

2011-2012 Minor Sportfishing Rule Change Explanation of Decisions

April 12, 2011



*Washington
Department of*
**FISH and
WILDLIFE**

TABLE OF CONTENTS

MINOR SPORTFISHING RULE CHANGE PROPOSALS	1
CONSERVATION CONCERNS	1
#1. CLOSE FISHING FOR COLUMBIA RIVER SMELT (EULACHON) STATEWIDE ...	1
HOUSEKEEPING STREAM STRATEGY ADJUSTMENTS	2
#2. BLACK RIVER AND TRIBUTARIES	2
#3. LOWER DESCHUTES RIVER.....	2
#4. MINTER CREEK	3
#5. UPPER NISQUALLY RIVER	3
#6. PURDY CREEK.....	3
#7. SOUTH FORK STILLAGUAMISH RIVER.....	4
HOUSEKEEPING	4
#8. CAPITOL LAKE	4
#9. AREAS WHERE COLUMBIA RIVER ENDORSEMENT IS REQUIRED	5
#10. TWO-POLE ENDORSEMENT.....	6
#11. FREE FISHING WEEKEND.....	6
#12. CLOVER CREEK OPENING DATE.....	6
#13. CHAMBERS CREEK	7
#14. ROCKY CREEK	7
#15. COLUMBIA RIVER STURGEON SANCTUARY BOUNDARY	7
#16. PHILLIPA CREEK SPELLING	8
#17. DAILY LIMIT FOR SHINER PERCH.....	8
GENERAL 2011-2012 MINOR SPORTFISHING RULE CHANGE PROPOSAL	
 COMMENTS RECEIVED:	9
OTHER COMMENTS RECEIVED DURING RULE CHANGE PROPOSAL PROCESS:	9
FUTURE SPORTFISHING RULE PROPOSALS	14
COMMENTS TO 2010-2012 MAJOR SPORTFISHING RULE PROPOSAL CYCLE....	17

Minor Sportfishing Rule Change Proposals

This regulation cycle is intended to be a very minor one, only addressing immediate conservation concerns and housekeeping items, including adjustments to the stream strategy regulations that were adopted last year. As a result of the funding challenges facing our state, the Department made the decision to adopt rules on a 2-year cycle with no minor cycle in between. However due to immediate conservation concerns and housekeeping items, the Department needs to undertake a very minor regulation cycle for the development of the 2011-2012 rules pamphlet.

Conservation Concerns

#1. Close fishing for Columbia River Smelt (Eulachon) Statewide

Proposal: Close fishing for Columbia River smelt (eulachon) in both fresh and salt water statewide.

Explanation: In 2010, the federal government declared that Columbia River smelt (also called eulachon) warranted protection as a Threatened species under the Endangered Species Act. The major recreational fishery for Columbia River smelt has occurred in the Columbia River and its tributaries. Existing permanent regulations have closed this fishery. However, fisheries for these fish occur in other river systems. Closing these other river systems to fishing for Columbia River smelt is necessary to conserve this species. The intent of this proposal is to prohibit recreational fishing for Columbia River smelt statewide. No fishing for eulachon is known to occur in marine waters. This regulation would prohibit such a fishery from occurring in the future.

Testimony:

- It is nice that eulachon, listed as Threatened under the ESA, get protection. However, I am still baffled and more than concerned that you refuse to grant the simple "catch and release only" protection to bull trout, which are similarly listed by the Federal Government. I do not think you realize how much this decision undermines the agency's credibility in the eyes of the angling and conservation communities.
- I just read the minor rules changes proposed for 2011-2012 sport fishing. I have a concern about the wording and use of the term sport fishing with regard to the Columbia River Smelt fishery. I agree we need to protect the C. R. smelt. I am concerned the wording of "closed to sport fishing" would allow commercial fishing of this endangered species. If this species needs protection, it needs protection from all types of harvest.
- I am writing to support WDFW's proposed closure to harvest of *all* Columbia River smelt, including those entering tributaries to the Columbia River. Given the federal determination that the Columbia River smelt deserve management consideration as a Threatened species, it is prudent to close all harvest of this ecologically distinct unit of smelt. I also support the Department's forward thinking in closing harvest of this species in marine waters. Thank you for the opportunity to comment on the proposed, limited changes.

- Please go ahead with the plan to close Columbia River Smelt to all fishing statewide. As a longtime Smelt fisherman, I hope that closing the fishery will result in recovery of the species and fishing opportunities in the future.
- The other thing I have is am concerned about the salt water smelt here in Puget sound over the past few years am seeing less and less smelt and am wondering if you folks have been doing any studies to see what's going on?
- YES! Years too late, but better late than never.

Modification: After public testimony and further review staff proposed modifying the rule adding the scientific name for the smelt species to clarify the intent to only close fishing for this species.

Staff Recommendation: Adopt as modified.

Commission Action: Adopted as modified.

Housekeeping Stream Strategy Adjustments

The proposed changes in this section are adjustments to the stream strategy rules put in place during the last rule cycle to protect rearing juvenile salmon and steelhead in streams that drain into Puget Sound and the Strait of Juan de Fuca. Most of them were oversights and are needed to implement the intent of the rules adopted by the Fish and Wildlife Commission.

#2. Black River and Tributaries

Proposal: Open the Black River (Thurston County) and all tributaries West of I-5 including Waddell Creek, Mima Creek, Dempsey Creek, Beaver Creek, Salmon Creek, and Blooms Ditch to fishing for game fish, from the first Saturday in June through October 31, with selective gear rules and a 14" minimum size for trout.

Explanation: These waters were inadvertently closed during the stream strategy process and should be reopened to provide trout fishing opportunity in these streams.

Testimony:

No public testimony.

Staff Recommendation: Adopt as modified.

Commission Action: Adopted as modified.

#3. Lower Deschutes River

Proposal: Change the game fish season on the lower Deschutes River from old U.S. Highway 99 Bridge near Tumwater to Henderson Boulevard Bridge near Pioneer Park to year-round and add selective gear rules.

Explanation: This section of the river should have the same season as the section of the river above the Henderson Boulevard Bridge. Selective gear rules, already in place in the upper river, should ease release of fish during this catch-and-release fishery.

Testimony:

No public testimony.

Staff Recommendation: Do not adopt. The development and adoption of this rule was suspended per Governor's Executive Order 10-06.

Commission Action: Proposal was not adopted.

#4. Minter Creek

Proposal: Open Minter Creek upstream of the Department intake dam to fishing for game fish, from the first Saturday in June through October 31, with a minimum size of 14" for trout.

Explanation: This section of Minter Creek was inadvertently closed during the stream strategy process and should be reopened to provide fishing opportunity for sea-run cutthroat trout.

Testimony:

No public testimony.

Staff Recommendation: Do not adopt. The development and adoption of this rule was suspended per Governor's Executive Order 10-06.

Commission Action: Proposal was not adopted.

#5. Upper Nisqually River

Proposal: Open the Nisqually River above Alder Lake and all Alder Lake tributaries (including the Little Nisqually River and Mineral Creek) to fishing for game fish, from the first Saturday in June through October 31, with selective gear rules and a minimum size of 14" for trout.

Explanation: These waters were inadvertently closed during the stream strategy process and should be reopened to provide trout fishing opportunity in these streams.

Testimony:

No public testimony.

Staff Recommendation: Adopt as proposed

Commission Action: Adopted as proposed.

#6. Purdy Creek

Proposal: Open Purdy Creek to fishing for game fish, from the first Saturday in June through July 31, with selective gear rules.

Explanation: Purdy Creek was inadvertently closed during the stream strategy process and should be reopened to provide trout fishing opportunity.

Testimony:

No public testimony.

Staff Recommendation: Do not adopt. The development and adoption of this rule was suspended per Governor’s Executive Order 10-06.

Commission Action: Proposal was not adopted.

#7. South Fork Stillaguamish River

Proposal: Open the South Fork Stillaguamish River from the Mountain Loop Highway upstream to fishing for game fish, from the first Saturday in June through November 30, with selective gear rules and fishing from a floating device equipped with a motor prohibited. The anti-snagging rule and night closure would be in effect from August 1 through November 30.

Explanation: This section of the river was inadvertently closed during the stream strategy process and should be reopened to provide fishing opportunity for summer steelhead.

Testimony:

No public testimony.

Staff Recommendation: Adopt as proposed

Commission Action: Adopted as proposed.

Housekeeping

#8. Capitol Lake

Proposal: Close fishing for gamefish in Capitol Lake (Thurston County).

Explanation: Access to Captol Lake is closed to prohibit spread of the invasive New Zealand Mudsnail present in the lake. Mudsnails are easily transported on shoes, boots, and fishing gear to which they may attach themselves. The lake has already been closed to salmon angling.

Testimony:

- The closure of Capital Lake leaves me a little confused. I realize that fisherman can transport these snails to other bodies of water but how is closing it to fishing going to curb the threat significantly? Birds hunt the lake, otters hunt the lake, beaver and how many other species of mammals and birds hunt the waters in the lake? These animals will be transporting the snails everywhere. Is there a plan to eradicate the snails in the lake? This is the only way to prevent them from being transported to every body of water in the state. Granted , closing the lake to fishing does cut into a small percentage of the snails that might

make it to other bodies of water but the percentage would seem small compared to natural methods of spread.

I do understand the biology of the snail, I have read about them before and did more research before replying to this proposal. I also have been an avid aquarist and I understand how invasive snails can be. I hope that a lot more actions are being taken than closing it to fishing. An otter or beaver spending 2 days in the lake then going to a different stream and then to another pond or lake and then to another river and so on will spread them faster than anything I can think of, including people fishing.

The closure of Capital lake would give a great opportunity to find ways to eliminate the snail. It is large enough that sections of testing can be done to find a way to kill them, damage them or maybe even sterilize them. Is there any such research intended for the lake? Do you plan to put in some sort of devices to help keep other animals out of the lake?

potassium permanganate is used in aquarium setting to kill snails, is this an option for open water? Do the snails tolerate salt water well? If not can you do a massive salt dose in infested areas to kill them? Is there anything being done to get rid of them?

This information is going to be important to tell the people who fish the lake. Simply using the possibility of people spreading the snails is not good enough, in my humble opinion, to close the lake to fishing. If the intent is to stop the spread then close the lake to everyone, simply closing it to fishers and letting people go down with their pets, feet in the sand, or any other potentially detrimental activity will inevitably be seen as a direct attack on fishers and not an attempt to actually stop the spread of the snails.

If the only plan you have to stop the spread of the snail is to close it to fishing then you need to rethink the plan. Fishers of all ages will not stand by and be singled out because of a snail if there is not a lot more being done to prevent the spread of the snail. the closure of the lake to all activity is the only fair thing to do if it is closed to anyone. People should still be allowed to walk around the lake but no contact with the water can be allowed if this is going to be implemented and have any sense of being fair.

- Please make an effort to disclose any further plans to eliminate the snails so the public can know that the closure will be for a good reason.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#9. Areas Where Columbia River Endorsement is Required

Proposal: Remove Riffe Lake from the list of areas where the Columbia River Endorsement is required to fish for salmon or steelhead. Add Gobar Creek (Kalama River tributary) to the list. Rule language was also clarified to limit the requirement for the endorsement to the anadromous zones of affected rivers.

Explanation: Riffe Lake is managed under landlocked salmon rules. Gobar Creek, a Kalama River tributary, has returning anadromous hatchery fish.

Testimony:

- Making anglers pay an endorsement on this lake makes the WDFW appear fund greedy...there is no practical, functional common sense reason for this TAX

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#10. Two-Pole Endorsement

Proposal: Add Cougar Lake (near Winthrop) (Okanogan County) and the portion of Swift Reservoir from the markers approximately 3/8 of a mile below Eagle Cliff Bridge to the bridge to the list of lakes where the Two-Pole Endorsement is not valid.

Explanation: Cougar Lake is a catch-and-release fishery to which we are adding selective gear rules. This part of Swift Reservoir is a major holding area for bull trout, an ESA protected species.

Testimony:

No public testimony.

Staff Recommendation: Adopt Swift Reservoir rule as proposed. Do not adopt the rule for Cougar Lake (near Winthrop). The development and adoption of the Cougar Lake rule was suspended per the Governor's Executive Order 10-06.

Commission Action: Adopted Swift Reservoir rule as proposed. Rule for Cougar Lake (near Winthrop) was not adopted.

#11. Free Fishing Weekend

Proposal: Anglers are not required to purchase the Two-Pole Endorsement or Columbia River Endorsement to fish on Free Fishing Weekend.

Explanation: In keeping with the spirit of Free Fishing Weekend, this proposed rule change will make it clear that the Two-Pole Endorsement and Columbia River Endorsement are not required during Free Fishing Weekend.

Testimony:

No public testimony.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#12. Clover Creek Opening Date

Proposal: Change the opening date for Clover Creek (Pierce County) upstream of Steilacoom Lake, including all tributaries from July 2 to July 1.

Explanation: This proposal corrects a typographical error in the WAC.

Testimony:

No public testimony.

Staff Recommendation: Do not adopt. The development of adoption of this rule was suspended per Governor's Executive Order 10-06.

Commission Action: Proposal was not adopted.

#13. Chambers Creek

Proposal: Remove double listing with conflicting language from the rules for Chambers Creek (Pierce County).

Explanation: In the past there was a separate listing in the WAC for Chambers Creek and Chambers Creek estuary. These two listings have been combined, so the estuary listing is no longer needed.

Testimony:

No public testimony.

Staff Recommendation: Do not adopt. The development of adoption of this rule was suspended per Governor's Executive Order 10-06.

Commission Action: Proposal was not adopted.

#14. Rocky Creek

Proposal: Change the County reference for Rocky Creek from Mason County to Pierce/Kitsap County.

Explanation: This correction to the rules will help anglers to identify the Rocky Creek the rule is referring to.

Testimony:

No public testimony.

Staff Recommendation: Do not adopt. The development of adoption of this rule was suspended per Governor's Executive Order 10-06.

Commission Action: Proposal was not adopted.

#15. Columbia River Sturgeon Sanctuary Boundary

Proposal: Change the lower boundary of the sturgeon sanctuary in the Columbia River below Priest Rapids Dam from the trolley cableway 2.5 miles below the dam to the boundary marker

on the river bank 400 feet downstream from Priest Rapids Hatchery outlet channel (Jackson Creek).

Explanation: The trolley cableway has been removed and a new boundary marker is needed.

Testimony:

- I would think that the sturgeon sanctuary zones should be extended well below every dam on the Columbia River, not just the 1000 feet or so that is the norm. yes, I understand that the ODFW has to be involved, but this really should be an easy fix.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#16. Phillipa Creek Spelling

Proposal: Change the spelling of Phillapa Creek (Snoqualmie River tributary) to Phillipa Creek.

Explanation: Corrects the spelling of the creek name in the rule.

Testimony:

No public testimony.

Staff Recommendation: Do not adopt. The development of adoption of this rule was suspended per Governor's Executive Order 10-06.

Commission Action: Proposal was not adopted.

#17. Daily Limit for Shiner Perch

Proposal: Change the daily limit for shiner perch from 2 to 15 fish.

Explanation: Shiner perch are classified as other food fish. During the previous regulation cycle the daily limit for shiner perch was reduced to 2 fish. Shiner perch are primarily used as a baitfish. Population surveys indicate shiner perch are healthy and can support a daily limit of 15.

Testimony:

- The proposed changes to limits set for Shiner Perch from 2 to 15 fish is wrong as the fishing regulations already has limits set at 15 for shiner perch. Don't know where you are getting the 2 fish limit but like I said in the current fishing regulations for salt water it is 15 shiner perch.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

General 2011-2012 Minor Sportfishing Rule Change Proposal Comments Received:

- Proposal #2 through #17: Yes, I support all. But #1 above is the clear winner.
- We are in favor.
- I support the rule changes and the department's efforts in housekeeping and rule refinement. This will be especially important in a two year planning cycle. A mistake or unintended consequence will have a significant life. I would hope there is a fast process to revise rules in which a serious mistake/consequence has been discovered.

Other Comments Received During Rule Change Proposal Process:

- Explain again why any streams where closed in region 4. How are the public to weigh the validity of reopening waters that where inadvertently closed? The complexity of current regulations confounds the public, Even the Lord God gave us but ten commandants to live by.
- What is the best way to have a correction made to the regulation pamphlet?

Specifically, the description for Dolly Varden/Bull Trout under the Selected Washington Game Fish" page has an erroneous statement. We've ried to have this changed for a number of years working informally through others in the department but it seems to get forgotten when the update cycle comes around. Should we submit a more formal request?

Within the pamphlet description it states, "Dolly Varden are a sea-runversion, more silvery in color." This is certainly true in Canada, but we now know based on the genetic testing done to date that in Washington (actually from the Fraser River south) bull trout are the anadromous char, whereas Dolly Varden occur as small headwater residents.

I recommend replacing the last two sentences in the description with:

"Dolly Varden are only found in a few headwater streams in Western Washington. Bull trout are found in Eastern and Western Washington and can be sea-run.

The reason this correction is important to us, is that we continue to hear/see both peers and the public erroneously refer to the anadromous char in Washington as Dolly Varden, and the pamphlet helps perpetuate this misconception as opposed to correct it.

- I would like to propose a change in the regulation pamphlet. It's hard to find rivers because they are separated into too many groups. Having lived here 33 years, I can manage, but others I've talked to are puzzled. Among other things, some rivers aren't even in alphabetical orderin their group, the Cascade is one I've noticed. I think the old scheme of Eastside and Westside was OK, but one list in alphabetical order for all rivers state wide would be best.
- My question is simple, am I misreading the rules or is virtually every lure sold, illegal to fish with in Washington?

If I am mistaken, where and under what circumstances can treble hooks (i.e. the hooks found on virtually every lure sold) be use to fish for trout, salmon or steelhead (i.e. the most popular game fish in Washington)?

If I am correct why are sellers of fishing tackle not required to post signs warning fisherman that all these lures which are advertised as "trout", "salmon" or "steelhead" rigs not actually legal to use without modification?

On a similar note I am reading a great number of articles that recommend rigs that use two hooks to present worms or herring in a more appealing manner. Are these rigs legal in Washington?

Thanks for clarifying these matters for me.

- I wrote last month regarding the closure of the Skagit to boats with motors above the Cascade. I just reviewed the sportfishing proposals for the 2011-2012 season and see no mention that the issue was raised or debated. I'd like to know if it was, and if so, what were the reasons for keeping that area of the river closed. I don't even know if the email reached you or made it to discussion, so I would appreciate some kind of acknowledgement that my concerns are at least being heard. I would also appreciate your frank appraisal of making a personal appearance at the October 1-2 open forum to discuss this issue. Most respectfully yours,
- No changes unless the gill nets are removed. Sport fishing on the Columbia River is big money, the gillnets need to go first FISH STOCKS WILL REBOUND. Soon to quit fishing in Washington if this Barbless hook rule is adopted on the Columbia River. I already quit hunting here in this state. Would also like to see all Puget Sound Rivers closed to Steelhead fishing until we have a escapement of wild fish that exceeds what it was in 1960.
- Why is it when we make new rules and limit sport fishing to shorter seasons gear restrictions and closures and higher license fees and endorsement stamps we Sportsmen get the short end of the stick. And I see yet another fish on top of the ones that are already listed that needs protection.

Get the Gillnets out of the rivers and we might be able to accept some of the new rules. Really not worth the effort to fish in Washington any more for Salmon and Steelhead when we have nets in the river. How long is it going to take for you recognize we have a serious problem with declining Wild runs because of commercial netting. Wake up people!

- I would like to address the the emergency rule change being imposed at the from Priest Rapids Dam to the base of Chief Joseph Dam for the Steelhead fishery simply is unwarranted. As an avid fisherman who has fished this stretch of waters for a very long time, the recent rule change has not been scientifically proven to say that barbless hooks reduce the mortality of fish. In fact what has been proven is there is honestly very little difference as pointed out in a scholarly article by a fellow fisheries biologist.

Another problem with this rule change is the actual numbers of Steelhead in the river. According to recent fish counts there have been fewer than 300 steelhead crossing the Priest Rapids dam and there are fewer than 2,000 crossing the Bonneville. Please explain the justification for this emergency rule change? It takes approx. two to three weeks for a number of fish to reach the Wanapum Dam so I'm curious as to why there was a need for this very small number of steelhead. In my scholarly opinion, there is no justification.

The third issue I will address has to do with the night closure. This is also an unwarranted rule for this area. For anyone that has fished this area, there are very little bank fishing opportunities and due to the nature of the river, i.e. there are a lot of shallow areas, boats do not tend to fish at night. By implementing a day only fishery, you are simply reducing the catch ratio and concentrating the fishing population into limited access areas.

Please feel free to examine the article. I believe that this person has made a pretty good argument as to why this rule change is unfounded and you need to repeal this rule change ASAP.

Based on my personal observation, this rule change appears to be a simple attempt to reduce the

number of salmon harvested in a particular area, and it has nothing to do with steelhead fishery. If you were to ask fisherman if they care about steelhead retention in this area if it would in turn affect their salmon fishing opportunities the resounding answer would be no. Boat anglers do not want this rule change and neither do bank anglers and might I suggest you ask people who fish this area before you try and limit their fishing access. This is not Seattle and we DO NOT WANT ELBOW TO ELBOW FISHING which is only one negative side effects this rule change is having.

In closing I would like to say please read the article (**below rfi**).The rule change you have implemented scientifically is unwarranted and there is no need to regulate the fishing of Salmon in this area. Honestly if I want Steelhead, I fish them on the Icecycle River.

Barbless hooks: Do They Really Make a Difference?

I encountered an interesting scientific article recently regarding the difference in mortality between barbed and barbless hooks used in recreational fisheries. Dan Schill and R. L. Scarpella (1997) conducted a literature review and meta-analysis on all studies comparing the use of these two hook types, and came up with some very interesting results.

In the first study comparing barbed vs. barbless, Westerman (1932) concluded that barbed hooks caused higher mortality than barbless hooks, however, he did not use any statistical analysis to test these results. Since then, a number of different studies have taken place. Taylor and White (1992) summarized datasets from these studies using meta-analysis, and concluded that barbed hooks caused higher mortality than barbless as well.

Upon reviewing the Taylor and White review, Schill and Scarpella noticed that some previous studies were NOT included in the the analysis, and furthermore, the approach of statistical analysis in the review was questionable. They therefore decided to use a more common approach to the meta-analysis, and use all the existing available data up to 1997.

Using a more thorough data set and better methods of statistical analysis, Schill and Scarpella determined in 1997 that barbless hooks showed NO EVIDENCE OF REDUCING FISH MORTALITY IN COMPARISON TO BARBED HOOKS. Some studies did show higher mortality rates using barbed hooks, and others showed the opposite. However, the differences were so small (usually just a couple of percentage points) that they did not overcome the difference that could have been caused simply by random error.

Since the Schill and Scarpella paper in 1997, a number of other studies have examined the difference between barbed and barbless hooks. The results of all the studies I could track down are as follows:

Dubois & Dubielzig (2004) - showed no biological advantage in using barbless hooks

Dubois & Dubielzig (2004, different study) - no difference between barbed and barbless, except when fish deeply swallowed the hooks, in which case barbless were better.

Schaeffer & Hoffman (2002) - no significant difference in mortality between barbed and barbless. Barbed hooks landed 22% more fish. Quicker hook release time with barbless.

Meka (2004) - higher injury rates with barbed hooks, however she did not compare mortality, so results are not applicable.

Clearly, there has been no demonstrated evidence that barbless hooks cause lower mortality rates than barbed hooks. However, barbless hooks are becoming a more and more popular regulation in

recreational fisheries. Why is it that these regulations persist? Even in Idaho, where Schill and Scarpella demonstrated the facts, barbless restrictions exist in many waters. I believe that the barbless regulation is simply a feel-good regulation. People are still convinced that barbless hooks “must” be better than barbed, despite what the science says.

Simply put, a mouth hooked fish, handled properly, has a very miniscule chance of dying whether or not the hook used is barbed or barbless. Mortality issues arise when the hook is swallowed and significant bleeding and tearing occur, as well as when a fish is improperly handled and held out of the water for too long. Therefore, we should quit worrying about the little barb that helps anglers land more fish, and start thinking about ways to improve other facets of angling mortality, particularly how we handle the fish once caught.

One final note: Schill and Scarpella quote the annual estimated NATURAL mortality of trout in streams to be between 30% - 65%. With such an incredibly high mortality rate already occurring, most fishing mortality is probably compensatory (the fish would have died naturally by the end of the year, whether or not you killed it). Therefore, how can we be justified in griping about a 0.3% mortality difference between barbed and barbless hooks?

Dubois, R. B. and R. R. Dubielzig. 2004. Effect of hook type on mortality, trauma, and capture efficiency of wild stream trout caught by angling with spinners. *North American Journal of Fisheries Management* 24:609-616.

Dubois, R. B. and R. R. Dubielzig. 2004. Effect of hook type on mortality, trauma, and capture efficiency of wild, stream-resident trout caught by active baitfishing. *North American Journal of Fisheries Management* 24: 617-623.

Meka, J. M. The influence of hook type, angler experience, and fish size on injury rates and the duration of capture in an Alaskan catch-and-release rainbow trout fishery. *North American Journal of Fisheries Management* 24:1309-1321.

Schaeffer, J. S. and E. M. Hoffman. 2002. Performance of barbed and barbless hooks in a marine recreational fishery. *North American Journal of Fisheries Management* 22:229-235.

Schill, D. J. and R. L. Scarpella. 1997. Barbed hook restrictions in catch-and-release trout fisheries: a social issue. *North American Journal of Fisheries Management* 17:873-881.

Taylor, M. J. and K. R. White. 1992. A meta-analysis of hooking mortality of resident trout. *North American Journal of Fisheries Management* 12:760-767.

Westerman, F. A. 1932. Experiments show insignificant loss of hooked immature trout when they are returned to water. *Michigan Department of Conservation, Monthly Bulletin*. 2(12): 1-6

- I have been fishing the upper portion of the Columbia river between Priest Rapids Dam and Rocky Reach Dam areas (537 & 539) for many years and the recent rule changes that have been implemented have been totally unfair to bank fishermen. For anyone familiar with this area, you would know there are only a handful of places to fish Salmon. The area between priest rapids dam and Rocky Reach Dam does not receive the fishing traffic that you see in western Washington and the number of fish taken does not even compare to the number of fish taken by tribal fishermen on the lower Columbia. In addition to this, the Wanapum and Priest Rapids Dams have implemented security measures which in turn have reduced the places in which one may fish salmon. By further implementing further rule restrictions, the only people you are hurting is the bank fishermen. If you wish to reduce the number of salmon harvest then you need to start regulating the fishing activities of the tribe who did not have gill nets, aluminum boats and outboard motors a 100 years ago. If they want to fish then let them do it a traditional manor in wooden

boats with throw nets and other traditional gear. Restrict them from using rod and reel because that was also a non traditional method of fishing.

With that said I request that the sportsmans choice change be repealed and that the ridiculous recent rule change implemented for steelhead from September 8th to October 1st be repealed as well. For anyone that fishes the Columbia in this stretch of water, you would know that this area of water has always been a prime spot for local salmon fishing spot for bank anglers between the Sept 1 & October 15th for many, many years. If this fishery harmed steelhead or salmon fishing, why are there always so many record runs of sockeye, steelhead and salmon on the upper Columbia? It makes no sense to implement these ridiculous rule changes for this area and the only people you are hurting is the local sports fishermen who pay your salary by the purchasing of fishing licenses.

In closing I'd like to say that we only receive a few months in which we may salmon fish between the Priest Rapids dam and the Rocky Reach dam and the number of fish taken does not warrant the rule changes that you are trying to impose. I suggest in the future that biologists who seem to know everything about the fishery take a trip out of their Olympia offices and take a trip to this area. Take some time speaking to the local fishermen and then see if what they propose makes any sense. You will quickly see they are just like a lot of our elected politicians; they are out of touch with reality and the people.

- It is in regards to Edmonds Municipal Code 5.32.060 which prohibits operation of any vessel within 200 feet of the Edmonds Underwater Dive Park. See http://www.mrsc.org/wa/edmonds/index_dtSearch.html

The current 2010-2011 book (pg 118, note 2) lists it as the "Brackett's Landing Shoreline Sanctuary" and merely states that the area is closed to all harvest.

The problem in addition to blatant violations of the fishing note is that motor boats often come in and/or very close to the park. This park is the largest underwater dive park on the west coast with an estimated 20,000 divers per year.

I realize there are issues with listing a local municipal code so we're just wondering about a simple addition to advise that vessels are restricted from within 200' of the outer boundaries of the park.

Please let me know what you think. Again, we're not looking to quote our municipal code. Just enough to give vessel operators (fishermen) the information they need.

- Sorry if I'm being confusing. The Edmonds Municipal Code is good and stands as is which we enforce. What we [Edmonds PD] is asking if there is any way to add a sentence to the WDFW Sport Fishing Rules handbook, specifically, page 118 note 2. The WDFW handbook currently only states that the area is closed to all harvest. We would like to merely add that vessels are not allowed within 200' of the marked area.

This would be a helpful addition to your handbook to educate sport fishermen about the rules in the area and prevent any possible boat vs diver incidents.

- I do not agree with these bottomfish closures. I think this is grossly unfair to the public who should have a greater say in this matter. The problem with fish densities are the direct result of not controlling the seal predation issues. Also the problems with gillnets and long line commercial fishing should be your concern.
- The halibut season in the Strait of Juan De Fuca and the Puget Sound areas need to be changed. I think that a catch quota should be enforced by a license for halibut. A license for halibut, with an annual limit per license, should be initiated. The season should be extended from the first of May until the First of November. When a license for ten (10) halibut is sold, the fisherman would be allowed Ten (10) fish for the season. The fisherman could take halibut at their convenience, accounting for tide conditions, and weather. When the license has been filled, the fisherman should not be allowed to fish for halibut.

Enforcement should be for catching and not recording catch. The fines should be high enough to force catch records to be maintained.

- I feel this approach is not only fair, but is much better than the insane season of 12 days in the month of May.
- Any halibut over 100 pounds and over has to be released to protect broodstock because they are females. not sure if applies but start a rockfish hatchery program catch them out in the ocean where they are more plentiful and bring them into the inner straits and sound and let them go around certain areas and it would help boost stocks and breeding

FUTURE SPORTFISHING RULE PROPOSALS

- I believe there to be a significant amount of revenue to be gained by the State, through selling a Two Pole Endorsement for saltwater salmon anglers. No limit changes, but sell me a \$25 tag to allow me to use 2 rods. I would burn less fuel (green) and not impact the resource significantly. Seems like a no-brainer to me... Thanks
- I just noticed a correction. On the last line I said 3 hatchery and 2 wild fish. This should read 3 hatchery salmon or 2 wild salmon.

I would like to submit a rule change for WAC 232-28-619. Last year there was a rule change implemented to restrict the number of wild salmon retained in the section 539 of the Columbia River. Fish retained in this area are naturally occurring wild salmon. Area 539 from Priests Rapids Dam to Rocky Reach Dam have a traditional wild salmon run. The runs have always averaged over 10,000 wild fish, and this recent rule change has effectively reduced the number of harvested wild salmon above Wanapum Dam. I have fished these waters for over six years, and I can tell you that the number of wild fish harvested in this area is limited due to the limited bank access, and there honestly was no grounds for this change. A large portion of fish that I have seen caught in this area are wild salmon, and I believe the rule should be changed to allow retention of 3 hatchery salmon or 2 wild salmon, or 1 wild salmon and 2 hatchery.

- I would like to make a law that you could not keep a salmon caught in Western Wa rivers unless it was hooked in the mouth. (Too much snagging going on)
- I would like to propose that black seabass be open to a 1 per day limit february through may. there are so many during this time, it is impossible to fish for anything else **without** catching these.

My second proposal. Open the samish river to wild coho. There is a huge abundance of these fish during the fall, none of which can be retained.

- I recently fished the Two Rivers trout derby on Lake Roosevelt and there seemed to be a lot of confusion with the rules. The derby is conducted in accordance with Wa. St. rules. The Spokane river is defined at ST.RT. 25 bridge and Lake Roosevelt's boundaries go up to the bridge. The limit on Lake Roosevelt is 5 trout and 6 Kokanee. The limit on the Spokane river is 5 trout with rainbows and kokanee all in the same limit. A lot of teams fished Lake Roosevelt and the Spokane Arm in the same day because there is a huge school of Kokanee staged in the arm getting ready to spawn. On the general rules it says if you fish a river and a lake on the same day your limit shall be 5 trout with only 2 coming out of the river. Many interpretations were made that you could get 5 trout and 5 kokanee in the Spokane arm or 5 trout and 6 kokanee the same as Lake Roosevelt's limit. This has to be an enforcement pain as many people fish Roosevelt and launch their boats on the Spokane river so the game warden would not know where they have been. I propose that you change the boundary for Lake Roosevelt to include the Spokane arm up to Little Falls dam. It will still be easy to manage for the walleye closure that happens on April 1st as you have St. Rt. Bridge 25 as a easy marker point.

- My suggestion is to require barbless hooks on Washington coastal and fresh waters where migratory fish are located.
- In the past have commented on other regulatory actions, and thought that this year was supposed to address some of those concerns. unfortunately, have not kept a copy of the past suggestions. i would think that the sturgeon sanctuary zones should be extended well below every dam on the Columbia River, not just the 1000 feet or so that is the norm. yes, i understand that the ODFW has to be involved, but this really should be an easy fix.

Also, should the dams on the Elwah and on the White Salmon be removed, the zones that were defined by the dams will be eliminated and should be addressed. included should be a window classification that protects trout from being harvested that were behind the dams in the past. my suggestion would be trout can be kept only if between 13 and 15 inches.

- I propose all wild coho and king salmon to be allowed to keep in the ocean and inland waters of Puget Sound. The past several years I have been fishing Sekiu area 5. In the past 5 years my friends and I have caught 42 salmon in which 36 of them were wild fish. I just returned from fishing Sekiu yesterday. My wife and I caught 12 coho in which all were wild and one was a farm bread fish. The two past King salmon trips all were wild except we managed to keep two farm bread fish. It cost me at least \$600 to make a trip like this not including the licenses. It's time the wild salmon fishing was reopened.
- I have been a Washington resident since 1963. During that time I have seen the hunting and fishing opportunities decline steadily. I attribute this to the fact that the WDFW has too many stakeholders to satisfy and cannot really manage for the fish and wildlife themselves.

There is also a woeful lack of enforcement resources and so we have many scofflaws who laughingly ignore limits, seasons, tackle rules, and practice "catch and fillet" instead of catch and release.

I believe that until the Department is able to employ the proper enforcement resources that the onerous rules you are imposing on those of us who obey the law make it more and more difficult to enjoy this form of recreation.

I also have some real problems with your catch and release barbless hook policy for saltwater species. I think it would be better for the resource, to change the rules so that you just keep the first two salmon you catch regardless of the size or species. I have friends who caught 30-40 fish before they caught a legal fish. They report that many did not survive despite careful handling, barbless hooks etc...

I also think the Dept. "just goes thru the motions" as far as giving serious consideration to the suggestions of the sportfisherman.

I plan to sell my big boat and discontinue fishing in Marine waters unless/until I see some major changes in the rules and enforcement.

- I am thinking that the skoke river fishery needs to be looked at. I have not fished there this year because of the different concerns. Maybe it needs to be shut down completely until the state can figure out how to deal with the blatant snagging and intentional grappling of the fishing lines done by the tribal peoples, who stand on a small rise on the reservation side of the river. They intentionally try to grapple the lines of licensed Washington fisherman, who stand across the river on the open side of the river, Specifically the "Hawg hole" which is where the river splits at the ex camping spot owned by Hunter Farms.
- I have fished for salmon between the 395 bridge and the old Hanford power line until December 1 for years until last year when the date changed to October 22. My records showed that half of my salmon catch was in the month of November. I have also caught bright fish and I have caught dark which I release. My point is that there is still fish in the river to be caught that are fresh. I would like to see the date get changed back to the original date of December 1.

- I have 3 rule change proposal for next year, I'm not a biologist; however, I have worked two temporary assignments at state hatcheries, and have a fisheries biology education:
 - Open up a Dolly Varden fishery on Lake Wenatchee.
 - *Population for Dolly Varden are currently, and in the past extremely high in this lake.
 - *I've witnessed this first hand while taking part in selective sockeye fisheries there.
 - *The fish appear to be healthy, and sustainable.
 - Remove the Columbia river salmon/ steelhead endorsement for the portion of the Cowlitz River above Mossyrock dam.
 - *Fish in this portion of the river are 100% dependant on human transport from the Cowlitz hatchery.
 - * Most every other fishery that an endorsement is required for are barrier free, and non dependant on human transport.
 - * Since so many bodies of water in our state eventually flow into the Columbia, where do you draw the line?
 - Implement a 100% catch and release bass fishery for the majority of lakes and rivers for May and June
 - *Most bass spawn during this time frame.
 - *Spawning bass are extremely easy to see and catch.
 - *This is by far the most vulnerable time for trophy bass.
- I realize this is not a proposed topic but still must point out that the barbed hook rule on the Columbia does not seem to hinder my fellow fishermen from releasing wild fish in the places I fish such as Wallula and above and below McNary dam. I see no reason why the Snake should have a barbless hook rule considering that there is a three fish limit on the Snake and a two fish limit on the Columbia. And that further it seems the express focus of the Dept. to harvest as many hatchery fish as possible. I see fish released safely every fishing event. Please consider recinding this rule for the Snake.
- And I would like to propose that anglers get to us 2 fishing poles when fishing for salmon and steelhead.

The amount of income it would produce... would totally out way any bad!

You could put a \$200.00 price tag on that second pole for salmon and steelhead and it will still make way more than what you guys are getting out of are current 2 pole endorsement. I don't know one person that has bought the 2 pole endorsement. All thought I think it's a great thing to help push a 2 pole for salmon, stl head. And the whole thing about ESA fish?!?!?! Come one we have limits and quotas that will stay the same! It would be a huge win for every one!!!!

1+ More money for WDFW (that they need more than ever)

1+ for the income it will bring to small fishing communities.

1+ more anglers will want to fish = more money for the above 2 parties

1+ more people fishing salmon and steelhead... brings more people buying tackle, bait, gas, boats, and ect.

1+ Anglers might catch more then they normally would not! = they will be out more and spend more!

1+ More rods fishing will give more of a chance to run experimental fishing gear. = more money to the small tackle shops etc.

1+ quotas and limits will not be affected in any way... other than seasons might run as long as normal due to catch rates,,,,, but they change for year to year anyways.

1+ Anglers might feel like their money they spend on licenses/ WDFW fees per year... will be more appreciated!

1+more money to support more officers... etc

last

1+ The "pros" of this action will always be greater then the "cons"! In fact I can't think of one thing wrong with it. Other then we haven't been able to do it! Every other state almost allows it!

And on a side note... if this did pass for big bucks per license. It would be easy to identify who has it or not by a bright orange/(any bright color) exposed when in use. And every angler aboard has to have one, in order for one to use... they all need one!

- I would like to add the following sport fishing rule changes to your 2011-2012 Proposals.

#1 Ban the use of felt sole wading shoes in all of Washington's waters.

Reason: Stop AIS. Several states have already banned felt sole wading shoes, and Simms no longer produces them. Trout Unlimited is in favor of the ban. Washington should take the lead in this issue, and try to slow down the spread on AIS in our waters. Also, it's my understanding all WDFW personnel are no longer using felt sole boots.

#2 Put a five fish limit on albacore caught in Washington waters.

Reason: Washington currently has no limit, and Oregon has a 25 fish limit per angler. I fished for albacore this year and saw sports fishing catches of 70-80 fish on a single boat. As popular as albacore fishing is becoming off the Washington coast, it won't be long before the fish returns are depleted. A limit on the amount of fish caught is needed.

Comments to 2010-2012 Major Sportfishing Rule Proposal Cycle

- I would like to offer the following comments regarding the state Sportfishing Rules for 2011-12. My comment concerns Sportfishing Rule Change Proposal #10 – regarding retention of Rock and Bottom Fish.

I am avid salt water fisherman in the San Juan Islands (Marine Area #7) and believe that the new ban on retention of rockfish during the lingcod fishing season is ill advised because it creates a very wasteful situation.

For example, during this past lingcod fishing season (May 1 to June 15, 2010) I fished for lingcod on four days and caught and released 3 undersized lingcods and retained 1 legal sized lingcod. As a bi-catch I caught 15 rockfish (all either quillback or copper rockfish I have never caught any of the three types of rockfish on the endangered species listing). Of the 15 rockfish caught 3 were dead when they came to the surface because of barotrauma. It was one saddest fishing seasons because I could not keep these dead rockfish but had to put their dead bodies back into the salt water to be pecked at by seagulls.

Catching rockfish while lingcod fishing is unavoidable, even with the 120 ft fishing depth limit, rockfish are always caught and some do come to the surface dead.

I think a much better and less wasteful policy is to reinstate a 1 rockfish retention limit during the short lingcod fishing season, and if a person fishing has retained 1 rockfish then they MUST stop fishing for that day.

I have discussed this proposal with WDFW scientist Greg Bargmann and he also believes this proposal has merit. I think this proposal is a very good compromise and prevents the very wasteful situation that now exists of throwing dead rockfish back in the water.

I hope you will amend the rockfish retention ban during the short (6 week) lingcod season to prevent the waste that is currently occurring.

- Hello , I am sending this email to comment on perposed rule #31, and also the rule in general that bans the use of barbless hooks on the columbia river.I do not agree with this rule, and do not want it to pass.It has no science behind it, you even said it in your own notice. There is also the Fact that was stated with the barbless rule that if oregon did not adopt barbless its self,that the rule would be changed so that there was not a law enforcement nightmare!! am all for safe release of wild fish, but this is done in the

handling, not netting, not taking a wild fish out of the water, all rules already in place. I would ask you to please stop changing the rules for gear every 2 years just because you can and stick to and enforce what laws/rules we have in place. Once again I do not want this rule to pass.

- Thank you for the opportunity to review on the 2010 - 2012 Sport Fishing Rule Change Proposals. A couple of thoughts if I may.

#6. Two Poles Endorsement: You could make it more complex, but I haven't figured out how. Recommend that all bodies of water appear in the regulations with a small icon to indicate in which category each falls. Perhaps one rod/reel for one pole only and two rods/reels where the endorsement is in effect. That way the angler can tell at a glance.

#31. Columbia River Salmon and Steelhead – Single-Point Barbless Hooks: It's not clear to me if the angler is limited to a single single-point barbless hook or more than one single-point barbless hook as used in the common herring rig which consists of two hooks on a common leader. I assume the barb can be bend down as with other barbless definitions.

Other than that, you're good to go.

- Oregon is not going along with this. They have rejected Washington's barbless rule for the Columbia. That's because Oregon studies have shown no difference in release mortality of salmon and steelhead caught with barbless or barbed hooks in the standard manner that these fish are taken in the Columbia. Washington should reject this ill-conceived proposal
- I'd like to comment on rule change proposal #31- requiring barbless hooks for salmon and steelhead in the Columbia river.

I am opposed to the rule change for the following reasons:

- 1) Oregon is not reciprocating with this rule change. Having different gear rules for different halves of the Columbia is an enforcement nightmare
- 2) Science does not support the presumption that barbless hooks reduce mortality on released salmon and steelhead. Reference the Toman Study that Oregon commissioned, and used to REJECT the barbless hook proposal

If Washington continues to push proposals that are dreamed up by special interest groups I will gladly STOP buying a Washington fishing license. This year I already committed to purchasing a freshwater only WA license. I only fish two Washington tributary rivers and will gladly stop supporting WDFW as they stop supporting my ability to fish hassle free and effectively.

- In May of this year I wrote the email below requesting "a rule change (emergency or otherwise) that would reopen the stretch of Mill Creek between Bennington Dam the Diversion Structure at the USACE Mill Creek Project Office." I have just reviewed the SUPPLEMENTAL CR-102 - filed as WSR 10-19-144 on September 22, 2010, and did not see any proposed rule in accordance with my request. Additionally, I did not receive any communication from your agency about why my request was denied or disregarded.

I believe I provided adequate justification in my email below to warrant reopening the ¼ mile stretch of the creek between the Bennington Dam Diversion Structure and the Corps of Engineers Mill Creek Project Office. I have also attached a picture of a resident Rainbow Trout I caught in 2008 in that stretch of Mill Creek.

Therefore, I here renew my request. I would also be satisfied with a charter fishing season (e.g., first weekend in June through August 31st) and/or an increase in the size of trout that may be taken (e.g., > 12") -- if those measures would in fact help protect ESA listed fish. There is, however, a thriving resident

Rainbow Trout population in that stretch of Mill Creek and any closure of limited stream fishing waters in Walla Walla County has a big impact to local residents.

Hello. I am writing to call your attention to errors that have been made concerning the 2010-2012 Sportfishing Rule Change #33 for Mill Creek, Walla Walla County.

The new rule states that the Creek is closed to all fishing "from the mouth to Bennington Dam." The prior rule only closed fishing between the Gose Street bridge and Roosevelt Street Bridge. The justification given for this change is as follows:

"The portion from Roosevelt St upstream to Bennington Dam is a flood control channel with a series of weirs. Fish become stranded in the pool below each of the weirs and the lower portion of this reach dewater. Water temperatures become marginal or critical for ESA listed salmonids. Fish are very vulnerable because of the isolation within pools below weirs. WDFW is working with the USACE and others to improve habitat conditions, but to help protect ESA listed fish and improve their survival in poor habitat conditions the fishery should be terminated. . . . The additional protection offered by the closure to juvenile wild steelhead outweighs the opportunity to catch a limited number of hatchery adults in the lower river."

First, the Mill Creek between Bennington Dam and Gose Street is a flood control project, but the Creek does not "dewater" the same. About a half mile downstream from the Bennington Dam (at the USACE Mill Creek Project Office) is a diversion structure that diverts water from Mill Creek down Yellowhawk Creek to service superior water rights. The stretch of Mill Creek downstream of the the Diversion Structure dewater (almost dries up most years) and kills most fish for a number of miles downstream. There have even been "Trout Roundups" conducted on the Mill Creek below the Diversion Structure (prior to diverting water down Yellowhawk Creek) in an attempt to save those fish. The Mill Creek above the Diversion Structure, however, retains the natural flow of the stream and can (does) support a native Rainbow and Bull Trout population.

Second, the reason there is a limited opportunity to catch hatchery fish is because the State stopped stocking Mill Creek many years ago. There is, however (as I state above), a native trout population above the Diversion Structure that provides the residents of this area a good (and unique) fishing opportunity.

I have been a resident of Walla Walla Since 2002 (and was a USCOE, Walla Walla District, employee between 2002-2009) and have fished Mill Creek (for trout) above the Diversion Structure every year. Fishing opportunities near Walla Walla are limited (especially native trout fishing) and closing any waters has an impact on local fisherpersons. Also, the USACE operates a park (Rooks Park) on the half mile stretch of Mill Creek between Bennington Dam and the Diversion Structure that would no longer offer persons visiting the park a fishing opportunity.

Therefore, I hereby request a rule change (emergency or otherwise) that would reopen the stretch of Mill Creek between Bennington Dam the Diversion Structure at the USACE Mill Creek Project Office. Please let me know if there is anything I can do to facilitate such a rule change.