
Summary

Meeting dates: January 5, 2018 Commission Conference Call

Agenda item: Petersen Petition for rule-making to eliminate catch and release fishing for steelhead trout and salmon statewide

Presenter(s): Kirt Hughes, Statewide Salmon and Steelhead Fishery Manager

Background summary:

The Fish and Wildlife Commission received a petition from Mr. Dennis Petersen to amend several sub-sections of Washington Administrative Code 220 to eliminate catch and release regulations which allow actively targeting species of salmon and steelhead in fisheries where their retention is not allowed. The petition does not identify specific WAC's which would require changes to implement this petition.

The petition specifically requests that the Commission:

"Eliminate elective catch and release on Steelhead Trout and Salmon except for required release of wild versus hatchery."

Because *"[a]ngler induced stress and wounding of ES[A] listed fish is causing mortality rates higher than 8%."*

The current fishing regulations in various waters statewide allow anglers to practice catch and release until the lawful daily limit has been retained. The proposal essentially seeks to require fishers to stop fishing after a "daily limit" has been caught regardless of the fish being retained or released. He requests that this be implemented statewide based on the conservation needs for populations of steelhead and salmon. The proposal would also prevent fishers who only wanted to catch and release these species, where currently allowed, to fish in that manner.

Since receipt of the petition, WDFW fish program staff have informed Mr. Petersen that the salmon related elements of the proposed rule change would need to be considered through the North of Falcon (NOF) Salmon Season Process delegated to the Director by the Commission through its NOF policy (C-3608). Mr. Petersen has also been informed of the NOF schedule and where updated information regarding NOF can be found on the department webpages.

The petitioner has also been alerted to the Commission's guidance to staff in the form of the Statewide Steelhead Management Plan which the Commission approved in 2008. This plan describes the season structure associated with various wild spawning steelhead populations (see pages 14-16 of the Plan). This structure is quite conservative and retention of wild fish is prohibited throughout the state. The WDFW Fish Program view is that current rules on related to catch and release fisheries for steelhead, implemented in accordance with the current Steelhead Management Plan provide for conservation of the species while also providing recreational opportunity when not inconsistent with conservation. More specifically, steelhead fisheries target the return timing of hatchery-origin stocks and are typically closed to angling for steelhead during the majority of the return timing of wild-origin stocks; for example, in watersheds of Puget Sound, steelhead fisheries generally close January 31 with the exception of areas near steelhead hatchery's which close February 15.

After staff explanations and Mr. Petersen's understanding that salmon rule-making would need to go through the NOF process, and acknowledging that the Commission's steelhead plan already appeared to be quite conservative, the petitioner indicated that he still wished to have the Commission consider his petition for additional rule-making to implements his desired management objectives.

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 by which it will address the concerns raised by the petitioner; or
- b) Initiate rule making

Public involvement process used and what you learned:

The Fish and Wildlife Commission has received this petition requesting amendments to recreational fishing rules to eliminate catch and release fishing rules that allow this practice to occur beyond the point where an angler has caught their daily limit regardless of whether the fish are retained or not.

Action requested:

Department Staff recommends that the Fish and Wildlife Commission deny elements of the petition associated with steelhead trout and refer salmon related aspects to staff to consider during the North of Falcon salmon season setting process.

Justification for Commission action:

As stated above, the Commission's Statewide Steelhead Management Plan and current steelhead rules are science based to provide and address conservation, while providing recreational opportunity when possible without putting the species at risk. In discussing these rules with staff Mr. Petersen acknowledged that these rules did appear to be sufficiently conservative and provided substantial protection for wild steelhead. In the context of salmon rules making, the Commission has delegated that role to the Director to occur through the North of Falcon salmon season setting process; therefore it is more appropriate for Mr. Petersen to seek change in catch and release regulations for salmon through that process.

Communications Plan:

NA

Draft motion language:

The Commission has fully considered and hereby denies this petition to undertake rule-making under RCW 34.05.330.