

# 2009-2010 Sportfishing Rule Change Proposals, Testimony (including comments from Advisory Groups and public meetings), Staff Recommendations, and Commission Actions

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# CONSERVATION REGULATIONS

## #1. Live Aquatic Animals for Bait in Fresh Water

**Proposal:** This proposal would make it unlawful to use or possess and use live aquatic animals for bait in fresh water, with the exception that anglers may possess live sand shrimp for bait.

### Testimony:

Supported by Conservation Committee of the Washington Fly Fishing Club.

I would restrict this prohibition to live aquatic animals that are not currently found in the body of water.

QUESTION: Would this ban include nightcrawlers? Waterdogs?

MY CONCERN: WDFW should ban use of non-native live aquatic bait. Not all live aquatic bait. Most freshwater areas have leeches of some sort and crawfish also. Both are native. Make the rule no live aquatic bait except leeches, crawfish and sandshrimp.

I like to use periwinkles as bait. I get them from the stream I fish. They are aquatic animals and pose no exotic species threat. They shouldn't be banned. Crawdads also. Please think this through a little bit.....

Is it possible to amend to say "non-native aquatic animals?"

Saw red-spotted crawdads for sale at a market in Kent.

No problems with this rule. Don't use anything live for bait.

Where do we get the idea that VHS is carried by leeches? Michigan, Minnesota, Wisconsin have no problem.

Land Of Lakes is the dealer we buy from. Leeches are farmed in private ponds using ground water.

In other states the rule is that the leeches must come from a certified source, and you must carry the certification with you to show where you bought the leeches.

Asking for the science behind the claim that leeches carry VHS. They certainly don't want to introduce VHS. Have heard talks by Allen P before, VHS and leeches were not mentioned.

Surprised to hear that crayfish and leeches were used as bait.

Support the proposal as written.

What about allowing anglers to use leeches or crayfish from the water you are fishing in? Most don't want to have to harvest their own bait. Problem with not being able to harvest small crayfish.

Understand the problem with the rusty crayfish, but don't understand what we are saying about leeches. There are lots of leeches in Lake Roosevelt.

Why are we not putting a bounty on walleye like we do on northern pikeminnow.

Mar-Don, Big Wally's and Mike's bait shop all sell leeches, but they are all imported. Folks at the Spokane meeting buy their own on the Internet - 20 lbs for the group. They can be kept alive for months if you have a clean water supply.

Tom at Land Of Lakes bait will talk to us about the certification process.

Look at the North Dakota sport rules for how they handle leeches.

There are already lots of leeches and crawdads in Moses Lake. Crayfish are not the rusty crayfish we mention, but another species that is easy to tell from the native crayfish (red swamp crayfish).

For bait shop owners, there is no testing of the leeches or the water they come in that is offered by the state. Shop owner has offered to have them tested, but the state has not come through. These are ribbon leeches. They cannot live in our waters because they are too alkaline and too salty (Ephrata area). To keep them alive for bait, have to filter the water - they almost need distilled water.

In Blue and Park lake there are small leeches – ½” – these are native leeches, not ribbon leeches.

These ribbon leeches have been coming into the state for at least 15 years (probably longer). Why haven't any populations become established? They are carrion eaters, not bloodsuckers.

Other things are let into the state without certification. People can get on the Internet and order just about anything. Lots of farmers in other states have leech ponds. They feed the leeches roadkill.

This is a knee-jerk reaction by the Department. You assume we have a problem because of problems in the Midwest. Leeches should have been tested first before claiming that they may be carrying disease. This will hurt my bait business. I certainly don't want to bring in VHS – where do you go to get these things tested?

If you order on the Internet, you don't know where they come from or where they might go. Have never seen ribbon leeches in our Lakes. The disease concern is another issue. North Dakota requires certification – anglers have to carry proof that the leeches they are using are certified.

Bait dealer is requesting help from WDFW to see if leeches or water really do carry VHS, and to find out what type of certification they would honor. How do you do it? The leeches bury themselves in the mud when it gets too hot or too cold. The mud is often too alkaline or too salty and they die. Don't mind spending some money to make sure the leeches are safe before he sells them, but doesn't know where to start.

I would like to comment on the rule change to ban the use and import live bait such as leeches and crawfish. Some at the WDFW claim the need for the ban on leeches is a virus that affects fish in the Midwest and the possible spread of zebra mussels. A look at the research done of the VHS Virus shows that leeches cannot carry, or transmit the virus. Furthermore if the virus were present in the water it would take an enormous amount, not the teaspoon of distilled water that leeches are shipped in to spread. I think it is prudent to be careful of the types of organisms that are imported into the state but to ban leeches would be unnecessary step based on nothing more than opinion and not fact.

Science Teacher and Walleye Fisherman

The Inland Empire Fly Fishing Club with 135 members supports this proposal to make it unlawful to use or possess live aquatic animals for bait in fresh water, with the exception that anglers may possess live sand shrimp for bait. We further suggest that a significant penalty be incorporated into this regulation considering the high cost to deal with a non-native species introduced into State waters.

Over the last thirteen months I have spent a number of hours researching Aquatic Invasive Species (AIS) which includes Zebra and Quagga mussels, as well as Viral Hemorrhagic Septicemia (VHS)v. Through my studies I've been unable to link the spread of either of the previously mentioned to leeches, specifically "ribbon leeches" which are most commonly used today by sport fishermen as live bait. I have, on the other,

located documentation from states such as Minnesota, Michigan and Wisconsin linking the spread of (AIS) and (VHS) to a few possible pathways including ballast water from ships, contaminated (unclean) water crafts and even certain crawfish species, but no direct or indirect link to "leeches" has been documented or third party studies provided by states or any other agencies which have been most severely affected by these horrible intruders. I assume this might be caused by the fact that all commercially purchased leeches, weather transported out of state or not, are washed and shipped in fresh, uncontaminated spring water. It is my recommendation that "Leeches" used as live bait be removed from the afore mentioned proposal, I feel it is unnecessary to place a ban on "Leeches" as a live bait if there is no evidence linking them as possible pathways for the spread of (AIS) or (VHS). Certain, specific regulations can have a positive effect on our environment and waterways if there is sufficient scientific evidence, if that evidence is absent then we are simply placing unnecessary regulations into effect.

I am writing this e-mail to voice my concerns about the proposed regulation ban of aquatic live bait. I have been doing some extensive research on the subject, and I am having some uneasy feelings about this proposal including leeches as a potential threat to our state waters.

The one thing that I would like to bring to attention to the commission is that there is no scientific evidence being submitted by the state that supports their inclusion of leeches in this regulation that can carry diseases that will be harmful to the waters of our state.

I have studied leeches since I have learned about this proposal, and I could go on stating facts that I have learned about VHS (Viral Hemorrhagic Septicemia) in my research, but there is no scientific documentation that links VHS and leeches.

Many other states throughout the Midwest and west do not regulate the use of leeches, the only state that I am aware of that has a regulation on leeches is North Dakota, and they only require that they be purchased by an in state licensed dealer.

My research leads me to believe that leeches have zero risk to our waters, and the state is not providing any scientific documentation to support the inclusion of leeches in this regulation. Why create a regulation based on assumptions? To me this is an unwarranted regulation. Please consider removing leeches from this list.

I would favor allowing crayfish for bait in streams and lakes where bait fishing is legal provided that the crayfish were captured from the same body of water where they are used.

**Modification:** Anglers may not use or possess live aquatic animals as bait in fresh water except:

- Aquatic animals (other than fish) collected from the water being fished
- Live sand shrimp
- Live forage fish may be used in the Columbia River downstream of Rocky Point/Tongue Point line.

**Staff Recommendation:** Adopt as modified.

**Commission Action:** Adopted as modified.

## #2. Chambers Creek

**Proposal:** This proposal would close Chambers Creek (Pierce Co) to the retention of trout, and add selective gear rules.

**Testimony:**

Supported by Conservation Committee of the Washington Fly Fishing Club.

I would like to give my input on the proposed changes to Chambers Creek, as the creek is very near my home and I fish it on a regular basis when it is open.

First I think that the change to selective fishery is excellent, I practice that myself. However, in fishing from July through Sept. I have only caught and released 1 smolt, the other fish are all cutthroat. This creek has a population of beautiful but small cutthroat, an 8" fish is a monster typical fish are 4 to 5 inches. I ask that you keep the creek open to trout fishing, but clarify that you are changing the area from the barrier dam to

the dam outlet from Steilacoom Lake. The highest bait fishing pressure in Chambers Creek is directly above the barrier dam just upstream where the public road crosses.

In summary, please keep Chambers Creek open to fishing, the selective fishery rule is a good proposed change and in conjunction with the July opener minimize by catch of smolt. I enjoy fly fishing the creek with my son, and do not want to lose this opportunity that is nearly in my backyard.

**Modification:** drop the non-buoyant lure restriction currently in place, then adopt the proposal to add selective gear rules and require anglers to release trout.

**Staff Recommendation:** Adopt as modified.

**Commission Action:** Adopted as modified.

### **#3. Skagit River**

**Proposal:** This proposal would allow anglers to retain up to two hatchery steelhead during the March 16-April 30 catch-and-release fishery from the Dalles Bridge at Concrete to the mouth of the Cascade River. All other rules remain unchanged.

#### **Testimony:**

Supported by Conservation Committee of the Washington Fly Fishing Club. Nice to see the HSRG recommendation beginning to be implemented.

Reason I don't like it:

I agree that taking the hatchery steelhead out of the river is a good thing, but I think this rule will do more harm than good. I fish that area during the catch-and-release every year and I would worry more about the poaching that goes on. I believe that having the river open to retention of hatchery steelhead will put a lot more fisherman on the river who are ignorant of native fish protection. As it is right now the fisherman I observe during the standard catch-n-release season use good judgment and handle the fish with care while releasing them, I do not see the same attention to the Native fish when a river is open for retention. In the last ten years of fishing the Skagit for catch-n-release I have only seen a handful of hatchery fish anyway, most hatchery fish are in the hatchery or dead by March 15. I would suggest leaving the Cascade River open to retention of Hatchery steelhead during that period if you want to kill more of those.

Basically what I am looking to have changed is on the Skagit River from the mouth of the Cascade River to the Gorge powerhouse in Newhalem to return to a non selective gear rule area with a trout and other game fish daily limit (the way it used to be). Again my wants are only for trout and other game fish (not salmon).

I support the proposed change to allow the retention two hatchery steelhead during the late winter C+R Fishery on the mainstem Skagit between the Dalles Bridge and the mouth of the Cascade River. It allows the opportunity to remove hatchery produced steelhead from the spawning grounds at a time when the vast majority of spawning steelhead are of wild origin.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

### **#4. Lacamas, Olequa, Rock and Skamokawa Creeks**

**Proposal:** This proposal would standardize stream seasons to June 1 – October 31 in Lacamas Creek (Lewis Co), Olequa Creek (Lewis Co), Rock Creek (Skamania Co) downstream of falls, and Skamokawa Creek (Wahkiakum Co) from mouth (Hwy. 4 Bridge) to the forks below Oatfield and Middle Valley Road. It would also standardize the rules in these waters to be: trout - catch-and-release except up to two hatchery steelhead may be retained in all the above areas. (NOTE – opening date would move to the first Saturday in June if Proposal #22 is adopted).

#### **Testimony:**

Supported by Conservation Committee of the Washington Fly Fishing Club. We support this implementation of a Wild Steelhead Reserve.

I would like to comment on the proposal to change the fishing season on Olequa Creek (#4 in Conservation Regulations). Although not well-publicized, this stream supports an excellent run of wild-spawning sea-run cutthroat (not stocked Cowlitz River strays), and a resultant high-quality cutthroat fishery in the fall. A fairly small group of obviously close-mouthed anglers take advantage of this fishery, which would be effectively eliminated by closing the stream to fishing after October 31. These fish do not seem to move out of the Cowlitz River into the tributaries until fall rains raise the creeks. As a result, late October and November are the peak months of the fishery, which also holds up well into December and even the following year. Please consider leaving this season open as is until the end of February. Current regulations requiring release of all cutthroat are a good start toward protecting these fish. Year-round Selective Gear Rules would be a welcome addition.

Also please note that these same comments could be applied to Lacamas Creek in Lewis County, although to a lesser extent.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

#### **#5. Ohop Creek**

**Proposal:** This proposal would change the opening date for Ohop Creek (Pierce Co) from June 1 to July 1 and make the fishery catch-and-release only except up to 2 hatchery steelhead may be retained with selective gear rules.

**Testimony:**

Supported by Conservation Committee of the Washington Fly Fishing Club.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

#### **#6. Mercer Creek**

**Proposal:** Mercer Creek (Kittitas Co) within the Ellensburg city limits currently has a daily limit of 5 trout with no minimum size. This proposal would restore the statewide daily limit of 2 trout, with an 8" minimum size. This portion of the creek will retain its "juveniles only" designation. (NOTE – opening date would move to the first Saturday in June if Proposal #22 is adopted).

**Testimony:** None received.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

#### **#7. Wilson Creek**

**Proposal:** The two branches of Wilson Creek within the Ellensburg city limits currently have a daily limit of 5 trout with no minimum size, and a year-round season. This proposal will restore the statewide standard stream season of June 1 – October 31 and the standard trout daily limit of 2 fish, 8" minimum size. These two portions of the creek will retain their "juveniles only" designation. (NOTE – opening date would move to the first Saturday in June if Proposal #22 is adopted).

**Testimony:**

Supported by Conservation Committee of the Washington Fly Fishing Club.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

### **#8. Yakima River**

**Proposal:** This proposal changes the year-round season in the Yakima River from Highway 223 Bridge at Granger to 3500 feet below Roza Dam to the statewide standard June 1- October 31 and adds selective gear rules from Sunnyside Dam to 3500 feet below Roza Dam. From Highway 223 Bridge to 400 feet below Roza Dam, it adds a whitefish only season with whitefish gear rules December 1 – March 31. (NOTE – opening date would move to the first Saturday in June if Proposal #22 is adopted).

#### **Testimony:**

Supported by Conservation Committee of the Washington Fly Fishing Club. This gives the agency the tools it needs to return more ESA fish to the upper Yakima.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

### **#9. Columbia River Trout Rules- Buoy 10 Line to Hwy 395 Bridge at Pasco**

**Proposal:** This proposal would close this area to the retention of trout other than steelhead, except up to 2 hatchery cutthroat (minimum size 12") could be retained from the Rocky Point/Tongue Point line to the I-5 Bridge.

#### **Testimony:**

Most at Spokane meeting were OK with the rule – one person wanted to know how to tell a hatchery cutthroat – didn't know they were fin clipped.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

### **#10. Clam and Oyster Beach Seasons**

#### **Proposed Changes to Clam Seasons**

##### **Ala Spit County Park:**

**Current Regulation:** Open May 1 through May 31.

**Proposed Regulation:** Closed.

Surveys indicate that the littleneck clam resource at this beach has decreased to a point where it cannot support a season in 2009.

##### **Dosewallips State Park:**

**Current Regulation:** Open April 1 through September 30.

**Proposed Regulation:** Open March 1 through October 31.

Surveys indicate that the clam resource continues to increase due to both natural recruitment and enhancement and can support a longer season in 2009.

##### **Fort Flagler State Park:**

**Current Regulation:** Open April 1 through June 15.

**Proposed Regulation:** Open May 15 through July 31.

Paralytic Shellfish Poisoning (PSP) closures have prevented harvest on this beach during much of the spring season for the last several years. We are proposing a later season to avoid the time when PSP closures are most likely, and also to avoid conflict with State Parks' seaweed harvesting season. Parks has approved the proposed season change.

**Frye Cove County Park:**

**Current Regulation:** Open January 1 through May 15.

**Proposed Regulation:** Open January 1 through June 15.

Surveys indicate an increase in the clam population, and the resource can support a longer season in 2009.

**Oak Bay County Park:**

**Current Regulation:** Open July 1 through August 31.

**Proposed Regulation:** Open June 1 through July 31.

This proposal retains the month-long clam season but opens it one month earlier in 2009. This shift in the season retains the long-standing tradition of opening Oak Bay County Park immediately after nearby South Indian Island County Park closes.

**Point Whitney Tidelands (excluding Lagoon):**

**Current Regulation:** Open March 1 through June 30.

**Proposed Regulation:** Open March 1 through May 31.

Surveys indicate a decrease in the clam population requiring a reduced season. We were not able to negotiate a resource trade with tribes allowing a longer season.

**Point Whitney Lagoon:**

**Current Regulation:** Open July 1 through July 31.

**Proposed Regulation:** CLOSED.

Surveys indicate a decrease in the clam population. We were unable to negotiate a resource trade with tribes allowing even a two-week season.

**Sequim Bay State Park:**

**Current Regulation:** Open May 1 through July 15.

**Proposed Regulation:** Open May 1 through July 31.

Surveys indicate an increase in the clam population, and changes to the Park's septic system will allow for a longer season in 2009. Parks has approved the proposed season change.

**South Indian Island County Park:**

**Current Regulation:** Open April 1 through June 30.

**Proposed Regulation:** Open April 1 through May 31.

The Manila clam resource on this beach has suffered a "kill" due to environmental changes in the substrate and algae cover, and surveys indicate that it will only support a shortened season in 2009.

**Proposed Changes to Oyster Seasons**

**Fort Flagler State Park:**

**Current Regulation:** Open April 1 through June 15.

**Proposed Regulation:** Open May 15 through July 31.

This proposal will align the oyster season with the clam season on this beach. See the clam season change above for an explanation of the proposed later season.

**Frye Cove County Park:**

**Current Regulation:** Open January 1 through May 15.

**Proposed Regulation:** Open January 1 through June 15.

This proposal will align the oyster season with the clam season on this beach.

**Oak Bay County Park:**

**Current Regulation:** Open July 1 through August 31.

**Proposed Regulation:** Open June 1 through July 31.

This proposal will align the oyster season with the clam season on this beach.

**South Indian Island County Park:**

**Current Regulation:** Open April 1 through June 30.

**Proposed Regulation:** Open April 1 through May 31.

This proposal will align the oyster season with the clam season on this beach.

**Modification:**

**Frye Cove County Park:** CLOSED the entire year to the harvest of clams and oysters. All access to this park has been closed by the County.

**Staff Recommendation:** Adopt as modified.

**Commission Action:** Adopted as modified.

## RECREATIONAL OPPORTUNITY

### #11. Cascade River

**Proposal:** Currently, the game fish fishery opens October 1 in the Cascade River from the mouth to the Rockport – Cascade Road Bridge. This proposal would allow anglers to retain game fish (including Dolly Varden/bull trout) during the spring Chinook fishery in this area from June 1 to July 15, and reopen for game fish on Sept 16 with the coho fishery. The February 28 closing date would remain unchanged.

**Testimony:**

Supported by Conservation Committee of the Washington Fly Fishing Club.

Basically what I am looking to have changed is on the Cascade River from the Rockport Cascade bridge up stream to return to a non selective gear rule area with a trout and other game fish daily limit (the way it used to be). Again my wants are only for trout and other game fish (not salmon).

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

### #12. Grays River and WF Grays

**Proposal 1:** This proposal would open the river to the catch-and-release only except up to two hatchery steelhead may be retained season June 1 (instead of September 1) in the Grays River (Wahkiakum Co) from the mouth to the mouth of the South Fork. The closing date of October 15 and all other rules remain unchanged. (NOTE – opening date would move to the first Saturday in June if Proposal #22 is adopted).

**Proposal 2:** This proposal would open the game fish season June 1 - October 15 (instead of August 31) and make the fishery catch-and-release except up to 2 hatchery steelhead may be retained in the West Fork Grays River. The additional season in the mainstem above Hwy 4 to the South Fork and in the West Fork would open December 1 (instead of December 15) and run through March 15. This season would

remain catch-and-release except up to 2 hatchery steelhead may be retained. (NOTE – opening date of the early fishery would move to the first Saturday in June if Proposal #22 is adopted).

**Testimony:** None received.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

### **#13. Scooteney Reservoir Walleye**

**Proposal:** This proposal would change the rules for walleye on Scooteney Reservoir (Franklin Co) from the statewide standard minimum size of 16", to a minimum size of 12". The daily limit of 5, and the restriction of only 1 over 22" may be retained will remain unchanged.

**Testimony:**

Against this proposal. There is enough pressure on these fish now. This rule would cut back on the number of 16"-20" fish available for fishermen. These larger fish are caught both in the early spring and in mid-October.

Good idea to let anglers access these fish. How do they get more into the reservoir?

What about raising the daily limit to 8 fish? No, try 5 first and see how it goes.

There are lots of transients fishing in this lake. They are fishing to feed their families, but if you drop the minimum size to 12" they will fish it out. Other people come to the park expecting to get a nice-sized walleye. These will be gone. This lake is not very big or very fishable.

In the last 10 years, fishing has gone down (due to fishing by transients). There are 5-6 groups on the bank fishing every day

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **HOUSEKEEPING**

### **#14. Munn Lake (Thurston Co)**

**Proposal:** Clarify WAC language on the ending date for the catch-and-release season.

**Testimony:** None received.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

### **#15. NF Tieton River**

**Proposal:** This proposal would clarify the closed waters area to: Clear Lake spillway channel and the NF Tieton River within 400' of Clear Lake Dam and change the season for the entire river, including that portion of the river that flows through the Rimrock Reservoir dry lakebed, to June 1 through August 15.

**Testimony:**

Supported by Conservation Committee of the Washington Fly Fishing Club.

**Staff Recommendation:** Adopt as proposed.  
**Commission Action:** Adopted as proposed.

### **#16. Railroad Pond**

**Proposal:** This proposal would change the rules for Railroad Pond (Franklin Co) from selective gear rules and a two trout daily limit to statewide rules (daily limit 5 trout, no gear restriction).

**Testimony:** None received.

**Staff Recommendation:** Adopt as proposed.  
**Commission Action:** Adopted as proposed.

### **#17 Willapa River Mouth Definition**

**Proposal:** This proposal would change the reference to the boat launch defining the mouth of the Willapa River to the City of South Bend Boat Launch.

**Testimony:** None received.

**Staff Recommendation:** Adopt as proposed.  
**Commission Action:** Adopted as proposed.

### **#18. Fisher Slough**

**Proposal:** This proposal would change the rules in the lower portion of Fisher Slough (Skagit County) from a year-round season to a June 1 to October 31 season. (NOTE – opening date would move to 1<sup>st</sup> Saturday in June if Proposal #22 is adopted).

**Testimony:** None received.

**Staff Recommendation:** Adopt as proposed.  
**Commission Action:** Adopted as proposed.

### **#19. Fishing Contest Rules**

**Proposal:** This proposal would change the date for submission of fishing contest permit applications for the following year from November 1 of each year to July 1 of each year. The proposal would also allow contests to last 4 consecutive days instead of 3.

#### **Testimony:**

The Conservation Committee of the Washington Fly Fishing Club does not support any expansion of fishing contests - regardless of species.

More for bass tournaments than walleye – no problem with the change. Probably wouldn't have a 4-day tournament.

**Staff Recommendation:** Adopt as proposed.  
**Commission Action:** Adopted as proposed.

## REQUESTS, ASSIGNMENTS

### #20. Columbia River Salmon and Steelhead Daily Limit- Buoy 10 Line to Hwy 395 Bridge at Pasco

**Proposal:** This proposal would combine daily limit for salmon and steelhead in this part of the Columbia River as follows: Daily limit 6. Up to 2 may be adult salmon or hatchery steelhead or one of each. Salmon minimum size 12"; steelhead minimum size 20".

**Testimony:**

I would only make this change if the data on fish returns supports it.

There is a big salmon run in the Columbia River right now. Why are you cutting the daily limit?

Salmon fishers bring in more money than any other kind of fishermen by a factor of 3. Why cut their limit?

Season is over when fish turn dark. Seldom catch steelhead when fishing for salmon.

OK with it unless Oregon changes.

Tough to make a trip for only 2 fish.

Can see why enforcement would want the same rules for concurrent waters.

This is contradictory to all the proposals just listed where we said we need to get hatchery fish out of the system. Why are we decreasing the amount of hatchery fish people would take? And why would we want to match rules with Oregon? They can match our rules. Still mad about Oregon shutting down the Willamette while still allowing mainstem fishery for springers.

I support this proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

### #21. New Marine Protected Area

**Proposal:** This proposal, developed in conjunction with staff of the State Parks and Recreation Commission (Parks), would create a new Marine Protected Area near Saltwater State Park in southern King County. The area would be closed to all recreational fishing for fish (including salmon and bottomfish), shellfish, and unclassified marine fish and invertebrates year-round. NOTE - clam and oyster harvest is currently closed in the entire park. Parks will mark the boundaries of the area with buoys in the water and pilings on shore. The proposed area would encompass about 300 feet of the park's 1445 feet of shoreline, and would run out about 1200 feet from the high tide line. The map below shows the area of the proposed closure.

**Testimony:**

Supported by Conservation Committee of the Washington Fly Fishing Club.

This would close a prime area that people use when wading for crabs. Should leave this activity open.

SCUBA divers don't use the intertidal area anyway.

Could close the part beyond mean low tide line.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#22. Statewide Opening Day of Stream Fishing**

**Proposal:** The Fish and Wildlife Commission requested this proposal be brought forward for public review and comment. It would change the statewide opening day for stream fishing from June 1 to the 1<sup>st</sup> Saturday in June. (NOTE: - streams with opening dates other than the current statewide June 1 are not affected by this proposal).

### **Testimony:**

Supported by Conservation Committee of the Washington Fly Fishing Club. A minor change that may benefit outward migration of anadromous species.

**MY CONCERN:** Not everyone has weekends off. Leave day alone or move it back to Memorial Day Weekend if you want to increase participation.

Rule #22 would have a negative effect on the hatchery summer run steelhead catch on the Skykomish River. Because of hatchery changes the department put in place, Reiter Pond fish are returning earlier. In 07 the hatchery collected over 200 fish before the season opened on June 1st. Either leave the opening date alone or consider opening it on Memorial Day weekend.

Not really in favor. Just makes you fish every year with the "hordes" because it is on a weekend.

Should spread things out by opening on different days of the week.

Either leave the season the way it is, or go to 1<sup>st</sup> Sat in June to 1<sup>st</sup> Sat in November. Don't want to lose any fishing time over something like this.

Do not change the opening day of stream fishing. The 1st of June is easy to remember and makes it easy to plan for. Changing the date is just one more regulation that the fishing population has to try to remember and we have enuf problems with the regs now. State regulators should be working to simplify the rules and not add more dates and regs or constantly changing. **SIMPLIFY AND DOWNSIZE RULES AND REGS!** Thanks for this opportunity to express my thoughts.

I would favor a Memorial Day opening because virtually everybody has the day off work, i.e. it would be crowded, but would not favor those who can fish in mid-week or those that can fish only on weekends.

For the sake of consistency please leave the opening date June 1. In almost all WDF+W openings and closings the openings are the 1st of the month or the 15th. People want consistency.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#23. Increased Trout Limit on Selected Lakes**

**Proposal:** The Fish and Wildlife Commission requested this proposal be brought forward for public review and comment. It would increase the daily limit for trout from 5 fish to 8 fish on selected lakes. These lakes are proposed to be Park and Blue lakes in Grant County, Williams and West Medical lakes in Spokane County, and Sprague Lake (Adams/Lincoln Co).

### **Testimony:**

Proposal #23, raising the trout limit from 5 to 8 fish on certain lakes is a bad idea. It isn't going to get more people out fishing. What it will most definitely do is deplete the lakes of trout more rapidly. Five fish is a lot

of food to take home from these particular lakes, which have some nice-sized fish in them. Leave the limit at five!

Blue Lake Resort Owner says it will be good for business, but only in the short term. He is against it unless more fish are planted in the lake. Has talked to several other folks who feel the same way. Two other resort owners have put their places up for sale, so they didn't come to the meeting.

This rule won't do anything but create a shorter season. People hi-grade the fish already. If they are allowed 8 fish, they will just hi-grade longer; meanwhile they are killing lots of the little fish they release because they are using bait. The birds eat lots of the smaller fish as it is. Either increase plants or require selective gear rules.

Resort owner's concern is that there are only a few good trout years on a lake between re-habs. Used to re-hab every 5 years, now it is 10. If we adopt this rule, 2-3 years down the road the fishery will die off because of all the small fish killed. So the five good years they used to get will become only three.

Could we plant the lake later to avoid the big crowds? No, water temperature is too high. We usually plant just after opening day. This misses a little of the good growing time in the spring, but avoids the impacts of the large opening day crowds catching and "releasing" the small fish.

Others in the Ephrata group stated they would not drive to a lake for 8 trout vs. 5 trout.

This is an exercise in futility. Will just deplete trout in the lakes sooner. Won't serve the intended purpose. This is like when "Free Fishing Weekend" was sold to the Commission by a legislator. It was supposed to sell licenses, but it didn't make a difference at all.

Don't like this for lakes in Region 1 – counterproductive. Won't sell licenses.

One person catches and releases 100 fish/day on Williams Lake with flies.

Would rather have 5 big trout than 8 little ones. We used to have lots of ads about the trophy trout program. Idea is OK as long as it is advertised. Most people only read the pamphlet entry for the lakes they go to, so might not notice the change unless they already fish these lakes.

There is already a problem with certain ethnic groups harvesting huge amounts of fish daily in Moses Lake.

Why jump to 8 fish right away? Should try 6, then 7, then 8 if it is working.

The Inland Empire Fly Fishing Club with 135 members opposes increasing trout limits in selected waters. The current limit of five fish is more than sufficient and we do not feel that an increase to eight will bring out more anglers. The most likely result of implementing this regulation will be that existing anglers take home more fish and they will think that they can take eight fish home from other waters that have not been selected.

Please leave the bag limits for these lakes at 5. Fisheries are not ALL about the number of fish harvested.

**Staff Recommendation:** Do not adopt.

**Commission Action:** Proposal was not adopted.

## **#24. Anti-Snagging Rule**

**Proposal:** This proposal would replace the current non-buoyant lure restriction with a new anti-snagging rule. The anti-snagging rule requires the use of a single hook on all gear (floating or sinking, with or without

bait), and requires that all salmon and steelhead be hooked in the mouth in areas where it is in effect. Other game fish may be hooked in the mouth or on the head.

### Testimony:

I am opposed to rule change proposal #24. Requiring salmon and steelhead to be hooked inside the mouth is not a rule change needed for protection of wild stocks or to meet ESA protections. It in fact has a negative affect on wild stocks, because the angler harvest in rivers on non-biting salmonids will be reduced. In rivers with high turbidity, such as the Puyallup, or rivers with extreme clarity and spooky, non-biting salmon, such as the Skokomish, sport harvest is done largely by lining or flossing. In lining, the angler uses a long leader and casts across the river. As the gear drifts downriver the line swings into the salmon's mouth and slides until the hook or bobber hits the fishes mouth. The angler then feels the fish and sets the hook hooking the fish either in the mouth or on the back side of the mouth. This is not snagging and in fact takes considerable skill to execute. This method allows angler harvest of hatchery fish which would otherwise not be caught.

Also many fish taken by freedrifting in the Cowlitz and other rivers and by conventional bank casting may grab a corkie or other lure but the hook may lodge outside the mouth.

Hatchery reform rules to meet wild fish conservation rules adopted by WDF&W in the wild salmon policy require only small numbers of hatchery fish to escape harvest or collection by traps at the hatchery sites. Implementation of this rule would allow more hatchery fish to escape and spawn in the wild.

Don't adopt this rule. Create a new rule to clarify the confusion with the non-buoyant lure restriction, while still allowing the effective, non-snagging methods now used by anglers.

Strong support by Conservation Committee of the Washington Fly Fishing Club -though it won't be effective without more enforcement.

Please note my opposition to the subject Proposed Rule Change #24 -- Anti-Snagging Rule, requiring a fish to be released unless it is hooked in the inside of the mouth is the problem. Single barbless is fine and even hook size may be a better way to reduce snagging at least that part requiring all salmon and steelhead be hooked in the mouth. I believe that ethical harvest of fish is imperative and it infuriates me to see people snagging. I feel that the proposed rule change #24 will be difficult to interpret, difficult to enforce, and is totally unnecessary.

The fisheries where the snagging is taking place is in areas with an abundance of hatchery fish. (These are fish the HSRG directed us to remove from the river) If this rule is passed, many fish currently legal to retain with a selective harvest method would be returned to the river where they may co mingle with wild fish. I have heard they may even suggest gill nets by tribal fishermen to remove surplus fish. The other option is for the hatcheries to produce less fish thus less opportunity for sportsman and commercial fishermen. Many fish caught in rivers like the Puyallup are lined due to the low visibility. The line drags through the fishes mouth and is hooked outside the mouth. Many fish are simply very difficult to catch with any other method. Half of the people fishing a river like the Puyallup for humpies don't even realize these fish are lined. The people are not out trying to snag fish and in fact many situations occur where a fish may take a corky that has slid up the line only to have the hook on the outside corner of the mouth. The tactic of lining fish is difficult at best. When fishing low visibility waters fish strike and shake. This results in a higher than normal number of fish caught on the outside of the mouth. The present requirement of the hook being forward of the gill plate is sufficient to establish that the fish was striking the bait and not snagged.

Enforcement of fishing regulation is done by the public when the rules and regulations are reasonable. I have witnessed fishermen employing illegal tactics being chased off the river by law abiding fishermen. I think we want to encourage this type of attitude and promote the notion that we must all protect the resource we value so much. Simple rules that are easily interpreted and make sense will be endorsed by the public.

I hope you and others see the reason we should not pass rule 24.

I totally agree with Mark Gabriel (see comment directly above) that Rule 24 should not pass. While my blood boils when I see people snagging fish I believe that many fish are "lined" or "flossed" particularly in

colored water. Migratory salmon & steelhead with a hook on the inside or just outside of the mouth should be legal to keep. My guess is that most fishermen don't realize that their fish didn't actually bite...I'd guess that 75% of the fall salmon caught in the Carbon & Puyallup are flossed.

I oppose incorporating Rule 24. My understanding the ESA guidelines limits the number of hatchery fish allowed. If Rule 24 is incorporated it eliminates one method of catching non-biting salmon in many rivers thus increasing unharvested hatchery salmon which must be harvested to meet ESA guidelines. Flossing these salmon is way to control the number of hatchery Salmon from our rivers to protect the wild runs.

I am opposed to the subject Proposed Rule Change #24 -- Anti-Snagging Rule, at least that part requiring all salmon and steelhead be hooked in the mouth. I support the provision requiring use of single barbless hooks with or without bait.

I do support efforts for anti-snagging. This rule will not decrease the snagging. It is difficult to spot a fish that is foul hooked by the proposed rule because a fish hook in the side of the mouth can only be observed up close. Foul hooked fish not in the head are generally easily spotted by the person fishing and others in the general area. There are other ways to achieve the same or similar results. Limit the length of the leader, size of hook etc.

The majority of the rivers where this new rule is proposed are rivers with healthy hatcheries. The hatchery fish will need to be caught by recreational anglers or commercial fisherman to avoid excess.

Bottom line: Drop further consideration of proposed rule change #24; Increase enforcement, and promote more peer group pressure against snagging through sports club supported public education. Increasing the fines for snagging may help too.

Maybe you should just close the season down completely, this whole thing is ridiculous:

I've fished for Salmon in the Columbia in every way, pulling plugs, jigging, throwing spoons and using bait. The salmon (not the Steelhead as much) will hook themselves when they slap at the lure. I was fishing last weekend at the Lyle, WA when a fisherman was casting and retrieving a plug foul hooked a fish that he had to release. We are getting to many rules, not even the enforcement officers can keep them straight. Lets come up with a simple solution.

Reduce the daily catch limit to 1 Salmon and a yearly limit of 6 (Separate limits for spring and fall). You can also require barbless hooks like they do on the Snake River. Allow fisherman to purchase for \$25 a foul hooked catch card, but his annual limit is still 6. Require that all salmon caught must be kept. It's the releasing of the fish after a big fight (especially salmon) that creates a problem. This way you catch one fish and you are done. No questions, easy enforcement and more money in the state coffers.

The way it is now the "purists" complain because a fish is foul hooked, but they fight a fish for an hour and release it. You still have to have rules against abuse, but fisherman will monitor that to a degree.

The fact is fisherman pay a lot of money for gear, travel, licenses, etc to travel to the Columbia River to catch a salmon. We should make it easier not more difficult to catch a fish. I know from my prospective I will probably stop fishing for salmon if this goes through. My self a boat owner and my friends just spent around \$2,500 for licenses, food, lodging, gear and fuel traveling to fish the Columbia near Lyle. We brought home 3 salmon and fished very hard. We caught 10 but had to release 7 because they were foul hooked. We trolled, jigged and bait fished. We foul hooked fish both trolling and jigging and hooked nothing bait fishing. We caught more fish than anyone there. All I'm saying is you make the rules, change the rules and soon no one wants to buy licenses any longer.

Thank you for allowing us to give our opinion.

I have no problem replacing the current non-buoyant lure restriction where there is a salmon and steelhead season in place to ease enforcement issues. To apply this to all locations and species would be overly restrictive and completely change the face of fishing in freshwater.

It does no good to make new snagging laws when you do not enforce the ones you have. I sit at the bench on the white salmon river and watch the snaggers on a daily basis at the mouth of the river or up in the river. you can also view these fine fishermen at Drano lake. Thursday evening. I counted 26 people ripping

lead wts and or crippled herrings with large treble hooks thru the water. some use their fish finders to locate them then rip thru them jigging at an angle as the boat trolls. You need to rack these people and make it too expensive to get drunk and screw up the fishing. We went by the White Salmon today and it was stacked with snaggers in boats and some on the bank and in the river with 2oz sinkers, corkies and treble hooks trying to snag the jumping fish. It's great you see the problem but I am not sure wasting time making new laws to not enforce is the answer.

I am writing to express my opposition to proposed rule #24, the Anti-Snagging Rule, as written. If implemented, it will eliminate salmon fishing by sportsmen in many rivers, especially turbid rivers such as the Puyallup. It will also decrease the effectiveness of sportfishers catching hatchery steelhead by freedrifted in many rivers such as the Cowlitz.

This rule, because it hampers sportfishing success, does not support the HSRG's recommendations to remove as many hatchery fish from areas where they might mingle with wild fish. In many rivers, lining and freedrifted are the only successful angling methods for legally harvesting non-biting salmon and steelhead. I oppose intentional snagging and find it destructive and repulsive. Snagging can seriously injure a fish whereas fish hooked forward of the gillplate (as the current rules allow) are rarely injured. Passing this rule as written serves no conservation objectives and is detrimental to the aims of the HSRG.

I read Joseph Madrono's e-mail to you (see paragraph above) and my wife and I totally agree with his input. Please carry the same message forward to the fisheries from me and my wife Irene. We are very involved in habitat restoration and other sports fishing activities such as kids fishing derbies, river clean up, cast for kids, etc. We appreciate that the department is listening more to the sport fishing community on such important proposed rule changes. Thank you for listening.

I'm writing to get a clarification on the new anti snagging rule, which initially seems equally as confusing as the non-buoyant lure restriction, which depending on where your lure floats or not you can either use treble hooks, or single hooks. If I am reading the proposed rule correctly, treble hooks would not be legal in all the areas listed. If this is correct, I am completely against this proposed rule. Many of the larger rivers currently listed are fished with plugs, the plugs are much more effective at hooking fish, when they are used with treble hooks. And following the WDFW stance on hatchery fish, which is to remove as many as possible from the river I do not see how making it more difficult for anglers to catch and retain these fish falls in line with that plan. It is already illegal to snag fish, I do not see why we need a new rule. What I would like to see in the regs is under a river or marine area a checklist of what is legal to use for gear. See below.

For example

Snoqualmie River

Salmon sept 1 - dec 16 Daily limit 2 coho only

Bait (Yes) Number of hooks (1) Barbs (NO) Treble Hooks (NO)

Duwamish waterway

Salmon sept 16th - Oct 1 Daily limit 3 coho only

Bait (YES) Number of hooks (2) Barbs (Yes) Treble Hooks (YES)

I believe if some type of information like this were in the regs, then there would be much less confusion. This new rule will not help to prevent snagging, by eliminating treble hooks, plenty of people effectively snag fish with single barbless hooks, I have seen it on numerous rivers, because trebles are already banned there. Eliminating the use of treble hooks, will definitely hamper angler effectiveness to retain hatchery fish, and do little to prevent snagging. Fisherman that snag and retain those fish already know they are breaking the law, simply adding another rule will not stop those people, only more enforcement will.

MY CONCERN: This rule is fine with me as long as WDFW in the future exempts squid. So far no current area under a non-buoyant lure closure has a squid jigging fishery.

I'm opposed to modifying this rule. If the intent is to reduce snagging, I don't see why I shouldn't be allowed to run treble hooks on my plugs. It is nearly impossible to snag a fish with a floating plug. If the rule is too confusing as is, maybe it should be changed to single hooks on everything except floating plugs.

Triple hooks, just ban them. All these separate regulations will only serve for confusion and fisherman wasting tax dollars and man time disputing them in court and winning.

Please record my opposition to the subject Proposed Rule Change #24 -- Anti-Snagging Rule, at least that part requiring all salmon and steelhead be hooked in the mouth. However, I support the provision requiring use of single barbless hooks with or without bait.

While I strongly oppose snagging, this is not the way to achieve the objective of gaining clarification of the "non-buoyant lure restriction." That is simply requires a public education initiative by WDFW. Most sports fishing organization would be willing to help the department with such an initiative. It makes no sense to "throw the baby out with the bathwater" in a miss-guided attempt to deal with a public education issue. I can't believe those WDFW staff advocating this rule have ever fished rivers for salmon. Rigorous enforcement of the current rule allowing retention of salmon and steelhead hooked in the head pretty much would achieve the anti-snagging objective. Peer angler pressure can be pretty effective too based on my observations of fisheries in the Skokomish, Puyallup and Nisqually rivers.

Most river salmon fisheries are focused on excess returns of hatchery salmon where WDFW and the HSRG are concerned about adverse genetic impacts from cross breeding with wild salmon. Adopting Rule Change #24 will most likely result in significant reduction in hatchery fish removal as fewer anglers will fish and much fewer hatchery fish will be retained by selective means -- contrary to ESA recovery objectives. Federal court rulings suggest that increased tribal non-selective gill net fisheries may result -- under the foregone opportunity doctrine -- if non-tribal fisheries can not accomplish adequate removal of excess hatchery. This would simply kill more wild salmon and steelhead, an unintended consequence of adopting Rule Change #24. Or, more likely, hatchery salmon production would have to be significantly reduced or eliminated. This would acerbate the ongoing decline in sport fishing and reduce badly needed license fee revenues.

Bottom line: Drop further consideration of proposed rule change #24. Increase enforcement, and promote more peer group pressure against snagging through sports club supported public education. Increasing the fines for snagging may help too.

I am concerned with the Proposed Rule Change #24 -- Anti-Snagging Rule, requiring all salmon and steelhead be hooked in the mouth. As a "hook and line" sport fisherman, I greatly appreciate the current ruling of retaining a salmon / steelhead hooked forward of the gill plate. The methods used by sport fisherman to catch these great fish have been honed over many years. There are those times when a hooked fish is not hooked directly in the mouth. Weather the fish missed the strike or the line worked its way into the mouth during the drift, it is difficult to predict. Either way the fish was hooked fairly. Please do not allow this change to take effect. All hook and line fisherman should be able to retain fish hooked forward of the gill plate. I am not in support of purposely snagging fish, please don't misunderstand. In fact purposely snagging fish is a crime and should be matched with stiff penalties. That is why I am in favor of single barbless hooks. Wouldn't it be a "great day" if all non-sport fisherman (commercial and tribal) did the same. Just think of how great our fishery would be then.....

Please note my opposition to the subject Proposed Rule Change #24 --Anti-Snagging Rule, requiring a fish to be released unless it is hooked in the inside of the mouth is the problem. Single barbless is fine and even hook size my be a better way to reduce snagging at least that part requiring all salmon and steelhead be hooked in the mouth. While it infuriates me to see people snagging this is not the best way to gain clarification for the no buoyant lure restriction. That is simply requires a public education initiative by WDFW. As the President of the SOF chapter of PSA I feel rule 24 would be a huge mistake. The fisheries where the snagging is taking place is in areas with abundance of hatchery fish. (Fish the HSRG directed us to remove from the river) If this rule is passed many fish, currently legal to retain with a selective harvest method, would returned to the river where they may co mingle with wild fish. I have heard they may even

suggest gill nets by tribal to remove surplus fish. The other option is for the hatcheries to produce less fish thus less opportunity for sportsman and commercial. Many fish caught in rivers like the Puyallup are lined due to the low visibility. The line drags through the fishes mouth and is hooked outside the mouth. Many fish are simply very difficult with any other method. Half the people fishing river like the Puyallup for humpies don't even realize these fish are lined. The people are not out trying to snag fish and in fact many situations occur where a fish may take a corky that has slid up the line only to have the hook on the outside corner of the mouth. I hope you and others see the reason we should not pass rule 24.

I saw the proposed rule change # 24 today and would like to register my opinion. I am definitely against this change. I fish in many of the rivers that would be affected by this change. I understand wanting to maintain the wild fish spawning and understand that the hatchery fish can intermingle with them rather than return to the hatchery. I believe we sportfishermen should be allowed to use the technique of lining or free drifting to catch these hatchery fish and reduce the chance of them spawning in the rivers with the wild stock. These fish do not bite and therefore letting us continue to use the method we have used for a long time will solve the problem without retreating to the drastic measures mentioned in your proposal. We do want to maintain the hatcheries to enhance the fishing for sportfishermen. Hooking the salmon in the head should be allowed rather than hooking only inside the mouth, seeing as they do not "bite". Hatchery reform has some good ideas, but this would drastically affect our fishing in the future if rule change # 24 were allowed to be passed. I would like to make sure that we have an opportunity to continue fishing in these rivers. Please consider deleting this proposed change to our successful hatchery program. Allow us to continue to solve the problem by allowing us to harvest these hatchery fish by giving us the ability to hook them in the head. Thank you for your consideration of this request.

While many of my colleagues oppose this rule, I am of a different opinion. The rule as written is anti sports and pro fish. I am not in favor of any proposal that diminishes the sports take or reduction in opportunity, however in saying that I am in favor of preventing the illegal snagging by the few that choose to practice this act. I suggest a restriction on leader length, to something in the neighborhood of twenty four inches and no more. I suggest keeping the right to retain all fish as long as the hooking is only forward of the gill plates as is now the rule. The practice of "lining" is in my opinion un-sportsmen like and has no place in legal fishing practice. "Lining" employees a leader some thing longer than 4 feet and with my proposed regulated leader length, the intent of the rule #24 can be revised and implemented.

Salmon and steelhead will take a blade bait, even if you say you are fishing for warmwater fish.

Have no problem with the rule as it is. This rule isn't simpler. Shop owner explains the old rule to people all the time. This is more complicated.

Why do you want to apply this to buoyant lures too? They are not used for snagging. All the gear manufacturers are not going to change their hooks for this rule

In shallow water (Hood Canal streams) you can snag fish with a buoyant lure.

There was a lot of enforcement of the NBL rule on the Okanogan last year.

What about salmon fishers who want 2 hooks for cut-plug herring?

This rule is really a compromise between snagging protection and allowing warm-water fishers to use their gear on the mainstem Columbia.

Should restrict hook size also.

Circle hooks wouldn't work on most lures.

This proposal would make salmon fishing impossible in the Puyallup – it's too muddy for the fish to see the bait.

Most anglers at the Spokane meeting were OK with the rule. Some expressed the opinion that they expected the area in the Columbia to expand every year.

This rule won't stop snagging. Things we need to add to the proposal: 1) don't allow corkies below the hook. 2) don't allow weight below the hook. Otherwise anglers create a "rake" with two weights and the hooks and corkies in-between. This is pulled through the water to snag the fish.

I would like to thank WDFW for the opportunity to comment on the anti-snagging regulations proposal. First, although I believe the intent of this law is good, there have been anti-snagging regulations in place for over fifty years, and there continues to be issues in certain areas with snagging. Passing this regulation will not change that. As salmon mature and enter river systems, they go through hormonal changes that cause them to stop feeding. Many of the best techniques for catching river salmon revolve around the use of lures, such as spoons, spinners, and plugs that elicit an aggressive response from salmon. Oftentimes, when salmon go to strike these lures, they are hooked outside of the mouth: in the head, under the chin, and from the outside of the mouth pointing in. The proposed regulation change would make retaining one of these fish illegal. In addition, the proposed regulation change would make it illegal to use more than one, single point hook. Many of the lures used to catch salmon legitimately in rivers are designed by the factory to run with more than one hook (as well as treble hooks), and removing hooks causes them to be "out of tune" and are not as effective at catching salmon.

The existing regulation has been in place by many years and is understood by most experienced anglers. New anglers are often confused with the non-buoyant lure restriction, but I feel this could be explained better in the regulation pamphlet, rather than passing new regulations that further restrict legitimate sport fisherman. For example, one of the biggest sources of confusion is whether or not a standard "corkie and yarn" drift fishing rig is a non-buoyant lure or not, since the corkie itself floats, yet often when rigged with the hook and yarn the whole setup will sink, depending on the combination of corkie, yarn, and hook. Clarification of this in the pamphlet would eliminate the vast majority of question by the general angling public, and allow anglers to be in compliance with this rule.

An example of how to present this in the pamphlet, under the already existing non-buoyant lure restriction in the pamphlet:

Spoons and Spinners: Sinking lure

Floating drift rigs such as corkies" Buoyant lure

Plugs: Buoyant lure

Flies and jigs: Sinking lure

Eggs, Baitfish, Worms, and Shrimp: Buoyant lure (to allow herring and egg fishermen the traditional two single hook rigs)

Currently, most river systems with hatcheries have surplus salmon returning with great fishing opportunities that are accessible to those without boats, that are paid for by sport fishing license sales. Passing this proposal will further restrict the legitimate sport fisherman from harvesting their fair share of salmon, while commercial and tribal fisherman continues their use of non-selective nylon monofilament gill nets. I believe a more pragmatic approach is to manage the snagging issue on a watershed-by-watershed basis, rather than a blanket rule that affects all areas that already have the non-buoyant restriction (which is most of the rivers that offer salmon harvest opportunities). If there are specific areas that are problems, enact rules or closures specific for that fishery (and enforce them), rather than restricting all river salmon fishermen.

Passing Rule #24, the Anti-Snagging Rule, serves so conservation objectives and is detrimental to the aims of the HSRG. The HSRG recommended that as many hatchery salmon and steelhead as possible be removed from rivers before they have a chance to mingle with wild fish. In many rivers, lining and freedrifting are the *only* successful methods for legally harvesting non-biting salmon and steelhead. Rule #24 would eliminate lining for salmon in turbid rivers like the Puyallup. It would also eliminate freedrifting on the Cowlitz, Skykomish, Lewis, and other major rivers, reducing the success of many

amateur anglers and almost every professional salmon and steelhead fishing guide in Western Washington. The G Loomis 1141 fishing rod was designed specifically for freedrifting and remains their most popular rod in their salmon/steelhead line. Saltwater sportsmen often troll erratically moving baits with double hooks. The bottom hook frequently hooks salmon in the head. Under this rule, these fish would have to be released as well.

This is a bad rule. Intentional snagging is illegal today and should continue to be enforced. But fish hooked forward of the gill plate (as the current rules allow) are rarely injured. Please don't criminalize accepted angling techniques that are often the only way to harvest non-biting fish. (3 identical letters)

I oppose rule #24, the Anti-Snagging Rule, as it is currently written. It would eliminate lining for salmon by sportsmen in turbid rivers like the Puyallup. It would eliminate freedrifting on the Cowlitz. Many salmon are harvested in saltwater when trolled barbless hooks on erratically moving bait hook a fish in the head or gillplate. These fish would have to be released, lowering the harvest of hatchery salmon.

This rule, because it reduces sports harvest, does not support the HSRG's recommendations to remove as many hatchery fish before they have a chance to mingle with wild fish. In many rivers, lining and freedrifting are the only successful angling methods for legally harvesting non-biting salmon and steelhead. I oppose intentional snagging and find it destructive and repulsive. Snagging can seriously injure a fish, but fish hooked forward of the gillplate (as the current rules allow) are rarely injured. Passing this rule as written serves no conservation objectives and is detrimental to the aims of the HSRG. I urge you to not approve this rule as written.

I am writing to express my opposition to proposed rule #24, the Anti-Snagging Rule, as written. If implemented, it will eliminate salmon fishing by sportsmen in many rivers, especially turbid rivers such as the Puyallup. It will also decrease the effectiveness of sportfishers catching hatchery steelhead by freedrifting in many rivers such as the Cowlitz.

This rule, because it hampers sportfishing success, does not support the HSRG's recommendations to remove as many hatchery fish from areas where they might mingle with wild fish. In many rivers, lining and freedrifting are the only successful angling methods for legally harvesting non-biting salmon and steelhead. I oppose intentional snagging and find it destructive and repulsive. Snagging can seriously injure a fish, whereas fish hooked forward of the gillplate (as the current rules allow) are rarely injured. Passing this rule as written serves no conservation objectives and is detrimental to the aims of the HSRG. I urge you to not approve this rule as written.

Rule #24, the Anti-Snagging Rule, is a bad rule. I think intentional snagging should still be illegal because it's very harmful to fish. But fish hooked forward of the gillplate (as the current rules allow) are rarely injured. Please don't criminalize accepted angling techniques that are often the only way to harvest non-biting fish.

Rule #24 would eliminate lining for salmon in turbid rivers like the Puyallup. It would also eliminate freedrifting on the Cowlitz, Skykomish, Lewis, and other major rivers, reducing the success of many amateur anglers and almost every professional salmon and steelhead fishing guide in Western Washington. Saltwater sportsmen troll erratically moving baits with double hooks. They often hook salmon in the head with the bottom hook. Under this rule, these fish would have to be released as well.

This rule does not support the HSRG's recommendations to remove as many hatchery fish before they have a chance to mingle with wild fish. In many rivers, lining and freedrifting are the only successful angling methods for legally harvesting non-biting salmon and steelhead.

Passing this rule as written serves no conservation objectives and is detrimental to the aims of the HSRG. (3 identical letters)

I urge you not to approve proposed rule #24, the Anti-Snagging Rule. This rule would eliminate lining for salmon by sportsmen in turbid rivers like the Puyallup. It would eliminate freedrifting on the Cowlitz. Sportsmen, trolling erratically moving baits in saltwater, hook many salmon in the head with the bottom hook. Under this rule, these fish would have to be released, lowering the harvest of hatchery salmon.

This rule does not support the HSRG's recommendations to remove as many hatchery fish before they have a chance to mingle with wild fish. In many rivers, lining and freedriftng are the *only* successful angling methods for legally harvesting non-biting salmon and steelhead.

Intentional snagging is destructive and can seriously injure a fish, but fish hooked forward of the gillplate (as the current rules allow) are rarely injured. Passing this rule as written serves no conservation objectives and is detrimental to the aims of the HSRG. Please don't pass this rule. (4 identical messages)

Don't pass Rule #24, the Anti-Snagging Rule! It serves no conservation objectives and is detrimental to the aims of the HSRG. They recommended that hatchery salmon and steelhead be removed from rivers before they have a chance to mingle with wild fish. In many rivers, lining and freedriftng are the *only* successful angling methods for legally harvesting non-biting salmon and steelhead.

Rule #24 would eliminate lining for salmon in turbid rivers like the Puyallup. It would also eliminate freedriftng on the Cowlitz, Skykomish, Lewis, and other major rivers, reducing the success of many amateur anglers and almost every professional salmon and steelhead fishing guide in Western Washington. The G Loomis 1141 fishing rod was designed specifically for freedriftng and remains their most popular rod in their salmon/steelhead line. Saltwater sportsmen often troll erratically moving baits with double hooks. The bottom hook frequently hooks salmon in the head. Under this rule, these fish would have to be released as well.

This is a bad rule. Intentional snagging is illegal today and should continue to be enforced. But fish hooked forward of the gill plate (as the current rules allow) are rarely injured. Please don't criminalize accepted angling techniques that are often the only way to harvest non-biting fish.

I am responding to an opportunity you have given fishermen to comment on new regulations, particularly snagging. First, I want to say that I believe that it goes on a lot more than many officials are aware of. I fish a lot, around 100 days a year. I fish rivers like the Skykomish, Snohomish, Snoqualmie, Stillaguamish, and Skagit. I witness lots of snagging, especially for Silvers and Pinks all during the season and these people that do the snagging have no conscience. Sometimes it appears that more fowl hooked fish are caught than fair hooked ones! This needs to stop.

My ideas are to enforce the laws, whatever that takes. Snaggers are not on the honor system. Don't make laws that can't be enforce properly. Also post the laws and the consequential fines that will result in violation at tackle stores, in the regulation pamphlet (front page) and even fishing locations. Promote awareness of the rules and shame to those who violate them. Maybe even put up posters in sporting goods stores with a message like, "There is no honor in snagging fish" or " Snagging fish carries a fine of \$125.00 ". Anyway, good luck with this stuff, and thanks for the opportunity,

Why not take a different approach to the snagging issues on the rivers. Take the Quilcene for example. There is a 4 fish limit and they must be hooked in the mouth by a single barbless hook. There are fishermen shoulder to shoulder in places on that river. Tensions run high and everyone gets aggravated. Why not allow snagging, which nearly everyone does anyway and make it a one or two fish limit. That way people get in there, get their fish and get out. The summer chum can still be protected because people would be able to individually target the coho on sight, much like the difference between shooting a doe vs. a buck. Then you can take strict enforcement against those who target chum and fishermen can have a chance at catching fish on a river that happens to be a terminal coho fishery.

I do find #24 a problematic issue. I haven't seen any draft wording for the WAC so it is hard for me to look at it from an enforcement perspective. I understand what is trying to be done, but it looks like it could be hard to explain to folks.

I oppose this proposal and really oppose snagging. However, the "flossing" technique is very productive and can be a non-invasive method of reducing surplus hatchery production in our rivers. The HSRG has made it clear that removing hatchery fish from interacting with wild fish is a critical tool to increasing wild fish genetics. This method of fishing generally hooks fish in the mouth or just outside the mouth and doesn't

do significant harm to wild fish which are encountered. It is not at all like the general perception associated with "snagging".

Will hurt guides on Cowlitz – fish are hooked on the outside of the mouth. Lining is not snagging. Should change the definition of snagging – these 2 rules are tied together. If you want to harvest hatchery fish per HRSG – you need to be able to hook outside the mouth. Should prohibit people who are constantly jerking the line trying to snag fish. What about a hook and a corkie – fish grabs it and gets hooked on the outside of the mouth? Allow folks to retain salmon hooked in the head. Another compromise would be within 1 inch of the mouth instead of forward of the gill plate. Will preclude all the good fishing. Guides, sport clubs and WDFW employees asked him to speak to this. The nature of fishery management these days is to be complicated. No problem with single pointed hook. Can modify plugs to use them. Non-buoyant lure rule was "difficult." Not a big problem on the Puyallup – should only use where it is really bad.

I have some comments to make after reflecting on our discussions last night on rule proposal #24. (See comment above). I am opposed to rule #24 but am also opposed to the current snagging definition for the reasons below.

Snagging in my definition is the repeated jerking of your fishing line and use of hooks and weights to foul hook a fish in any part of the body and haul it in usually taking a long time and causing stress or physical damage to the fish even if released. This definition should also be changed to allow the lining fishing method.

The present method used by many fishermen to catch mature non-biting Salmon nowadays (lining) is to use a long leader and lure (usually a corkie) and hook which when cast across the stream and swung downstream in the current lodges in the fishes mouth and slides the lure and hook to the mouth whereby the angler feels the fish throbbing and sets the hook, hooking the fish sometimes in the mouth, but often in the head in front of the gillplate. Catching a fish this way takes considerable skill, in fact more skill than hooking a fish in the mouth with bait. I personally can't catch many fish this way because I don't have a sensitive enough feel to sense the line going into the fishes mouth but I still respect the young anglers who are good at it. This method is used from the bank and in freedrifting large rivers such as the Cowlitz, Lewis, or Snake.

Lining or flossing is used in just about all the major Salmon river in WA and also for steelhead via freedrifting. These salmon rivers in my opinion are used by the majority of the anglers fishing for salmon and Steelhead (more fishermen do this than fish in the salt and we move gradually to fishing near or in the river of origin to avoid mixed stock fisheries. Most of the younger fishermen; your clients of today and tomorrow do this. There are typically 1000 anglers on the Puyallup, Skokomish, Cowlitz and Toutle rivers every day during Salmon season fishing this way for example.

Some view this as unethical or unsporting. It is new, but definitely ethical and very sporting.

Some view this as anti-conservation. Wrong, because HSRG requires the excess hatchery fish be culled out to avoid crossing with wild, more fit fish. Banning this would hurt the wild stocks. It has been my experience that when a wild fish is caught by this method, the angler in almost all cases releases the fish carefully.

When I discussed this with you last night we talked about the classes of rivers where you have to do this to catch fish.

#1 Type- Quilcene tidewater-Low, clear and nonbiting fish where sight fishing is employed to swing a fly or lure into the fishes mouth or head in front of the gillplate.

#2 type-Puyallup Dirty river where fish cannot even see the lure and the only way to catch fish is by lining.

#3 type Cowlitz where freedrifting with 6 foot leaders is used by guides and private boaters.

#4 type Low& clear river with non-biting fish where the only way to catch fish in most cases is to line the fish.

There are very few rivers on the whole list where this rule would not preclude most Salmon angling.

Enforcement- I see no problem with enforcement now .The snaggers are easy to identify now and are being caught now and prosecuted. I saw this happen on the Skokomish this year and Craig cited an example where the true snaggers were caught and prosecuted on the Wind.

Does WDF&W want to stop river Salmon angling?

Do you want to let more hatchery fish stray and spawn with the wild fish and degrade the wild genetics?  
Do you want to lose angler support and revenue?  
Do you want to make a global change with no real impact to enforcement? In fact it may even complicate enforcement because the enforcement must rush over to each angler to see where in the head the fish was hooked before the hook is removed requiring more officers which you don't have now and will not get?  
Then by all means implement this rule.

My comments reflect the positions of sportsmen, fish clubs, guides, and hatchery managers and biologists. You received more comments against this change than any other in the cycle. You should stop this change now and spend some time rethinking the goals of conservation, and ethics and public opinion and either drop it now or hold off until the next major cycle and craft a regulation change with input from advisors that will achieve the goals without killing the fishery.

No on Dumb, Dumb, Dumb Proposed Rule #24. If anything, after reading all the negative responses on the subject proposed rule, I am even more hard over against its adoption in any form. See my written comments already provided to you during the prior public process.

Following is an addendum to my comments to just make sure it is part of the written record. I called Craig Burleigh on November 13 at 8:15 a.m. and shared the same opposition message. Also, I advised that if WDFW persisted in trying to get this rule approved by the Fish and Wildlife Commission we would talk to the commissioners before they acted on the rules to persuade them to reject #24. Craig agreed to share my input with you and the other key WDFW players on this issue.

Again, to be very clear, none of us opposing #24 are for snagging and speak out against that practice when we occasionally see someone appearing to be doing that. We and other anglers call out where a fish is hooked to put pressure on anyone considering keeping an illegally hooked fish to release that fish as safely as possible.

**Modification:** Terminal gear limited to one single point hook unless fishing from a floating device, when two single point hooks may be used. Hooks must be  $\frac{3}{4}$ " gap or less and attached to or below lure or bait. Weights may not be attached below or less than 12" above the lure or bait.

**Staff Recommendation:** Adopt as modified.

**Commission Action:** Adopted as modified.

### **#25. Saturday of Memorial Day Weekend Stream Openers**

**Proposal:** The Fish and Wildlife Commission requested this proposal be brought forward for public review and comment. It would open some areas to fishing the Saturday of Memorial Day weekend rather than the statewide opening date in June. The areas are: Roosevelt Lake tributaries between Grand Coulee Dam and State Highway Bridge at Northport except Barnaby Ck, Nancy Ck and tributaries and tributaries listed in Special Rules; Colville River from bridge at the town of Valley upstream and all tributaries, Kettle River, Roosevelt Lake Kettle Arm, and the Little Pend Oreille River.

#### **Testimony:**

Supported by Conservation Committee of the Washington Fly Fishing Club.

Don't like the idea. Will just clog up places with campers and fishers and create bottlenecks on the roads.

Would be good in region 4.

Good idea, but be sure to fix the walleye closure in the Kettle Arm to match.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

**Testimony on all proposals:** Sorry I was unable to attend the meeting. After reviewing the comments you provided, as well as the Departments earlier explanations, I find no reason to disagree with the Departments reasoning in proposing implementation of the rules. Thank you for the opportunity to comment.

Clint Muns

Director of Resource Management  
State Board of Puget Sound Anglers

### **Columbia River Sturgeon Rules**

On December 12, 2008 the Commission adopted The Lower Columbia River Sturgeon Management Policy. On December 18, 2008 a joint state meeting was held where staff from WDFW and ODFW considered how to craft fisheries to implement this policy. Fishing schedules were presented to the public and comments were taken on two different options for the white sturgeon fishery above Wauna and three different options for the fishery below Wauna. These options are detailed below.

**Above Wauna** (Mainstem Columbia River from the Wauna powerlines upstream to Bonneville Dam, all adjacent Washington tributaries, and the lower Willamette River upstream to Willamette Falls, including Multnomah Channel)

**Option 1:** January 1 – July 31 and October 1 – December 31, 2009

Retention allowed Thursdays, Fridays, and Saturdays only

**Option 2:** January 1 – September 30 and October 1-December 31, 2009

Retention allowed Fridays and Saturdays only during January-September

Retention allowed Thursdays, Fridays, and Saturdays during October-December

**Below Wauna** (Mainstem Columbia River from the Wauna powerlines downstream to the mouth at Buoy 10, including Youngs Bay, and all adjacent Washington tributaries)

**Option 1:** January 1 – April 30, May 9 – July 2

**Option 2:** January 1-April 30, May 9-June 28, and July 2-5

**Option 3:** January 1 – April 30, May 9 – June 21, June 25-28, July 2-5, July 10-11

**Comments:** A total of ten people commented on the options provided by staff. In some cases the constituents indicated their preference, but also stated what their second choice would be.

For the fishery above Wauna, eight people provided comments, two of which favored Option 1, one favored Option 2 and five which favored a season other than that recommended by staff.

For the fishery below Wauna, nine people provided comments, seven of which seven supported option 1, one favored Option 2 and one favored Option 3.

### **Proposal:**

- **Buoy 10 to the Wauna powerlines:** Fishing for retention of white sturgeon open seven days per week from Jan. 1 to April 30, from May 9 to June 28, and from July 2-5 or until the harvest guideline is reached. From Jan. 1 to April 30, the fork length of retained sturgeon must be a minimum of 38 inches and a maximum of 54 inches. From May 9 to June 28 and from July 2-5, the fork length of retained sturgeon must be a minimum of 41 inches and a maximum of 54 inches. Catch-and-release fishing allowed May 1-8, June 29 to July 1, and July 6 to Dec. 31.
- **Wauna powerlines to Bonneville Dam:** Fishing for retention of white sturgeon open three days per week (Thursday through Saturday) Jan. 1 through July 31 and Oct. 1 through Dec. 31. The fork length of retained sturgeon must be a minimum of 38 inches and a maximum of 54 inches. Catch-and-release fishing allowed Aug. 1 through Sept. 30 and on days when retention is prohibited. All

fishing for sturgeon will be closed from May through July in the sturgeon spawning sanctuary downriver from Bonneville Dam 5.5 miles to Navigation Marker 85.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## OTHER ISSUES

I know that the rules are in place to protect the species as well as to deter illegal fishing practices. But a recent rule change on the Columbia River that was installed this year has really made a good local spot almost unbearable to fish. The rule change was to deter "foul hooking" or "snagging" of summer and fall run Chinook and keep people from using restricted lures at night. The rule is from Rocky Reach Dam to the furthest point north of Turtle Rock is a non-buoyant lure restriction and night closure. I'm not too concerned about the non buoyant lure restriction more than the night closure. Being an avid fisherman I like to get the chance to drive out to this fishing hole after a long day of work to try my luck at getting the "big one" but as the summer days wear on the night closure makes it almost impossible to have more than a hour of so of fishing or even getting a chance to get a fall runner, not to mention that in years past 90% of the fish that I caught were right around 10:00 at night. This is now impossibility due to the night closure. I fish this hole 2-3 times a week (even more some weeks) and I make sure that I let anglers know of the non-buoyant rule, nothing is more irritating than waiting 30-45 min. for someone to land a foul hook King so that you can legally get one in the mouth and land it in a far less time period. The fact of the matter is that when I first started fishing this hole I was so fed up with the practices and negative attitude of those type of snaggers (I can't even consider them fishermen) I moved down river towards the dam, but I can't even do that anymore since the PUD has made it a trespassing offense to fish below the hatchery creek. So the last few years I've been kind of a steward to this hole, letting people know of the fines and penalties of trying to snag and keeping of snagged fish. This still doesn't mean that a few disregard these rules, but that it is just a personality defect. I have talked to Graham Grant a couple of times when he has visited this particular area, and I can understand that he "doesn't want to babysit this hole." But it really is frustrating to see the irresponsibility of a few ruin the chances for the many. One thing that I did notice this year is that half way through the season the number of anglers coming to this spot is down dramatically. I think that the treble hook snaggers got the clue that they can't snag easily with one hook and only the true anglers were still able to catch fish with just one. Those chinook still can throw a single far more than they can throw a treble, I just makes for more practice and skill. :- ) I hope I haven't take too much of your time or bored you with my rant, but a consideration of removing the night closure would be greatly appreciated by this true fisherman.

Hi how are you doing today? I just wanted to have a little input on one river. That would be the lower section of the Green (Duwamish) River. The section from 1st Ave. South Bridge to Old Hwy. 99/Tukwila Intl. Blvd. For the past few years that has opened on Sept. 1st for silver fishing and last year for kings as well. This year its not opening till Sept. 16th for silvers only. That is all fine with me, except for the fact that the Muckleshoot Indians start netting that same section of the river right about the 15th or 16th. And I don't know if you have ever seen that lower section of the river once they start netting. It is almost impossible to get around in your boat little lone fish. So once they start netting that section is almost unfishable for the sportfishers. So in the past at least the sportfishers would get about 2 weeks to fish before they put all their nets in. Now this year that section doesn't open till the 16th so we aren't going to be able to fish that section at all from a boat and the bank access in that area is VERY limited. So I and I know a lot of others would like to see that section open on Sept. 1st again or even if it does open on Sept.

16th, could there be an agreement with the Muckleshoot Indians to not start netting for a couple weeks. Thank you for your time and help.

I would like to add a possible change to my local Forks peninsula rivers in that the Bait ban would be lifted as it used to be only two years ago. Really I find it confusing that you allow the take of wild King salmon in our rivers yet do not allow bait to be fished until November 1 for them! The no bait window for most of the rivers below the upper boundaries are now September 1-October 31! I'm not sure what they are trying to protect with that window. I would be interested to know who this rule came from so I can find out why. Please consider this for future proposal to bring the old rules 2006 back. Here is the current rule for one of many rivers I fish.

BOGACHIEL RIVER (Clallam Co.) from mouth to Hwy. 101 Bridge (398)

Wild STEELHEAD retention allowed Dec. 1-Apr. 30. See Wild STEELHEAD RETENTION RULES, p. 37.

TROUT June 1-Apr. 30 Min. size 14". Daily limit 2, except Nov. 1-Feb. 28: up to 3 hatchery

STEELHEAD may be retained.

Other Game Fish June 1-Apr. 30 Statewide min. size/daily limit.

SALMON July 1-Aug. 31 Min. size 12". Daily limit 6. Up to 2 adults may be retained. Release wild adult

CHINOOK and wild adult COHO.

SALMON Sept. 1-Oct. 31 Min. size 12". Daily limit 6. Up to 3 adults may be retained. Up to 2 adults may be CHINOOK. Release wild adult COHO. Selective gear rules.

SALMON Nov. 1-Nov. 30 Min size 12". Daily limit 6. Up to 3 adults may be retained. A total of 2 adults may be CHINOOK

Well one thing I wish they could change is, instead of a person salmon/ steelhead limit, I wish they changed it to a boat limit! And maybe let the boat have it's own rod. Example 2 guys went fishing, they got to fish 3 rods. Or just let every one fish 2 rod like most other states!

I have a proposal to close fishing in area 2-2. The sunken part of the Ocean Shores Jetty is a target spot for ling cod when the season is closed. It is one of the last locations that provides a good habitat in 2-2 between the jetties. It needs to be closed to all fishing to protect spawning females of all species of bottomfish. The area needs to be designated a spawning area and closed to fishing to help rejuvenate the populations of all bottom fish.

Stop all netting of sturgeon they kill more fish then they keep. the fish are dead before they can get them out of the nets to let them go. just because they have lot of money to lobby we let them kill are fish. the sport fisherman pay good money to fish and we get the short end of the deal you count all fish we catch even if we let them go the gill nett boat sell the fish before you can even get a count on them. STOP ALL NETS IN ARE RIVERS. STOP WASTING ARE MONEY AND SAVE ARE FISH!!! LET THEM NET OUT IN THE OCEAN

All 10 pages would take me a week to read it all. Why don't you tell me about it when we are fishing. The percentage of catching does not look encouraging according to the Fish Report, however, there are some good or lucky anglers. Which one are we?

Would it be possible to adopt the same type of 2 pole permit as Idaho has? A 2 pole permit for \$10-15 would allow single fishermen like myself to be able to "pattern" what the fish at biting on more efficiently. Right now it can take hours, if not days, for a single fisherman to figure out what the fish are biting on and by that time the pattern can change to something else. It would also bring in extra revenue to aid in the upkeep of parks or pay for personnel. I know the boat dock at Confluence state park in Wenatchee sure could use replacement. Please consider this request. Thank you.

Are you currently looking at a two rod permit on select lakes in Washington, similar to Idaho and Montana? The limits would stay the same and what a revenue maker it would be. This should be looked at.

I would like a 2 pole license with the same bag limit. This would give added revenue to the department and give anglers opportunity to try different methods.

Wild Fish Conservancy provides the following comments on the proposed changes to the 2009-2010 state fishing regulations. (Kurt Beardslee, Executive Director)

We bring to your attention the failure of the proposed changes to address the threat of harassment, indirect take and poaching of migratory bull trout in Icicle Creek (tributary to the Wenatchee River). These threats were brought to the attention of Region 2 staff in late September 2007 by Wild Fish Conservancy and by staff of the US Fish and Wildlife Service, Wenatchee office. A meeting of WFC and USFWS staffs with Mr. Joe Miller, Director of WDFW Region 2 was held in Leavenworth in early October 2007 to discuss this threat. In addition, in October 2007 the USFWS provided written comments and recommendations for 2008 rule changes. The concerns and recommendations expressed by both WFC and the Service were ignored in the 2008 rules and continue to be ignored in the proposed changes for 2009-2010.

Bull trout are listed as Threatened under the Endangered Species Act and state fishing regulations prohibit directly angling for bull trout. The Icicle Creek bull trout population has been identified in the Upper Columbia Bull Trout Recovery Plan as a significant local population, one of seven that make up the Wenatchee core area population. The target annual spawning escapement for each of the seven local populations that is necessary to minimize the risk of extinction that has been identified for each of the seven local populations by the Recovery Plan is 100 spawning pair of migratory-sized ( $\geq 14$ " ) bull trout.

As a result of the blockage of migratory fish passage in the vicinity of the Leavenworth National Fish Hatchery due to the structures and operations of the Hatchery located in the lower 5 miles of the Icicle basin, until recently migratory bull trout have been excluded from more than 30 miles of prime rearing and spawning habitat in the Icicle Basin and major tributaries upstream of the Hatchery. This has resulted in the largest tributary basin in the entire Wenatchee River basin having the smallest bull trout population of all seven local populations. The overwhelming majority of bull trout that comprise the Icicle population are small bodied (less than 8 inches) resident bull trout the mature, reproductive age members of which are estimated to number fewer than 100. Recent operating changes at the Hatchery since 2002 have contributed to a few large migratory bull trout being able to migrate past the Hatchery and enter the upper basin. The operational changes are minimal with regard to the migrational requirements of large bull trout in the Icicle and Wenatchee River basins and improvements to operations and structures at the hatchery that are affecting native fish migration are the subject of ongoing collaborative processes involving the Department, USFWS, NMFS, WFC, and the Yakama Nation, and of legal actions against USFWS brought by WFC under the ESA. Nonetheless, the first steps in the process of the recolonization of the Icicle basin by migratory bull trout has recently begun.

In 2007 and 2008 fewer than 10 (most likely fewer than 5) migratory sized bull trout have entered the upper Icicle basin by August in an attempt to locate mates and spawn in late September and October. These fish were subject to risk of direct (poaching) and indirect take by recreational anglers in the upper Icicle basin. In August 2007 WFC staff conducting an annual snorkel survey of the mainstem of Icicle Creek observed two migratory-sized bull trout in a plunge pool at the base of a small waterfall located immediately upstream of the Chatter Creek Gorge Trail bridge -- a prominent hiking trail frequented by thousands of hikers during July, August, and September. Between the last week of August and the third week of September hundreds of hikers witnessed two or three large bull trout attempting to jump the falls during a prolonged period of low water. In late September WFC shot several hours of underwater video documenting these fish. WFC and others also observed anglers with nontrout fishing gear (i.e., gear more suited to steelhead

angling) in the vicinity of these falls. Requests to WDFW (Joe Miller) from both WFC and USFWS for an emergency closure of at least this one highly visible location were rejected.

As a result of WFC's documentation of the bull trout at Chatter Gorge Falls in 2007, staff from the Service's fisheries Resources Office in Leavenworth angled at the Falls in late July 2008 to attempt to catch migratory bull trout for the purpose of implanting radio tags to track the fish throughout the basin. One fish was caught and tagged and one other was seen but not caught. This fish was subsequently tracked to a major tributary in further upstream and observed to spawn with a small resident male in early October, then tracked back down to the mainstem in the vicinity of the Chatter Gorge Falls.

In early October 2008 WFC staff conducted several bull trout spawning surveys in the upper reaches of the Icicle and major tributaries. A total of two migratory bull trout-sized redds were identified, separated from one another by more than 4 miles. While hiking back during the first of these surveys staff observed two groups of several anglers each, both equipped the spinning gear appropriate to steelhead and inappropriate for the resident rainbow trout that constitute the principal angling interest in the icicle, whose average size is 6 - 8 inches. One was angling in the large pool below the Rock island Campground bridge. The other was walking up the Icicle Creek road to the Chatter Gorge Falls from the parking area near the road washout upstream of Ida Creek Campground.

For the past three summers and falls Wild Fish Conservancy has been conducting an intensive field study of the ecology of rainbow trout in the upper Icicle basin. From July through October we have documented feeding habitats, patterns of water temperature, and levels of fish activity at several study reaches throughout the basin, and have conducted regular day and night snorkel survey of our study reaches. Fly angling has been our primary method of getting fish to hand for non-lethal sampling. We have identified a clear seasonal pattern in the activity level of rainbow trout in Icicle Creek. As water temperatures decline and reach 50 degrees Fahrenheit feeding activity drops rapidly and fish begin to hide during the day. This usually occurs by or before Labor Day. By September 10 fishing is poor at best.

The rapid decline in daytime activity and specifically feeding of rainbow is directly relevant to the protection of bull trout in the Icicle basin upstream of the Hatchery facilities. Migratory bull trout need to be protected from poaching and from incidental encounters by responsible trout anglers throughout the entire period of the pre-spawning migration in the upper basin (June - September) as well as during the spawning season (September-October) and during their post-spawning downstream migration.

Short of a complete angling closure, this protection requires two significant changes to the current angling regulations:

1. Complete closure of all known and potential holding/resting pools within the upper basin migration corridor from the Boulder Field at river mile 5.6 to Rock Island Campground bridge. At a minimum this would include the Falls pool immediately upstream of the Chatter Creek Gorge Trail bridge. Other locations include the pools adjacent to Bridge Creek Campground immediately upstream of the cascade reach that begins at the lower end of the campground, and the Rock Island Campground pool immediately downstream of the bridge.
2. Complete angling closure in the Icicle and all of its tributaries upstream of the Boulder Field at RM 5.6 starting September 11. This would require a simple change from the current season that runs through October 31.

We note and emphasize to the Commission that there is no signage regarding bull trout status and angling closure, nor information on how to identify bull trout of all size/age classes that is regularly posted and maintained throughout the Icicle basin. Neither is there any regular or prominent

enforcement activity by WDFW in the Icicle basin. Both failures place the few migratory bull trout that are leading the recolonization of the Icicle Creek basin at significant risk. Even with appropriate signage and some enforcement presence the risk of poaching is clear and is unlikely to be deterred by these measures that otherwise would be appropriate for the responsible majority of the recreational angling public.

Clearly, this is a large and complex basin, and enforcement staff is limited and stretched very thin throughout the region. But unless WDFW is capable of adequately enforcing angling regulations that themselves appropriately protect listed species from unnecessary take it must employ additional measures, such as area and seasonal closures.

We believe the two measures we have described are necessary and minimal and we urge the Department and the Commission to adopt them and incorporate them into the 2009-2010 regulations. Secondly, we note that implementing the two measures would have little if any practical impact on the angling success of the responsible angling public that regularly fishes upper Icicle Creek. There is plenty of productive rainbow trout water in the immediate vicinity of the campgrounds that would be affected by the suggested measures and there is no significant, consistent, angling for rainbow trout to be had in the basin after September 10.

Wild Fish Conservancy is eager and willing to work with WDFW staff between now and the February 2009 Commission meeting at which the proposed changes and modifications thereto will be adopted to identify and appropriate set of modifications to the current regulations governing Icicle Creek. While we cannot speak for the US Fish and Wildlife Service, based upon recent email exchanges between WFC staff and USFWS staff in the Wenatchee office, we expect that USFWS staff from that office would also be willing to assist in this endeavor.

The normal practice in fish resource management is to limit fishing mortality to those areas and times where there is a reasonable expectation of harvestable surplus. However, since the Commission and Department (WDFW) have decided to continue to manage trout fishing in streams through the OPEN UNLESS CLOSED format – a fundamental technical error- then it at least should be done correctly. WDFW public documents state that “conservation concerns” will be addressed during a “minor cycle” for fishing regulation changes.

One basic mistake is illustrated in your new proposal for Chambers Creek. This is a 149 square mile watershed with many named and unnamed tributaries (mainly Clover, Flett, leach, and Spanaway creeks). None of these tributaries are identified in your proposal so they would continue to be open under BASIC REGULATIONS even though they present the same resource conservation problem that is identified for the Chambers Creek main stem.

Unfortunately, this same basic mistake has been made in existing regulations for a very high percentage of trout streams throughout the State. Only a very small percentage is currently done correctly. For example, one area that is currently done correctly under existing regulations reads as follows: “*Middle Fork Snoqualmie from mouth upstream and all tributaries except Pratt and Taylor rivers.*” For the anadromous trout waters of the Puget Sound basin alone, there are 103 stream reaches where needed protection has not been extended to tributaries – 56 stream reaches with a 14 inch minimum size limit, 24 stream reaches with catch-and-release, and 23 stream reaches that are closed to fishing.

The harvest management responsibility at hand is to manage trout populations in *stream systems*, not stream reaches. This has been the basic foundation for wild trout management throughout North America for at least 50 years. The existing mistake can be corrected in two possible ways – one very hard and one very easy. The hard way would be to expand every existing description under SPECIAL RULES to include all tributaries unless noted otherwise. The easy way would be to set a new basic regulation stating that all stream reaches identified in SPECIAL RULES include all tributaries unless noted otherwise. Either of these changes would allow WDFW to actually

enforce the regulations in practice. Under the existing system, anyone caught with illegal fish can simply claim that they were caught in the nearest tributary system.

The changes suggested for tributary protection *would not* solve the fishing mortality conservation problem created by allowing trout fishing with bait – 30 to 50% mortality per encounter. Currently, 51 of the 56 anadromous trout stream reaches in the Puget Sound Basin with a 14 inch minimum size limit allow trout fishing with bait. The only other area addressed in your proposals is Ohop Creek and this is only included because there will be an estimated 600,000 visitors per year to a new park. However, research in Idaho during the early 1970s demonstrated that 70 to 100% of juvenile steelhead could be removed from each 400 feet of stream with four angler hours of effort. This is a problem that exists wherever people have access to a stream.

### **Rockfish Conservation in the Strait of Juan de Fuca**

Thank you for the opportunity to provide comments addressing conservation issues associated with WDFW's and the state of Washington's current sportfishing regulations.

I am providing these comments because I have very serious concerns about the sustainability and biological basis for the current regulations associated with rockfish take in the Strait of Juan de Fuca.

I would like to focus my specific comments on two rockfish species in particular at this time: Tiger Rockfish and China Rockfish.

**Tiger rockfish live to over 115 years of age.** 115 years. Their life history and slow reproduction / recruitment rates make them an inappropriate target for recreational fishing. They are territorial—once they have been removed from an area it may be a long time before new individuals return.



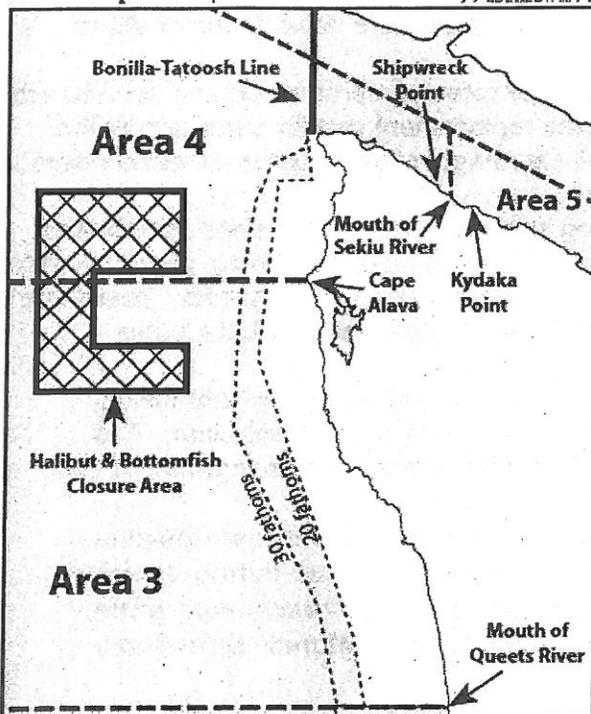
**China Rockfish live to at least 75 years of age.** China rockfish are a solitary species and territorial species. A study off of Vancouver Island showed that China Rockfish usually move 10 meters (33 feet) or less within their territories.



The follow are excerpts from the current regulations, taken from Page 10 of the current year fishing pamphlet:

**Marine Area 4** (*From Cape Alava north and inside Juan de Fuca Strait to the Sekiu River*):

**ROCKFISH Year-round No min. size. Daily limit 10.** No CANARY or YELLOWEYE may be retained. No retention or possession of rockfish seaward of a line approximating 20 fathoms May 21-Sept. 30 (except when HALIBUT is open). See 20 fathom restriction on previous page.



I am most familiar with the rockfish associated with the portion of Marine Area 4 between Neah Bay and Tatoosh Island (Bonilla-Tatoosh Line). I am a member of the Pacific Northwest Advanced Assessment Team for the NGO REEF ([www.reef.org](http://www.reef.org)). I am certified as an expert marine fish identifier and underwater surveyor. I was selected to participate in a week long assessment of fish populations in the area between Neah Bay and Tatoosh Island this past August. The team of 8 divers spent 5 days conducting boat dives in this area. I dove two or three sites per day for 5 days. During the entire 5 day/13 dive site survey effort I detected a total of two Tiger Rockfish, 3 China Rockfish and 2 Canary Rockfish.

This is in strong contrast to the rockfish populations detected in this area only 6 years ago. This is an excerpt from a website describing one of the dive sites we surveyed this year, written back in 2002:

*“So what did we find at this site? Tons of critters to keep us entertained. The most noticeable of which were dozens of beautiful cream and black striped Tiger Rockfish accented in red that*

*use the countless hideouts on the reef to their advantage. As no one knows the name of this ridge, I aptly refer to it as Tiger Ridge. ... But the shy Tiger rockfish weren't the only attraction. ... I usually have no problem identifying at least eight species of rockfish when diving here. In addition to the Tiger Rockfish, we always encounter brilliant yellow and black China Rockfish that have taken up sentry position through many portions of the reef, and both Quillback and Copper Rockfish hovering in current dead-spots. Huge schools of Black and Blue Rockfish are a certainty. Yellowtail Rockfish can sometimes be found schooling, and more often in isolation hiding in a crack or crevice. On every dive here so far, I have also encountered the always spectacular orange and white Canary Rockfish (a protected species) along this reef. I usually find Canary Rockfish swimming just off the bottom at the base of the ridge in small, loosely organized schools. I feel as though I could dive this site every day. In fact, when I visit Neah Bay, I do dive it every day!" <http://www.seaotter.com/marine/html/tiger.html>*

What a contrast to what is there today, only 6 years later. Two Tiger Rockfish. Not the dozens he detected. One China rockfish, not the many encountered only six years earlier. Very few Copper, Quillback and Yellowtail Rockfish.

In 5 days of surveys in the area Neah Bay to Tatoosh Island I detected a TOTAL of 2 Tiger Rockfish, 3 China Rockfish and 2 Canary Rockfish.

I found Black Rockfish and Blue Rockfish more abundant, but their numbers were down to about 5% of their populations from 2002.

Considering the long lives of individual rockfish of these species, their rates of reproduction and survival are quite low. The rates of take allowed by WDFW should be less than replacement rate for each population. Furthermore, rebuilding these populations to their levels of just 6 years ago, even if human predation were stopped, will take a long time.

Permitting and encouraging excessive take of a slow-reproducing species based on the state sportfishing regulations makes no sense whatever. I believe the logic was to transfer some of the fishing pressure off of salmon and on to these species, but that makes no biological or wildlife management sense. These fish are simply being sacrificed, and after they are gone, fisheries managers will be faced with the same problem...

Rockfish, as a major recognizable member of coastal bottom communities, are sought by non-fishing recreational divers. Neah Bay is being developed as a world class cold water diving destination. The Makah tribe and surrounding communities can profit by encouraging and catering to this segment of the diving community.

- **Please exclude Tiger Rockfish and China Rockfish from being allowable target species. Their life history and current population levels can not sustain continued fishing pressure.**
- **Please give serious consideration to managing that portion of Marine Area 4 east of the Bonilla-Tatoosh line to the eastern boundary of the Olympic Coast National Marine as a Marine Watchable Wildlife Area.**

