2012-2013 SPORT FISHING RULE CHANGE PROPOSALS

Updated on February 7, 2012
Public testimony through
December 30, 2011

TABLE OF CONTENTS

SPORTFISHING RULE CHANGE PROPOSALS **1**

CONSERVATION CONCERNS **1**

#1. Northern Pike Classification 1
#2. Pend Oreille Two Pole Fishery (Pend Oreille County) 2
#3. San Poil Season, Harvest, and Boundary Changes (Ferry County) 2
#4. Lower Crab and Red Rock Creeks Chinook (Grant County) 3
#5. South Fork Toutle River 4
#6. Salmon Creek Closer 4
#7. Swift Reservoir 4
#8. Puget Sound Wild Steelhead Protection Rules 5
#9. Puget Sound Sturgeon 7
#10. Coastal Stream Strategy 8

RECREATIONAL OPPORTUNITY **10**

#11. Lowland Lake Season 10
#12. Roosevelt Lake Walleye 11
#13. Lower Spokane River 2-Pole and Kokanee fisheries 12
#14. Kettle River Fishery Additions 12
#15. Puget Sound Stream Strategy, Additional Trout Opportunity 13
#16. Wind River Increased Open Area 14
#17. Wynoochee River Steelhead Opportunity 14
#18. Lingcod Spearfishing Season 14

SPORTFISHING RULE CHANGE PROPOSALS

In 2010, the Washington Department of Fish and Wildlife (Department) implemented a two year cycle for considering changes to sportfishing rules. However, due to continued budget and staffing reductions, the Department intends to limit the scope of rules being considered this year which will take effect in May 2012. In addition, Governor Chris Gregoire issued Executive Order 10-06 in November 2010, suspending non-critical rule development and adoption through December 31, 2011. To comply with this executive order and reduce staffing the Department will not solicit sportfishing rules from the public this year and is limiting rule making to rules that meet the following criteria:

1) Rules addressing a critical conservation need;
2) Finalize permanent rule making for emergency rules; and
3) Significant recreational opportunities that generate revenue.

CONSERVATION CONCERNS

#1. Northern Pike Classification

Proposal: Removes northern pike from being designated as a game fish and retains the designation as a prohibited species.

Explanation: Currently, northern pike (*Esox lucius*) is listed as both a game fish and as a prohibited species. Northern pike have expanded greatly in numbers and distribution in the northeast section of Washington. Their position as an apex predator and prolific spawner creates widespread potential for negative impacts to native and other game species. The potential for their negative impacts, both environmentally and economically, cannot be overstated. Having this species classified as both a game fish and a prohibited species is at cross purposes to our goal of controlling their numbers and distribution. Further, we do not want them to inhabit new waters. Removing the northern pike's designation as a game fish better aligns with the management intent for this species and will not affect the Department's ability to manage this species and promote their harvest.

Testimony:
Many responses support this proposal. Comments for this proposal include: the abundance and expanding distribution of northern pike in the Pend Oreille system poses risks to the conservation and recovery of native species, including westslope cutthroat trout and bull trout; the effort and monetary resources toward native fish recovery are being compromised by northern pike; despite recently enjoying the opportunity to catch northern pike, this species has decimated many other systems in North America; we have seen the significant increase in pike numbers on the Pend Oreille River in tournaments and the reduction of the largemouth bass fishery. There were also suggestions for: mandatory retention; using gears that include archery and spears; allowing the use of perch, and sunfish as bait; and offers from clubs to assist in reducing the northern pike population through angling. The Kalispell Tribe testified in favor of this proposal at the January 7 Commission Public Hearing.

Many responses from people state that they adamantly oppose this rule proposal. There are requests for continuing to manage northern pike as a game fish with a size limit. Comments against this proposal include: northern pike provide the only other sport fishing in Washington's portion of the Pend Oreille River (Box Canyon Reservoir) other than bass fishing; since the advent of dams, the Pend Oreille has become a warm water river with an abundance of species that provide feeding for pike and bass; this has become a popular recreational fishery and we can't stop the influx of fish from Montana so we should learn to manage them as Montana does; it doesn't make sense that smallmouth bass isn't considered invasive since it is not native, eats trout, and reproduces quickly; historically, the Newport, Cusick, and Riverbend areas of the river were just a travel corridor for trout and this is not the habitat trout prefer.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#2. Pend Oreille Two Pole Fishery (Pend Oreille County)

Proposal: Allows for a two pole endorsement on the Pend Oreille River. This will increase the harvest of northern pike and assist with native salmonid recovery.

Explanation: This rule change will result in increased opportunity for harvest of northern pike in Box Canyon and Boundary reservoirs via the use of the two pole endorsement. The increased harvest of northern pike is the result of their abundance increasing dramatically in recent years, resulting in the decreased abundance of native fish and other game fishes in Box Canyon Reservoir. Allowing use of the two pole endorsement to fish these waters should result in increased revenue for the Department.

Testimony:
Overall, responses support this proposal. One concern was expressed: "I don't see many fishing two poles at once while using artificials… One is left to wonder about the introduction of foreign live baits this practice might inspire." There was also comment that this proposal can help control the growing northern pike population.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#3. San Poil Season, Harvest, and Boundary Changes (Ferry County)

Proposal: Divides the San Poil River arm of Roosevelt Lake into three management sections (please click this link to see the map, San Poil Boundary Map) and changes the season and harvest as follows:

Proposed Regulatory Boundaries
Boundary A –From the western shoreline at the mouth of the San Poil Arm as marked by a regulatory buoy, directly eastward across the San Poil Arm to the eastern shoreline of the San Poil Arm as marked by a regulatory buoy.

Boundary B - From the north shore of the outlet of French Johns Lake (Manila Creek) northeast across the San Poil Arm to the north shore of the outlet of Dick Creek.

Boundary C – Approximately 5 miles upstream from the outlet of French Johns Lake, as marked by regulatory buoys. Any and all waters that occur north of the regulatory buoy line at or above 1310 feet mean sea level elevation are managed under regulatory authority of the Colville Confederated Tribe of Indians.

Seasons by species:
Smallmouth bass: April 1-January 30, open from regulatory boundary A and continuing upstream to Boundary C. Bag limit of 10 fish with no more than one over 14 inches

Walleye: April 1-January 30, open from regulatory boundary A and continuing upstream to the Boundary C. Bag limit of 16 fish, with no size limit.

Rainbow trout: April 1-January 30 - Open from regulatory boundary A and continuing upstream to regulatory boundary B. Bag limit of 5 fish, with no more than 2 over 20 inches and all wild (adipose fin intact) rainbow trout must be released.

Kokanee salmon: April 1-January 30 - Open from regulatory boundary A and continuing upstream to regulatory boundary B. Bag limit of 2 fish.

Explanation: This regulation assists various species as described below:
Smallmouth Bass: Densities of smallmouth bass in the reservoir have been increasing rapidly for the past 10 years. This regulation focuses harvest on the large number of smaller fish (less than 14 inches) that have been identified as having the highest predatory impact on native and hatchery salmonids.

Walleye: Based on the Colville Tribe's fish predation and consumption work in the San Poil Arm, walleye have been identified as a concern for predatory impact on native and hatchery salmonid species. A bag limit of 16 fish can lead to a meaningful reduction in the walleye population if angler exploitation rates are high enough.

Rainbow Trout: This proposal closes the fishery when wild rainbow trout migrate through the San Poil Arm on their way to the spawning grounds in the San Poil River (February – March). This regulation protects all wild rainbow trout from harvest and allows maximum angler opportunity for hatchery rainbow trout in the lower section of the San Poil Arm, where abundant hatchery rainbow trout are found.

Kokanee: This proposal closes the fishery on kokanee when the redband trout migrate through the San Poil Arm on their way to the spawning grounds. Anglers use similar gear and methods to capture rainbow trout and kokanee, therefore this closure on kokanee benefits the rainbow trout. The San Poil Arm is a primary refuge for wild kokanee during the warm summer months. Under the current rules, anglers can retain 2 wild kokanee and continue to fish for hatchery fish in this area. The high density of wild trout in this area lends itself to potentially causing higher than normal hook and release mortality as anglers attempt to catch and retain hatchery origin kokanee.

Testimony:
Overall, responses support this proposal.

Amendment: Retain current walleye daily limit (eight) and evaluate walleye population after significant lake drawdown event.

Staff Recommendation: Adopt as amended.

Commission Action: Adopted as amended.

#4. Lower Crab and Red Rock Creeks Chinook (Grant County)

Proposal: This proposal changes the current open time for Lower Crab and Red Rock creeks from year-round to April 1 through September 30.

Explanation: This change is expected to increase the protection of Chinook salmon. Recently, increasing numbers of Chinook have been documented spawning and rearing in Red Rock and Lower Crab creeks (Burgess 2010); however, their stock status at this time is unknown. Genetic analysis indicates these fish are unique when compared with other Columbia and Snake River Chinook stocks (Small 2010). With an increase in adult Chinook abundance, poaching has become a significant problem during October and November for both creeks. These are small and readily accessible streams where adult Chinook can easily be located and poached. Additionally, since the creeks are currently open year-round, anglers have 2+ months in which to target pre-spawn and spawning Chinook. Detachment 16 officers have encountered numerous individuals snagging, netting, and trapping adult Chinook in these creeks. Snagging is the most common offense. Changing the season on these creeks from year-round to April 1 through September 30 will protect staging and spawning Chinook. This regulation change proposal is the first step towards

ensuring the long-term conservation of this unique Chinook stock by regulating angler activity when adult Chinook salmon are present in Lower Crab and Red Rock creeks.

Testimony:
Overall, responses support this proposal.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#5. South Fork Toutle River

Proposal: This proposal closes the South Fork Toutle River from the mouth to the 4100 Road Bridge about two weeks earlier, on March 15th.

Explanation: This rule is expected to increase the protection of wild winter steelhead. By reducing the season length by fifteen days (from March 31 to March 15), fishing impacts (hooking mortality) on staging and spawning ESA listed wild winter steelhead will be reduced. This rule also creates consistency with wild steelhead spawner protection in neighboring streams by using the same season end date of March 15.

Testimony:
Response supports this proposal. Statement was made that this rule "…shows consistency in management of ESA listed species by WDFW in the Lower Columbia DPS."

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#6. Salmon Creek Closer

Proposal: This proposal closes Salmon Creek from the 72nd Avenue Bridge upstream.

Explanation: Salmon Creek has ESA listed populations of Coho and Steelhead. Closing the creek from the 72nd Bridge and above will protect valuable spawning and rearing habitat. These are small populations of fish that would be affected by fishing pressure. Recovery efforts are ongoing to restore fish populations to these upper sections of the creek.

Testimony:
Response supports this proposal. Statement was made that this rule will protect ESA listed steelhead and protect critical habitat.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#7. Swift Reservoir

Proposal: Removes landlocked rules and removes the 2 pole-endorsement "from dam to markers approx 3/8 mile below Eagle Cliff Bridge."

Explanation: Protects ESA listed Chinook and coho salmon and steelhead trout that are being reintroduced above the reservoir (on the North Fork Lewis River), as well as bull trout and other salmonids. Adult ESA listed salmon are being reintroduced into the NF Lewis River above Swift Reservoir in 2012. Starting in late

April, 2012 adult spring Chinook will be trucked up to and released from the Swift Boat Ramp into Swift Reservoir to spawn in the upper watershed. These will be followed by coho in the fall. There are no plans for a harvest fishery on these fish. There are no excess harvest opportunities that would support the 2 pole endorsement. This regulation change is consistent with regulations already in place in the upper part of the reservoir and addresses a critical conservation need.

Testimony:
Response supports this proposal. There was also a request to consider changing this to a year-round fishery.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#8. Puget Sound Wild Steelhead Protection Rules

Proposal: Closes steelhead and other game fish early in several river systems in Puget Sound and along the Strait of Juan de Fuca to protect wild steelhead, and closes fishing for all species in sections of the Samish River. The specific changes are shown below.

Explanation: Implements by permanent rule the actions the Department made by emergency rule in 2010/2011 to protect Puget Sound steelhead trout listed under the Endangered Species Act.

<u>Waters closing to fishing on Dec. 1 include:</u>
Samish River System
- Samish River from I-5 Bridge to Hickson Bridge

<u>Waters closing to fishing on Jan. 1 include:</u>
Samish River System
- Samish mouth to Hickson Bridge

<u>Waters closing to steelhead and other game fishing Jan. 16 include:</u>
Green River System
- Green River mainstem from the 1'st Avenue South Bridge in Seattle upstream to the South 277'th Bridge in Auburn

Puyallup River System
- White River from the mouth to R Street Bridge in Auburn.
- Carbon River from the mouth to Highway 162 Bridge in Auburn.
- Upper Puyallup River from mouth of Carbon River upstream.

<u>Waters closing to steelhead and other game fishing Feb. 1 include:</u>
Green River System
- Green River Mainstem from the 277'th Bridge in Auburn upstream to the Tacoma Headworks Dam

Nooksack River System
- Nooksack River mainstem from the Lummi Indian Reservation boundary to the confluence of North and South forks.
- North Fork Nooksack River from Maple Creek to Nooksack Falls.
- Middle Fork Nooksack River from the mouth to the City of Bellingham diversion Dam.

- South Fork Nooksack River from the mouth to Skookum Creek.

Skagit River System

- Skagit River mainstem from the mouth to the Highway 530 Bridge at Rockport.
- Skagit River from the mouth of the Cascade River to the Gorge powerhouse at Newhalem.
- Sauk River from the mouth to the Whitechuck River.
- Cascade River from the Rockport-Cascade Road Bridge upstream to headwaters.

Snohomish River System

- Snohomish River from the mouth (Burlington Northern railroad bridge) upstream to the confluence of the Skykomish and Snoqualmie rivers.
- Skykomish River from the mouth to the Highway 2 Bridge at the Big Eddy Access.
- Pilchuck River from the mouth to 500 feet downstream of the Snohomish city diversion dam.
- Sultan River from the mouth to 400 feet downstream of diversion dam (river mile 9.7).
- Wallace River from 200 feet upstream of water intake of salmon hatchery to Wallace Falls.
- North Fork Skykomish River from the mouth to 1,000 feet downstream of Bear Creek Falls.
- South Fork Skykomish River from the mouth to 600 feet downstream of Sunset Falls fishway.
- Snoqualmie River from the mouth to the boat ramp at Plum access.
- Tolt River from the mouth to the USGS trolley cable near confluence of North and South forks.
- Raging River from the mouth to Highway 18 Bridge.

Stillaguamish River System

- Stillaguamish River from Marine Drive upstream to forks.
- Pilchuck Creek from the mouth to Highway 9 Bridge.
- North Fork Stillaguamish River from the mouth to the mouth of French Creek.
- South Fork Stillaguamish River from the mouth to 400 feet below the Granite Falls fishway outlet.
- Canyon Creek from the mouth upstream.

Strait of Juan de Fuca

- Dungeness River from the mouth upstream to the forks at Dungeness Forks Campground.
- Morse Creek from the mouth to the Port Angeles Dam.
- Salt Creek from the mouth to the bridge on Highway 112.
- Deep Creek from the mouth upstream.
- Pysht River from the mouth upstream.
- Clallam River from the mouth upstream.
- Sekiu River from the mouth to forks.

<u>Waters closing to steelhead and other game fishing Feb. 16 include:</u>

- North Fork Nooksack River from the mouth to Maple Creek.

- Skykomish River from the Highway 2 Bridge at the Big Eddy Access to the confluence of North and South forks.
- Wallace River from the mouth (farthest downstream railroad bridge) to 200 feet upstream of the water intake of salmon hatchery.
- Snoqualmie River from the boat ramp at Plum access to Snoqualmie Falls.
- Tokul Creek from the mouth to the posted cable boundary marker.
- North Fork Stillaguamish River from the mouth of French Creek to the Swede Heaven Bridge.
- Skagit River from the Highway 530 Bridge at Rockport to the mouth of the Cascade River.
- Cascade River from the mouth to Rockport-Cascade Road Bridge.

Testimony:
Several comments are strongly opposed to the early closure of these rivers and lost fishing opportunity. Some comments received request catch and release fishing for wild steelhead. There have been suggestions for adjustments to specific rules, as well as requests that only barbless hooks be used.

Four people testified about wild steelhead protection at the Public Hearing, which occurred at the January 7th Commission meeting. One person requested that the Department not close the lower Skagit fishery because fishers don't target wild steelhead there. Three people requested that the department do more toward conservation than just the stream strategy.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#9. Puget Sound Sturgeon

Proposal: This proposal closes all Puget Sound marine waters and tributaries to the retention of sturgeon. Catch and release fishing will still be allowed.

Explanation: The proposal is designed to protect Columbia River sturgeon that venture into Puget Sound to feed. Harvest of sturgeon in Puget Sound has doubled in the past few years. In addition, there are also concerns with the Frazer River sturgeon, which are also harvested in Puget Sound. Implementation of catch and release fisheries is consistent with fishery regulations in Canadian waters. The mortality rate of sturgeon released from recreational fishing gear is believed to be low (<5%). A non-retention fishery will provide fishing opportunities for this popular species with limited impacts to the population.

Testimony:
Many responses oppose this rule proposal. Ten people opposed this proposal at the Public Hearing, which occurred at the January 7th Commission meeting, and a petition with over 2600 signatures was presented. A suggestion that 3% of the harvest allocation be allowed the Puget Sound fishery and a request to include Puget Sound in sturgeon harvest allocation discussions were offered.

Comment against this proposal include: people up north do not take as many fish as the Columbia; do not let the commercials and guides take this opportunity away from us for money; this is not supported by science; WDFW has not shown this rule change is necessary for conservation; tribal co-managers are increasing retention while the sport fishery is reduced. Additional comment included: retention of at least one sturgeon from Puget Sound will prevent fishers from having to drive six to seven hours; allow protection to the resource; provide harvest report card data; and promote recreational and economic benefits.

During the public meetings, there were comments in support of this proposal. There were questions about how mortality is assigned to sturgeon that are captured and released, including in the presence of marine mammal predators, and a statement that 5% mortality is not acceptable to salmon stocks.

There were also suggestions for modifying the proposal:

- allow Puget Sound 3% of the harvestable Columbia River fish
- shorten season or cut back to three fish a year instead of five
- close the night or the saltwater fisheries
- shorten season to six months (March 1 through Aug 31st)
- limit annual retention to two fish
- shrink retention length (45" -55" forklength); allow retention of one legal sturgeon (38"-54") in each tributary, with no more than five per year (including the Columbia River)
- allow one legal sturgeon 38"-54" in each tributary, not to exceed five total fish per year including any catch in conjunction with the Columbia River.
- allow retention of one fish per year in the Skagit, Stillaguamish, and Snohomish river systems, so that only three fish could be caught separately from the Columbia River system.
- eliminate sturgeon fisheries

Amendment: Retention season of May 15 through June 30. Provide reduced sturgeon retention opportunities consistent with Columbia River sturgeon conservation and management needs.

Staff Recommendation: Adopt as amended.

Commission Action: The Commission further amended the staff recommendation to provide two retention seasons: June 1 through June 30 and September 1 through October 15. This subsequent amendment was adopted.

#10. Coastal Stream Strategy

Proposal: Closes all coastal rivers, streams, and beaver ponds to fishing, except as listed in the Fishing in Washington Rules Pamphlet. Rivers, streams, and beaver ponds listed in the pamphlet as "open to fishing" will be identified for areas where stocks are robust and can support fishing pressure, as well as in areas where reasonable recreational opportunity exists.

Explanation: With various fish populations across the state being listed under the Endangered Species Act, a more conservative approach to the regulation of fishing in rivers, streams, and beaver ponds is essential and requires WDFW to provide as much protection as possible for all life stages of these populations, in particular for rearing juveniles. The difficulty is how to provide protection for these stocks of fish while also offering reasonable recreational opportunity. Currently, the standard stream rule opens rivers, streams, and beaver ponds to fishing for game fish from the first Saturday in June through October 31, with an 8" minimum size and two fish per day limit. Consequently, much of the juvenile rearing habitat for resident trout and Dolly Varden, as well as for anadromous salmon, steelhead, cutthroat, and bull trout, is currently open for fishing. As a result, these juvenile salmonids are at risk of being incidentally caught and may not survive being handled and released, especially if bait is used.

A more conservative management strategy to protect these stocks is to close all rivers, streams, and beaver ponds to fishing, except as listed in the Fishing in Washington Rules Pamphlet. Rivers, streams, and beaver ponds listed in the pamphlet as "open to fishing" will be identified for areas where stocks are robust and can support fishing pressure, as well as in areas where reasonable recreational opportunity exists. The primary

goal is to protect stocks at certain times of the year and in areas where they are most susceptible to mortality that may be associated with recreational angling. This strategy has been successful in Puget Sound and the Strait of Juan de Fuca and is now being proposed for streams that drain into the coastal areas.

These documents present the fishing opportunity that will be available in the coastal drainages. Areas open to fisheries are presented by river systems unless the waters drain directly to salt water. All salmon seasons listed are *last year's* seasons and are subject to change. Since the basic rule in these areas would be "closed unless listed" there are "closed water" areas that will no longer be highlighted. Some of these closed areas are still listed in the tables to clarify the intent of the proposals. The last column in each table is a letter listing, from A-F. These are the reasons for the proposed changes. Rules that remain unchanged will not have a letter in this column. Descriptions of the A-F listing are shown in the table below.

Stream Strategy Table.

Code	Steelhead Status	Trout Rules	Fishing/Conservation
A	Resident zone	8" minimum size, daily limit 2, bait allowed.	Fishing: resident fish opportunities usually above anadromous zone, hatchery steelhead may be available Conservation: allows most resident trout to spawn once before harvest
B	Resident zone/resident fish concerns	8" minimum size, daily limit 2 fish, selective gear rules.	Fishing: resident fish opportunities usually above anadromous zone, hatchery steelhead may be available Conservation: allows most resident trout to spawn once before harvest, reduces C&R mortality associated with use of bait
C	Status good or anadromous fish juvenile presence low	14" minimum size, daily limit 2, bait allowed.	Fishing: resident trout, sea-run cutthroat, salmon, hatchery steelhead Conservation: 14" minimum size protects overwintering SH, allows resident trout and sea-run cutthroat to spawn once before retention.
D	Status bad or SH anadromous fish juveniles present	14" minimum size, daily limit 2, selective gear rules.	Fishing: resident trout, sea-run cutthroat, salmon, hatchery steelhead Conservation: selective gear rules. Reduces the catch & release mortality associated with use of bait. 14" minimum size protects overwintering SH, allows resident trout and sea-run cutthroat to spawn once before retention.
E	Status bad	Selective gear rules and catch&release, except ,may retain 2 hatchery steelhead	Fishing: opportunity for harvest of hatchery steelhead, often includes catch&release opportunity for sea-run cutthroat and wild steelhead. Conservation: selective gear rules reduces the catch&release mortality associated with the use of bait. Protection provided for all trout life history stages.
F	Status bad	Catch&release, selective gear rules	Fishing: no hatchery steelhead present, catch&release opportunity for trout, which may include wild steelhead. Conservation: selective gear rules reduces the C&R mortality associated with the use of bait. Protection provided for all trout life history stages.

Testimony:
Three people testified about the Willapa rules at the Public Hearing, which occurred at the January 7th Commission meeting. They requested that we not close the Willapa and Naselle area fisheries until the escapement model has been revised, because it is not accurate. They also requested that we adopt selective fishing methods, have only bank fisheries, or catch and release until the model is revised.

There have been suggestions for adjustments to specific rules, as well as requests that only barbless hooks be used and that there be no retention of wild steelhead. There was a comment to limit fishing in the mainstem rivers where 50-75% of the steelhead spawning occurs. A request was made to increase the daily limit of trout in streams from two to five. Some comment expressed concern that the escapement goals for the Willapa River are set too high.

Requests for modifications include: do not close Willapa Bay tributaries early; change the current regulation that does not allow fisher to keep trout from any river/creek that flows into Willapa Bay; suggestions for the Dickey River rules; add the following streams Petroleum, Cole, Quinn, South, Palmquist, Cedar, Siwash, and Elk; keep the catch and release dates for wild steelhead in the Naselle River the same with an April 15 closure because the winter steelhead hatchery run has been mostly a failure for the past 15 years; discontinue bait after the end of salmon fishing in December of each year; remove the internal combustion motor restriction on the Palix River.

Amendment: Based on public comment, retain current seasons for the Willapa and Naselle systems and review escapement goals for steelhead populations in these rivers. Include additional trout fishing opportunity in stream reaches without anadromous fish concerns.

Staff Recommendation: Adopt as amended.

Commission Action: Adopted as amended.

RECREATIONAL OPPORTUNITY

#11. Lowland Lake Season

Proposal: Opens the Lowland Lake Season, "on the fourth (4th) Saturday in April." Currently, the season opens the last Saturday in April.

Explanation: For three of the next seven years, there will be five Saturdays in April. This proposal opens fishing one weekend earlier in years where there is a fifth Saturday in April.

Testimony:
Overall, response supports this proposal. A response that opposes this rule change says that the original rule was put in place to ensure year to year consistency in the rules and to have opening day when the chance for good weather is high. There are a few requests for modifications that include:

- For Lake Whatcom in Whatcom County, because of the strong density of smallmouth bass populations that the lake opens by January 1 of each year for smallmouth and largemouth bass retention. "The fishing methods and tackle used, and the prominent identification marks of these fish differentiate drastically from any anadromous salmon or trout species (especially cutthroat) thereby making enforcement easily determined by wildlife officers and Fisherpersons alike."

- Open the season earlier, on March 1st or lift the season regulation. Currently one has to travel far to large bodies of water that are not as safe to take a young child. If needed, could restrict the winter or early season catch to allow only one fish or catch and release.
- Extend the season for lakes that close September 30th to October to provide an economic and opportunity benefit. If this is a management issue, allow catch and release fishing.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#12. Roosevelt Lake Walleye

Proposal: Increases the daily limit of walleye in Roosevelt Lake from 8 to 16 fish per day (only 1 over 22" may be retained).

Explanation: This will improve walleye fishing and reduce this species' predation on trout. The overabundant population of walleye in Roosevelt Lake exhibits a low body condition (many young, skinny walleye). This is a result of reservoir dynamics, consistent large year class recruitment and limited forage. In 2007, the Fish and Wildlife Commission adopted a daily limit of eight walleye (with only one fish over 22") to reduce the number of small walleye and balance the population. To achieve walleye and trout management objectives, the Department estimated at that time that 75,000 to 100,000 walleye would need to be caught and removed from Roosevelt Lake annually. Between 2007 and 2009 the average number of walleye harvested annually was just under 40,000 fish. Current fishing effort has not been sufficient to achieve the intended level of harvest. To be effective, current modeling suggests the number of walleye harvested annually will need to more than double.

Testimony:
There have been many responses regarding this proposal. Two people opposed this at the Public Hearing, which occurred at the January 7th Commission meeting. They requested that we not make changes for another year or two and one of them suggested that if any rule is adopted, it be for an eight fish bonus fishery where the fish are less than 14 to 16 inches.

Comments against this proposal include: this is not supported by science; I have never seen Lake Roosevelt walleyes at lower population densities or in better condition than the fish are right now; the conclusion of the studies done on Lake Roosevelt lead us to believe the biggest impact on the kokanee and rainbow is not predation of walleye alone, but a combination of fluctuation of water levels, loss of habitat, loss of forage, and increased population of other piscivore fish.

Comments in support of this proposal include: this is sound management that will contribute to the survival of native salmonids, particularly the free flowing American Reach segment; recommend adoption of the Upper Columbia Native Fish Alliance plan, where a native fish segment is established .

The Inland Fish Policy Advisory Group recommended to modifying the proposal to provide a bonus catch of eight fish that are less than 14-16 inches to focus the additional harvest on the smaller size fish.

Staff Recommendation: Do not adopt. Retain current walleye daily limit (eight) and evaluate walleye population after significant lake drawdown event.

Commission Action: Did not adopt.

#13. Lower Spokane River 2-Pole and Kokanee fisheries

Proposal: Allows 2-pole endorsement fishing in the Lower Spokane River from the mouth (SR 25 bridge) to 400' below Little Falls Dam. Also adds a kokanee fishery that is year round, with no minimum size, a daily limit of 6 fish, and up to two fish with an adipose fin. Provides a walleye fishery from June 1 to March 31 with no minimum size limit and harvest of 16 fish, with no more than 1 fish over 22".

Explanation: Provides increased opportunity by allowing 2 poles and increased daily limit for walleye. Also maximizes recreational opportunity of hatchery kokanee that are released as mitigation for hydropower construction and operations' impacts in Lake Roosevelt.

Testimony:
Overall, responses support this proposal. There was a suggestion for a no-kill on wild kokanee throughout the entire system until spawning habitat can be identified and improved enough to provide sustaining numbers. There was also comment that this proposal can help control the growing northern pike population.

Amendment: Retain current walleye daily limit (eight) and evaluate walleye population after significant lake drawdown event.

Staff Recommendation: Adopt as amended.

Commission Action: Adopted as amended.

#14. Kettle River Fishery Additions

Proposal: Removes selective gear rules in a portion of the upper Kettle River near the town of Curlew.

Explanation: Provides recreational opportunity through removing selective gear rules from the Canadian Border upstream to Hwy 21 Bridge at Curlew.

Testimony:
There was much comment about this proposal, with a majority against in emails and at the public meetings. One person testified in favor of this proposal only if it is for juveniles at the Public Hearing, which occurred at the January 7th Commission meeting. A petition was received in late December with 550 signatures in favor of opening the entire Kettle River to bait fishing. Comment against includes: since selective rules were implemented, the fish seem more abundant; there are plenty of places to fish with bait; concern for the native redband trout population if bait is allowed; the Kettle River is a gem and it would be a shame to allow bait again and see the trout population decrease because some people think selective gear rules are elitist; the river already has problems with temperature and the relatively pure strain of redbands have withstood the test of time in this corner of the state; the river fishes quite well with a single barbless hook on a Castmaster, Blue Fox Spinner or a fly; live bait will devastate the sport fish in the river and this will have a negative impact on tourism; live bait is an opportunity to rapidly deteriorate the fishing opportunity for everyone; I don't believe there is any logical justification to change the present regulations on the Kettle.

Amendment: Require selective gear rules for adults and remove selective gear rules for juveniles 14 years and younger. This modification will provide opportunity for juvenile anglers to fish with bait while maintaining more conservative regulation for adult anglers in this section of the Kettle River.

Staff Recommendation: Adopt as amended.

Commission Action: Adopted as amended.

#15. Puget Sound Stream Strategy, Additional Trout Opportunity

Proposal: This proposal opens areas to fishing for game fish (typically above anadromous barriers) that were inadvertently closed as part of the Puget Sound Stream Strategy.

Skagit County
Harrison Slough: All Game Fish – First Sat. in June-October 31: statewide min. size/daily limit.

Snohomish County
Copper Creek (tributary to Clear Creek, tributary to Sauk River): All Game Fish – First Sat. in June-October 31: statewide min. size/daily limit.

Chaplain Creek (tributary to Sultan River): First Sat. in June-October 31: statewide min. size/daily limit.

Black Creek above the confluence of Black and Bear creeks (tributary to South Fork Stillaguamish River): First Sat. in June-October 31: statewide min. size/daily limit.
Marsh Creek (above the falls at its mouth and its tributaries, tributary to Sultan River): First Sat. in June-October 31: statewide min. size/daily limit.

Tributaries to North Fork Skykomish River upstream of Deer Falls: First Sat. in June-October 31: statewide min. size/daily limit.

Tributaries to North Fork Stillaguamish River upstream of falls: First Sat. in June-October 31: statewide min. size/daily limit.

Tokul Creek and its tributaries above Tokul Road SE: First Sat. in June-October 31: statewide min. size/daily limit.

Tributaries to Wallace River upstream of Wallace Falls: First Sat. in June-October 31: statewide min. size/daily limit.

Youngs Creek and its tributaries above the Potson Road/ 299TH Avenue SE Bridge (tributary to Elwell Creek; tributary to Skykomish River near Sultan): First Sat. in June-October 31: statewide min. size/daily limit.

East Fork Woods Creek and its tributaries, including beaver ponds (upstream of Old Pipeline Rd.): First Sat. in June-October 31: statewide min. size/daily limit.

Olney Creek (upstream of Olney Falls, including tributaries and beaver ponds): First Sat. in June-October 31: statewide min. size/daily limit.

Pierce County
Clarks Creek: mouth to 12th Ave SE - First Sat. in June-August 15: two trout over 14". Selective gear rules.

Hylebos Creek: First Sat. in June-October 31: two trout over 14". Selective gear rules.

Explanation: These waters are either above anadromous barriers or are areas where there are no concerns for juvenile anadromous salmonids. This will provide increased recreational opportunity for trout and other game fish.

Testimony:
There have been suggestions for adjustments to specific rules. One comment said the department should reconsider these changes until the relationship between rainbow trout and steelhead is better understood.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#16. Wind River Increased Open Area

Proposal: Opens an area of the (Upper) Wind River by approximately two miles during the fall (September 16 through November 30) catch and release season for steelhead trout.

Explanation: Wild steelhead trout are currently meeting escapement goals (last 10 of 10 years), and the catch and release fishery has been occurring annually since 2006. The minimum escapement goal of 500 adults has been meet each year since 2002. In addition, spring Chinook are not present during this time period. The area holds excellent opportunity for sport catch and release fishing on public land. Public land is limited where the good fishing is, and this provides approximately two miles of additional opportunity. This fishery is becoming more popular every year, will not result in a conservation concern for wild steelhead, and is a significant recreational opportunity that will generate revenue.

Testimony:
Response supports this rule change. Comments received include: request to open resident trout waters on Memorial Day weekend; question whether this will increase revenue; believe it is best to leave well enough alone, the fish do not need to be targeted with an extended season or additional pressure due to being the local area to have a catch and release fishery. Suggestions were made for wording that adds beaver ponds into many of the descriptions.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#17. Wynoochee River Steelhead Opportunity

Proposal: This proposal allows fishing from a floating device, from the 7400 Line Bridge to above the mouth of Schafer Creek. Internal combustion motors will be prohibited.

Explanation: This will increase hatchery steelhead recreational opportunity by 10.5 river miles. Currently this area cannot be accessed because there is limited bank access and fishing is prohibited from a boat. Removing the prohibition to fish from a boat will increase hatchery steelhead catch in a system where there is surplus and provide increased recreational harvest.

Testimony:
One comment received opposed the rule and would like to see the rule remain the same with bank access only.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#18. Lingcod Spearfishing Season

Proposal: Removes the lower size limit for lingcod spearfishing.

Explanation: Accurately gauging the size of lingcod underwater can be difficult because of the water magnification that occurs. The impact to lingcod by removing the lower size limit for spear fishing is

expected to be minimal based on current spearfishing effort. Lingcod are not currently being overfished in Puget Sound. Recreational catch per unit effort is near the long-term average; though it does show a recent decline --and the Department is currently monitoring the fishery as a result.

Testimony:
Comments received supporting the regulation include: I am in support of returning the previous lingcod rule for spearfishing. Removing the slot limit from spearfishing would be an intelligent conservation measure by reducing wastage of lingcod shot and measured after they are dead. There was also a comment from a supporter of the rule that stated spearfishers are a very small portion of the pressure on the resource and they're not getting fair opportunity.

Comment received opposing the regulation include: The impact will be greater than the department assumes as many divers will take a small lingcod prior to leaving the water if larger ones are unavailable; if we are trying to protect the species through a slot size retention then we should do exactly that; why is the measuring underwater issue not relevant on the upper end of the size limit?

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.