



PROPOSED RULE MAKING

CR-102 (July 2022) (Implements RCW 34.05.320) Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: July 18, 2023

TIME: 1:13 PM

WSR 23-15-097

Agency: Washington Department of Fish and Wildlife P2023-11

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 23-11-101 on May 19, 2023 ; 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 current recreational fishing seasons and rules for Lake Roosevelt sturgeon.

WAC 220-316-010 Sturgeon—Areas, seasons, limits and unlawful acts

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
August 22, 2023	6:00 PM	Zoom Meeting	https://us02web.zoom.us/webinar/register/WN_qBoqkc-Rh6KgOj7RwxQWQ After registering, you will receive a confirmation email containing information about joining the meeting.

Date of intended adoption: September 5, 2023 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Kelly Henderson

Address:

Email: roosevelt-sturgeon@PublicInput.com

Fax:

Other: Website: <https://publicinput.com/roosevelt-sturgeon> Phone# for voicemail comments: 855-925-

2801 project code 5179

By (date) August 22, 2023

Assistance for persons with disabilities:

Contact VI/ADA Compliance Coordinator

Phone: (360) 902-2349

Fax:

TTY: 711

Email: Title6@dfw.wa.gov

Other:

<https://wdfw.wa.gov/accessibility/requestsaccommodation>

By (date) August 8, 2023

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of the proposal is to change the permanent rules for the Lake Roosevelt white sturgeon fishery. The anticipated effect of this change is enhanced conservation of the white sturgeon population in Lake Roosevelt; specifically, protection for certain year-classes of high conservation value while allowing for harvest of over-represented year-classes of hatchery-origin sturgeon. The Lake Roosevelt sturgeon fishery is currently closed to fishing by permanent rule. Changes would include a fishing season of September 16-November 30 and a harvest slot limit of 53-63 inches Fork Length per fish. In addition, anglers would be required to cease fishing for the day once they obtained their daily limit and for the season once they had reached their annual limit. Other statewide recreational rules would apply to this fishery.

Reasons supporting proposal: Weak year-classes of wild-caught-larval (WCL) white sturgeon produced between 2011-2016 (year-classes of concern), which were reared and released as part of the conservation aquaculture program in Lake Roosevelt, will begin entering harvestable sizes in 2023. This group of sturgeon is present in low abundance but has high conservation value. Concurrently, there is a need to maintain a harvest sturgeon fishery in Lake Roosevelt in order to remove over-represented year-classes of hatchery sturgeon produced from 2001-2010. The Lake Roosevelt sturgeon fishery

will require multiple rule changes over the next decade in order to maintain harvest of target year-classes of sturgeon while managing the fishery to minimize harvest impacts to WCL year-classes of concern.

Statutory authority for adoption: RCW 77.04.012, 77.04.055, 77.12.047, and 77.60.070

Statute being implemented: RCWs 77.04.012, 77.04.055 and 77.12.047

Is rule necessary because of a:

- Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Type of proponent: Private Public Governmental

Name of proponent: (person or organization) Washington Department of Fish and Wildlife

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Bill Baker	Colville	509-563-5499
Implementation:	Chris Donley	Spokane	509-892-1001 ext. 307
Enforcement:	Capt. Mike Sprecher	Spokane	509-892-1001

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:

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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:

- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> 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\(4\)](#) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of how the above exemption(s) applies to the proposed rule:

(2) Scope of exemptions: *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact statement here:

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

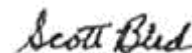
Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: 7/18/2023

Name: Scott Bird

Title: Agency Rules Coordinator

Signature:



WAC 220-316-010 Sturgeon—Areas, seasons, limits and unlawful acts.

- (1) It is unlawful to fish for or retain green sturgeon.
- (2) It is unlawful to fish for sturgeon with terminal gear other than bait and one single-point barbless hook.
- (3) Any sturgeon that cannot lawfully be retained must be released immediately.
- (4) It is unlawful to totally or partially remove oversized sturgeon from the water. Oversized sturgeon are defined as: Any sturgeon larger than 55 inches fork length.
- (5) It is unlawful to use a gaff or other body-penetrating device while restraining, handling, or landing a sturgeon.
- (6) The daily limit for white sturgeon is one fish.
- (7) The annual limit for white sturgeon is two fish, regardless of where the angler takes the sturgeon. After an angler reaches their annual limit of white sturgeon, catch and release fishing is permitted in areas open to catch and release fishing.
- (8) The possession limit is two daily limits of fresh, frozen, or processed white sturgeon.
- (9) It is unlawful to possess sturgeon eggs in the field without retaining the intact carcass of the fish from which the eggs have been removed.
- (10) Statewide night closure for white sturgeon fishing.
- (11) Coastal marine areas: Open year-round catch and release only.
- (12) Coastal tributaries:
 - (a) Open when season is open for salmon or game fish.
 - (b) Catch and release only.
- (13) Puget Sound marine areas: Open year-round catch and release only.
- (14) Puget Sound tributaries:
 - (a) Open when season is open for salmon or game fish; except: Snohomish River from mouth to Highway 9 Bridge: Open year-round.
 - (b) Catch and release only.
- (15) Columbia River and tributaries (except Snake River):
 - (a) From a true north-south line through Buoy 10 (the mouth) upstream to a line crossing the Columbia River from navigation marker 82 on the Oregon shore, westerly to the boundary marker on the Washington shore upstream of Fir Point (navigational marker 82 line; including Vancouver Lake and all other waters west of Burlington Northern Railroad from the Columbia River drawbridge near Vancouver downstream to Lewis River (Clark County): Open year-round catch and release only when season is open for salmon or game fish.
 - (b) From a line crossing the Columbia River from navigation marker 82 on the Oregon shore, westerly to the boundary marker on the Washington shore upstream of Fir Point (navigational marker 82 line) to a boundary marker on the Washington shore approximately 4,000 feet below the fish ladder at the powerhouse, south to the downstream end of Cascade Island, and across to the Oregon angling boundary on Bradford Island (the Cascade Island-Bradford Island line):
 - (i) Open September 1 through April 30: Catch and release only when season is open for salmon or game fish.
 - (ii) May 1 through August 31: Closed.

(c) From a boundary marker on the Washington shore approximately 4,000 feet below the fish ladder at the new powerhouse, south to the downstream end of Cascade Island, and across to the Oregon angling boundary on Bradford Island (the Cascade Island-Bradford Island line) to the Bonneville Dam: Closed.

(d) From Bonneville Dam to a line from the east (upstream) dock at the Port of The Dalles boat ramp straight across to a marker on the Washington shore:

(i) Open January 1 through April 30 for retention: Minimum fork-length 38 inches and maximum fork-length 54 inches.

(ii) Open May 1 through December 31: Catch and release only when season is open for salmon or game fish.

(e) From a line from the east (upstream) dock at the Port of The Dalles boat ramp straight across to a marker on the Washington shore to The Dalles Dam:

(i) Open January 1 through April 30 for retention: Minimum fork-length 38 inches and maximum fork-length 54 inches.

(ii) May 1 through August 31: Closed.

(iii) Open September 1 through December 31: Catch and release only when season is open for salmon or game fish.

(f) From The Dalles Dam to a line crossing the Columbia River at a right angle to the thread of the river located at the west end of the grain silo at Rufus, Oregon:

(i) Open January 1 through April 30 for retention: Minimum fork-length 43 inches and maximum fork-length 54 inches.

(ii) Open May 1 through December 31: Catch and release only when season is open for salmon or game fish.

(g) From a line crossing the Columbia River at a right angle to the thread of the river located at the west end of the grain silo at Rufus, Oregon to John Day Dam:

(i) Open January 1 through April 30 for retention: Minimum fork-length 43 inches and maximum fork-length 54 inches.

(ii) May 1 through August 31: Closed.

(iii) Open September 1 through December 31: Catch and release only when season is open for salmon or game fish.

(h) From John Day Dam to a line from the grain elevators at Patterson Ferry Road on the Oregon shore, straight across to a marker on the Washington shore at the west end of the old concrete foundation:

(i) Open January 1 through April 30 for retention: Minimum fork-length 43 inches and maximum fork-length 54 inches.

(ii) Open May 1 through December 31: Catch and release only when season is open for salmon or game fish.

(i) From a line from the grain elevators at Patterson Ferry Road on the Oregon shore, straight across to a marker on the Washington shore at the west end of the old concrete foundations to McNary Dam:

(i) Open January 1 through April 30 for retention: Minimum fork-length 43 inches and maximum fork-length 54 inches.

(ii) May 1 through August 31: Closed.

(iii) Open September 1 through December 31: Catch and release only when season is open for salmon or game fish.

(j) From McNary Dam to Vernita Bridge: Open year-round catch and release only when season is open for salmon or game fish.

(k) From Vernita Bridge to Priest Rapids Dam:

(i) Open September 1 through April 30: Catch and release only when season is open for salmon or game fish.

(ii) May 1 through August 31: Closed.

(l) From Priest Rapids Dam to Chief Joseph Dam: Open year-round catch and release only when season is open for salmon or game fish.

(m) From Chief Joseph Dam to Grand Coulee Dam and tributaries: Closed.

(n) Roosevelt Lake ((and tributaries: Closed.)):

(i) Open September 16 through November 30 for retention: Minimum fork-length 53 inches and maximum fork-length 63 inches.

(ii) Anglers must cease fishing for the day after obtaining a daily limit and for the season after the annual limit has been taken.

(iii) December 1 through September 15: Closed.

(iv) Roosevelt Lake tributaries: Closed.

(16) Snake River and tributaries:

(a) From the Snake River mouth (from the Burbank to Pasco railroad bridge) upstream to the downstream end of Goose Island: Open year-round catch and release only when season is open for salmon or game fish.

(b) From the downstream end of Goose Island upstream to Ice Harbor Dam:

(i) Open September 1 through April 30: Catch and release only when season is open for salmon or game fish.

(ii) May 1 through August 31: Closed.

(c) From Ice Harbor Dam upstream to the border with Oregon: Open year-round catch and release only when season is open for salmon or game fish.

(17) A violation of this section is an infraction, punishable under RCW 77.15.160, unless the person has harvested sturgeon. If the person has harvested sturgeon, the violation is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the sturgeon are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty—Criminal wildlife penalty assessment.

(18) It is unlawful to possess sturgeon taken with gear in violation of the provisions of this section. Possession of sturgeon while using gear in violation of the provisions of this section is a rebuttable presumption that the sturgeon were taken with such gear. Possession of such sturgeon is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree—Penalty, unless the sturgeon are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree—Penalty—Criminal wildlife penalty assessment.