



Fish and Wildlife Commission Presentation Summary Sheet

Meeting date:

3/15/2024

Agenda item:

Petition: Ban bait and delay the opening of the fishing seasons in all Puget Sound rivers and tributaries. - (Decision)

Presenter(s):

Kirt Hughes - Fish Management, Division Manager

Background summary:

On January 16, 2024 the Washington Fish and Wildlife Commission (FWC) received a rule making petition seeking to “Ban bait and delay the opening of the fishing season in all Puget Sound rivers and tributaries.” Petitioners state the rule change is needed because “Current regulations provide inadequate protection for Puget sound juvenile salmonids.” The narrative associated with the petition more explicitly requests changes in “regulations to:

- *Ban the use of bait in all rivers and tributaries in the Puget Sound Basin.*
- *Delay the opening of the fishing season until mid-June in all Puget Sound rivers and tributaries to allow emigrating steelhead smolts to fully vacate freshwater habitats.”*

Commissioners may note similarities between this petition, and one received in August 2023. Both petitions seek additional protections for juvenile salmonids, specifically steelhead.

In the narrative associated with the current petition, the petitioners state that a report published by the National Marine Fisheries Service (NMFS) in 2022 indicates that the federal Endangered Species Act (ESA) DPS of the Puget Sound steelhead is showing some evidence of increasing viability in recent years, although it remains at a moderate risk of extinction in the next 30-80 years. The petitioner’s narrative also says that challenges impacting the population such as “climate change, habitat destruction, and predation” are “complex problems that can’t be quickly addressed.” And they state that a “simpler and more immediate” solution can be achieved by “reducing the number of fish allowed to be harvested by angles...”. It is worth pointing out that the 2007 ESA listing of Puget Sound steelhead, NMFS/NOAA identified that harvest was not a limiting factor. In fact, WDFW and tribal co-managers in years leading up to the listing had on average a harvest related impact rate of less than 4% across five major river systems flowing to Puget Sound (Skagit, Snohomish, Green, Puyallup, and Nisqually rivers). Since the listing, WDFW and tribal comanagers have maintained fishing related impacts on wild steelhead below that 4% average while targeting other healthy stocks of hatchery salmon and steelhead. Subsequently, in 2008, the department completed the “Statewide Steelhead Management Plan: Statewide Policies, Strategies, and Actions.” This document lays out the basis for operations and actions in our fundamental area related to the protection, perpetuation and recovery of steelhead in Washington: natural production, habitat protection and restoration, artificial production, and fisheries management. Finally, the FWC has implemented rules that require the release of wild steelhead statewide expressly to protect wild steelhead.

Based on our review of the petition and other documents submitted, the petition seeks to change our standard gamefish rules and open seasons in rivers, streams, and beaver ponds. Currently the dates for this season are primarily from the Saturday before Memorial Day through October 31 annually. General gamefish rules allow fishing for resident trout and other gamefish while requiring that ALL wild steelhead to be released (except up to 2 hatchery steelhead 20" and over may be retained daily). In many of our rivers, streams, and beaver ponds rules for trout are catch and release only, when harvest is allowed there are minimum size limits in place and the daily limit is capped at 2 trout.

As stated earlier, this petition is similar in nature to a petition received in August 2023. Like with the August 2023 petition, WDFW staff see value in reviewing current harvest of resident native trout which is accomplished using the principals in the 'stream strategy' and implementing the adoption of fishing rules by the Fish and Wildlife Commission. The new policy being developed to guide harvest of resident native trout will address the concerns expressed regarding the harvest of juvenile salmonids.

To that end, WDFW staff recommend that the Fish and Wildlife Commission deny the petition.

If the commission accepts the staff recommendation, we will notify the petitioners of the process we are undertaking to develop the new policy.

Staff recommendation:

Deny the petition.

Policy issue(s) and expected outcome:

The petitioners express concern for fishing mortality of emigrating juvenile steelhead. Staff recommend denying the petition and directing staff to consider these expressed concerns during the development of the Resident Native Trout Harvest Management Commission Policy.

Fiscal impacts of agency implementation:

None

Public involvement process used and what you learned:

No public engagement has occurred to date.

Action requested and/or proposed next steps:

Deny the petition.

Draft motion language:

MOTION LANGUAGE – I move to deny the petition and direct staff to consider these concerns during the development of the Resident Native Trout Harvest management Commission Policy.

Post decision communications plan:

The Department will provide a letter to the petitioners with the final outcome of the Commission decision regarding the petition.
