

# **2018-2019 Sport Fishing Regulation Simplification Proposals**

## **Concise Explanatory Statement**



**March 1, 2018**

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## SPORTFISHING RULE SIMPLIFICATION PROPOSALS

State fishery managers have proposed a package of simplified recreational fishing regulations for freshwater species, such as steelhead, trout and warmwater fish.

This is the first year of a three-year effort to simplify sportfishing regulations throughout the state.

- **Year 1 (2017):** Simplify sportfishing regulations for freshwater species (steelhead, trout, warmwater fish, sturgeon, shad and carp). **Rules effective July 1, 2018.**
- **Year 2 (2018):** Simplify sportfishing regulations for salmon fisheries in marine and fresh waters. **Rules effective July 1, 2019.**
- **Year 3 (2019):** Simplify sportfishing regulations for marine fish and shellfish in Washington coastal and Puget Sound waters. **Rules effective July 1, 2020.**
- Consider regulations that address critical conservation needs on an annual basis.

All written public comments are available online at:

[https://wdfw.wa.gov/fishing/regulations/rule\\_proposals/rule\\_list.php](https://wdfw.wa.gov/fishing/regulations/rule_proposals/rule_list.php)

Oral comments were received at the Public Hearing portion of the Commission Meeting December 9, 2017. The written and public comments are summarized below. The Public Hearing comments are available as a downloadable audio transcript at: <http://wdfw.wa.gov/commission/meetings/2017/> (within the December 7-9 meeting information).

Timeline for 2017 Sport Rule Simplification Process	
January through July	Staff review of rules and draft proposed changes.
September through November	Proposals placed on website for public comment.
September - October	Regional workshops with the public to discuss the rule simplification process and proposed regulation changes. <ul style="list-style-type: none"> <li>• <b>Spokane:</b> 6 to 8 p.m., Sept. 26, Center Place, 2426 N. Discovery Place, Spokane Valley.</li> <li>• <b>Ephrata:</b> 6 to 8 p.m., Sept. 27, Grant County Public Works, 124 Enterprise St. SE, Ephrata.</li> <li>• <b>Selah:</b> 6 to 8 p.m., Sept. 28, Selah Civic Center, 216 S. First St. Selah.</li> <li>• <b>Mill Creek:</b> 6 to 8 p.m., Oct. 3, WDFW Region 4 headquarters, 16018 Mill Creek Blvd., Mill Creek.</li> <li>• <b>Ridgefield:</b> 6 to 8 p.m., Oct. 4, WDFW Region 5 Headquarters, 5525 S. 11th St., Ridgefield.</li> <li>• <b>Montesano:</b> 6 to 8 p.m., Oct. 5, Montesano City Hall, 112 N. Main St., Montesano.</li> </ul>
October 27-28	Washington State Fish and Wildlife Commission meeting: Staff will brief the commission on proposed regulation changes.
November 30	Deadline for the public to submit written comments on proposed sport rule changes.
December 9	Washington State Fish and Wildlife Commission meeting: Meeting starts at 8:30am. Public testimony will be received for sport proposals.
January 2018	Washington State Fish and Wildlife Commission takes action on sport rule proposals.
July 1, 2018	Rules take effect.

# # 1. Allow Chumming Statewide

## **Type of Rule Change Proposal**

Recreational

## **Short Description**

This rule proposal would eliminate the prohibition of chumming and allow it statewide.

## **Explanation**

Chumming (scattering feed or other materials to attract fish to a location for the purpose of harvest) would be allowed statewide and would provide opportunity for the public to use this method where desired. This proposal would enhance fishing for resident trout, catfish, and carp. It would also allow kokanee anglers to release other trout they encounter and continue to fish while targeting kokanee with relatively benign baited or scented lures.

## **Written Testimony (165 comments)**

### Support (37):

Comments included: There was strong support from carp and catfish anglers. Many in support saw this as an expansion of opportunity and the ability to harvest fish. Shore anglers expressed their support as a better way to effectively harvest fish.

### Oppose (128):

Comments included: There was strong opposition to this proposal based on the perception that it will create ethical issues, conservation issues and potential for negative environmental impacts from the over use of chumming materials.

## **Public Hearing (4 comments)**

All comments were opposed and were similar to the written comments.

## **Modifications:**

None

## **Staff Recommendation:**

Do not adopt based on public comment.

## **Commission Action:**

Did not adopt.

## **Rationale:**

Based on public comment.

## # 2. Eliminate Minimum Length and Daily Limit on Eastern Brook Trout

### Type of Rule Change Proposal

Recreational

### Short Description

This rule proposal would standardize fishing regulations statewide for eastern brook trout. The proposed rule change would eliminate minimum length requirements and daily limits statewide.

### Explanation

Eastern brook trout are a non-native trout species that hybridizes with native bull trout and compete with other native species in Washington waters. Removing daily limits and size restrictions on brook trout will enable anglers to assist the department with the removal of over-populated and stunted brook trout from hundreds of high lakes and thousands of miles of streams statewide. Using angling exploitation as a method for control for trout populations rarely succeeds as a single means of fishery management, but this is a positive step forward from both a management and policy perspective. Specific areas where this rule will be helpful include small headwater streams and high elevation lakes. The department has been seeking a better management paradigm for high elevation lakes trout management. There are hundreds of high elevation lakes that contain brook trout that could be positively impacted by this rule change.

There will be exceptions to this rule because the department manages for brook trout through stocking in approximately 40 lakes statewide. To satisfy public demand the department manages multiple lowland lakes for brook trout through stocking. These lowland lakes are closed system lakes that allow for the fishery to be created while preventing movement of brook trout into waters where they may be problematic from a native salmonid conservation perspective. Standard statewide trout rules will continue to apply in these excepted waters

### Written Testimony (46 comments)

#### Support (40):

Comment included: Commenters supported this rule change as a way to reduce the presence of brook trout in waters where they are negatively impacting native salmonids. Some public comment welcomed the ability to harvest more fish as an enhancement to fishing opportunity.

#### Oppose (6):

Comment included: Commenters questioned the efficacy of this rules change from a conservation perspective and were concerned about over harvesting brook trout in waters where they are specifically managed as a species that provides recreational opportunity and doesn't have conservation impacts.

### Public Hearing (0 comments)

#### Modifications:

None.

#### Staff Recommendation:

Adopt as proposed.

#### Commission Action:

Adopted as recommended.

## # 3. Eliminate Mandatory Steelhead Retention

### Type of Rule Change Proposal

Simplification

### Short Description

Removes the mandatory hatchery steelhead retention requirement.

### Explanation

Mandatory hatchery steelhead retention, defined as “the catch and release of hatchery steelhead is not allowed. These fish must be retained if it is legal to do so.”, will be eliminated by this proposal.

Mandatory steelhead retention will still be required in steelhead fisheries in the Upper Columbia (i.e., Methow, Okanogan and Wenatchee rivers) because mandatory retention is a requirement of the federal fishery permits that regulates these fisheries.

In most cases, there are few enough hatchery steelhead available for harvest that anglers are not inclined to catch and release hatchery steelhead, this is especially true in western Washington streams. Conversely, there is a higher propensity for catch and release in Columbia Basin interior summer steelhead fisheries, such as the Snake River, Grande Ronde and other interior streams. While anglers are more inclined to release these fish, the fish remain in the fishery in many of these streams for up to six months and are likely during this extended period to be subject to harvest by a willing angler.

Mandatory harvest can result in false creel reporting by the public. Under the current rule, anglers are reporting higher catch rates of wild versus hatchery steelhead to avoid being cited for illegal catch and release activity of hatchery steelhead. Continued false reporting will result in increased wild steelhead encounter rate estimates in fisheries and may require the department to abbreviate steelhead fisheries because of erroneous creel information. Finally, this rule has proven to be difficult to enforce in most cases.

### Written Testimony (64 comments)

#### Support (43):

Comment included: The majority of the public comment expressed that this rule is too complicated, ineffective and unenforceable and therefore it should be eliminated. Some commenters thought that mandatory retention limited their amount of time in the field because they were forced to quit fishing sooner than they wanted. In addition, some commenters supported the proposal because mandatory retention required them to keep fish that were undesirable from a consumption perspective.

#### Oppose (21):

Comment included: The overarching theme for those opposed was that hatchery fish should be removed to prevent them from having deleterious impact on wild steelhead populations.

### Public Hearing (5 comments)

All comments were opposed and were similar to the written comments.

### Modifications:

None.

**Staff Recommendation:**

Adopt as proposed.

**Commission Action:**

Adopted as recommended.

## # 4. Eliminate panfish special limits

**Type of Rule Change Proposal**

Simplification

**Short Description**

Remove daily limits for panfish species on specific waters.

**Explanation**

This rule change would remove the daily limits on panfish species such as bluegill, crappie and yellow perch on specified waters statewide. The current special limits are not showing biological and/or fishery benefits to warmwater fish populations.

**Written Testimony (301 comments)**

Support (28):

Comment included: In general, most supporting commenters favored this proposal because they believed that increasing harvest on panfish would result in reducing overcrowded fish communities (stunting) and expand recreational fishing opportunity.

Oppose (273):

Comment included: The majority of comments in opposition to this proposal were that anglers wanted the current rules to be left in place for the major panfish waters (Banks Lake, Potholes Reservoir and Moses Lake). The commenters preferred the current rules and cited that the current fisheries were better off under the existing paradigm. Those opposed were fearful for both social and biological reasons that changing the current rules would negatively impact these major water panfish fisheries.

**Public Hearing (8 comments)**

All comments were opposed and were similar to the written comments.

**Modifications:**

None.

**Staff Recommendation:**

Do not adopt based on public comment.

**Commission Action:**

Did not adopt.

**Rationale:**

Based on public comment.

## # 5. Consistent language for game fish possession limits

### **Type of Rule Change Proposal**

Clarification

### **Short Description**

This rule proposal will change the game fish possession limit to apply “when in transit”, aligning the regulations with the definition of the general possession limit rule.

### **Explanation**

Currently WAC 220-310-090 – Game fish possession limits is missing this key phrase. Adding this will remedy this oversight and reduce any confusion.

### **Written Testimony (31 comments)**

Support (26):

Comment included: In general, supporting Commenters agreed with making the possession rules consistent and clear so that anglers can follow them more easily and the rules can be enforced more effectively.

Oppose (5):

Comment included: Most of the opposition cited that imposing a possession limit would negatively affect angler that fish and harvest fish in one place for extended periods of time, precluding them from harvesting a limit of fish each day. These comments highlight that some anglers do not realize that there are possession limits.

### **Public Hearing (0 comments)**

### **Modifications:**

None.

### **Staff Recommendation:**

Adopt as proposed.

### **Commission Action:**

Adopted as recommended.



## # 6. Removing duplicative landowner rules

### **Type of Rule Change Proposal**

Simplification

### **Short Description**

Remove fishing regulations in the WAC and pamphlet that are duplicative of local landowner rules and regulations (e.g. county ordinances stating “no use of a floating device equipped with an internal combustion motor.”)

### **Explanation**

This will reduce the complexity of regulations in the pamphlet and rely on local landowners to post and enforce their regulations on site.

### **Written Testimony (24 comments)**

#### Support (13):

Comment included: Supporters expressed that “simpler is better” and “If the WDFW did not make the regulation, then it shouldn’t be in the pamphlet”.

#### Oppose (11):

Comment included: Removal of these rules from the pamphlet will eliminate an angler’s ability to know all of the legal restrictions on a body of water they choose to recreate upon, and It doesn’t reduce complexity when you are removing information that is important to your client base.

### **Public Hearing (1 comment)**

The one comment was opposed because of the convenience of having boating regulations in the pamphlet.

### **Modifications:**

None.

### **Staff Recommendation:**

Adopt as proposed.

### **Commission Action:**

Adopted as recommended.

## # 7. Separate trout and steelhead rules

### **Type of Rule Change Proposal**

Simplification

### **Short Description**

This rule proposal will provide separate seasons, daily limits and size restrictions for trout and steelhead.

### **Explanation**

Distinguishing between trout and steelhead will help anglers better understand the rules as published in the pamphlet. For many anglers the current rule structure is confusing and leads to dissatisfaction with use of the rule pamphlet and their fishing experience. This rule proposal would allow both limits to be retained daily (e.g. two trout and three steelhead). This would also modify the definition of trout to “rainbow trout (except steelhead)”.

### **Written Testimony (61 comments)**

#### Support (28):

Comment included: Most supporting commenters believe this proposal makes the rules clearer and easier to understand. One comment received stated, “Separating steelhead from trout should make reading and understanding the fishing regulations much easier for many anglers”.

#### Oppose (33):

Comment included: Opposition to this proposal centered around the conservation risk regarding allowing the potential for increased trout harvest and wild steelhead conservation.

### **Public Hearing (5 comments)**

All comments were opposed and were similar to the written comments.

### **Modifications:**

None.

### **Staff Recommendation:**

Adopt as proposed.

### **Commission Action:**

Adopted as recommended.

## # 8. Statewide standard regulations for lakes, ponds and reservoirs

### Type of Rule Change Proposal

Simplification

### Short Description

This set of proposed rule changes will reduce the number of seasons and regulations that apply to lakes, ponds and reservoirs.

### Explanation

When department staff reviewed existing rules that were applied to lakes, ponds and reservoirs there were dozens of different rules and management scenarios across the state, contributing to angler confusion and frustration. To reduce rule complexity, the range of season options that could be applied to lakes, ponds and reservoirs was abbreviated and fewer options were provided for daily limits and size limits for trout and kokanee. There are a few exceptions statewide because of fishery permitting, access or other types of agreements that preclude managers from applying this rule paradigm to specific waterbodies.

Specific changes that the Commission should be aware of are:

**Seasons:** Statewide there was a large number of opening and closing dates for water bodies. Because of the variability in these dates it was difficult for anglers to understand when a particular fishery was open or closed. To reduce confusion and expand fishing opportunity, staff worked to reduce the number of seasons to the set of six listed below.

**Trout Limits:** Under the current set of rules there were hundreds of lakes managed with differing daily limits and/or size restrictions for trout. These were standardized to the four trout limit options listed in the table below. The default statewide daily bag limit will be 5 trout, no size restriction.

**Kokanee Daily Limits:** Under the current rule paradigm there are numerous kokanee bag limits around the State. Some lakes have a 16 fish daily limit, some are a 10 fish daily limit and some are a five fish daily limit. In some cases, kokanee counted as part of the trout limit and in others they are an additive bonus limit to the trout fishery. For simplification purposes staff propose to create a statewide daily limit of 10 kokanee that will be additive to the daily limit of 5 trout.

**Panfish Limits:** The current statewide daily limit for panfish is “no limit” and no minimum size. This is not a change from the current statewide daily limit for panfish.

**Regulation proposals are as follows (items in red italics represent those rules that are proposed changes from the current WAC):**

### Seasons:

- *Year-round (default)*
- *March 1 through September 30*
- *March 1 through November 30*
- *Fourth Saturday in April through September 30*
- *Fourth Saturday in April through October 31*
- *Friday after Thanksgiving through March 31*

**Catch limits and minimum sizes:**

<b>Species</b>	<b>Daily limit</b>	<b>Size restrictions</b>
<i>Trout</i>	<i>5</i>	<i>None (default)</i>
<i>Trout</i>	<i>2</i>	<i>14 inch minimum</i>
<i>Trout</i>	<i>1</i>	<i>18 inch minimum</i>
<i>Trout</i>	<i>None</i>	<i>Catch and release</i>
<i>Kokanee</i>	<i>10</i>	<i>None</i>
Largemouth bass	5	Bass less than 12 inches or greater than 17 inches, no more than one over 17 inches daily
Smallmouth bass	10	No more than one 14 inches or greater in length daily
Walleye	8	Minimum size 12 inches only 1 over 22 inches
Channel catfish	5	None
Tiger musky	1	Minimum length 50 inches
Panfish	None	None
Burbot	5	None
Whitefish	15	None
All other gamefish	None	None

**Written Testimony (56 comments)**

Support (40):

Comments included: Supporters of the proposed rules felt that fewer seasons and bag limits would be less complex and easier to understand.

Oppose (31):

Comments included: Opponents of the proposed rules were generally concerned about a specific lake that they fished. Lakes associated with the Columbia National Wildlife Refuge generated a series of comments concerned about a later opening date, requesting that the opening day remain April 1. However, refuge regulations specify that April 1 is the earliest possible opening date, which is not consistent with the six proposed open periods. Specific issues addressed under option 2 include:

- Comments suggested that the proposed daily limit and minimum size for trout on Coldwater Lake were too liberal to protect it as a quality fishery.

- Comments were received about removing the prohibition of fishing from a floating device during waterfowl season on Fazon, Terrell and Tennant lakes.

**Public Hearing (0 comments)**

**Modifications:**

1. Coldwater Lake (Cowlitz County): Revise to trout daily limit 1, minimum length 18”.

The Department supports retaining this lake as a quality fishing water while allowing some harvest. The modified daily limit and minimum size limit is consistent with the designated lake management regulations.

2. Fazon, Terrell and Tennant lakes (Whatcom County): Retain current regulations (do not simplify).

Public input noted the potential of increased conflict between anglers and waterfowl hunters, and the potential safety issues, associated with simplified regulations. Based on those concerns, the Department recommends retaining the current season structure that prohibits fishing from a floating device during waterfowl seasons.

**Staff Recommendation:**

Adopt as modified.

**Commission Action:**

Adopted as modified.

**Rationale:**

Based on public comment.

## # 9. Standardize juvenile only waters

### **Type of Rule Change Proposal**

Recreational

### **Short Description**

Standardize the language regarding eligible participants allowed to utilize “Juvenile Only” waters. Under the proposed change juveniles, seniors (70+), and anglers with a disability who possess a designated harvester companion card will be entitled to fish these specially designated waters.

### **Explanation**

Statewide there are a number of differing approaches to whom is eligible to fish “Juvenile Only” waters. In some cases, these waters are open to juveniles only, some are open to adults if accompanied by a juvenile and others allow juveniles, seniors and disabled anglers. This rule change will provide consistency regarding who can fish in these designated waters.

### **Written Testimony (23 comments)**

#### Support (17):

Comment included: Those in support of this proposal expressed that it was a simpler approach to these types of water, while also expanding opportunity to Seniors and Disabled Anglers.

#### Oppose (6):

Comment included: Those members of the public that were opposed to this rule change were fearful that adults would, “take over” fisheries from juveniles. Most stated that there should be some waters statewide that are set aside just for “kids”.

### **Public Hearing (0 comments)**

#### **Modifications:**

None.

#### **Staff Recommendation:**

Adopt as proposed.

#### **Commission Action:**

Adopted as recommended.

## # 10. Statewide standard regulations for rivers, streams and beaver ponds

### Type of Rule Change Proposal

Simplification

### Short Description

Unless listed as an exception, these rule proposals will standardize regulations for all streams statewide

### Explanation:

- **Gamefish Season:** Open Saturday before Memorial Day through October 31, unless listed as an exception. This rule change proposal is explained in greater detail under item #12 in this Concise Explanatory Statement document.
- **Wild trout, except Brook Trout and Dolly Varden/Bull Trout:** Daily limit 2, minimum size 8 inches, unless listed as an exception. In rivers, streams or beaver ponds where there are sensitive native salmonid populations there may be more conservative rules applied. In some cases, the more conservative rules may include selective gear rules and/or more restrictive harvest limits such as, 2 fish over 14 inches or catch and release. This is the “basic stream strategy” the Department utilizes to protect anadromous and resident salmonids.
- **Dolly Varden/Bull Trout:** There is not a change from the current rule paradigm for this species.
- **Brook Trout:** Statewide no daily limit, no minimum size. Open when open for gamefish or salmon. This rule change proposal is explained in greater detail under item #2 in this Concise Explanatory Statement document.
- **Hatchery Trout:** Daily limit 2, no minimum size. Open when open for gamefish or salmon. This rule proposal is designed to encourage anglers to remove residualized adipose clipped hatchery steelhead smolts, to reduce the potential for negative impacts on wild trout and steelhead. The department has not routinely stocked resident hatchery trout in streams since the late 1990’s when many stocks of steelhead in the Washington were ESA listed. This rule currently exists in a handful of rivers across the state. The rule change proposal is intended to expand this rule to include almost all rivers, streams and beaver ponds statewide.
- **Bass, Channel Catfish, and Walleye in Rivers and Streams:** No daily limit, no minimum size. Open when open for gamefish or salmon. The department removed limits on bass walleye and channel catfish in the Columbia River and most tributaries beginning in 2015. The limits were applied to specific waters in the basin with the result that two streams that flow into the Columbia River within a couple of miles of each other could have different regulations, or the regulations changed at a specific location on a river. Approximately 50 streams or stream segments in the Columbia River Basin have this rule and require listing in the pamphlet. This component of the proposal was intended to standardize this rule across all rivers, streams and beaver ponds statewide as a rule simplification measure.
- **Shift stream season to an “open unless listed as closed” paradigm:** This component of the proposal restores the historical stream management paradigm of “open unless listed as closed”, relying on the precautionary principles established in the statewide basic stream strategy for protection of anadromous and resident fish. To provide additional protection for anadromous fish,

the Department initiated efforts to close most anadromous streams to fishing starting with the Puget Sound region in 2010 and concluding with the Columbia River basin in 2015. These closures were implemented with good intentions to improve anadromous fish runs. However, recent information from Puget Sound suggests little measurable benefit to these populations, while opportunity was severely reduced, the complexity of the pamphlet has increased, and many streams without anadromous fish were inadvertently closed. Recent research in the Salish Sea has revealed that early marine survival is likely the key driving force limiting many of these anadromous populations, with marine mammal predation one of most significant factors.

The basic stream strategy is designed to assure that adequate recruitment of juvenile salmonids occurs in a dependable, sustained basis. This strategy protects anadromous and resident salmonids based on timing of the fishery, as well as by regulating the size that may be harvested, and setting limits on the daily catch. The “standard” season opens in late spring to protect the majority of out-migrating smolts and spawning steelhead and cutthroat trout. The season closes on October 31 to provide further protection to upstream migrating coastal cutthroat, and remains closed during winter and early spring to protect spawning salmon, trout and steelhead. The minimum size for trout is 8” and protects the vast majority of salmonid smolts from harvest and allows most resident rainbow trout to spawn once before being subject to harvest. In many streams with significant coastal cutthroat populations, the minimum size is 14” to allow the anadromous form to spawn once before being subject to harvest. The daily limit is two and set low to protect stocks from over-harvest.

### **Written Testimony (85 comments)**

Support (31):

Comment included: Many commenters expressed that simple is better, and that fewer rules and fewer exceptions will reduce confusion. Supporters also expressed a desire to re-open many streams that were closed in recent years.

Oppose (54):

Comment included: Comments focused on two specific issues: 1) the deregulation of bass, walleye and catfish in all streams, lakes and beaver ponds; and 2) the shift in stream management to the historical paradigm. Warmwater supporters felt the proposal was another attack on their favorite fisheries and was “creep” towards the Department deregulating warmwater fisheries statewide. Opponents of restoring the historical stream management paradigm expressed concern about potential negative impacts to salmon and steelhead, especially ESA listed stocks; as well as coastal cutthroat. Many of the opponents expressed a desire to require the release of all wild trout as a statewide approach. Some commenters wanted increased fly fishing only on the Stillaguamish River and release of all wild trout.

### **Public Hearing (10 comments)**

All comments were opposed and were similar to the written comments.

### **Modifications:**

1. Proposed deregulation of limits on bass, walleye, and channel catfish in streams and rivers: Revise to include only the Columbia River below Chief Joseph Dam and Snake River, and all their tributaries - no daily limit and no size limits for bass, walleye and channel catfish.

Much of the opposition to the proposed streams rules was focused on the component removing the limits on bass, walleye and channel catfish. The Department is recommending a modified proposal based on the concerns expressed by the public. Under this modified proposal, all rivers



and streams flowing into the Columbia River downstream of Chief Joseph Dam, including the Columbia and Snake rivers, would have no limits on bass, walleye and channel catfish, but all other streams and river would retain the current statewide limit or their current special regulation. Under this scenario, we would no longer have different regulations for bass, walleye and channel catfish for two streams that flow into the Columbia River with a couple of miles of each other, nor would the regulations change at a specific location on a river. This should standardize and simplify the regulations within this area. At the same time, the major warmwater rivers and streams outside the Columbia River anadromous zone identified as concerns by the commenters would retain their current limits, protecting those fisheries.

2. Proposed wild trout limits: Revise wild trout limits to require the release of cutthroat trout and wild rainbow trout in the following wild steelhead gene bank basins: Nisqually, Sol Duc, North Fork Toutle/Green, East Fork Lewis, Wind, and Grays/Chinook.

The second component of the stream proposal that generated substantial public comment focused on the change in the stream management paradigm to “open unless listed closed”. The Department is recommending a modified proposal based on the concerns expressed by the public.

The Department has been working to establish a network of wild steelhead gene banks across the state where wild steelhead stocks are largely protected from the effects of hatchery steelhead programs. At least one wild stock gene bank will be established for each major population group in each steelhead distinct population segment. Under this modified proposal, retention of cutthroat trout and wild rainbow trout would be prohibited in the following designated gene bank basins: Nisqually, Sol Duc, Green/North Fork Toutle, East Fork Lewis, Wind, and Grays/Chinook. While the Department believes the basic stream strategy (Open late May through October, 8” minimum, and two trout daily limit) provides the necessary protection for most anadromous and resident fish, this modified proposal partially addresses concerns that a more precautionary approach is warranted for steelhead and cutthroat trout by providing significant areas of refugia where no native trout are allowed to be harvested. However, we retain the core principle of returning to the historical stream management paradigm of “open unless listed as closed” in most areas and the benefit to simplification. As additional wild steelhead gene banks are designated, release regulations can be considered by the Department and Commission.

The Department will continue to monitor salmon and steelhead adult returns to ensure that appropriate fishing regulations are in place and adjust if needed. Under this modified proposal, the wild steelhead gene banks will provide multiple basins where the effects of different fishing regulations (along with different hatchery stocking strategies) can be evaluated using adult return data.

3. Lewis River from Eagle Cliff Bridge to Big Creek. Revise to close early from Eagle Cliff Bridge to Muddy River.

The Department proposed closing this section of river to protect migrating and holding pre- and post-spawning bull trout. Comments were received that significant opportunity would be lost by closing this entire stretch and suggesting that an alternative boundary would achieve the desired protection. The Department concurs.

4. Kalama River from the natural gas pipeline to the lower salmon hatchery intake. Retain fly-fishing only.

The Department proposed removing the September 1 through October 31 fly fishing only regulation on this stretch of river to simplify the regulations. Comments were received that this

was still an important opportunity for fly anglers and helped meet the intent of providing diverse opportunities.

5. Kalama River from 6420 Road to Kalama Falls: Retain closed waters from Jacks Creek to Kalama Falls.

The Department proposed opening this section of river to simplify the regulations. Comments were received expressing concern about limited access to this area and continuing to provide a sanctuary for steelhead. The Department considered the comments and suggests modifying the proposal to retain a partial closure of this area.

6. Stillaguamish River from Marine Drive upstream to forks: retain selective gear rules, and catch and release except hatchery steelhead regulation, from the Saturday before Memorial Day through November 30.

Commenters suggested additional fly fishing only seasons for the Stillaguamish River and forks, and additional catch and release requirements for wild trout. The Department had proposed a reduction in selective gear rules and less release requirements to simplify the regulations. Based on consideration of the public comments, the Department recommends a modified proposal to keep the status quo on the mainstem Stillaguamish River.

**Staff Recommendation:**

Adopt as modified.

**Commission Action:**

Adopted as modified.

**Rationale:**

Based on public comment.

## # 11. Steelhead incidental retention

### **Type of Rule Change Proposal**

Simplification

### **Short Description**

This rule proposal modifies language to allow the retention of incidentally caught hatchery steelhead in freshwater when a water is open for game fish or salmon.

### **Explanation**

The rule in its current form only allows incidental steelhead retention in Puget Sound and on the coast. This proposal would apply this rule to almost all freshwater rivers and lakes statewide.

### **Written Testimony (29 comments)**

#### Support (24):

Comment included: Supporters of this rule change felt it was a good idea to allow anglers to harvest “stray” hatchery steelhead and that allowing additional harvest opportunities of hatchery steelhead was a “good thing”.

#### Oppose (5):

Comment included: Public comment expressed that the current number of hatchery steelhead is insufficient to allow additional harvest and that this type of rule change will encourage angling for steelhead outside of designated steelhead seasons.

### **Public Hearing (0 comments)**

#### **Modifications:**

None.

#### **Staff Recommendation:**

Adopt as proposed.

#### **Commission Action:**

Adopted as recommended.

## # 12. Stream season for game fish

### **Type of Rule Change Proposal**

Simplification

### **Short Description**

Standardize the statewide annual season for rivers, streams and beaver ponds to the Saturday before Memorial Day through October 31.

### **Explanation**

Currently there are three separate stream openers: Saturday before Memorial Day, June 1<sup>st</sup> and first Saturday in June. There has been substantial debate as to what date is adequately protective of out-migrating steelhead smolts, spawning adult steelhead, and post-spawn “kelts”. This proposal reduces complexity and provides predictable fishing opportunities, and provides additional angling opportunity on streams, while adequately protecting juvenile and adult steelhead. Risk to out-migrant steelhead smolts is minimized with the daily limit of 2 and minimum length 8 inches for trout. In most cases, anglers will not encounter steelhead smolts that are greater than 8 inches in length ensuring that all but a few smolts will be released under the trout rule paradigm. In addition, many streams where steelhead and salmon smolts are present in late May will be too high and turbid to encourage angling to occur, thus reducing the risk of encounters with out-migrants. Finally, in streams where the conservation risk is too high they will be excepted from this rule change.

### **Written Testimony (39 comments)**

#### Support (26):

Comment included: Some members of the public that expressed support for this proposal liked the additional opportunity afforded by this rule change. Additionally, some supported the fact that it would provide opportunity during the Memorial Day holiday weekend. Many commenters expressing support thought that this made the rules simpler for streams and were in support of doing so.

#### Oppose (13):

Comment included: Some of the public in opposition to these proposals expressed concerns regarding not being protective enough for steelhead smolts and spawning adults. Some commented that this rule was too restrictive and that there should be more opportunity on streams. Others commented that the rule is fine but there should be exceptions in some parts of the state to protect sensitive stocks of salmon and steelhead.

### **Public Hearing (2 comments)**

All comments were opposed and were similar to the written comments.

### **Modifications:**

None.

### **Staff Recommendation:**

Adopt as proposed.

### **Commission Action:**

Adopted as recommended.

## # 13. Rule regarding fishing for trout with bait

### **Type of Rule Change Proposal**

Simplification

### **Short Description**

This proposal will eliminate the provision that states, “all trout caught with bait are counted as part of the daily limit, whether kept or released”.

### **Explanation**

The current rule was put in place to prevent anglers from sorting/high grading through a population of trout to harvest a daily bag limit of fish they were interested in harvesting. The current rule is difficult to enforce and restricts an angler’s ability to continue fishing if choosing to catch and release while using bait. While sorting/ high grading can be an issue in trout fisheries, game wastage rules are in place to prevent this type of behavior from occurring. This change is proposed as a rule simplification measure that eliminates a rule that has been viewed by some angler as difficult to understand and comply with.

### **Written Testimony (69 comments)**

Support (25):

Comment included: Public comments supported eliminating this rule because it is difficult to enforce, few anglers currently follow the rule and there is a perception that this affords anglers greater angling opportunity.

Oppose (107):

Comment included: Overwhelmingly public comment regarding this rule change was in opposition of changing because they felt that catch and release while using bait is harmful to trout and kokanee populations. Most commenters felt that fish caught with bait should be harvested.

### **Public Hearing (5 comments)**

All comments were opposed and were similar to the written comments.

### **Modifications:**

None.

### **Staff Recommendation:**

Do not adopt based on public comment.

### **Commission Action:**

Did not adopt.

### **Rationale:**

Based on public comment.

## # 14. Whitefish only rules season standardization

### **Type of Rule Change Proposal**

Simplification

### **Short Description**

This proposal will provide a consistent standard season for fisheries only open to whitefish.

### **Explanation**

Currently there are multiple opening and closing dates for whitefish seasons statewide. These dates were generated by fisheries managers seeking to maximize recreational whitefish opportunity while adequately protecting other fishery resources in waterbodies under their management responsibility. As a result, there has not been a consistent statewide approach to opening and closing whitefish fisheries which has added complexity to the WAC and pamphlet. This proposal seeks to establish a single whitefish season statewide. Using a standard season of December 1<sup>st</sup> through the last day in February will maintain a predictable season for fisheries only open to whitefish that are consistent with wild steelhead and salmon protection statewide.

### **Written Testimony (23 comments)**

#### Support (22):

Comment included: Most commenters supported the rule change proposal. The majority in support expressed approval under the belief that the proposal provided adequate protection for whitefish and steelhead that can be encountered during whitefish fisheries. Some supporters commented that they preferred that the whitefish season was standardized to make it simpler statewide.

#### Oppose (1):

Comment included: There was a single individual that was opposed to this proposed change. That individual was concerned that this rule change would reduce the amount of angling opportunity available for whitefish anglers in the Methow River.

### **Public Hearing (0 comments)**

#### **Modifications:**

None.

#### **Staff Recommendation:**

Adopt as proposed.

#### **Commission Action:**

Adopted as recommended.