

Summary Sheet

Meeting dates: November 1, 2019 WDFW Commission Conference Call

Agenda item: Green (Duwamish) River Tacoma Watershed Closure Area to fishing - Decision

Presenter(s): Edward Eleazer, Region 4 Fish Program Manager

Background summary:

The Department received a petition to create a permanent fishing closure in the upper Green River in the Tacoma Municipal Watershed from the Tacoma Municipal Watershed Boundary Marker (approximately 1.3 miles downstream of the Tacoma Headworks Dam) to the Friday Creek confluence (Figure 1). This area of the Green River was closed to fishing in past years, but the Municipal Watershed was changed from “closed” to “open” for fishing during the rule simplification process.

Public access within the municipal watershed is currently prohibited and anglers cannot legally walk to any part of the Green River that flows through the municipal watershed. Tacoma Public Utilities (the petitioner) feels that a fishing closure would re-inforce the closed area around their watershed and reduce confusion among anglers.

Staff recommendation:

Adopt the rule proposal to close the upper Green River from the Tacoma Municipal Watershed Boundary Marker (approximately 1.3 miles downstream of the Tacoma Headworks Dam) to the Friday Creek confluence.

Policy issue(s) and expected outcome:

This area of the Green River was closed to fishing in past years. The Municipal Watershed was changed from “closed” to “open” for fishing during the rule simplification process. The adoption of the rule proposal will restore this closure in rule.

Fiscal impacts of agency implementation:

None

Public involvement process used and what you learned:

A public news release and online notice through our website notified people of the opportunity to comment on commission petition rule proposal. We received 5 comments. Three in favor and two opposed.

The Department also conducted a regional workshop to discuss the rule process and proposed regulation changes at our region four office in Mill Creek. Unfortunately, there were no people in attendance for the workshop.

WDFW Commission Meeting, October 18, 2019 Natural Resources Building. There we held a public hearing and presentation. After the presentation, we heard testimony from one individual in favor of the proposal.

Action requested and/or proposed next steps:

Adopt the rule proposal to close the upper Green River from the Tacoma Municipal Watershed Boundary Marker (approximately 1.3 miles downstream of the Tacoma Headworks Dam) to the Friday Creek confluence.

Draft motion language:

Motion: I move to adopt WAC 220-312-040 Green (Duwamish) River (King County) as presented by staff.

Is there a “second”?

If so, then motion maker discusses basis for motion; other Commissioners discuss views on motion; amendments, if any, proposed and addressed

Post decision communications plan:

A news release will be distributed with the decision. Any changes to rules will be posted on the department web page and Fish Washington mobile application.

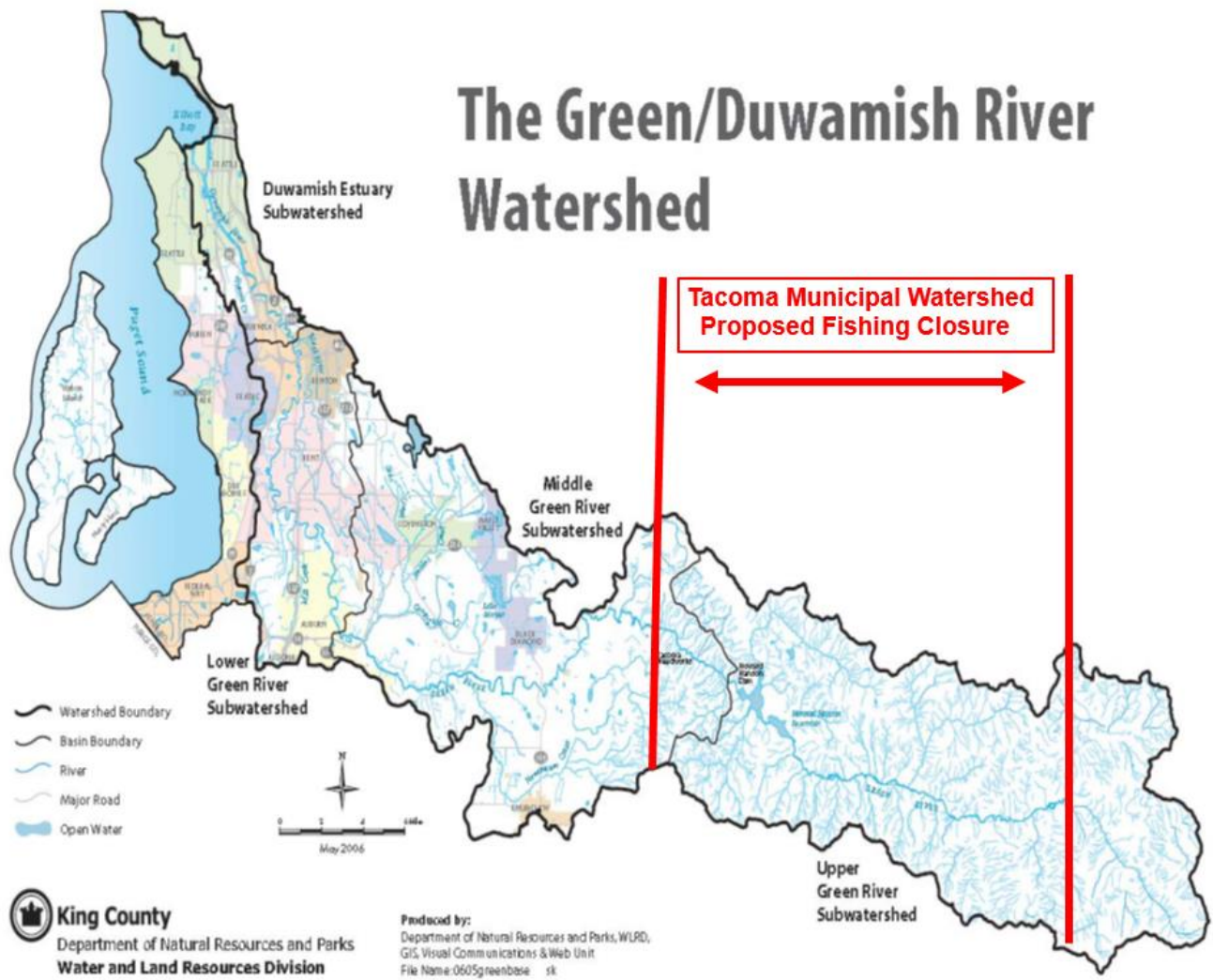


Figure 1. Section of Green River proposed for rule change.

WAC language for Green River changes

WAC 220-312-040 Freshwater exceptions to statewide rules—

Puget Sound.

~~((94))~~ (125) **Green (Duwamish) River (King County):**

(f) From the mouth of Cristy Creek (at Flaming Geyser State Park) to the ~~((water pipeline walk bridge (1/2 mile downstream of))~~ Tacoma Municipal Watershed Boundary Marker (1 mile downstream to Tacoma Headworks Dam):

(i) Within 150 feet of the Palmer Pond outlet rack: Closed waters.

(ii) Open for game fish the Saturday before Memorial Day through December 31.

(iii) Game fish: Statewide minimum length/daily limit, except: Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(iv) Open for game fish and salmon November 1 through December 31:

(A) Anti-snagging rules.

(B) Night closure.

(C) Daily limit 6 salmon of which no more than 3 may be any combination of adult coho and adult chum. Release Chinook_

(g) From Tacoma Municipal Watershed Boundary Marker (1 mile downstream to Tacoma Headworks Dam) to Friday Creek: Closed waters.



PROPOSED RULE MAKING

CR-102 (October 2017)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 03, 2019
TIME: 2:20 PM

WSR 19-18-074

Agency: Washington State Department of Fish and Wildlife (WDFW)

- Original Notice**
- Supplemental Notice to WSR** _____
- Continuance of WSR** _____

- Preproposal Statement of Inquiry was filed as WSR 19-13-052 June 13, 2019 ; 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 freshwater recreational gamefish rules.

220-310-070 – Statewide bait rules
 220-310-090 – Game fish possession limits and size limits
 220-312-010 – Freshwater exceptions to statewide rules – General rules
 220-312-020 – Freshwater exceptions to statewide rules – Coast
 220-312-030 – Freshwater exceptions to statewide rules – Southwest
 220-312-040 – Freshwater exceptions to statewide rules – Puget Sound
 220-312-050 – Freshwater exceptions to statewide rules – Eastside

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
October 18-19, 2019	8:00 am	Natural Resource Building, 1111 Washington St. SE, Olympia, WA 98501	

Date of intended adoption: October 20, 2019 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: WDFW Rules Coordinator
 Address: PO Box 43152 Olympia, WA 98501
 Email: Rules.Coordinator@dfw.wa.gov
 Fax: 360-902-2155
 Other:
 By (date) October 17, 2019

Assistance for persons with disabilities:

Contact WDFW ADA Manager
 Phone: 360-902-2349
 Fax:
 TTY: 360-902-2207
 Email: adaprogram@dfw.wa.gov
 Other:
 By (date) October 17, 2019

Purpose of the proposal and its anticipated effects, including any changes in existing rules:
 Implementation of 2SHB 1579. Eliminates harvest restrictions for bass, walleye, and channel catfish in all rivers, streams and beaver ponds, and in lakes, ponds and reservoirs where these three species may inhabit the same water as salmon smolts.

Implements changes requested by petition to fishing boundaries in the upper Green (Duwamish) River.

Implements changes requested by petition to revert fishing season on the Colville River including Meyers Falls.

Makes adjustments to recreational fishing rules to maximize conservation and recreational-fishing opportunity. This proposal includes changes to other freshwater recreational fishing regulations.

Reasons supporting proposal: The changes in this proposal are needed to make necessary adjustments to recreational fishing rules based on department data, public feedback, and the desire of the department to reduce complexity of the sport rules as reflected in the annual pamphlet. The department also proposes amendments for conservation purposes and to provide greater fishing opportunity. Technical changes are needed to ensure accuracy, clarity, and uniformity in the code

Statutory authority for adoption: RCWs 77.04.012, 77.04.012, 77.04.020, 77.04.055, 77.12.045, and 77.12.047.

Statute being implemented: RCWs 77.04.012, 77.04.012, 77.04.020, 77.04.055, 77.12.045, 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:

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:	Kelly Henderson	1111 Washington Street, Olympia, WA 98501	360-902-2684
Implementation:	Craig Burley	1111 Washington Street, Olympia, WA 98501	360-902-2784
Enforcement:	Chief Steve Bear	1111 Washington Street, Olympia, WA 98501	360-902-2373

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: The proposed rule does not affect hydraulics

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). 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:

RCW 34.05.310 (4)(b)
(Internal government operations)

RCW 34.05.310 (4)(e)
(Dictated by statute)

RCW 34.05.310 (4)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

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).

Explanation of exemptions, if necessary: The department is exempt from the requirements of RCW chapter 19.85 because the proposed recreational fishing rules do not regulate small businesses; rather, the department's proposed fishing rules regulate individuals who undertake recreational fishing activities. The statewide recreational rules that are the subject of this rule making simply govern the time, place and manner for individuals who want to enjoy the recreational fishing opportunities provided.

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If 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 analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert 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: September 3, 2019

Name: Jacalyn M Hursey

Title: Rules Coordinator

Signature:

