply.

~~((e))~~ (iii) Trout (except kokanee): Limit 5; it is unlawful to retain ~~((more than 2 over 20 inches in length))~~ trout with an intact adipose fin.

~~((f))~~ (iv) Walleye: No size restrictions; limit 16 fish.

(d) From ~~Northport Bridgethe~~ Little Dalles power line crossing to the Canadian ~~Border~~Bborder:

(i) Kokanee: Limit 6; no more than 2 with intact adipose fins may be retained.

(ii) Salmon: Landlocked salmon rules apply.

(iii) Trout (except kokanee): Limit 2; minimum size 18 inches. ~~It is unlawful to retain trout less than 18 inches in length.~~

(iv) Walleye: No size restrictions; limit 16 fish.

(313) Round Lake (Okanogan County): Open the fourth Saturday in April through October 31.

(314) Rowland Lake, North (Klickitat County): Open the fourth Saturday in April through the last day in February, except closed the Monday before Thanksgiving Day through Thanksgiving Day.

(315) Royal Lake (Adams County): Closed.

(316) Royal Slough (including Marsh Unit IV impoundments) (Adams County): Closed.

(317) Ruby Creek and tributaries (Pend Oreille County):

(a) Open the Saturday before Memorial Day through October 31.

(323) **Salmon Creek, North Fork and West Fork from mouth to South**

Fork (Okanogan County):

(a) Open the Saturday before Memorial Day through October 31.

(b) Selective gear rules apply.

(c) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(324) **San Poil River (Ferry County):**

(a) From the western shoreline at the mouth of the San Poil Arm (as marked by a regulatory buoy) directly eastward across the San Poil Arm to the eastern shoreline of the San Poil Arm (as marked by a regulatory buoy) upstream to the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek:

(i) Open ~~April 1-June 1~~ through January 31 for kokanee, small-mouth bass, trout, and walleye:

(A) Kokanee: Limit 2 fish in addition to the trout limit; no minimum size requirement.

~~(B) Smallmouth bass: Limit 10; it is unlawful to retain more than one over 14 inches.~~

(C) Trout:

(I) Limit 5, it is unlawful to retain trout with an intact adipose fin.

~~((; it is unlawful to retain more than 2 trout over 20 inches)).~~

~~(II) Release rainbow trout with adipose fin((s)) intact.~~

(D) Walleye: Limit 16; no size restrictions.

(ii) Open year-round for other game fish, salmon, and carp:

(A) Carp: It is unlawful to fish for carp with bow and arrow.

(B) Salmon: Landlocked salmon rules apply.

(b) From the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek to approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys:

(i) It is unlawful to fish for or retain trout.

(ii) Open ~~April 1~~ June 1 through January 31 for walleye and smallmouth bass:

~~(A) Smallmouth bass: Limit 10; it is unlawful to retain more than one over 14 inches.~~

(B) Walleye: Limit 16; no size restrictions.

(iii) Open year-round for other game fish, salmon, and carp:

(A) Carp: It is unlawful to fish for carp with bow and arrow.

(B) Salmon: Landlocked salmon rules apply.

(c) The waters from approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys, to all waters north of the regulatory buoy line at or above 1,310 feet mean sea level elevation are managed under the regulatory authority of the Colville Confederated Tribe of Indians.

(d) From above the Colville Confederated Tribe of Indians Reservation northern boundary, upstream to the headwaters, including tributaries: Open the Saturday before Memorial Day through October 31.

(325) **Sand Hollow Creek (Grant County) including all tributaries:**
Open April 1 through September 30 from State Route 243 upstream.

(326) **Sarg Hubbard Park Pond (Reflection Pond) (Yakima County):**
Open to juvenile anglers and anglers with a disability who possess a designated harvester companion card only.

(327) **Schaefer Lake (Chelan County):**

(a) Trout limit sixteen, except eastern brook trout. Eastern brook trout do not count towards the trout limit.

(b) Eastern brook trout: No minimum size and no limit.

(328) **Scooteney Reservoir (Franklin County):** Walleye limit 8; minimum size 12 inches. It is unlawful to retain more than one walleye over 22 inches in length.

(329) **Sedge Lake (Grant County):**

(346) **Spearfish Lake (Klickitat County):** Open the fourth Saturday in April through last day in February.

(347) **Spectacle Lake (Okanogan County):** Open April 1 through September 30.

(348) **Spokane River (Spokane County):**

(a) From SR 25 Bridge upstream to 400 feet below Little Falls Dam:

(i) It is permissible to fish with two poles so long as the angler possesses a two-pole endorsement.

(ii) Open year-round:

(A) Kokanee: Limit 6; no more than 2 with intact adipose fins may be retained.

~~Kokanee:~~

~~(I) Limit 6; no minimum size.~~

~~(II) It is unlawful to retain more than 2 with intact adipose fins.~~

(III) Kokanee does not count towards the trout limit.

(B) Salmon: Landlocked salmon rules apply.

(C) Trout:

(I) Limit 5, it is unlawful to retain trout with an intact adipose fin~~(; no minimum size)~~.

~~(II) ((It is unlawful to retain more than 2 trout over 20 inches in length.)) Release rainbow trout with adipose fin intact.~~

(D) Walleye: Limit 16; no size restrictions.

(b) From the Little Falls Dam to the upstream boundary of the Plese Flats Day Use Area (Riverside State Park), except Long Lake (Nine Mile Dam to Long Lake Dam): Open year-round.

(i) Landlocked salmon rules apply.

(ii) Trout: Limit 5; no more than 2 trout over 20 inches in length may be retained.

(c) From the upstream boundary at Plese Flats Day Use Area (Riverside State Park) upstream to the Monroe Street Dam:

(i) Selective gear rules apply.

(ii) It is unlawful to fish from a floating device equipped with an internal combustion motor.

(iii) Open June 1 through March 15:

(A) Salmon: Landlocked salmon rules apply.

(B) Trout:

(I) Limit one; minimum length 8 inches.

(II) Release wild trout (only rainbow trout with a clipped adipose fin and a healed scar at the site of the clipped fin may be retained).