

Concise Explanatory Statement

Implementation of House Bill 1579 And Freshwater Gamefish Rule Housekeeping

Rules amended as part of this rulemaking:

220-310-070	Statewide bait rules
220-310-090	Game fish possession limits and size limits
220-312-010	Freshwater exceptions to statewide rules – General rules
220-312-020	Freshwater exceptions to statewide rules – Coast
220-312-030	Freshwater exceptions to statewide rules – Southwest
220-312-040	Freshwater exceptions to statewide rules – Puget Sound
220-312-050	Freshwater exceptions to statewide rules - Eastside

Rules repealed as part of this rulemaking:

None

Rules created as part of this rulemaking:

None

1. Background/Summary of Project:

During the 2019 legislative session, the Washington State Legislature passed [Second Substitute House Bill 1579](#), directing the Washington Fish and Wildlife Commission to “adopt rules to liberalize bag limits” for non-native “bass, Walleye, and Channel Catfish in all anadromous waters of the state in order to reduce the predation risk to salmon smolts.”

This language was passed in part to implement the governor’s task force recommendations meant to increase abundance of Chinook salmon, benefiting the endangered Southern Resident Killer Whale population.

In addition, staff are recommending several proposals to clarify, correct, or simplify rules.

2. Reasons for adopting the rule:

The adoption of this rule was required to comply fully with the legislation set forth in Second Substitute House Bill 1579, as enacted in the 2019 legislative session.

The gamefish housekeeping rules were adopted to clean up confusing language in the rule pamphlet, to create consistency between our regulations and those of our co-managers, or to correct rules that were inadvertently changed during our simplification process.

3. Differences between the text of the proposed rule and the rule as adopted:

The initial rule proposal was to eliminate daily limits and size limits for bass, Walleye, and Channel Catfish in:

- All rivers, streams, and beaver ponds
- In lakes, ponds, and reservoirs where these three species inhabit the same water as salmon smolts
- There were 146 lakes, ponds and reservoirs identified by staff for the rule change.

The rule as adopted was to:

Keep current size limits and increase daily limits in 77 lakes, ponds, and reservoirs where these species occupy the same water as salmon smolts:

- Largemouth Bass: from 5 to a 10 fish daily limit, 12-17” protective slot, only one may be over 17”.
- Smallmouth Bass: from 10 to a 15 fish daily limit, only 1 over 14”.
- Channel Catfish: No minimum size. From a 5 to a 10 fish daily limit.
- Walleye: from 8 to a 16 fish daily limit, only 1 over 22”.

And to remove all size restrictions and daily limits for these species in all rivers, streams, and beaver ponds.

There were no changes to the proposed gamefish housekeeping rules.

4. Public comments, response to comments, and consideration of comments

The general comments received are summarized below.

The original rule proposal was more liberal in the way lakes were included, and it removed both size and daily limits for the species concerned. The final rule reflects agency consideration of the comments by being more selective in the way it included lakes in the rule, and it also kept size limits but increased (doubled) daily limits instead of eliminating them. This action addressed public comments on liberalizing vs. eliminating regulations, and keeping size restrictions addresses comments on these species helping to control the abundance of other species as well as making sure valuable fisheries are not destroyed.

Rule changes to implement Second Substitute House Bill 1579 – Liberalize limits on bass, walleye and channel catfish in anadromous waters.

Written Testimony (690 comments)

Support (500):

- Non-native fish contribute to demise of our salmon.
- Any opportunity to help Orca is welcome.
- Removing harvest restrictions on these species will support salmon recovery.

Oppose (190):

- Chinook vs all salmon
- Liberalize vs Eliminate
- This will not increase salmon
- May increase populations of other species (bass control populations)
- What is the science to support this (no science, limited science,
- Public consumption hazard
- These are valuable fisheries that you are destroying (state/local economies and jobs)
- Seals & sea lions, bird predation, is the issue
- Remove nets, curtail salmon fishing

General (0): No comments

Public Hearing (7 comments)

Apply Beaver Ponds rule statewide

Written Testimony (1 comments)

Support (0): No comments

Oppose (0): No comments

General (1): Comment on error made on original filing WAC. Correction will be made.

Public Hearing (0 comments)

Include Kokanee in Statewide Trout Bait Rule

Written Testimony (2 comments)

Support (1): Agreed with the change.

Oppose (0): No comments

General (1): Commenter would like to add Landlocked Salmon to this rule also.

Public Hearing (0 comments)

Remove daily limit of Lake Trout in Lake Chelan

Written Testimony (0 comments)

Support (0): No comments

Oppose (0): No comments.

General (0): No comments

Public Hearing (0 comments)

Reciprocity rule added to WAC and change to trout rule on Rufus Woods Lake

Written Testimony (0 comments)

Support (0): No comments

Oppose (0): No comments.

General (0): No comments

Public Hearing (0 comments)

Eastern Brook Trout removed from trout daily limit in Patterson Lake (Okanogan County)

Written Testimony (0 comments)

Support (0): No comments

Oppose (0): No comments.

General (0): No comments

Public Hearing (0 comments)

Remove Trout and Cutthroat special size restriction on Black Lake (Thurston County)

Written Testimony (0 comments)

Support (0): No comments

Oppose (0): No comments.

General (0): No comments

Public Hearing (0 comments)

Technical changes

Written Testimony (0 comments)

Support (0): No comments

Oppose (0): No comments.

General (0): No comments

Public Hearing (0 comments)

Concise Explanatory Statement

Petition: Colville River Rules and inclusion of Meyers Falls Reservoir

Rules amended as part of this rulemaking:

220-312-050 Freshwater exceptions to statewide rules - Eastside

Rules repealed as part of this rulemaking:

None

Rules created as part of this rulemaking:

None

1. Background/Summary of Project:

The Commission was petitioned in June 2019 to restore a year-round fishing season to the portion of the Colville River which extends from the mouth upstream to the bridge at the town of Valley. This portion of the Colville River was moved to a standard stream season (Sat. before Memorial Day-Oct. 31) during rule simplification in 2018. Prior to that, it had been regulated under a year-round open fishing season since 1950. Following the change enacted during rule simplification, staff received comments from the public and elected officials stating concern that the new season unnecessarily limits recreational opportunity, with much of the trout fishing opportunity occurring in late winter/early spring, prior to the current season opener. During that time, fishing conditions are more favorable than later in the spring and summer when turbidity and warm water temperatures make fishing difficult.

2. Reasons for adopting the rule:

These changes are based on a petition request.

3. Differences between the text of the proposed rule and the rule as adopted:

Added the word "Reservoir" after Meyers Falls. Word was inadvertently left out during the submission of WAC in the CR 102 filing.

4. Public comments, response to comments, and consideration of comments

Department staff provided an explanation for this proposal to reinstate a year-round fishing season for the section of the Colville River extending from the mouth upstream to the town of Valley and add Meyers Falls Reservoir to the description of this section of the river in the WAC

and fishing regulations pamphlet. Public comment on the proposal was solicited via a news release and online notice through the Department's website. The Department also conducted a public meeting in Spokane on October 2, 2019 to discuss the rule process and proposed regulation changes. The Department received no comments at the public meeting. Six comments were submitted online, all in favor of the proposed rule change. The end date for submission of comments was October 17, 2019. The Commission held a public hearing on October 18, 2019 at the Natural Resources Building in Olympia. No public testimony was received.

Concise Explanatory Statement

Petition: Green (Duwamish) River Tacoma Watershed Closure area to fishing

Rules amended as part of this rulemaking:

220-312-040 Freshwater exceptions to statewide rules – Puget Sound

Rules repealed as part of this rulemaking:

None

Rules created as part of this rulemaking:

None

1. Background/Summary of Project:

The Department received a petition to create a permanent fishing closure in the upper Green River in the Tacoma Municipal Watershed from the Tacoma Municipal Watershed Boundary Marker (approximately 1.3 miles downstream of the Tacoma Headworks Dam) to the Friday Creek confluence. This area of the Green River was closed to fishing in past years, but the Municipal Watershed was changed from “closed” to “open” for fishing during the rule simplification process.

Public access within the municipal watershed is currently prohibited and anglers cannot legally walk to any part of the Green River that flows through the municipal watershed. Tacoma Public Utilities (the petitioner) feels that a fishing closure would reinforce the closed area around their watershed and reduce confusion among anglers.

2. Reasons for adopting the rule:

This area of the Green River was closed to fishing in past years. The Municipal Watershed was changed from “closed” to “open” for fishing during the rule simplification process. The adoption of the rule proposal will restore this closure in rule.

3. Differences between the text of the proposed rule and the rule as adopted:

None

4. Public comments, response to comments, and consideration of comments

A public news release and online notice through our website notified people of the opportunity to comment on commission petition rule proposal. We received 5 comments. Three in favor and two opposed.

The Department also conducted a regional workshop to discuss the rule process and proposed regulation changes at our region four office in Mill Creek. Unfortunately, there were no people in attendance for the workshop.

WDFW Commission Meeting, October 18, 2019 Natural Resources Building. There we held a public hearing and presentation. After the presentation, we heard testimony from one individual.