

## **Summary Sheet**

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**Meeting dates:** February 21, 2020 WDFW Commission Conference Call

**Agenda item:** Petition: Whatcom Creek Sportfishing Rule Change

**Presenter(s):** Edward Eleazer, Region 4 Fish Program Manager

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### **Background summary:**

On January 16, 2020, the Fish and Wildlife Commission (Commission) received a petition from Mr. Byron Cleary requesting that the Commission change the existing Saturday before Memorial Day to October 31 season and statewide minimum size and daily limits (except a minimum length of 14 inches for cutthroat trout and wild rainbow trout) on a section of Whatcom Creek from the Racine Street Foot Bridge upstream to the Woburn Street Bridge (figure 1). The petitioner is requesting the regulations be changed to a year-round season, fly fishing only, catch and release, and requiring a single point hook. The petition states that this action would, "Create parity between our current restoration efforts and the recreational demand."

Whatcom Creek flows through the City of Bellingham and the 0.37-mile section of the creek the petitioner is requesting a rule change for is located on City of Bellingham property and runs along the Whatcom Creek Greenway trail providing public access along this wooded section of the creek.

In 2018, the Department proposed, and the Commission adopted rules to simplify sportfishing regulations throughout the state. This effort was undertaken to address comments received from the public that fishing rules were too complex. During this process the Department reviewed the rules for Whatcom Creek and proposed changes to align with the statewide proposal to open rivers earlier and other clerical changes. No public comment was received regarding Whatcom Creek.

The current sportfishing rules in place for Whatcom Creek are designed to increase the likelihood that smaller trout escape the fishery, that rearing juveniles and migrating smolts are protected, and that a majority of adult females are able to spawn at least once before being subjected to harvest. The statewide general fishing season for streams, rivers and beaver ponds provides protection to outmigrating juvenile trout. The 14-inch minimum size and 2 fish daily limit provide protection from harvest for juvenile and young adult in anadromous waters.

Department staff recommend that the Commission deny this petition. Staff believe the current sportfishing rules provide the needed protection to meet conservation objectives for trout while providing fishing opportunity to all user groups. The petition would restrict a section of Whatcom Creek to allow only anglers that use fly fishing equipment. Angler preference survey information shows that only 21% and 32% of the angling public uses flies when fishing for rainbow trout and resident cutthroat trout respectively (P.J. Michael; 2004). With continued loss of riverbank access particularly in urban areas Department staff recommend maintaining the current rules to provide fishing opportunity for the broadest range of customers. In addition to lost fishing opportunity to most anglers this petition would add additional complexity to the fishing regulations.

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### **Staff recommendation:**

Deny the rule changes requested in the petition as written. The adoption of the petition/rule change would reduce fishing opportunity for the majority of angling public and would add

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complexity and additional text to the fishing pamphlet.

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**Policy issue(s) you are bringing to the Commission for consideration:**

Pursuant to RCW 34.05.330 Should the Commission:

A) Deny the petition in writing, stating the reasons for the denial, specifically addressing the concerns raised by the petitioner, and where appropriate, the alternative means it will address the concerns raised by the petitioner;

Or-

B) Initial rule making proceedings?

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**Fiscal impacts of agency implementation:**

None

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**Public involvement process used and what you learned:**

No public process has been conducted of this petition.

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**Action requested and/or proposed next steps:**

Deny the rule changes requested in the petition as written.

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**Draft motion language:**

Motion: I move to deny the petition to change existing regulations on Whatcom Creek from Racine Street Foot Bridge to Woburn Street Bridge to single point hook, catch and release, fly fishing only, year-round.

Is there a "second"?

If so, then motion maker discusses basis for motion; other Commissioners discuss views on motion; amendments, if any, proposed and addressed

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**Post decision communications plan:**

A letter will be sent to the petitioner regarding the outcome of the Commission's decision.

# Whatcom Creek Proposed Rule Change

**Legend**

- Proposed Rule Change
- Whatcom Creek
- NHD Major Waterbodies



## References:

Michael, P.J. 2004. A 2002 survey of resident freshwater anglers in Washington State and comparisons to the 1994 and 1988 surveys. Washington Department of Fish and Wildlife. p.106.