



RULE-MAKING ORDER

CR-103E (July 2011)
(Implements RCW 34.05.350)

Agency: Washington Department of Fish and Wildlife

Emergency Rule Only

Effective date of rule:

Emergency Rules 16-99

- Immediately upon filing.
- Later (specify) May 27, 2017

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

- Yes
 - No
- If Yes, explain:

Purpose: Amend recreational fishing rules in Lake Roosevelt

Citation of existing rules affected by this order:

Repealed: WAC 220-312-05000J
 Amended: WAC 220-312-050
 Suspended:

Statutory authority for adoption: RCW 77.04.012, 77.04.020, and 77.12.047

Other authority :

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
- That in order to implement the requirements or reductions in appropriations enacted in any budget for fiscal year 2009, 2010, 2011, 2012, or 2013, which necessitates the need for the immediate adoption, amendment, or repeal of a rule, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the fiscal needs or requirements of the agency.

Reasons for this finding: (See Attachment)

Date adopted: May 23, 2017

NAME (TYPE OR PRINT)

J W Unsworth

SIGNATURE

TITLE

Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
 STATE OF WASHINGTON
 FILED

DATE: May 23, 2017

TIME: 11:04 AM

WSR 17-11-116

**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Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____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New	_____	Amended	_____	Repealed	_____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 in the agency's own initiative:

New	<u>1</u>	Amended	_____	Repealed	<u>1</u>
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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	_____

NEW SECTION

WAC 220-312-05000J Freshwater exceptions to statewide rules—Eastside.

Notwithstanding the provisions of WAC 220-312-050:

- (1) Effective May 27 through September 17, 2017, it is permissible to fish for sturgeon in waters of Lake Roosevelt from Grand Coulee Dam to China Bend Boat Ramp (including the Spokane River from Highway 25 Bridge upstream to 400' below Little Falls Dam, Colville River upstream to Meyers Falls and the Kettle River upstream to Barstow Bridge).
- (2) Effective August 1 through September 17, 2017, it is permissible to fish for sturgeon in waters of Lake Roosevelt (white sturgeon spawning sanctuary): from China Bend Boat Ramp upstream to the Canadian Border .
- (3) The following rules apply to sections (1) and (2):
 - (a) Daily limit of one sturgeon between 38 and 63 inches fork length. Annual limit of two sturgeon.
 - (b) Anglers are required to record harvested on a Catch Record Card.
 - (c) Anglers may fish with two poles with the purchase of a Two-Pole Endorsement license.
 - (d) Night closure is in effect. All other statewide rules for white sturgeon apply.

REPEALER

The following section of the Washington Administrative Code is repealed effective September 18, 2017:

WAC 220-312-05000J Freshwater exceptions to statewide rules—Eastside.

Attachment

The white sturgeon population in the Upper Columbia Transboundary Reach (Grand Coulee Dam, Washington to Hugh Keenleyside Dam, British Columbia) has experienced consistent juvenile year-class production failure for more than 30 years. In response to production failure, the Upper Columbia White Sturgeon Recovery Initiative (UCWSRI) was formed in 2000. The UCWSRI produced a Recovery Plan (finalized in 2002) with the goal, “To ensure the persistence and viability of naturally-reproducing populations of white sturgeon in the Upper Columbia River and restore opportunities for beneficial use, if feasible”. A White Sturgeon hatchery program began in 2001 (2002 releases) in British Columbia (BC) and 2004 (with brood year 2003 fish from BC) in Washington using conventional brood stock and hatchery rearing methods. Stocking ranged from 2,000-12,000 juvenile sturgeon per year from 2001 to 2010 (including both Washington and BC releases). Survival of hatchery-produced juvenile sturgeon was much higher than anticipated. As a result, there is a surplus of approximately 20,500 sturgeon that are available for harvest from Lake Roosevelt over the next decade. There is insufficient time to adopt permanent rules.