



State of Washington
DEPARTMENT OF FISH AND WILDLIFE

Mailing Address: 600 Capitol Way N • Olympia, WA 98501-1091 • (360) 902-2200, TDD (360) 902-2207
Main Office Location: Natural Resources Building • 1111 Washington Street SE • Olympia, WA

February 20, 2007

Dear Interested Party:

Thank you for participating in the sportfishing rule development process for 2007-2008. The enclosed document, the Concise Explanatory Statement, is the final step in the adoption of the sportfishing rules. This document contains an explanation of all the rule proposals that were sent out for comment last fall, a summary of the testimony received on each proposal, and any modifications or additions made to the original proposals, as well as the staff recommendation and Commission action on each proposal. Unless otherwise noted, all of the proposals will take effect May 1, 2007.

You were sent this document because you have participated in the sportfishing rule process in some way either this year or in the past; perhaps by requesting to be on the mailing list, sending in a proposal, attending a meeting, or submitting testimony. If you do not want to continue to receive mailings about this process, please either mail, call, or e-mail us at the numbers below. Because these documents are costly to mail, we would appreciate your letting us know if you are no longer interested. Another way you can help cut the cost of this process is to allow us to contact you via e-mail rather than regular mail. If you were mailed this document but would be willing to receive future notifications by e-mail instead, please send us an e-mail to let us know. Be sure to include the exact name and address we have been mailing to so we can delete it from our regular mail list.

Contact address, phone number, e-mail:

Sportfishing Rules Committee
WDFW - Fish Program
600 Capitol Way N
Olympia WA 98501-1091

(360) 902-2700 – Fish Program customer service

sportfishing@dfw.wa.gov (this address is only for address changes or deletions from the address list)

Thank you again.

Sincerely

Patricia Michael
Sportfishing Rules Coordinator

**2007-2008
SPORTFISHING RULE
PROPOSALS:
CONCISE EXPLANATORY
STATEMENT**



February 2007

TABLE OF CONTENTS

CONSERVATION REGULATIONS	1
#1. Okanogan River Closed Waters	1
#2. Methow River Whitefish.....	1
#3. Snake River Confluence Protection Area.....	2
#4. Restriction on the Use of Small Lead Sinkers in Four Lakes.....	2
#5. American River Closed Waters	3
#6. Morse Creek Season Change	4
#7. Lower Nisqually River Season Change	4
#8. Skokomish River Season	5
#9. West Twin River Season.....	6
#10. Sturgeon Fishing After Retaining a Daily Limit	6
#11. John Day Sturgeon Sanctuary	7
#12. No Retention of Green Sturgeon.....	7
#13. Marine Area 7 Spot Shrimp Season.....	8
RULES FROM OTHER FORUMS	8
#14. Crab Creek Season	8
#15. Medical Lake Motor Prohibition	9
#16. Murray Creek Closure	9
#17. Skagit River Catch-and-Release Season.....	10
#18. Fly Fishing Only Rules.....	10
RECREATIONAL OPPORTUNITY	13
#19. Deer Lake	13
#20. Lewis River Power Canal.....	14
#21. Willapa River Stationary Gear Rule	14
#22. Eliminate Pt Angeles, Pt Townsend, Sequim Bay and Carr Inlet Shrimp District Designations.....	15
#23. North Bay (Case Inlet) Clam and Oyster Beaches.....	15
#24. Other Clam and Oyster Seasons.....	15
Oyster Season Changes	17
#25. Bottomfish Limits for Lower Columbia River	17
HOUSEKEEPING	18
#26. Catch Record Card in Physical Possession	18
#27. Blue Creek WAC Language	19
#28. Green Lake and Beaver Lake Redundant WAC Language	19
#29. Tieton River Selective Gear Rules	20
#30. Wapato Lake Trout Retention.....	20
#31. Lewis River Mouth Definition	21
Additional Housekeeping Proposal – Yellowjacket Ponds.....	22
#32. Nemah River	22
#33. Washougal River Catch-and-Release Season	22
#34. Wishkah River Salmon Fishery and Closed Waters.....	23

#35. Columbia River Sturgeon Fishery.....	23
#36. Marine Area 1 Description	23
#37. Zee’s Reef	24
#38. Use of Harpoons to Land Halibut.....	24
#39. WAC Language Concerning Use of Shellfish Pots	24
Cedar River Update	25
ADDITIONAL COMMENTS RECEIVED FROM MEMBERS OF WDFW SPORTFISHING	
ADVISORY GROUPS	26
#1. Okanogan River Closed Waters	26
#2. Methow River Whitefish.....	26
#3. Snake River Confluence Protection Area.....	26
#4. Restriction on the Use of Small Lead Sinkers in Four Lakes.....	26
#5. American River Closed Waters	26
#6. Morse Creek Season Change	26
#7. Lower Nisqually River Season Change	26
#8. Skokomish River Season	26
#9. West Twin River Season.....	26
#10. Sturgeon Fishing After Retaining a Daily Limit.....	27
#12. No Retention of Green Sturgeon.....	27
#13. Marine Area 7 Spot Shrimp Season.....	27
#14. Crab Creek Season	27
#15. Medical Lake Motor Prohibition	27
#16. Murray Creek Closure	27
#17. Skagit River Catch-and-Release Season.....	27
#18. Fly Fishing Only Rules.....	27
#19. Deer Lake	27
#22. Eliminate Pt Angeles, Pt Townsend, Sequim Bay and Carr Inlet Shrimp District Designations.....	27
#26. Catch Record Card in Physical Possession	28
#27. Blue Creek WAC Language	28
#29. Tieton River Selective Gear Rules	28
#33. Washougal River Catch-and-Release Season	28
#35. Columbia River Sturgeon Fishery.....	28
#36. Marine Area 1 Description	28
#37. Zee’s Reef	28
#38. Use of Harpoons to Land Halibut.....	28
GENERAL COMMENTS RECEIVED AS TESTIMONY	28
TESTIMONY ON OTHER ISSUES.....	28

CONSERVATION REGULATIONS

#1. Okanogan River Closed Waters

Proposal: Extend the lower boundary of the closed waters area on the Okanogan River (Okanogan Co.) below Zosel Dam to the first Highway 97 Bridge downstream of the dam.

Explanation: The current closed area is from Zosel Dam to ¼ mile below the railroad trestle. The new boundary of the first Highway 97 Bridge downstream provides a more definite boundary and gives more protection to ESA-listed steelhead that spawn in this area. According to spawner surveys performed by the Colville Tribe, this area has the highest density of spawning steelhead in the Okanogan River system.

Testimony:

I strongly support this proposal.

The Wild Steelhead Coalition supports this proposal, as it will help protect ESA-listed wild steelhead by creating a spawning sanctuary, and aid in enforcement of fishing regulations designed to protect those fish.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

#2. Methow River Whitefish

Proposal: Change the lower boundary of the whitefish fishery near the mouth of the Methow River (Okanogan Co.) to Gold Creek. The upper boundary would remain at the falls above Brush Creek. The season would remain December 1- March 31, with whitefish gear required.

Explanation: ESA-listed steelhead stage in this area near the mouth, especially in March. The federal permit that allows fisheries in the Methow states that Gold Creek should be the lowermost boundary of the whitefish fishery in the Methow.

Testimony:

I strongly support this proposal.

The Wild Steelhead Coalition supports this proposal first, to protect ESA-listed wild steelhead from being targeted or incidentally encountered by whitefish fishermen, and second because federal 4(d) rules require the change.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

#3. Snake River Confluence Protection Area

Proposal: Define an area in the Columbia River at the confluence of the Snake River as the Snake River Confluence Protection Area. This area, from the first powerline crossing the Columbia upstream of Sacajawea Park (powerline is about .4 mile above the navigation light at the park) to the Railroad Bridge between Burbank and Kennewick just downstream of the confluence with the Snake River, would have the same fishing rules as the Snake River.

Explanation: There is currently no clear line of demarcation between the Columbia River and the Snake River at the confluence in Pasco. There is a need for a well-defined boundary between the Columbia and Snake River because of different fishery regulations for salmon and steelhead. Snake River spring/summer Chinook, fall Chinook, and steelhead are listed as “threatened” under the ESA. The intent of the Snake River fishery regulations is to provide full protection for these listed stocks. Because Snake River fish stage at the mouth of the river, it is important to create and clearly define a “Snake River Confluence Protection Zone” for ESA listed salmon and steelhead. A boat fishery has developed at the confluence point at Sacajawea State Park. These fishermen are intercepting protected Snake River fish, in addition to Columbia River fish.

The proposed boundary line creates an easily identified and enforced protection zone for listed salmon and steelhead that often stage in this area of the Columbia while waiting for better water conditions before entering the Snake River. The proposed area is approximately 2.1 miles in length.

Testimony:

I strongly support this proposal.

The Richland Rod and Gun Club states that the Snake River Protection area on the Columbia River is an entirely unnecessary action. Creating a new area at the mouth of the Snake River for enforcement convenience is not a particularly ethical idea. For fishing regulations enforcement make the designated Snake River at the mouth, the railroad bridge one-half mile upstream.

The Wild Steelhead Coalition supports this proposal. Since the Snake is closed to protect several ESA-listed stocks, including wild steelhead, it makes sense to close the area near the confluence where they stage. A clear boundary will help with enforcement.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

#4. Restriction on the Use of Small Lead Sinkers in Four Lakes

Proposal: This proposal would make it unlawful for anglers to use lead sinkers ½ ounce or less in weight while fishing in Ferry and Swan lakes (Ferry Co.), Pierre Lake (Stevens Co.) and Bonaparte Lake (Okanogan Co.)

Explanation: This proposal is a modification of a public proposal submitted last year during the major rules cycle. Staff told the Commission that they needed more time to look into the situation before putting out a proposal for public comment the next year. The proposal described above is intended to address the problem of common loons that nest on the four lakes mentioned, and are very susceptible to ingestion of lead fishing tackle, which causes mortality to the loons. The proposal only addresses sinkers ½ ounce or less in weight, since studies have shown small lead sinkers are most commonly ingested by loons. Anglers would still be able to use larger lead sinkers, and other lures containing lead, such as lead-headed jigs or lead-core line in these lakes if the proposal is adopted. Similar prohibitions have been enacted for lakes in several states with large loon populations (New Hampshire, Maine, New York, Vermont) and in Great Britain to protect mute swans. There are an increasing number of alternatives to lead sinkers available to anglers. Staff is developing a summary report on the impact of lead sinkers in the environment and will use this to guide future actions.

Testimony:

I am in favor of this proposal.

I am against the lead sinker ban on Bonaparte Lake. This will not save the loons, but make criminals of hundreds of families that fish there every year. We do not need more regulations. There are more loons than you think. Sidley, Osoyoos, Palmer, Lost and Bonaparte lakes are all homes to lots of loons.

Staff Recommendation: Do not adopt. Fish Program staff will work with Wildlife Program staff and interested public to develop educational signs to place at these lakes. Signage will address the issue of lost or discarded fishing tackle in general, as well as lead weights. Entanglement with fishing line or hooks is another source of danger to loons on these lakes.

Commission action: proposal was not adopted.

#5. American River Closed Waters

Proposal: Add a “closed waters” section on the American River (Yakima Co.) from the Highway 410 Bridge at RM 4.5 to the Mesatchee Creek Trail crossing (RM 15.8), effective from July 16 through September 15.

Explanation: This closure is needed to protect ESA listed bull trout and wild spring Chinook that spawn and stage in these areas. Both species are vulnerable to harassment, catch and release mortality, and intentional poaching because clear, shallow summer flow makes these large fish easy to see. The primary staging/spawning area is located within the reach known as “Pleasant Valley.” The Chinook Pass highway (Hwy. 410) borders the entire Pleasant Valley area providing many opportunities for the public to observe and access the fish. In addition, there are three heavily used developed campgrounds (Hells Crossing, Pleasant Valley and Lodgepole), and numerous undeveloped campsites and trails. WDFW Enforcement runs “emphasis patrols” in this reach, but coverage cannot be continuous due to staffing limitations. Every year we receive anecdotal reports of “huge brown trout” being caught

in this area during the summer (in actuality, they are spring Chinook or bull trout that are dark in color - there are no brown trout in the American River). Closing the proposed area to all fishing during the Chinook and bull trout spawning seasons should alleviate part of the enforcement problem and reduce pre-spawning mortality. The river upstream and downstream of the closed area will remain open for legitimate trout fishing during the entire June 1 – October 31 season.

Testimony:

I strongly support this proposal.

Modification: The river mileage for the lower boundary of the closed area (Hwy 410 Bridge) was transposed in the original proposal description. The correct mileage is RM 5.4, not RM 4.5.

Staff Recommendation: Adopt as modified.

Commission action: adopted as modified with correct river mileage.

#6. Morse Creek Season Change

Proposal: Change the season on Morse Creek (Clallam Co.) to December 1 – February 28. (Current season is June 1 – February 28).

Explanation: ESA listed Chinook salmon from the Elwha River are currently being planted in Morse Creek as a safeguard/broodstock source against catastrophic loss that may occur when the dams on the Elwha River are removed. Beginning with the 2003 brood, 200,000 yearlings were planted annually, and the first returns of 4-year-old adults are expected in fall of 2007. Morse Creek is small and returning Chinook are particularly vulnerable to harassment and poaching. Even if a catastrophic event does not occur in the Elwha, adult Chinook returning to Morse Creek will be transferred to the WDFW Elwha River Rearing Channel for use as broodstock or for placement above the dams during and shortly after dam removal, which is scheduled for 2008. Because of the important role of this Chinook stock to recovery of the Elwha population it is prudent to provide this additional protection by closing the waters during the time period Chinook may be present.

Testimony:

I strongly support this proposal.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

#7. Lower Nisqually River Season Change

Proposal: Change the opening date of the fishery in the Nisqually River (Pierce Co.) from the mouth to the military tank crossing from June 1 to July 1.

Explanation: This change will provide protection for out-migrating steelhead smolts and kelts. Steelhead populations in the Nisqually have been severely depressed the last several years. This date change was made for the rest of the Nisqually system last

year. A consistent opening date of July 1 instead of the usual June 1 in the entire system is more easily understood and enforced, and provides additional protection to any smolts or adult spawners that may be late in leaving the river.

Testimony:

I strongly support this proposal.

The Wild Steelhead Coalition supports this proposal. Due to the severely depressed status of wild steelhead in the drainage and the pending application to list Puget Sound steelhead under ESA, the regulation to delay the opener is welcome.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

#8. Skokomish River Season

Proposal: Make the ending date for game fish fisheries on the Skokomish River (including the North and South Forks – Mason Co.) October 31 rather than February 28. This would make the season from the mouth to Hwy 101 Bridge June 1- September 13 and October 1 – October 31, with catch-and-release. From the Hwy 101 Bridge to the forks, in the North Fork from the mouth to the lower dam and in the South Fork from the mouth to Rule Creek the season would be June 1 – October 31, with catch-and-release and selective gear rules. **NOTE** – this proposal applies only to changes in the game fish seasons. Salmon seasons are negotiated during the North of Falcon process in the spring of each year.

Explanation: Wild steelhead escapements for the Skokomish River have been far below the escapement goal for the past 10 years. With a goal of 1400 fish, the past five year average escapement is less than 500. Stocking of hatchery fish was terminated in 2004, so no hatchery fish will be returning in the 2007-2008 season. This closure will provide additional protection for wild steelhead to aid in their recovery.

Testimony:

I am strongly in support of this proposal, but would urge the commission next year to consider even more conservative measures. With escapements as low as they have been on this river, we should consider whether the proposed changes go far enough.

I strongly feel this is an unneeded rule proposal since it there are already selective gear restrictions, mandatory release on wild steelhead, no similar restrictions on tribal gill nets during the same period, a large percentage of the wild late run coho comes into this system from Late October and throughout November, and finally a very robust fall chum fishery occurs the first couple weeks in November. This rule proposal does very little to protect wild steelhead, while disfranchising recreational anglers from an active and healthy coho and chum fishery.

The Wild Steelhead Coalition supports this proposal. Combining the severely depressed wild run and the end of hatchery stocking makes it prudent to close the river while wild fish are present.

Modification: Modify the game fish season from the mouth to Hwy 101 Bridge to the standard June 1 through October 31. The split season (closed from September 14 –30) in this area was adopted last year during the North of Falcon salmon season setting process as a chinook salmon protection measure. If this type of protection is necessary again this year, it will be negotiated during the North of Falcon process. If not, the area should have the normal game fish season.

Staff Recommendation: adopt as modified.

Commission action: adopted as modified.

#9. West Twin River Season

Proposal: Change the season on the West Twin River (Clallam Co.) from June 1-February 28 to June 1 – October 31.

Explanation: Steelhead in the West Twin River have not met their escapement goal for the last 5 seasons (2001-2005). Closing the season at the end of October will provide protection for this small population.

Testimony:

I am strongly in favor of this proposal, but wonder if it goes far enough.

The Wild Steelhead Coalition supports this proposal. A severely depressed wild run with no hatchery component calls for the closure of the river when wild steelhead are present.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

#10. Sturgeon Fishing After Retaining a Daily Limit

Proposal: This proposal would require anglers fishing for sturgeon on that portion of the Washington shore of the Columbia River from Bonneville Dam downstream to the Hamilton Boat launch (USACE boat restricted Zone boundary) to stop fishing for sturgeon once a daily limit (1 fish) is retained.

Explanation: This regulation would apply to an area that is closed to boating, so it would only affect to bank anglers. Enforcement officers working in this area have reported that catch-and-release angling opportunity for sturgeon is being abused when anglers fish in groups, and all anglers in the group continue fishing following the retention of a fish. Abuse is most flagrant where only one or two of the group actively fish for all the others who hold licenses but don't really participate in fishing.

This problem has grown in recent years as retention opportunities for sturgeon are reduced. The area described is within a spawning sanctuary that is closed to sturgeon fishing May-July and closed to retention of sturgeon August-September. Sturgeon abundance is greatest during the fall, concentrating effort into a narrow window of

opportunity. This rule is only proposed for this small area because enforcement officers have not identified similar activity of this magnitude elsewhere.

Testimony:

I strongly support this proposal.

Just read a note from the WDFW indicating that the rule change for "Catch and Quit" on Sturgeon would only apply to fishing from the dead line, below Bonneville Dam, to the boat ramp on Hamilton Is. From discussing this with my group (name of group not given), if this rule is put into effect, we would like to see the boundary moved below Hamilton Is. and possibly to Beacon Rock as to include the bank anglers as well as the boats fishing in that area, if implemented and enforced this should show a great increase in the "bank" fish, 42 to 45 inches, in this area.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

#11. John Day Sturgeon Sanctuary

Proposal: Create a permanent rule prohibiting fishing for sturgeon May 1 – July 31 in the Columbia River from the grain silo at Rufus, Oregon, upstream to John Day Dam.

Explanation: This closure was put into effect by emergency rule this year (2006). The closure protects sturgeon spawners staging just downstream of John Day Dam. The sturgeon population in the Dalles Pool has been experiencing poor natural production and a substantial reduction in the number of legal-sized fish. This proposal is intended to reduce the stress involved with excess handling in the recreational fishery, which can lead to reproductive failure and mortality

Testimony:

I strongly support this proposal.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

#12. No Retention of Green Sturgeon

Proposal: This proposal would prohibit the retention of green sturgeon statewide.

Explanation: NOAA Fisheries recently (July 6, 2006) issued a ruling declaring the southern population segment of green sturgeon to be "Threatened." Recent genetic analyses have shown that 50-80% of the green sturgeon migrating to Washington estuaries are from this southern segment. Catch record card data show that these fish are occasionally harvested in coastal tributaries and Puget Sound. Non-retention rules for green sturgeon will also be applied to Washington commercial fisheries.

Testimony:

I strongly support this proposal.

Staff Recommendation: adopt as proposed. This restriction was implemented by emergency rule on the Columbia River beginning January 1, 2007, to coincide with Oregon's rules. If this proposal is adopted, the statewide ban on retention would begin on May 1, 2007, the effective date of the permanent rule.

Commission action: adopted as proposed.

#13. Marine Area 7 Spot Shrimp Season

Proposal: This proposal would change the Marine Area 7 spot shrimp season from open daily to open Wednesday through Saturday only.

Explanation: The intent of this rule change is to extend the spot shrimp season in MA 7. Effort in this area has increased rapidly in recent years, and the north and central portions have closed several weeks earlier each year. This proposal is an attempt to offset that trend by closing the fishery Sunday through Tuesday each week. Because a large amount of the effort in this area is concentrated on the weekends, the closure of one weekend day (Sunday) is necessary to extend the season length.

Testimony:

I am in favor of this proposal.

I concur with the department recommendation.

As an avid recreational angler and local business owner and President of the Fidalgo Chapter of Puget Sound anglers, I protest the states strategy of eliminating Sunday fishing. This places more economic hardship on WA businesses and will not create more opportunity. It discourages those who work weekdays and cannot justify the travel time and expense to shrimp on only Saturday. To once again penalize recreational license holders is tiresome and disappointing – I suggest increasing the recreational allocation for MA 7 as a way to extend the season. I insist that you maintain the current schedule to include Sunday fishing and redouble your efforts to assess the vitality of the resource through science based methods and to determine season quotas, length and allocation another way besides aerial surveys, casual creel counts, estimates, and historical harvest methods.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

RULES FROM OTHER FORUMS

#14. Crab Creek Season

Proposal: This proposal would change the season in the section of Crab Creek from Highway 26 to Morgan Lake Road in section 36 from March 1 – September 30 to April 1- September 30.

Explanation: Columbia National Wildlife Refuge has requested the April 1 – September 30 season to standardize it with other waters on the refuge. Rules in other sections of Crab Creek would not be affected.

Testimony:

I am in favor of this proposal.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

#15. Medical Lake Motor Prohibition

Proposal: This proposal would make it unlawful for anglers to fish from a boat with a motor in Medical Lake (Spokane Co.).

Explanation: Medical Lake has selective gear rules for its fishery. Until last year, selective gear rules contained a provision that anglers were not allowed to fish from a boat with a motor. Last year the change was made to allow the use of electric motors in selective gear waters, including Medical Lake. The City of Medical Lake has requested that no motors be used on the lake because they have treated the lake with alum to improve the water quality. They are concerned that the use of motors may disturb the lake bottom, making this expensive treatment less effective.

Testimony:

I have no position on this proposal.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

#16. Murray Creek Closure

Proposal: This proposal would make Murray Creek (Pierce County) closed waters.

Explanation: This proposal was requested by Karen Zirkel, the Washington National Guard biologist at Camp Murray. Murray Creek, which was often dry in the past, has been re-watered as part of a large restoration project. The closure will give naturally occurring resident cutthroat trout a chance to establish a stable population. Once this occurs, appropriate wild cutthroat fishing rules can be adopted. WDFW is also hoping to use Murray Creek as a broodstock collection point for kokanee from American Lake. The creek needs to be closed during the kokanee return to ensure sufficient egg-take and avoid harassment of spawners.

Testimony:

I am in favor of this proposal.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

#17. Skagit River Catch-and-Release Season

Proposal: This proposal would provide an additional catch-and-release fishery in the Skagit River March 16 – April 30 from the Dalles Bridge at Concrete to the Birdsvie Boat Ramp near the mouth of Finney Creek. Selective gear rules would apply, except it would be lawful to fish from a floating device equipped with a motor, but not while under power.

Explanation: This proposal was suggested by a Fish and Wildlife Commissioner to provide anglers additional catch-and-release opportunity for wild steelhead. It would be subject to change annually by emergency regulation depending on pre-season wild steelhead runsize predictions.

Testimony:

I oppose this proposal.

So long as escapement goals are being met in the drainage, the Wild Steelhead Coalition supports this proposal as it makes the rules consistent for the entire drainage.

Staff Recommendation: do not adopt. Because of the pending ESA listing of steelhead and concerns expressed by local managers, we do not recommend adoption of this proposal at this time.

Commission action: proposal was not adopted.

#18. Fly Fishing Only Rules

Proposal: This proposal would allow anglers to use electric motors in most fly fishing only lakes, and require anglers to use a knotless net to land fish in all fly fishing only waters.

Explanation: Last year, at the request of the Advisory Committee to the Fish and Wildlife Commission for Persons with Disabilities, we changed the definition of selective gear rules to allow anglers to use an electric motor in areas where selective gear rules apply. This was to allow more anglers with disabilities to participate in fisheries in these waters. Because many of these selective gear waters also require the release of different species of fish, a provision was added to require anglers to use a knotless net when landing a fish. After the new rule went into effect, it was pointed out to us that most of the same arguments that apply to selective gear waters also apply to fly fishing only lakes, and that the same two proposals should be put forth for these waters. The situation concerning motors is slightly different, because, although many fly fishing only waters have motor restrictions, some do not – it is not part of the fly fishing only definition. This proposal will allow anglers to use electric motors in most fly fishing only lakes, and require them to use a knotless net for landing fish in all fly fishing only waters. For details how the proposal would be applied on specific waters see list below:

Aeneas Lake (Okanogan Co.) – electric motors allowed – no internal combustion
Bayley Lake (Stevens Co.) - electric motors allowed – no internal combustion
Big Four Lake (Columbia County) – no fishing from a floating device – no change proposed

Brown's Lake (Pend Oreille Co.) - electric motors allowed – no internal combustion
Cady Lake (Mason Co.) – electric motors are allowed now– no internal combustion – no change proposed
Chopaka Lake (Okanogan Co.) - electric motors allowed – no internal combustion
Ebey Lake (Snohomish Co.) - electric motors allowed – no internal combustion
Leech Lake (Yakima Co.) - electric motors allowed – no internal combustion
Long Lake (Ferry Co.) - electric motors allowed – no internal combustion
McDowell Lake (Stevens Co.) - electric motors allowed – no internal combustion
Merrill Lake (Cowlitz Co.) – electric motors are allowed now– no internal combustion – no change proposed
Pass Lake (Skagit Co.) - electric motors allowed – no internal combustion
Quail Lake (Adams Co.) - electric motors allowed – no internal combustion
Squalicum Lake (Whatcom Co.) - electric motors allowed – no internal combustion
Vogler Lake (Skagit Co.) – electric motors are allowed now– no internal combustion – no change proposed

All fly fishing only waters (lakes and streams): Only knotless nets may be used to land fish.

Testimony:

I am in favor of this proposal.

I totally support the use of knotless nets and submitted the change to protect released fish in fly fishing only waters. I do not support the proposal to allow all anglers to use electric motors. I truly thought it came as a request for persons with a permanent disability as defined in WAC 220-56-210 Fly Fishing, which is totally different than the proposal. Therefore I recommend modifying the proposal to add language to the fly fishing rules to allow persons in possession of a fly fishing special permit to use an electric motor. Most fly fishing only lakes are small, and able-bodied anglers do not need motors to access them. The intent of the Advisory Committee for Persons with Disabilities would be met as it was in selective gear rules. This meets what I thought was the original intent of the proposal. (2 letters)

I would like to go on record of allowing people with special use permits to use electric motors and spinning gear on fly fishing only waters.

I agree but wonder why it is aimed only at fly fishing lakes. I think it would be appropriate for all lakes under quality water designation.

I am opposed to the change. Able bodied fly fishers do not need trolling motors. Only permanently disabled persons with special use permits should be allowed to use electric motors. This could be incorporated into existing rules which allow those who hold special permits to use spinning gear in fly water.

I write as president of the Inland Empire Fly Fishing Club and as a concerned fly fisher. We ask that you reconsider this proposal and limit electric motor use in such waters to

persons with bona fide disabilities. It is our understanding that the original intent of the proposal was to allow persons with disabilities to utilize electric motors. Our club certainly supports such a regulation since it allows fly fishers with disabilities the opportunity to participate in the sport when they may otherwise be unable to do so. The proposal as written does comport with this original intent. We cannot support this proposal because to allow blanket use of electric motors on fly fishing only waters, which are usually small lakes, easily navigated by the able bodied in float tubes, pontoon boats or row boats, would seriously diminish the pure and pristine experience of fishing fly fishing only waters. Accordingly, we ask that you reconsider Proposal #18 and redraft the rule (WAC 220-56-210) proposal so that: Knotless nets are required by all anglers fishing in fly fishing only waters; No motors of any kind are allowed in fly fishing only waters, except that it shall be lawful for persons with a fly fishing special use permit to use an electric motor.

This issue should be settled with a resounding No vote, except for the handicapped, of course, because allowing motors of any kind flies in the face of what the experience our all too few fly fishing only waters should be. These waters are small and pristine – please do not degrade them and the experience of fly fishing by allowing motors.

I understand that you will soon be considering WAC 220-56-210, fly fishing paragraph 5 to allow the use of electric motors on fly fishing only waters by handicapped people. I am in favor of that as long as it is kept to only those people with permanent disabilities that qualify to have a special use permit. I feel that this should not be used as a green light to allow everyone else to use electric motors on these waters.

This proposal is not properly worded. It seems to give all anglers permission to use electric motors. The intent is commendable. Anglers with a special disability permit should be permitted to use electric motors. They are also permitted to use spin-casting gear. Most of the fly fishing only lakes are small enough that any able bodied angler should be able to move anywhere on them without the need of a motor. Reword the proposal to make it clear that only anglers with a special use permit may use electric motors on fly fishing only lakes. Knotless nets for catch and release fishing are a step in the right direction. Many of us use fish releasers so the fish are never touched.

This would be a bad decision and would affect the quality fishing in these lakes. It is highly unlikely that anyone would carry an electric motor into the lakes without fairly direct access. None of the lakes are large enough to require a motor unless one cannot row because of a handicap. All are used by float tubes, pontoon boats, and smaller rowboats. If electric motors are allowed, the size of the boats and their speed will increase and create safety concerns and crowding problems. There is very little enforcement on these lakes and not allowing motors limits their use and makes it more likely people will abide by the rules. Allowing motors will provide a big incentive to people who do not care about the rules to fish there. They will not be able to resist taking a trout home. If the change was limited to those with physical limitations, I would have no trouble with the proposal. Last year when the special regulation waters were opened to electric motors, these few lakes became the only ones left where you had to

put forth a tiny bit of effort to earn your fish. Not changing the rules will not harm almost all anglers, changing them will harm the lakes in question now and in the future.

Modification: After reviewing public testimony and conferring with the Advisory Committee to the Fish and Wildlife Commission for Persons with Disabilities, we recommend that the definition of fly fishing should allow only anglers who have a special use disability permit in their possession to use electric motors in fly fishing only lakes. This would not change the rules for those lakes where anglers are already allowed to use electric motors while fishing (Cady, Merrill and Vogler lakes) or Big Four Lake, where anglers are not allowed to fish from boats. We recommend that the requirement for all anglers to use knotless nets in all fly fishing only areas be added to the fly fishing definition and be applied to all anglers.

Staff Recommendation: adopt as modified.

Commission action: adopted as modified.

RECREATIONAL OPPORTUNITY

#19. Deer Lake

Proposal: This proposal would make three changes to the fishery in Deer Lake (Stevens Co).

1. Open the season early (March 1 instead of last Saturday in April)
2. Add a separate daily limit for smallmouth bass of 10 fish, no minimum size, no more than one over 14" may be retained.
3. Change the trout daily limit to 5 fish, no more than 2 trout over 30" may be retained.

Explanation: These changes are intended to restore and maintain the historic kokanee fishery in this lake.

1. The March opener is intended to allow anglers a better chance to catch lake trout while they are most active and vulnerable to angling pressure.
2. Hydro-acoustic surveys have shown an over-abundance of smallmouth bass in the lake. Predation by smallmouth and other warmwater fish on kokanee is very high. The separate limit of 10 smallmouth will allow anglers to harvest more of these fish.
3. The change to the trout daily limit from 5, no more than two over 20" to 5 fish, no more than two over 30" will allow anglers to harvest more lake trout in the 20" to 30" range, which will reduce predation on the kokanee population.

Testimony:

I have no position on this proposal.

As a property owner and a fisherman of Deer Lake I am excited by your proposal. I feel it should go even further. This year kokanee fry were stocked before the season opened, and many of the fish caught early in the season were filled with fry. You had to work hard to attract a fish to bite because the food source was so plentiful. I would implement this change in 2007 instead of 2008. It might mean the survival of a lot more fry. You have made other emergency rule changes of this sort. In Lake Chelan there is

no minimum size or daily limit for lake trout – would doing this on Deer Lake be beneficial to kokanee?

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

NOTE: Since this rule will not take effect until May 1, 2007, the opening date for the lake will remain unchanged in 2007.

#20. Lewis River Power Canal

Proposal: This proposal would open the Lewis River Power Canal (Skamania Co.) from the fishing pier to the access road at Swift Dam to fishing for game fish from the last Saturday in April through October 31, with standard lake rules, except fishing from a floating device prohibited.

Explanation: An embankment at the power canal collapsed April 21, 2002 and the fishery had to be closed. Necessary repairs and reconstruction have now been completed so that the canal can be reopened to fishing. It was opened by emergency rule for a reduced season in 2006.

Testimony:

I have no position on this proposal.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

NOTE: This proposal does not affect the streambed between Swift Powerhouses #1 and #2. It will remain Closed Waters. The power canal will likely be opened by emergency rule so anglers can fish on opening day of fishing (April 28) 2007. This permanent rule does not go into effect until May 1.

#21. Willapa River Stationary Gear Rule

Proposal: This proposal would allow anglers to fish with stationary gear on the Willapa River (Pacific Co.) from the mouth to the WDFW access at the mouth of Ward Creek/Wilson Creek.

Explanation: The current rule does not allow anglers to fish with stationary gear from the mouth to Highway 6 Bridge 2 miles below Trap Creek from August 16 – November 30. The stationary gear prohibition was put into place to stop anglers from snagging salmon, but it had the unintended consequence of stopping a popular sturgeon fishery near the mouth. The area downstream of the WDFW access has deep water, not conducive to salmon snagging, but good for sturgeon fishing. This rule will allow legitimate sturgeon fishers to use this water during the summer/fall period.

Testimony:

I oppose this proposal.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

#22. Eliminate Pt Angeles, Pt Townsend, Sequim Bay and Carr Inlet Shrimp District Designations

Proposal: This proposal would eliminate the shrimp districts designations for Port Angeles Harbor, Port Townsend Bay, Sequim Bay, and Carr Inlet.

Explanation: Areas designated as shrimp districts are normally closed to harvest in an attempt to protect areas where shrimp reproduce. However, resource assessment data collected over the last 5 years indicates that the Port Angeles and Port Townsend districts indicates that recruitment seems to come from outside the areas. Sequim Bay and Carr Inlet have not had harvestable spot shrimp populations in many years. Because these areas no longer contain self-sustaining populations of shrimp that need to be actively managed, there is no need to retain them as special shrimp districts. Existing gear and possession restrictions in surrounding areas will adequately protect the resource in these areas during standard spot and non-spot shrimp openings.

Testimony:

I have no position on this proposal.

I concur with the department recommendation.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

#23. North Bay (Case Inlet) Clam and Oyster Beaches

Proposal: This proposal would open to clam and oyster harvest a 20-acre parcel of agency-owned tideland on the west side of the bay, and a small public parcel near Gillis Cove.

Explanation: There is no biological or management reason to keep these areas closed. This proposal would open all public tidelands in North Bay year-round.

Testimony:

I have no position on this proposal.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

#24. Other Clam and Oyster Seasons

Clam Season Changes

Belfair State Park:

Current Regulation: CLOSED

Proposal: Open year-round.

Explanation: Department of Health removed health restrictions on much of this beach last year, but too late for clam population surveys to be performed. A joint state-tribal clam population assessment was performed this summer, providing the biomass data needed to open this beach for recreational harvest.

Fort Flagler State Park:

Current Regulation: Open April 1 through July 15.

Proposal: Open April 1 through June 30.

Explanation: Seasons have been extended for the last three years in a row as clam biomass increased, but this year's survey showed the clam resource had decreased. A small negotiated trade with Tribes will permit the shortened season proposed above.

Kitsap Memorial:

Current Regulation: May 15 through June 15.

Proposal: May 15 through June 30.

Explanation: A small negotiated trade with Tribes will permit a two-week extension of the clam season. State Parks has endorsed this extension.

Point Whitney Tidelands (excluding Lagoon):

Current Regulation: Open March 1 through July 31.

Proposal: Open March 1 through May 15.

Explanation: Increased effort last year resulted in an overharvest of the state share of clams. The resulting state share of clams for 2007 will require a shortened season. A negotiated trade with tribes allows the shortened season proposed above.

Point Whitney Lagoon:

Current Regulation: Open August 1 through August 31.

Proposal: Open May 15 through June 30.

Explanation: The earlier season opening continues the trend of having the Lagoon open immediately after the Tidelands close. A small negotiated trade with tribes allows for a two-week extension of the season.

Rendsland Creek:

Current Regulation: Open January 1 through May 31.

Proposal: Open January 1 through June 15.

Explanation: A negotiated trade with the Skokomish Tribe allows a two-week extension of the clam season.

Triton Cove Tidelands:

Current Regulation: Open July 1 through August 15.

Proposal: Open July 1 through September 30.

Explanation: Clamming effort has decreased on this beach, which is primarily used for oysters. As a result, the clam resource can support a 1.5-month extension of the season.

West Dewatto (DNR 44-A):

Current Regulation: Open January 1 through May 31.

Proposal: CLOSED.

Explanation: The state clam share on this small beach was overharvested in 2006, resulting in no state share for 2007. We have enhanced the beach with Manila clam seed, and keeping this small beach closed for a year will improve survival and growth of the planted clam seed.

Oyster Season Changes**Cushman Park:**

Current Regulation: Open May 1 through May 31.

Proposal: Open March 1 through June 30.

Explanation: Last year's short oyster season at this beach was the result of an improperly performed tribal oyster survey that undercounted juvenile oysters. This summer WDFW performed the survey according to established methods and the result is a longer sport season.

Modification: Staff have negotiated with the Skokomish Tribe for a portion of their oyster share at Cushman Park. This allows us to extend the season through December 31, making the season March 1 through December 31.

Fort Flagler State Park:

Current Regulation: Open April 1 through July 15.

Proposal: Open April 1 through June 30.

Explanation: Oyster season should coincide with the clam season on this beach.

Kitsap Memorial State Park:

Current Regulation: Open May 15 through July 15.

Proposed Regulation: Open May 15 through July 31.

Explanation: Our oyster enhancement with cluster oysters has been very successful, and justifies a two-week extension of the sport season. This extension has been approved by State Parks.

Testimony:

I have no position on this proposal.

Staff Recommendation: Adopt the modified oyster season at Cushman Park. Adopt all other clam and oyster beach season changes as proposed.

Commission action: Cushman Park season was adopted as modified. All other clam and oyster beach seasons were adopted as proposed.

#25. Bottomfish Limits for Lower Columbia River

Proposal: This proposal would make the rules for bottomfish (daily limits, minimum sizes, etc.) in the lower Columbia River (from the Buoy 10 line to the Rocky Point/Tongue Point line) the same as the rules in adjacent Marine Area 1.

Explanation: Anglers like to fish for bottomfish off the jetty (east of the Buoy 10 line, so technically inside the Columbia River). This proposal would legalize this fishery, and give anglers minimum sizes and daily limits for these fish.

Testimony:

I have no position on this proposal.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

HOUSEKEEPING

Housekeeping rules are mostly rules that have little or no effect on the what anglers read in the fishing pamphlet. Some simply clear up redundant statements in the Washington Administrative Code (WAC) language and have no effect on the fishery. Others are needed to make the WAC language reflect the management intent for a particular fishery. Most of these changes have been implemented by emergency rule for this season, and already appear in the pamphlet. Changing them in the WAC makes the revision permanent.

#26. Catch Record Card in Physical Possession

Proposal: This proposal would change WAC language to state that a catch record card is invalid unless an angler has in his physical possession the appropriate license and catch record card of the fishery the angler is participating in.

Explanation: Enforcement agents have requested this change to avoid the situation where anglers claim that their catch record card is “in their possession” because it is at their house or in their car or boat.

Testimony:

I am in favor of this proposal.

I'd be hard pressed to explain why there is such an urgency in this matter. Whether I have the card in my wallet, in the glove box of the boat I'm fishing from, back at camp, or back at home, the important thing is that I do fill it out accurately and submit it prior to the deadline. It's the data that's important, not the location of the piece of paper it will be recorded on. (I guess I'm missing something). That reminds me, I need to submit my report for this disappointing season. And remember....simpler is better. Thanks for all your work.

I would like to point out that the proposed change will make it somewhat problematic for us fathers who take our kids fishing for those species requiring a Catch Record Card. I commonly carry my youngster's card on my person, so that it is with us when we are fishing for salmon and steelhead. If she must carry it, then it will have a higher probability of being lost. I have also just left it on the boat, that way it is available when needed. It seems that the catch record card should be immediately available, if it is at home, it does not meet the requirement. It needs, as the rules currently state to be

available so that it can be provided to the enforcement officer when it is requested. I do not see where anything additional is needed.

“Physical possession” is unreasonable. What’s next that the license(s) and catch record card be stapled to the forehead or an implanted microtag? So long as I can produce my driver’s license for an officer I am in compliance whether it is in my wallet or my glovebox, or the trunk. We need a better definition of “possession.” Saying “My license at home” makes no sense, but if I am on my boat and the license is in the cabin, reasonableness dictates I have it “in possession.” If my boat is in the next marina, issues the ticket. What’s important is the effort to comply. Enforcement officers need to use their judgment and be a bit less zealous. A rule change is not needed. Many tickets issued under this rule would be overturned in court.

Staff Recommendation: adopt as proposed. The testimony on this proposal brings up some good questions. However, this proposal simply makes the WAC language for catch record cards match that already in place for licenses. Anglers are currently required to have their fishing license in their physical possession. After checking with our Enforcement Program, we understand that this rule would be enforced in the same way the license rule is already enforced. In other words, there is not a problem as long as the license and catch record card are on board the vessel or in the tackle box with the angler.

Commission action: adopted as proposed.

#27. Blue Creek WAC Language

Proposal: This proposal changes the wording in the rule for Blue Creek (Lewis Co) that describes a hatchery steelhead to read “hatchery steelhead with a clipped right ventral fin.”

Explanation: Last year, the definition of a hatchery steelhead was changed from a fish with a missing adipose or ventral fin to a fish with a clipped fin. This was to allow anglers to retain fish that had been only partially clipped, leaving a question as to whether or not the fin was really “missing.” When the statewide change was made, the language specific to Blue Creek was overlooked. This aligns the language for Blue Creek with the statewide rule.

Testimony:

I am in favor of this proposal.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

#28. Green Lake and Beaver Lake Redundant WAC Language

Proposal: This proposal simply removes redundant language in the rules for Green Lake (Okanogan Co.) and Beaver Lake (Clallam Co.).

Explanation: Last year a rule was passed allowing anglers to use electric motors in all areas where selective gear rules are in effect. The rules for Green Lake and Beaver Lake already contained a provision allowing electric motors. This language is now redundant, and can be removed without changing the intent or effect of the rule.

Testimony:

I am in favor of this proposal.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

#29. Tieton River Selective Gear Rules

Proposal: Add selective gear rules to the mainstem Tieton River (Yakima Co.) from June 1 – October 31.

Explanation: This proposal corrects a mistake in the WAC language made in 2002. Agency staff proposed, and the Fish and Wildlife Commission adopted selective gear rules for the Tieton in the 2001-2002 major rule change cycle. However, in proofing the 2006-2007 fishing pamphlet, we noticed that selective gear rules were not listed in the WAC for the Tieton. This change will make the WAC language meet the intent of the Commission and department staff for management of the fishery in the Tieton River. It has been adopted for the 2006-2007 season by emergency rule, and is listed in the fishing pamphlet.

Testimony:

I am in favor of this proposal.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

#30. Wapato Lake Trout Retention

Proposal: Change WAC language to allow anglers to retain trout on Wapato Lake (Chelan Co.) from the last Saturday in April – July 31.

Explanation: The trout retention season on Wapato Lake from the last Saturday in April – July 31 has been listed in the fishing pamphlet for several years, and is the management intent for that water. However, in a review of the WAC language, it was discovered that the rule requires the release of all trout from the last Saturday in April through October 31, instead of from August 1 – October 31, as intended. This proposal will fix the problem, which has been addressed by emergency rule for the 2006 fishery.

Testimony:

I am in favor of this proposal.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

#31. Lewis River Mouth Definition

Proposal: This proposal would define the mouth of the Lewis River (Clark Co.) as a straight line from a fishing boundary marker or from the outermost upland at the north shore of the Lewis River mouth, southerly across the river to a fishing boundary marker near the south shore.

Explanation: The boundary sign on the north shore at the mouth of the Lewis River is often torn down by the public, making it hard to identify the line, and hard to enforce. The new definition will specify a line where the Lewis River begins whether the markers are in place or not, providing better protection for ESA-listed fish.

Testimony:

I strongly support this proposal.

Revised proposal: boundary is described by lining up two signs to the south; one sign on the piling and the other in a tree on the shore (Clark Co. side) as the fishing boundary deadline. The Cowlitz Co. dead line would be determined by either a sign or from the water line at the north shore of the Lewis River mouth. Reasons for the revised proposal: 1) the north side of the Lewis River is in Cowlitz Co., not Clark Co.; 2) most of the signs and the original buoy were destroyed by high water and erosion; 3) the WDFW proposed boundary change will not protect ESA or wild fish. Other rules do this (no removing salmon, steelhead or bull trout from the water if they are to be released). Gill netters do not have these rules. In the spring the main ESA fish to worry about are spring chinook. They prefer water of 50-55°. The Lewis, Cowlitz and Kalama rivers are usually too cold (<50°) so many of the fish stay to the Oregon side where the Willamette River makes the water warmer. The ones on the Washington side are mainly local hatchery stocks, which are supposed to be harvested. Also, sea lions stake out the three Washington river mouths. For fall salmon, the situation is the opposite. The Lake River (mouth just above the Lewis River) has water 3-8° warmer than the Columbia and very low oxygen content, pushing the upriver brights (URB's) to deeper water. By the time the Lewis River closes in the fall, the water near the mouth is very shallow, not enough to draw in the URB's, so most of the fish caught are Lewis River stock; 4) the revised boundary will make it easier to control the boundary line by giving two points of reference and allowing fishers to stay in bounds of the markers; 5) the sport fleet has been restricted by regulations and closures to protect ESA listed salmon, but the majority believe that before you make more sport regulation changes, it is time to look at the practices used by the commercial gillnet fleet. Sportsmen have been very successful harvesting chinook using "thin metal wobblers" – wouldn't this method of selective harvest, instead of gillnets, produce a higher quality produce and be less damaging to the public's fish? (Drawings of the Lewis River mouth and proposed boundary lines, and petitions containing 89 signatures attached). Petition also turned in at commission meeting – 3 new signatures for a total of 92. Proponent noted that many more pages with 350 signatures were lost.

Staff Recommendation: adopt as proposed. The person who sent in the revised proposal has spoken with Region 5 staff, and after the discussion, is satisfied that this proposal is reasonable.

Commission action: adopted as proposed.

Additional Housekeeping Proposal – Yellowjacket Ponds

Proposal: Delete WAC language for special season and trout minimum size on Yellowjacket Ponds (Lewis Co).

Explanation: Yellowjacket Ponds (Lewis Co.) no longer exist – a flood wiped them out in 1996. We still have WAC language giving these waters a non-standard season and a 12” minimum size for trout. This language should be deleted.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

#32. Nemah River

Proposal: This proposal is needed to clarify WAC language regarding night closures and nonbuoyant lure restrictions on the Nemah River Forks (Pacific Co.).

Explanation: Management intent is to have a night closure on the Middle Nemah and the South Nemah up to the confluence with the Middle Nemah from August 16 – November 30. The North Nemah has a night closure from October 1- November 30. There is a nonbuoyant lure restriction on the North Nemah upstream from the bridge on the dead-end Lower Nemah Road and on the Middle Nemah upstream from the DNR Bridge on the Middle Nemah A-line road August 16 – November 30. This proposal makes the WAC language for these restrictions match the management intent. These rules are all printed in the fishing pamphlet.

Testimony:

I am in favor of this proposal.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

#33. Washougal River Catch-and-Release Season

Proposal: This proposal makes the beginning date for the catch-and-release season in the Washougal River (Clark Co.) from the mouth to the Mt. Norway Bridge April 16.

Explanation: Last year, staff proposed opening this season early, on March 16. However, steelhead returns were not good, and the proposal was not recommended for adoption by the Commission. The Commission agreed to leave the season unchanged, but the proposed language with the earlier opening date was inadvertently left in the WAC. This proposal will fix the error. The 2007 spring season will be corrected by emergency rule.

Testimony:

I am in favor of this proposal.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

#34. Wishkah River Salmon Fishery and Closed Waters

Proposal: Language for the Wishkah River (Grays Harbor Co.) salmon fishery and Closed Waters needs to be placed in the proper paragraph of the WAC.

Explanation: The Closed Waters area in the Wishkah River (Grays Harbor Co.) from the dam at Wishkah Rearing Ponds (formerly Mayr Brothers) downstream to 400 feet below the outlet channel is listed in the WAC as being in the mainstem below the West Fork. This needs to be moved to the section from the West Fork to the rearing ponds. The salmon fishery, listed only in the lower section, needs to be extended into the section from the West Fork to the rearing ponds.

Testimony:

I have no position on this proposal.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

#35. Columbia River Sturgeon Fishery

Proposal: This proposal would make the start date in the permanent rule for the sturgeon catch and release fishery in the Columbia River from Bonneville Dam to McNary Dam August 1.

Explanation: Sport harvest within the three impoundments that comprise this section of the Columbia River is managed using annual harvest quotas. The length of the retention season depends on when quotas are met, typically in the mid-summer, and the retention fishery is closed by emergency rule until the permanent rule closing retention takes effect (currently September 1 through December 31). However, sturgeon stocks in two of the impoundments have recently suffered poor production and quotas have been reduced significantly. The emergency rule that closes the retention fishery is only effective for 120 days. One retention fishery closed April 8 this year, and seasons in future years are likely to close more than 120 days before the current permanent rule closure date of September 1. This proposal is intended move the closure date to the retention fishery early enough in the year to ensure that the limited duration emergency closures do not run out.

Testimony:

I strongly support this proposal.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

#36. Marine Area 1 Description

Proposal: Describe Marine Area 1 as: "Waters west of the Buoy 10 line and north to Leadbetter Point."

Explanation: The current description of Marine Area 1 contains conflicting language describing waters west of the Megler-Astoria Bridge as well as waters west of the Buoy 10 line. This proposal will make the language clear.

Testimony:

I am in favor of this proposal.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

#37. Zee's Reef

Proposal: Change the name of Zee's Reef Marine Preserve to Z's Reef Marine Preserve.

Explanation: Staff were recently contacted by the person the preserve is named for. The gentleman informed us that his nickname is "Z", not "Zee" and he would like to see the name of the preserve changed accordingly.

Testimony:

If it makes him feel better, I am in favor of this proposal.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

#38. Use of Harpoons to Land Halibut

Proposal: This proposal would make it lawful to use a harpoon while landing a halibut.

Explanation: Many anglers think that a harpoon is a form of gaff, which is already legal to use while landing a halibut. Others disagree. In order to reduce confusion and clarify the rule, we propose to specifically state that a harpoon may be used to land a halibut.

Testimony:

I am in favor of this proposal.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

NOTE: Due to the fact that the WAC containing this proposal (WAC 220-56-100) was in use for another process and had already been closed, we could not adopt this proposal at the February Commission meeting with the other rules in the package. It will, however, be put into effect on May 1, 2007 by emergency rule, and will be refilled in a new permanent rule process.

#39. WAC Language Concerning Use of Shellfish Pots

Proposal: This proposal would change the language in the WAC concerning the unlawful use of shellfish gear to specify it is unlawful to set, fish, or pull the gear.

Explanation: Enforcement agents have requested the change in language to make it very clear that using shellfish gear includes setting, fishing, and pulling the gear.

Testimony:

I am in favor of this proposal.

I concur with the department recommendation.

Staff Recommendation: adopt as proposed.

Commission action: adopted as proposed.

Cedar River Update

As promised to the Commission last year, Fish Program is carrying out several types of surveys on the Cedar River to determine population size and structure and angler effort and success in the current catch-and-release fishery. Since the surveys are on-going at this time, a proposal is not included. If the surveys show a need for an immediate change, a proposal will be formulated and sent out separately so that anglers may comment on it before the Commission considers any rule changes at their February 2007 meeting.

Staff Recommendation: The limited data we have at this time does not indicate the need for an immediate change. More surveys are scheduled for 2007.

ADDITIONAL COMMENTS RECEIVED FROM MEMBERS OF WDFW SPORTFISHING ADVISORY GROUPS

These comments are not legal testimony, but represent the opinions of groups or individuals who are part of one of the WDFW advisory groups dealing with sportfishing issues.

#1. Okanogan River Closed Waters

Conservation Committee of Washington Fly Fishing Club – yes.

#2. Methow River Whitefish

Conservation Committee of Washington Fly Fishing Club – yes.

#3. Snake River Confluence Protection Area

Conservation Committee of Washington Fly Fishing Club – yes.

#4. Restriction on the Use of Small Lead Sinkers in Four Lakes

Conservation Committee of Washington Fly Fishing Club – yes.

#5. American River Closed Waters

Conservation Committee of Washington Fly Fishing Club – yes.

#6. Morse Creek Season Change

Conservation Committee of Washington Fly Fishing Club – yes.

Could the season go to an October 16 opening or November 1 and still protect chinook? They should be finished by September or early October.

#7. Lower Nisqually River Season Change

Conservation Committee of Washington Fly Fishing Club – yes.

#8. Skokomish River Season

Conservation Committee of Washington Fly Fishing Club – yes.

Aren't most wild steelhead returning January-March? Why not fish for game fish below Hwy 101 June 1 through December 15? Same gear restrictions and C&R except 2 hatchery steelhead may be retained (match season with the salmon fishery). Why the two week closure? If it is for a disorderly fishery, we need more enforcement presence and should keep the season open continuously.

#9. West Twin River Season

Conservation Committee of Washington Fly Fishing Club – yes.

Is this an early wild run or could the season go until the end of November or the end of December? This would provide additional opportunity for sea-run cutthroat.

#10. Sturgeon Fishing After Retaining a Daily Limit

Conservation Committee of Washington Fly Fishing Club – yes.

#12. No Retention of Green Sturgeon

Conservation Committee of Washington Fly Fishing Club – yes.

#13. Marine Area 7 Spot Shrimp Season

Don't like the Wednesday through Saturday season-would prefer two week-end days open and more week days closed. Having one weekend day open hurts businesses.

#14. Crab Creek Season

Conservation Committee of Washington Fly Fishing Club – yes.

#15. Medical Lake Motor Prohibition

This ban makes no sense, as oars or fins used as alternate propulsion devices would roil the water at least as much as electric motors. There is no problem reported with motors in other lakes such as Liberty and Newman, which have undergone the fish destructive alum "treatments" in the past. I think this is an effort by the property owners on Medical Lake to further reduce public use of "their" lake.

Conservation Committee of Washington Fly Fishing Club – yes.

#16. Murray Creek Closure

Conservation Committee of Washington Fly Fishing Club – yes.

#17. Skagit River Catch-and-Release Season

Conservation Committee of Washington Fly Fishing Club – yes.

#18. Fly Fishing Only Rules

Conservation Committee of Washington Fly Fishing Club – yes-maybe. While we endorse the notion of knotless nets and support the requirements of the ADA, we are not unanimous in our endorsement of electric motors on fly fishing only waters. On balance, we vote Yes.

#19. Deer Lake

Conservation Committee of Washington Fly Fishing Club – yes.

#22. Eliminate Pt Angeles, Pt Townsend, Sequim Bay and Carr Inlet Shrimp District Designations

Concur with proposal.

#26. Catch Record Card in Physical Possession

Conservation Committee of Washington Fly Fishing Club – yes.

In favor or proposal – if CRC is not immediately available, the person should get a ticket – they can take it to court if they desire.

#27. Blue Creek WAC Language

Conservation Committee of Washington Fly Fishing Club – yes.

#29. Tieton River Selective Gear Rules

Conservation Committee of Washington Fly Fishing Club – yes.

#33. Washougal River Catch-and-Release Season

Conservation Committee of Washington Fly Fishing Club – yes.

#35. Columbia River Sturgeon Fishery

Conservation Committee of Washington Fly Fishing Club – yes.

#36. Marine Area 1 Description

Conservation Committee of Washington Fly Fishing Club – yes.

#37. Zee's Reef

Conservation Committee of Washington Fly Fishing Club – yes.

#38. Use of Harpoons to Land Halibut

Agree with proposal. Not really in favor of allowing firearms.

GENERAL COMMENTS RECEIVED AS TESTIMONY

In the past we could provide comments on the rules via email. That option appears to be no longer available. Please bring it back, even if a new mailbox must be created. The housekeeping changes are excellent and the specific water changes all appear to be in line.

All proposals appear appropriate to me except #26 – see comments for this proposal. So, we the sportsman have a short season and have to share with the commercials and NA's! What a bunch of CRAP that is!

TESTIMONY ON OTHER ISSUES

How about proposing a "single barbless hook for all fishing on the Klickitat for steelhead and salmon, bait, fly and/or plugs to be included"! I see too many dead native steelhead each year while fishing!

I was salmon fishing on the Samish river this fall. All I saw was 300 so call fisher men snagging salmon but the did not turn them loose. Is this the common practice for this river? I did catch one fish legally and one I had to turn back. I would like to see it made like we used to fish it with a bobber and salmon eggs or other bates. I have spent time and money to fish here that goes into the community. I was hopping there is something that can be done about this. Maybe you don't have the man power to cover this problem or don't much care for you laws. I hope to here from you about this.

Shrimping gear regulations are designed for deepwater boaters and can easily be interpreted as excessive, discouraging and success limiting as they apply to public piers. New gear and harvest regulations should be run through enforcement field personnel before adopting them. Gear regulations should be kept to a minimum. Acknowledge as legal the most simple form of gear that has persisted throughout the history of shrimping from a dock – the open net. Pier shrimpers cannot legally take spot shrimp during the open season that ends May 31 because shrimp do not move into shallow waters near the Edmonds Pier until mid to late September. Could not some small allocation of spot shrimp be made for pier shrimpers? Precedent has been set by allowing pier fishermen to keep blackmouth year-round. Set up a single page in the pamphlet devoted to shrimping and fishing from a public pier. At the Edmonds Pier, many violations could be reduced by visual designs – these should be in the pamphlet and posted at the entry to the pier and in the kiosks on the pier. Large numbers of blackmouth and silvers are being killed by barbed hook use and few seem to recognize the rockfish limit is one.

Vice President, Eastside Washington State Council, Federation of Fly Fishers notes that members of eastern Washington's fly fishing communities are concerned about warm water fish in quality trout waters on this side of the state. The issue is the illegal introduction of invasive warm water species into trout waters. While WDFW is attempting to eradicate illegally planted bass and other warm water species with rotenone and replanting Lenice, Nunley, Mary, Blue, Chopaka, Aeneas, Ell, Dry Falls, Rat, Davis and others, they have not solved the problem. It is ongoing, expensive, time consuming and moderately effective. We of the WSCFFF Board of Directors believe focus needs to be re-directed to quality waters and their care. Put-and-take waters should follow.

The following are suggestions to consider and advocate for:

1. WDFW interacts and works with bass clubs, bass fishers, fly fishers, to create solutions and implement.
2. Make penalties severe and costly.
3. Increase enforcement-Okanogan County is currently short two enforcement officers. The third is out of the area a significant amount of time training officers in other regions.
4. Start a triploid bass program, thereby controlling populations.
5. Plant predator species-tiger trout and browns to keep populations in check. Patterson and other lakes that serve as water sources are examples.
6. Change regulations on quality trout waters to one fish, less than 15" and keep bigger trout in waters, to control invasive species.

Upper Columbia/Methow River steelhead

The following suggestions are specific to the loss of a 2006/2007 fishery that impacts the lives of the Methow Valley. The Methow River is at the end of the line for steelhead. After 9 years and billions of dollars invested in the recovery of our endangered salmon and steelhead stocks, the Methow's 2006-2007 fishery is closed because of a shortage in required numbers of natural spawners to meet regulations criteria. The problem is not in the Methow but in the lower Columbia.

Here are our collective solutions:

1. Make all trout, salmon, steelhead seasons selective gear, artificial lure/fly, barbless hook fisheries. Result: reduction of kill of outgoing smolts. Retain hatchery fish.
2. No unmarked salmon or steelhead may be retained until enough wild steelhead has passed Priest Rapids Dam on their way to the upper Columbia.
3. Eliminate all tribal and commercial nets on the Columbia. Move toward selective fishing methods to protect wild fish.
4. Evaluate and make all mid-Columbia dams more fish friendly before re-licensing.
5. Control predation---i.e. seals, cormorants, terns, that devour fish.

Silver Lake (Cowlitz Co.) Minimum size of 9" and daily limit of 10 fish is absurd. I have fished the lake for over 60 years and 2005 was incredible for mass amounts of crappie. The limit should be 35 or 40-60 fish or the lake will become overpopulated with tiny fish and only the cormorants will be happy.



This program receives Federal financial assistance from the U.S. Fish and Wildlife Service Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act of 1990, the Age Discrimination Act of 1975, and Title IX of the Education Amendments of 1972. The U.S. Department of the Interior and its bureaus prohibit discrimination on the bases of race, color, national origin, age, disability and sex (in educational programs). If you believe that you have been discriminated against in any program, activity or facility, please write to:

U.S. Fish and Wildlife Service
Office of External Programs
4040 N. Fairfax Drive, Suite 130
Arlington, VA 22203