

RESPONSE TO THE PLACEMENT OF FISH INTO PUBLIC WATERS WITHOUT AUTHORIZATION

NEW RULE I GENERAL PURPOSE (1) As determined by the department, these rules pertain to the department's response to the placement of live fish into public waters without authorization by the department whether the cause of the placement is known or unknown. These rules are intended to cover all placement of unauthorized species into the public waters, including from outside or inside the state through introduction or transplantation. Unauthorized species include any live fish placed into public waters without authorization.

(2) The unauthorized placement of fish into public waters is of significant concern and is likely to have many adverse impacts, including but not limited to:

- (a) adverse impacts on native, wild and stocked fish populations;
- (b) potential to spread disease;
- (c) degradation of water quality;
- (d) degradation of aquatic habitat;
- (e) increased fishery management costs;
- (f) loss of angling opportunities and quality; and
- (g) harm to local and regional tourism economies.

(3) The department and commission shall make prevention of and response to unauthorized species a priority.

(4) During efforts to respond to the placement of unauthorized species, the department will endeavor to protect the previously existing fishery and suppress or eradicate the unauthorized species to maintain the existing management objectives for that fishery.

NEW RULE II DEPARTMENT'S INITIAL RESPONSE AND ACTION PLAN

(1) The department shall begin an initial investigation within 30 days after the report of the presence of an unauthorized species in an attempt to confirm that an unauthorized placement has occurred and to estimate the distribution, abundance, age structure, and potential population expansion of the unauthorized species.

(2) The department shall prepare an action plan for responding to an unauthorized species. The action plan will identify the department's immediate and long-term management objectives for the unauthorized species and the management actions that may be implemented to achieve those objectives. The management objectives shall be based on a risk and feasibility assessment, with consideration for following:

- (a) the risk that the unauthorized species could expand into connected or nearby waters;
- (b) the current distribution of the unauthorized species and the proximity of those populations to the new placement;
- (c) the probability that the unauthorized species will survive and propagate;
- (d) the impact that the unauthorized species might have on the existing fishery, especially threatened or endangered species, native species, game species and important forage species;
- (e) the immediate and long term impacts that the unauthorized species might

have on previously existing angling opportunities; and

(f) the immediate and long term economic impacts that the unauthorized species might have on the department, the public, and the economy.

(3) To protect existing fisheries, local economies, wildlife enjoyment, and angler opportunities, the department shall attempt eradication or suppression of the unauthorized species.

(4) The department shall attempt to identify and cite any individuals responsible for the unauthorized placement and seek penalties and restitution pursuant to the penalties and fines outlined in law.

NEW RULE III MANAGEMENT ACTIONS (1) The department's action plan for responding to a confirmed unauthorized species placement may include, as determined by the department, the following management actions for eradication or suppression:

(a) prohibit or discontinue stocking the waterbody if the presence of the unauthorized species reduces the effectiveness of the stocking effort;

(b) prohibit or discontinue stocking of any forage fish species that benefits the unauthorized species;

(c) modify angling regulations for the immediate and connected water bodies with unauthorized species including:

(i) liberalizing or removing daily angling limits;

(ii) enacting catch and release fishing;

(iii) extending or removing the angling season;

(iv) allowing capture methods other than hook and line;

(v) instituting mandatory catch-and-kill regulations; or

(vi) closing the water to all fishing.

(d) deny applications for fishing contests that target the unauthorized species, except in cases where the department determines the contest is an essential tool for suppression or eradication and requires that the contest has catch-and-kill rules;

(e) authorize commercial harvest of the unauthorized species;

(f) implement physical control measures to reduce the population of unauthorized species, including:

(i) installation of fish barriers;

(ii) removal using chemical or mechanical methods;

(iii) netting spawning fish;

(iv) habitat manipulation (e.g. reservoir drawdown);

(v) removing illegal species when encountered incidental to other management or survey activities; or

(vi) disturbing spawning areas to reduce survival.

(g) implementing angler harvest incentive programs.

NEW RULE IV ADAPTIVE MANAGEMENT APPROACH FOR UNAUTHORIZED SPECIES (1) The department may amend its management objectives for a body of water if after a reasonable period of time the department concludes that:

(a) the management actions have succeeded and the department has accomplished the management objectives and that continued implementation of the existing action plan is no longer necessary; or

(b) the management actions have failed to accomplish the management objectives, and that continued implementation of the existing action plan is unlikely to accomplish the desired outcome.

(2) Revisions to the management objectives may prescribe management actions that are more tolerant or less tolerant of the presence of the unauthorized species and must include a rationale for any changes. The department shall report any revisions to the management objectives to the commission.

NEW RULE V REPORTING REQUIREMENTS (1) The department shall maintain an electronic repository utilizing a standardized format to document the initial investigation and subsequent management actions taken in response to each unauthorized species.

(2) Documentation must include, but is not limited to:

(a) results of the department's initial investigation to confirm the presence of the unauthorized species and information collected on the distribution, abundance, age structure, and potential population expansion of the unauthorized species;

(b) the action plan for responding to the unauthorized species, including the management objectives and potential management actions;

(c) a summary of management actions taken to respond to the unauthorized species; and

(d) changes to any action plan taken under the adaptive management approach.

(3) The electronic repository shall be updated on an annual basis to include all new unauthorized species and changes to documentation regarding previously reported unauthorized species.