

**WSR 23-15-097
PROPOSED RULES
DEPARTMENT OF
FISH AND WILDLIFE**

[Order 23-11—Filed July 18, 2023, 1:13 p.m.]

Original Notice.

Preproposal statement of inquiry was filed as WSR 23-11-101 on May 19, 2023.

Title of Rule and Other Identifying Information: 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): On August 22, 2023, at 6:00 p.m., 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.

Submit Written Comments to: Kelly Henderson, email roosevelt-sturgeon@PublicInput.com, website <https://publicinput.com/roosevelt-sturgeon>, voicemail comments 855-925-2801, project code 5179, by August 22, 2023.

Assistance for Persons with Disabilities: Contact VI/ADA compliance coordinator, phone 360-902-2349, TTY 711, email Title6@dfw.wa.gov, <https://wdfw.wa.gov/accessibility/requestsaccommodation>, by 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 and 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: RCW 77.04.012, 77.04.055, and 77.12.047.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Washington department of fish and wildlife, governmental.

Name of Agency Personnel Responsible for Drafting: Bill Baker, Colville, 509-563-5499; Implementation: Chris Donley, Spokane, 509-892-1001 ext. 307; and Enforcement: Captain Mike Sprecher, Spokane, 509-892-1001.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(4).

Scope of exemption for rule proposal:

Is fully exempt.

July 18, 2023

Scott Bird

Rules Coordinator

OTS-4755.1

AMENDATORY SECTION (Amending WSR 20-05-022, filed 2/7/20, effective 3/9/20)

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.

[Statutory Authority: RCW 77.04.012, 77.04.055, and 77.12.047. WSR 20-05-022 (Order 20-23), § 220-316-010, filed 2/7/20, effective 3/9/20. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 17-05-112 (Order 17-04), amended and recodified as § 220-316-010, filed 2/15/17, effective 3/18/17. Statutory Authority: RCW 77.04.012 and 77.12.047. WSR 16-06-073 (Order 16-30), § 220-56-282, filed 2/26/16, effective 7/1/16. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.020, 77.04.055, and 77.12.047. WSR 15-13-081 (Order 15-177), § 220-56-282, filed 6/12/15, effective 7/13/15. Statutory Authority: RCW 77.04.012, 77.04.013, 77.04.055, and 77.12.047. WSR 15-06-065 and 15-06-006 (Order 15-033), § 220-56-282, filed 3/4/15 and 2/20/15, effective 7/1/15; WSR 14-04-120 (Order 14-26), § 220-56-282, filed 2/4/14, effective 3/7/14. Statutory Authority: RCW 77.04.012 and 77.12.047. WSR 13-11-125 (Order 13-105), § 220-56-282, filed 5/21/13, effective 6/21/13. Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. WSR 12-18-006 (Order 12-190), § 220-56-282, filed 8/23/12, effective 9/23/12. Statutory Authority: RCW 77.04.012 and 77.12.047. WSR 12-05-082 (Order 12-17), § 220-56-282, filed 2/16/12, effective 3/18/12. Statutory Authority: RCW 77.12.047. WSR 08-05-039 (Order 08-23), § 220-56-282, filed 2/13/08, effective 1/1/09; WSR 07-05-051 (Order 07-22), § 220-56-282, filed 2/16/07, effective 3/19/07; WSR 06-09-021 (Order 06-67), § 220-56-282, filed 4/11/06, effective 5/12/06; WSR 05-05-035 (Order 05-15), § 220-56-282, filed 2/10/05, effective 5/1/05; WSR 04-07-009 (Order 04-39), § 220-56-282, filed 3/4/04, effective 5/1/04; WSR 03-21-133 (Order 03-273), § 220-56-282, filed 10/21/03, effective 4/1/04; WSR 03-18-006 (Order 03-209), § 220-56-282, filed 8/20/03, effective 9/20/03; WSR 02-08-048 (Order 02-53), § 220-56-282, filed 3/29/02, effective 5/1/02; WSR 01-06-036 (Order 01-24), § 220-56-282, filed 3/5/01, effective 5/1/01. Statutory Authority: RCW 75.08.080. WSR 95-04-066 (Order 95-10), § 220-56-282, filed 1/30/95, effective 5/1/95; WSR 91-08-054 (Order 91-13), § 220-56-282, filed 4/2/91, effective 5/3/91; WSR 90-06-026, § 220-56-282, filed 2/28/90, effective 3/31/90; WSR 89-07-060 (Order 89-12), § 220-56-282, filed 3/16/89.]