

**CONCISE EXPLANATORY STATEMENT  
REGARDING  
2008-2009 SPORTFISHING RULE  
PROPOSALS**

**FEBRUARY 2008**

# TABLE OF CONTENTS

<b>STATEWIDE RULES .....</b>	<b>5</b>
#1. NEW ANTI-SNAGGING RULE.....	5
#2. DEFINITION OF BASS .....	10
#3. SEPARATE STATEWIDE RULES FOR SMALLMOUTH AND LARGEMOUTH BASS.....	11
#4. ALLOW ANGLERS TO PURCHASE A SECOND RECORD CARD FOR HATCHERY STEELHEAD.....	12
#5. FISHING TOURNAMENTS – 3 PROPOSED CHANGES.....	16
#6. TIGER MUSKIE RULES .....	19
#7. FORK LENGTH MEASUREMENT FOR STURGEON.....	24
<b>REGION 1 .....</b>	<b>26</b>
#8. SPOKANE RIVER REDBAND TROUT PROTECTION .....	26
#9. GRANDE RONDE RIVER BASS AND CATFISH LIMITS.....	27
#10. WALLA WALLA RIVER CATFISH DAILY LIMIT.....	27
#12. CLOSING DATES ON MILL CK, TOUCHET, TUCANNON, AND WALLA WALLA RIVERS.....	28
#13. WENAHA TRIBUTARY SELECTIVE GEAR RULES AND RELEASE ALL STEELHEAD .....	28
#14. DALTON LAKE AND PAMPA POND TROUT RULES.....	29
#15. DOWNS LAKE OPENING DATE .....	29
#16. LIBERTY LAKE OPENING DATE .....	30
#17. LONG LAKE BASS SEASON .....	30
#18. MEDICAL LAKE EXTENDED SEASON.....	30
#19. ROOSEVELT LAKE CLOSED WATERS .....	30
#20. SPRAGUE LAKE DAILY LIMITS.....	41
#21. WILLIAMS, HATCH, AND ELLEN LAKE RULES .....	42
<b>REGION 2 .....</b>	<b>42</b>
#22. BOULDER CREEK EASTERN BROOK TROUT BONUS LIMIT .....	42
#23. COLUMBIA BASIN HATCHERY CREEK TROUT LIMIT.....	43
#24. COLUMBIA RIVER FROM ROCKY REACH DAM TO TURTLE ROCK .....	43
#25. LAKE CREEK CLOSED WATERS ABOVE BLACK LAKE .....	44
#26. NORTH CREEK CLOSED WATERS .....	44
#27. OKANOGAN RIVER ANTI-SNAGGING RULE.....	45
#28. BANKS LAKE CRAPPIE RULES .....	45
#29. BLACK LAKE BECOMES SPRING HILL RESERVOIR .....	46
#30. BIG TIFFANY LAKE TROUT .....	46
#31. LITTLE TWIN LAKE.....	46
#32. PATTERSON LAKE YEAR-ROUND SEASON.....	47
#33. SILVERNAIL LAKE BECOMES SILVER NAIL LAKE.....	47
<b>REGION 3 .....</b>	<b>47</b>
#34. BOX CANYON CREEK CLOSED WATERS.....	48
#35. INDIAN CREEK AND NF TIETON CLOSED WATERS.....	49
#36. SF TIETON CLOSED WATERS .....	50

#37.	TEANAWAY RIVER AND NF TEANAWAY RIVER RULES.....	51
#38.	DE ROUX CREEK CLOSED WATERS.....	52
#39.	LOWER YAKIMA RIVER RULES.....	53
#40.	YAKIMA RIVER CLOSED WATERS.....	54
#41.	CLE ELUM LAKE LAKE TROUT (MACKINAW).....	55

**REGION 4 ..... 58**

#42.	CEDAR RIVER OTHER GAME FISH FISHERY.....	58
#43.	SKAGIT, SAUK AND CASCADE RIVERS STEELHEAD AND BULL TROUT PROTECTION.....	58
#44.	MILL POND SENIOR FISHERY.....	61

**REGION 5 ..... 62**

#45.	COLUMBIA RIVER STURGEON RULES ABOVE AND BELOW WAUNA.....	62
#46.	COWLITZ AND CISPUS RIVERS WHITEFISH FISHERIES.....	62
#47.	COWLITZ RIVER CLOSED WATERS.....	63
#48.	KALAMA RIVER GEAR RESTRICTIONS.....	63
#49.	ROCK CREEK.....	64

**REGION 6 ..... 65**

#50.	BEAR RIVER CLOSED WATERS.....	65
#51.	BURLEY CREEK AND CURLEY CREEK SEASONS.....	65
#52.	CARBON RIVER OPENING DATE.....	65
#53.	UPPER CHEHALIS RIVER RAINBOW PROTECTION.....	66
#54.	GOODMAN CREEK WILD STEELHEAD CLOSURE.....	67
#55.	HOH RIVER AND SF HOH SEASON EXTENSION.....	67
#56.	HOQUIAM RIVER WILD STEELHEAD PROTECTION.....	68
#57.	HUMPTULIPS RIVER FISHERY EXTENSION.....	69
#58.	NISQUALLY AND MASHSEL RIVERS CATCH-AND-RELEASE RULES.....	70
#59.	LITTLE QUILCENE RIVER SEASON.....	71
#60.	QUILCENE RIVER.....	71
#61.	LOWER WHITE (STUCK) RIVER OPENING DATE.....	72
#62.	WILLAPA RIVER BOAT FISHING.....	73
#63.	WISHKAH RIVER CLOSED WATERS.....	73
#64.	WISHKAH RIVER WILD CUTTHROAT.....	74
#65.	ALDER LAKE/NISQUALLY RIVER BOUNDARY.....	74
#66.	BRADLEY LAKE JUVENILE FISHING.....	75
#67.	LAKE CUSHMAN LANDLOCKED SALMON RULES.....	75
#68.	MUNN LAKE ADDITIONAL SEASON.....	77
#69.	PRICE'S LAKE SEASON.....	77
#70.	LAKE SYLVIA, FAILOR LAKE, LAKE ABERDEEN, AND VANCE CK PONDS 1&2 TROUT RULES ..	78
#71.	TEAL LAKE SELECTIVE GEAR RULES AND TROUT DAILY LIMIT.....	79
#72.	WENTWORTH LAKE MOTOR RULES.....	81

**SHELLFISH RULES ..... 81**

#73.	MESH RULES FOR SHRIMP POTS.....	81
------	---------------------------------	----

#74. CRAYFISH POTS .....87  
#75. PADILLA BAY CRAB FISHING .....87  
#76. CLAM AND OYSTER BEACH HEALTH CLOSURES.....87  
#77. CLAM AND OYSTER BEACH SEASON CHANGES.....92  
#78. SALTWATER PARK ADDITIONAL NAME.....94  
**TESTIMONY ON OTHER ISSUES ..... 94**

# Statewide Rules

---

## #1. New Anti-Snagging Rule

**Proposal:** This proposal would create a new rule to use in place of the current “non-buoyant lure rule”. The new rule would apply to all lures, whether or not they float in fresh water, and would require anglers to use only one single-pointed hook. Only fish hooked inside the mouth could be retained. A night closure would be in effect (closed from one hour after official sunset to one hour before official sunrise).

**Explanation:** The non-buoyant lure rule is applied in areas where snagging is prevalent, especially during fall salmon returns. The rule is complex and confusing, requiring different standards for lures based on whether they float or sink in fresh water. This rule would be much clearer and should also address snagging issues. An exception to the night closure would be required for Drano Lake, White Salmon River and Klickitat River, and possibly other areas.

Testimony:

This rule needs to be defined in the simplest but completest of terms. A hook in the mouth is not enough. It needs to red something like "Any hook which enters the mouth from the inside or out is considered a legally hooked fish." Or it needs to say that "The hook must be inside the mouth of the fish which means that the point of the hook must penetrate the fish form the inside of the mouth." We can not leave this to interpretation! It must be painstakingly defined so that anglers know exactly what the rules says and can quote the rules pamphlet if ever questioned by a game enforcement officer. I believe that the first option, any hook with the point entering the mouth from the inside or out would be considered a legal caught fish. Including fish hooked in the bottom jaw. That is if the regulation will be changed at all. I do not see the need to change it from gill plates forward as a legal hooked fish. Limiting the definition to an fish hooked in the mouth is a statement that not many will agree with. Most anglers will consider the rule a further attempt to micro manage the sport and limit the number of fish an angler can catch. 99% of all fish I see snagged are caught form the dorsal fin back, not forward. I would bet that a majority of anglers would agree with this statement. I do however agree with the single hook rules change part of it. It evens the playing field and makes absolute definition for a legal fishing setup. Also, the punishment for poaching a fish by keeping it if it is illegally hooked needs to be more severe. \$1,500 fine, loss of license and 200 hours community service in the hatchery system to help replace what they were destroying. Their license would be revoked until the completion of the community service and payment of the fine which can be done with another 50 hours of community service in the hatchery system.

I offer my support but am cautious that this could be over applied to some waters where it is not needed. In addition, the timing of adding/removing of this rule for each water should be included as part of the rule making process.

While I'm 100% opposed to snagging in any form, modifying the non-buoyant rule because people think it's confusing is silly. The rule has always seemed very straightforward to me. Why should I have to give up my ability to run trebles and multiple hooks on my K-15's and wiggle warts just because you think people are too stupid to understand a very simple regulation.

Back trolling K-15's already has a notoriously low strike to hook up ratio, take away the second hook and success drops even further. This rule shouldn't be implemented as written, especially when this is purported to be an anti snagging rule and its nearly impossible to snag a fish with a K-15 or wiggle wart no matter how many hooks you have on them.

I am opposed to the new proposed rule change and the law as currently written needs no further refinement. Here are my reasons why.

For the past 30 years, I have been an avid fisherman in Washington state and I have a pretty good idea what I am talking about in regards to snagging. Snagging is generally practiced with the use of heavily weighted casting spoons where the hook trails the lure. Due to the weight of the spoon, the poacher, is able to retrieve the spoon at a high rate of speed and jerk the spoon when they feel a bump on the bottom. Typically the person uses a spoon with a treble hook which greatly increases their chance of snagging a fish.

Buoyant lures, commonly known by many names including Luhr Jenson, Brad's Wigglers, Storm Wiggle Warts, etc. cannot be used in the same fashion as a weighted spoon. There are major design factors which prevent this and snagging a fish with a buoyant lure would simply be impossible.

1. Buoyant lures cannot be retrieved at a high rate of speed. They typically have a bill on the front of the lure which prevents this. In fact if you were to jerk or retrieve a Buoyant lure in the same fashion as a weighted spoon, it would dive and actually miss the fish, or it would hang up on the river bottom.

2. These types of lures typically have a high rate of hooking on the bottom of the river and becoming tangled in the weeds. Plus they are light weighted and have a limited casting distance. That is why they are typically trolled.

3. Buoyant lures need the treble hooks in order for the lure to run properly. Removing two of the three hooks not only affects the dynamics of the lure, but it lessens the likely hook of hooking the fish when the fish takes the lure.

4. In the past 30 years I have never witnessed a salmon snagged by a Buoyant lure. Typically a fish strikes the lure from the rear with its mouth latching onto the lure from behind. However, I have seen on numerous occasions fish snagged by a spoons using a single hook.

Again, I understand what you are trying to do with this rule change, but the rule change honestly has no merit. People understand the difference between the buoyant and non-buoyant lures and to change this rule would only make things more confusing.

I am in favor of rule #1 with the exception of the night closure. I fish at night to avoid the large crowds and I am not in favor of the night closure. If you want to expand upon the single hook then why not make them barbless hooks?

I fish many different ways for salmon from back bouncing out of my boat to fly fishing to drifting eggs and corkies. I do not agree with your anti snagging rule and nor do I agree with allowing Indians to net salmon then to sell them for profit. The anti snagging rule is a farce and it is subjective to the game officers point of view. A snagged fish is in the tail belly fin back etc.. I have caught many fish drifting eggs and corkies in the side of the gill plate right next to the mouth. Therefore if a fish is striking at my bait and the single hook is on the gill plate and not buried down their throat you are saying the fish is snagged...

you got to be kidding me..? why don't you guys focus on the Indians netting fish and selling them for profit. since the Indians have netted salmon it was for the tribe and netting salmon was also a belief and celebration of the return of the mighty salmon. now it is a money scam that not only is engulfed the tribes but fish and wildlife is getting a kick back from it. sure don't want to piss off the hands that feeds you guys huh.. the real problem is here is not the legitimate fisherman/woman.

The real problem is with the russians imagriants and the welfare rats that are snagging salmon left and right and breaking every rcw? code in the book.. and neither is fish and wildlife nor the game management doing anything to stop this as these individuals do not have a pot to piss in.. its pretty hard to squeeze blood from and onion...

If you want to make changes to the rules and anti snagging rule which is a joke close the rivers past oct 1st that are prominent to snagging and make them fly fishing areas only the lewis the cowlitz the kalama to name a few...

Well it seems that there are allot more people buying licenses than Indians netting salmon.. how much more laws do you want to put on the people who are out their legitimately fishing not netting or pulling a fish in backwards..it seems you are asking for more people to poach then be honest..

I read the new regulation proposals and have no problem with most.. the one i dont like is the Non\_bouyant lure change. The reason is if you are using a Plug, wiggle wart ect... that the body of the lure would hide the hook(s). I actually tried using one 2 years ago with singles hooks and i missed a lot of fish, i couldn't actually hook a fish. I think the current rule is very clear. I don't think most people who read it don't understand it. I know there are people out there who say they don't understand it when they are caught using the wrong lure but they used it intentionally. I know it is an attempt to control snagging but realistically it is a lot easier to snag with a drift rig (single hook set up for using eggs or other baits) than a lure that floats as soon as you stop reeling. besides most bouyant lures as soon as give a tug they dont go straight they are designed to swim and dive. which makes using them for snagging useless. If you want to see what people use for snagging just go to the Skookumchuck river. I fished there last year 3 days and not 1 fish caught legally every one that was caught was snagged and everyone was using single hooks with weight close to the hook. I hope you really look into the issue before making this rule change. just go to the Skookumchuck or Salmon rivers and watch what people use to snag fish, you will see it is a single hook set up that sinks.

While I agree that the gear restrictions and the purposed no snagging rule are a sound idea you would have to change the wording of the current definition of snagging.

"SNAGGING""Attempting to take fish with a hook and line in such a way that the fish does not voluntarily take the hook(s) in its mouth. In freshwater, it is illegal to possess any fish hooked anywhere other than inside the mouth or on the head." The reason I bring this up is because there are a LOT of rivers with such rules and it is, basically, contradictory to the part of the rules that say it's ok to keep fish hooked in the mouth. EVERYONE knows 90% of the time tulies (Chinook) won't hit a lure. In some places they will like the Columbia for instance. However other rivers like Kalama, Washougal, the Lewis and so on it is very uncommon to have a Chinook hit a lure. Some will pick up some baits like eggs, or sand shrimp but, if a game warden feels you "snagged" the fish you have, in the mouth or not, it's a ticket or worse. I'm not saying this has or has not happened, I'm just shedding a light on it. Plus I would like to know why it says salmon

can be hooked in the head and yet it's VERY rare to see that allowed on any river with such restrictions.

In conclusion, personally I feel there is a lot of confusion do to lack of clarity in the rules. The above is a perfect example. I'd like to see the WDFW get more involved with sportsman and work together on the rules and such. After all, you want to know how things are going on a river waterfowl area and so on? Ask the ones who are out there everyday. This would also require the sportsman to do there part, but it would be nice to see the two groups work better together. Maybe this already happens and I just don't know about it. Please get back to me. An answer would be a start in the right direction.

So this rule would in effect ban all treble hooks for all lures. Not sure I would agree with banning all treble hooks. I would support all hooks to be barbless hooks including barbless treble hooks. I personally only use barbless hooks for all of my fishing activities.

Should be modified to specify barbless hook(s). The hook limitation should also be expanded to include bait hooks. This is necessary given the expansion of non retention and mark selective fisheries in freshwater areas. (Point No Point Treaty Council)

I strongly support for freshwater. This rule would be a handicap for people fishing for salmon in salt water.

I am in favor of this proposal as it would make the rule more simple. However, snagging is a difficult thing to enforce.

I feel a major error and flaw has been made regarding the fishing regulations both current and proposed. The regulations specify that non-buoyant lures are to be used on most river systems. This is a major injustice to a very large and prominent group of fisherman who are currently forced to disregard the regulations as written. The individuals who have written and reviewed current regulations are not fly fishermen nor did they take all fishermen into account with respect to the rule as written and entered into law. I am not aware of a fly fisherman who will head out to a favorite salmon stream or river without a weighted fly in their box or more commonly, tied to their line.

Gear fishermen are obviously the intended recipients of the non-weighted lure requirement. I have never seen a fly fisherman casting a Buzz Bomb into a hole filled with resting salmon. Fly fisherman, who are using comparatively light weight gear are already giving the fish an advantage over the gear fishing counterparts are now feeling even more of a disadvantage because of the treble hook Buzz Bomb tossing spin casters.

Please forward this email to the folks who overlooked the fly fisherman when drafting the latest regulations. May I suggest a lure weight limit? Most fly fisherman I know prefer to use a floating line with a weighted bead head fly or sink tip line with a weighted bead head.

As written, current law is hindering established and prudent fly fishing practices that have been established over multiple decades. This item must be addressed in an emergency rule clarification.

In regards to the perposed snagging rules I agree that we need to put a stop to snagging fish. My concern is the addition of night closer fishing. There are a lot of us that sish at night on the

columbia and snake rivers! We get off work in the late afternoon grab the boat and head out to fish. Most of us are dedicated anglers braving the weather to fish in the late fall. If you put a stop to night fishing you will cut my fishing and many others by at least half. It is my opinion most night fishermen are dedicated to fishing and are not into the snagging type of fishing thanks. Please allow us to keep fishing on the Columbia and Snake rivers at night.

My friends and I really enjoy the night fishing above the McNary Dam for steelhead. It is as popular as Drano, and the white salmon. And not so far to drive from Yakima and the Tri-City area.

Night closures should be limited. Many of the more popular areas are too crowded during the day. Night fishing provides a reasonable opportunity for honest anglers to pursue steelhead without having to 'take a number' to fish. Two areas that I personally enjoy night fishing are the Big White Salmon (sometimes Drano Lake) and the Cowlitz at Blue Creek. The White Salmon in particular is a unique fishery that I enjoy floating out under the stars of summer, slowly trolling a flatfish; hardly a snagging concern. I have enjoyed this fishery for almost 35-years, averaging 8-10-nights per year, and have yet to snag a single fish, nor have I noticed any such action.

As I read the proposal, it appears that all lures are going to require one single point hook. Double and treble hooks (two and three points on a single shank) will no longer be allowed on any lure to be used in Washington waters (the proposal doesn't appear to differentiate between fresh or saltwater although that may be implied). This would be a major shift in policy for the Department and require major changes from the lure manufacturers who put treble hooks on the majority of lures that are sold in this state. I don't know that they will be willing to make an exception for WA waters when their gear is sold in other states and countries. The restriction will require WA anglers to convert all of their lures to single hook set-ups - not an inexpensive conversion and one that will impact all sporting goods dealers in this state. The enforcement of such a regulation would be pretty straight-forward but it would be a public relations nightmare for the agency and a major headache/impact on the state judicial system. I don't think we're ready for the change as outlined.

If the issue is a concern over snagging, then you might consider dropping the portion of the current definition that reads ".or on the head" and make the possession of any fish taken in freshwater with evidence of hooking anywhere on the body but the inside of the mouth illegal. More officer presence on the rivers and lakes where there are snagging issues would also be appreciated by the vast majority of the sport fishing community.

Walleyes Unlimited Northwest and Northwest Bass are opposed to the proposed "New Anti-Snagging Rule" as delineated in the 2008-2009 Proposed Statewide Rules. This rule would make it nearly impossible for warm water anglers to pursue walleyes and bass in the Columbia River system and would do nothing to reduce salmon snagging that the present rules do not address.

Snagging problems, where they exist, are an enforcement issue. Putting undue burdens on sports anglers will not solve this problem. Walleye and bass anglers spend thousands of angler days in pursuit of walleye and bass on the Columbia River. This draconian proposal would make it almost impossible to fish for these species. The proposal outlaws 95% of the tackle used by

sports anglers in the Columbia River system. The economic impact on local tackle shops, marinas, and other businesses supported by angler dollars would be tremendous. Driving a tack with a sledgehammer seldom makes much sense. The “Anti-snagging Proposal” is far too wide-reaching and would do nothing to address the real snagging problems which are due to lack of enforcement. Criminals who snag salmon are not going to be deterred by this proposal, but law-abiding anglers will find it impossible to use accustomed and accepted methods to fish for walleyes and bass. Walleyes Unlimited Northwest and Northwest Bass urge the Commission to reject this proposal.

I am a sportfisher. I oppose the new rule to replace the nonbuoyant lure restriction. Perhaps a better way to address this issue would be to just change the title of the current rule.

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

This proposal has good intentions but is fraught with challenges. There are many anglers who use bass plugs (with treble hooks), salmon and steelhead will strike these lures; are these fishermen then fishing illegally. Many salmon and steelhead plugs are large enough to need more than a single hook. The present regulation regarding non-buoyant lures is sufficient. Richland Rod and Gun Club’s recommendation is to leave the rule alone.

The Wild Steelhead Coalition supports the new anti-snagging rule. However, we must emphasize that more enforcement is needed to make the existing and proposed rules governing snagging, poaching, and intentional or unintentional mishandling of fish truly effective.

I support the Wild Steelhead Coalition’s recommendation. (3)

I support this proposal.

I support the new anti-snagging rule but would emphasize that more enforcement is needed for snagging, poaching, and the mishandling of fish.

**Staff Recommendation: Do not adopt.** Although we still feel that the nonbuoyant lure rule is hard for some people to understand, we do not recommend adopting the anti-snagging rule as proposed. It has many unintended consequences to fisheries for species other than salmon, and needs to have significant changes made. We will continue to work with Enforcement, our Advisory Groups, and the public to develop a less complicated rule that addresses snagging concerns, while still allowing legitimate fisheries for a variety of species.

**Commission Action: Not adopted.**

## #2. Definition of Bass

**Proposal:** This proposal would limit the definition of bass in our rules to largemouth and smallmouth bass.

**Explanation:** Currently, the term “bass” in the rules and sportfishing pamphlet is not defined. A definition is needed to include largemouth bass and smallmouth bass and exclude rock bass and striped bass. The latter two species would not be managed under rules for bass but would continue to be managed without size or daily limits. It will then be clear that the term “bass” in the exception rules for sections of the Columbia River, Snake River, Palouse River, Touchet

River, Walla Walla River, Yakima River, and Stan Coffin Lake (Grant Co.), refers only to smallmouth and largemouth bass.

**Testimony:**

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

### **#3. Separate Statewide Rules for Smallmouth and Largemouth Bass**

**Proposal:** Replace current general Statewide Bass Rule with a specific statewide rule for smallmouth bass and a specific statewide rule for largemouth bass.

Statewide Largemouth Bass Rule - No minimum size. Only bass less than 12" may be retained, except 1 over 17" may be retained. Daily limit 5. Bass may be caught, retained and released alive from a livewell until a daily limit is in possession.

Statewide Smallmouth Bass Rule – No min. size. Only 1 over 14" may be retained. Daily limit 10. Bass may be caught, retained and released alive from a livewell until a daily limit is in possession.

These rules would be applied statewide with the following exceptions: Columbia River from Priest Rapids Dam downstream to mouth, Palouse River from the mouth upstream to the base of Palouse Falls, Snake River, Grande Ronde River, Touchet River from mouth upstream to the confluence of North and South Forks, Walla Walla River from mouth upstream to Touchet River and to Oregon State boundary and all tributaries, except Mill Creek, Yakima River from mouth upstream to Hwy 223 Bridge, Stan Coffin Lake (Grant Co.).

**Explanation:** The current statewide bass rule that addresses both largemouth and smallmouth bass is only effective in management of largemouth bass. It provides too much harvest protection for smallmouth bass. The growth and recruitment of these two bass species are too different to be managed effectively under the same Statewide Bass Rule. Under the current Statewide Bass Rule, largemouth bass populations without smallmouth present are usually stable. However, when both species are present, the largemouth bass populations exhibit a decline due to the competitive advantage smallmouth have with an earlier spawning time and nearly total protection from harvest in the current 12' to 17" slot limit. The focus of increasing smallmouth bass harvest needs to be directed at fish less than 14 inches to avoid even greater increases in abundance of this smaller size group of smallmouth bass.

**Testimony:**

A little overdue

My opinion on the bass situation is that the rule proposal sounds very good.

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

This has merit, but makes the rules unnecessarily complex. Rules with major exceptions lend themselves to a variety of interpretations and are generally a BIG mistake. Richland Rod and Gun Club recommends no change.

The Wild Steelhead Coalition supports proposed rule.

I support the Wild Steelhead Coalition's recommendation. (3)

**Modification:** Drop exceptions for Palouse, Snake, Grande Ronde, Touchet, and Walla Walla River and tributaries. The new statewide rule is appropriate in all these rivers. Modify the exception in the Columbia River to downstream of McNary Dam to keep rules concurrent with those in Oregon.

**Staff Recommendation:** Adopt as modified.

**Commission Action:** Adopted as modified.

#### **#4. Allow Anglers to Purchase a Second Record Card for Hatchery Steelhead**

**Proposal:** Currently there is an annual limit of 30 steelhead; no more than one of these may be a wild fish. This proposal would do away with the annual limit of 30 steelhead by allowing anglers to purchase subsequent catch record cards for hatchery steelhead, while retaining the limit of one wild fish per angler per license year. Anglers who wish to retain their annual limit of one wild fish would need to keep their first catch record card to record the wild fish, as subsequent cards would only be valid for hatchery fish.

**Explanation:** The yearly one-fish limit for wild steelhead is meant to address conservation concerns for wild fish. Hatchery fish do not need an annual limit for conservation reasons. Hatchery fish are stocked to provide harvest and WDFW's intent is to maximize their use. If a situation arises where broodstock needs are in jeopardy, emergency regulations are used on a case-by-case basis to close fisheries. Allowing anglers to purchase a second catch record card for hatchery fish will help to reduce surpluses at hatcheries and allow anglers to harvest more hatchery fish.

**Testimony:**

Glad to see WDFW supporting the economies of the North Olympic Peninsula towns impacted by the 30 fish restriction.

If hatchery steelhead are so plentiful and wild steelhead are in such dire straights (you're undoubtedly correct on both accounts) allow a second card. But you should prohibit killing of any wild steelhead until the population thoroughly recovers. Since the wild steelhead are so close to expiring that we can only afford one per season per steelhead angler, give the fish a chance and shut it down. If there are any negatives to this approach, I haven't heard of them.

Steelhead catch record card....ok for a minimal fee like 5 bucks.

This should not be adopted for two reasons. First, when steelhead are obviously endangered any killing of wild steelhead will damage the resource. Since it can be expected that number of wild steelhead will decrease, killing them will only advance the time when drastic measures will have to be enacted to save the remaining stock. I would suggest that the concept of "harvestable stock" when applied to steelhead is self-defeating. Further, why should one want to kill a wild steelhead? With the availability of digital cameras, a photograph can be taken of a wild steelhead to document the catch. The fish will then live to spawn and increase the stock.

Second, I feel the permitting the purchase of a second steelhead catch record card will not achieve the stated goal of harvesting hatchery steelhead. Very few anglers in most streams catch thirty hatchery steelhead annually. Those that do are for the most part anglers that have the time to spend many days fishing. Permitting such anglers catch and kill more than thirty steelhead will reduce the opportunity for the average angler to catch hatchery steelhead. This may lead to discouragement on the part of such anglers with less fishing efforts and thereby less hatchery steelhead be harvested.

Proposal is ill advised for the Puget Sound areas where steelhead are listed as threatened. It presumes a form of segregated management that's not evident in practice. We are not aware of large excess escapements of hatchery steelhead. As an alternative, site specific adjustments to stocking volumes may be more appropriate. Limits should not be expanded until the efficacy of segregated management can be evaluated. (Point No Point Treaty Council)

I do not support it. The three fish a day limit was plenty!

I OPPOSE this proposal as it would allow guides and those who have the opportunity to fish most often to catch many more fish. Those who can only fish on weekends or maybe once or twice a month would lose opportunity to catch fish. The steelhead would eventually be caught by someone.

If the agency decides to do away with the annual limit on hatchery steelhead, then why do we need a catch record card for them? There is a daily limit in place. The general thought is to remove as many hatchery steelhead as possible from state waters to mitigate potential impacts of cross-spawning with wild steelhead. I estimate that about 3" of license paper would be saved by dropping the requirements for logging hatchery steelhead, which over the year(s) would be a fair amount of license paper not to mention a slightly thinner/shorter wad of paper in an individual's wallet/license holder. While this might also be a revenue enhancer for the agency, I think the public would be better served to drop the CRC requirement for hatchery steelhead unless there is a need for documenting total harvest.

I would suggest leaving one line for the individual who might elect to keep the allotted one wild steelhead. Return of the CRC would allow the agency to see how many wild steelhead are taken.

Endorsed by the Conservation Committee of the Washington Fly Fishing Club. Extirpation of hatchery steelhead from spawning grounds is a good idea. While most folks won't need a 2<sup>nd</sup> card, there is no reason to prevent the harvest of hatchery steelhead.

I am definitely in favor of allowing successful steelhead anglers to purchase an additional catch record card. To me this is a win/win situation for both angler and Fish and Wildlife Dept. At a time when our hatcheries are in very trying times financially (I live near the Skamania S/H Hatchery) I would think and hope this potential increase in revenue would help support our hatcheries.

Richland Rod and Gun Club strongly disagrees with this proposal! Because a limited percentage of fishermen catch the majority of the steelhead, this proposal would be a boon for a

limited segment of the fishing population. If those highly successful anglers want to keep fishing, then they should practice catch and release.

The Wild Steelhead Coalition opposes raising the annual allowance for hatchery steelhead beyond the current limit of 30 fish per season. This proposed rule presents the surface appeal of reducing the numbers of hatchery steelhead left in our rivers, which is consistent with the goals of our organization. However, a significant expansion in the allowable individual take of hatchery fish presents a number of issues and concerns that run against the best interests of steelhead conservation. We offer the following rationale in support of our position.

The Statewide Steelhead Management Plan (SSMP) has not been completed, therefore any proposals that could significantly influence hatchery operations are premature. The Wild Steelhead Coalition has reviewed the SSMP in detail and has raised a number of key concerns. Most importantly, we strongly question the unsupported reliance on hatchery production to achieve the “dual objectives” of resource conservation and promotion of fishing opportunities. The state has not responded to public comments on the SSMP, nor has it addressed our comments on an earlier science white paper intended to provide the supporting rationale for this document. While the SSMP is in development, it is premature to submit a proposed rule change that incentivizes increased hatchery production and presents the potential for significant adverse effects on native steelhead populations.

Increasing harvest opportunities for hatchery fish will maintain the status quo for hatchery operations and may even promote additional hatchery production. While reducing the numbers of hatchery steelhead in our rivers is a stated objective of the Wild Steelhead Coalition, we view raising the annual take limit to be an inappropriate means to this end. This proposal will not promote necessary reductions in hatchery production, and provides implicit justification for maintaining status quo hatchery operations in Puget Sound and on the Washington Coast that have been demonstrably detrimental to native steelhead populations. Even if more hatchery adults are taken in the fishery, the number of hatchery juveniles competing with native juveniles will remain constant or may even increase. Further, expanding fishing effort will likely lead to detrimental effects on stock diversity. This is an undesirable outcome from the standpoint of wild fish conservation, and is inconsistent with the requirements of the ESA.

*Expanded harvest effort on hatchery fish is likely to cause detrimental effects on native steelhead diversity:* Increasing the annual hatchery fish limit to 30 will undoubtedly increase the level of effort targeting the hatchery run, with undesirable consequences for wild steelhead diversity. Introducing large numbers of hatchery steelhead into recreational fisheries during the 1960's increased the fishing effort by 63 percent and the catch by 53 percent. As is well known, intense harvest pressure on hatchery stocks has had a strongly detrimental effect on the early run component of many native winter steelhead populations in the region, relegating this once important component of wild steelhead diversity to near relict status. It is logical to presume that a significant expansion in the kill fishery opportunity will have similarly significant effects on fishing effort during the December to January peak of the hatchery run. It is similarly logical to conclude that this increased effort will place further pressure on remnant early run fish where they still exist. Rebuilding this early run component is a critical conservation objective where it can be achieved and proposed rule #4 runs counter to this interest. As such, it is patently unacceptable from a conservation perspective and likely to be inconsistent with recovery planning requirements under the ESA.

*Expanded harvest effort on hatchery fish will exacerbate an acute tribal fishery allocation problem on coastal rivers:* As is well known, the Western Washington Treaty Tribes have the legal right to 50 percent of the total commercial and recreational steelhead harvest allocation in the state. The tribes have benefited from a recent temporary legal injunction that allows the allocation of their harvest right between hatchery and wild stocks aggregated across multiple west end river systems. In effect, if non-tribal fishers take greater than 50 percent of hatchery fish across all of these rivers, this ruling allows the difference to be made up through harvest of native steelhead from specific river systems. By increasing non-tribal take of hatchery fish, the proposed rule will compel the tribes to demand an increased allocation of native steelhead escapement to their fishery.

The rationale for this proposal is clearly questionable given how acute the allocation issue is in many of our most important native steelhead sanctuaries. Presently the tribes are allowed to harvest 80 percent of the wild fish run on Queets and Quinault Rivers, and 67 percent of the run on the Hoh River. We have presented compelling evidence in past public commentary that harvest rates of this magnitude on wild steelhead are unsustainable. Any proposal that could exacerbate this already difficult allocation challenge is clearly unwise.

I support the Wild Steelhead Coalition's recommendation. (3)

I support this proposal.

I support raising the annual limit of hatchery steelhead beyond the current limit of 31. However, if there is a regular abundance of hatchery fish on a particular river, I recommend lowering the number of hatchery steelhead released. At this time, until the WDFW Statewide Steelhead Management Plan is completed and approved, I support "retaining the limit of one wild fish per angler per license year" in identified rivers only.

Oppose for the following reasons:

1. WDFW has not decreased hatchery releases unless required by NOAA listings. This limit increase helps justify the existing hatchery program which is detrimental to wild stocks on most Puget Sound and coastal rivers. On the Bogachiel and Calawah there are large numbers of excess fish, and recycling the fish for additional opportunity did not result in a significant increase in catch. WDFW has not reduced the production, even though thousands of hatchery fish come back to their facilities. We need to reduce hatchery programs, not continue to attempt to justify them.
2. The tribes now frame their demand for more than 50% of the wild fish on the west side rivers as an aggregation issue. They fish lightly on hatchery fish, and so we catch more. They have a temporary Federal Court decision that presently states they can count their share as an aggregation of the two: if they catch less than 50% of the hatchery fish they can take more the wild fish. This proposed rule will assure we catch more hatchery fish and greatly exacerbate the winter wild fish allocation problem that has rewarded the Hoh Tribe with a significant portion of the sport allocation. The states argument on the west side for equal shares is being lost on this issue. Presently the tribes are allocated 80% of the wild fish on the Quinault and Queets and 67% of the fish on the Hoh and basing this allocation on this court ruling of 03.
3. Increasing the effort on hatchery fish is detrimental to wild fish and this rule will do that by allowing fishers to continue fishing after their first card is filled. Fishing for hatchery fish, which

return chiefly in December and January. has been shown responsible for the depletion of wild stocks during months hatchery fish return. Providing the first hatchery fish in the 1960's increased the fishing effort by 63% and the catch by 53%. The catch effort actually declined. Given that wild stocks are depleted during the early winter months of December and January and continuing to decline further, WDFW should concentrate on decreasing fishing effort during those months and decreasing the catch of wild fish, not further increasing it. In fact, the Commission should change the limit back to two hatchery steelhead per day and reduce hatchery production commensurate with the need.

I support this proposal as all anglers should be given the opportunity to harvest their entire share of the "harvestable" fish. Purchasing an additional punch card will give all sportsmen that opportunity.

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## **#5. Fishing Tournaments – 3 Proposed Changes**

**Proposal 1:** Only allow tournaments on wild steelhead in places and at times where wild steelhead retention is allowed.

**Explanation 1:** Especially after the recent ESA listing on Puget Sound steelhead, we do not encourage tournaments targeting wild steelhead in areas that do not have healthy populations.

**Proposal 2:** During fishing contests where anglers target tiger muskies, no retention is allowed. Tiger muskies may be caught, measured for length, and photographed but all fish must be immediately released alive.

**Explanation 2:** This proposal will provide protection for tiger muskies from possible fishing contest harvest impacts.

**Proposal 3:** This proposal changes the requirements for aquatic invasive species decontamination for boats involved in tournaments. All boats would now have to meet the following requirements:

Prior to launching into any Washington State body of water:

(a) All contest participants are required to sign an aquatic invasive species decontamination statement stating whether or not their boats and/or boat trailers have been in physical contact with any waters outside of Washington State for the thirty days immediately preceding the contest. If the boat and/or trailer has been in contact with such waters the participant must complete an aquatic invasive species decontamination report indicating that the following actions have been taken:

- (i) A physical inspection has been made of the hull, motor, trailer, livewell and bilge by the contest director or designee, according to criteria established by the department; and
- (ii) Any aquatic invasive species, if found, have been disposed of in a garbage container; and
- (iii) The hull, motor, trailer, livewell, and bilge have been decontaminated according to criteria established by the department.

(b) The aquatic invasive species decontamination statement and decontamination report shall be submitted to the department as part of the fishing contest report.

**Explanation 3:** This proposal updates the current fishing contest rule to reflect new legislation about boat inspections for aquatic invasive species. The current rule only identifies zebra mussels. New procedures for decontaminating vessels are evolving. This proposal would

eliminate the explicit “how to” steps in the current rule, allowing the agency will be able to update the criteria rapidly and post it on the agency website.

**Testimony:**

I agree with these in principal. However, with regards to rule 3, I would add a provision requiring the contest director to produce these immediately upon request to any authorized law enforcement or other official having jurisdiction over the waters where the tourney is held. I'd also like to see if the rules are not followed, the vessel is confiscated and tested for such species. If the species are found, the vessel is cleaned and sold to benefit the aquatic resources (derelict vessel?) of the state. If the vessel is clean, the owner can retrieve the vessel for the cost of the inspection and an administrative fee to cover ancillary costs.

I have to say though, that #5:P3 sounds like an excuse for big government and just another way to make boat owners pay for something their boat tabs should cover already. Who will do the inspections? How much will it cost to manage this new department, or adjunct to an already bloated administration.

Proposal 1 – Since steelhead are so endangered, prohibit steelhead tournaments until the wild population recovers.

I do not support it. There should not be tournaments for wild steelhead under and circumstances!

I think there should be NO tournament fishing for wild steelhead. These fish are too much in jeopardy to allow them to be targets of this increased pressure. There would still be mortality in excess.

Please be advised that the Washington State Council of the Federation of Fly Fishers strenuously objects to Statewide Rule #5 Proposal 1. We cannot imagine any circumstances which would justify any fishing tournament targeting wild steelhead anywhere in the state of Washington. This is a wrong-headed proposal that should be rejected. I am VP-Membership of the Council, President of the Northwest Fly Anglers, and a member of the Inland Fish Policy Advisory Group.

I would like to voice my opposition to proposed Rule change #5 that would allow fishing tournaments for wild steelhead. If anything, we need to be enacting rules to reduce the pressure on these wild runs.

I write on behalf of the Northwest Fly Anglers, a 150 member family-focused fly fishing club, to express our objection to adoption of the Rule 5 Proposal 1. We find no moral, ethical, or scientific justification that would allow any tournament to target wild steelhead. We urge the Commission to reject this proposal. David Williams, President, Northwest Fly Anglers.  
Proposal #1 - Opposed by the Conservation Committee of the Washington Fly Fishing Club. There should be NO tournaments where incidental mortality to wild steelhead may occur. The appropriate WAC should be changed to included prohibition of tournaments that may endanger wild steelhead. The WAC currently precludes tournaments on sea run cutthroat and bull trout.

Proposals #2 and #3 are endorsed by the Conservation Committee of the Washington Fly Fishing Club.

Prop. 1 There should be NO tournaments targeting wild steelhead! Richland Rod and Gun Club.

Prop. 3 Richland Rod and Gun Club supports rule changes that go further to limit the import of noxious plants and animals from being imported into the state's waters.

The Wild Steelhead Coalition strongly rejects the idea of "tournaments on wild steelhead in places and at times where wild steelhead retention is allowed." We extend our disapproval to derbies or other forms of competition that could affect wild steelhead. The Steelhead Advisory Group (SAG) first brought this issue to WDFW's attention. The SAG voted 19 to 4 to eliminate all tournaments, derbies, or similar competitions that target or otherwise harm wild steelhead statewide, a position we support. Since the majority of the state's wild steelhead have been listed under the ESA, it would seem to be an unwise policy decision to expose these populations to additional harvest pressure. This holds true regardless of whether or not native steelhead are the target species of the tournament. Tournaments can impose intense pressure on wild steelhead stocks even when they are not directly the target species. These are environments where large numbers of anglers pursue fish to be measured, and photographed. The increased frequency of capture and the increased stress of handling can be demonstrably harmful to fish. Tournaments promote a competitive mentality that does not foster immediate and careful release. This is likely to lead to higher incidental mortality as a consequence. Even in the absence of observable mortality, stress and injury from insensitive handling can decrease survival and spawning fitness following release. These effects are clearly detrimental to the objectives of wild steelhead conservation. All tournaments that target or indirectly cause increased incidental catch of wild steelhead should be banned!

I support the Wild Steelhead Coalition's recommendation. (3)

Proposal 1: I strongly reject the idea of "tournaments on wild steelhead in places and at times where wild steelhead retention is allowed." Since most of the state's wild steelhead have ESA listing, it is not good policy to subject the remaining wild stocks to increased pressure. Tournaments put a non-normal intensified strain on select wild steelhead stocks where large numbers of anglers target fish to be weighed, measured, and photographed causing detrimental harm to the fish. Also, competition of this sort tends to bring out emotions and manners that run counter to fish health and angler etiquette. Tournaments targeting wild steelhead should be banned!

Proposal 3: Support.

South Sound Fly Fishers (85 members) strongly oppose allowing tournaments on WILD steelhead. We have seen data from scientific studies suggesting that all wild steelhead runs in the Northwest are on the path to oblivion, including those runs on the Olympic Peninsula. Under these circumstances, for WDFW to allow tournaments on these fish runs is beyond our comprehension. First of all, it sends the wrong message about conservation. Secondly, it is harmful to an already stressed fish population. Finally, this proposal goes against the overwhelming recommendation of your own Steelhead/Cutthroat Policy Advisory Group. Issues

like this should be handled as part of your wild steelhead management plan development process, but not as an attempt to cater to special interest groups. If the folks in the Forks area want a steelhead tournament, schedule one earlier in the season and target hatchery fish.

The WDFW steelhead Advisory Group first brought this regulation to WDFW's attention. They voted 19 to 4 to eliminate all contests on wild steelhead, statewide. WDFW did not present this to the public as written by the Advisory Group or the other party submittals. Staff seems to have made a policy call before the public was given a chance to provide their input on this proposal to the Commission. This should clearly have gone to the public as proposed as there is considerable support for the change, statewide. With many ESUs (5 out of 7 in Washington) already ESA listed we should be managing the remaining non-listed stocks very conservatively to assure they are not also depleted and listed. Please change this proposal to read Only Tournaments on Hatchery Steelhead are Allowed, and Only in Areas where Wild Steelhead are not ESA Listed.

Proposal 1: This would be a bad idea for hatchery steelhead, and I oppose it whole hardily for wild steelhead. I especially believe with the condition of wild steelhead in this state that no tournament fishing should be allowed. If the department thinks they have a healthy run now this could change things very rapidly by doing something such as this and I don't believe that we need turn this into an experiment.

Proposal 1 - I strongly oppose the proposal as historically the WDFW has not actually regulated contests/tournaments that involve steelhead so there is no scientific basis for this restriction. Additionally, even WDFW staff have testified that there are ways to have tournaments that include wild steelhead without adversely affecting the fish.

**Modification to Proposal 1:** No tournaments allowed on wild steelhead. Additional mortality from tournaments on wild steelhead is an unknown. Until we are able to quantify and account for all sources of mortality we should not act to increase them. The issue should be revisited in the next major rule cycle if criteria are established to identify areas where the presumed additional impacts are allowable.

**Staff Recommendation:** Adopt Proposal 1 as modified. Adopt Proposals 2&3 as proposed.

**Commission Action:** Proposal 1 - Adopted as modified. Proposals 2 and 3 - Adopted as proposed.

## #6. Tiger Muskie Rules

**Proposal:** This proposal would set the minimum size for tiger muskie at 48" with a daily limit of one fish.

**Explanation:** Tiger muskies are sterile hybrids that don't reproduce. They exist in low density in the handful of lakes where stocking is maintained (currently, 7 lakes). Tiger muskies are a popular sportfish even though they are not a popular food item, so it makes sense to leave them in the water for another angler to catch.

Conserving the current population is especially necessary at this time because WDFW does not have its own source of eggs, and the supply is insecure. For example, no restocking of tiger muskies will occur in 2008, and further interruptions of annual restockings are possible. Angler harvest without replacement stocking would quickly wipe out this fishery.

Other states that raised their minimum size on muskies have experienced a long-term positive effect on the quality of their muskie fisheries in terms of both numbers and size of fish. Raising the minimum size is a proven management technique for muskie fisheries.

**Testimony:**

I do not support any increased size restriction on Tiger Muskie's the 36 inch rule is good enough. Please increase the planting of these fish when possible, you should be able to keep what you catch. I like to fish and I also like to keep a fish once and awhile to eat.

I have been reading a lot of input on proposals for Tiger Muskie length requirement changes. At this current point in time I don't think there is a problem with catching big fish out of the lakes. Last week I caught a 39 inch and a 46 ½ inch out of Newman. I don't see the need for the very drastic change that some want, to lengths like 48 or 50 inches. I think the effects that that could have on a lake can not be estimated. With continued stocking there would be more muskies in the lake and more BIG muskies in the lakes. The increase of number and size could possibly start to hurt the rest of the fishery. From what I have been told (by an employee of WDFW) is that not enough is really known about tiger muskies. I don't think it can be predicted, what kind of impact a rule change like 50 inches would have. I would not be opposed to a 40 or 42 inch rule. I don't think this should be done in one giant leap. With continued stocking I don't see the need to up the regulation a great deal.

I personally love to fish for them and I have released all 6 that I have caught (3 being legal to keep). I think that they are very fun and exciting to target, not to mention a beautiful fish. I think they should be used more in areas where pikeminnows and other detrimental fish have become a problem (possibly in coastal rivers where pikeminnows affect salmon).

The biggest problem I see with tiger muskies, is a lack of care or knowledge of them by other fisherman. I think with a little public education would cause a lot more catch and release. You don't have to force people to release them if they want to willingly. There is nothing forcing me and all the other muskie fisherman I know to release our 36+ inch fish, but we do. The people that target them are the people that educate themselves about them. I run across too many people who don't even know what one is. I have seen people catch an illegal fish and keep it because they don't realize that it is illegal. The worst I think is the people who just know that it is a predator fish that is eating all the other fish. Yeah they are predators and they eat damn near anything that swims, but they eat more of certain species, some of those being fish that are doing more damage to the rest of the fishery than a tiger muskie. I have talked to people who say that when they catch one, they kill it and toss it back because they don't want them taking over the lake and eating all the bass. I also know a guy that told me that he shot one with a bow and arrow off his dock at Newman Lake and left it (owner of Cherokee outpost by the way). The biggest problem facing our current tiger muskie fisheries is a lack of knowledge about the fish. An article in the front of the fishing regulation pamphlet would not be a bad start to educating the public about the fish.

\*side note: Idaho posts state records in their fishing pamphlet. I didn't see it in Washington's pamphlet but I think it would be a good addition. Not sure who is in charge of those anyway but I figured it couldn't hurt to tell you guys.

Just returned from muskie fishing in Western Ontario where I go every year. I hope you know a 48" muskie weighs 30 lbs. Not many anglers will return a 30 lb fish if he's 47 ½". However, why can't you stock fish that reproduce naturally then you wouldn't have to stock every year?

I agree with the new proposal to raise the minimum size limit to 48 inches. It only makes sense with the low density of fish per acre on the lakes that contain Muskies that as many as possible should be released so other anglers have an opportunity to catch a Muskie.

I would like to give my support to the statewide regulation change that would raise the minimum size limit of a legal tiger musky to 48". This past year I made 20 outings to fish for tiger musky totaling nearly 80 hours on the water. During this time I was asked by 5 different parties about regulations concerning the legal length of a retained tiger musky. These anglers were fortunate enough to catch a musky but did not know the legal size limit. 3 of those anglers had retained musky that were sub-legal in size, approximately 30" in length. When I measured their fish for them with a tape, they were surprised to see their musky was in fact sub-legal. 2 were subsequently released, but the third was killed.

This is fairly common occurrence on the Eastern Washington lakes I fish. It stands to reason that other anglers are also retaining sub-legal fish. I have found that most of the anglers I have helped were simply excited by catching a large fish and were able to convince themselves that such a large fish "must be legal".

Increasing the size limit for retained tiger musky will help eliminate this doubt for anglers. A 30 or 32 inch musky can not be reasonable mistaken for a 48 inch legal fish.

Additionally, when we look at the vital role tiger musky play in maintaining a healthy fishery it is clear that we should maximize the return on investment by allowing tiger musky the opportunity to reach maximum age. These older, larger fish are far more effective predators and efficiently target the larger non-game fish they are stocked to control. I am a fortunate musky angler as I have boated several very large tiger musky. I can tell you from experience that the largest of these fish left me with memories I will never forget. If the tiger musky is allowed to reach a mature age it has the potential to be 50 inches, or larger, in length and weigh over 30 pounds. This regulation change will promote a true trophy fishery that will attract many anglers. There are no other opportunities for anglers to catch fish of this size in Washington's lakes.

My opinion on the tiger muskie length proposal is that this fish definitely needs a longer length limit. It's a great game fish and is in very limited by numbers in a very limited amount of lakes.

I submitted the proposal to raise the tiger muskie minimum size to 50 inches (from 36 inches currently). I also speak for Muskies Inc. Chapter 57, a Federal Way-based fishing club affiliated with America's largest muskie angling organization, on this issue.

Tiger muskies are stocked in 7 Washington lakes. In their midwestern native range, muskies help support an economically important fishing tourism industry. In our state, they're enjoyed by a small but growing number of sport anglers.

The key fact about tiger muskies is their very low density. At ¼ to ½ fish per acre, our 7 lakes (totaling 11,400 acres) have 2,800 to 5,600 tiger muskies. WDFW estimates 16,000+ anglers target this species. As you can see, there aren't enough tiger muskies to go around, and sustaining our fishery requires releasing them to be caught again.

I will leave biological explanations to department staff and argue the need for this rule from an angler's perspective. I've fished for tiger muskies in Washington since their introduction in Mayfield Lake in the 1980s, and I'm also familiar with the Midwestern muskie fishery, having grown up in Wisconsin.

For decades, Wisconsin's muskie fishery was catch-and-kill. By the 1960s, the muskie population was so depleted hardly any fish over the 30-inch legal size limit were still being caught. This led to voluntary catch-and-release. Today, 99% of Wisconsin muskies are released, and muskie fishing and the tourism it supports are flourishing again. The story is similar everywhere else. Releasing muskies is an essential ingredient for sustainable muskie fisheries.

Here in Washington, I'm seeing and catching fewer tiger muskies every year. Other anglers I talk to say the same thing. When a tiger muskie is harvested, it takes years for a hatchery fingerling to grow large enough to replace it. They're not good eating, whereas alive in our lakes, they have extremely high sport value.

Our club wants everyone to enjoy this great sport fish. Tiger muskies are not just for dedicated specialists, they can be caught by anyone. We're making substantial efforts to share our knowledge of the sport with other anglers via internet forums, sports shows, inviting the public to our meetings, etc. We believe tiger muskie angling will continue growing in popularity in Washington. But given the tiny population, we must recycle them back into the water, or no one will have an opportunity to catch them. I can't overemphasize that restocking alone *can't* ameliorate harvest losses and releasing tiger muskies is the *only* proven effective way to sustain a muskie sport fishery.

I proposed a 50—inch minimum size because of how the tiger muskie population is stratified. Our best lakes, if given the chance, can produce decent numbers of 40- to 45-inch fish, with larger fish available. A 48-inch tiger muskie weighs about 28 lbs.; the state record is 31.25 lbs. If Washington anglers want a shot at the state record, the 48- and 49-inchers must go back into the water, because that's where 30-lb. fish come from. If the 48s and 49s are harvested we won't have 30-lb. tiger muskies.

This is important not only to anyone hoping to break the record, but to everyone who likes to catch big fish. Having netted a 31.15 lb. tiger muskie at Merwin Lake for a friend a couple of years ago (it was released), I can only say I feel strongly about keeping 30-lb. fish in our waters. However, I also want to make it clear that the department's 48-inch proposal is vastly better for the sport than no change or a lower limit.

Finally, our club also supports a two-rod-per angler rule. To date, our tiger muskies have been accessible only during the warmer months, and we possibly could extend our season by using trolling tactics developed back east that depend on multiple rod setups to cover enough water to find muskies in open water. Muskie anglers usually fish in pairs, and trolling 2 lines per boat isn't productive for this species.



I would like to add my comments to this proposal #6 (Tiger Muskie Rules) that is going to hopefully be added to state wide fishing regulations in 2008.

I am all for changing the minimum size of Tigers that may be kept. I think that a 50" minimum would be best for the program, but any increase to the min size would be better than not changing it at all.

Here are my reasons for supporting the change:

- Allowing them to grow to a larger size allows them to get big enough to eat the fish that they are meant to target like Pike Minnow and Tynch.

- Allowing them to grow to a larger size gives a better return on investment since they will be in the body of water for a longer period of time eating the targeted species

- Allowing them to get bigger adds to the sportfishing aspect of stocking them. Most of the anglers that target these fish want to catch a larger fish. The majority are not fishing for them to eat them.

- This would make it harder for poachers to keep illegal fish. I have seen 33/34 inch fish stretched out at the launch by fisherman to make them look 36 inches. Would be really hard to make a fish look 50 inches decreasing the chance for poachers to "stretch the truth".

Thanks you for taking the time to review my comments and I hope that you will add them to the list that is presented at the public hearing. As I final note, I would just like to add that I think that the local WDFW staff in the Spokane area are doing a great job and are always willing to answer questions and help out fisherman in the area. They probably don't get the credit that they deserve.

I am writing you to voice my opinion on the proposal to increase the size limit on the Tiger Musky to 48". I have never voiced my opinion before and should have when the bear baiting issue came up.

I have been fishing for Tiger Muskies for four years now in Silver Lake. It is the best fishing ever and I would take you if you would like. Last year the fish in the lake reached the 36" mark and now everyone is trying to take one home. The fish are not that good to eat, but are very fun to catch. I have noticed the decrease in the population already. I have talked to Chris Donley in

Spokane and he is trying to get more fish to put into the lake, but is having trouble finding the fry.

I would very much like to see the limit raised to 48", so more people can have the experience to fight such a wonderful fish.

I, and every one of my fishing associates, whole hearted endorse Proposal #7. We have emailed the Director of situations we have witnessed much like those described in the explanation. I've had my share of complaints about the department in the past, but this time, I am very happy with them.

The Service opposes proposals to raise, stock, and introduce non-native species into the Columbia River Basin or other native trout habitat. Stocking/maintaining populations of non-native species is contrary to recovery and restoration efforts underway in the Columbia River Basin or other bull trout habitats. Setting a minimum size to maintain a non-native fish fishery is outside the scope of recovering native trout. Currently several nonnative fish species continue to out-compete threatened and endangered species for habitat, prey, and through hybridization despite measures to prevent their escape and prevent natural breeding. Furthering the existence of non-native fish in state waters gives the public the impression that the presence of non-native fish is acceptable for all aspects of fish management and harbors little risk to native species and their habitats. It also conflicts with our desire to focus agency and public efforts toward native species restoration and recovery.

To perpetuate the presence of non-native fish in state waters directly conflicts with subbasin and watershed plans, native fish management strategies, as well as our draft bull trout recovery plan.

The management of this non-native species also appears to conflict with the Washington Aquatic Nuisance Species Management Plan (2001), which states, "The impacts of introduced fishes on native fish species include predation, introduction of disease and parasites, competition for food and habitat, and hybridization." The Service is concerned that intentional introduction of non-native species for recreational purposes will likely result in muskie becoming an aquatic nuisance species through accidental or illegal transfer to other waters. (USFWS Upper Columbia Fish and Wildlife Office).

**Modification:** Based on public testimony, revise the minimum size to 50".

**Staff Recommendation:** Adopt as modified.

**Commission Action:** Adopted as modified.

## **#7. Fork Length Measurement for Sturgeon**

**Proposal:** Currently, the slot limit for sturgeon harvest is based on a measurement of the total length of the fish (including the tail). This proposal would allow managers to use fork length rather than total length when they set the retention size for sturgeon. Fork length would be defined as the distance from the tip of the nose to the fork in the tail. **Because of the need to coordinate this rule with Oregon on concurrent waters, we are proposing that this rule would take effect January 1, 2009.**

**Explanation:** Sturgeon have a cyclic tail with the top lobe being longer than the bottom. Measuring total length requires that the tail is lying in a "normal position". It is often difficult for the angler to keep the fish in a "normal position" long enough to measure the top of the tail. This is particularly a problem with fish that are near the upper and lower ends of the slot limit. The

result is an increase in handling time (waiting until the fish quits flopping around the boat). Many anglers even hold the fish vertically by the tail and measure from the floor of the boat to the top of the tail. All of this increases the handling stress and impacts survival of released fish. This can be a significant problem since large numbers of sturgeon are caught and released. In addition, there are instances of people cutting off the top lobe of the tail and releasing the fish, presumably to make an oversized fish legal if caught again.

Converting to fork length will reduce handling time since the angler will not have to get the top of the tail in a "normal position". It is much easier to measure fork length, so fish not within the slot limit can be released more quickly. It will also take away the incentive to cut off the top of the tail. Fork length is less ambiguous, making enforcement more clear-cut and the rule easier for anglers to comply with.

Our sturgeon technical staff has the information to correlate total length for sturgeon to fork length, so the actual size of sturgeon anglers may retain will not change. Implementing this rule will be contingent on adoption by ODFW because of the joint boundary waters on the Columbia River. We will work with ODFW staff this fall on the potential for implementing this rule as part of our joint sturgeon management plan.

**Testimony:**

By changing the tail measurement you in effect are closing the bracket by a couple of inches from the current 42" minimum since the new 42" minimum would be 2 to 3" longer than before. Just making sure you realize this size change due to the new way of measuring the fish length. I personally have seen many fish with really beat up tails that were too small because of their tail being beaten up or bitten off by a seal. So, yes I would support this change.

Last year i was down in illawco fishing for sturgeon before the closure, were a game officer harassing fishermen and woman on the length of the sturgeon and handing out tickets and confiscating fish. remember it is up to the discretion of the game officer if a rcw code has been violated... and the measuring of the sturgeon. the length of a sturgeon is the total length not the fork in the tail. measuring from the tip to the tail to the nose has been in affect for years, i do not see changing this is going to make a difference when confronted by a game officer. The sturgeon leave it alone it does not matter where you measure a fish from I have watched game officers harass people about their fish and it really is not going to make a difference

Sturgeon measurement...just adding more confusion...leave it as is.

On behalf of the Ilwaco Charter Association I am writing to oppose the proposed rule change for sport fishing of fork length measuring of Columbia River Sturgeon. We opposed this two years ago and our position has not changed on this issue. It is a bad idea. Our reasons for opposing this is as follows:

The state of Oregon is not going to change and this will give us on the Washington side different regulations, which is not good.

The size limits would have to be changed if we were to go to fork length, causing confusion. I guarantee there would be fish measured the full length way or the old way which would cause a lot of short fish to be kept. With new size limits that would be set at 41" to 43" there would be a lot of confusion for people.

Sports fishing boats, private as well as charters are not sep up like the tag boats with special measuring devices. This would mean that sturgeon would be handled a lot more our of the

water taking more time than the way they are measured not, thus putting more stress in the fish. I realize this is in direct conflict with the states testimony, but with 25 years experience in catching and measuring sturgeon I can assure that this would cause more stress and unnecessary time out of the water for the fish than with the current regulations.

This is a world-class fishery and we market it that way and how many places can you go catch a 60" fish? Not many. Under the new way it would reduce the size to approximately 55." In peoples minds they are not able to catch the same class of fish that they are now. We must realize that there are only about 150-200 60" fish harvested each year and due to careful management this is one of the strongest age classes. The incidents of keeping fish due to cutting of tails or broken tails is minimal.

If the state wants everybody to measure the same way I would suggest it would be easier for the state to measure at an all over length measurement like we have done for the last 50 plus years. In closing we ask that you oppose this proposal as it doesn't make good common sense and would just cause confusion and trouble for everyone involved. Thank you for your time. Butch Smith President, Ilwaco Charter Assoc.

This is a good change, perhaps the method should be extended to all fish with a length limitation. Richland Rod and Gun Club

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed. (effective January 1, 2009)**

---

## Region 1

---

### #8. Spokane River Redband Trout Protection

**Proposal:** This proposal would change season from year-round to June 1 through March 15 on the Spokane River from upstream boundary of Plese Flats day use area to Monroe Street Dam.

**Explanation:** The closure of this stretch of river from mid-March through the end of May will provide some protection for spawning wild Redband rainbow trout. This is a highly urbanized section of the river and with continuous human population growth in the coming years these fish need additional protection during their spawning period.

**Testimony:**

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.  
The Wild Steelhead Coalition supports this proposal.

I support the Wild Steelhead Coalition's recommendation. (3)

I support this proposal. (2)

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## **#9. Grande Ronde River Bass and Catfish Limits**

**Proposal:** Change the bass limit on the Grande Ronde River from the statewide standard to 5 fish (smallmouth and largemouth combined), no minimum size, no more than 3 over 15" in length. Change the channel catfish limit from 5 per day to no daily limit.

**Explanation:** This will make the rules consistent with those in the adjoining Snake River.

**Testimony:**

I would amend the proposal to: 5 fish (smallmouth and largemouth combined), no minimum size, only one over 15" in length. My reasons are as follows: The Grande Ronde is a small river and, indeed, in the late summer it is scarcely more than a trickle in places. It is being heavily fished for bass at the present time. Boats of various kinds go into every part of the canyon and there are now guided float trips for bass, particularly during the spring when water is higher and bass are spawning. There is great potential for removing the spawners if 3 fish over 15" is allowed. I have fished the Ronde for 44 years. Until about 10 years ago the interest in bass on this river was minimal. In 1997 I could have supported a much more liberal size and number limit on smallmouth bass. Today, the above proposal might be too liberal.

Unfortunately, there seem to be no data on the harvest of bass in the Grande Ronde and my information is anecdotal. Thus, I urge a conservative approach to keep and size limits until data are extant.

**Modification:** Adopt the new statewide rule for largemouth and smallmouth bass rather than the proposed exception (this is also recommended for the Snake River, and will make the rules consistent.) Adopt the proposed new rule for channel catfish.

**Staff Recommendation:** Adopt as modified.

**Commission Action:** Adopted as modified.

## **#10. Walla Walla River Catfish Daily Limit**

**Proposal:** Change the channel catfish limit on the Walla Walla River from 5 per day to no daily limit.

**Explanation:** This will make the rules consistent with those in the adjoining Columbia River.

**Testimony:** None.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#11. Close Yellowhawk and Cottonwood Creeks, East Little Walla Walla River, and Portions of Dry Creek.**

**Proposal:** This proposal would make several tributaries to the Walla Walla River CLOSED WATERS. Specific closed areas would be: Yellowhawk Creek, Cottonwood Creek, East Little Walla Walla River, and that portion of Dry Creek upstream of the middle Waitsburg Road.

**Explanation:** This proposal will provide protection to bull trout and protects ESA listed steelhead in spawning and rearing areas of several tributaries to the Walla Walla River. The recommended closed areas are important rearing areas that have very limited water for steelhead, and they are areas where steelhead juveniles concentrate during fishing season. Fish are very vulnerable and stressed in these conditions. These types of regulations are currently in place for the upper Touchet River tributaries, upper Tucannon River, and Asotin Creek tributaries.

Testimony:

Endorsed with enthusiasm by the Conservation Committee of the Washington Fly Fishing Club.

The Wild Steelhead Coalition supports this proposal.

I support the Wild Steelhead Coalition's recommendation. (3)

I support this proposal. (2)

We are in support of these closures because they will assist in the protection of bull trout local populations in these streams. This change is consistent with recovery efforts for bull trout in these watersheds and these populations currently do not meet the desired population goals of local fish managers. (USFWS Upper Columbia Fish and Wildlife Office)

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## **#12. Closing Dates for Fisheries on Mill Creek, Touchet, Tucannon, and Walla Walla Rivers**

**Proposal:** This proposal would change the closing date for fisheries on the Walla Walla River from the Touchet River to the Oregon State boundary (including all tributaries except Mill Creek and the Touchet River), the Tucannon River from the mouth to the Tucannon Hatchery Bridge, the Touchet River from the mouth to the confluence of the North and South Forks, and on Mill Creek from the mouth to the Roosevelt Street Bridge from April 15 to March 31.

**Explanation:** Wild Steelhead in southeast Washington are listed under the ESA. This proposal will protect spawning steelhead from harassment and hooking mortality during the peak of spawning in April. Currently, some rivers in this area close to steelhead fishing on March 31, others on April 15. This proposal would provide a consistent closing date for streams and rivers in southeast Washington.

Testimony:

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

The Wild Steelhead Coalition supports this proposal.

I support the Wild Steelhead Coalition's recommendation. (3)

I support this proposal. (2)

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## **#13. Wenaha Tributary Selective Gear Rules and Release All Steelhead**

**Proposal:** This proposal would add selective gear rules to Wenaha River tributaries and require the release of all steelhead.

**Explanation:** This proposed change would protect ESA listed steelhead, bull trout and Chinook in spawning and rearing areas.

**Testimony:**

Endorsed with enthusiasm by the Conservation Committee of the Washington Fly Fishing Club.

The Wild Steelhead Coalition supports this proposal.

I support the Wild Steelhead Coalition's recommendation. (3)

I support this proposal. (2)

We are in support of these closures because they will assist in the protection of bull trout local populations in these streams. This change is consistent with recovery efforts for bull trout in these watersheds and these populations currently do not meet the desired population goals of local fish managers. (USFWS Upper Columbia Fish and Wildlife Office)

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## **#14. Dalton Lake and Pampa Pond Trout Rules**

**Proposal:** This proposal would allow anglers to retain only 2 trout over 13" in their daily limit of 5 trout in Dalton Lake (Franklin Co.) and Pampa Pond (Whitman Co).

**Explanation:** This proposal will help to distribute the few jumbo trout stocked into this lake to more anglers and make the larger fish available longer in the season. It would also reduce high grading of fish to keep up to 5 fish that are jumbo trout.

**Testimony:**

This restriction may be tough on the fish due to the use of bait at Dalton Lake. This is a put-n-take lake and the fish take the bait down deep and catch and release for larger fish would result in a high mortality rate and a wastage of the fish. Perhaps the regulation should restrict the limit to up to five fish with no more than two over 13 inches. A regulation similar to that for salmon retention that calls for a maximum limit of six fish with no more than two over 24 inches would seem appropriate. Richland Rod and Gun Club

I support this proposal.

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## **#15. Downs Lake Opening Date**

**Proposal:** This proposal would change the opening date of the fishery in Downs Lake (Lincoln/Spokane Co.) from the last Saturday in April to March 1. The closing date would remain September 30. All other rules would remain unchanged.

**Explanation:** This proposal would allow increased angling opportunity during early spring. Interested panfish and bass anglers have requested an extended season on this water.

**Testimony:** None.

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## **#16. Liberty Lake Opening Date**

**Proposal:** This proposal would change the opening date of the fishery in Liberty Lake (Spokane Co.) from the last Saturday in April to March 1. The closing date would remain September 30. All other rules would remain unchanged.

**Explanation:** This proposal would allow increased angling opportunity during early spring. Interested bass anglers have requested an extended season on this water.

**Testimony:** None.

**Modification:** Closing date should be October 31 to allow the extended winter season requested in the original proposal.

**Staff Recommendation:** Adopt as modified.

**Commission Action:** Adopted as modified.

## **#17. Long Lake Bass Season**

**Proposal:** This proposal would open the bass season in Long Lake (Lake Spokane) to retention year-round. Daily limits for largemouth and smallmouth bass would be separate under the new proposed statewide bass limits (See Proposal #3).

**Explanation:** The new statewide smallmouth bass regulation will help control a rapidly expanding smallmouth bass population. The current slot limit for largemouth bass provides adequate harvest protection and eliminates the need for the catch and release season. The extended season will give anglers more opportunity to harvest these fish.

**Testimony:** None.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#18. Medical Lake Extended Season**

**Proposal:** This proposal would change the season in Medical Lake (Spokane Co.) from the last Saturday in April through September 30 to March 1 through October 31. All other regulations on lake would remain unchanged.

**Explanation:** This proposal would increase angling opportunity during early spring and fall. This is consistent with the openers on other area selective gear waters (i.e. Coffeepot Lake, North Silver Lake, Amber Lake).

**Testimony:**

This will really allow this fishery to blossom. I believe that mid-March until mid-April will provide the best fishing on this lake because of the great chironomid hatches that take place at that time.

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#19. Roosevelt Lake Closed Waters**

**Proposal:** This proposal would create an area of CLOSED WATERS in Roosevelt Lake from the Coulee Dam National Recreation Area boundary downstream of Onion Creek to the Canadian border March 1 through May 31.

**Explanation:** This proposal is needed for Redband rainbow spawning stock conservation. Increased public awareness of Redband rainbow spawning runs in the Upper Columbia River involving the spawning tributaries and staging for spawning in Big Sheep Creek Onion Creek and Deep Creek threatens the sustainability of these populations. Guided fishing trips from as far as Ellensburg, Washington are targeting these fish.

**Testimony:**

I attended the meeting in Colville regarding proposed closure of Lake Roosevelt downstream of Onion Creek to the Canadian Border from March 1st through May 31st.

I fully support a closure to protect the spawning trout during this time period. I would recommend the closure be confined to a stretch of river starting below Onion Creek to an location above Onion Creek and a section of river from Smelter Rock to Steamboat Rock above Northport. This would allow people to fish without impacting the spawning trout.

There was also some discussion about the impact of walleye on the native trout in this section of the river. To help mitigate the impact of walleye on the trout population I think there should be no catch limit on walleye above The Little Dalles below Northport to the Canadian Border. This change might also help with the concern about the economic impact of the closure on Northport, because it has the potential of bringing more walleye fisherman to the area.

I attended the meeting in Colville regarding proposed closure of Lake Roosevelt downstream of Onion Creek to the Canadian Border from March 1st through May 31st.

I fully support a closure to protect the spawning native Redband trout during this time period. I don't think the closure extending to May 31 is necessary, however. I would suggest the closure be confined to a stretch of river surrounding the mouth of Onion Creek and a second section of river from Smelter Rock, which is just north of the Northport launch ramp, to Steamboat Rock just south of Deadman's Eddy on the Columbia River. This would protect the spawning Redband trout and leave the rest of river open to fishing as it has been. I also suggest that the catch limit in the Upper Columbia be reduced to a daily catch of two trout.

There was also some discussion about the impact of walleye on the native trout in this section of the river. To help mitigate the impact of walleye on the trout population I think there should be no catch limit on walleye above "The Little Dalles", a few miles south of Northport, to the Canadian Border. This change might help alleviate concerns about the economic impact of a closure on the town of Northport and its surround area. This change could create an increase in fishermen visiting the area, not only during the closure period, but all year around.

I am a sportsman and life-long resident of Northeast Washington. I fully support the proposed regulation that would limit fishing in selected areas of the North Columbia during the spawning season of the redband rainbow.

The redband is far too precious a resource to squander, and continued increases in fishing pressure, environmental factors, and other impacts urge us to act now to protect them. I encourage continued study that will allow us to improve management, but in the mean time this measure should help us affect outcomes.

I also would recommend some modifications to this proposal:

-The "no fish" zones must be simple to see, uniform, and easy to enforce. Therefore, rather than making an arc around the mouth or the like, I recommend marking 2 points on each side (east and west) of the river. Thus if you looked at the east side of the river, you'd have a northern marker and southern marker. The mouth would be somewhere between these

markers and this would be the "no fish" zone across the entire river. North or south of that zone, you could fish.

- I also recommend making the entire section of the Columbia north of the Northport Bridge island single barbless hook and catch and release throughout the season. This will go much further in rejuvenating the fishery than the spawning protection alone. I would choose the island as the marker because there is a boat launch and dock south of the island, and it would be a real benefit to allow children to fish from that dock unfettered from this regulation.

During a community forum held in Colville yesterday, 40-plus folks came together to hear about this and other proposals. My impression of this event: The general consensus was that protection of the redband and continuing this fishery are of paramount importance. There was spirited debate, good discussion, and it was very beneficial. I applauded the gentlemen that coordinated it and fielded many spirited comments.

I commend and applaud your new proposals to create an area of Closed Waters on the upper Columbia River. This closure is needed to protect the native Redband rainbow spawning stock. In recent years, these "monster" rainbows have been being targeted and exploited while stacking up to stage themselves for spawning at the mouths of Big Sheep and Deep, and Onion Creek. They're being fished, caught, handled, pictures, sometimes released – other times killed for their roe, for later use. Every day, day in, day out – they can't tale this – many die!!

I asked a guide "Why are they targeting the spawning fish?" His reply – "we're (guides) prostitutes of Mother Nature – when this is played out, we'll find something else hot!!"

I support a river closure that would not allow for any incidental catch, an incidental catch still harms thers fish, due to hooking and handling. I "do" support your present proposal, that from Onion Cr. to the border be closed to all fishing. From March 1 to May 31<sup>st</sup>. This would be great for the fish and easiest to enforce. Whatever rules you create, you must enforce!! After attending the Colville meeting, if you do shorten this closed zone, the "closure" could possibly be from Onion Cr, to Black Beach (DNR owned), below this is all private land along both banks of the river, no public bank access, upstream of Deep and Big Sheep, so limit boat traffic through the staging area below - \*Haystack Rock may be to close to area!! Allow fishing from Black Beach to border during this time span for local angling opportunity. The east bank from Black Beach to border is DNR.

I also favor a "no limit" no size restriction placed on walleye, above the bridge at Northport. To the border. This would also help the rainbow fishery. Finally, I would lower the "catch and keep" from 5 to 2 fish over 12". Also, the guides need to be regulated and have their lic/permit(s) checked. I personally know of an Idaho-Montana guide who operates on the river without any permits, not even "bothering" to make his "out of state clients" take time to purchase a license. He'll have as many as 6 driftboats a night on the river. 1 angler per boat/rower "guide" \$800/eve. They arrive about 5 or 5:30 PM from CD'A Idaho, put in at Black Beach and float down to take out at Northport dock, taking out about 11:30 – then back home to Idaho. – No Washington Permits – No Revenue to state!!

I've flyfished this section of the river for 25 years, and the recent "abusers" need to be stopped, before it is lost for future generations. To enjoy. These "abusers/guides" are under big pressure to produce fish, due to their absorbent feed and so clients will tell others. For future business, and these spawning fish are easy targets, resulting in big financial gains for the abusers who are exploiting them.

In regards to this proposal, that fisheries is too valuable to all sportsman to allow fishing over the spawning are of that fishery.

The City of Kettle Falls is strongly opposed to the proposed action of the WDFW to CLOSE the waters of Lake Roosevelt from March 1- May 31 for fishing. This action will have a direct impact on the local economy and tourism within the region affecting local businesses. Perhaps a solution could be to only close Red Band Trout (the species of concern) during that period leaving the waters open to other species.

We are very concerned about this proposal and would like to discuss this matter with you further. We are also concerned about the minimal advertising and lack of public notice of these proposed rule changes. Please feel free to contact me at (509) 738-6832. Thank you. (Ray Smith, Mayor of Kettle Falls)

There are many items that are very troubling in regards to the initiation of this proposal, and the proposal itself. Please allow me to pinpoint the following:

1. The two gentlemen presenting the Public Meeting on Sept. 18<sup>th</sup>, indicated to all gathered, that there was concerned voiced by a broad spectrum of people in the Northeast corner of this State. They reiterated that they had spoken to, and fielded concerns and opinions from numerous people in our area. However, in actuality, we have spoken to many citizens, and no one was contacted, no one was called and questioned, no literature or questionnaires were mailed out. We are speaking of citizens that should have been contacted, such as licensed anglers, local business's who cater to anglers and sell fishing products and services. People who communicate with anglers from our region as well as those who travel to our area to enjoy the Upper Columbia and all its offerings. **However, we have been aware of a small group of anglers who have fished these same waters, some for years, who considered the waters of the Upper Columbia as their own. It is common knowledge that this same small group of individuals have the ears of and the relationship with certain members of Dept. of Fish and Wildlife.** They are extremely offended and irritated by the fact that the Upper Columbia has been "discovered" by outsiders, more pointedly professional fishing guides. They have made comments about the "Slaughtering of fish," by guides and their guests. The fact of the matter is, ALL the guides that we have known to navigate these waters in the past several years, are strictly "Catch and Release" guides, and their cliental follow the same criteria. These same guides respect the life cycles of this fishery as much as anyone, and have the strong desire to not only maintain the fish population, but to grow it. Their livelihood, as well as others in the community, depend on it.
2. **At the time of this public meeting, it was admitted that there had been no official studies of the fish in question, namely the "Redbanded Trout." No factual studies or findings to substantiate this proposed closure of the water. And, it was quite troubling and questionable, how minimally the notification to the interested public was. Most of the people we communicated with, to field their thoughts and opinions, had absolutely no idea that such a proposal was on the table.**
3. The Town of Northport struggles economically as logging, mining, and other sources of employment have gone away. Left for Northport are the abundant natural resources found here. The hunting, fishing, water recreation, hiking trains and beautiful scenery are blessings that the people and small businesses of this town need to sustain, maintain,

and perhaps even minutely grow the economic base here. Our families are struggling to live, our youth have little if any hopes for realizing a future here, as there are few job opportunities. Closing the stretch of river between Onion Creek and the Canadian border from March 1<sup>st</sup> to May 31<sup>st</sup> will cause future hardship to those small businesses and the employees of those businesses. Just coming out of a long winter, this time of year is vital to our economy. The thought of no anglers sharing our town and the boat launch that this town has put much time, money and effort into, is crippling. During these said three months, the China Bend boat launch is traditionally unusable due to low Lake Roosevelt water levels. This brings the anglers to Northport to launch, and use our local business services.

4. We reside on the banks of the Upper Columbia River. During the proposed three month closure, the river fluctuates dramatically on a daily basis. In front of our cabin are remnants of the old railroad bridge that allow us to accurately gauge the fluctuations of the water level. We are not scientists or experts of this in any way, but perhaps some studies, time and effort could be put in place to provide a spawning ground of the Redbanded Trout. They seem to be doing quite well in spite of all the meddling with water flows due to the dams and spring runoff.

Now, lets talk about managing this fishery intelligently and responsibly for the well-being of these fish, and other habitant of the Upper Columbia, as well as all who enjoy this resource. May we pinpoint some possible solutions.

1. **Change the kill limit** of trout from **five to two year around**.
2. Raise the limit on walleye, as they are voracious feeders on all other species of fish.
3. **Establish boundaries at the mouths of the three creeks that are spawning habitats for the Redband Trout.** Namely, Onion Creek, Deep Creek and Sheep Creek. Fishing within these newly established boundaries would be prohibited during the three month proposed period.
4. **Use the guides to help tag and record the trout being caught and released.**
5. Implement a reporting system for tagged trout being kicked by other anglers just like you do for salmon.
6. Do creel counts at the boat launch in Northport. (has this ever been done?)
7. Have an open communication line with resident guides.

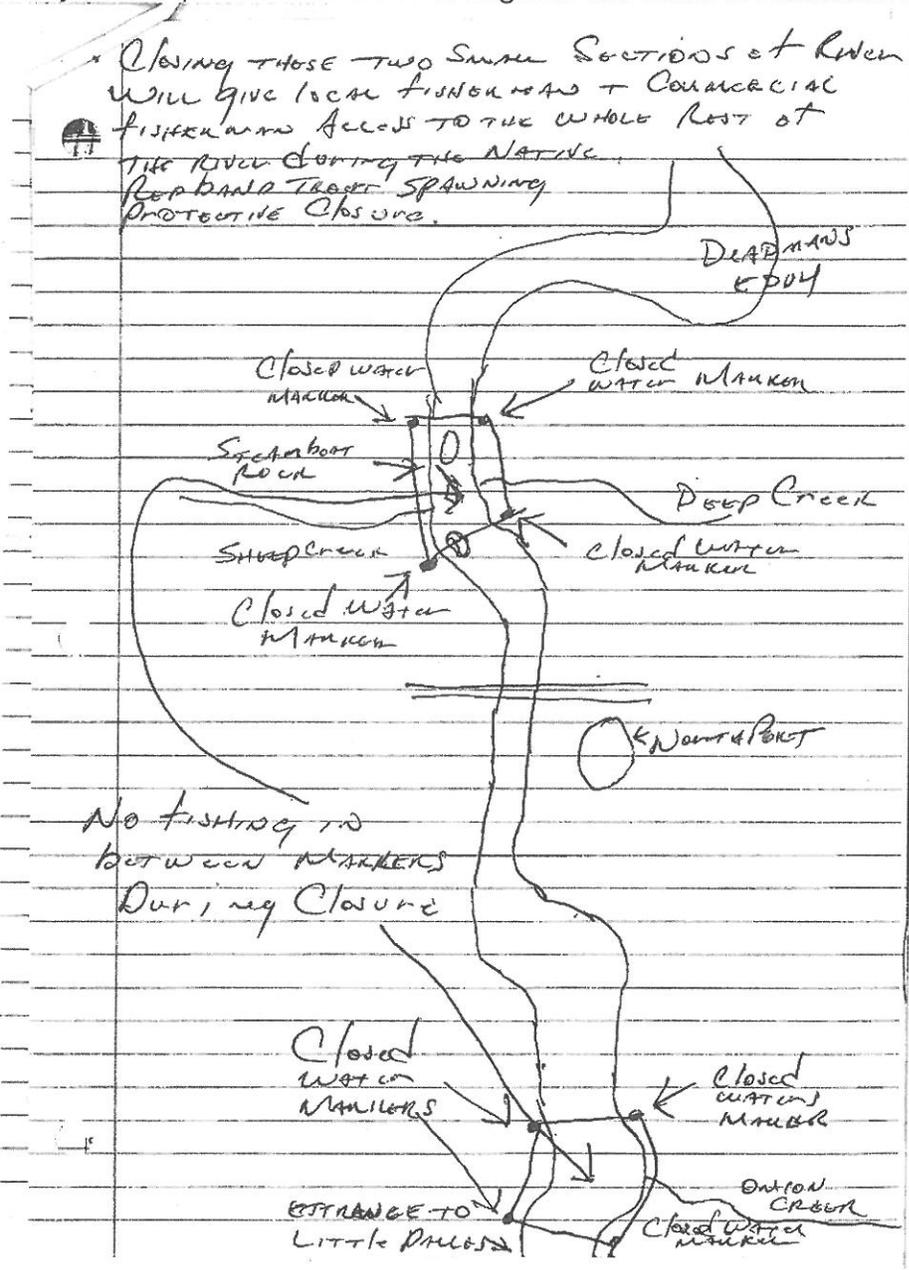
In closing, it only makes sense to implement sound regulations and management of this fishery. No real studies have been performed that would justify this drastic proposal. The views of a handful of irritated anglers who have always considered this stretch of waters as their own, has no true merit, and should not be allowed to affect the lives of so many other people that actually live in this area, and or come to this area and help support it.

Let there be a system of regulations implemented, where we can ALL WORK TOGETHER for the greater good of this wonderful natural resource. (Writers are from Lazy-Daze Retreats, Eagles Nest Lodge, and the Columbia Cottages in Northport. They are members of the Lyon's Club, Chamber of Commerce and the Volunteer Fire Department, and anglers)

The proposal as written in the pamphlet is too restrictive, given the main object of the proposal is to protect Redband rainbow spawning habitat during spawning season. I've been fishing the upper river for 34 years and am a riverfront property owner, so I've observed the river for a long time. For years lots of old people and their children & grandchildren have bank fished on the River and its an important part of their rural lifestyle, I Don't want to see them Lose Access to

this fishery. This problem has only become Evident in the last 3 to 5 years. Guides have begun to fish the river, and are targeting these spawning fish for their clients. They say they return all fish to the river but if there hooking these fish there damaging them. Some fish will Die, some are stressed to the point of Loosing their eggs or milt. I would like to see the Commercial exploitation of these fish stop, but guides have a right to fish the river too. What I would like to see done is close the two small sections of the river from March 1 to May 31 that give these people access to these schooled up Spawning Native Red band Rainbows. They would be able to fish all of the rest of the river as would the local people. I'm enclosing a map that would protect the Critical Spawning Areas.

Lets not wait to long to take Appropriate Action on the matter as we've one in the past with, many other species of Wildlife. (Mule deer Buffala, Elk, to mane just a few. I'm sure you know of many more species that we've brought to the Brink of Extinction than I do.



Northern Lights Lodge is deeply concerned about the proposal to close Lake Roosevelt or the Upper Columbia River for any time period and we are equally concerned about the threat to the Redband Rainbow Trout.

Following is our proposal for a win/win solution to this problem.

Washington State through Washington State University's Horizons program has designated the Northport, WA area as an impoverished area with many local residents receiving some type of state assistance. It is obvious that Microsoft is not going to construct a plant in this area however, there is a viable growing industry, beginning to emerge in the area which is being totally built with private funds. This industry, of which we and others have invested heavily is the tourist and recreational business. This is the only environmentally friendly and the most obvious business for this low populated rural area. The area lends itself to attract visitors because of its isolation, extreme beauty and natural resources.

Northern Lights Lodge presently employs five area people and at this time we are interviewing for three additional employees. With our planned expansion next year we will be hiring additional employees. All of our employees live in this area due to our remote location. We have several professional fly fishing guides connected with our operation and they also live in the immediate area. These are trained quality guides who, as well as the lodge personnel are very concerned about the stewarding of one of our greatest natural resources, the Redband Trout. This trout is one of the reasons that tourists come to this area and in turn provide income for many local residents.

Our proposal:

- So as not to hinder the only viable area industry – the river and lake should not be closed for any amount of time.
- As with the sturgeon in this area the trout should be on a “catch and release” schedule **twelve** months of the year.
- The trout spawning areas should be off limits during spawning season for any fishing in these streams and creeks and where they enter the river.
- Limits should be lifted on Walleye fishing.
- Our guides as well as other guides in the area can help police the taking of illegal fish from the river, especially by out of the area guides.

We and our guides strongly believe in “catch and release” as the best way to protect the fish and guarantee continuous business growth and employment. We believe that this is the best solution to the problem without closing down our business for a period of time.

When I heard about this proposal I was very disturbed and would like to share my reasons why.

Reason 1: Economic Impact

The region in northern Stevens County known as “the wedge” has historically been known as a poverty stricken area. In the past, local residents have been monetarily sustained by the logging trades. The last 15 years has shown a sharp decline in the number of jobs in the logging trade and more residents are commuting longer distances of leaving the small community of Northport to sustain their families.

Northport's City Council and other state agencies have looked at this lack of business opportunities and have spent many hours to try and provide solutions to boost the local economy. The answer or direction that the small town always comes to is to expand our tourism potential in ways that will benefit the local businesses. We are fortunate to have some of the

best hunting and fishing opportunities in the state. This fact can be attested to by the increasing number of outdoorsmen and tourists traveling from the greater Seattle region. The local hunting and fishing opportunities are seasonal. Fishing mostly takes place in the non-winter months and usually ends by early November. Boat fishermen can access Lake Roosevelt and the upper reaches of the Columbia River via the Northport boat launch only when the lake levels are high enough to allow access to the launching facilities. Sometimes this launch is not accessible until June as Lake Roosevelt typically has 50 to 70 foot lake level elevation drops for flood control during late winter and early spring.

My point is that this proposal could potentially take 3 months from Northport's potential early tourist season and impact the services that businesses offer from the larger cities like Kettle Falls and Colville. We, as a collective unit of merchants, would lose valuable tourist revenue through the sales of camping supplies, lodging, fuel, food, licenses, guides and property sales. As responsible citizens and business owners trying to make a living in one of the most economically depressed regions in the state of Washington, we are trying to create jobs and revenues throughout the long months of winter in addition to the short summer.

#### Reason 2: Net Pen Fish

It is my understanding that the Redbanded Rainbow trout are raised from eggs which are collected from a private lake in Stevens County. The eggs are reared at the Colville Fish and Wildlife fish hatchery and then placed into net pens at the mouth of Sherman Creek and Kettle Falls marina. When the rainbows are old enough and of proper size they are then released into the waters of Lake Roosevelt and have unrestricted travel northward into the Columbia River and into Canada.

This particular stock of Redbands were chosen due to the fact that they are shoreline spawners and could possibly help increase the resident trout population of Lake Roosevelt and provide additional fishing opportunities as these Redbanded Rainbows take bait offerings from boaters using traditional pop-gear and also from shoreline anglers.

The net pen program was historically put in place as a "put and take" fishery to provide recreational opportunity for anglers on Lake Roosevelt. I understand that Bonneville Power pays for the food, and equipment upkeep and staffing to keep this program alive to counter the loss of fish and wildlife due to the lack of fish passage ladders in Grand Coulee Dam.

This proposal defies the existence of the net pen project as a "put and take" fishery. The Redbanded Rainbows are not threatened or endangered as new hatchery fingerlings are added to the net pen program yearly. I feel that the fishermen of this region will be unduly targeted upon by this regulation by lack of vision of the impacts from the state fisheries managers.

#### Reason 3: Scientific Evidence

Concern had been raised by a few citizens that the Redband Rainbow population was being targeted by the fishing guides of the local area and that this population of trout may be in jeopardy because of this type of fishing pressure. As a consequence, Fish and Wildlife came up with a proposal and hence a poorly advertised town meeting to hear public input. My question is where is the proof that fishermen and, or guides are hurting this population? Has any study been done to substantiate this claim? When asked for population numbers and other scientific concerns of basic science our local and regional state fisheries managers had no evidence of any kind to begin to show where there were concerns. No scientific data of any kind were presented. The local fisheries biologist stationed in Colville hadn't even been to Northport to check trout fishermen on weekdays or weekends prior to the meeting, that he knew would take place far in advance before the general public, to even get a feel for the fishery and talk with the

fishermen to see if perhaps there was biased concern for the fishery. How can sportsman across the state of Washington have any faith in our Fish and Wildlife Department managers when they attend a public meeting with no scientific evidence or working knowledge of the local game populations?

It seems to me that if guides were being targeted then inquiries into how the guides work and what fishing practices they have on their boats should have been addressed. It seems to me that the guides would be the first people to protect a fish rather than kill it. I personally don't know of more than 5 Redbanded Rainbow trout that have been killed by guides in the last 4 years. I consider 3 or the 4 guides in the area to be very good friends on and off the water and know for a fact that the trout they catch are never brought inside the boat. The trout are released quickly outside the boat with minimal stress to the fish. These catch and release practices are something I have adhered to for many years.

I believe there are ways to come to a happy meeting of minds if there truly are scientific concerns for the Redbanded Rainbow trout population. First, lets get the facts with studies and evidence. Second, rules and limits could easily be changed from 5 fish to 2. Third, Restrictions and marker buoys could be placed upstream and downstream of potential spawning creeks of the Redbands in the Northport area. Fourth, Bait and hook restrictions could help also. There are many ways and tools that can be used to provide recreation for the outdoorsman without eliminating a towns source of income.

Resason 4: Lake Roosevelt Drawdown

I have lived next to the shore of Lake Roosevelt for 11 years and have witnessed the great fluctuations that take place from month to month and hour by hour. I have seen the river drop 6 feet in four hours and come back 6 feet overnight. It has also been my experience that in the months that this proposal is suggested that the river is at full pool in January and is dropped by 20 feet or more by March and then by the end of April depending on the snow pack in Canada the water level is brought back up. The people were told that this proposal was to protect the Redbanded trout while they were spawning. This sparn happens to take place at the same time there are huge lake level fluctuations. Fish eggs cannot live on dry rocks and fish eggs deposited in 2 to 5 feet of water and then submerged in 20 feet of water a week later aren't going to survive either.

A closer investigation needs to take place to understand the timing of the Redband rainbow spawning in Lake Roosevelt and how the Spring drawdown and subsequent refilling of the lake level impacts the eggs. Maybe providing better spawning substrate in the streams and creeks locally will have a bigger impact in helping the females reproduce effectively.

In conclusion, I feel that I have given an unbiased overview of this proposal and have voiced my concerns with solutions. Fisheries managers need to take the time to do proper investigations on the management of this body of water and look at all the factors that I have stated. We humans have the capability of being very reactionary but then don't follow through with that same drive to seek out the proper solutions. In my opinion, this proposal needs to be tabled until further studies and hard data can be gathered. After all, we are not talking about a threatened or endangered species and are very far from that point. I would like to see another town meeting with a full presentation of what is really happening to the local fishery after the scientific data is gathered. Then, a more scrutinized proposal could be addressed at that time. We need to see more communication between the state agencies managing our resources.

Please be advised that the Washington State Council of the Federation of Fly Fishers urges the Commission to adopt Region 1 Rule Proposal 19. We believe the Rule is necessary to protect redband rainbow spawning stock. I am VP-Membership of the Council, President of the Northwest Fly Anglers, and a member of the Inland Fish Policy Advisory Group.

I write on behalf of the Northwest Fly Anglers, a 150 member, family-focused fly fishing club, to express our wholehearted support of Proposed Rule 19. We believe this rule is necessary to protect spawning stocks of Redband trout and urge the Commission to adopt the rule. David Williams President, Northwest Fly Anglers

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

It has come to my attention that there is a proposal in the works to close the Columbia river from Northport to the Canadian border. I am in opposition to this closure. My family has lived and farmed this region since the early 1900. I have fished the river since the early 1980's and have seen many "cycles" occur during this time. Though angling pressure has increased slightly due to guides and their clients, they are not the ones at issue. What I have seen as I've been on the water is a personal vendetta from some anglers (who don't even live here) against the guides and the clients they bring. Because these fishermen who don't like the guides are friends with the warden and others, they have pushed through this proposal. There is hardly anyone up on the Columbia between March and April. Though I am not a fan of increased pressure on the fish, I would rather have a fishing guide who releases all the fish they catch, than someone else who kills their "limit". If any new regulations were to be put in place why wouldn't it be catch and release first then go to more drastic measures.

The intent of this letter is to state \*my opposition\* regarding the proposed closure of the Upper Columbia/Lake Roosevelt from Onion Creek to the Canadian border during the March 1 to May 31 time period. The proposed closure states the reason to implement the closure is because of the impact on the spawning redband rainbow. I am the first to promote healthy habitat and conditions for wild stock, and if PROMOTING HEALTHY STOCKS OF WILD REDBAND RAINBOW IS the reason the proposal has been initiated then why on earth would there be a 5 fish kill limit 24 hours after the proposed closure ends?

If promoting wild stocks of Redband rainbow is priority... \*Why is there not catch and release? During the time frame in question, how about catch and release so that the prime genetic stock cannot be killed?

\*If not catch and release, why is there a slot limit of 5 wild redband rainbows? It would seem that a 2 fish limit would be more appropriate.

\*What about a non-bait artificial lure restriction for the fishery?

\*Why can you fish the mouth of Sheep creek and \*kill \*5 trout of prime genetic stock as they 'downstream' out of the tributary after spawning or prior to the upstream migration en route to spawning?

\*Why has there been no actual studies done to base this specific proposal on?

\*If a closure is eminent, it should be limited to the mouths of the creeks and not the entire 12 mile stretch.

\*Unfortunately it is known that this proposal is from the 'cuff' of the 'local good ole boys' who are upset that the fishery they have fished occasionally for years by themselves is now being fished on a regular basis by 'non locals'. The proposal is 'vendetta like' in nature.

\*I have spent many years fishing the system (since 1996) and during the time period in question, I rarely see anyone up there? In the years I have caught and released fish in the system I have not noticed any decline in the fish catch...In fact as stated below, I have seen an increase in some.

\*What about the native Cutthroat of the system? Over the last few years I have seen in increased catch (and release) of both pure Cutthroat and Cutt-bow hybrids.

\*Why are there more regulations on the non-native walleye then on the native redband and cutthroat?

\*The list could go on. The proposal is as ridiculous as it is contradictory and based on no studies.

Note: Although I am a believer in catch and release to promote wild stock for the future, I personally have nothing against a slot limit in a strong healthy fishery.

I support the establishment of an area of closed waters as proposed. I also would support more regulations statewide on the number of guides utilizing various waters.

My name is Greg Heister. I'm a free-lance television journalist living in Spokane, Washington since 1997. My work has been seen on KHQ-TV, Fox Sports Net, and ESPN to mention a few. I have won several awards for outdoors television that has concentrated on the issues facing our environment today. I have also been a fly-fishing guide in Alaska, Idaho and Montana for several years. I'm writing you because of my concern with the very unique fishery on the northern end of the Columbia River.

I understand that there may soon be a law enacted to close the fishery near Northport in the spring to protect the spawning red-side (red-band) rainbows that utilize this portion of the river. First, let me say that I have been a fly-fisherman all of my life and support the protection of any fishery on this planet. I have been fishing the river near Northport extensively for about 7 seasons now and I am concerned in many ways with what I have seen there.

Let me start with the spring fishery since that is what is being explored at this time. I recently talked to the biologist that is bringing this proposal to the board. He admitted to me that he has never fished the river in the spring, in fact he had only been there on one occasion to look at the river and he only drove over the bridge and looked down. He also admitted that he saw no fishermen on the river that day. He also admitted to me that this proposal is not based in science and that no research has been done on these fish to see if fishing in the spring is having an impact.

If science tells us that the 4 or 5 rods a week that are fishing the river in March and April are having an impact then I'm all for protection. I have fished all over the world and I believe these fish and this experience on the river is one of the best on the planet! I have seen 25-30-inch wild rainbow trout eat dry flies at a rate that is unequaled by any other fresh-water experience I have had. This place is a jewel and should be treated as such. I have spent many days on the river in the spring and rarely have I seen another fishermen.

This brings me to my next point. The plan is to close the river until May 1<sup>st</sup> and then these fish can be killed! I am very confused by this train of thought. Why protect them for 8 weeks and then kill them? I have seen stringers of fish dragged from this river on June and July evenings

for years. It's saddening and this resource will be dramatically impacted in years to come. There is no research to support the claim that fishing the spring will impact this fishery but one thing is for sure, if you kill the best of this breed no one can argue that this won't impact this fishery.

I also learned while talking to the biologist on the phone that he believes the proposed closure of the spring fishery won't go far enough. But he wouldn't include that in this proposal because he believes in his own words, "that a catch and release fishery will never happen". If there is ever going to be a place in the State of Washington that it should happen, this should be the place. The issues keep flowing. I also know that this biologist has been under extreme pressure by the locals in Colville, Chewelah and the surrounding towns to act. Many of these people are the same fishermen who have a strong disdain for anglers from different locations impeding on their "home" waters. These people have physically threatened me for a few years now as pressure on the river is growing. I am 6 foot 6 and 250 pounds so if they are courageous enough to threaten me you get an idea of how brazen they have become. I have had "local" fishermen bump my drift boat and drive through rising fish to keep us from catching them. By the way these are the same guys carrying stringers of fish from the rivers while I have never killed a single one.

It is obvious to me and others, that these locals have pressured this biologist into putting this proposal forward to send a message to the out of towners that this is their fishery. They simply don't want us there. We simply won't go away.

In conclusion, I hope you act to protect these fish. I hope that someday I can take my child there and show them what the State of Washington has done to ensure that they can enjoy the same fishery that I've enjoyed. We have spent millions of dollars saving salmon, steelhead and bulltrout. Let's do the same for The Columbian Red-Side Rainbow.

I would also want to request an interview with the Commissioner when a ruling is made on this case. I am working on a television program called "Seasons On The Fly" and I would like to include this ruling in the show for national distribution.

**Modification:** To address concerns noted in testimony but still offer protection to Redband rainbow trout, modify the Closed Waters to March 1 through Friday before Memorial Day from the Little Dalles power line crossing upstream approximately 1 mile to marked rock point and from Northport power line crossing upstream to most upstream point of Steamboat Rock. This modification offers protection at the mouths of the Deep, Onion and Big Sheep creeks, while still allowing anglers to fish in the northernmost portion of the lake.

**Staff Recommendation: Adopt as modified.**

**Commission Action: Adopted as modified.**

## #20. Sprague Lake Daily Limits

**Proposal:** This proposal would change the daily limit for crappie in Sprague Lake from 10 to a combined limit of 25 bluegill and crappie, but retain the 9" minimum size for crappie. The daily limit for trout would be 5 fish, no more than two over 20" in length. Largemouth and smallmouth bass and walleye would all have statewide daily land size limits.

**Explanation:** Sprague Lake was treated with rotenone this fall. The proposed regulations will be protective of anticipated panfish populations after treatment of the lake. The special limit now in effect for walleye will no longer be needed.

**Testimony:**

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.  
**Staff Recommendation: Adopt as proposed.**  
**Commission Action: Adopted as proposed.**

## #21. Williams, Hatch, and Ellen Lake Rules

**Proposal:** This proposal would make it unlawful to possess any fish species other than rainbow trout while fishing at Williams Lake (Stevens Co.), Hatch Lake (Stevens Co.) and Ellen Lake (Ferry Co.).

**Explanation:** A chronic situation exists at Williams Lake and other nearby small lakes, with members of the public attempting to change species management on selected lakes. Williams Lake is a winter-season lake planted with rainbow trout fry. The lake was rehabilitated in 2004 to remove goldfish and was rehabilitated before that to remove largemouth bass and carp. The winter trout fishery in 2006-7 was seriously affected by a yellow perch plant in 2005. The same situation exists at Hatch Lake in Stevens Co. with yellow perch, and Ellen Lake in Ferry Co. with largemouth bass and green sunfish. If it is unlawful to harvest other species, these trout lakes can be rehabilitated and returned to trout fry management with an expectation of supporting a longer lasting trout fishery.

**Testimony:**

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

What is a fisherman to do with a non-trout that is caught? Are they to throw it back? Make possession of live species other than trout illegal. It would seem that the choice is either that or let the lake revert to a spiny ray fishery. Richland Rod and Gun Club

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

---

## Region 2

---

### #22. Boulder Creek Eastern Brook Trout Bonus Limit

**Proposal:** This proposal would add a bonus limit of 10 Eastern brook trout with no minimum size in Boulder Creek and tributaries (Okanogan Co) in addition to the daily limit of 2 other trout.

**Explanation:** Boulder Creek and tributary streams continue to funnel Eastern Brook Trout into the Chewuch River watershed, which is being managed for ESA-listed bull trout recovery – Reducing the brook trout population within the Boulder Creek drainage will help to lessen the competitive impacts between the two species.

**Testimony:**

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.  
I support this proposal.

We are in support of this change in the brook trout fishery. Non-native fish are a continued threat to bull trout recovery and can be considered a nuisance species that hybridize with bull

trout. In the past it was thought only F1 hybrids occurred in the wild and could not spawn, but recent genetics studies suggest that F1 hybrids do spawn naturally and produce F2 hybrids. With the current condition of the Chewuch watershed in an unstable state since the recent wildfires, it is the right time to remove brook trout from that system. There are many lower gradient backwaters where brook trout encroach on bull trout habitat only to out compete bull trout in both the Twisp and Chewuch Rivers. This change not only provides a fishing opportunity but implements a recovery action for bull trout. This proposal is similar to the fishery which currently operates in the Upper Yakima River mainstem. It is likely there are more bull trout in the Chewuch than in the upper Yakima mainstem and education should be an important component of this fishery. Signs showing the difference between bull trout and brook trout would be useful to reduce misidentification of these fish. We suggest contacting, Eric Anderson, Area Fish Biologist in Region 3, to determine how the fishery is working in the Upper Yakima mainstem and for insight into the management of this type of a fishery. In addition to your proposal, please consider adding Eightmile Creek, also within the Chewuch basin. (USFWS Upper Columbia Fish and Wildlife Office).

**Modification:** Add – “release all cutthroat.” This will make the rules consistent with nearby Big Tiffany Lake.

**Staff Recommendation:** Adopt as modified.

**Commission Action:** Adopted as modified.

## #23. Columbia Basin Hatchery Creek Trout Limit

**Proposal:** This proposal would change the trout daily limit on Columbia Basin Hatchery Creek from the hatchery outflow to the confluence with Rocky Coulee Wasteway from 5 to 3 fish. The creek would continue to be open only to juveniles and persons with disability licenses.

**Explanation:** This will extend the time trout are available in this very popular fishery.

**Testimony:**

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

I support this proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## #24. Columbia River from Rocky Reach Dam to Turtle Rock

**Proposal:** This proposal would add the new proposed anti-snagging rule to all fisheries (See Proposal #1) in the Columbia River from Rocky Reach Dam upriver to Turtle Rock.

**Explanation:** Our enforcement officers have requested an anti-snagging rule to assist in stopping anglers from snagging salmon in the Columbia River behind East Bank Hatchery. This is the only place in this river section where snagging is a recurring problem. Rocky Reach Dam and Turtle Rock are both easily recognized landmarks.

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

**Testimony:**

The Wild Steelhead Coalition supports this proposal.

I support the Wild Steelhead Coalition's recommendation. (3)

I support this proposal. (2)

**Modification:** Change the anti-snagging rule to the non-buoyant lure restriction and night closure. The anti-snagging rule is not recommended for adoption. For clarity, the upper end of the closed area should be described as the most upriver point of Turtle Rock.

**Staff Recommendation: Adopt as modified.**

**Commission Action: Adopted as modified.**

## #25. Lake Creek Closed Waters above Black Lake

**Proposal:** This proposal would add a CLOSED WATERS section to Lake Creek (Okanogan Co) from Black Lake to Three Prong Creek.

**Explanation:** This section of Lake Creek is a major spawning area for migratory bull trout coming out of Black Lake and the Chewuch River. Habitat is fragile and protection is necessary for increased bull trout survival within the watershed.

**Testimony:**

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

I support this proposal.

We support these closures, based on rationale similar to b) above. This proposal and b) above are similar to closures Region 3 has also proposed for bull trout and to other geographic area restrictions for bull trout. Lower Lake Creek and the Twisp are currently closed to fishing. These additional closures represent strategic planning to protect bull trout spawning and rearing areas within the Methow bull trout Core Area. Because numbers of bull trout have not increased dramatically in the Methow since listing, we are in support of these closures. They will assist in the protection of bull trout local populations in these streams. This is consistent with recovery efforts range wide for bull trout and is a recovery task in the Service's draft recovery plan. (USFWS Upper Columbia Fish and Wildlife Office)

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## #26. North Creek Closed Waters

**Proposal:** This proposal would add a CLOSED WATERS section to North Creek (Okanogan Co) from the mouth to the falls at river mile 0.8.

**Explanation:** North Creek, below the barrier falls, is an important spawning and rearing area for ESA-listed bull trout within the Methow basin. Habitat is fragile and protection is necessary to preserve bull trout survival.

**Testimony:**

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

Closure of a portion of a creek just adds to the complexity of the rules. Cannot something be done in a less stream-specific manner. Fishing rules for Washington are voluminous and often difficult to understand; please make them simpler so that fishing can be enjoyed without worrying about a plethora of rules. Richland Rod and Gun Club

I support this proposal.

We support these closures, based on rationale similar to b) above. This proposal and b) above are similar to closures Region 3 has also proposed for bull trout and to other geographic area restrictions for bull trout. Lower Lake Creek and the Twisp are currently closed to fishing. These additional closures represent strategic planning to protect bull trout spawning and rearing areas within the Methow bull trout Core Area. Because numbers of bull trout have not increased dramatically in the Methow since listing, we are in support of these closures. They will assist in the protection of bull trout local populations in these streams. This is consistent with recovery efforts range wide for bull trout and is a recovery task in the Service's draft recovery plan. (USFWS Upper Columbia Fish and Wildlife Office).

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## **#27. Okanogan River Anti-Snagging Rule**

**Proposal:** This proposal would add the new anti-snagging rule (see Proposal #1) to the Okanogan River (Okanogan County), from the mouth to Hwy 97 Bridge immediately upstream of mouth, during the salmon season, July 1<sup>st</sup> – Oct 15<sup>th</sup>.

**Explanation:** Snagging is an issue in this particular section of the river during salmon season; the new anti-snagging rule would help to reduce this problem.

**Testimony:**

Endorsed with enthusiasm by the Conservation Committee of the Washington Fly Fishing Club.

The Wild Steelhead Coalition supports this proposal.

I support the Wild Steelhead Coalition's recommendation. (3)

I support this proposal. (2)

**Modification:** Replace the anti-snagging rule with the non-buoyant lure restriction and night closure. The anti-snagging rule is not recommended for adoption.

**Staff Recommendation: Adopt as modified.**

**Commission Action: Adopted as modified.**

## **#28. Banks Lake Crappie Rules**

**Proposal:** This proposal would make the daily limit for crappie in Banks Lake (Grant Co.) 10, with a minimum size of 9".

**Explanation:** Black crappie have never been extremely abundant in Banks Lake, and most years the catch is confined to a relatively short period in the spring at a few locations. Creel

data and anecdotal angler reports indicate that crappie harvest has increased over the last two years; however, biological surveys show no definitive increase in the population. The catch also appears to be primarily larger, mature fish.

Given the relatively low number of this species in the lake, we should be conservative in our management approach, particularly where the broodstock is concerned. Setting a minimum size to allow the fish to mature and limiting the number of these larger fish retained should recruit more fish to the population and prevent over-harvest of the broodstock while still allowing a reasonable harvest. The 9" minimum size and 10 fish daily limit has become our standard for crappie management under these circumstances statewide.

**Testimony:** None.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#29. Black Lake Becomes Spring Hill Reservoir**

**Proposal:** This proposal would change the name of Black Lake (Chelan Co.) also listed as Lower Wheeler Reservoir to Spring Hill Reservoir. The two alternate names will continue to be listed in the pamphlet.

**Explanation:** Unfortunately this lake is known locally by three separate names. The name that appears on local maps is Spring Hill Reservoir. To avoid confusion for the angling public, the alternate names should also be listed.

**Testimony:**

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#30. Big Tiffany Lake Trout**

**Proposal:** This proposal would add a bonus limit of 10 Eastern brook trout with no minimum size to the daily limit of 5 other trout, and require the release of all cutthroat trout.

**Explanation:** Big Tiffany Lake provides a major spawning and rearing area for Eastern brook trout, which then feed into the Boulder Creek watershed. An effort is being made to re-establish westslope cutthroat in Big Tiffany, along with additional efforts to reduce brook trout impacts on ESA-listed bull trout downstream.

**Testimony:**

Endorsed with enthusiasm by the Conservation Committee of the Washington Fly Fishing Club.

I support this proposal.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#31. Little Twin Lake**

**Proposal:** This proposal would change the season on Little Twin Lake (Okanogan County), to last Saturday in April through Oct 31<sup>st</sup>, with selective gear rules, and a 1 fish daily limit for trout.

The lake is currently open from April 1 through November 30, catch-and-release with selective gear rules, and December 1 through March 31 with statewide rules.

**Explanation:** The present winter season is underutilized, since it is impossible to get to the lake in the winter due to heavy snowfall on the entrance road. Changing to a quality fishery with an opening day status should increase angler effort substantially, and match the regulations on nearby Big Twin Lake.

**Testimony:**

This is a great idea and will probably induce me to start fishing it when I travel to the area to fish Big Twin Lake.

I support this proposal.

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

### **#32. Patterson Lake Year-Round Season**

**Proposal:** This proposal would change the season in Patterson Lake (Okanogan Co) to year-round.

**Explanation:** Over the years, there have been many illegal introductions of spiny ray species to the trout population in the lake, including walleye, largemouth bass, crappie, bluegill, and yellow perch. We are unable to rehabilitate this lake because a major resort takes drinking water from the lake. In order to better utilize the mixed species composition and to try and maintain a decent spring trout fishery, it would be better to have a longer season and remove as many spiny rays as possible.

**Testimony:**

I would like to express my strong support for this proposal.

I support this proposal.

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

### **#33. Silvernail Lake becomes Silver Nail Lake**

**Proposal:** This proposal would change the name of Silvernail Lake (Okanogan Co) to Silver Nail Lake.

**Explanation:** This is strictly a housekeeping change to conform to Washington Place Names and the USGS Graphic Names Information System.

**Testimony:**

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

---

## **Region 3**

---

### **#34. Box Canyon Creek Closed Waters**

**Proposal:** This proposal would specify that the CLOSED WATERS in Box Canyon Creek (Kittitas Co.) from the mouth (Kachess Reservoir), upstream approximately 2 miles to the waterfall (20' high visible from road) includes that portion of the river that flows through the dry lakebed.

**Explanation:** Due to the annual late summer drawdown of Kachess Lake (Reservoir) for irrigation, large stretches of the upper lakebed become exposed. This also exposes the old creek channel that flows through the dry lakebed. Although it is "Closed Waters" in the creek from Kachess Reservoir upstream to the 20' barrier falls (Peekaboo Falls) to protect bull trout, under current rules anglers can continue to legally fish in the stretch of creek that flows through the lakebed as this area legally falls under "lake rules". Due to the importance of protecting spawning & rearing bull trout in Box Canyon Creek the river special rule needs to be revised to apply when the reservoir is drawn down below full pool elevation.

**Testimony:**

I would like to express my strong support for this proposal.

Is it possible to get more details on the background, and any documentation that you have on proposal # 34 through 41 for region 3.

Membership of the Kittitas County Field & Stream Club, Kittitas County Washington supports this proposal.

Endorsed with enthusiasm by the Conservation Committee of the Washington Fly Fishing Club.

Richland Rod and Gun Club agrees in principle, but the wording needs to be clear. It appears that the desire is to close wherever there is moving water. The slack water of the lake would remain open.

I support this proposal.

The Service supports closing these waters, rules for gear restrictions, and the release of all bull trout based on rationale similar to our comment above for b) and e). The closed water proposals are similar to closures which Region 2 has also proposed for bull trout and other geographic area closures. These closures represent strategic planning to protect bull trout spawning and rearing areas within the Yakima bull trout Core Area. Because numbers of bull trout have not increased dramatically and/or are showing a decreasing trend in the Yakima Core Area since listing, we are in support of these closures and rule changes. Current and past regulations are not working and incidental catch/poaching is still a considerable problem in the Yakima basin. These changes will assist in the protection of bull trout local populations in these streams. These changes are also consistent with recovery efforts range wide for bull trout where populations currently do not meet desired recovery goals of local fish managers. (USFWS Upper Columbia Fish and Wildlife Office).

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

### **#35. Indian Creek and NF Tieton Closed Waters**

**Proposal 1:** This proposal would specify that the CLOSED WATERS in Indian Creek (Yakima Co.) from Rimrock Reservoir, upstream approximately 6 miles to the impassable waterfall located about 2.5 miles on trail #1105 from the end of Indian Creek Rd. (USFS Rd #1308) includes the portion of the creek that flows through the dry lakebed

**Proposal 2:** This proposal would specify that the CLOSED WATERS in the North Fork Tieton River (Yakima Co.) from Rimrock Lake to Clear Lake Dam, includes that portion of the river that flows through the dry lakebed of Rimrock Lake.

**Explanation – Proposals 1&2:** Due to the annual late summer drawdown of Rimrock Lake (Reservoir) for irrigation, large stretches of the upper lakebed become exposed. This also exposes the old creek channel that flows through the dry lakebed. Although Indian Creek is “Closed Waters” from Rimrock Lake upstream to the barrier falls to protect adult and sub-adult bull trout, under current rules anglers can continue to legally fish in the stretch of creek that flows through the lakebed as this area legally falls under “lake rules” regardless of reservoir surface elevation. The same situation occurs in the NF Tieton after the August 15 river closure date. Due to the importance of protecting spawning & rearing bull trout in Indian Creek, the river special rule needs to be revised to apply when the reservoir is drawn down below full pool elevation.

**Testimony:**

I would like to express my strong support for this proposal.

Is it possible to get more details on the background, and any documentation that you have on proposal # 34 through 41 for region 3.

Membership of the Kittitas County Field & Stream Club, Kittitas County Washington supports this proposal.

Endorsed with enthusiasm by the Conservation Committee of the Washington Fly Fishing Club.

Richland Rod and Gun Club agrees in principle, but the wording needs to be clear. It appears that the desire is to close wherever there is moving water. The slack water of the lake would remain open.

The Wild Steelhead Coalition supports this proposal.

I support the Wild Steelhead Coalition’s recommendation. (3)

I support this proposal. (2)

The Service supports closing these waters, rules for gear restrictions, and the release of all bull trout based on rationale similar to our comment above for b) and e). The closed water proposals are similar to closures which Region 2 has also proposed for bull trout and other geographic area closures. These closures represent strategic planning to protect bull trout spawning and rearing areas within the Yakima bull trout Core Area. Because numbers of bull trout have not increased dramatically and/or are showing a decreasing trend in the Yakima Core Area since listing, we are in support of these closures and rule changes. Current and past regulations are

not working and incidental catch/poaching is still a considerable problem in the Yakima basin. These changes will assist in the protection of bull trout local populations in these streams. These changes are also consistent with recovery efforts range wide for bull trout where populations currently do not meet desired recovery goals of local fish managers. (USFWS Upper Columbia Fish and Wildlife Office).

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

### **#36. SF Tieton Closed Waters**

**Proposal:** This proposal would change the lower boundary of the CLOSED WATERS in the SF Tieton from the mouth to the bridge on USFS Rd. 1200.

**Explanation:** When Rimrock Reservoir at high levels, a short section of the South Fork Tieton River above the mouth is inundated. This creates a slack pool area in the lower river canyon above the mouth that some confuse as being part of Rimrock Lake. Some anglers unintentionally fish this "Closed Waters" section from the bank and from boats that drive up from the reservoir under the USFS Rd. 1200 bridge. Since bull trout frequent the area year-round and stage in this backwater pool prior to spawning, WDFW needs to clearly identify the area upstream of the bridge as "Closed Waters".

**Testimony:**

I would like to express my strong support for this proposal.

Is it possible to get more details on the background, and any documentation that you have on proposal # 34 through 41 for region 3.

Membership of the Kittitas County Field & Stream Club, Kittitas County Washington supports this proposal.

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

I support this proposal.

The Service supports closing these waters, rules for gear restrictions, and the release of all bull trout based on rationale similar to our comment above for b) and e). The closed water proposals are similar to closures which Region 2 has also proposed for bull trout and other geographic area closures. These closures represent strategic planning to protect bull trout spawning and rearing areas within the Yakima bull trout Core Area. Because numbers of bull trout have not increased dramatically and/or are showing a decreasing trend in the Yakima Core Area since listing, we are in support of these closures and rule changes. Current and past regulations are not working and incidental catch/poaching is still a considerable problem in the Yakima basin. These changes will assist in the protection of bull trout local populations in these streams. These changes are also consistent with recovery efforts range wide for bull trout where populations currently do not meet desired recovery goals of local fish managers. (USFWS Upper Columbia Fish and Wildlife Office).

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

### **#37. Teanaway River and NF Teanaway River Rules**

**Proposal 1:** This proposal would require anglers to release all trout on the Teanaway River (Kittitas Co). Selective gear rules would remain in place.

**Proposal 2:** This proposal would require anglers to release all trout on the North Fork Teanaway River (Kittitas Co.) from the mouth to Beverly Creek, including all tributaries. Selective gear rules would apply. From Beverly Creek upstream 8 river miles to the impassable waterfall at the end of USFS Rd. 9737 would be CLOSED WATERS.

**Explanation – Proposals 1&2:** WDFW's Ecological Interactions Team has been monitoring the ecological effects of hatchery spring Chinook supplementation in the NF Teanaway River for 17 years. This work is performed to determine if negative impacts to steelhead have occurred in the areas being supplemented with spring Chinook salmon. The results show that improved environmental conditions in the Teanaway Basin, in general, have allowed rainbow trout abundance to increase substantially in the years since salmon supplementation began and similar increases would have occurred in the NF and mainstem if salmon supplementation had not been initiated.

One action that can be taken relatively quickly that may help mitigate impacts to steelhead is to eliminate rainbow trout harvest in the supplemented areas. Consequently, we are proposing a "release all trout" rule in the mainstem Teanaway R.

The "Closed waters" portion of this proposal is an urgent conservation measure needed to provide protection to spawning and rearing bull trout in the upper NF Teanaway River. The bull trout population in the upper NF Teanaway/DeRoux Creek area is considered to be critical under WDFW's Salmonid Stock Inventory (SASI). As a secondary benefit, a "release all trout" regulation may also help listed bull trout. The bull trout population cannot afford to have any adults harvested in the mainstem migration corridor through mis-identification as eastern brook trout, which are currently legal to harvest.

**Testimony:**

I would like to express my strong support for this proposal.

Is it possible to get more details on the background, and any documentation that you have on proposal # 34 through 41 for region 3.

Membership of the Kittitas County Field & Stream Club, Kittitas County Washington supports this proposal.

Both proposals are endorsed by the Conservation Committee of the Washington Fly Fishing Club.

Richland Rod and Gun Club fully support this proposal as it will likely contribute to the Teanaway becoming a world class trout water, similar to the upper Yakima.

The Wild Steelhead Coalition supports this proposal.

I support the Wild Steelhead Coalition's recommendation. (3)

I support this proposal. (2)

The Service supports closing these waters, rules for gear restrictions, and the release of all bull trout based on rationale similar to our comment above for b) and e). The closed water proposals are similar to closures which Region 2 has also proposed for bull trout and other geographic area closures. These closures represent strategic planning to protect bull trout spawning and rearing areas within the Yakima bull trout Core Area. Because numbers of bull trout have not increased dramatically and/or are showing a decreasing trend in the Yakima Core Area since listing, we are in support of these closures and rule changes. Current and past regulations are not working and incidental catch/poaching is still a considerable problem in the Yakima basin. These changes will assist in the protection of bull trout local populations in these streams. These changes are also consistent with recovery efforts range wide for bull trout where populations currently do not meet desired recovery goals of local fish managers. (USFWS Upper Columbia Fish and Wildlife Office).

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

### **#38. De Roux Creek Closed Waters**

**Proposal:** This proposal would add a CLOSED WATERS section to De Roux Creek (Kittitas Co) from the mouth to the USFS Trail # 1392 (De Roux Cr. Trail) stream crossing (approximately one river mile).

**Explanation:** This "CLOSED WATERS" proposal complements a similar proposal for the upper NF Teanaway River (above). Both proposals are important conservation measures needed to protect spawning and rearing bull trout (ESA listed "threatened" species) in the upper NF Teanaway River drainage. The bull trout population in the Teanaway/DeRoux Creek area is considered to be critical under WDFW's Salmonid Stock Inventory (SASI).

**Testimony:**

I would like to express my strong support for this proposal.

Is it possible to get more details on the background, and any documentation that you have on proposal # 34 through 41 for region 3.

Membership of the Kittitas County Field & Stream Club, Kittitas County Washington supports this proposal.

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

I support this proposal.

The Service supports closing these waters, rules for gear restrictions, and the release of all bull trout based on rationale similar to our comment above for b) and e). The closed water proposals are similar to closures which Region 2 has also proposed for bull trout and other geographic area closures. These closures represent strategic planning to protect bull trout spawning and rearing areas within the Yakima bull trout Core Area. Because numbers of bull trout have not increased dramatically and/or are showing a decreasing trend in the Yakima Core Area since listing, we are in support of these closures and rule changes. Current and past regulations are

not working and incidental catch/poaching is still a considerable problem in the Yakima basin. These changes will assist in the protection of bull trout local populations in these streams. These changes are also consistent with recovery efforts range wide for bull trout where populations currently do not meet desired recovery goals of local fish managers. (USFWS Upper Columbia Fish and Wildlife Office).

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## **#39. Lower Yakima River Rules**

**Proposal 1:** This proposal would close the Yakima River from mouth (Hwy. 240 Bridge) to 400' below Prosser Dam to the retention of trout, and make the season for all other game fish March 1 through Oct. 22.

**Proposal 2:** This proposal would close the Yakima River from Prosser Dam to the Highway 223 Bridge to the retention of trout, and make the season for all other game fish May 1 through Oct. 31.

**Explanation - Proposals 1&2:** Significant numbers of resident trout exist only in the upper portion (i.e. Hwy 223 – Granger Bridge at R.M. 82.7 upstream to Roza Dam) of the 128-mile “lower Yakima” reach. When this long reach was divided into shorter segments in 2002, the trout season and additional rules were retained in each segment even though there are no fishable resident trout populations downstream of the SR 223 Bridge. The June 1 through March 31 season and 12" minimum size for trout was intended to protect downstream migrating salmon and steelhead smolts in April and May, while still allowing fishing for other gamefish. From November through February the majority of the Yakima Basin summer steelhead run (100% wild origin) migrates upstream. This ESA-listed “threatened” species is not supplemented with hatchery-reared steelhead and is struggling. Recent returns indicate that, at best, the steelhead are barely maintaining themselves or are declining slowly. A closure of all fishing in this reach during the fall and winter months will provide steelhead with additional protection from direct illegal harvest (poaching) and/or indirect incidental hooking mortality and make enforcement of the basin-wide closure of all steelhead fishing easier and more effective.

**Additional Explanation - Proposal 1:** The fishery for smallmouth bass and channel catfish begins in March in the vicinity of the Highway 240 Bridge in Richland and extends into the fall. The fall salmon fishery for Coho and fall Chinook closes on October 22 to minimize snagging of adult fall Chinook on the spawning grounds. Hence, the proposed season end date for bass and other game fish is adjusted to coincide with the closure of the salmon fishery.

**Additional Explanation - Proposal 2:** A large portion of the adult Yakima Basin summer steelhead run is known to over-winter in deep pools in the vicinity of the mouths of Satus Creek and Toppenish Creek. Unfortunately, unethical anglers are taking advantage of the current year-round season for bass and other game fish species (e.g. whitefish) to fish at Satus Bar and target steelhead, although most anglers are practicing catch-and-release. Virtually all the legitimate winter whitefish fishing occurs higher in the watershed, particularly in the Yakima Canyon and upper Yakima River above Roza Dam, and in the Naches River. The proposed May 1 opening will still permit legitimate smallmouth bass fishing (including the annual Prosser Bass Derby) to occur when bass feeding activity (and fall Chinook smolt predation) is picking up, but after most adult steelhead have moved upstream into tributaries to spawn.

**Testimony:**

I would like to express my strong support for this proposal.

Is it possible to get more details on the background, and any documentation that you have on proposal # 34 through 41 for region 3.

Membership of the Kittitas County Field & Stream Club, Kittitas County Washington supports this proposal.

Both proposals are endorsed by the Conservation Committee of the Washington Fly Fishing Club.

The Wild Steelhead Coalition supports this proposal.

I support the Wild Steelhead Coalition's recommendation. (3)

I support this proposal. (2)

This proposal is similar to the proposal for the bonus brook trout fishery in Region 2 and the current lake trout fishery in Lake Chelan. Range wide lake trout are an existing threat/nuisance species where they occur in bull trout habitats. They out-compete bull trout in terms of habitat and prey base. For example, bonus lake trout fisheries exist in Montana at Swan Lake and Flathead Lake and in Idaho at Lake Pend Oreille. We suggest contacting those state agencies for suggestions on techniques for monitoring or additional removal. We are in full support of this fishery as a recovery tool for bull trout and other native trout. Lake trout are included in the list of non-native fish that are a continued threat to the recovery of bull trout.

Considering the Cle Elum dam is being analyzed for fish passage by the Bureau of Reclamation and bull trout population conditions in that area, it is a good time to try to reduce the numbers of non-native fish in the reservoir. Bull trout are currently in very low numbers in the Cle Elum local population and it is hard to find any spawning activity. Education would be an important component of this fishery. This bull trout population currently does not meet desired goals of local fish managers. (USFWS Upper Columbia Fish and Wildlife Office).

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Proposals 1 and 2 - Adopted as proposed.**

## **#40. Yakima River Closed Waters**

**Proposal:** This proposal will add a CLOSED WATERS area to the Yakima River from the WDFW white markers 200 feet downstream of the USBR Chandler Powerhouse/Pumping Station spillway chute to the power line crossing immediately upstream of the powerhouse.

**Explanation:** In the fall when the Prosser Dam-to-Chandler Powerhouse bypass reach (11.3 river miles) is relatively low and warm, fall Chinook, Coho, and ESA-listed mid-Columbia steelhead are attracted to the deep holding pool and significant discharge from the powerhouse/pumping station. In 2006, powerhouse mean daily flow during the fall salmon season ranged from 76% to 86% of total river flow. Anglers fish directly in the tailrace, increasing the potential for snagging of salmon and incidental injury/"take" of steelhead. WDFW Enforcement staff has issued numerous citations at this site for snagging despite the non-

buoyant lure restriction and night closure. Over 50 miles of the Yakima River is open to fishing during the fall salmon season, yet during the 2006 fishery, 60% of the harvest was taken at the Chandler Powerhouse. Harvest at this one location was also equal to about 60% of the spawning escapement upstream at Prosser Dam. The high incidence of violations (snagging, etc.) prompted the emergency closure of the area described in the rule proposal in October 2006. A permanent rule is needed rather than annual emergency rule closures.

**Testimony:**

Is it possible to get more details on the background, and any documentation that you have on proposal # 34 through 41 for region 3.

Membership of the Kittitas County Field & Stream Club, Kittitas County Washington supports this proposal.

Endorsed with enthusiasm by the Conservation Committee of the Washington Fly Fishing Club.

The Wild Steelhead Coalition supports this proposal.

I support the Wild Steelhead Coalition's recommendation. (3)

I support this proposal. (2)

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## **#41. Cle Elum Lake Lake Trout (Mackinaw)**

**Proposal:** This proposal would add a bonus limit for lake trout (mackinaw) in Cle Elum Lake (Kittitas Co). There would be no minimum size or daily limit for lake trout, and they would be in addition to the 2 fish daily limit for other trout species.

**Explanation:** There is no need to regulate the catch of this non-native char that preys on native species such as bull trout and kokanee. This is identical to the regulation for Lake Trout in Lake Chelan.

**Testimony:**

Is it possible to get more details on the background, and any documentation that you have on proposal # 34 through 41 for region 3. Proposed rule #41 is of greatest concern. I can not find any documentation of any large lake research team studies, habitat or biological studies in the last 10 years or more on Lake Cle Elum. So to propose a drastic rule change without research is a concern. I hope there has been a study conducted and that it isn't yet available to the public.

I urge the Washington Department of Fish and wildlife not to adopt proposal #41 to remove limits for mackinaws on Lake Cle Elum. Mackinaws were stucked in Lake Cle Elum shortly after the completion of the Bureau of Reclamation dam in 1933. The damming of the Cle Elum River and existing lake created the current irrigation reservoir and the mackinaw has existed in the reservoir for over 75 years. The lake currently offers a year round opportunity for sport fishermen to fish for and possibly catch a truly trophy class fish and this recreational fishery is too valuable not to be managed and protected.

The opportunity to fish for mackinaws currently exists only in about 5 to 10 lakes in our state. In other lakes in the state containing mackinaws such as Deer Lake, before the decision was made to change regulations, fisheries assessments studies were don't to determine the population of mackinaws in the lake. When the limit for Deer Lake was increased it still contained a slot limit allowing for the retention of only two fish over 30 inches. This decision was made based on the scientific data collected with fisheries assessment studies. To the best of my knowledge I know of no fisheries assessment studies done on Lake Cle Elum.

The proposal for Lake Cle Elum is the same as the rule change made for Lake Chelan. Making a decision based on information from other lake systems such as Lake Chelan and adopting similar management plans also may not be wise,. The WDFW has stocked mackinaws in Lake Chelan from 1980 until 2000 and the mackinaws in Lake Chelan have an abundant food supply with the presence of the mysis shrimp which were introduced in 1968. This food supply may allow for a greater survival rate of the mackinaw fry and sustain a larger population of mackinaw in Lake Chelan.

Lake Cle Elum has no introduced mysis shrimp for a food base and no mackinaw stocking program that I know of. The Mackinaw in Lake Cle Elum has had nearly a century to create the present eco system in the lake. By trying to eliminate the mackinaws in the lake by removing the sport fishing catch limits the WDFW may disrupt this balance and do more harm than good. For example, I have fished all three upper Kittitas county lakes, Kachess, Kachelus, and Cle Elum for nearly thirty years and it had been my experience that I catch large numbers of Pike Minnows (squaw fish) from Kachess and Kachelus and very rarely catch any Pike Minnows from Lake Cle Elum. I believe that the mackinaw help keep the pike minnows population in check in the lake. By removing or severely reducing the population of mackinaw the WDFW may create a compensatory situation where a predator fish like the mackinaw which is highly sought after by many sport fishermen is replaced by a population explosion of another predator fish like the pike minnow which is not usually pursued by sport fishermen unless they are paid to fish for them. The WDFW is concerned that the "non native char" compete with the bull trout and predate on the kokanee population. The bull trout currently coexist in the same system with the mackinaws and have for a long time. The "U.S. Fish and Wildlife Service Middle Columbia Recovery Plan for Bull Trout" attributes the decline of the bull trout in the system largely to habitat issues and genic isolation caused by the irrigation dams that do not allow for fish passage that changed the bull trout fro a fluvial to an ad fluvial lifestyle. As for the kokanee fishery, there are many opportunities to fish for kokanees in the state and in Kittitas County. Also if the Tribal Fisheries is successful at introducing salmon runs into the lake system it is unlikely that a kokanee fishery would continue on Lake Cle Elum given the difficulty for sport fisherman to tell the difference between salmon smolt and kokanee, such as the case at Lake Wenatchee.

The WDFW has the ability to manage Lake Cle Elum for a mackinaw fishery and still work to protect sensitive species. The Columbia River is an excellent example of what can be done. The Stretch of the Columbia River that borders Kittitas County contains ESA listed bull trout, EAS listed wild steelhead, ESA listed spring Chinook salmon and other wild salmon runs and the WDFW is able to appreciate the sport fishery for non native species such as walleye and bass. The WDFW regulations protect the trophy walleye fishery with a 5 fish slot limit and a retention limit of one walleye over 22 inches. The bass also have a similar slot limit of 5 fish with a retention limit of one fish over 17 inches to protect the fishery.

I doubt that sport fisherman of today or even their children will ever be able to fish for bull trout and wild salmon in the Cle Elum system, but today many people enjoy the current mackinaw

fishery that exist on the lake. It provides a great recreation fishery and chance to maybe catch a true trophy fish and possibly even a state record. The mackinaw are a long lived and slow growing fish taking as much as 25 years to reach a length of 30 inches and a weight of 15 pounds. It could take until the year 2030 to grow a replacement for the larger fish if allowed to be fished out of the lake. It would truly be a shame if these magnificent fish are allowed to be fished out of the lake.

Again I would urge the WDFW not to adopt this proposal without the appropriate fisheries assessment study. I feel very strongly that the WDFW should follow the example that was done with Deer Lake where the WDFW conducted their study and used that data to make an informed management decision regarding the mackinaw population. The North American Journal of Fisheries Management conducted review of fish control projects and found a success rate of less than 50%. They concluded that given "the large number of unsuccessful projects and the complexity of factors influencing fish communities suggests that control projects should include critical evaluation of assumptions and of suspected causes of problems, explicit rationale and objectives and pretreatment and long-term posttreatment study" (North American Journal of Fisheries Management 1996;16:63-74). If with the proper fisheries assessment studies and scientific data in the future the WDFW feels it needs to adjust the regulation I hope it will take efforts to adopt regulation similar to Deer Lake and the mid Columbia which limit the retention of the few really large fish.

The Kittitas County Field & Stream Club does not concur with the recommendation. After much research, consideration, consultation with biologists, and discussion with employees of WDFW the Kittitas County Field & Stream Club has found that to propose this rule not only will negatively impact the recreational sportfishing of Mackinaw in Lake Cle Elum but there does not appear to have been a population study or other studies conducted recently on this body of water that clearly indicate the need for a rule change. We request that the WDFW follow its own guidelines on fishery management practices by implementing the following steps.

- Direct the WDFW Large Lake Research Team or other Biological Team to conduct a Stock Abundance and Habitat Holding Capacity study
- Monitor Habitat Quality and Quantity

We do support the restoration, maintenance and implementation of restrictions to protect native resident bull trout stocks and their critical habitats in a way that would allow continued recreational use provided it will not impact their sustainability only after appropriate studies have been conducted

We will support Proposed Rule #41 only after the completion of appropriate population & habitat studies by the Large Lake Research Team or other WDFW Biologists that would support the need for the rule change. To also suggest the change of a rule because it is a rule in another body of water (Lake Chelan) clearly indicates lack of serious consideration of the rule. All bodies of water in Washington differ greatly and should not be compared so lightly.

Membership and Chair of the Kittitas County Field & Stream Club, Kittitas County Washington.

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

I support this proposal.

**Staff Recommendation:** Based on public testimony about the popularity of this fishery, do not adopt.

**Commission Action:** Not adopted.

## Region 4

---

### #42. Cedar River Other Game Fish Fishery

**Proposal:** This proposal would allow anglers to keep other game fish during the catch-and-release fishery for trout on the Cedar River.

**Explanation:** Bass and whitefish are available for anglers to harvest during the catch-and-release fishery for trout.

**Testimony:**

Opposed by the Conservation Committee of the Washington Fly Fishing Club. Implementation of this proposal will become a regulatory nightmare. Bad for fish bad for enforcement.

I support this proposal and believe that the Cedar River should be available for sport fishing.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

### #43. Skagit, Sauk and Cascade Rivers Steelhead and Bull Trout Protection

**Proposal 1:** This proposal would require selective gear rules and catch-and-release for all game fish except up to 2 hatchery steelhead may be retained on the Skagit River during the June 1 through March 15 season from the mouth of the Cascade River to Gorge Dam.

**Proposal 2:** This proposal would require selective gear rules and catch-and-release for all game fish except up to 2 hatchery steelhead may be retained during all open seasons on the Sauk River, including the North Fork and South Fork.

**Proposal 3:** This proposal would require selective gear rules and catch-and-release for all game fish except up to 2 hatchery steelhead may be retained on the Cascade River during the June 1 through the last day in February season from the Rockport-Cascade Road Bridge upstream.

**Explanation – Proposals 1,2,3:** These proposals would provide a sanctuary for steelhead and DollyVarden/bull trout in the Sauk, Skagit and upper Cascade Rivers. The DollyVarden/bull trout retention fishery in these areas is currently closed because of stock concerns. WDFW has been monitoring DollyVarden/bull trout populations throughout the Skagit Basin for several years. A 60% decline in spawning activity was observed in 2005 and was attributed to low summer flows. Similarly, a second consecutive year of decline was observed in 2006, probably associated with impacts to 2001, 2002 brood years by the 2003 flood, suggesting multiple year classes were adversely affected. Maximizing spawners to the spawning grounds will increase prospects for recovery of this population. Steelhead stocks in these areas are holding very close to their escapement goals, but with the recent ESA listing of Puget Sound stocks, extra protection to these populations is also wise. The concept of sanctuaries in other areas will be taken up on a broader basis as we develop the Statewide Steelhead Management Plan.

**Testimony:**

#### #43 Steelhead and Bull Trout Protection

All proposals should be enacted into the regulations. The quicker and easier it is to release the protected fish, the better chance they have of surviving. Selective gear use may help in allowing fishers to properly release these fish that need protection. I would hope that as the Department develops the Statewide Steelhead Management Plan, more areas will come under Selective Gear rules.

Conservation Committee of the Washington Fly Fishing Club endorses Proposal #2 and is neutral on proposals #1 and #3. That being said, they highly endorse the concept of wild steelhead sanctuaries.

The Wild Steelhead Coalition supports proposed rule #43 for Region 4. We are in complete agreement with the need to formally designate the Skagit/Sauk River system as a Wild Salmonid Management Area (WSMA). This system is one of the few remaining strongholds of wild steelhead diversity in the Puget Sound region and is deserving of careful management. We commend WDFW for taking this important step forward.

We are compelled however to point out that the agency is not being consistent in its decision making regarding WSMA designation. Specifically, we are concerned that Wild Steelhead Coalitions proposal to designate the Quillayute River system on the Olympic Peninsula as a WSMA is not being considered in this years rule change forum. This is a significant shortcoming in light of the fact that significant collaborative effort has been invested in the preparation of this proposal.

The Steelhead and Cutthroat Trout Advisory Group (SCPAG) worked diligently to prepare a Quillayute WSMA proposal designed to protect the diversity of all wild salmonids in the system, with emphasis on the needs of wild steelhead. The proposal was vetted with Region 6 staff in Aberdeen during its development. Recognizing the importance of this proposal, agency staff offered several constructive comments which were integrated into the final rule change proposal submitted by Wild Steelhead Coalition.

For policy reasons that have not been made clear to Wild Steelhead Coalition or Region 6 staff, this proposal was not included in this year's sportfishing rules package. The package states only that other WSMA's would be considered as regional management plans are developed. The Quillayute River system is an important stronghold for wild steelhead diversity equally deserving of the same level of protection as the Skagit/Sauk system. Further, the WSMA proposal addresses immediate conservation needs that are recognized by both the Wild Steelhead Coalition and regional staff. Given that the regional wild steelhead management plan for the Quillayute system will not be completed for at least 2 to 5 years, the rationale against instituting these immediate protective measures are less than clear. We formally request that this proposal be given fair consideration. Where in the timeline are the co-managers addressed?

I support the Wild Steelhead Coalition's recommendation. (3)

I love the catch and release on the Skaget and Sauk. I would love to see in the future rivers like the green and the Puyallup and one small river up north filled with hatchery steelhead so everybody could come to Washington stay in hotels buy license and fishing gear and catch hatchery steelhead. ALL: other rivers in the state should be made catch and release.

I especially support this proposal.

I support this proposal.

I support the Skagit proposal and ask that the Commission include the proposal for the Quillayute system in these rules changes. These two areas are well justified based on recent research findings. Wild steelhead/rainbow trout and salmon juveniles need areas where they can grow without harvest. Wild steelhead are dependent on juvenile steelhead precocious parr and rainbow trout to maintain their spawning populations during the late spring when anadromous males are depleted or absent.

The WSC submitted a rules proposal to include the upper watersheds of the Skagit River and the Quillayute River system as WSMA's as two examples of improved management and conservation for juvenile survival and improved mating capacity. These proposals formed the basis of examples for protecting juvenile salmonids and also initiating ecosystem management. Ideally, there should be at least one WSMA in each ESU put in place at this time to evaluate their importance in improving wild steelhead runs.. One WSMA (the state put only the Skagit proposal in their mailout) statewide is not adequate for evaluation or for improving the spawning outcomes of wild steelhead or the juvenile survival of wild salmonids.

Rainbow trout are the resident form of *O. mykiss*. A growing body of literature and observations indicate that sympatric freshwater rainbow trout and precocious parr steelhead males are important components of the anadromous steelhead spawning population. The loss of their abundance in our rivers has reduced steelhead life history and genetic diversity, their spawning populations and their resilience to unfavorable environmental events. Diversity is one of the 4 VSP Characteristics necessary for the recovery and maintenance of healthy salmonid populations. But diversity is not considered in MSH models and must be managed separately to assure we maintain adequate steelhead productivity. Recent research on the Sol Duck River, a tributary to the Quillayute River system, has shown that rainbow trout are important in the mating system of wild steelhead, especially in the later months and in the upper watershed when wild male steelhead have become scarce. DNA based studies on Hood River, Oregon, of all juveniles and all returning adults, found nearly 50% of the returning wild fish had only one wild steelhead parent (usually a female) and the authors proposed that precocious steelhead male parr were the missing parent. At the WDFW/UW Snow Creek research station the UW found similar results. Preliminary information from studies on the John Day by a Oregon State Research team found 40% of the male parr of steelhead to be sexually mature. Additional research information can be found in the WSC publication: "The Status of Wild Steelhead and Their Management in Western Washington: Strategies for Conservation and Recreation". We will also be pleased to provide citations to the studies mentioned.

During the spring of 07 the WDFW Steelhead Advisory Group proposed that both the Skagit River and the Quillayute River System upper watersheds be managed as WSMA's. That proposal was sent to the Director for consideration for new rules.

Several parties, including the Wild Steelhead Coalition, proposed these two WSMA's (Skagit and Quillayute River Systems). The recommendation for the Quillayute System, for unknown reasons, was not included in the WDFW rules proposals. Before the proposal for the Quillayute was completed and approved by the Advisory Group it was sent to Region 6 for review. It was well received and a few suggestions were made for change and those changes were made in the final proposal.

At a recent WDFW Steelhead Advisory Group meeting the missing rule was discussed. No one from the WDFW staff present at that meeting could tell the group why the Quillayute proposal was not included in the rules changes or of any biological issues with the proposal. And the mail out does not tell us why the proposal was not included for public comment, only that others will later be considered.

Thank you for the opportunity to comment on the proposed new WDFW rules proposals. Please consider #5 and #43 in the state they were submitted to the WDFW Director by the WDFW Steelhead and Cutthroat Trout Advisory Group, as well as other groups and individuals.

I oppose all three of these sub-proposals as I believe that these sub-proposals would be better addressed in the State's steelhead management plan. Additionally, my position is the same as the WDFW position on other proposals that they did not support. They provide no compelling explanation as to why is their position different in this case.

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## **#44. Mill Pond Senior Fishery**

**Proposal:** This proposal would allow seniors (70 years and older) to fish along with juveniles at Mill Pond (King Co.).

**Explanation:** Mill Pond is currently open to juveniles only. We received a request from Auburn Parks and one from a private citizen to allow fishers of other ages (particularly seniors) to fish during all or part of the season at this pond.

### **Testimony:**

The City of Auburn requests an amendment to this proposal. The current proposal defines seniors as 70 years and older. The City of Auburn prefers that you adopt our original regulation proposal (P-10), of no age restriction during free fishing weekend, or as an alternative adopt regulation proposal #68, which allows anglers 65 years and older to fish Mill Pond from the last Saturday in April through October 31<sup>st</sup>, in addition to juvenile anglers. Either regulation proposal (i.e., P-10 or P-68 would accommodate the City of Auburn's senior programs).

The City of Auburn has a unique situation – we operate a Senior Activity Center, which has an average monthly attendance of 3,500 and also manages Mill Pond Park, which is currently a juvenile fishing pond. Each year, the Senior Activity Center, in cooperation with the Green River Steelhead Trout Club host a Senior Fishing Day. This annual event is held at Mill Pond and attracts over 150 senior participants. Approximately twenty-five percent of these participants are between the ages of 65 and 70. Thus, the current rule change proposal would impact the participation of at least one-quarter of our current and past participants.

This rule change proposal was developed with the help and support of Chad Jackson, Area Fish Biologist. He is in favor of both our requests: allowing anglers 65 and older the opportunity to fish at Mill Pond in Auburn or removing the age restriction at Mill Pond Park during free fishing weekend.

Please consider the amendments we have proposed to rule #44 for Mill Pond. For additional information, please contact me at 253-931-3052 or [kpachciarz@auburnwa.gov](mailto:kpachciarz@auburnwa.gov). (Special Events Coordinator).

Endorsed with enthusiasm by the Conservation Committee of the Washington Fly Fishing Club. We would like to modify the proposal to include all disabled veterans of the U.S. Armed Forces. We have many para/quadruplegics returning from our current conflict that aren't juveniles or seniors. They should be accorded the right to fish Mill Pond as well.

**Modification:** To address the concerns expressed by the City of Auburn, allow anglers of all ages to fish during Free Fishing Weekend, otherwise retain the "juveniles only" designation for Mill Pond.

**Staff Recommendation:** Adopt as modified.

**Commission Action:** Adopted as modified.

---

## Region 5

---

### #45. Columbia River Sturgeon Rules Above and Below Wauna

**Proposal:** –Columbia River white sturgeon seasons:

- Above Wauna Powerlines: retention allowed Thursday through Sunday January 1- July 21 and October 1 through December 1, 2008.
- Below Wauna Powerlines: retention allowed daily January 1 through April 31, closed May 1- May 9, and allowed again May 10- June 24.

This proposal allows us to adopt rules for the 2008 white sturgeon fishery in the Columbia River from Bonneville Dam downstream to the overhead powerline crossing of the Columbia River from Cathlamet, Washington to Wauna, Oregon approximately 40 miles upstream from the mouth (commonly referred to as the Wauna powerlines), and from powerlines downstream to the mouth.

**Explanation:** Sturgeon in the lower Columbia River and tributaries downstream from Bonneville Dam are managed under the 3-year sturgeon management agreements between Washington and Oregon. Sturgeon population status, fishing seasons, and regulations are reviewed prior to each year of the 3-year agreement. Columbia River Joint State Hearings were held at the end of the year to set following-year seasons and regulations to keep sturgeon harvest within annual guidelines as defined in the Joint State Agreement on Columbia River Sturgeon Fishery Management. These rules also maintain concurrent regulations between Washington and Oregon.

**Testimony:** None in this process.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

### #46. Cowlitz and Cispus Rivers Whitefish Fisheries

**Proposal 1:** This proposal would allow anglers to retain game fish other than trout and up to two hatchery steelhead during the November 1 through May 31 on the Cowlitz River from the posted PUD signs on Peters Road to the Mouth of the Ohanapecosh and Muddy Fork.

**Proposal 2:** This proposal would allow anglers to retain game fish other than trout and up to two hatchery steelhead during the November 1 through May 31 on the Cispus River from the mouth (posted markers at the Lewis County PUD kayak launch) upstream to the North Fork.

**Explanation – Proposals 1&2:** This would allow harvest of other game fish, primarily whitefish, while continuing to restrict trout harvest to hatchery steelhead.

**Testimony:** None.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#47. Cowlitz River Closed Waters**

**Proposal:** This proposal would create an area of CLOSED WATERS within a 100' radius of the new Cowlitz Trout Hatchery outfall structure except open within posted markers to wheelchair-bound anglers.

**Explanation:** This proposal provides a permanent rule for the small sanctuary at the mouth of the outfall (currently closed by emergency rule) while also providing an exclusive fishing area for permanently wheelchair bound anglers. Using posted markers as the boundaries of this area provides flexibility as a permanent fishing site is developed and allows us to provide a buffer between non wheelchair bound anglers if necessary.

**Testimony:**

I am in favor of the 100' closure and would like to see it further than 100'. I would like to see some Selective Gear Rule for the area around this outlet, but I know it would be hard to enforce.

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#48. Kalama River Gear Restrictions**

**Proposal:** This proposal would replace the current non-buoyant lure restriction with the new anti-snagging rule (see Proposal #1) and increase the time and area where it is applied in the section of river from the mouth of the Kalama River upstream to the intake at the lower fish hatchery. The night closure would be in effect from April 1 through October 31 in the entire section. The new anti-snagging rule would be in effect from April 1 through October 31 from the mouth to the natural gas pipeline, and the fly-fishing-only season would remain from September 1 through October 31 from the natural gas pipeline at Mahaffey's Campground to the deadline at the intake at the lower salmon hatchery. The current stationary gear restriction, however, would only be in place September 1 through October 31 from the mouth upstream to the natural gas pipeline at Mahaffey's Campground.

**Explanation:** There has been a significant increase in illegal snagging in this area in recent years. The Kalama has low flows during the late spring and summer months. This makes the fish vulnerable to snagging, dip netting, clubbing and set netting during this time period. Legal fishermen have been pushed off the river at night. The landowners across the river from our access observe illegal snagging nightly. Wild steelhead and Chinook are being taken daily and enforcement efforts cannot keep up with the problem. The deadline at the lower hatchery addresses the main problem area and still allows legitimate summer steelhead anglers to fish at night above the area.

**Testimony:**

I am in FAVOR of this rule. Illegal snagging will still be prevalent here, but perhaps a bit more easy to enforce.

Endorsed with enthusiasm by the Conservation Committee of the Washington Fly Fishing Club.

The Wild Steelhead Coalition supports this proposal.

I support the Wild Steelhead Coalition's recommendation. (3)

I support this proposal. (2)

**Modification:** Retain the current non-buoyant lure restriction, but increase the time it is applied as proposed for the anti-snagging rule (April 1 through October 31 from the mouth to the natural gas pipeline). The anti-snagging rule is not recommended for adoption. Make other changes as proposed.

**Staff Recommendation: Adopt as modified.**

**Commission Action: Adopted as modified.**

## #49. Rock Creek

**Proposal:** This proposal would open Rock Creek (Klickitat Co.) year-round from the mouth to the Army Corps of Engineers Park with the same size limits and daily limits at the adjacent Columbia River.

**Explanation:** This portion of Rock Creek is a backwater area from the John Day pool of the Columbia River and should be managed with the same rules.

**Testimony:** None.

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## Spirit Lake – New Proposal

**Proposal:** Open by special permit, Saturdays only the Saturday of Memorial Day weekend through October 31. Catch-and-release and selective gear rules. No bank fishing. No fishing from a floating device equipped with a motor. Anglers would need to check in and out at the end of the access trail, and record data on the fish they catch and release.

**Explanation:** We received a public proposal asking us to open a fishery in Spirit Lake, which we initially turned down due to access issues with the Forest Service. However, recently agreements have been reached that allow hunting in portions of the Mount St. Helens Monument. We have requested that they also allow this very limited fishery that would provide anglers with a very special fishing opportunity on a population of very large trout, and are hopeful that an agreement can be reached.

**Staff Recommendation: Originally proposed for adoption if agreement could be reached with the Forest Service. This did not occur, so in the end the proposal was not recommended for adoption.**

**Commission Action: Not adopted. We have not yet been able to reach agreement with USFS on access– staff will continue to pursue this fishing opportunity.**

## Region 6

---

### #50. Bear River Closed Waters

**Proposal:** This proposal would make the Bear River (Pacific County) CLOSED WATERS above the Longview Fiber Bridge.

**Explanation:** This proposal offers protection to spawning salmon as well as steelhead and cutthroat, while still allowing 3 miles of fishery downstream.

**Testimony:**

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

The Wild Steelhead Coalition supports this proposal.

I support the Wild Steelhead Coalition's recommendation. (3)

I support this proposal.

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

### #51. Burley Creek and Curley Creek Seasons

**Proposal:** This proposal would close the season on Burley Creek and Curley Creek (both Kitsap Co.) on October 31 instead of the last day of February.

**Explanation:** This proposal closes the winter season to protect wild ESA-listed steelhead in Burley and Curley Creeks; no hatchery steelhead are released in either creek.

**Testimony:**

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

The Wild Steelhead Coalition supports this proposal.

I support the Wild Steelhead Coalition's recommendation. (3)

I support this proposal. (2)

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

### #52. Carbon River Opening Date

**Proposal:** This proposal would change the opening date of the fishery on the Carbon River (Pierce Co) from July 1 to September 1 from the mouth to Voight Creek.

**Explanation:** Changing the opening date to September 1 is for conservation of Puyallup River fall Chinook and to limit a disorderly fishery. In July and August anglers use the excuse of targeting summer run steelhead to catch and keep early returning salmon, particularly Chinook.

Puyallup River fall Chinook are part of the ESA listed Puget Sound Chinook population. There is very little participation in the trout and game fish fishery on the Carbon River in July and August, because the visibility of the water due to glacial runoff is close to zero. The Carbon River does not have summer steelhead.

**Testimony:**

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

The Wild Steelhead Coalition supports this proposal.

I support the Wild Steelhead Coalition's recommendation. (3)

I support this proposal.

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## **#53. Upper Chehalis River Rainbow Protection**

**Proposal:** This proposal would create a catch-and-release fishery (except up to 2 hatchery steelhead could be retained) June 1 through April 15 on the upper Chehalis River from the High Bridge on Weyerhaeuser 1000 line approximately 400 yards downstream of Rogers Creek (south of Pe Ell) upstream, including all forks and tributaries. Selective gear rules would be required.

**Explanation:** This proposed rule is intended to provide additional protection for resident rainbow during the general river trout season. Currently these fish are exposed to harvest under the definition of steelhead as fish over 20 inches in length. These fish are typically larger than 15 inches with the majority also under 20 inches. This will offer anglers a quality stream fishery while maintaining the population.

**Testimony:**

I would like to express my strong support for this proposal.

Fishing the Chehalis River in October is for what reason. It seems like the state just moves things back all the time to help other industries catch and retain fish. What is the purpose of the single barbless hook when we all see the amount of nets in the rivers? One talks about discrimination, What about the fisherman that buys all the licenses, boats, equipment, and etc. to be allowed to fish? Do we not have the right to catch fish? More fish are lost and die each year due to barbless hooks. It is a proven fact that more fish are caught and not lost/die with barbed hooks. One can catch his limit sooner and get off the rivers sooner to allow more fishermen the opportunity to catch their limit. Yes, it sounds fair that some people can use the net system and others are restricted to single barbless hooks. If caught we get a ticket and pay a fine. What happens to the people that catch too many fish in the nets and are not caught or the ones that are caught and nothing is done to them. Want less discrimination in the state of Washington? Make things equal and fair.

Endorsed with enthusiasm by the Conservation Committee of the Washington Fly Fishing Club.

The Wild Steelhead Coalition supports this proposal.

I support the Wild Steelhead Coalition's recommendation. (3)

I support this proposal.

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## **#54. Goodman Creek Wild Steelhead Closure**

**Proposal:** This proposal would require anglers to release wild steelhead in Goodman Creek (Jefferson Co.) This creek is currently open to the harvest of wild steelhead during the winter season.

**Explanation:** Goodman Creek has a relatively small population of wild steelhead, with an escapement goal of 206. The last three years' escapements, including 2007, have been below the goal, and sloping sharply downward. The cause of the decline is unknown. The trend is consistent with Goodman's close neighbor to the south, Mosquito Cr., but contrary to strong escapements in 2006 to the larger systems of the Hoh River to the south and the Quillayute to the north. Goodman has closed at the end of February for a number of years to offer protection to the wild stock. Catches of wild steelhead are small but significant, given the current low stock abundance.

**Testimony:** April 1 through October 31 from the mouth to the natural gas pipeline

I support this closure but I feel that Mosquito Creek, also is in trouble and should be closed to wild steelhead-

Endorsed with enthusiasm by the Conservation Committee of the Washington Fly Fishing Club.

The Wild Steelhead Coalition supports this proposal.

I support the Wild Steelhead Coalition's recommendation. (3)

I especially support this proposal. (2)

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## **#55. Hoh River and SF Hoh Season Extension**

**Proposal:** This proposal would extend the season in the Hoh River to April 30.

**Explanation:** The current regulation allows fishing for trout/steelhead June 1 – April 15. By leaving the river open to the end of April it will be consistent with the Quillayute River thereby diminishing some pressure on the Quillayute system and provide an extra two weeks of opportunity in the Hoh River for wild steelhead retention or catch and release.

**Testimony:**

I do not support this proposal. With the intense habitat degradation of the Hoh, we should be shortening the season, not extending it.

Opposed by the Conservation Committee of the Washington Fly Fishing Club. Hoh River escapement has not been at the level that affords this season extension.

The Wild Steelhead Coalition supports the proposal to expand the catch and release season on the Hoh River to April 30th. Due to complex tribal harvest allocation issues on west end rivers, and lack of access to tribal lands, recreational fishers are being denied access to native fish runs during an important part of the season. Expanding the catch and release season on the Hoh River will rectify this shortcoming in part. Additional opportunities to increase access on the Quinault and Queets River systems should also be investigated.

I support the Wild Steelhead Coalition's recommendation. (3)

I support this proposal. (2)

South Sound Fly Fishers (85 members) believe it is a good idea to reduce pressure on late-season steelhead in the Quillayute system by standardizing river closures on Olympic Peninsula rivers. However, we question the wisdom of doing this by extending closure dates for the other rivers. This would increase fishing pressure on wild steelhead across the board. A more responsible approach would be to standardize closing dates and shorten the seasons everywhere.

I support this proposal because it gives the sport fishery reasonable time to catch their share. Because access, and in this case, the season, are limited, the tribes are given 67% of the wild fish on the Hoh River (and 80% on the Quinault and Queets). The proposed season extension is already biologically justified by the season on the Quillayute River system where the season generally ends on April 30. WDFW should also look for additional access (Tribal and National Parks land) and seasons on the Queets to allow sport fishers their full share.

**Staff Recommendation: Originally recommended for adoption, but finally not recommended. We are still negotiating with the Hoh tribe on an agreement for next year's fisheries.**

**Commission Action: Not adopted.**

## **#56. Hoquiam River Wild Steelhead Protection**

**Proposal:** This proposal would close the March 1-31 fishery in the Hoquiam River and all forks, including the East Fork.

**Explanation:** Between 1997 and 2006, wild steelhead escapement goals in the Hoquiam basin have only been met in 2 years. Removing this late fishery will reduce wild steelhead impacts.

**Testimony:**

Endorsed with enthusiasm by the Conservation Committee of the Washington Fly Fishing Club.

The Wild Steelhead Coalition supports this proposal.

I support the Wild Steelhead Coalition's recommendation. (3)

I support this proposal. (2)

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## **#57. Humptulips River Fishery Extension**

**Proposal:** This proposal would extend the season on the Humptulips River from the Highway 101 Bridge to the confluence of the East and West Forks, and in the West Fork from the mouth to Donkey Creek. Both areas would have an additional season from March 1-31 which would be catch-and-release for all game fish except up to 2 hatchery steelhead may be retained, and selective gear rules would be in effect. The mainstem, below Hwy 101 Bridge would continue with statewide rules except a 14" minimum size for trout when open through March 31.

**Explanation:** Escapements of wild steelhead to the Humptulips River have been over goal for the past six seasons. This will provide extra fishing opportunity for anglers on a healthy run of wild fish and allow the opportunity to remove additional hatchery steelhead from the river.

### **Testimony:**

I am so happy that a couple of proposals for next year might come to pass. I wrote a letter to WDF last year proposing to them that they extend the steelhead season on the West Fork of the Humptulips to March 31 for catch and release on wild steelhead. It has been closing on Feb. 28 since 2000-2001. It is one of my favorite fisheries and I had been fishing since I was a young boy with my father. I never wanted to kill any wild steelhead but simply to have the opportunity to fish for these magnificent fish. I landed a large native steelhead there in 2000 that I released unharmed but was able to make a replica made of which was estimated at 24-25 lbs. I have also hooked some other very large fish in the West Fork. I hope this proposal is adopted.

I just wanted to put my wholehearted support behind this rule proposal. As a former fishing guide I did and still do fish the West Fork every year. It is a beautiful steelhead stream, but does not turn on until March. I for one would very much appreciate the opportunity to again fish that river in the spring and think the catch and release nature of the fishery is an excellent one. I used to guide up there and on the Skykomish during the catch and release season in March and April that is no longer available to anglers. It was the best fishing of the season by far. Hatchery fish tend to race right back to the hatchery and can mostly be caught in terminal areas, but wild steelhead can be caught in all the good holding water, making for a much more exciting fishery. Two thumbs up on this one..!! Anglers rarely get back opportunity once it is lost and this would be a nice addition to the season. I might add that the entire West Fork should be open if it is to be a "catch and release" fishery....opening even more river above Donkey Creek! Thanks.

The Conservation Committee of the Washington Fly Fishing Club is ambivalent. The Humps doesn't need more pressure on wild steelhead. Best to keep the Humps as a sanctuary that can seed other systems along the Pacific coast.

The Wild Steelhead Coalition supports this proposal.

I support the Wild Steelhead Coalition's recommendation. (3)

I support this proposal. (2)

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## **#58. Nisqually and Mashel Rivers Catch-and-Release Rules**

**Proposal:** This proposal would change the fishery to catch-and-release fishery with selective gear rules (except up to two hatchery steelhead per day could be retained) on the Nisqually River between the tank crossing and LaGrande Dam (July 1 – Oct 31), and on the Mashel River (July 1 – Oct 31).

**Explanation:** Puget Sound steelhead are listed as threatened under the ESA, and recent studies document that fish that were presumed to be resident rainbow are, in fact, strong contributors to the anadromous population. Allowing catch –and-release fisheries with selective gear rules continues to allow access to the fish while minimizing mortality. This is particularly critical with the proposal to develop a State Park near the confluence of the Nisqually and Mashel rivers. This would substantially increase effort, catch, and release mortality in the prime steelhead spawning and rearing area in the watershed.

### **Testimony:**

I would like to express my strong support for this proposal.

I am in FAVOR only if the season is very short – perhaps 30 days. Along season would allow and probably encourage illegal catch here.

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

The Wild Steelhead Coalition opposes this proposed rule change the status of wild steelhead in the Nisqually River system has clearly been perilous for several years. Stock abundance has hovered well below the escapement goal of 2,000 fish for many years. A short-term rebound in abundance is an insufficient basis to impose fishing pressure on this stock. We recommend that this important population remain protected until a clear trend towards increased productivity and abundance is established over a period of at least five years.

I support the Wild Steelhead Coalition's recommendation. (3)

I support this proposal.

I reject this proposal; this river's steelhead need all of the protection they can get.

I oppose this proposal as I believe that this would be better addressed in the State's steelhead management plan. Additionally, my position is the same as the WDFW position on other proposals that they did not support. They provide no compelling explanation as to why is their position different in this case.

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## #59. Little Quilcene River Season

**Proposal:** This proposal would close November 1- end of February season on the Little Quilcene River (Jefferson Co.) from mouth to the Little Quilcene River Bridge on Penny Creek Road and change the June 1- October 31 season to catch-and-release with selective gear rules.

**Explanation:** This proposal closes the winter season to protect wild ESA-listed steelhead; no hatchery steelhead are released into the Little Quilcene River. The change to catch-and-release and selective gear rules would protect fish from potential hook-and-release mortality; and, this is consistent with regulations in many other Hood Canal rivers.

**Testimony:**

This will not really stop those anglers on these waters who constantly ignore these rules. I recommend adoption, but enforcement on these waters is extremely lacking.

There is tribal concern over Proposals #59 and #60 which would close Big and Little Quilcene rivers, from November through May. Additional language is needed to assure that neither of these closures will impact or limit any Tribal subsistence fisheries, by implication, suggestion, or otherwise. (Point No Point Treaty Council)

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

The Wild Steelhead Coalition supports this proposal.

I support the Wild Steelhead Coalition's recommendation. (3)

I support this proposal. (2)

I oppose this proposal as I believe that this would be better addressed in the State's steelhead management plan. Additionally, my position is the same as the WDFW position on other proposals that they did not support. They provide no compelling explanation as to why is their position different in this case.

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## #60. Quilcene River

**Proposal:** This proposal would close the November 1 through the end of February season in the Quilcene River (Jefferson Co.). The lower section (mouth to Rogers Street) would close August 15, and would have selective gear rules. Above Rogers Street the season would close October 31.

**Explanation:** This proposal closes the winter season to protect wild ESA-listed steelhead; no hatchery steelhead are released into the Quilcene River. Selective gear rules would be consistently applied in all sections of the river to reduce potential hooking mortality.

**Testimony:**

This will not really stop those anglers on these waters who constantly ignore these rules. I recommend adoption, but enforcement on these waters is extremely lacking.

There is tribal concern over Proposals #59 and #60 which would close Big and Little Quilcene rivers, from November through May. Additional language is needed to assure that neither of these closures will impact or limit any Tribal subsistence fisheries, by implication, suggestion, or otherwise. (Point No Point Treaty Council)

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

The Wild Steelhead Coalition supports this proposal.

I support the Wild Steelhead Coalition's recommendation. (3)

I support this proposal. (2)

I oppose this proposal as I believe that this would be better addressed in the State's steelhead management plan. Additionally, my position is the same as the WDFW position on other proposals that they did not support. They provide no compelling explanation as to why is their position different in this case.

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## **#61. Lower White (Stuck) River Opening Date**

**Proposal:** This proposal would make the first month of the fishery (October 1-31) in the White (Stuck) River from the mouth to the R Street Bridge in Auburn catch-and-release and fly fishing only. The retention fishery would open November 1 (trout daily limit 2, minimum size 14")

**Explanation:** The change is needed to protect ESA listed Chinook salmon. Anglers are using the trout and other game fish fishery as an excuse to fish for, catch and keep Chinook. This proposal will allow the fishery to open in October, while still protecting these fish.

**Testimony:**

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

The Wild Steelhead Coalition supports this proposal.

I support the Wild Steelhead Coalition's recommendation. (3)

I support this proposal.

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## #62. Willapa River Boat Fishing

**Proposal:** This proposal would remove the rule prohibiting fishing from a floating device from November 1 through March 31 on the Willapa River from the bridge on Willapa Road (Camp One Bridge) to Fork Creek.

**Explanation:** This proposal would provide anglers the opportunity to fish for both hatchery steelhead and late run Coho from a floating device. There are lots of surplus salmon and steelhead returning to the Forks Creek Hatchery annually and bank access has been lost in many areas on the river.

### **Testimony:**

I have a comment regarding the proposed rule change on the Willapa River. This change suggests allowing fishing from a boat from the bridge on Willapa Rd (Camp One Bridge) to Fork Creek. I absolutely agree with this change. I have been fishing this system for 24 years and the fishing access has decreased considerably. Many landowners have posted their land and as the rule is written now many miles of the river are inaccessible. After talking with numerous sports fishermen/women who visit the hatchery I get a sense that this is a favorable change to them also. One concern that I have is allowing boats that are too large, to access this system. The Willapa River is a small system with limited access for larger drift boats. I do not want to see the banks of the Willapa destroyed by over zealous fishermen/women to create more access for larger boats. I would like to suggest that the rule put a maximum length of 10 feet on any floating device, from the bridge on Camp One Road (Burkhalter) to Fork Creek. This should limit the types of boats that can access the river to mostly pontoon boats and small drift boats, these are easily launched without harming the river bank, this will allow access to the river without endangering fishermen/women and prevent damage to the environment. Fishing below this bridge should not have maximum size, as this is mostly tidewater.

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

The Wild Steelhead Coalition supports this proposal.

I support the Wild Steelhead Coalition's recommendation. (3)

I support this proposal. (2)

I support this proposal and believe that the Willapa River should be available for sport fishing from a boat.

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## #63. Wishkah River Closed Waters

**Proposal:** This proposal would adjust the CLOSED WATERS area on the Wishkah River (Grays Harbor Co.) to be from dam at Wishkah Rearing Ponds (formerly Mayr Brothers.) to 200' downstream of the outlet channel for all fisheries.

**Explanation:** This proposal would provide a consistent boundary for both salmon and steelhead fisheries (it was formerly 200' for salmon fisheries, 400' for game fish fisheries). This will help eliminate confusion and be much easier to enforce.

**Testimony:**

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

The Wild Steelhead Coalition supports this proposal.

I support the Wild Steelhead Coalition's recommendation. (3)

I support this proposal.

**Modification:** to meet the intent of the original proposal, closure should be 200' below the dam, not the outlet channel.

**Staff Recommendation:** Adopt as modified.

**Commission Action:** Adopted as modified.

## **#64. Wishkah River Wild Cutthroat**

**Proposal:** This proposal would allow anglers to keep wild cutthroat on the Wishkah River (Grays Harbor Co.) including the East and West Forks, while retaining the 14" minimum size and daily limit of 2 trout.

**Explanation:** The "release wild cutthroat" rule is no longer needed because there is no longer a hatchery cutthroat program. When the hatchery program was operation, there was concern that more effort would be directed at cutthroat harvest and consequently, wild cutthroat would be overharvested. Since the hatchery program no longer exists, the standard regulation should provide adequate protection to wild cutthroat and make the Wishkah consistent with other Chehalis system rivers.

**Testimony:**

I disagree with this proposal.

Opposed by the Conservation Committee of the Washington Fly Fishing Club. We favor continued protection of wild cutthroat.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#65. Alder Lake/Nisqually River Boundary**

**Proposal:** This proposal would define the boundary line between Alder Lake (reservoir) and the Nisqually River as the Highway 7 Bridge at Elbe.

**Explanation:** There is no general definition for the dividing line between a stream and a lake. The Alder Lake season is year-round, while the Nisqually River season is restricted, and bag limits are different. This proposal will make it clear to anglers which rules they should follow.

**Testimony:** None.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

## **#66. Bradley Lake Juvenile Fishing**

**Proposal:** This proposal would limit fishing in Bradley Lake (Pierce Co) to juveniles only from May 15 through the end of Free Fishing Weekend.

**Explanation:** This proposal is intended to eliminate harvest (by adults) of fish stocked specifically for two juveniles-only fishing events that take place every year, while allowing all anglers to fish in the lake during the remainder of the year-round season.

**Testimony:**

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## **#67. Lake Cushman Landlocked Salmon Rules**

**Proposal:** This proposal would delete the Landlocked Salmon Rules from Lake Cushman, closing it to the harvest of salmon.

**Explanation:** The lake's bull trout population, listed under ESA, is subject to incidental harvest in the fishery that is currently targeted on Chinook. Bull trout abundance has declined to less than half the abundance seen in the mid-1990's. In addition, available information indicates that the entire Chinook population Lake Cushman spawns in the N.F. Skokomish River within the Olympic National Park. This population has been surveyed by Park Biologists since 1994. The average peak count for Chinook from 1994-2006 is just 6 adults. No Chinook were observed in 2002 or 2003 and only 15 in 2005.

**Testimony:**

I fully support this proposal.

I support closing Lake Cushman from the taking of any salmon.

Bull trout and chinook salmon are discussed in the explanation but there is no mention of kokanee or landlocked sockeye salmon (*O.nerka*). If the popular and productive kokanee fishery in Lake Cushman is to continue, then the proposed rule should be changed to reflect this.

Five fish trout limit and add a five fish kokanee bonus, in place of landlocked chinook fisheries.

I support this change. Why did the Dept. Wait so long?

I am writing you to voice my opposition to the new proposed fishing rule #67 restricting harvesting Chinook salmon in Lake Cushman, Mason Co. Washington. I have had a waterfront residence on Lake Cushman since 1994 and am very familiar with the Chinook salmon and bull trout fishery there. There are abundant levels of both fish species in the lake and current restriction on the harvest of bull trout appear to have kept their numbers steady or increasing. The WDFW has rated the population of bull trout in the lake as healthy with a steady increase in spawning fish since the 1984 closure. The population of Chinook salmon is quite high. Although not easy to catch, I routinely see hundreds of large Chinook on my high resolution fish

finder while fishing in front of my cabin. According to the bull trout researcher Brenkman, whom I met during his bull trout spawning study of the North Fork Skokomish River, the average number of spawning bull trout is 303 adults in the main river with additional spawning populations in multiple other tributaries. Thus, the large healthy populations of both Bull Trout and Chinook of multiple age classes in the lake should negate the need to impose a total restriction on the harvest of Chinook.

The period of time the Lake Cushman fishery is open is limited to the three summer months due to a forty foot draw down of the reservoir that extends from Labor Day to Memorial Day each year. Most fishing for Chinook occurs on weekends with about 10 boats on average trolling for then on a given weekend day, or about 24 days/summer. Most fisherman on the lake pursue the large population of kokanee and do not even know about the larger fish there. Thus the fishing pressure is relatively light throughout the summer months. Due to the depths the Chinook are located, all fishing for them is by trolling with downriggers. The troll caught fish are all hooked in the mouth and are easily released without damage. This includes the incidental catches of all bull trout. Of the bull trout that are incidentally caught, most are caught in June, as they move too deep after that to be in fishing range in July and August. A forest of trees 65 feet down in the lake prevents trolling any deeper than that level.

I release all the fish I catch and only keep a salmon if a guest on my boat wants one. All bull trout are released in the water and are not brought on to the boat. I use barbless hooks for easy release and minimal injury to the fish. If new fishing regulations are required to help protect the bull trout and Chinook populations, I would recommend the following measures be taken:

- Limit salmon harvest to one fish per day
- Use of barbless hooks only
- All bull trout or any salmon to be released should not be netted or brought on board before release

The following catch record reflects the results of fishing Lake Cushman about 20 days per year with an average of three fishermen aboard my boat:

1999 - 3 Chinook caught, 22" to 25" (all released) No bull trout caught

2000 - 7 Chinook caught, 22" to 31" (5 released, 2 kept) No bull trout caught

2001 - 8 Chinook caught, 28" to 35" (5 released, 3 kept) No bull trout caught

2002 - 13 Chinook caught, 13" to 33" (10 released, 3 kept) 8 bull trout caught, 18",29",26",26",28",14",15",26" (all released healthy in the water)

2003 - No Chinook or bull trout caught - a very hot summer and fish went too deep

2004 - 7 Chinook caught, 16" to 29" (4 released, 3 kept) 4 bull trout caught, 17",29",13",23" (all released healthy in the water)

2005 - 5 Chinook caught, 16" to 27" (3 released, 2 kept) 6 bull trout caught,16",18",23",26",22",20" (all released healthy in the water)

2006 - 10 salmon caught, 21" to 30" (7 released, 3 kept) 8 bull trout caught, 24",28",28",28",13",26",26",21" (all released healthy in the water)

2007 - 9 salmon caught, 14" to 34" ( 5 released, 4 kept) 3 bull trout caught, 27",16",24" (all released healthy in the water)

Totals: 62 salmon caught, with 19 kept over 9 year period 37 bull trout incidentally caught and released over 9 year period

(average 2.3 salmon caught/year per fisherman)

(average 0.7 salmon kept/year per fisherman)

(average 1.4 bull trout caught/year per fisherman and released)

Thank you for reviewing my comments. I believe that the Lake Cushman fishery is a very robust and healthy one that does not require a complete closure to the fishing and harvesting of Chinook in order to protect their stock and that of the bull trout.

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

We support the landlocked salmon rules to close Lake Cushman to Chinook salmon fishing. The Draft (2004) Bull Trout Recovery Plan for the Olympic Peninsula identifies the need to evaluate the effects of the Lake Cushman Chinook fishery as a potential factor for decline of bull trout in the lake and recommended making regulation changes as needed. We appreciate WDFW acting to address concerns about bull trout in the lake that are subjected to incidental harvest in the Chinook fishery. With the current decreasing bull trout population trend, since the mid 1990s, this change will help to promote recovery. (USFWS Upper Columbia Fish and Wildlife Office).

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## **#68. Munn Lake Additional Season**

**Proposal:** This proposal would add an additional season to Munn Lake (Thurston Co). The additional season would be from March 1 through the last Friday in April, and would be catch-and-release with selective gear rules.

**Explanation:** Hatchery production at Eells Springs reaches carrying capacity in March. This forces hatchery managers to stock some lakes before the traditional "opening day" in late April resulting in high predation and mortality. This proposal will increase angling opportunity for the community and address the production limitations at Eells Spring Hatchery.

**Testimony:** None.

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## **#69. Price's Lake Season**

**Proposal:** This proposal would change the season on Price's Lake (Mason Co) from the last Saturday in April through October 31 to open year-round.

**Explanation:** A "quality water" with limited harvest doesn't fit with the management objectives for an "opening day water." Changing the season to year round should significantly increase recreational opportunity.

**Testimony:**

My only concern of making Price's Lake year around fishing is that this lake is located on DNR land and DNR has a Gate Closure of this area from Oct 1 through the end of April for Wildlife protection of the local elk heard. So, creating a fishing rule to allow fishing after these gates close, might create an undesirable conflict of those who can not drive to this lake during the closure period. DNR has no problem with public access during the

closure time as long as the access is via non-motorized means. I personally think allowing year around fishing in Price's Lake is OK especially since it is a Catch and Release Only lake.

I would like to express my strong support for this proposal.

I support the proposed change. I agree with the statement that a "quality water" doesn't fit with the concept of an "opening day" attack on the lake. Perhaps, if there were more fishermen legally fishing the lake during the year, their presence could reduce poaching.

Endorsed with enthusiasm by the Conservation Committee of the Washington Fly Fishing Club.

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## **#70. Lake Sylvia, Failor Lake, Lake Aberdeen, and Vance Creek Ponds 1&2 Trout Rules**

**Proposal** This proposal would allow anglers to retain only 2 trout over 15" in their daily limit of 5 trout in Lake Sylvia, Failor Lake, Lake Aberdeen, and Vance Creek Ponds 1&2, (all in Grays Harbor Co.).

**Explanation:** Current regulations were written prior to the initiation of Trophy (triploid) trout programs by the WDFW, as well as the "quality" trout (average size 4-6 pounds with some in 12-18 pound range) produced and planted into the lake from the Elma Game Club cooperative trout program. There has been a marked increase in the number of fishers "high grading" their catch and attempting to fill their limit of 5 fish with these much larger fish. Use of both bait and lures has been observed during this "selective" harvesting.

Limiting the retention of these larger fish to only 2 per day reduces hooking mortality, so opportunity for harvest would be extended further into the season for a greater number of anglers.

### **Testimony:**

There needs to be a stipulation that fishing with bait is no longer legal after the retention of 2 fish over 15". The mortality will not stop just because the limit is there. It needs to be cut and dry. Once you have the larger fish you are done fishing with bait, period. Either that or once you have caught the over 15" portion of the limit you are done fishing for the day similar to the salmon rule that states "Once adult portion of the catch is retained, you must stop fishing" Also, I know this is not your side of the issue, but the punishment for breaking the rule needs to be severe enough that it would discourage anyone from taking the action. A slap on the wrist and \$100 won't cut it. It needs to be \$1500 fine, confiscation of all gear that will be sold if convicted, and the loss of their license for 1 year.

I am in favor of the proposal to limit the retention of 2 large trout in the daily limit in the Grays Harbor lakes. I flyfish Lake Aberdeen every year and land several of the very large (trophy) trout. It is a great fishery and I applaud the Elma sportsmen and program for this wonderful fishery. I hope this proposal is also adopted.

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## **#71. Teal Lake Selective Gear Rules and Trout Daily Limit**

**Proposal:** This proposal would change the rules on the fishery in Teal Lake (Jefferson Co) to open year-round with selective gear rules and a daily limit of one trout (statewide rules for other species).

**Explanation:** Teal Lake is a small lake with handicapped access. It receives yearly plants of large trout and would make a good candidate for a quality fishery.

**Testimony:**

I do not support this proposal in its entirety. I live less than 5 miles from this lake and realize the contribution Port Ludlow Fly Fishers has made to make this lake more handicapped accessible. I bring my kids up to the lake opening day and we enjoy these relatively serene waters, but did so long before the improvements.

Making this selective gear rules restricts the waters to take out our future fisherman, the children of this area. There are several other area lakes that are already selective gear (Ludlow for instance) but have a more difficult access. I could see supporting the proposal to make this year round and limiting it to 2 fish, but selective gear to benefit the fly fisherpersoens of this area is an excessive limitation. This lake has rather limited shore access already and plenty of area to fly fish. The greater Port Ludlow community is quite affluent, making them able to travel to other, more distant, quality waters. Please leave this jewel for the children of this area.

I support the Teal lake rules proposals as put forth by the Port Ludlow Flyfishers.

I would like to express my strong support for this proposal.

I want to voice my strong support. I believe that Teal Lake with its small size and relative solitude makes it perfectly suited to be a quality fishery, especially since internal combustion motors are already prohibited. I believe that the selective gear regulations allow for all types of fisherman to have access to a quality fishing opportunity, while the restricted catch limit maintains that quality.

Teal Lake is a really important change to reduce the harvest of the quality fish paid for (at least in part) by some local fishing clubs. Please approve the regulation change.

I am against this. Teal Lake is stocked by WSWF and all should have the enjoyment of fishing there. This is an accessable lake where seniors, kids and disabled can fish and should not be limited to only a few experts with selective gear. Another lake nearby, Horseshoe Lake, is already selective gear. Fishing is tough enough without making it even tougher to enjoy.

Enclosed is a petition signed by 47 resident fishers supporting changing Teal Lake to a year-round selective gear fishery. All of these fishers reside in the Puget Sound area and are licensed fishers that enjoy Teal lake. Please inform all rule makes that we support changing Teal lake t o a year-round gear fishery. (Petition with 47 signatures attached) "Please inform the rule makers that I, as an individual residing in Washington State, strongly support changing Teal Lake to a year-round selective gear fishery with a one fish limit."

I am very concerned and object to Rule Change Proposal #71. With all the restrictions currently in effect for both saltwater and freshwater fishing, sportsmen in the State of Washington are finding fewer and fewer places to fish in their local areas. By adopting Rule Change Proposal #71, WDFW would be limiting the fishing at Teal Lake to a select few individuals that mainly indulge in fly fishing and would exclude other fishermen. All of us that purchase fishing licenses and provide revenue for WDFW would like equal access to lakes that participate in the State trout stocking program.

Horseshoe Lake which is nearby is already a selective gear lake with a daily limit of one trout and changing Teal Lake would make the two closest trout lakes to Poulsbo inaccessible to most fishermen. Having the lake open year-round does not make any sense either, as very few individuals would fish there during the winter months. I have never heard the argument that the dock at Teal Lake makes fly fishing from the dock accessible to the handicapped, but this is a poor excuse as in all my trips to the lake I have never seen a handicapped person fly fishing from the dock. But, I have seen handicapped persons fishing with spinning gear which is the more likely scenario.

It would be an injustice to adopt Rule Change Proposal #71 and trust that the Director, staff and board members of WDFW will see this as one organization's attempt to exclude families and individuals of all ages and skill levels from enjoying the sport fishing at Teal Lake.

I am in favor of the new rules change for Teal Lake. Teal lake has the potential of becoming a quality fly fishing lake with the support of the Port Ludlow Fly Fishers and the financial support from various fly fishing clubs in Western Washington. Members of The Puget Sound Flt Fishing Club of Tacoma and The South Sound Flt Fishing Club of Olympia, have financially supported the PLFF in their efforts to make this a quality lake. I know the fly fishers in our State would appreciate the new change to "Selective Gear Rules and Trout limit."

I would like to see Teal Lake a selective gear Rules Lake.

Please make Teal lake a Selective Gear Rules Lake.

I am writing to voice my support of #71. It is important that we pass this proposal.

We are writing to voice our support of #71. It is important that we pass this proposal. Vashon Island Fly Fishers is a non-profit organization dedicated to perpetuating, and protecting the angling craft of fly-fishing, fly-fishing resources, and fly-fishing history in the Northwest.

I am writing you in support of the proposed Rule Change #71.

I am sending this letter in support of the proposed rule change to make Teal Lake a selective gear fishery.

I am writing in support of the rule modification to change Teal Lake to an all-year-round selective gear fishery, with a one fish limit from opening in April to September 1. We have so few Trophy Trout lakes on the west side. This lake is an ideal candidate. It saddens me to see Teal Lake completely fished out every year within 30 days of opening. This rule change will ensure a year-round quality fishing experience.

Endorsed with enthusiasm by the Conservation Committee of the Washington Fly Fishing Club.

I fully support the proposal to make Teal lake a "Selective Fishery. Please support this proposal.

Please support the proposal to make Teal Lake a Selective Gear Fishery.

I want to register my support for the establishment of Teal Lake in Jefferson County as a quality fishing lake and for the enactment of the proposed draft rules to that effect currently pending before the Fish and Wildlife Commission. Please put this note on the "for" stack.

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## #72. Wentworth Lake Motor Rules

**Proposal:** This proposal would make it unlawful to fish from a floating device equipped with an internal combustion engine in Wentworth Lake (Clallam Co).

**Explanation:** A local sportsmen's club has requested that we restrict anglers to using only electric motors while fishing on this small lake to cut down on exhaust fumes and gas and oil spills into the water.

**Testimony:**

Endorsed by the Conservation Committee of the Washington Fly Fishing Club.

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

---

## Shellfish Rules

---

### #73. Mesh Rules for Shrimp Pots

**Proposal:** This proposed rule would make universal the requirement to use large mesh pots when fishing for spot shrimp in Puget Sound after June 1<sup>st</sup>, and completely remove the minimum carapace size requirement for spot shrimp. This would affect Marine Area 4 east of the Bonilla-Tatoosh line and Areas 5 through 13, from June 1 through October 15.

Shrimpers who are fishing after June 1<sup>st</sup> in areas closed to spot shrimp, but open for coonstripe and pink shrimp, will still be able to use small mesh pots for the non-spot shrimp.

In addition this proposed rule will make a few housekeeping changes to clean-up the shrimp pot mesh size definitions. These changes are for clarification only, and do not change the shrimp pot mesh size requirements

**Explanation:** This rule is already in place during the month of May in Puget Sound when most spot shrimp are caught in the recreational fishery, and it is already in the State/Tribal Shrimp Management Plans for all shrimp fisheries. The purpose of the rule is to reduce mortality on

juvenile spot shrimp by requiring large mesh when fishing for spot shrimp, which minimizes the sorting of small spot shrimp at the boat.

**Testimony:**

I occasionally attempt to catch shrimp in Area 13. This proposal completely eliminates my family's opportunity to catch non-spot shrimp and squat lobster. Over the years, we have caught few spots down here - a total of about 20 or so the last decade. We celebrate and enjoy the few we catch - it's very exciting to see one in the pot. None of the spots we've caught were smaller than the minimum carapace size requirement. This current year's regulation change requiring the use of a large mesh pot in Area 13 during the month of May already has prevented us from shrimping for non-spots. We prefer to try to catch a few shrimp or squat lobsters here rather than fight the zoo of people during the 4-day spot fishery in Hood Canal. This year's change was annoying and upsetting particularly since my reasonable, experience-based comments last year about the proposed change were ignored by F&W.

Fish Checkers and Fish Enforcement will verify that hardly anyone fishes for shrimp in Area 13; I know this because I've asked them. Instead of eliminating non-spot shrimp opportunity by requiring large mesh pots (since spot shrimping is open May-October in Area 13) or (I'm anticipating what you might do next) eliminating the enjoyment of catching the occasional spot shrimp by changing the proposal to allow small mesh pots but release of spot shrimp, I request you change the rules to reallocate the use of small mesh pots in Area 13 from May through October. This will not cause any difficulties for enforcement since you can easily verify that hardly anyone shrimps in Area 13. This will also not cause any harm to the resource since, as you can easily verify, hardly anyone shrimps in Area 13.

Sorting of smaller shrimp should be prohibited. The practice invites potential handling mortality and since we are shrimp numbers for daily limit, and not poundage limited except for TAC, would allow for potentially longer seasons.

I wonder if studies have been reviewed on the handling mortality for spot shrimp in proposing this rule.

The proposed shrimp mesh restriction for South Sound totally negates any opportunity for me to harvest coonstripe shrimp or squat lobster. A 7/8 mesh restriction just will not work for these as they just pass through it. I have caught only a couple of spot shrimp in south sound. Gee, maybe that's why your agency did away with the Carr Inlet Shrimp District as it wasn't needed anymore as so few were caught. I found that reason in an obscure web site listing that your agency posted. Give us a reasonable break and let us use the smaller 1/2 in. mesh to at least have a little fun and a tiny bit of coonstripe shrimp and squat lobster in an area that really has no harvestable spot shrimp population.

This appears confusing since the first paragraph in the proposed rule would make "universal" the use of large mesh pots in (all of) Puget Sound after June 1 and the second paragraph would permit the use of small mesh pots after June 1 in certain areas of Puget Sound. I realize staff is attempting to allow harvest of small coonstripe and pink shrimp while limiting the harvest of large females spot shrimp but in my opinion this proposal could further confuse many shrimpers.

I respectfully request that Rule #73 Mesh Rules for Shrimp Pots be modified to delete all of Management Region 3 (encompassing Marine Areas 4, 5, and 6 ) except Catch Areas 23 A

from the proposed rule change. I have prepared a chart (attached), showing that the recreational state portion of the spot shrimp catch is 4 % and the non-spot portion is 3 % of the Region 3 2007 quota (all catch areas represented). Also note that 36 % of the spot shrimp and 67 % of the non-spot quota is remaining. I used the catch numbers from the 2007 Puget Sound Shrimp Quotas and Catch for the State information I received from the Pt. Whitney Shellfish Laboratory staff (attached). The catch data (as of 8-19-07) is not final, but is the latest information available. This catch information is consistent with the catch records for the last 5-6 years. The state quotas for the other Regions are either met or exceeded.

I am making this request for the following reasons:

Region 3 (the Strait) is open to spot shrimp from June 1 to September 15<sup>th</sup> whereas most other Regions are closed.

Region 3 is a relatively unknown shrimp fishery for both spot and non-spot shrimp as depicted by the low catch rate.

Current rules allow the use of ½ inch mesh in all of the Regions with a maximum depth limit of 200 feet in Region 1 (Marine Area 7) and 150 feet in Regions 2 and 4 (Marine Areas 8, 9, 10, and 11. There is no depth restriction for Region 3. (Why not?)

Based on my last 6 years of shrimp fishing parts of Region 3, using both the ½ inch and 7/8 inch mesh in close proximity to each other, I don't believe the larger mesh will prevent catching juvenile spot shrimp, however, it will reduce the number caught.

Based on my experience shrimp fishing in Regions 3 and 5 (Hood Canal), the habitat conditions in Region 3 are similar to those in Hood Canal, which sustains a viable population year after year.

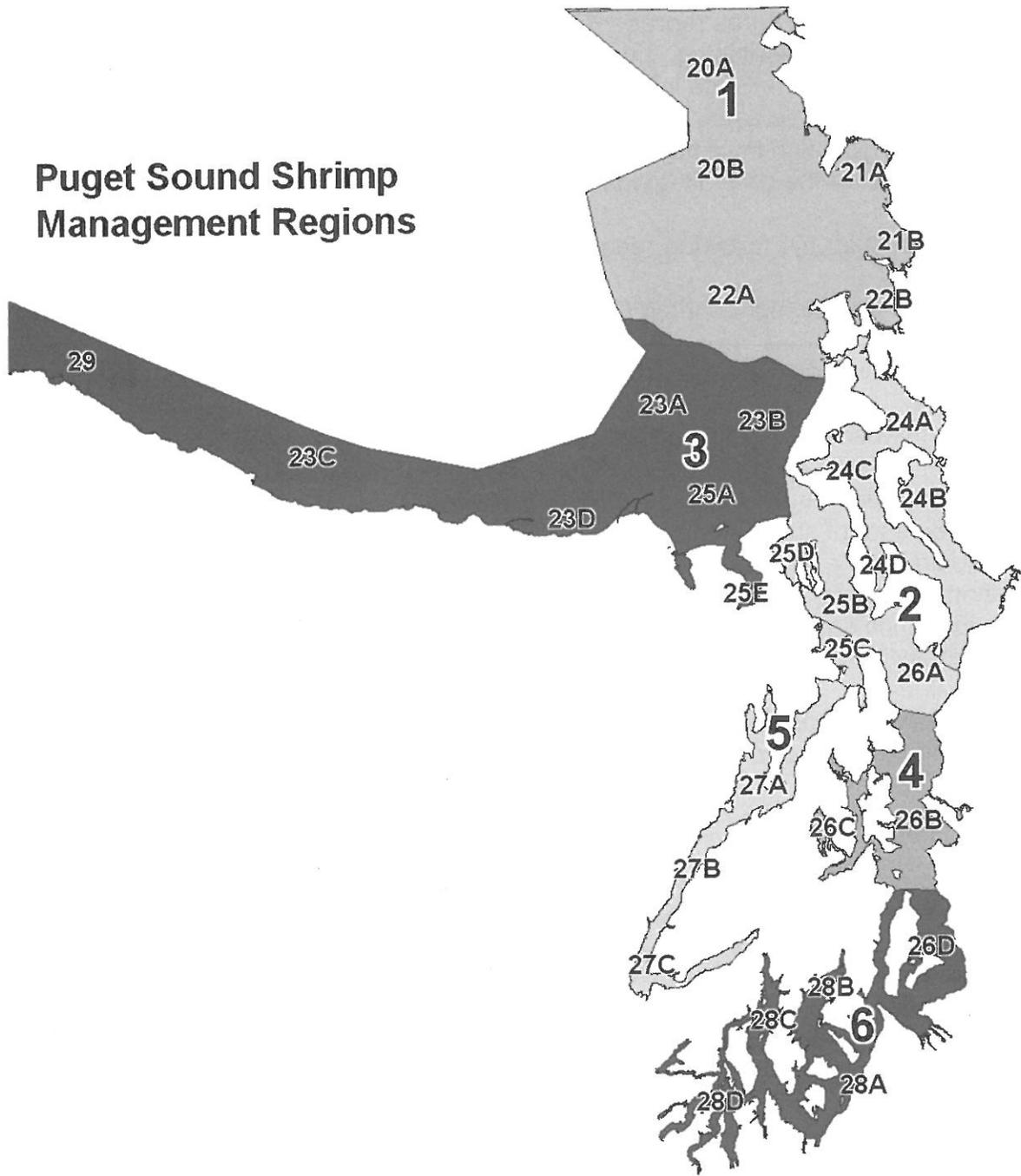
I believe the rule change is based more on a need for Enforcement consistency in the Rule Pamphlet than having an impact on protecting juvenile spot shrimp.

I have attached a map showing the Puget Sound Shrimp Regions and catch areas.

I request that the Commission direct the WDF&W to prepare a white paper explaining the impact on the spot shrimp fishery by the use of ½ inch mesh pots. I also ask that WDF&W re-write the "Shrimp Daily Limits and Rules" page in the Sport Fishing Rules Pamphlet.

I have been a member of the Recreational Shrimp Advisory Committee for three years and am presently a member of the 18 member Puget Sound Recreational Crab and Shrimp Advisory Committee.

## Puget Sound Shrimp Management Regions



2007 PUGET SOUND SHRIMP QUOTAS AND CATCH FOR THE STATE

through 8-19-07

DRAFT- Catch Not Final

Pot Fishery - Spot Shrimp		2007 QUOTA	2007 State Share and Harvest				status	
Management Region	MFSF Catch Area		Adj. Share	Sport	Comm.	Total		Remaining
1A	20B, 22A (west)	61,830	29,550	2,508	26,809	29,317	233	CLOSED
1B	20B, 22A (east), 21A	10,000	5,000	3,537	1,575	3,112	-112	CLOSED
1C	20A, 21A, 21B, 22B	6,000	3,000	100	3,422	3,522	-522	CLOSED
1 Total		77,830	37,550	6,145	31,806	37,951	-401	
2E (Skagit - Mukilteo)	24A-D, 26AE	34,000	17,000	10,913	6,133	17,046	-46	CLOSED
2W (Possession - Admiralty Inlet)*	25B-D, 26AW	13,000	6,500	4,308	2,163	6,471	28	CLOSED
2 Total		47,000	23,500	15,221	8,296	23,517	-17	
3 Lopez I (Iceberg Pt, etc)	23A (east)	16,500	8,250	5,962	2,278	8,240	10	closed
3 S San Juan I (Salmon Bank, etc)	23A (west)	18,000	9,000	500	8,452	8,952	48	closed
3 Straits (Hein, Eastern Bank)	23A (central)	10,000	4,735	100	4,873	4,973	-238	closed
3 Straits (NE of P.A.)	23A (south), 23D outside PA Hbr	17,000	7,270	100	2,744	2,844	4,426	
3 Port Angeles Harbor	23D - inside PA Harbor	2,000	1,000	200	0	200	800	
3 Straits (Smith Island, etc)	23B	10,000	4,655	500	4,155	4,655	0	closed
3 Straits (Sekiu to P.A.)	23C	6,000	3,000	100	400	500	2,500	
3 Straits-North of Protection Is.	25A - outside District 1	22,000	11,000	600	7,777	8,377	2,623	
3 Discovery Bay Shrimp District 1	25A, 25E - Inside District 1	7,000	3,500	closed	closed	0	0	closed
3 Straits - Neah Bay	29	6,000	3,000	100	0	100	2,900	
3 Total (Outside District)		107,500	51,910	8,162	30,679	38,841	13,069	
3 Total (Including District)		114,500	55,410	8,162	30,679	38,841	16,569	
4 Seattle - Bainbridge Is.	26B-1, 26C	8,000	4,000	2,452	1,543	3,995	5	closed
4 Elliott Bay	26B-2	9,000	4,341	2,800	1,455	4,255	86	closed
4 Total		17,000	8,341	5,252	2,998	8,250	91	
5 Hood Canal	27A-C	170,000	85,000	82,708	closed	82,708	2,292	closed
6 Vashon Island	26D	7,000	3,463	1,358	2,125	3,483	-20	closed
6 South Puget Sound	28A-D	1,000	500	50	0	50	450	
6 Total		8,000	3,963	1,408	2,125	3,533	430	
Grand Totals		434,330	213,764	118,896	75,904	194,800	15,464	
*Maximum harvest in Edmonds area is 5,000 lbs.								
Pot Fishery - Non-spot Shrimp		2007 QUOTA	Adjusted Share	2007 State Harvest			Remaining	status
Management Region	MFSF Catch Area			Sport	Comm.	Total		
Region 1	20A-B, 21A-B, 22A-B	45,000	21,986	500	10,750	11,250	10,736	
Region 2 East	24A-D, 26AE	30,000	15,000	300	5,553	5,853	9,147	
Region 2 West	25B-D, 26AW	10,000	5,000	200	0	200	4,800	
Region 3*	23A-D, 25A, 29 (outside Dist. 1)	45,000	22,500	500	5,341	5,841	16,659	
- Discovery Bay Shrimp District 1	25A (District 1 portion), 25E	12,000	6,000	closed	closed	0	0	
Region 4	26B, 26C	2,000	1,000	0	0	0	1,000	
Region 6	26D	1,000	500	200	0	200	300	
Region 6	28A-D	2,000	1,000	200	0	200	800	
Totals		147,000	72,986	1,900	21,644		43,442	
** Maximum harvest in 25A (outside Shrimp District) is 25,000 lbs.								
Shrimp Beam Trawl Fishery		2007 QUOTA	Adjusted Share	2007 STATE Harvest			Remaining	status
Management Region	MFSF Catch Area			Commercial Total				
Region 1B	22A, 21A "triangle"	96,000	48,000	27,203		20,797		
Region 1B	20B	20,000	9,784	6,448		3,336		
Region 1C	20A	50,000	25,000	0		25,000		
3 Straits (Hein Bank, etc)	23A (east)*, 23B, 25A	1,130,000	565,000	355,310		209,690		
3 North of Port Angeles	23A (west)*	113,000	56,500	0		56,500		
3 Port Angeles - Sekiu	23C	200,000	100,000	0		100,000		
3 Sekiu - Neah Bay	29	25,000	12,500	0		12,500		
Totals		1,834,000	816,784	388,961		427,823		

Adj. share reduc  
Part of 23AS/23B

\*The boundary between 23A (east) and 23A(west) is the line projected true north from the Dungeness lighthouse; for example, 23A (west) is the portion of Catch Area 23A west of the line described above.

For questions regarding Regions 1 & 2 contact Mark O'Toole (360) 466-4345 ext. 241  
For questions regarding Regions 3,4,5 & 6 contact Therese Cain (360) 796-4601 ext. 210



In our area (MA 6), we have not met the quota requirements for spot shrimp that I am aware of. We have an opportunity for harvest of a mixed species bag and large mesh pots greatly reduce that take when we are restricted to the large mesh pots in May. If you are going to remove the minimum size for spot shrimp and the limit is left at 80 spots per day as part of a 10 lb live weight limit why have mesh requirements outside the shrimp districts?

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## **#74. Crayfish Pots**

**Proposal:** This proposal would allow individual anglers to use 5 crayfish pots each in fresh water rather than the current limit of 2 pots.

**Explanation:** The low crayfish catchability in many waters precludes catching a meal with only two traps. Maintaining the 10 lb. per person daily limit, minimum size, and prohibition on keeping gravid females would continue to provide appropriate conservation and protection from over-harvest.

**Testimony:**

I commend the staff for supporting this proposal. This rule change makes the rules more fisherman friendly, while still maintaining protection from over-harvest. Washington would still remain as the most regulated and restrictive place to set a crayfish trap in the northwest, but this is a big step toward making it a more fun and functional recreational fishery.

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## **#75. Padilla Bay Crab Fishing**

**Proposal:** This proposal would remove the rule that states that it is unlawful to fish for or possess crab taken for personal use from the waters of Fidalgo Bay within 25 yards of the Burlington Northern Railroad trestle connecting March Point and Anacortes.

**Explanation:** The Burlington Northern Railroad trestle is now part of a public park and no longer private property. Additionally, the safety concerns associated with simultaneous crabbing activity and train operation no longer exist.

**Testimony:** None.

**Staff Recommendation: Adopt as proposed.**

**Commission Action: Adopted as proposed.**

## **#76. Clam and Oyster Beach Health Closures**

**Proposal:** This proposal would permanently close sport clam and oyster seasons year-round on 71 public beaches in WDFW Regions 4 and 6 (see list below) that are polluted and therefore pose a human health risk to harvesters, according to Washington Department of Health (DOH).

**Explanation:** WDFW Enforcement Division is charged with enforcing agency rules pertaining to sport harvest of clams and oysters on public tidelands. Enforcement Division is also charged

with enforcing the Sanitary Control of Shellfish (RCW 69.30), which prohibits the harvest of commercial quantities of clams and oysters (50 pounds or more) from polluted beaches. There are currently no enforceable provisions in the clam and oyster WACs against the harvest of “sport limits” of clams and oysters from these 71 polluted beaches. Likewise, there is no provision in RCW 79.30 against the harvest of sub-commercial quantities of clams and oysters from these polluted beaches. Finally, Washington Dept. of Health’s WAC 246-28-020 contains no penalties for sport harvest on “closed” public beaches; the WAC amounts to a “health advisory.” Commercial clam and oyster harvest is known to occur under the guise of recreational harvest on some of these beaches, and there is currently no legal way to prevent these tainted shellfish from being transported from the beach. Selling this “sport harvest” is already a violation of state law, but surveillance to a point of sale is often difficult or impossible to accomplish. So the tainted clams and oysters typically find their way into the commercial marketplace.

Given this situation, the best way to prevent polluted shellfish from entering the commercial marketplace is to prohibit its harvest and removal from public beaches in the first place. This proposed rule change accomplishes that by including polluted public beaches in the list of public tidelands closed to sport harvest. It would be illegal to harvest or remove any amount of clams or oysters from these polluted public beaches, even under the guise of “personal consumption.” The economic well-being and stability of the state’s commercial aquaculture industry depends on a public perception that clams and oysters sold in the marketplace are safe to eat. This rule change strengthens our agency’s ability to prevent the introduction of tainted shellfish into the commercial marketplace. For the same reason, this rule change enhances and improves the commercial shellfish aquaculture industry. This rule change also enhances recreational fishing by eliminating the current confusion among sport harvesters about the meaning of “closed” and “open.” Beaches “closed” by Department of Health for pollution would also be closed by WDFW clam and oyster season regulations.

## **LIST OF ADDITIONAL PUBLIC BEACHES TO BE CLOSED YEAR ROUND**

Alki Park	DNR-142
Alki Point	DNR-144 (Sleeper)
Bangor	DNR-18
Bay View State Park	DNR-79
Brown’s Point Lighthouse	DNR-85
Brownsville	Dockton County Park
Chuckanut Bay	East San De Fuca
Coupeville	Fort Ward State Park
Dash Point State Park	Freeland County Park
Dash Point State Park	Golden Gardens
Dave Mackie County Park	Graveyard Spit
Des Moines City Park	Harrington Beach
Discovery Park	Howarth Park

Jarrell Cove State Park  
Lincoln Park  
Lions Park (Bremerton)  
Little Clam Bay  
Lower Roto Vista Park  
Manchester State Park  
Meadowdale County Park  
Mee-Kwa-Mooks Park  
Middle Ground (Sequim Bay)  
Monroe Landing  
Nisqually National Wildlife Refuge  
North Beach County Park  
North Fort Lewis  
North Point Hudson  
Northeast Cultus Bay  
Oak Harbor Beach Park  
Oak Harbor City Park  
Old Man House State Park  
Olympia Shoal  
Pleasant Harbor State Park  
Port Angeles Coast Guard  
Port Angeles Harbor  
Port Gardner  
Post Point  
Priest Point County Park  
Reid Harbor – South Beach  
Retsil  
Richmond Beach  
Samish Beach  
Semiahmoo  
Semiahmoo County Park  
Silverdale County Park  
Sinclair Inlet  
Skagit Wildlife Area North Fork Access  
Skagit Wildlife Area South Fork Access  
Skagit Wildlife Area Jensen Access  
South Carkeek Park  
South Dougall Point  
South Gordon Point  
South Mukilteo Park  
South Oro Bay  
South Point Wilson  
Southworth Ferry Dock  
Sunrise Beach (Langley Seawall)  
Suquamish (Old Man House)  
Taylor Bay

Walker County Park  
West Pass Access  
Woodard Bay

### **Testimony:**

I am opposed to a unilateral closure of these 71 beaches further restricting sportsmen of an opportunity for at least a periodic harvest availability. I feel the explanation for this closure does not support this proposal, which is listed for 'health' reasons, yet the explanation appears to relate to a WDFW enforcement issue with commercial harvesters thus penalizing sports opportunity by managing the resource/beaches by permanently denying sport access to potential harvest! The current clam and oyster sports regulation (no more than 40 clams not to exceed 10#, 7-horse clams and 3-geoducks and 18 oysters shucked on the beach) seems perfectly clear, enforceable and should be economically unfeasible to commercial harvesters. These beaches should be individually, seasonally managed for potential sports harvest by scheduled openings/closures and by emergency closures if necessary.

Overall I support this, but really take issue with the lack of managing the main issue here. While I can understand the department's reasoning and wouldn't want to eat or see others eat this shellfish, wouldn't we be better off putting some real effort into ensuring these shellfish are not entering the food stream via eating establishments? If these beaches are a problem, how many other non-commercial/commercial harvesters are out there on others taking the recreational catch? Will this change just push them to other beaches so they can break the law there instead? Are the recreational harvesters taking a hit in their TAC as a result of these activities or should the hit come from the commercial side of the TAC?

I also wonder how the unavailability of these beaches will impact the 50/50 split mandated under Boldt?

Closing clam beaches...no, the state is lacking already in it's ability to manage these issues in a prompt manner. I am concerned that beaches will be closed and not reopened

I request that the following beaches be removed from the list of candidates in Proposal #76, clam and Oyster Beach Health Closures:

Graveyard Spit (Dungeness Bay)

2) Middle Ground (Sequim Bay)

The proposal does not provide adequate justification for permanently closing the beaches noted above. No commercial harvest occurs on these beaches and they should be managed as they presently are:

1) Graveyard Spit, Dungeness Bay – Presently closed year round to all public access by the U.S. Fish and Wildlife Service, Dungeness Wildlife Refuge Management Plan. No requirement to be included in Proposal #76.

2) Middle Ground, Sequim Bay – Accessible by boat only and presently available for shell fishing year round except when closed for DOH purposes, ie Paralytic Shellfish Toxins (PST). I find it interesting the Sequim Bay State park is open from 1 May – 15 June for shell fishing, but someone wants to close Middle Ground permanently.

I am aware of the butter clam research by Rikk G. Kvittek and Mark K. Beitler, which might suggest a butter clam restriction is more appropriate than permanent closure of Middle Ground. My final request is to table this proposal until the stake holders can appropriately analyze each specific beach and answer the following questions:

Has the proposed beach been closed year round and for what reasons, or have there been limited closures, i.e. Dungeness Bay for winter month fecal coliform problems?

What will be the impact on the recently adjudicated shellfish settlement?  
Do the closures apply to tribal and non-tribal stakeholders?  
Who specifically prepared the proposal and identified the candidate beaches?  
What will be the process to reopen the beaches when the pollution has decreased to acceptable levels as determined by DOH testing?  
Will water quality testing (DOH fecal coliform) and shellfish testing (DOH PST) be continued while the beaches are closed?

Request for Clarification. Proposed rule #76, Clam and Oyster Beach Health Closures, lists additional public beaches scheduled for permanent closures because of pollution. While the proposed rule would not be directly applicable to the Tribes, there are 3 or 4 beaches on the WDFW list that S'Klallams are apparently harvesting now. The WDFW list of proposals does not include a BIDN along with the common beach names listed, so it is unclear whether the current Tribal openings include the same beaches or not. If in fact the WDOH has closed beaches due to pollution, we would be obliged to follow suit and close them for Treaty harvest as well. The WDFW should provide a clarification on the beaches involved in this proposed rule, including BIDN's, in order to enable us to determine whether they are the same beaches that are currently open for Treaty harvest. (Point No Point Treaty Council)

The DOH statutes provide for certain levels of pollution before a beach is closed. In looking at some of postings on the internet, there are statements, such as the following  
> ADVISORY: Due to known seasonal pollution problems this beach is CLOSED November 1<sup>st</sup> to January 31<sup>st</sup> and OPEN the rest of year. Water quality for this beach does not meet public health standards for recreational shellfish harvesting for portions of the year.  
It would appear that beaches can be opened or closed under either state DOH or county Health Dept regulations/rules. It appears that the proposal might be speaking to beaches that don't meet the criteria for commercial harvest of clams and oysters and yet the beach might be "clean enough" for the recreational harvester. Are those criteria the same for the commercial harvester or are they more stringent? If they are more stringent, then there might be health advisory for the public for a beach, but no need for a permanent closure. If the beaches are closed and DOH determines that they can be opened, then the process to remove the listing from the WAC becomes burdensome for the agency, you, and the public. The issue isn't with the recreational harvester, it is with the commercial harvester who isn't playing by the rules and is knowingly harvesting from closed beaches. WDFW is the apparent enforcement tool for DOH in this area. It would appear that more officer time is needed for patrol purposes. DOH and the tribes that are involved in commercial harvest need to provide a stronger funding base for public health protection.

**Modification:** Modify the list of beaches as follows: delete Brownsville, DNR 18, Jarrell Cove State Park, Middle Ground, and Sunrise Beach (Langley Seawall). Richmond Beach - add "Saltwater Park". Change Skagit Waterfowl North Access to Skagit Wildlife Area. South Point Wilson - add "(Port Townsend)".

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

## **#77. Clam and Oyster Beach Season Changes**

### **Proposal: Clam Season Changes**

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

Current Regulation: Open May 15 through July 31.

Proposed Regulation: Open April 1 through September 30. Surveys indicate that the clam resource, which has increased due to both natural recruitment and enhancement, can support a much longer season in 2008.

#### **Eagle Creek:**

Current Regulation: CLOSED.

Proposed Regulation: Open July 1 through July 31. A change in management status for this beach will permit a one-month season designed to target several extreme low tides which would allow recreational harvesters access to lower tidal elevation species such as horse clams, butter clams, and geoducks.

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

Current Regulation: Open April 1 through June 30.

Proposed Regulation: Open April 1 through June 15. Surveys indicate that the clam resource has decreased and cannot sustain the same season length as last year, and must be shortened by two weeks. The recommended season includes Free Fishing Weekend per State Parks' request.

#### **Frye Cove County Park:**

Current Regulation: Open January 1 through June 15.

Proposed Regulation: Open January 1 through May 15. Surveys indicate a decrease in the clam population, and the resource can only support a shortened season in 2008.

#### **Kitsap Memorial State Park:**

Current Regulation: May 15 through June 30.

Proposed Regulation: May 15 through July 15. A small negotiated trade with Tribes will permit a season that is two weeks longer than last year.

#### **Oak Bay County Park:**

Current Regulation: Open July 1 through July 31.

Proposed Regulation: Open July 1 through August 31. Surveys indicate that the clam resource has increased and can support a longer season in 2008.

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

Current Regulation: Open March 1 through May 15.

Proposed Regulation: Open March 1 through June 30. Surveys indicate that the clam resource continues to increase, mostly due to agency enhancement efforts, and can support a much longer season in 2008.

#### **Point Whitney Lagoon:**

Current Regulation: Open May 15 through June 30.

Proposed Regulation: Open July 1 through July 31. The later season opening continues the trend of having the Lagoon open immediately after the Point Whitney Tidelands close. However, due to the timing of tides, the season in the Lagoon must be shorter in 2008 in order not to overharvest the state share. When the two adjacent Point Whitney beaches are considered together, the 2008 recommended season is one month longer than in 2007.

**Rendsland Creek:**

Current Regulation: Open January 1 through June 15.

Proposed Regulation: Open January 1 through June 30. Surveys indicate that the clam resource can support a longer season in 2008.

**Sequim Bay State Park:**

Current Regulation: Open May 1 through June 15.

Proposed Regulation: Open May 1 through July 15. Anticipated changes to the Park's septic system allow a longer season in 2008; surveys indicate that the clam resource can easily support the longer season.

**South Indian Island County Park:**

Current Regulation: Open April 1 through August 31.

Proposed Regulation: Open April 1 through June 30. The Manila clam resource on this beach has apparently suffered a "kill" due to environmental changes in the substrate and algae cover, and surveys indicate that it can only support a shortened season in 2008.

**Triton Cove Tidelands:**

Current Regulation: Open July 1 through September 30.

Proposed Regulation: Open May 1 through September 30. Surveys indicate that the clam resource can support a longer season in 2008.

**Twanoh State Park:**

Current Regulation: CLOSED.

Proposed Regulation: Open August 1 through September 30. Surveys indicate that the clam resource can support a two-month season in 2008.

**West Dewatto (DNR 44-A):**

Current Regulation: CLOSED.

Proposed Regulation: Open August 1 through September 30. This beach was closed last year because the state clam share was overharvested in 2006. No overharvest occurred in 2007, and the clam resource continues to increase (largely due to our enhancement efforts). Surveys indicate that the resource can support a two-month season in 2008.

**Oyster Season Changes**

**Cushman (Saltwater) Park:**

Current Regulation: Open March 1 through December 31.

Proposed Regulation: Open year-round. Surveys indicate that the oyster resource can support a year-round season in 2008.

**Fort Flagler State Park:**

Current Regulation: Open April 1 through June 30.  
Proposed Regulation: Open April 1 through June 15. Oyster season should coincide with the clam season on this beach.

**Frye Cove County Park:**

Current Regulation: Open January 1 through June 15.  
Proposed Regulation: Open January 1 through May 15. Oyster season should coincide with the clam season on this beach.

**Kitsap Memorial State Park:**

Current Regulation: May 15 through July 31.  
Proposed Regulation: May 15 through August 15. Surveys indicate that the oyster resource can support a longer season in 2008.

**Oak Bay County Park:**

Current Regulation: Open July 1 through July 31.  
Proposed Regulation: Open July 1 through August 31. Oyster season should coincide with the clam season on this beach.

**South Indian Island County Park:**

Current Regulation: Open April 1 through August 31.  
Proposed Regulation: Open April 1 through June 30. Oyster season should coincide with the clam season on this beach.

**Testimony:** None.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

**#78. Saltwater Park Additional Name**

**Proposal:** This proposal would add the new name "Saltwater Park" to the Cushman Park oyster season regulation, for clarification.

**Explanation:** The Tacoma City Light-owned Park abutting this public tideland has long been known locally as "Cushman Park" and once had a sign posted with that name. The park is now known officially by Tacoma City Light as "Saltwater Park" and a brand-new sign with that name on it has been posted. This proposal would add the new park name to the WAC, while also retaining the older name (in part to avoid confusion with Saltwater State Park near Burien, also listed in the WAC).

**Testimony:** None.

**Staff Recommendation:** Adopt as proposed.

**Commission Action:** Adopted as proposed.

---

## Testimony on Other Issues

---

## Fees, Pamphlet, General Regulations Comments

One comment. PRINT THE BOOK RIGHT THE FIRST TIME, ALL THESE CHANGES ARE NOT ACCEPTABLE. it takes a law degree to read it in the first place. the printed changes make a book larger than the original regs. someone is asleep and wasting our money.

I am an infrequent fisherman, but if I were an avid fisherman, I think you would drive me crazy with your almost daily fishing rule changes. There has to be a better way.

We already pay to license the boat. Pay to launch. (9 bucks on lake Washington per launch now), pay an incredibly bloated price for fuel on the water compared to autos, and now we have to get a "proof of competency" (new boating cards) license through the state that they charge us for.

While some are warranted (boaters card) when done right, I just don't see where it will end. They keep dipping into our pockets to grab as much of the money back as possible from paychecks.

When they started charging for launching, I thought to myself, hey, we'll actually see a break water at the west Seattle armeni launch. I had a friend who was almost killed by a rogue wave from a ferry wake that pushed the boat up on the dock. Now, years later, still nothing. It's one of the most used launches in our state. Then, I see in the paper that the Water Taxi will get a brand new facility down south of it's current location. Wha?? Because a few people extra used it during the I-5 crunch? We've been down there several times in the morning and maybe....maybe see 15-20 people get on. Count the number of crew including large captains pay, diesel, and boat maintenance, and tell me how this thing makes ANY money?

My point...when do we start seeing the fees we already pay go into infrastructure, management of fisheries and meaningful projects?

A general observation if I may. You people have a tough job, no doubt about it. The only ones who have it tougher are those of us who try to read, understand and abide by the Washington hunting and fishing regulations. It has reached the point that every sportsman I run into says "...you have to be a #&%\*@!!!! lawyer to understand them...." and you still have to check the internet five minutes before going out the door. (And Washington isn't the only state. Another state I visited this summer, I won't mention Alaska by name, has ten pages of regulations, applicable to one river alone! TEN PAGES!) I understand you recently issued a report on hunting that mentioned the number of hunters in the state has declined by 2,000 from the previous year. Gee! I wonder why? Is it possible that spending a day in the field has become so cumbersome and so risky that it's just no longer fun? Personally, if the hunting regs get any more complex, I'll quit! I simply don't need the stress. Please, effectively manage the wildlife and fish, but don't micro-manage it. It can't be done.

I have recently read that the sales of fishing licenses is down and I can understand why. I am not sure I will be buying mine again next year. The rules and regulations you have set in place are so unbelievably complicated and burdensome, and not to mention unfair to the recreation fisherman it is a wonder there has not been open rebellion against your Department of Fish and wildlife. My license, tags, catch records (and I did not purchase all of them) stretch out to six foot three inches of paper I have to fold or wad up and some how carry with me. One of the problems with the Washington Department of Fish and Wildlife is they have turned the computer

in to their master. You keep such detailed records and base your seasons opening and closing on catch records and fish counts that the season is interrupted closed prematurely or opened again. You are not micro-managing the recreation fishing you are nano-managing. You open and close seasons like everyone is plugged into your web site while they are out fishing or hunting. Open the season and close the season on a time schedule. So what if more fish are caught than you want, maybe there will be less caught next run. That is another thing. Look at your regulations, take the Skokomish River for example. "Night closure, non-buoyant line restriction (I still haven't figured that one out!) and terminal gear must not be within 25ft of tribal gill nets." These guys are netting the salmon 24hours 7days a week, and the recreational fisherman who has to use a barbless hook, Non-buoyant line restriction. Night closure, and has to release anything that is not a hatchery fish, even the chum or chinook that are going to die anyway. I would like to suggest that the rules for Salmon and Steelhead be changed.

1. Fishermen that purchase their salmon and steelhead license may catch three (3) steelhead or salmon on any river of their choice. Once that limit is reached they can no longer catch any fish in that river. They may however go to another river and catch three (3) steelhead or salmon, when that limit is met they must go on to another river and continue this way until their total limit of thirty (30) fish on their catch record card is met then they may purchase another catch record card and repeat the entire process again.

2. Catch and release should pertain only to a fisherman that are trying to catch a larger fish or wants more salmon instead of steelhead or visa versa. The rivers that are designated catch and release should be closed until the population of the fish in the river grows enough so it can support fishing and the keeping one or more fish. The catching and releasing of these fish probably kills, injures, or weakens the fish enough that nearly the same results happen if they were allowed to keep a fish.

I would think that the Department of Fish and Wildlife that receives much of its funding from license purchase would try to catch the publics attention and make fishing more fun and enjoyable for families and less complex and restrictive.

Although I'm a relative newcomer to WA, I have a fishfinder now on my 12' duroboat and frankly, I'm SHOCKED at how few fish there are in 8-1; it's a virtual desert out there.

While some 'oldtimers' say the Sound is much cleaner, perhaps I misunderstood? Did they mean cleaner, ecologically or, cleaner, as in cleaned-out of fish? Where did Seattle dump all the garbage/toxins it used to dump in Lake Washington and Lake Union???

DFW should either be ASHAMED of their dismal performance, or go public against a Legislature overrun with incompetent buffoons that have effectively neutered DFW and encouraged the rape of the Sound by Commercial thugs hungry for dollars to pump into the re-election of a few, chosen Legislators.

Is there any reason why COMMERCIAL scavengers should be allowed to 'vacuum the Sound' of fish and crab? It should become a nursery, and a recreational fishermen's domain until stocks can recover in 5-10 years. I read the very 'Official' State of the Sound Report - holy christopher!!! what a PR campaign...is Joseph Goebbels alive & well, working for DFW?? In terms of DFW's "In the Public interest..." for the commercial 'rapists' to take nearly all they can, and have the People of Washington pay \*\$15-20 a pound\* for fresh fish, is an OBSCENITY! This, might fly in L.A. or Vegas but in Puget Sound?

Hopefully, DFW will understand my true position is to strengthen DFW so we have some actual fish swimming and thriving in the Sound. However, DFW does appear to fall well short of any meaningful program to ACHIEVE that desired goal.

I want to thank you for ignoring my input over the past several years because even trashing my letters must involve some cost to the dept.

But to reduce future cost, I respectfully ask that you delete my name from your mailing list. At the same time, why not knock-off the sham that suggests WSDFW gives a damn about public input from sportsmen. I have conducted high lake surveys for you (as part of the Washington State Hi-Lakers) in the 1950s and 1960s, but we took back-seat to the commercial interests even then.

## **Process**

Regarding the Process:

I am writing you directly because it appears to me that the WDFW staff is biased and inconsistent in the method that they use to compile the public's rule change proposals and then the public's subsequent comments.

However, I acknowledge that the WDFW has an extremely difficult job. This is especially true in the case of soliciting and adopting proposals for new regulations. This is because the WDFW as an Agency has its own position on most issues and this is proper. It also has Advisory groups that make recommendations to the department. The governor and other State agencies also have an interest and exert influence on the Agency. The same can be said for federal agencies, other states and local governments. Additionally, there are tribal interests, industrial and agricultural interests, a huge number of private organizations, as well as the average citizen. Obviously, the chance of agreement of all parties on even a single issue is remote and that puts the WDFW in a "no-win" situation.

To relieve the WDFW from the appearance of conflict of interest, I propose that for future "rule making actions" that the Commission have a small staff that would be responsible to act as "third party" to collect, compile and categorize all the comments. That way the WDFW as an Agency could clearly and cleanly make its recommendations to the Commission. All other parties would follow the same process and their comments would be submitted the same way. Then the Commission could objectively review each proposal, then make a decision that clearly sets WDFW policy and then the Commission adopt the appropriate regulations. This process offers additional advantages. It would make clear to all that the Commission sets policy, it would articulate what that policy is and then finally provide a benchmark to evaluate the Agency's implementation of that policy.

Regarding the process for All Proposals:

The Commission should also review and act on each proposal individually regardless as to the WDFW position/categorization of the proposal. The rule making process should be the individual citizen's most likely avenue to get a regulation changed. If the Commission only gives a detailed review of the proposals that the WDFW supports, the individual citizen is not being heard. I realize that this will take more of the Commission's time but it will be time well spent.

Additionally, this change would eliminate the confusion that exists in the current way the proposals are numbered.

Currently, a proposal initially gets a number passed on where it falls in the regulations. Later, if the WDFW decides it will support this proposal is removed from the first database, then

proposal gets a new number in a different database/chart. Concurrently, the proposals the WDFW does not support retain to their original number and relegated to a spreadsheet of "not WDFW supported proposals."

This method it makes confusing and difficult for the average person to follow. First, because of use of the two lists. Secondly, the WDFW supported proposals are often reworded. That makes it difficult for the average person to follow a proposal through the process and then there is the additional difficulty knowing/understanding what the exact final wording will be.

## Salmon

Item #2 is the wild fish release. We have to be a little more real here in South Sound as far as Chinook Salmon are concerned. The presence of truly "wild" chinook on the Nisqually are highly doubtful. They most likely are hatchery fish that either spawn in the river, interbreed with any real wild fish ( if any) or are not clipped at the tribal hatchery. I have a first hand account of a friend of mine that volunteered at the Muck creek facility and not all the fish are clipped. Gee, that does make a better return for the tribe doesn't it? And less for the sportsmen on the sound that have to use single barbless hooks and have to release the "wild" fish so they can go into the tribal nets and into the totes and sold. Another give-away is the now single barbless hooks on jigs. That was turned down a year or so ago and now used by your agency , I think, as a gimme for the tribe. More fish in the totes. And to further expand on this your agency has been passing chinook upstream on the Deschutes past the falls collection site to spawn in the river. Ok, these are hatchery fish, do not get clipped, on a river that never had a salmon run due to the falls and now count as "wild"??? The second part of this is the Coho that return (maybe) to the Deschutes that spawn in Mitchell, Johnson and Thurston Creeks in the upper watershed. Those were also introduced by your agency and are unclipped. Hatchery origin fish. And if one would look at the tribal beach seines at Zangle Cove (Boston Harbor) those unclipped fish go into the totes just like the rest of them. Jeff Dickinson of the Squaxin tribe said some years ago in the Daily Olympian

newspaper that the beach seines are the way to go because they have the opportunity to release wild fish. He's totally right,, but they don't and won't. I have also witnessed big sea-run Cutthroat trout going into the totes from the seines. Come on. That's just lame to have that kind of stuff going on down here. Time to talk real science and not tribal politics in South Sound. My license fees pay for your hatchery operations. Tribe doesn't. How about some return on those increasing fees for the people like me instead of making it harder every year and easier for the tribe?

I also have an observation regarding the requirement this year to release so-called "wild" salmon in Area 13 - a terminal fishery. Last year, my family boated 22 legal king and coho salmon in Area 13. Of those, 3 were unclipped fish - approximately 1 in 7. This year, so far, we have boated 8 legal clipped kings and released 7 unclipped fish - approximately 1 in 2. Obviously, this is incredibly frustrating, particularly for my two 10-year old budding fishermen. They just don't understand why we have to release so many beautiful fish when we see tribal nets killing every fish entering the Nisqually - even on non-tribal netting days (verified repeatedly by a neighbor who fishes the river and has discovered the nets stretching across the river just below the surface) and when we've personally seen and been told by friends, of tribal boats in the early morning netting fish in the Sound (not only by Solo Point but also inside Budd Inlet). Many of my fishing friends and I wish Fish and Wildlife could understand how frustrating and

inequitable these rule changes are. One by one, I've seen friends sell their boats and given up fishing. A week ago, after releasing another "wild" fish, my kids asked why we even bother to try. With gas at about \$3.00 gallon, I wonder myself. Please keep in mind how the public feels about the increasingly restrictive, inequitable regulations and fishing opportunities.

It was great that we could keep some Kings in area 9 this year. In the past, all areas except 9 were able to keep Kings. Please continue to open area 9 to fishing for Kings.

Please give us a season for Chinook on the Skagit River. There is plenty of salmon, if the tribes can target Chinook then we should as well. One fish per person per season would be fine. Or have a drawing and charge \$5.00 To whatever for the special tag and use the money to enhance the run with more hatchery fish. Use British Colombia as an example, their hatchery system is working great.

I would like to see the fall session started later in August. It seems that the run is coming in later and later every year, plus I think that it would give more of the upper river run more of a chance to build. And do not open Drano lake area until the later part of August.

For future sport fishing rules please consider a mandate to release all wild salmon and steelhead, regardless of the season or run. There are plenty of hatchery fish available for harvest, while each individual wild pacific salmon is precious. With continuing declines in so many wild runs it is not just numbers of fish that are declining, but the diversity of runs is also compromised. Please provide the maximum protection possible for wild salmon in Washington's fresh and salt waters by requiring catch and release of wild stocks at all times.

I fish the N. Fork of the Lewis River in S.W. Washington. The fall chinook run was weak this year, resulting in the early closure. There has been increased pressure over the years with the influx of people into the Vancouver area. This fishery can only sustain so many redds for the wild chinook run which basically results in a maximum number of fry which will survive to hopefully return again to the river. Prudent management would suggest that it is time to invoke a one adult fish per day limit (chinook). I don't know any fisherman who would stay home because of the one fish limit rule. Note: The up river bright fishery on the Columbia with a one fish limit is just as popular as when it was a two fish limit. You might also consider another rule. There are some fisherman who are quite efficient at catching these wild fish. They will only keep hens and will release bucks. I don't think that is good practice, but they basically are egg fisherman who want the roe for spring chinook fishing. I know that this is complicated by the hatchery coho run which is there at the same time. I am one of the old guys, retired, on the river and have a lot of time to fish and enjoy bagging two fish a day, but I think the time for two chinook should end. I know the guides will have a fit about the limit reduction, but tough. Plus I believe the sanctuary for the gill netters needs to be expanded at the mouths of the tributaries to the Columbia. We need to ensure adequate escapement to the spawning beds.

## **Crab**

My 12 year old son is not going to answer questions regarding his crab catch limit for 2006. Yes, he actually got a phone call and they would only speak to my son about crabbing...they would not let me answer. He's a minor for crying out loud. How do you base a meaningful

study on the answers given by under age kids who might be thinking that xbox game on pause is more important than whatever you have to say about crab!?

As you have it now for sport crabbers in Area 6 we have a 2 month season. Sometimes you open it up during the winter but that doesn't help most of us who are in their sixties and seventies who cannot handle the cold weather.. Dungeness Bay is one of the few areas where the older generation can crab in safety. Just a thought since we are the generation keeping your department solvent why don't you keep Dungeness Bay for the sport crabbers only. Most of us do not have the agility to handle crab pots or a boat out on the straits. We only have a few years left why not toss us a bone.

To give the sportsman who provide the funding for the Puget sound crab enhancement a chance of catching a legal crab the season should be opened the same time the indians start. I fished crab 4 days and did not get one legal crab in the Seabeck area because about four tribes converged on the area weeks before our season even opened. In past years crabbing was good but it sucked this year and left a very bitter taste. Why not have the indians crab one side of the canal and the white man the other side. This way they can fish out their side and we could have a regulated fishery on the other side. As far as the 50/50 goes the indians are getting tons of Goeduck , ruining the ecology of the canal and the sportsman is probably only getting 1/2 of 1% of the goeducks. The only time the public even notices is when they kill a whale but the rape of the resource continues underwater.

Hope you enjoyed reading our 8-1 CRAB Reports - it was a good year, with very ACTIVE crabbers; busiest beyond experience over 3 years.

My proposal concerns the crabbing season and regulations. My proposal is three fold:  
#1 Longer season from Memorial Day to Labor Day for summer season in ALL zones.  
#2 reduce the crab traps from two to one per person.  
#3 reduce the daily limit from five crab to four of dungeness crab with no limit changes for rock crab.

The above changes would allow for a longer season but not over fishing due to the reduction proposals which I feel would benefit most recreational shellfishermen/women.

My proposal concerns the crabbing season and regulations.

My proposal is three fold:

#1 Longer season from Memorial Day to Labor Day for summer season in ALL zones.  
#2 reduce the crab traps from two to one per person.  
#3 reduce the daily limit from five crab to four of dungeness crab with no limit changes for rock crab.

The above changes would allow for a longer season but not over fishing due to the reduction proposals which I feel would benefit most recreational shellfishermen/women.

## **Other Comments**

Finally if you guys and gals really want to make a difference stop the Indians from netting....

Get the nets out of Puget Sound and the rivers.

Close all the hatcheries for steelhead and shut down the fishing seasons in Puget Sound Rivers for the next twenty years. Make sure the tribal nets are out of the rivers otherwise forget it the fish don't stand a chance.

In areas where steelhead or whitefish fishing are open (i.e. Methow and Wenatchee Rivers), the Service recommends closing several pools in the winter. These areas are identified as key overwintering bull trout habitat through radio-telemetry. These pool closures or boundary adjustments may reduce incidental catch of bull trout. The key pools are areas where higher densities of adult bull trout may be subject to incidental catch just after spawning. Post spawning prior to winter is a critical recovery time for bull trout, when they are in a weakened state and may not be capable of sustaining being caught and released. Hooking mortality in different studies varies from less than 5% to 24% for salmonids caught on artificial lures to and up to 16% to 58% for bait caught salmonids (Taylor and White 1992; Pauley and Thomas 1993; Lee and Bergersen 1996; Schill 1996; Schill and Scarpella 1997). The Service suggests our agencies work more closely to coordinate input prior to opening or changing these types of fisheries. (USFWS Upper Columbia Fish and Wildlife Office).

## **New Proposals**

I would like to spearhead a proposal outlawing fishing from a floating device on the Klickitat River. The river is small enough to efficiently fish from the bank. Boats can be used for transportation only. The above proposal would eliminate the trawling technique used by plug pulling drift boats that scour out each run they come upon. It would also cut down on the congestion caused by such techniques. I would also surmise that it would ultimately protect what little fish we have left.

I have a proposal for serious consideration. Rock Lake in Eastern Washington is an abundantly shared lake. Both trout anglers and waterfowl hunters use this area and during hunting season the fishermen really put a damper on the hunting there.

Here is my proposal...on days that goose hunting is open there should be no fishing. This creates a safer environment for the fishermen as well. The same goes for hunters. On days that goose hunting is not open there should be no hunting. This way fishermen would get their fair days on the water too...without the hassle of hearing gunshots or angering hunters. Both parties would favorably get a fair take in the matter and no frustrations would occur.

I have been an avid fisherman of Capitol Lake for many years. Due to the infestation of milfoil, the lake was closed to boats with motors on them. I have been watching for years to see what the state was doing about the infestation. I have noticed nothing. The lake still remains closed to boats with motors. Why is being continued? If there was a plan to do something about the infestation I would think that it would have been implemented by now. All this closure is doing is keeping fishing with boats/motors to be not allowed. From what the public hears about the other lakes, they are full of the same infestation. Why could the lake not be reopened for the sports fisherman to fish from his/her boat? I live in Olympia and would like the access to the lake in my boat.

Open Deer Lake, Stevens Co. for winter ice fishing to reduce the number of lake trout. If it doesn't work then close it back down but try it for a year or two.

As a statewide rule, in all marine areas, the co-managers have discussed and were given assurances regarding the types of hooks that would be lawful in salmonid fisheries. Therefore a new rule should be adopted mandating single point barbless hooks in all marine recreational fisheries for any salmon or trout species. Given the "sorting" practices in recreational fisheries, the widening use of non retention rules, along with the implementation of mark selective fisheries, this measure would be essential to conservation management. (Point No Point Treaty Council)

#### Black Lake – Emergency Closure

Proposal: We suggest a closure of this lake until fish managers can determine incidental take and conditions of the prey base.

Explanation: After the wildfires burned through the watershed in Lake Creek, habitats changed in the lake and along the Creek. The US Forest Service has reported to us areas in the lake bed buried by sediment flows. We believe the levels of prey available to native trout have been reduced significantly. Rainbows were said to look like they were starving (Personal communication, J. Molesworth, USFS Fish Biologist, 2007). Bull trout currently have a high instance of being caught in the lake, based on Forest Service surveys. Selective gear rules apply upstream of the lake. Upper Lake Creek is one of the current proposed rule changes (#25) and will help protect bull trout in upper Lake Creek where most spawning occurs. But currently the lake is open and incidental catch is high, especially near the inlet of Lake Creek. There is also spawning below the lake and with this population being adfluvial in nature, adults are assumed to overwinter in the Lake. Bull trout numbers continue to be low and are not trending upward in this local population. This closure would be consistent with bull trout recovery efforts in other geographic areas.

#### Chiwawa River Tributaries (Chikamin, Phelps, Rock, and Buck Creeks) Rules - Seasonal restriction.

Proposal: The proposal is to close the tributaries to the Chiwawa River (Chikamin, Phelps, Rock, and Buck Creeks) to fishing after August 31. This means that these tributaries would remain open to selective gear fishery between June 1 and August 31.

Explanation: These tributaries are major spawning areas for bull trout. They are likely a source population for the Wenatchee Core Area. Recent radio-telemetry identified that adults can leave the Chiwawa as late as December and that some Chiwawa fish migrate into the Little Wenatchee, White River, Nason Creek, and down to the Columbia River. Our experience with doing redd surveys in this basin from September 15-October 15 is that adults in these tributaries are easily disturbed where large adults are spawning and visible.

#### Ingalls Creek Rules – Apply selective gear rules.

Proposal: The proposal is to require selective gear rules in Ingalls, which would change the bait fishery.

Explanation: We have new information about bull trout in the upper basin of Ingalls Creek. In the past it has been difficult to locate bull trout in Ingalls Creek. We conducted night snorkel surveys in 2006 and collected genetics samples from juvenile bull trout located in areas above

Falls Creek, which is upstream of the wilderness boundary. Ingalls Creek is the only known spawning area for bull trout in the Peshastin Creek Local Population. Recent radio-telemetry and smolt trap information show that bull trout also use the mainstem Peshastin Creek downstream of Ingalls. Information collected by the USFS in 2007 snorkel surveys, identified bull trout in Negro Creek, upstream of Ingalls Creek. Spawning has been difficult to identify due to low water conditions and the difficulty to survey the area. The requirement of selective fishery gear would reduce the impacts from fishing caused incidental take. Experience with local anglers indicates they do know how easy it is to catch bull trout in this drainage and the selective gear restrictions would minimize additional harm to this population. Adult bull trout in the Peshastin are low in abundance and the population is documented as unknown in the WDFW SASI document. This change would be consistent with the management of bull trout in other geographic drainages both within the Wenatchee basin and in other geographic areas. (USFWS Upper Columbia Fish and Wildlife Office)

#### Icicle Creek Seasonal Closure

**Proposal:** This proposal would close the upper portions of Icicle Creek and several large pools below barriers to fishing when bull trout migratory adults would be staging and spawning. We recommend a new seasonal closure between August 15 and June 1 be applied to several selected pools, such as the Chatter Creek Guard Station pool and the Bridge Creek Campground pool (near the group site). We also recommend a seasonal closure between September 1 and June 1 be applied to the mainstem of Icicle Creek upstream of Chatter Creek Guard Station, French Creek, and Jack Creek.

**Explanation:** Currently a conservation effort between multiple partners (USFS, USFWS, Wild Fish Conservancy, etc.) in Icicle Creek is underway to collect new bull trout information that will assist with recovery efforts as identified in the Services draft bull trout *recovery plan*. New information about migratory adult bull trout located in the upper Icicle above the Hatchery has stimulated concerns about how to better protect the bull trout population in Icicle Creek, including the adult migratory life history portion of the population. With new/ongoing hatchery and irrigation management practices, adult bull trout are making their way upstream further than they have since the 1930s. Bull trout were recently observed in August and September trying to jump a cascade located at the Chatter Creek Guard Station pool at the USFS Trail Bridge. This and a few other locations in the Icicle are prone to high recreation use, including fishing, at a time when bull trout may be holding and moving or spawning. The key habitat pools provide resting and pairing up locations before they migrate further upstream. The upper Icicle, Jack Creek and French Creek are areas we suspect spawning occurs. Rearing juveniles and subadults have been observed in those areas. A migratory adult has been observed near and within French Creek in 2007 and four more were observed in Icicle Creek in and near the Chatter Creek Guard Station pool. Numbers of migratory adults are *very low*. The WDFW SASI document lists this population as unknown. This August 15<sup>th</sup> date would protect the adults in the large holding pools that are located below cascades and near larger recreation sites, where it takes bull trout longer to stage and jump. The September 1 date will help protect redds and adults while spawning, although not completely.

Recovery goals for bull trout in the Wenatchee Core Area include having spawning migratory adults and maintenance of the distribution. In order to reduce incidental hooking mortalities and disturbance/poaching during spawning, a seasonal closure is recommended. With coordinated conservation efforts ongoing in the watershed, this is a good time to implement new fishing rule changes for this population of bull trout. We recommend this change continue

until more migratory bull trout are spawning successfully.

The seasonal restriction is similar to that proposed above for the Chiwawa tributaries, the American River, Yakima River and other geographic areas. This proposal was coordinated with local fisheries managers.

#### Lake Wenatchee Sockeye Fishery Rules

Proposal: This proposal would occur with the Sockeye fishery in Lake Wenatchee. We recommend closing the areas near the mouths of the White and Little Wenatchee Rivers to sockeye fishing.

Explanation: The areas near the mouths of the Little Wenatchee and White Rivers are historically well known bull trout catch areas. Large numbers of hooking mortalities have occurred in past years. This area also encompasses the sockeye net pens. Anglers encroach and boats cause wakes to hit the nets. This closure would remove most of the incidental catch of bull trout and the disturbances at these net pens, during the sockeye season. We recommend the area uplake of a line drawn straight across from Glacier View Campground to the north shore be closed. Radio telemetry located bull trout in most of the lake and most locations were at the mouths of the rivers. Large numbers of bull trout are caught and reeled up with downriggers that cause their swim bladders to rupture or extrude.

#### Wenatchee Steelhead fishery - Boundary Area Changes

Proposal: This proposal would change the area boundary for these fisheries. We recommend moving the open area upper boundary of the Wenatchee steelhead fishery downstream to the bridge at State Highway 2, just south of Leavenworth.

Explanation: We have new radio-telemetry information about bull trout key overwinter locations in the Wenatchee River. Besides Chinook redds, bull trout also are located within this reach of the Wenatchee River. The area below Icicle Creek and Peshastin River have key primary holding and overwinter pools for bull trout. The timing of the steelhead fishery overlaps with the time bull trout are moving downstream and recovering after spawning. Incidental catch at this sensitive time can easily deplete their reserves or kill them. We recommend closer coordination on the location of this fishery boundary in order to minimize impacts to the adult bull trout population. Populations in the Wenatchee Core Area are still below recovery goals and we need to protect migratory bull trout. Also see our comments on the selective gear above. Relocation of the boundary to the Highway 2 bridge should significantly reduce the incidental catch of bull trout as well as trampling of new Chinook redds.

#### Twisp River Tributaries (South, War, Reynolds Creeks) Rules - Seasonal restriction and selective gear.

Proposal: The proposal is to close fishing after August 31 in tributaries to the Twisp River where spawning bull trout occur (South, War, and Reynolds Creeks) and require selective gear rules for these streams. This means that this would become a selective gear fishery between June 1 and August 31.

Explanation: These tributaries are spawning areas for bull trout. They are likely a source population for the Methow Core Area. Recent radio-telemetry identified that adults can leave or stay within the Twisp River through the winter. Sometime bull trout are trapped upstream due to subsurface flows until fall rains come or in some cases they have died due to the cold

temperatures. USFS redd surveys indicate there are adults in these tributaries that are visible and easily disturbed. Currently, we are working with the USFS to work on restoration strategies for bull trout in the Twisp basin and this would be good timing to instigate a cooperative bull trout fish management strategy. Currently these tributaries are open to fishing with bait, while the adjacent Twisp River is closed to fishing. There are upstream barriers in some of these tributaries and possibly the upstream limit can be applied to the seasonal restriction and selective gear rules.

Also see your proposal #26 for the adjacent North Creek. A coordinated approach will help meet our recovery objectives for bull trout in the Twisp watershed. The Service is very interested in being an active part in WDFW's sportfishing rule change processes. As proposals are reviewed and approved by WDFW personnel (regional staff, species staff, headquarters staff, Director's Office, etc.), the Service recommends that WDFW coordinate a review of these proposals with the Service to make sure the rules changes do not conflict with the recovery of bull trout. (USFWS Upper Columbia Fish and Wildlife Office)

Allow anglers on Lake Chelan to purchase a catch record card for Lake Chelan's Landlocked Chinook Salmon. Funds collected would be used to fund a net pen operation in the Chelan River near its mouth.

I'm concerned about the growing pollution caused by the 2 stroke outboards and jet skis in our nice fresh waters. I believe their use should be restricted and that only 4 stroke engines should be allowed because they are ultra low emissions. Many outboards and pwc's are available now with the new tech 4 stroke engines.

I'm an avid fresh water fisherman and got rid of my 2 stroke outboard and switched to a 4 stroke, to do my part. They are not that expensive anymore either. We must protect our lakes and fresh waters. Many of our small lakes are way overburdened by too many 2 strokes. It can't be good for the fish either. Our planet can take only so much abuse.

I fish in California sometimes and they have banned 2 strokes in some, not all, lakes (about 11). Can we do the same? Are there plans to do so? People can still have fun and fish and jet ski, but be responsible users of fresh waters at the same time. We can honor both factors – it doesn't have to be either/or.

### **Comments on Proposals not Supported by Staff**

I have spoken with several different people at the Mill Creek office concerning the language in the Selective Gear Regulation for this site. The way it is currently written it is illegal to fish from a petroleum powered boat. This make no sense. Water skiing is allowed on this lake which means I can take my bass boat and go water skiing but if I choose to fish for bass from it I am in violation of the regulation. I was informed that this would be on the list of recommended changes for 2008 but I didn't see it on the list. I was also informed to send in my recommendation in case it didn't show up. Therefore, my recommendation is to change the selective gear rule for Lone Lake, Island County to read "except that fishing from a power boat is allowed".

Reading from the list of suggestions it appears that many Washington sportsmen want to use 2 poles. For those who fish for Salmon in the ocean or sound waters one pole is enough. However, there is absolutely no reason why a person cannot use 2 poles in lakes. If you are

fishing for perch or crappie the use of two poles would be fine. Another reason for the use of two poles is if you are fishing for the aforementioned fish and want to fish for catfish it is hard to do with only one pole. Catfish are bottom feeders and the others are mid-lake or surface fish and it is hard to fish the bottom and top at the same time. ALLOW TWO POLES ON ALL LAKES.

The ability to buy two Licenses and fish with two poles while only retaining one daily limit, this would generate needed income for the agency and make half the fishing public legal. It would eliminate the need endanger children so that parents can fish with multiple fishing rods, it happens all the time! These kids end up hating fishing because salmon fishing rarely occurs in nice weather and can be hours of boredom for kids.

As project leader for the Department of Fisheries sport fishing program and later Deputy Director during the 1970's, I had a lot to do with implementing a regulation that allowed marine salmon anglers to use tow rods/lines. A primary reason for this was that hatcheries were being flooded with surplus coho salmon that, after immigrating into the sound, had ceased to actively feed and were very difficult to catch. In addition to increasing efficiency, two rods enabled anglers to experiment with different techniques. As any scientist knows, any experiment requires a control- something that is lacking with a single rod/line. The new rule did not cause any problems. As you may know, multiple lines/rods are legal in Canada and Puget Sound origin fish are a major component of their catch.

The two rod rule was eliminated during the 1980s as a response to the Boldt ruling when sport catches contributed to an imbalance in treaty mandated allocations. All of that has changed: Tribal catches of Puget Sound origin coho salmon (and to a lesser degree Chinook) far exceed non-Indian catches. The HSRG wants more of the hatchery salmon selectively caught because they are a threat to the wild stocks and angling is the only selective fishery in existence. I can see no reason why two rods per angler are not allowed on Puget Sound – as least during the month of September when the ocean reared coho salmon stocks are returning to Puget Sound. Such move is clearly consistent with wise use and conservation of our wild salmon stocks.

Allow anglers to purchase a permit to fish with a second rod.

I find proposals P031 and P200 to be excessively prohibitive and unnecessary; I strongly OPPOSE them. 80% of the salmon that I catch in the Columbia are caught using cut plug herring and floating plugs with two hooks. Both fishing methods would be restricted by these proposals; hurting honest fishermen and doing little to stop snagging.

The WDFW says that they will ask for legislative authority to charge a fee for an extra rod in certain cases. We did not receive a license fee reduction when we lost the right for fish for salmon approximately 20 years ago. So, obviously legislative action is not needed to grant anglers the right to use of two rods. Nor does the use of two rods require a fee increase to the sportsmen. I also would remind the Commission that numerous states and Provinces allow the use of multiple rods for sport fishing. For example, when trolling for salmon in British Columbia, an angler is allowed an unlimited number of rods. Therefore, the sports anglers of Washington state deserve additional opportunity provide by the use of a second rod without cost. The actual consumptive catch should be addressed via catch and possession limits on gear reduction.

I also support NO WILD STEELHEAD RETENTION.

5 fish annual limit proposals

The Commission lowered the limit to one fish several years ago. Therefore, the Commission should raise the back to five fish. This would level the playing field. Then, the state steelhead management plan could change this if needed in the future.

However, the reduction to one wild steelhead is not needed at this time. This is clearly demonstrated by the fact that on rivers such as the Hoh River Indian tribal fishing is harvesting a significant portion of the sport angler's share of wild steelhead based on the "foregone opportunity concept." As these wild fish currently are being harvested, time has proven that this past decision by the Commission to be in error. Therefore, the Commission needs to correct it mistake now. It will a limited number of anglers the enjoyment of taking home additional fish. Additionally, correction now is extremely important before irreparable damage is done to the historical allocation of fish on rivers like the Hoh.

Comments on WDFW Staff Rejected Proposal (Region 4, Proposal P 099):

The above noted regulation change was proposed on the Skagit River between Hwy 536 at Mount Vernon to the Cascade River. The proposal was to change the regulations in this section of the river from Statewide Rules to "Catch-and-release except lawful to fish from a floating device while under power" from March 1<sup>st</sup> to March 15<sup>th</sup>.

This regulation change was proposed for the following reasons: The existing regulations on the Skagit River are inconsistent with the selective gear regulations on the Sauk River which are effective on March 1st. Also, there is a significant number of wild steelhead in the Skagit River by March 1st. Many of the wild steelhead in the Skagit River are headed to the Sauk River and should get the same protection as the wild steelhead in the Sauk River. The selective gear rules should also significantly reduce the hooking mortality of wild steelhead, especially wild kelts and smolts which are more vulnerable to fatal injury due to the use of bait.

WDFW staff did not support this regulation change and the reason given was that this conservation measure is not necessary at this time. I find this explanation to be inadequate for the following reasons.

After this regulation change was proposed and rejected, Puget Sound wild steelhead were listed as threatened under the endangered species act. Allowing the use of bait in an attempt to harvest hatchery steelhead at a time when the majority of the steelhead in the river are wild steelhead subjects the wild fish to an unnecessarily high mortality rate resulting from the use of bait. At the time this proposal had been rejected, Puget Sound Steelhead had not been listed, but WDFW department staff knew the listing was going to happen.

The reason wild steelhead in the Skagit and Sauk rivers are meeting their escapement goal is not because the run is healthy, but because the escapement goal was reduced from 10,000 to 6,000? fish. I believe this change was made to allow commercial and tribal fishers to continue to fish the Skagit River when the wild run was not meeting its escapement goal.

I was told by department staff that the department would prefer to close this section of the river to fishing instead of changing the regulations to selective fishery rules. I believe the reason for this stance is because the department would be subjected to intense political pressure from the Wildcat Steelheaders fishing club, guides, and other anglers who prefer to fish for wild steelhead using bait.

I was told by WDFW department staff that it is believed the half of the wild steelhead that enter the Skagit River are headed to Finney Creek. If this is the case, then half of the wild steelhead that enter the Skagit River are subject to the unnecessarily high mortality rate associated with the use of bait from the time they enter the river to the time this section of the river closes on March 16<sup>th</sup>.

In light of these reasons I believe it would be irresponsible for the department to continue to allow the use of bait on the Skagit River during the March 1<sup>st</sup> and March 15<sup>th</sup> timeframe.

#### Proposal 001B

I support the use of motors during the C&R season on the Skagit River because it is a safety issue. The Skagit is a large fast flowing river and the only way to safely control some boats is via a motors. This is particularly true for older and handicapped anglers. Additionally, the Skagit is a very large River. It is capable of accommodating fishing from both motor and non-motor powered vessels while still having a quality experience. Note” This restriction is a kin to limiting the fishing on the river to those people who could walk to the Skagit but then closing it to people who got to the river via motor vehicles. The current regulation makes no sense on this river.

#### Proposals 70, 101, 108, 151, 158

I support these proposals and do not agree that fishing from a boat in this area would hamper the WDFW from capturing brood stock fish. In fact, the organization that proposed this change physically captures brood stock fish for WDFW.

#### Proposal 163

I made this proposal. In my proposal, I pointed out that the existing WAC is not realistic for all species and needs to be revised. Additionally, I provided WDFW testimony as evidence that the WDFW has historically not applied this to WAC to steelhead fishing. I also proposed a “simple fix” that would amend the WAC to establish a prize threshold of over \$250.00 for contests and tournaments. This proposed amendment for free both the WDFW and the angler from submitting burdensome paperwork for small scale events.

The WDFW did not mention this when they categorized my proposal. Instead, the WDFW categorized my comment as “a small prize value does not necessarily ensure a small tournament.” I do not think they conveyed my proposal accurately. Therefore, I have attached my original proposal so you can read it for yourself. In addition, I would like to emphasize several additional points. With the exception of bass and walleye, the WAC does not differentiate between a short duration event and an annual contest. I contend that that the sportsmen’s effort when spread out over an entire year or season, is on a completely different scale then a short duration event. I believe the WAC needs to be rewritten to address this inequity. Additionally, the existing WAC does not even apply to salmon, which is the most fished for species in the state. Finally, I want to emphasize that six licensed anglers is just a completely arbitrary number that someone picked when the WAC was formulated. It needs to be raised and there also needs to be an exception given to family groups regardless of size.

#### Proposal 163

I made this proposal. In my proposal, I pointed out that the existing WAC is not realistic for all species and needs to be revised. Additionally, I provided WDFW testimony as evidence that the

WDFW has historically not applied this to WAC to steelhead fishing. I also proposed a "simple fix" that would amend the WAC to establish a prize threshold of over \$250.00 for contests and tournaments. This proposed amendment for free both the WDFW and the angler from submitting burdensome paperwork for small scale events.

The WDFW did not mention this when they categorized my proposal. Instead, the WDFW categorized my comment as "a small prize value does not necessarily ensure a small tournament." I do not think they conveyed my proposal accurately. Therefore, I have attached my original proposal so you can read it for yourself. In addition, I would like to emphasize several additional points. With the exception of bass and walleye, the WAC does not differentiate between a short duration event and an annual contest. I contend that that the sportsmen's effort when spread out over an entire year or season, is on a completely different scale than a short duration event. I believe the WAC needs to be rewritten to address this inequity. Additionally, the existing WAC does not even apply to salmon, which is the most fished for species in the state. Finally, I want to emphasize that six licensed anglers is just a completely arbitrary number that someone picked when the WAC was formulated. It needs to be raised and there also needs to be an exception given to family groups regardless of size.

State of Washington  
 Department of Fish and Wildlife  
 Fish Program  
 Proposal Number  
 (WDFW use)

P163

2008-2009 Sportfishing Rule Proposal Form

To propose a sportfishing rule, please fill out this form completely - **one proposal or idea per form, please!** Feel free to make copies of this form or share it with friends. ***Rule proposals need to reach us by June 1, 2007, to be included in this year's process.***

Name	Mark Gavin	Phone#	425 888 5378
Mailing Address	12831 456 <sup>th</sup> Dr SE	E-mail address	
	North Bend, WA 98045	May we contact you by e-mail in the future?	
		Yes	N X, Currently have o <u>problems with my email</u>

1. **Current rule you would like to change: WAC 232-12-168** defines a fish contest as an event with 6 or more licensed anglers fishing competitively regardless of prize value.

2. **Your proposed rule: To amend the definition to replace the words "regardless of prize value"** with the words "when the prize value exceeds \$250.00."

- a. Species affected: Steelhead ((both hatchery and "wild") and all other game fish
- b. Geographic areas affected: statewide
- c. Time of year in effect: Year round
- d. Other details: \_\_\_\_\_

Why this change is needed: The current WAC definition of a contest is antiquated and much too restrictive to be either implemented or enforced in a real world.

(Currently the WDFW is aware that statewide there are between hundreds and thousands of formal "contests" for steelhead. Plus there are an additional untold number of "contests" for other game species. Additionally, the WDFW is also aware that there are even a great many more "ad hoc steelhead contests" annually. (A typical ad hoc event is when just a group of fishermen meet on a river bank in morning and everyone "throws a Buck" into the hat and the winner (or winners) get (split) the prize.) Again, they are also aware that annually there is even a greater number "ad hoc contests" for other game fish. The WDFW has historically chosen not to enforce the contest rules for a number of reasons. Three biggest are that the majority of these "contests" have little additional impact on the targeted species, sheer number of "contests" would overwhelm the single WDFW employee who processes contest applications and that the vast majority number of these "contests" have a prize(s) of negligible value. )

The proposed WAC definition of a contest would allow the WDFW to have a definition that separates out the zero dollar events and low dollar events from the potentially high impact/modest high dollar contest. This change would allow WDFW management to target its manpower resources on those contests that could have an impact on the targeted fish species.

Most importantly this proposed change would correct a serious administrative error. Because as the WAC is currently written, an enforcement action could currently be taken against a family of 6 when they all went on fishing on a day and decided to have a family contest without a permit.

3.

4. Public or Agency Involvement:

- a. Names of individuals or groups with whom you have discussed this change: Two chapters of the Puget Sounder Anglers, the Eastside Steelheaders, The Mt. SI fish & Game Club, The Issaquah Sportsmen's Club, numerous fishermen I have met and WDFD personnel.

b. Describe their support or concerns:

There was overwhelming support that WAC had to be changed to reflect the real world conditions. Most supported the concept although there was some discussion that the proposed dollar amount was too low.

Perhaps, the most significant discussion came from not someone who either opposed or supported the proposed change but was the person who identified the problem the WDFW has with current WAC and why in most cases the WDFW ignores the WAC's provisions. The following is based on the notes I took during the following discussion. (To the best of my knowledge, no formal minutes have been published.)

In Feb. 07, Mr. Bob Gibbons of WDFW stated that he estimated that statewide there were between hundreds and thousands of formal "contests" for steelhead (including both "wild and hatchery" fish.) Plus additional an untold number of "ad hoc contests" for steelhead. These contests are sponsored by a wide variety of organizations that include sportsmen's clubs, gas stations, resorts, grocery stores, church groups, employers, etc. These "contests" have varying lengths of duration. (Examples of the durations are from a season on a specific river, or an assortment of regional rivers, or entire season (winter or summer) or annual.) The prizes typically range from, "just bragging rights", to a modest plaque or trophy or a new fishing rod. The rules for these "contests" also vary greatly. (Examples of the rules are: estimated weight of the fish solely by on the "Honor System", or the catch has to be witnessed by another participant, or a picture of the catch has to be submitted or in a few cases, the fish has to actually be weighed. Additionally, most "contests" have provisions for the release of steelhead (both wild and hatchery.)) He further indicated that the WDFW has been aware of these "contests" for years and had made no effort to enforce the WAC on them of several reasons. First, because collectively, "contests" of these types have virtually no added affect to the targeted fish species, the long and varied duration of these types "contest" further dilute any affect on the fish, that the groups that sponsors the "contests" are so varied and numerous it would be impossible for the WDFD to contact them all and finally that the prize value of the contest is so small that in large number of "contests" the application fee that WDFW seeks is more than any prize the winner receives. Finally, that the WDFW has only one staff member to process contest applications and that contest applications are not the employee's sole duty. Additionally, he acknowledged the "cultural value" these "contests" have for the sport fishing community. (Most of these "contests" started out as 'an ad hoc event' with just a group of fishermen meeting on a river bank some morning and everyone "throws a Buck" into the hat and winner or winners split the prize.) (It would certainly unrealistic for anyone to expect that this would not happen if the group size exceeded 6 fishermen and they did not have a WDFW contest permit.) He indicated that the WDFW is aware that in many cases these "ad hoc contests" evolved over time into these more formal where a prize (plaque to a fishing rod) was awarded.

There was also discussion that there a great many more "contests" that target game fish other than steelhead. He indicated that the WDFW's has historically been virtually only interested in contests that target walleye or bass. He indicated that is why the majority of this WAC relates to only to walleye and bass and that has where the WDFW's manpower resources (relating to contests) have been utilized.

