

**16. SPORT FISHING RULE FOR LEAD FISHING TACKLE RESTRICTIONS ON THIRTEEN LOON LAKES – (RULE ADOPTION)**

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## **“GREEN SHEET”**

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<b>Meeting dates:</b>	December 4 Commission Meeting
<b>Agenda item #16:</b>	Sport Fishing Rule for Lead Fishing Tackle Restrictions on Thirteen Loon Lakes – (Rule Adoption)
<b>Staff Contact:</b>	John Whalen, Region 1, Fish Program Manager Rocky Beach, Wildlife Diversity Division Manager
<b>Presenter(s):</b>	Craig Burley, Fish Management Division Manager Rocky Beach, Wildlife Diversity Division Manager

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**Background:** A proposal to restrict lead fishing tackle use for 13 Washington waters was considered in the 2010-2012 rule change process. Proposal #32, entitled Lead-Tackle on Lakes where Loons Breed, would have made it unlawful to use lead weights weighing less than one half ounce or lead jigs measuring less than 1 ½ inch in the following freshwater lakes: Ferry Lake, Swan Lake, and Long Lake (Ferry County), Pierre Lake (Stevens County), Big Meadow Lake, Yocum Lake and South Skookum Lake (Pend Oreille County), Lost Lake, Blue Lake and Bonaparte Lake (Okanogan County), Calligan Lake, Hancock Lake (King County), and Lake Hozomeen (Whatcom County). A large amount of public interest and testimony was generated from this proposal, both in support and against this proposal.

**Commission Action:** The Commission did not adopt this proposal in February, and asked the Department to create a follow up public review process to evaluate the merits and review the science behind the proposal before taking any action on this issue. The Department responded to this request by forming a Lead Fishing Tackle / Common Loon Advisory Group. Eleven members from the public at large were appointed by Director Anderson through an open nomination process. The primary task of this group was to review pertinent scientific literature on lead, lead fishing tackle and wildlife interactions (specifically common loons), and develop recommendations to advise the Department on management options for limiting lead exposure from fishing tackle for common loons on 13 identified waters within Washington with documented loon breeding territories. At the October Commission meeting members were briefed by Department staff on Advisory Group discussions, public testimony received on regulatory concept proposals, and final Advisory Group recommendations presented to the Department for consideration. Department staff provided a recommendation in support of Alternative #3 Partial Lead Fishing Tackle Ban: No lead fishing weights or jig heads on each of the 13 lakes identified. Considerations taken into account by the Department in putting forward this recommendation included: public input received to date; ease of enforcement for this type of tackle restriction; loon status in WA; the suite of lakes under consideration; and primary fishery emphasis on the 13 lakes considered. Subsequent to the October Commission Briefing, the Department is recommending minor modifications to the partial lead fishing tackle restriction. Proposed WAC WAC 232-28-619 language would read as follows: (1) Ferry Lake (Ferry County), Swan Lake (Ferry County), Pierre Lake (Stevens County), Big Meadow Lake (Pend Oreille County), Yocum Lake (Pend Oreille County), South Skookum Lake (Pend Oreille County), Lost Lake (Okanogan County), Blue Lake (Okanogan County), Bonaparte Lake (Okanogan County), Calligan Lake (King County), Hancock Lake (King County), Lake Hozomeen (Whatcom County) – It is unlawful to use lead weights or lead jigs that measure 1 ½ inch or less along the longest axis in these waters. (2) Long Lake (Ferry County) – It is unlawful to use flies containing lead. (3) As used in (1), “lead jig” means a lure consisting of a hook permanently or temporarily attached directly to a lead weight by any method. “Lead weight” means material constructed of lead and applied to a fishing line or lure designed to help keep the hook, bait, or lure underwater.

<b><u>Timeline</u></b>	<b><u>Actions</u></b>
<b>Spring 2010</b>	Ad Hoc Citizen Advisory Group solicited, formed, and assembled to review science and develop recommendations
<b>July 2010</b>	Two public meetings (Spokane, Mill Creek) to discuss recommendations and take public comments
<b>Aug 2010</b>	Advisory Group develops final recommendations for WDFW consideration
<b>Oct. 1-2, 2010</b>	Commission briefing and public input taken on recommendations at meeting in Olympia
<b>Nov. 19, 2010</b>	Deadline for written comment to WDFW Rules Coordinator via internet or 600 Capitol Way N., Olympia, WA, 98501

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**Policy issue(s) you are bringing to the Commission for consideration:**

Should sportfishing rules be adjusted to minimize the interactions between common loons and lead fishing tackle on 13 lakes where loons have established breeding territories?

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**Public involvement process used and what was learned:**

Members of the Lead Fishing Tackle/Common Loon Advisory Group represented conservation, recreational fishing and fishing tackle interest groups, and independent unaffiliated individuals. The group met three times to consider lead fishing tackle issues and develop recommendations. Two public meetings were held, the first on July 27 in Spokane, with the second meeting on July 29 in Mill Creek. Department staff presented general background information and fishing tackle management alternatives developed by the Advisory Group. Public comment was taken at these meetings. Additionally, the Department's Inland Fish Policy Advisory Group was presented with the same information that was provided at the public meetings and IFPAG members were asked for their input. There was general consensus within the Advisory Group, and at the Spokane public meeting, that lead fishing tackle could contribute to individual loon mortalities from lead toxicosis via lead fishing tackle ingestion. Within the Advisory Group the breadth and extent of loon mortalities in WA caused by lead fishing tackle, and the extent this mortality factor contributes to the current status of loons in WA was highly debated. No consensus was reached on this point, with Advisory Group members divided between supporting some form of restriction on lead fishing tackle (from a total ban on all lead tackle to some type of restriction on lead fishing weights or lead jig head tackle), or retaining a status quo approach on existing fishing regulations on the 13 lakes in question. Limited testimony received at the two public meetings (12 people submitted comments), was similarly divided. Input from IFPAG members was somewhat ambivalent in general. At the October Commission meeting three people submitted testimony: two supporting conservation actions to restrict lead fishing tackle and one person supporting a status quo approach with no lead tackle restrictions. [See Attached Summary of public comments received to date.]

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**Action requested:**

Rule Adoption: (1) Ferry Lake (Ferry County), Swan Lake (Ferry County), , Pierre Lake (Stevens County), Big Meadow Lake (Pend Oreille County), Yocum Lake (Pend Oreille County), South Skookum Lake (Pend Oreille County), Lost Lake (Okanogan County), Blue Lake (Okanogan County), Bonaparte Lake (Okanogan County), Calligan Lake (King County), Hancock Lake (King County), Lake Hozomeen (Whatcom County) – Unlawful in these waters

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to use lead weights or lead jigs constructed with lead that measures 1½-inch or less along the longest axis. (2) Long Lake (Ferry County) – Makes it unlawful to use flies containing lead. (3) As used in (1) “lead jig” means a lure consisting of a hook permanently or temporarily attached directly to a lead weight by any method. “Lead weight” means material constructed of lead and applied to a fishing line or lure and designed to help keep the hook, bait, or lure underwater.

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**Draft motion language:**

Move to adopt the amendments to WAC 232-28-619, Washington food fish and game fish – Freshwater exceptions to statewide rules, as proposed.

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**Justification for Commission action:**

This action is justified under RCW 77.12.047.

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**Communications Plan:**

The Lead Fishing Tackle/Common Loon Advisory Group met three times. There were two public meetings held (July 27 in Spokane and July 29 in Mill Creek) where WDFW staff presented fishing regulation alternatives developed by the Advisory Group and took public comments. The Inland Fish Policy Advisory Group was presented with the same information that was shared at the public meetings and asked for their input. The Agency developed and established a web page based opportunity for the public to review informational materials on lead fishing tackle and common loon interactions, and also the four alternatives developed by the Lead Fishing Tackle / Common Loon Advisory Group. A public hearing for a fishing regulation proposal to restrict lead fishing tackle on 13 WA waters will be held at the October Commission meeting. Public comment opportunity on the fishing regulation proposal was open from September 21 through November 19.

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*Form revised 10/16/2008 – sdy*





# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington Department of Fish and Wildlife

- Preproposal Statement of Inquiry was filed as WSR 10-13-121 on 6/22/10;  
or  
 Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or  
 Proposal is exempt under RCW 34.05.310(4).

- Original Notice  
 Supplemental Notice to WSR 10-17-100  
 Continuance of WSR \_\_\_\_\_

Title of rule and other identifying information: (Describe Subject).

WAC 220-55-160, Free fishing weekend;  
WAC 220-55-220, Two pole endorsement;  
WAC 220-55-230, Columbia River endorsement;  
WAC 220-56-240, Daily limits forage fish and other food fish not otherwise provided for;  
WAC 220-56-270, Smelt - Areas and seasons; and  
WAC 232-28-619, Washington food fish and game fish – Freshwater exceptions to statewide rules.

Hearing location(s):  
Natural Resources Building, Room 172  
1111 Washington St., SE  
Olympia, WA 98504

Date: December 3-4, 2010 Time: 8:30 a.m.

Date of intended adoption: On or after February 1, 2011  
(Note: This is NOT the effective date)

Submit written comments to:  
Name: Lori Preuss, Rules Coordinator  
Address: 600 Capitol Way, N.  
Olympia, WA 98501-1091

E-mail: Lori.Preuss@dfw.wa.gov  
Fax: (360) 902-2155 by 11/19/2010

Assistance for persons with disabilities: Contact  
Contact: Susan Yeager by 11/19/2010  
TTY: (360) 902-2207 or (360) 902-2267

Purpose of the proposal and its anticipated effects, including any changes in existing rules: See Attachment 1.

Reasons supporting proposal: See Attachment 1.

Statutory authority for adoption: RCW 77.04.012 and 77.12.047

Statute being implemented: RCW 77.04.012 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:  Yes  No

CODE REVISER USE ONLY

DATE  
September 22, 2010

NAME (type or print)  
Lori Preuss

SIGNATURE

TITLE  
Rules Coordinator

(COMPLETE REVERSE SIDE)

**Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:** Dates related to these proposed rules:

October 1-2, 2010, Washington Fish and Wildlife Commission meeting: Staff will brief the commission on the proposal to prohibit lead tackle on several lakes statewide to protect loons nesting on the lakes. The commission will allow public testimony on all of the proposed rules.

November 19, 2010: Deadline for the public to submit written comments on all of the rules.

December 3-4, 2010 Commission meeting: Staff will brief the commission on the rest of the rules (minus the lead tackle rules). Staff will ask the commission to adopt the lead-tackle rule changes.

February 2011 Commission meeting: Staff will ask the commission to adopt the rest of the rules.

**Name of proponent:** (person or organization) Washington Department of Fish and Wildlife  Private  
 Public  
 Governmental

<b>Name of agency personnel responsible for:</b>			
	Name	Office Location	Phone
Drafting.....	Patricia Michael	1111 Washington St., Olympia	(360) 902-2628
Implementation....	James Scott	1111 Washington St., Olympia	(360) 902-2736
Enforcement.....	Bruce Bjork	1111 Washington St., Olympia	(360) 902-2373

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone ( ) \_\_\_\_\_

fax ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No. Explain why no statement was prepared.

These rules affect recreational fishers. There is no direct regulation of small businesses.

**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 ( ) \_\_\_\_\_

e-mail \_\_\_\_\_

No: Please explain: These proposals do not affect hydraulics.

## Attachment 1

### **Purpose of the proposal, its anticipated effects, including any changes in existing rules and reasons supporting proposal:**

The changes proposed below are exactly the same as those proposed with the original CR-102 filed on August 17, 2010, as WSR 10-17-100, with one exception: The Department of Fish and Wildlife is also proposing closing Capitol Lake in Thurston County to all fishing, due to the presence of New Zealand mud snails, which are aquatic invasive species and thus pose a significant threat to fish conservation.

**WAC 220-55-160**, Free fishing weekend: Language added to clarify that the two-pole endorsement and the Columbia River endorsement are not needed during Free Fishing weekend.

**WAC 220-55-220**, Two pole endorsement: A portion of Swift Reservoir is removed from the areas where anglers may fish with 2 poles, due to bull trout holding in this area.

**WAC 220-55-230**, Columbia River endorsement: Stream sections are added to the rule for clarification. Gobar Creek, a Kalama River tributary, was added to the list where the endorsement is required. Swift Reservoir was removed from the list.

**WAC 220-56-240**, Daily limits forage fish and other food fish not otherwise provided for: Clarifies the daily limit of 15 for shiner perch. During the last rule change cycle, Shiner perch were inadvertently included in the species that have a 2-fish daily limit.

**WAC 220-56-270**, Smelt—Areas and seasons: Closes fishing for eulachon smelt state-wide, due to their “threatened” listing under the Endangered Species Act.

**WAC 232-28-619**, Washington food fish and game fish – Freshwater exceptions to statewide rules: Establishes the following rules:

- Black River and tributaries west of I-5 – open 1<sup>st</sup> Saturday in June through October 31, selective gear rules, trout minimum size 14. Provides trout fishing opportunity.
- Minter Creek - open 1<sup>st</sup> Saturday in June through October 31, trout minimum size 14. Provides sea-run cutthroat trout fishing opportunity.
- Lower Deschutes River – year round season provided to match other sections. Selective gear rules added for protection of cutthroat trout.
- Capitol Lake – closed to all fishing.
- South Fork Stillaguamish River from Mountain Loop Highway upstream - open 1<sup>st</sup> Saturday in June through November 30. Provides fishing for hatchery summer steelhead and other trout.
- Purdy Creek - open 1<sup>st</sup> Saturday in June through October 31 with selective gear rules. Provides trout fishing opportunity.
- Clover Creek season begins July 1 (not July 2) – typo in WAC.
- Chambers Creek – two listings were conflicting; one was removed.

- Rocky Creek – county reference corrected.
- Phillipa Creek – name spelled incorrectly in current rule. Columbia River sturgeon sanctuary boundary adjusted to reflect new landmark necessary to protect brood stock.
- Cougar Lake – selective gear rules added to catch-and-release fishery to ease release of fish.

Ferry Lake (Ferry County), Swan Lake (Ferry County), Long Lake (Ferry County), Pierre Lake (Stevens County), Big Meadow Lake (Pend Oreille County), Yocum Lake (Pend Oreille County), South Skookum Lake (Pend Oreille County), Lost Lake (Okanogan County), Blue Lake (Okanogan County), Bonaparte Lake (Okanogan County), Calligan Lake (King County), Hancock Lake (King County), Lake Hozomeen (Whatcom County) – unlawful to use weights, sinkers, or jigs containing lead.

- ~~lead tackle~~ in these waters. Provides protection to loons nesting on these lakes.

## RECOMMENDED ADJUSTMENTS

WAC 232-28-619: Washington food fish and game fish – Freshwater exceptions to statewide rules

**The following recommended adjustments are a result of WDFW’s Fish and Enforcement programs revising the language of the WAC as filed with the CR-102 so that it reflects a clarification in regulation intent, reads more simply, and is easier to understand.**

WAC 232-28-619 will read:

(2) As used in this section, “lead jig” means a lure consisting of a hook permanently or temporarily attached directly to a lead weight by any method. “Lead weight” means material constructed of lead and applied to a fishing line or lure and designed to help keep the hook, bait, or lure underwater.

In subsection (4):

- Ferry Lake (Ferry County), Swan Lake (Ferry County), , Pierre Lake (Stevens County), Big Meadow Lake (Pend Oreille County), Yocum Lake (Pend Oreille County), South Skookum Lake (Pend Oreille County), Lost Lake (Okanogan County), Blue Lake (Okanogan County), Bonaparte Lake (Okanogan County), Calligan Lake (King County), Hancock Lake (King County), Lake Hozomeen (Whatcom County) – Unlawful to use lead weights or lead jigs that measure 1½-inch or less along the longest axis.
- Long Lake (Ferry County) – Unlawful to use flies containing lead.



AMENDATORY SECTION (Amending Order 10-137, filed 5/27/10, effective 6/27/10)

**WAC 232-28-619 Washington food fish and game fish--Freshwater exceptions to statewide rules.** (1) All freshwater streams and lakes not listed as open for salmon fishing are closed to fishing for salmon.

(2) As used in this section, "lead jig" means a lure consisting of a hook permanently or temporarily attached directly to a lead weight by any method. "Lead weight" means material constructed of lead and applied to a fishing line or lure and designed to help keep the hook, bait, or lure underwater.

~~(2)~~(3) Freshwater terminal gear restrictions: In all waters with freshwater terminal gear restrictions, including, but not limited to, selective gear rules, whitefish gear rules, single point barbless hooks required, fly-fishing only, and anti-snagging rules, violation of the gear rules is an infraction, punishable under RCW 77.15.160. It is unlawful to possess fish taken with gear in violation of the freshwater terminal gear restrictions. Possession of fish while using gear in violation of the freshwater terminal gear restrictions is a rebuttable presumption that the fish were taken with such gear. Possession of such fish is punishable under RCW 77.15.380 Unlawful recreational fishing in the second degree, unless the fish are taken in the amounts or manner to constitute a violation of RCW 77.15.370 Unlawful recreational fishing in the first degree.

~~(3)~~(4) County freshwater exceptions to statewide rules:  
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of the Seabeck Highway NW Bridge. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

From Lake Symington upstream: First Saturday in June through October 31 season. All species: Selective gear rules. Release all trout.

Big Creek (Skagit County) (Suiattle River tributary): From TeePee falls to source: First Saturday in June through October 31 season. Selective gear rules.

Big Four Lake (Columbia County): March 1 through October 31 season. Fly fishing only. Fishing from any floating device prohibited. Trout: Daily limit two.

Big Lake (Skagit County): Crappie: Daily limit ten, minimum length nine inches. Salmon: Landlocked salmon rules apply.

Big Meadow Lake (Pend Oreille County): Last Saturday in April through October 31 season. Unlawful to use lead weights or lead jigs that measure 1½-inch or less along the longest axis. ~~fishing tackle containing lead. Tackle includes, but is not limited to, weights, sinkers, jigs, lures, flies, and lead-core line.~~

Big Mission Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Big Quilcene River (Jefferson County): See Quilcene River.

Big River (Clallam County): The first Saturday in June through last day in February season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length fourteen inches.

Big Scandia Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size

device equipped with an internal combustion motor. All species:  
Release all fish.

Blue Lake (Grant County): Last Saturday in April through September  
30 season.

Blue Lake (near Sinlahekin) (Okanogan County): Last Saturday in  
April through October 31 season. Unlawful to use lead weights or  
lead jigs that measure 1½-inch or less along the longest axis.  
fishing tackle containing lead. Tackle includes, but is not limited  
to, weights, sinkers, jigs, lures, flies, and lead-core line.  
Selective gear rules. Unlawful to fish from a floating device  
equipped with an internal combustion motor. Trout: Daily limit  
one.

Blue Lake (near Wannacut Lake) (Okanogan County): Last Saturday in  
April through October 31 season. Selective gear rules. Unlawful  
to fish from a floating device equipped with an internal combustion  
motor. Trout: Daily limit one.

Bobcat Creek and Ponds (Adams County): April 1 through September  
30 season.

Bogachiel River (Clallam County), from mouth to Olympic National Park  
boundary: The first Saturday in June through April 30 season. The  
first Saturday in June through November 30, selective gear rules and  
December 1 through April 30, selective gear rules and unlawful to  
fish from a floating device equipped with an internal combustion  
motor from Highway 101 to Olympic National Park boundary. Trout:  
Minimum length fourteen inches. November 1 through last day in  
February, daily limit three steelhead downstream from Highway 101  
Bridge. February 16 through April 30, mouth to Highway 101, one wild  
steelhead per day may be retained. Salmon: Open only July 1 through  
November 30 from mouth to Highway 101 Bridge. July 1 through August  
31, daily limit 6 fish of which no more than 2 may be adult salmon.  
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Release wild adult Chinook and wild adult coho. September 1 through November 30, daily limit 6 fish of which no more than 4 may be adult salmon, and of the 4 adult salmon, no more than 2 may be any combination of Chinook, wild coho, pink, sockeye, and chum salmon.

Boise Creek (King County) (White River tributary) upstream of Highway 410 crossing: First Saturday in June through October 31 season.

Bonaparte Creek (Okanogan County): Closed Waters from mouth to falls one mile upstream.

Bonaparte Lake (Okanogan County): Unlawful to use lead weights or lead jigs that measure 1½-inch or less along the longest axis. fishing tackle containing lead. Tackle includes, but is not limited to, weights, sinkers, jigs, lures, flies, and lead-core line. Trout: No more than one over twenty inches in length may be retained.

Bosworth Lake (Snohomish County): Last Saturday in April through October 31 season.

Boulder Creek and tributaries (Okanogan County): Trout: Eastern brook trout not counted in daily trout limit. Eastern brook trout daily limit ten, no minimum size. Release all cutthroat.

Boulder Creek (Skagit County) (Cascade River tributary): First Saturday in June through October 31 season. All species: Selective gear rules and release all fish.

Boulder River (Snohomish County) (NF Stillaguamish River tributary): Mouth to Boulder Falls. First Saturday in June through October 31 season. All species: Selective gear rules and release all fish except up to two hatchery steelhead may be retained.

From Boulder Falls upstream: First Saturday in June through October 31 season.

Bowman Creek (Klickitat County): Trout: Daily limit five.

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trout and eastern brook trout has been taken.

Calligan Lake (King County): June 1 through October 31 season. All tributary streams, and the upper third of the outlet are closed waters. Unlawful to use lead weights or lead jigs that measure 1½-inch or less along the longest axis. ~~fishing tackle containing lead. Tackle includes, but is not limited to, weights, sinkers, jigs, lures, flies, and lead-core line.~~

Camas Slough: Waters of the Columbia River downstream from the mouth of the Washougal River, north of Lady Island, and downstream of the Highway 14 Bridge at the upstream end of Lady Island. Season: Open when the adjacent mainstem Columbia or Washougal rivers are open to fishing for salmon. Daily limit same as most liberal regulation of either area, except for salmon, only hatchery Chinook and hatchery coho may be retained.

Camp Creek (Snohomish County) (Whitechuck River tributary): First Saturday in June through October 31 season. Selective gear rules.

Campbell Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Campbell Lake (Okanogan County): April 1 through August 31: Selective gear rules and all species: Release all fish. Unlawful to fish from a floating device equipped with an internal combustion motor.

Campbell Lake (Skagit County): Crappie: Daily limit ten, minimum length nine inches.

Canyon Creek (Clark County): Trout: Daily limit five.

Canyon Creek (Snohomish County) (Suiattle River tributary): First Saturday in June through October 31 season. Selective gear rules.

31 season.

Evans Creek (Pierce County) (Carbon River tributary) from Carbon River-Fairfax Road upstream: First Saturday in June through October 31 season.

Failor Lake (Grays Harbor County): Last Saturday in April through October 31 season. Trout: No more than two over 15 inches in length may be retained per day.

Falls Creek (Snohomish County) (Sauk River tributary): First Saturday in June through October 31 season. All species: Selective gear rules.

Fan Lake (Pend Oreille County): Last Saturday in April through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Fazon Lake (Whatcom County): Fishing from any floating device prohibited from first Friday in October through January 15. Channel catfish: Daily and possession limit two.

Ferry Lake (Ferry County): Unlawful to use ~~fishing tackle containing lead. Tackle includes, but is not limit lead weights or lead jigs that measure 1½-inch or less along the longest axis. ed to, weights, sinkers, jigs, lures, flies, and lead-core line.~~

Fio Rito Lakes (Kittitas County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Fish Lake (Chelan County): Trout: No more than two over fifteen inches in length may be retained. Perch: Daily limit 25.

Fish Lake (Ferry County): Last Saturday in April through October 31 season.

Fish Lake (Okanogan County): Last Saturday in April through October

equipped with an internal combustion motor. Trout: Daily limit one.

Grizzly Lake (Skamania County): Closed waters.

Groves Creek (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Minimum size fourteen inches.

Halfmoon Lake (Adams County): April 1 through September 30 season.

Halfmoon Lake (Pend Oreille County): Last Saturday in April through October 31 season.

Hamilton Creek (Skamania County): Trout: Release all fish except up to two hatchery steelhead may be retained per day. All tributaries downstream from the Highway 14 Bridge: Closed waters.

Hamma Hamma River (Mason County):

From mouth to four hundred feet below falls: The first Saturday in June through August 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. All species: Release all fish.

From falls upstream: First Saturday in June through October 31 season.

Hampton Lakes, Lower and Upper (Grant County): April 1 through September 30 season. Fishing from a floating device equipped with an internal combustion motor prohibited.

Hancock Lake (King County): Last Saturday in April through October 31 season. All tributary streams and the upper third of the outlet are closed waters. Unlawful to use lead weights or lead jigs that measure 1½-inch or less along the longest axis. fishing tackle containing lead. Tackle includes, but is not limited to, weights, sinkers, jigs, lures, flies, and lead-core line.

Howard Lake (Snohomish County): Last Saturday in April through October 31 season.

Howe Creek (Jefferson County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Howell Lake (Mason County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Hozomeen Lake (Whatcom County): July 1 through October 31 season. Unlawful to use lead weights or lead jigs that measure 1½-inch or less along the longest axis. ~~fishing tackle containing lead. Tackle includes, but is not limited to, weights, sinkers, jigs, lures, flies, and lead-core line.~~

Huff Lake (Pend Oreille County): Closed waters.

Humptulips River (Grays Harbor County): From mouth to Ocean Beach Road: The first Saturday in June through March 31 season, except closed September 1 through September 30. Night closure and single-point barbless hooks required August 16 through August 31 and October 1 through November 30. Trout: Minimum length fourteen inches. Salmon: Open October 1 through January 31. Daily limit of 6 salmon, of which no more than two may be adult salmon, and of the 2 adult salmon, only one may be a Chinook. Release chum and wild coho. From Ocean Beach Road to Highway 101: The first Saturday in June through March 31 season, except closed September 1 through September 15. Night closure and single-point barbless hooks required August 16 through August 31 and September 16 through November 30. All species: Bait prohibited September 16 through September 30. Trout: Minimum length fourteen inches. Salmon: Open September 16 through January 31. Daily limit of 6 salmon, of

closed for game fish other than trout during April, release all trout except hatchery steelhead, and trout other than steelhead closed March 16 through July 31. Trout: August 1 through March 15, daily limit of two hatchery steelhead. Salmon and steelhead: March 16 through July 31, daily limit of two hatchery steelhead or two hatchery Chinook, or one of each. Salmon: Open August 1 through December 31. Daily limit six fish of which no more than two may be adult salmon. Release wild coho and wild Chinook.

Lone Lake (Island County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Daily limit one, minimum length 18 inches.

Long Lake (Ferry County): Last Saturday in April through October 31 season. Fly fishing only. Unlawful to use flies containing lead. ~~or lead-core line.~~ Unlawful to fish from floating devices equipped with motors.

Long Lake (Okanogan County): Last Saturday in April through September 30 season.

Long Lake (Thurston County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Long's Pond (Thurston County): Juveniles only.

Loomis Lake (Pacific County): Last Saturday in April through October 31 season.

Loomis Pond (Grays Harbor County): Closed waters.

Loon Lake (Stevens County): Last Saturday in April through October

31 season. Trout except kokanee: Daily limit five, except no more than two over twenty inches in length may be retained. Kokanee not counted in daily trout limit. Kokanee daily limit ten.

Lost Lake (Kittitas County): Trout: Not more than 1 fish over 14 inches in length.

Lost Lake (Mason County): Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Lost Lake (Okanogan County): Unlawful to fish from a floating device equipped with an internal combustion engine. Unlawful to use lead weights or lead jigs that measure 1½-inch or less along the longest axis. fishing tackle containing lead. Tackle includes, but is not limited to, weights, sinkers, jigs, lures, flies, and lead-core line.

Lost River (Okanogan County):

From mouth to mouth of Monument Creek: Closed waters.

From mouth of Monument Creek to outlet of Cougar Lake: Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Legal to retain Dolly Varden/Bull Trout as part of trout daily limit. Dolly Varden/Bull Trout daily limit two, minimum length fourteen inches.

Love Lake (Clark County): Closed waters.

Lucky Duck Pond (Stevens County): Juveniles only.

Ludlow Creek (Jefferson County): First Saturday in June through October 31 season. Selective gear rules and release all fish.

Ludlow Lake (Jefferson County): Last Saturday in April through October 31 season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

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Pierre Lake (Stevens County): Unlawful to use lead weights or lead jigs that measure 1½-inch or less along the longest axis. fishing tackle containing lead. Tackle includes, but is not limited to, weights, sinkers, jigs, lures, flies, and lead-core line.

Pilchuck Creek (Snohomish County), mouth to Highway 9 Bridge: The first Saturday in June through February 15 season. Trout: Minimum length 14 inches. Selective gear rules and unlawful to fish from a floating device equipped with an internal combustion motor the first Saturday in June through November 30.

From Highway 9 Bridge to Pilchuck Falls: First Saturday in June through October 31 season. Selective gear rules. Trout minimum size 14 inches.

From Pilchuck Falls upstream, including all tributaries and their tributaries and all tributaries to Lake Cavanaugh: First Saturday in June through October 31 season.

Pilchuck River (Snohomish County):

From its mouth to five hundred feet downstream from the Snohomish City diversion dam: December 1 through February 15 season. Fishing from any floating device prohibited. Trout: Minimum length fourteen inches.

Pillar Lake (Grant County): April 1 through September 30 season.

Pine Creek (Mason County): First Saturday in June through October 31 season.

Pine Lake (King County): Last Saturday in April through October 31 season.

Pine Lake (Mason County): Last Saturday in April through October 31 season.

Trout: Minimum length twelve inches.

Skookum Creek (Mason County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

Skookum Lake, North (Pend Oreille County): Last Saturday in April through October 31 season.

Skookum Lake, South (Pend Oreille County): Unlawful to use lead weights or lead jigs that measure 1½-inch or less along the longest axis.

Skookumchuck Creek (Klickitat County): Trout: Release all trout.

Skookumchuck Reservoir (Thurston County): The first Saturday in June through October 31 season. Trout: Daily limit two, minimum length twelve inches.

Skookumchuck River (Thurston County):

From mouth to one hundred feet below the outlet of the Trans Alta steelhead rearing pond located at the base of the Skookumchuck Dam: The first Saturday in June through April 30 season. Single point barbless hooks and night closure August 16 through November 30. Trout: Minimum length fourteen inches. Salmon: Open only September 16 through last day in February. September 16 through November 30, daily limit 6 fish of which no more than 2 may be adult salmon, and of the adult salmon, only 1 of which may be wild adult coho. Release chum and Chinook. December 1 through last day in February, daily limit 6 fish of which no more than 2 may be adult salmon. Release chum, Chinook, and wild coho.

From Skookumchuck Reservoir upstream and all tributaries: Selective gear rules. Unlawful to fish from a floating device

from a floating device equipped with an internal combustion motor. Release all fish except up to two hatchery steelhead may be retained.

Sooes River (Suez River) (Clallam County): The first Saturday in June through last day in February season. Trout: Minimum length fourteen inches.

Soos Creek (King County), from mouth to hatchery rack: The first Saturday in June through August 31 season. Trout: Minimum length fourteen inches.

South Bend Mill Pond (Pacific County): Juveniles only.

South Prairie Creek (Pierce County), from city of Buckley diversion dam upstream: First Saturday in June through October 31 season.

South Skookum Lake (Pend Oreille County): Unlawful to use lead weights or lead jigs that measure 1½-inch or less along the longest axis. fishing tackle containing lead. Tackle includes, but is not limited to, weights, sinkers, jigs, lures, flies, and lead-core line.

Spada Lake (Reservoir) (Snohomish County): Last Saturday in April through October 31 season. Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Maximum length twelve inches.

Spada Lake (Reservoir) tributaries (Snohomish County): Closed waters.

Spanaway Lake and Spanaway Lake outlet downstream to the dam (approximately 800 feet) (Pierce County): Year-round season. Trout: Daily limit 5, no more than two over 14 inches in length may be retained, except no size restriction for kokanee.

Spearfish Lake (Klickitat County): Last Saturday in April through last day in February season.

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Sutherland Lake (Clallam County): Chumming permitted. Beginning November 1, 2011: Closed waters.

Swale Creek (Klickitat County): Trout: Release all trout.

Swamp Creek (tributary to Sammamish River) (Snohomish/King counties): The first Saturday in June through August 31 season. Juveniles only.

Swan Lake (Ferry County): Last Saturday in April through October 31 season. Unlawful to use lead weights or lead jigs that measure 1½-inch or less along the longest axis. ~~fishing tackle containing lead. Tackle includes, but is not limited to, weights, sinkers, jigs, lures, flies, and lead-core line.~~

Swan's Mill Pond (Stossel Creek) (King County): The first Saturday in June through October 31 season.

Swauk Creek (Kittitas County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor.

Swift Reservoir (Skamania County): Last Saturday in April through November 30 season. From posted markers below Eagle Cliff Bridge to Bridge: Selective gear rules. Salmon: Landlocked salmon rules apply.

Swofford Pond (Lewis County): Fishing from a floating device equipped with an internal combustion motor prohibited.

Sylvia Lake (Grays Harbor County): Trout: No more than two over 15 inches in length may be retained per day.

Symington Lake (Kitsap County): First Saturday in June through October 31 season. Selective gear rules. Trout: Release all trout.

motor December 1 through the last day of February. Trout: From Roza Dam to 400 feet below Easton Dam: Release all trout. Lake Easton to the base of Keechelus Dam. Release all trout except eastern brook trout. Eastern brook trout: No daily limit and no minimum size. Yakima Sportsmen's Park Ponds (Yakima County): Juveniles only.

Yale Reservoir (Cowlitz County): Trout: Kokanee not counted in daily trout limit. Kokanee daily limit sixteen. Landlocked salmon rules.

Yellowhawk Creek (Walla Walla County): Closed waters.

Yellowjacket Creek (tributary to Cispus River) (Lewis County): Selective gear rules. Unlawful to fish from a floating device equipped with an internal combustion motor. Trout: Minimum length twelve inches.

Yocum Lake (Pend Oreille County): Last Saturday in April through October 31 season. Unlawful to use lead weights or lead jigs that measure 1½-inch or less along the longest axis. ~~fishing tackle containing lead. Tackle includes, but is not limited to, weights, sinkers, jigs, lures, flies, and lead-core line.~~

[Statutory Authority: RCW 77.04.020, 77.12.045, and 77.12.047. 10-12-062 (Order 10-137), § 232-28-619, filed 5/27/10, effective 6/27/10. Statutory Authority: RCW 77.12.047. 10-07-105 (Order 10-64), § 232-28-619, filed 3/19/10, effective 5/1/10. Statutory Authority: RCW 77.12.047 and 77.04.020. 09-15-035 (Order 09-133), § 232-28-619, filed 7/8/09, effective 8/8/09. Statutory Authority: RCW 77.12.047. 09-06-042 (Order 09-27), § 232-28-619, filed 2/25/09, effective 5/1/09. Statutory Authority: RCW 77.12.047 and 77.04.020. 08-15-002 (Order 08-165), § 232-28-619, filed 7/3/08,



Washington Department of Fish and Wildlife (WDFW)  
 Ad Hoc Citizen Advisory Group  
 on Lead Fishing Tackle Impacts on Common Loons  
 Appointed by WDFW Director Phil Anderson, June 2010

<b>Name</b>	<b>Affiliation</b>
Carl Burke (CB)	Northwest Sportsfishing Industry Association
Virginia Gumm (VG)	Loon conservation advocate Loon Lake Loon Association
Karen Honeycutt (KH)	Fish biologist, U. S. Forest Service Colville National Forest
Bill Hopley (BH)	Retired WDFW biologist Fish Program, Science Division
Eric Johnson (EJ)	Professional business manager Washington State Association of Counties, Executive Director
Liz Johnson (LJ)	The Nature Conservancy's North Central Washington Field Office - Program Assistant
Marc Marcantonio (MMarc)	American Sportsfishing Association B.A.S.S, FLW, Northwest Bass, American Bass Association, Puget Sound Anglers, Trout Unlimited, Outdoor Writers Association of America
Mark Masterson (MMast)	American Sportsfishing Association Regional fishing tackle manufacturer Yakima Bait and Tackle
Daniel Poleschook, Jr. (DP)	Biodiversity Research Institute Loon conservation advocate Loon Lake Loon Association
Rebecca Schroeder (RS)	Masters graduate Evergreen State College
Gary Stiles (GS)	Northwest Bass: owner / operator Pacific Northwest regional competitive team bass fishing

(Initials of members' names are used in ranking options summary)

## Summary Table Lead Fishing Tackle / Common Loon Advisory Group Ranking of Options

Four options for lead fishing tackle use at 13 lakes identified as common loon breeding territories were developed and ranked by participating Advisory Group members on August 3, 2010. Advisory Group members agreed that each member would rate each option from 0 to 3, with 0 being least preferred and 3 being most preferred. Each rating number was used only once, such that a most preferred option and a least preferred option was identified by each

Options	Advisory Group Member (Initials)										Summary
	RS	M Mast	BH	KH	EJ	LJ	M Marc	VG	GS	DP	Rating (# responses)
<b>1) Status Quo:</b> Fishing regulations on the 13 lakes under discussion would remain as they are, i.e., no lead fishing tackle restrictions.	0	3	2	0	0	0	3	0	3	0	0 ( 6) 1 ( 0) 2 ( 1) 3 ( 3)
<b>2) Total Lead Fishing Tackle Ban:</b> A total restriction on all lead fishing tackle on each of the 13 lakes identified.	3	0	0	3	1	1	0	3	0	3	0 ( 4) 1 ( 2) 2 ( 0) 3 ( 4)
<b>3) Partial Lead Fishing Tackle Ban:</b> No lead fishing weights or jig heads on each of the 13 lakes identified.	2	2	1	2	3	3	1	2	Not ranked	2	0 ( 0) 1 ( 2) 2 ( 5) 3 ( 2)
<b>4) Partial Lead Fishing Tackle Ban:</b> No lead fishing weights or jig heads equal to or less than 1 ounce or equal to or less than 1 1/2" along the longest axis.	1	1	3	1	2	2	2	1	Not ranked	1	0 ( 0) 1 ( 5) 2 ( 3) 3 ( 1)



August 31, 2010

**Lead Fishing Tackle / Common Loon Advisory Group Evaluation of Options  
developed from August 3, 2010 Meeting in Moses Lake**

**Summary prepared by WDFW Fish Program support staff – John Whalen, Spokane Regional Office**

Options 1 through 4 are presented below with comments on Pros and Cons received from Advisory Group members.

Advisory Group Member responses have been combined and grouped by Option 1 through 4 under applicable Pro or Con category.

Individual member comments received, which were supplemental to specific Pro or Con comments, are provide separately and identified by contributing Advisory Group member.

**1) Status Quo:**

**Fishing regulations on the 13 lakes under discussion would remain as they are, i.e., no lead fishing tackle restrictions.**

**Pros: Reasons for supporting this approach**

- Least disruptive for enforcement
- Does not increase the complexity of regulations
- Does not impose an additional financial and regulatory burden on the fishing public.
- Consistent with the lack of definitive data on the contributory effect of common loon mortality from lead fishing tackle within these 13 lakes on the overall population status and productivity rates of the common loon throughout its range
- Consistent with data presented that indicates loon productivity is above replacement (but certainly not robust) on the 13 lakes in question
- provides for an opportunity to decrease uncertainty about the impacts of the regulation by waiting to assess the response to changing regulations in states already implementing and refining lead restrictions
- does not fuel the perception that an effort is underway to ban lead fishing tackle throughout the state

- There is not a sufficient impact on loon populations from lead ingestion to merit restrictions at this time. On balance maintaining rec fishing opportunity is important to WA.
- Maintain recreational opportunity and angling success.
- Data and good science should drive WDFW decisions.
- Data and sound science should drive WDFW decisions relative to all rule making.
- The Agency and Director are looking for this advisory committee to provide a road map outlining how they might deal with future issues related to lead use in fishing tackle. Given the polarization of the group and the passion all anglers have relative to fishing, and that this issue is not going away anytime soon; a formal decision making process needs to be developed that will help guide the agency when faced with ruling on such highly charged issues. While a citizens advisory group has its purpose, additional process elements that seek to eliminate personal agendas and opinions not based on data are needed in order to close the loop in the decision making process. (A decision making tree).

**Cons: Reasons against supporting this approach**

- Science demonstrates a link between common loon mortality and lead sinkers. Status quo is not responsible wildlife management.
- This will not protect loons from lead toxicosis and mortalities will continue to affect the common loon population. On breeding lakes that are heavily fished, loons face a death sentence every day while rearing young.
- Wildlife, fish, and shellfish are the property of the state. The commission, director, and the department shall preserve, protect, perpetuate, and manage the wildlife and food fish, game fish, and shellfish in state waters and offshore waters. One lead sinker can kill a loon. Loons ingest lead when they eat fish that are still attached to the fishing tackle. The breeding populations are the key to the preservation of the population in Washington. We need to protect these loons from lead.
- does not respond to scientific evidence that at least some forms of lead fishing tackle are contributing to mortalities of common loons on 13 loon nesting lakes in Washington State
- does not meet the legislative mandate to preserve and protect a state sensitive resource given that a known mortality factor is evident and the agency has the appropriate regulatory authority to address the issue
- does not address the numerous other sources of mortality to nesting loons on the 13 target lakes
- Numerous scientific studies have proven the toxicity of ingested lead, research has found that the common loon will ingest lead tackle from both lake bottoms and off of active fishing lines resulting in lead poisoning. Taking no action to reduce the amount of lead introduced to known common loon habitat will result in the continued ingestion of lead tackle by loons and continued mortality by lead toxicity.
- Lead tackle has been demonstrated to poison common loons and other wildlife in Washington. Non-toxic alternatives are available; it is not necessary to use lead fishing tackle. Programs encouraging voluntary use of non-lead tackle have been shown not to be effective; regulation appears to be the only effective way to significantly reduce the

amount of lead being released into aquatic environments. This position is typically supported only by those who stand to be inconvenienced or impacted financially by the regulation of lead tackle, and it is inconsistent with the vast amount of scientific documentation showing that lead harms wildlife and people.

## **2) Total Lead Fishing Tackle Ban:**

### **A total restriction on all lead fishing tackle on each of the 13 lakes identified.**

#### **Pros: Reasons for supporting this approach**

- Easily understood and Enforced
- This action provides the best protection for the breeding populations of common loons on nesting/breeding lakes. This allows for maximum number of chicks to hatch and survive to return to the natal lake regions for building the WA common loon population.
- Wildlife, fish, and shellfish are the property of the state. The commission, director, and the department shall preserve, protect, perpetuate, and manage the wildlife and food fish, game fish, and shellfish in state waters and offshore waters. One lead sinker can kill a loon. Loons ingest lead when they eat fish that are still attached to the fishing tackle. The breeding populations are the key to the preservation of the population in Washington. We need to protect these loons from lead.
- Provides the highest degree of protection to loon breeding population within the 13 lakes identified
- maximizes the probability that mortality from lead fishing gear will not continue as a critical factor in loon productivity
- enhances the general social initiative to reduce lead in the environment
- consistent with DOE initiative on lead reduction
- A total lead ban would make enforcement and compliance easier when it comes to sinkers and jigs. Total lead ban would eliminate need to weigh or measure each item of tackle. Total lead ban would eliminate the introduction of all lead to the 13 identified lakes and drastically reduce the opportunity for common loon ingestion of lead tackle.
- This approach is the most straightforward and least confusing for both anglers and enforcement officers. Of the three options to regulate lead tackle herein, this option will do the most to reduce the amount of lead being released in and near the lakes. This benefits not only loons, but any other people and wildlife using the lakes.
- Eliminates lead as a possible limiting factor.

#### **Cons: Reasons against supporting this approach**

- Science presented did not support a complete ban. Evidence presented, for example, did not link common loon death to lead core line.
- far exceeds the scientific evidence provided to the panel in that limited mortality data were presented for factors other than small lead fishing tackle (many fishing-related mortality factors were addressed anecdotally but without discrete mortality data)
- maximizes the impact of the regulation on tackle manufacturers and fishers
- enforcement would be a challenge in that the materials in some fishing related gear is not clearly evident

- there is no clear or concise statement of the implications of this regulation in that most panel members were not aware of what materials various fishing gear is made of
- enforcement might be challenged to determine what material any particular lure or tackle component is made of
- although this alternative might be preferred by enforcement, it might not be as straightforward as anticipated given the comment above. In addition, convenience of enforcement should not be a compelling factor in determining the efficacy of a regulation
- does not address the numerous other sources of mortality to nesting loons on the 13 target lakes
- Lead is a material used in many types of tackle beyond weights and jig heads, depending on origin of said tackle anglers may not know that their tackle contains lead and enforcers will likely have even more trouble identifying which tackle contains lead.
- There is insufficient science to merit this. A total ban eliminates possibilities of technological advances of products that may contain lead. This approach does not balance resource impacts with recreational, social and economic impacts.
- Not supported by WDFW data. Viewed by Public as start of expanded future lead restrictions. Reduces angler success, hence teaching stewardship.
- Not currently supported by sound data that applies to the 13 lakes in questions. While data exists that clearly demonstrates that lead is harmful, the group was not presented with test results that clearly showed that the two loons that died at a location near or on one of the 13 lakes in question, in fact died of lead poisoning. The Agency is currently looking for the official reports that could outline the cause of death but has not yet found them.
- Further, the process used to propose the option of a total lead ban is inadequate relative to dealing with such a highly charged issue. The “lead ban” scenario is not going away. While citizen advisory groups and public opinion have purpose, they should be part of a larger decision making process that include additional criteria that will help facilitate the decision making efforts.

### **3) Partial Lead Fishing Tackle Ban:**

#### **No lead fishing weights or jig heads on each of the 13 lakes identified.**

#### **Pros: Reasons for supporting this approach**

- Science demonstrates a link between common loon mortality and lead sinkers. Status quo is not responsible wildlife management.
- Alternative fishing lakes exist for those that still want to use lead gear. Also, alternative fishing gear exists for those that still want to fish at these locations.
- This is the second-best action that would provide protection for the common loon on its breeding lakes. See above reasons as they apply here too.
- Wildlife, fish, and shellfish are the property of the state. The commission, director, and the department shall preserve, protect, perpetuate, and manage the wildlife and food fish, game fish, and shellfish in state waters and offshore waters. One lead sinker can kill a loon. Loons ingest lead when they eat fish that are still attached to the fishing tackle.

The breeding populations are the key to the preservation of the population in Washington. We need to protect these loons from lead.

- fulfills or exceeds the WDFW stewardship responsibility and mandate to preserve and protect
- similar to but extends beyond packages already in place in other states and for which response data were presented
- could possibly exceed the protection level offered by Option 4 (85% improvement from prior mortality rate)
- Total ban on weights and jig heads would make compliance and enforcement much easier, with no need to measure, weigh, or argue loopholes. Total ban of weights and jig heads on the 13 identified lakes would drastically reduce the amount of lead tackle introduced, and address directly the types of lead tackle typically consumed by the common loon. Enacting this ban would limit the common loon's lead tackle exposure and potential for ingestion and mortality by lead toxicity.
- Not as comprehensive as Option 2, but still would go a long way to limit the amount lead being released at these lakes.
- Less restrictive so allows some lead lures; easier to enforce

**Cons: Reasons against supporting this approach**

- does not provide the maximum possible protection from toxicity and mortality from lead fishing equipment to nesting loons
- increases the complexity of the regulations for fishers
- increases the enforcement complexity
- exceeds the regulatory need if the productivity of loon populations is viewed from the global perspective
- contributes to the concern that lead bans will be extended throughout the state
- exceeds the response merited by the data presented for Washington state
- beyond the scope of regulations adopted by other states. Expert testimony (John Cooley – New Hampshire data) chose not to provide a recommendation for size restrictions or the expected impact of restrictions beyond those already in place
- does not address the numerous other sources of mortality to nesting loons on the 13 target lakes
- There is not a sufficient impact on loons from lead weights or jig heads to merit this approach. This approach does not balance resource impacts with recreational, social and economic impacts.
- Might be more difficult to enforce than Option 2.
- Limits opportunity and success.

**4) Partial Lead Fishing Tackle Ban:**

**No lead fishing weights or jig heads equal to or less than 1 ounce or equal to or less than 1 1/2" along the longest axis.**

**Pros: Reasons for supporting this approach**

- Reasonable approach to protect the common loon – backed by science.
- Alternative fishing lakes exist for those that still want to use lead gear. Also, alternative fishing gear exists for those that still want to fish at these locations.
- Again, this would work (80%) but lead toxicosis likely would persist. This ban would protect against some lead fishing tackle--but not all! The size of jigs needs to be larger, such as 2”.
- Wildlife, fish, and shellfish are the property of the state. The commission, director, and the department shall preserve, protect, perpetuate, and manage the wildlife and food fish, game fish, and shellfish in state waters and offshore waters. One lead sinker can kill a loon. Loons ingest lead when they eat fish that are still attached to the fishing tackle. The breeding populations are the key to the preservation of the population in Washington. We need to protect these loons from lead.
- fulfills the WDFW stewardship responsibility and mandate to preserve and protect
- consistent with packages already in place in other states and for which response data were presented
- according to testimony provided (John Cooley-New Hampshire) a similar package reduced the lead-related loon mortality by about 85%
- the current data for 13 Washington nesting lakes indicates two loons lost to lead poisoning over 15 years data. Reducing lead mortality by 85% would suggest that virtually no mortality would be detected over long periods of time ( $2 \times .85 = 1.7$  of two loons protected)
- preventing 85% of current mortality from lead fishing gear would seem to increase productivity above the .48 rate identified by WDFW Wildlife personnel (Derek). Productivity is just borderline under current conditions.
- this package probably does not extend beyond the data and information presented to the panel
- costs for fishers to comply with this regulation are not onerous on a per-piece basis. For example, even if tungsten was substituted for a 3/8 oz lead worm weight, the per-unit or absolute cost would be about \$1.25.
- A partial ban would result in limited introduction of lead to the 13 identified lakes. This would also reduce the opportunity of ingesting certain sizes and types of lead tackle by the common loon.
- Still less comprehensive than Option 3, but would likely help to limit some sizes of lead available to loons.
- Less restrictive than options 2 and 3.

**Cons: Reasons against supporting this approach**

- Difficult to understand – 1 oz. I have a lot of loose split shot in my box and could not tell you if it was or was not less than 1 oz.
- Wildlife, fish, and shellfish are the property of the state. The commission, director, and the department shall preserve, protect, perpetuate, and manage the wildlife and food fish, game fish, and shellfish in state waters and offshore waters. One lead sinker can kill a loon. Loons ingest lead when they eat fish that are still attached to the fishing tackle.

The breeding populations are the key to the preservation of the population in Washington. We need to protect these loons from lead.

- This is very difficult to enforce.
- does not provide the maximum possible protection from toxicity and mortality from lead fishing equipment to nesting loons
- increases the complexity of the regulations for fishers
- increases the cost for substitute materials
- increases the enforcement complexity
- exceeds the regulatory need if the productivity of loon populations is viewed from the global perspective
- contributes to the concern that lead bans will be extended throughout the state
- might actually exceed the response merited by the data presented for Washington state
- detection of the impact of this ( or other restrictive) regulation change will be nearly impossible given the sample sizes
- does not address the numerous other sources of mortality to nesting loons on the 13 target lakes
- Enforcement and compliance though doable could potentially be complicated by the need to weigh or measure each piece of tackle. Current studies have found that loons have been identified with lead toxicosis from the ingestion of lead tackle outside of the stated size and weight restrictions.
- There is not a sufficient impact on loons from lead weights or jig heads to merit this approach. This approach does not balance resource impacts with recreational and economic impacts.
- Probably more difficult to enforce because items would have to be measured. Loons may be able to ingest items over 1-1/2" long.
- May create angler confusion and enforcement challenges.



# Proposal to Restrict Lead Fishing Tackle on 13 Loon Breeding Lakes: Summary of Written Public Comments and Responses

We received about 1,320 comments, including 1,260 form letters from sport fishers or, apparently, employees of a tackle manufacturer opposed to the restriction; 904 (72%) of these form letters were from out of state. Excluding the form letter, the comments were split about 50/50 in support/oppose the restrictions. However, one letter in support was signed by officers of 6 Audubon chapters, another Audubon chapter was signed by 39 people. Several other letters were from tackle manufacturers. A few letters suggested that the proposal would be ineffective they suggest restrictions on development and motorized boats, especially personal watercraft. Interestingly, several in support of restrictions indicated they were life-long fishers.

**Most of the ideas presented in comments are listed below. Answers follow the comment in italics.**

<b>Topic</b>	<b>Comment and response</b>	
<b>General comments</b>	I support the proposal to ban the use of small lead tackle on 13 lakes in Washington where loons breed.	10 (tally includes letters from 3 NGOs, 1 letter with 39 signatures)
	As a lifelong fisher, I support a total ban on the use of lead tackle in wildlife-sensitive lakes or other areas for that matter. People can adjust to other equally effective methods that do not harm waterfowl. I am concerned that the Washington Department of Fish and Wildlife (WDFW) will not do enough to protect waterfowl and will bend to the will of overly vocal and uneducated anglers.	6
	We urge the Wildlife Commission to support a total ban statewide on the use of lead sinkers less than one and one-half (1-1/2) ounce and less than one and one half (1-1/2) inches measured on its smallest axis. This would more adequately protect wildlife such as loons, swans, and other waterbirds found spread across our state during migration, winter, and in the breeding season. Affordable alternatives to lead sinkers and jigs are available and some of the fishing public, aware of the problem of lead, have already made the change to non lead sinkers. <i>(includes 2 letters from 6 NGOs or Audubon Chapters)</i>	5
	I believe WDFW should go further and ban the use of lead weights on all Washington waters. If WDFW is unwilling to go that far it should at least ban the use of lead weights on all lakes that support any loons, not just nesting loons.	
	I oppose the lead ban on 13 Washington lakes.	1,260
	I urge you to oppose the lead ban, because it will have a significant negative impact on the recreational fishing community and only a negligible impact on waterfowl populations.	2
	While supporters of this ban claim that there are many comparable alternatives to lead sinkers and jigs, this is not the case. Depending on the alternative metal and current prevailing raw material costs, non-lead fishing tackle products can cost from six to 15 times more than lead products. Non-lead products may not be as available and most do not perform as well. Mandatory transitioning to non-lead fishing tackle would require significant - and costly - changes from both the industry and anglers. There is no affordable alternative to lead at this time.	
	<i>Alternatives are available, and although more expensive, a study in Canada reported that the cost of sinkers was &lt;1% of the overall expense of fishing.</i>	
	The groups involved in this proposed ban want nothing more than to see sport fishing eliminated. If this ban is allowed it will open the door to an eventual statewide ban. I believe the state, small business, and all individuals who love fishing and the outdoors will be negatively impacted.	
	<i>We have received no comments from humane organizations, or other groups that might have</i>	

	<i>broader agenda to eliminate sport fishing, and have no reason to believe that is a motive of those who have submitted comments. Any expansion in restrictions would require the same rule-change process; breeding loons would not be a factor in most state waters.</i>	
	Instead of a ban on lead sinkers and jigs, I suggest WDFW work with this industry to better understand the true impacts of angling on loons in Washington and establish a program that encourages better angler support of loon research, surveys and habitat programs in the state. In addition, I suggest the WDFW include information in Its media to educate anglers about angling techniques on lakes where nesting loons occur. In a state where the loon population is increasing, this would be a common sense decision, a ban or restriction on lead will not enhance loon populations in Washington, but only inconvenience anglers and mandate an additional cost to their sport that will make no difference to loon populations.	
	<i>We agree that better information about the hazards of lead tackle, and cooperation with anglers would be helpful. However, restricting lead tackle size at the 13 lakes is a prudent step to address the single most frequent cause of death for our tiny breeding population of loons. The loon population is not increasing, and we believe this restriction could be critical to preventing extinction of the breeding population in Washington.</i>	
	WDFW has proposed unduly severe regulations on fishing tackle, which will have a significant negative impact on Washington's anglers.	9
	I am NOT in favor of a ban on lead products. We are a small fishing tackle company which utilizes lead in many of our products and the banning of lead would devastate our product line.	3
	<i>The proposed rule change only affects 13 lakes. We do not think a restriction on lead tackle on 13 of Washington's 8,000 lakes to reduce mortalities in our tiny loon breeding population is unduly burdensome on anglers, or have a significant effect on any particular business in the state</i>	
<b>Scientific reasoning</b>	Metallic lead is highly unlikely to make its way into the food chain unless the birds eat it whole, which is also very unlikely. Metallic lead is not likely to cause any significant damage to the environment. Please talk with some toxicologists. This is a stupid proposal that seems more designed to give tickets to unaware sportsmen than to have any real toxological consequence to wildlife.	
	<i>Loons and other waterfowl ingest lead sinkers and pellets while seeking pebbles for grit, or while ingesting fish that are trailing broken fishing line with lead tackle. Lead fishing sinkers and jigs are documented to cause lead poisoning mortality in numerous species of water birds and wading birds, includingmute swans, whooper swans, trumpeter swans, sandhill cranes, Canada geese, mallards, brown pelicans, and common loons.</i>	
	Loons and lead weights have coexisted for over 100 years with no credible evidence that the loons or any other animal has been harmed in any way by the solid lead weights.	2
	<i>Mortalities of loons and other species is well documented. There are several studies across the range of loons that concluded that lead toxicosis resulting from ingestion of lead fishing tackle was a leading cause of mortality, and many studies showing ingested lead tackle, shot, or spent bullets cause mortalities in waterfowl, raptors, and upland birds.</i>	
	See the lead study done by the Department of Ecology with recommendations to the legislature. I was on the committee and they recommended alternatives to lead in weights less than 1 oz and shorter than 1.25"	
	The data are overwhelming that small lead sinkers and jigs are killing trumpeter swans, loons, and other wildlife.	
	<i>Agreed</i>	
	In its 2000 state report, WDFW found no evidence of a declining loon population; in fact the study indicated loon populations in Washington were increasing. The USFWS reported that loon	

<p>populations throughout most of their North American range are stable or increasing, despite habitat loss, predation, disease and environmental toxins, all of which have a much more significant impact on loons than lead fishing tackle.</p>	
<p><i>The 2000 status report states that the population trend was not known. It states:</i>  “because historic records are sketchy and surveys have not been comprehensive, it is not known if the population is stable, increasing or decreasing. Numbers of known nests have increased over the past 15 years, but this increase may be a result of increased survey effort.”  <i>It is know that there are only around 13 breeding pairs in Washington, and extremely small number. The 2007 USFWS status assessment indicated that in general that population is robust, but some populations were unstable or declining (Washington, Michigan, North Dakota). Loons are affected by several factors, but studies across the southern part of the loon’s range consistently show that lead toxicosis from ingestion of lead tackle is the single leading cause of mortality.</i></p>	
<p>I am not aware of any shortages of loons.</p>	
<p><i>Loons are extinct as a breeding species in California, Oregon, and Idaho. There are only around 13 breeding pairs in Washington.</i></p>	
<p>In reviewing the pie chart data of loon mortalities, the total sample for the basis of the proposed rule changes covering an 11 year period is only 21 dead loons. I do not believe this constitutes a statistically relevant sample size or a viable study. Also, the WDF website leading statement of justification of the proposal is “<i>Ingestion of small lead fishing tackle is a leading cause of known mortalities...</i>” is un-true and misleading at best. By the justifying data chart, there are just as many documented trauma deaths as the lead category deaths. How come lead is said to be the leading cause?</p>	
<p><i>“Trauma” included several different causes, lead tackle was the single most frequent cause. Studies with much larger sample sizes from across the range of loons where significant recreational fisheries exist consistently identify lead tackle as a leading cause of death. For example, a study in New England found that 44% of 522 loons died from lead tackle; studies from Lakes states and Canada showed similar results.</i></p>	
<p>How many confirmed cases of lead poisoning of loons has there been in Washington State since the study started?</p>	
<p><i>From 1999-2010, there have been 21 loon carcasses recovered for which the cause of death could be determined with relative certainty; of those 7 died from lead toxicosis from ingesting lead tackle (there were at least 2 other birds with some evidence of lead involvement); that is at least 33% of known mortalities in a very small population, the single highest known cause (the next highest, 'trauma' resulted from a wide variety of factors).</i></p>	
<p>The science being quoted on this ban on lead from the recreational fishing community is not good science.</p>	
<p><i>The papers cited are good science, but are sometimes misinterpreted. For example, the Franson et al. (2003) study used a very biased sample, see answer to next comment.</i></p>	
<p>Although the petition is aimed at reducing waterfowl death from lead sinker ingestion, a study by the U.S. Fish and Wildlife Service has shown that less than one percent of birds die from ingested sinkers. Lead fishing tackle does not present a population level problem to any bird species. In fact, loon populations are increasing throughout their breeding range.</p> <p>I cannot believe in the precedent you are setting based on most of the statistical information you have provided ie..”222 Common Loon carcasses submitted for necropsy from throughout the U.S. from 1976-1991, and reported that lead fishing weights were found in eleven of 14 loons diagnosed with lead poisoning.” Why did the other 211 loons die? Your recommendation to limit lead fishing tackle on certain lakes assumes the idea that lead fishing tackle is a/the problem. A .04% mortality rate should conclude lead tackle does not pose a significant environmental impact on loons or other wildlife.</p>	

<p><i>The study you are referring to from the National Wildlife Health Lab (Franson et al. 2003) had a very biased sample. The National Lab does not want or accept every individual loon carcass found, and lead toxicosis cases are always found as individuals. The Lab is primarily interested in disease outbreaks, or other incidents with many mortalities (botulism outbreaks in waterfowl, etc.), and federally listed Endangered species. Despite this extreme bias, that study still detected deaths caused by tackle. Studies with a more representative sample consistently identify lead tackle as a leading cause of death. For example, a study in New England found that 44% of 522 loons died from lead tackle; studies from Lakes states and Canada showed similar results. Breeding bird survey data suggest loons have increased somewhat in recent decades, but at a time when their range has contracted northward.</i></p>	
<p>Don't set precedent just so it looks like the government is doing something.</p>	
<p><i>We are not interested in precedent; we are responding to clear evidence that lead tackle is a leading, if not the #1 cause of mortality for loons that breed in Washington state. There already is precedent: small lead tackle is already banned in the National Parks of Canada, Yellowstone National Park, and all U.S. National Wildlife Refuges in the range of loons.</i></p>	
<p>WDFW has not conducted a Limiting Factors Analysis for the Common Loon in Washington State. Without such a study you do not have the data to support such an important decision that will have unintended consequences of major impact (beyond loons). If the Commissioners and WDFW feel the Common Loon in Washington is at risk (from factors within the Department's ability to control), then you have the obligation to consider funding a study with your biologists to determine which limiting factors can be reduced or mitigated.</p>	
<p><i>It would be impossible to do a 'limiting factors analysis' with statistically robust results on a breeding population of only 13 pairs, and any study of limiting factors would likely indicate that lead tackle is one of, or the most frequent, cause of mortality for loons. Studies with large sample sizes elsewhere have show this.</i></p>	
<p>With only the chart data available one is not able to determine how many of the 7(33% of 21) lead category mortalities in 11 the years of study were confirmed lead toxicosis mortalities. The chart only shows that the combined number of "possible or confirmed..." to be 7. Without the lead category supporting data is impossible to know how many of the 7 birds succumbed to lead toxicosis via liver analysis. The chart data indicates that "presence of Pb in GI tract.." without indicating that the detected Pb was specifically fishing tackle. I would surmise that any lead object would show up under radiology examination. And I believe that it would be very difficult to really determine whether a small round BB of lead material originated from recreational fishing activities or from say the past century of waterfowl hunting with lead BB's and pellets that still lay on the bottoms of our lakes and marshes.</p>	
<p><i>Six of seven had ingested sinkers. The identifiable lead reported in studies is always fishing tackle, in part because it is often ingested with a fish that is trailing a broken line with tackle. These 13 lakes are not subject to heavy waterfowl hunting activity. Pokras et al. (2009) quantified the size and types of lead fishing gear ingested by common loons in the six New England states between 1987 and 2000. Of the 522 loon carcasses examined, 118 (22.6%) had ingested lead objects, and 73 of these 118 loons, 73 had more than one object in their gizzard, for a total of 222 lead objects recorded. Lead sinkers (48%) were the most frequently ingested object, followed by jigheads (19%), split shot (12%), ammunition (primarily shotgun pellets), lead wires or tapes, and unknown items.</i></p>	
<p>The ban proponents would have you believe a lead tackle ban would reduce loon mortality on the 13 nesting lakes. By their own admission only two loon mortalities in more than 13 years resulted on nesting lakes (the other seven were not in nesting areas).</p>	
<p><i>There were 2 known mortalities due to lead at these lakes, and 7 of banded loons from breeding lakes recovered at other sites; there were probably more, we don't know how many there were. We do know that studies across heir range have found that lead tackle is a leading cause of death. The restriction at 13 lakes isn't perfect, and won't prevent all mortalities from lead toxicosis, but it will prevent some mortalities that would be expected to occur at these lakes without the</i></p>	

	<i>restriction.</i>	
	I question the supporting data samples categorized as ‘possible lead..’ via the mere presence of Pb in the GI tract. I would think it would be impossible to conclude that the mere presence of GI Pb absolutely meant that the bird would expire from Pb toxicosis. It is just as likely that the bird would have expired from trauma, or some other natural death.	
	<i>These birds were necropsied, and if trauma was the likely cause, that was reported; one sinker will kill a loon, so a sinker present in the gizzard is pretty strong evidence. The WDFW veterinarian reviewed the data from the necropsies, etc. and was conservative in assigning cause of death to lead.</i>	
	On November 4, the EPA rejected a petition to ban all lead fishing tackle on all U.S. waters, stating that the petitioners did not demonstrate that a ban of all lead fishing tackle is “necessary to protect against an unreasonable risk of injury to health or the environment.” The Washington Fish and Wildlife Commission’s proposed ban is even less justified; advocates of the proposed regulations have only cited nine loon deaths from lead toxicosis over a 13 year period. In fact, according to the WDFW, loon populations in Washington are increasing.	
	<i>The EPA decision is not particularly relevant; they are focused primarily on human health, and do not have the responsibility to protect rare species in Washington, or regulate fishing methods. The 7 or 9 loon deaths attributed to lead is a substantial number relative to the small size of our breeding population, and lead appears to be the single most frequent cause of death (trauma had several causes), and the data is consistent with data from across North America. The tiny breeding population in Washington may have increased slightly in recent years, primarily due the intensive efforts of volunteers in providing nesting platforms, predator guards, etc., but its status is still very precarious.</i>	
<b>Restriction ineffective, other issues for loons</b>	The proposed lead ban will not recover loons. This is merely feel good regulation not supported by solid scientific data. While lead may be a marginal contributor to loon mortality in some heavily fished areas, the chief driver is obvious and it is development and recreational boating/PWC use. Any realistic effort to recover loons should look to limiting lake front development and eliminating motorized boat use, especially high speed and loud watercraft. Loons will not nest in otherwise suitable habitat when it is used by PWC or other load boats. The 13 lakes being considered have nesting loons primarily because public access and development of those waters is limited. I suggest some lowland lakes that were formerly supported loons have a motorized watercraft restriction put in place in an effort to recruit new nesting loons. This could come in the form of speed limits, noise limits, etc.	
	<i>The restriction is not expected to ‘recover’ loons, but it may prevent their extirpation. It is not a ‘feel good’ regulation---- the data is compelling, and consistent across North America. We certainly do not have any authority to ban watercraft or residential building on lake shores, and several of these lakes are in national forests, or municipal watersheds where development is not an issue. We do have the authority and responsibility to regulate fishing, and protect wildlife that is at-risk. Loons are able to adapt to some level of residential presence on lakes where nesting habitat remains. If we froze development tomorrow, lead tackle would still be causing loon mortalities. We think regulating tackle on 13 of the 8,000 lakes in Washington is a reasonable and prudent thing to do.</i>	
	McCarthy (2010) reveals far more important issues than lead fishing tackle. For example, in addition to shoreline development, predation, disease, inadequate forage, trauma, and other well-known factors there are more recently documented significant factors including kayaking and loon watching/photography that affect breeding and rearing success. Where the ban proponents conclude declining rearing success in Washington is proof that lead tackle should be banned, this study points to different factors including Climate Change and disturbance factors.	
	<i>McCarthy (2010) examined disturbance factors on a lake in New England, and reviewed the literature. He did not compare the impacts of disturbance to the demographic impacts of mortalities caused by lead toxicosis.</i>	
	Washington is on the southern fringe of the natural breeding range of the Common Loon.	

<p>McCarthy (2010) documents Climate Change as a major cause, and this hypothesis is supported by a corresponding <i>expansion</i> of the northern nesting range.</p>	
<p><i>McCarthy (2010) prediction of contraction northward due to climate change is an interesting hypothesis, and it suggests that the breeding range of loons may shift north. It does not mean that loons should not be protected from known mortality factors in Washington now.</i></p>	
<p><b>Other</b> I would like to suggest you add a FAQ link on your web site to better support your recommended course of action.</p>	
<p><i>We will consider this.</i></p>	

WASHINGTON FISH AND WILDLIFE COMMISSION

**PUBLIC TESTIMONY FORM**

Complete a separate Public Testimony Form for each topic. In order to testify, you **MUST** give your completed form to the Commission Assistant at the registration desk **prior** to the start of discussion on the agenda item.

DATE: 10-2-10 AGENDA ITEM NUMBER: 12

NAME (Please print clearly): MARK M. HENDERSON CITY: GRANDVIEW

REPRESENTING (If testifying on behalf of an organization, please identify which one):

YAKIMA BAIT CO.

SUMMARIZE THE MAIN POINTS OF YOUR TESTIMONY:

COMMISSION SHOULD NOT IMPOSE  
LEAD BANS ON 13 SELECTED WAIVES

SHOULD COMMISSION DECIDE OTHERWISE  
THEY ONLY LEAD SPLIT SHOT & LEAD  
SIGNALS OF 1/2 OZ OR LESS SHOULD  
BE BANNED



Mark Masterson  
Handout  
# 12 (Lead)

P.O. Box 310 Telephone: 509/854-1311  
Granger, Washington 98932 Fax: 509/854-2263

October 2, 2010

Dear Washington Fish and Wildlife Commission,

I am President of a tackle manufacturing business located in Granger, WA and urge you to reject a proposal that would make it unlawful to use any fishing tackle containing lead on 13 select Washington freshwater lakes. I am deeply concerned not only about the ban's potential impact on our company, but on a family-oriented activity with significant social, cultural, and economic value to the state.

In its 2000 study, the Washington Department of Fish and Wildlife found no evidence of a declining loon population. In fact, loon populations throughout their range are stable and increasing in most cases despite substantial threats such as habitat loss, predation, disease, shoreline development, botulism and other environmental toxins, all of which have much more significant impacts on loon populations than ingestion of lead fishing tackle.

I was a member of the WDFW ad hoc advisory group created at the request of the commission to review impacts of lead fishing tackle on loon populations in Washington State. We reviewed the data on 27 migrating loon carcasses collected from 1996-2008 of which only nine loons were said to have died as a result of ingesting lead fishing tackle. Of those, only 1 was claimed to have died in the 13 select lakes and an additional 1 was claimed to have been found in the area of those lakes. WDFW said they had evidence to support these claims, but were unable to locate any evidence to present to the group. Clearly to impose a lead ban on these 13 lakes is not warranted based on the evidence NOT provided to the group.

There are some alternatives on the market that are at approximately the same cost as lead but they have significant limitations. Most of these products can cost from six to 20 times more than lead products (depending on the alternative metal and current prevailing raw material costs) and do not perform as well. Given the scarcity of evidence supporting a lead fishing tackle ban at this time, this proposal is clearly unwarranted and ignores that in this Nation fish and wildlife are managed for populations, not individual animals.

As opposed as I am to any lead ban, I suggest the Department undertake a program educating anglers about proper angling techniques on lakes where nesting loons occur. This can range from encouraging anglers to use non-lead terminal tackle, to tips on how to minimize the loss of tackle and how to avoid disturbing nesting loons when they are fishing.

Should the department decide to impose a lean ban, I suggest that they only ban split shot and sinkers of 1/2 ounce or less as other states have done. This would provide the least impact to anglers and possibly reduce lead toxicosis in loons.

Sincerely,

Yakima Bait Company

Mark Masterson  
President

Items Typically Included  
in areas with Lead Ban



Items Typically Not Included  
in areas with Lead Ban



Examples provided at Oct 1-2, 2010 meeting  
Public Input for Feb 12 mark watermen

WASHINGTON FISH AND WILDLIFE COMMISSION

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DATE: 10/2/2010 AGENDA ITEM NUMBER: 12

NAME (Please print clearly): WILLIAM LIDER CITY: LYNNWOOD

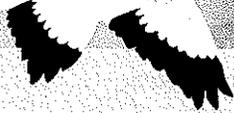
**REPRESENTING** (If testifying on behalf of an organization, please identify which one):

PILCHUCK AUDUBON SOCIETY, VANCOUVER AUDUBON SOCIETY  
SKAGIT AUDUBON SOCIETY, KITITAS AUDUBON SOCIETY  
BLACK HILLS AUDUBON SOCIETY

**SUMMARIZE THE MAIN POINTS OF YOUR TESTIMONY:**

IN SUPPORT OF LEAD FISHING SINKERS  
< 1 1/2" & < 1-1/2 OUNCES

**PILCHUCK**  
Audubon Society



*Champion for the Environment*

*Serving Snohomish County and Camano Island, Washington*

#12 William  
Lead Comment

September 8, 2010

Lori Preuss  
WDFW Rules Coordinator  
600 Capitol Way North  
Olympia, WA 98501

Dear Ms. Preuss:

Subject: PAS Comments on WDFW 2011-12 Sportfishing Rules

The Pilchuck Audubon Society wishes to comment and urge the Wildlife Commission to support a total ban statewide on the use of lead sinkers less than one and one-half (1-1/2) ounce and less than one and one half (1-1/2) inches measured on its smallest axis.

Currently the proposed 2011 -2012 Fishing Regulation #32 only bans lead sinkers less than 1/2 ounce (no requirement on size) and lead jigs less than 1-1/2 inch on thirteen "breeding lakes" spread over 5 counties. We feel this is an inadequate solution to the on-going lead poisoning of our wildlife. In fact, it may actually harm loons when irate fishermen take to eliminating them on the "breeding lakes." To begin to reverse the damage of toxic lead poisoning in the environment, the ban on these small lead sinkers and jigs must be statewide. The data are overwhelming that small lead sinkers and jigs are killing trumpeter swans, loons, and other wildlife.

Lead sinkers are small and easily swallowed, posing a toxic hazard to children as well. Furthermore, many anglers make sinkers in their homes. If proper precautions are not used, lead vapors and dust can impact anyone within the household. Lead has been linked to many human health problems including brain damage, mental retardation, behavior problems, anemia, liver and kidney damage, hearing loss, hyperactivity, developmental delays, and, in extreme cases, death. Children are most at risk.

Effective and comparably-priced alternatives to lead sinkers and jigs exist and it makes sense to stop using toxic products and prevent their deposition into our waters. We have banned lead from children's toys, paints, and gasoline. Now is the time to join with the other forward thinking states across our nation and ban the recreational use of lead from sport fishing in Washington.

Thank you for your consideration of these comments.

Sincerely,

Mike Blackbird, President  
Pilchuck Audubon Society

1429 AVENUE D PMB 198 SNOHOMISH WA 98290 425-252-0926 www.pilchuckaudubon.org

**PILCHUCK**  
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**Eric Bjorkman**  
President  
Vancouver Audubon Society

**/s/Timothy Manns, President**  
Skagit Audubon Society

**/s/ Gloria Baldi, Gloria Lindstrom, Co-Presidents**  
Kittitas Audubon Society

**/s/Sam Merrill, President**  
Black Hills Audubon Society, Olympia

1429 AVENUE D PMB 198 SNOHOMISH WA 98290 425-252-0926 [www.pilchuckaudubon.org](http://www.pilchuckaudubon.org)

WASHINGTON FISH AND WILDLIFE COMMISSION

**PUBLIC TESTIMONY FORM**

Complete a separate Public Testimony Form for each topic. In order to testify, you **MUST** give your completed form to the Commission Assistant at the registration desk **prior** to the start of discussion on the agenda item.

DATE: 2<sup>ND</sup> OCTOBER 2010 AGENDA ITEM NUMBER: 12

NAME (Please print clearly): Simon Pomeroy Pombury CITY: DEVON, ENGLAND.

REPRESENTING (If testifying on behalf of an organization, please identify which one):

PALATKA - FISHING COMPANY.

SUMMARIZE THE MAIN POINTS OF YOUR TESTIMONY:

ENGLAND HAS CERTAIN LEAD BANS IN  
FISHING WEIGHTS IN PLACE ESPECIALLY DUE  
TO DEATHS IN MUTE SWANS DUE TO  
LEAD INJECTION.

PALATKA HAS DEVELOPED AND PATENTED  
A NATURAL STONE (STONE) WEIGHT SYSTEM  
WHICH IS TOTALLY ENVIRONMENTALLY SAFE  
AND ASSIST ANGLERS TO CATCH MORE FISH.  
WHICH ARE INEXPENSIVE.



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