

2014-2015 SPORT FISHING RULE CHANGE PROPOSALS



February 6, 2014

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SPORTFISHING RULE CHANGE PROPOSALS

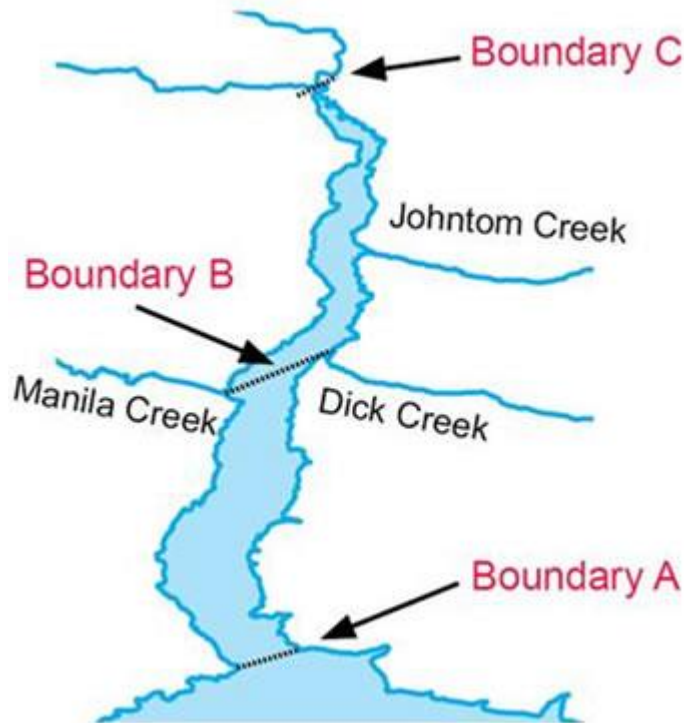
The Department recommended four sportfishing rule proposals. Two public meetings occurred, one on September 3rd, 2013, in Spokane and another on September 5, 2013, in Naselle. Written comments were due by November 29, 2013, and oral comments were received at the Public Hearing on December 6, 2013. These comments are summarized below. All rule proposals were adopted by the Fish and Wildlife Commission.

EASTERN WASHINGTON

1. Increase walleye daily limit in the lower San Poil River.

Short Description

Liberalize the daily bag limit for walleye to 16 fish on the San Poil River from Boundary A to Boundary C (see map) to align with existing regulations for Lake Roosevelt and the lower Spokane River.



Explanation

The Lake Roosevelt walleye population remains overabundant following the liberalization of harvest regulations in 2007, which were intended to reduce the abundance of walleye in the reservoir. Fall walleye index netting (FWIN) catch-per-unit-effort (CPUE) data indicates walleye abundance has not declined (Figure 1) and fish continue to exhibit slow growth and poor condition due to a predator/ prey imbalance within the reservoir. In addition, predation on other game and non-game fish species is a concern at the present abundance level. Creel data indicate that angler harvest (about 50,000 walleye annually) is not sufficient to achieve management objectives (Figure 2). Modeling suggests that an increase in angler harvest to 150,000 annually is necessary to meet management objectives. The WA Fish and Wildlife Commission approved a 16 fish daily limit for Lake Roosevelt, and the lower Spokane River associated with Lake Roosevelt, in 2013. Increasing the daily bag limit of walleye in the lower portion of the San Poil River inundated by Lake Roosevelt (below 1310 feet elevation mean sea level) to 16 fish daily limit will align walleye fishing regulations for this water associated with Lake Roosevelt.

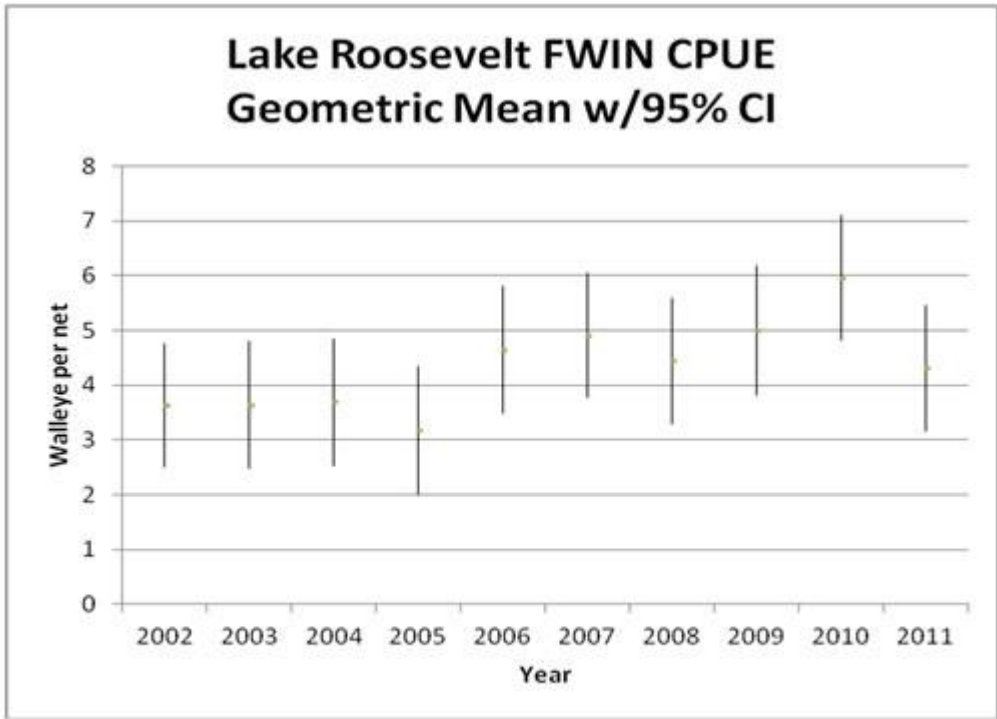


Figure 1. Mean FWIN CPUE for Lake Roosevelt walleye 2002 to 2011.

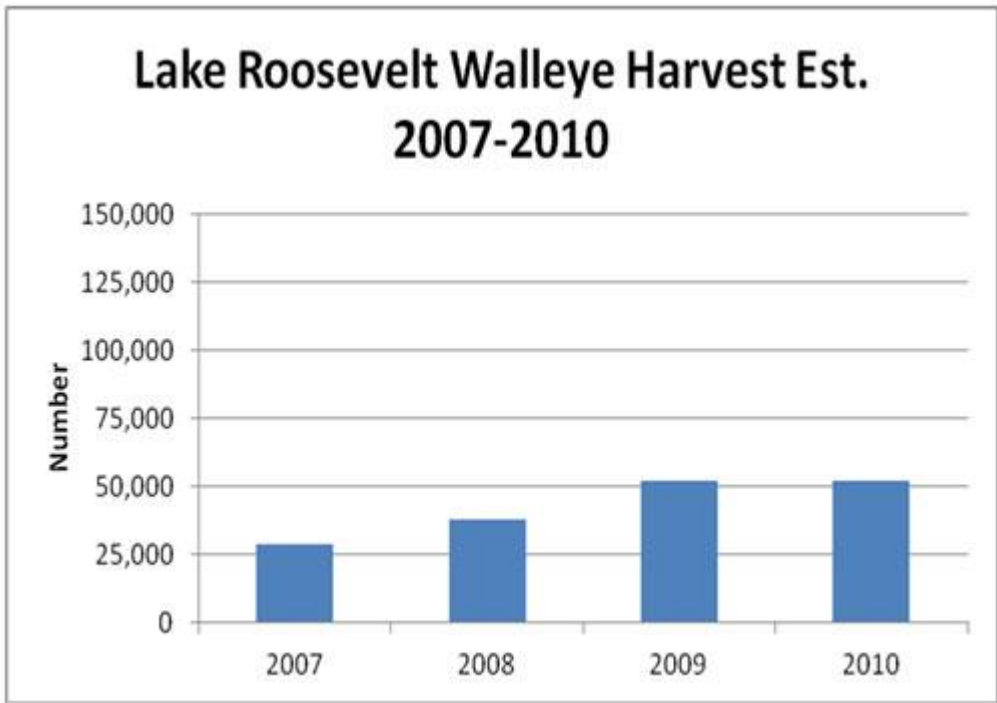


Figure 2. Lake Roosevelt angler harvest estimates 2007 to 2010.

Written Testimony (5 comments)

Support: Most supported. Suggestions to: (a) Adopt no limit; (b) Adopt this rule on the entire Columbia River system and its tributaries.

Oppose: None opposed.

In addition, there was a request to change the Walleye limit for inland lakes such as Moses Lake and Pot Holes Reservoir to standardize the limit to that of Banks Lake which is 5 fish, 16 inch minimum, 1 over 22 inches for all inland lakes. Club fishermen and other tournament fishermen have reported a steady decline of the quality of the Walleye catch for the last five years with the exception being Banks Lake. Quality Walleye fishing has a large economic benefit to the state and particularly to the Columbia Basin in the form of tourism business's, tackle equipment and fishing license. Standardizing regulations would save money in formulating and enforcing regulations.

Public Hearing (0 comments)

Staff Recommendation:

Adopt as proposed.

Commission Action:

Adopted as proposed.

COASTAL WASHINGTON

2. Prohibit fishing from boats equipped with an internal combustion motor in a section of the Naselle River.

Short Description

Restrict fishing from a floating device equipped with an internal combustion motor in the lower Naselle River from the Highway 4 Bridge to Crown mainline (Salme) Bridge; year-round.

Explanation

The Washington Fish and Wildlife Commission received a petition to prohibit fishing from a floating device equipped with an internal combustion motor in the lower Naselle River year-round, in the section from Highway 4 to the Crown mainline (Salme) Bridge. The Commission directed staff to consider this request as part of the rulemaking process.

The explanation provided in the petition is that the Naselle River in this section is rather small and is easily accessed by an angler from the bank or by wading. Most of this section of the river is open and accessible for public fishing. Fishing from a boat, particularly one equipped with an internal combustion motor directly conflicts with this activity at certain times of the year. In particular the turbidity and disturbance of fish created by the operation of a vessel with an internal combustion motor impacts the ability to catch fish.

Written Testimony (10 comments total: 9 comments by deadline and one comment after deadline)

Support: Comments in support include: (a) The river is too shallow to use a motor unless the water is up from runoff and high water usually makes the river too muddy to fish; (b) This is too small a river to navigate safely with motorized craft. There were additional requests for: (a) A 48 inch leader restriction on the Skokomish River; (b) Extending the lower limit to the mouth of the South Fork of the Naselle River; (c) Opening the stretches of river below the hatcheries for salmon.

Oppose: Comments include (a) Change the proposal to allow disabled fishermen and a helper to use internal combustion motors below 10 horsepower; (b) This rule does not have a scientific basis or demonstrated conservation need but rather prioritizes bank angler use over boat angler use; (c) The rules and regulations have become too convoluted.

Public Hearing (1 comment)

Requested adoption.

Staff Recommendation:

Adopt as proposed.

Commission Action:

Adopted as proposed.

STATEWIDE

3. Washington Administrative Code (WAC) language, maintenance, and technical changes

Short Description

This rule project corrects Washington Administrative Code (WAC) language in recreational fishing rules to match the United States Geographical Survey (USGS) and make technical changes for clarity, consistency, and efficiency (see table below). The proposed changes split apart a statewide rule into separate rules based on geographical areas, format the language in a clear structure, and correct typographical errors, etc.

Explanation

The proposed changes to recreational fishing rules are technical changes to correct errors identified by department staff, reduce redundancy, and apply an outline structure that incorporates subsections into rule provisions. These changes are needed to align WAC language with the Commission's intent and to increase the functionality of rule provisions. The proposal also edits rule language to match the USGS.

Additionally, this proposal separates WAC 232-28-619, Freshwater exceptions to statewide rules, into multiple rules based on geographical area to increase clarity, ease of use and transparency. Separating this rule into multiple WAC sections makes the provisions more manageable as the rule is currently over 300 pages long. The changes promote increased usability and understanding of recreational fishing provisions for internal agency staff and the public.

Washington Administrative Code (WAC) language maintenance, and technical changes table

Geographic Area	Waters	Issue
All	All two-pole language	Has its own WAC; pull the language from WAC 232-28-619 as possible
Coast	Vance Creek/Elma Ponds	City has renamed Pond 1 to "Bowers Lake" and pond 2 is "Lake Ines". Make this edit provided these names are listed in the United States Geographical Survey (USGS)
Coast	South Fork Toutle	Should have been "Fri. before the first Sat. in June" instead of "first Friday in June"
Columbia	Columbia River	Add a landmark to the following section" to (B) From the Douglas County shore between Chief Joseph Dam and <u>a point</u> 400 feet downstream .
Eastside	Amon Creek (Benton Co)	Needs name change to "Amon Wasteway". Edit to agree with USGS.
Eastside	Mill Creek (Walla Walla County), From Bennington Dam upstream:	Remove "Barbless hooks required September 1 through October 31." This is redundant language because this area already has Selective Gear Rules.
Eastside	Mill Creek (Walla Walla County), From mouth to Bennington Dam:	edit "From mouth to Bennington Dam: Closed waters," to read "...including tributaries." This will make the wording less ambiguous.
Eastside	Naches River (Yakima/Kittitas counties):	"..to mouth of Rattle Snake Creek" should be "...Rattlesnake Creek", per USGS
Eastside	South Skookum Lake (Pend Oreille County):	This is a duplicate entry-listed as "Skookum Lake, South". Can be deleted.
All	All	County names for each waterbody needs to be consistent. For rivers, the county can be assigned based on where the river mouth is at.
Eastside	Sherman Creek (Ferry County):	There are no tributaries below the dam match the WAC language with the 2013-14 pamphlet.
Eastside	Sullivan Creek (Pend Oreille Co)	Make the language less confusing.
Puget Sound	Alder reservoir tributaries	This system is covered in the WAC under the Alder Lake entry as well as the top end of the Nisqually River entry. Fix the contradicting dates by removing the Alder Lake entry language so that the Memorial Day opener for the lake is retained.

Puget Sound	Samish River (Skagit County), from mouth to I-5 bridge:	In the section, "From mouth to 'farm to market' road, "... The language a "float" or "bobber".....strike at the hook(s)" section needs to be moved to a more suitable location within the WAC(s).
Puget Sound	White (Stuck) River, From R Street Bridge to Highway 410 Bridge at Buckley	Need to delete: "(a) Closed: Puget Power canal, including the screen bypass channel, above the screen at Dingle Basin, is closed." This is unnecessary language; restructure accordingly.
Puget Sound	Woods Creek (Snohomish Co)	Area description needs to be clarified to read "Woods Creek, East Fork (Snohomish Co): Upstream of Old Pipeline Road including tributaries and beaver ponds."
Puget Sound	Baker River	Use the pamphlet as a guide; putting in the references to Baker and Shannon lakes as further defining those tributaries; the lakes have their own entries, which are correct.
Puget Sound	Region 6	Remove the kokanee language from the 'no kokanee opportunity' lakes (43 lakes). There is no kokanee program in following lakes: Clara, Horseshoe, Howell, Isabella, Kitsap, Ludlow, Maggie (also no landlocked salmon releases), Pan Handle, Robbins, Sandysore, Silent, Spencer, Tee, Twin, Wildcat, Wood.
Puget Sound	Skagit river, from Gorge Dam to Ross Dam and all tributaries to this section except Stetattle Creek	There is not a river section here. It is just Gorge and Diablo Lakes/Reservoirs and they have their own rules (open year-round). The rule applies to their tributaries. Instead of "Skagit from Gorge dam to Ross Dam" Put in "Gorge and Diablo Lakes Tributary streams (Whatcom Co) and their tributaries", except Stetattle Creek (which also has its own rules).
Southwest	Green River (Cowlitz County):	Structure doesn't make it clear the there is a closed area between 2800 bridge and Miner's creek. Use the structure in the pamphlet as a guide.
Southwest	Green River (Cowlitz County):	Should have been "Fri. before the first Sat. in June" instead of "first Friday in June" .

Written Testimony (8 comments)

Support: Comment in support encouraged concise and clear writing.

Oppose: Comments include: (a) Request for less convoluted rules; (b) allow disabled veterans to fish all year anywhere in the state and keep three fish a day; (c) Remove the barbless hook requirement because impacts fishing interest and license sales; (d) The word "wild" should be changed to "unclipped."

No Opinion: Comments include: (a) Emergency rules need to be put in a more prominent position on the web page so that fishermen and hunters can find them easily; (b) Skykomish River native Chinook need to be managed so that they return to the Hood Canal; (c) Close Minter Creek because fishermen are trashing property .

Public Hearing (0 comments)

Staff Recommendation:

Adopt as proposed.

Commission Action:

Adopted as proposed.

4. Technical amendments to WAC 220-56-282

Short Description

WAC 220-56-282 (Sturgeon-Areas, season, limits and unlawful acts) was amended to make the WAC language read in the active voice and to make clarifying technical edits and improvements to organization within the rule.

Explanation

Several provisions within WAC 220-56-282 took effect on January 1, 2014. Since that date has passed, the WAC needed amendments to ensure the language read in the active voice. Additionally, rule language should be clear and presented in a logical way. To accomplish this, technical structural and organizational edits to the rule were made to increase rule clarity.