

**Concise Explanatory Statement
Blue, Park, and Deep Lakes and Fish Lake Rule Making**

Rules amended as part of this rulemaking:

WAC 220-312-050 (33)	Blue Lake fishing season dates
WAC 220-312-050 (246)	Park Lake fishing season dates
WAC 220-312-050 (100)	Deep Lake fishing season dates
WAC 220-312-050 (128)	Fish Lake yellow perch daily limits

Rules repealed as part of this rulemaking:

N/A

Rules created as part of this rulemaking:

N/A

1. Background/Summary of Project:

These rule proposals are responding to and supporting two separate rule petitions submitted to and approved by the department. This rule proposal is based on the two petitions which together seek to amend recreational fishing rules at Park, Blue, and Deep Lakes in Grant County and at Fish Lake in Chelan County. The Blue, Park, and Deep Lakes petition was received in March 2024 and the Fish Lake Petitions was received in January 2024. Both petitions were accepted, but rulemaking was deferred until after the North of Falcon salmon season setting process was completed (July 2024). The first petition received by the department seeks to remove harvest limits at Fish Lake; the second petition received by the department seeks to extend the fishing season at Park, Blue, and Deep Lakes. Below are more specific descriptions of the rule changes for both sets of lakes:

Blue, Park, and Deep Lakes are located in Grant County approximately 14-miles north of the Town of Soap Lake. These three lakes are popular destination trout fisheries. Annually, resident anglers from across the state (especially western Washington) and non-resident anglers travel to Blue, Park, and Deep Lakes to fish on opening day and throughout the year. There are three resorts on Blue Lake and one on Park Lake. The Sun Lakes-Dry Falls State Park is also located on Park Lake and provides angler access to Deep Lake.

Most eastern Washington trout fisheries are maintained through annual plants of fingerling rainbow trout stocked mostly during the spring at a size of 2-3 inches. Stocked fingerlings forage on aquatic food items (e.g., zooplankton, insects, and other invertebrates) in the lake and grow to 11-13 inches by the following spring. These “yearlings” make up the majority of

rainbow trout harvested by anglers in any given fishing season. There are several benefits to using fingerling rainbow trout including low stocking cost (~\$0.24 per fish), resembling and behaving like wild trout, and having higher quality flesh (i.e., firm red meat). One disadvantage of using fingerling rainbow trout is survival to next spring is unknown. The presence and abundance of fish predators and competitors, amount and type of aquatic feed, water temperatures (i.e., length of growing season), and late-fall angler harvest can negatively impact over-winter survival. For opening day trout fisheries maintained with fingerlings, fish managers close lakes on September 30th. The reason is because stocked fingerlings typically grow to 8-10+ inches by October and are easily caught using conventional fishing tackle. Harvest and/or catch-and-release (CNR) mortality during October can be high enough to reduce overall trout abundance and negatively impact opening day fishing success the following spring. Closing fishing during the month of October eliminates one of factors negatively affecting over-winter survival. The rainbow trout fisheries in Blue, Park, and Deep Lakes have been maintained with fingerling plants and closed at the end of September for decades.

The alternative to fingerlings is to plant advanced sized rainbow trout (called catchables) into lakes. Catchables are ≥ 11 inches in length at release and are stocked in the spring (mostly) and fall. This stocking strategy is used in western Washington lakes. While catchables are more expensive to stock (~\$1.40-2.00 per fish), the certainty of them being available for anglers to harvest is very high. Fish managers in eastern Washington have fewer catchables available for stocking because of limited hatchery space and lack of funding. In 2021, outside funding was used to raise additional catchables for stocking in Region 2's District 5 (Grant and Adams Counties) lakes. Beginning in 2023, the stocking strategy at Blue and Park Lakes changed from fingerlings to catchables. This change was made in Deep Lake a decade earlier utilizing existing catchables. Catchables are stocked into Blue, Park, and Deep Lakes in both the spring and fall. Given this change in stocking, there is no longer the concern of fall-timed angler harvest negatively affecting over-winter survival and opening day success. Changing the closure date to October 31st is consistent with statewide trout management strategies and will increase fishing opportunities at these lakes later into the fall when trout fishing is very productive.

Fish Lake is located in Chelan County approximately 20-miles north of the City of Leavenworth (Figure 1). Historically, anglers reported on the excellent yellow perch fishing at Fish Lake, but in the early-2000s expressed concern over the decline of “preferred-sized” fish (≥ 10 inches). Yellow perch were managed under statewide general rules during this time and anglers speculated that overharvest was the reason for the decline.

In 2002, WDFW performed a fish community survey at Fish Lake to address angler concerns. Results from that survey showed yellow perch relative abundance and the proportion of preferred-sized fish were both low. Based off the results, fish managers recommended changing the fishing rule for yellow perch from the statewide general rule to a protective 25 fish daily bag limit until more could be learned about recreational harvest of yellow perch. In 2010, the fishing rule at Fish Lake was changed to the recommended 25 yellow perch daily bag limit.

WDFW performed four additional fish community surveys after the 2002 survey. Two surveys were performed pre-fishing rule change in 2005 and 2009 and two surveys were performed post-fishing rule change in 2016 and 2021. Results from those four surveys showed relative abundances were 2-10X higher than the 2002 results. However, the proportion of preferred-size fish remained low and more-or-less unchanged across all years. These results infer that yellow perch were “stunting” where competition for aquatic food items is high and correspondingly growth is slow. WDFW also checked anglers fishing through the ice for approximately 1.5-months from mid-January through February 2012. Approximately 25% of anglers checked harvested a limit of 25 yellow perch and 75% of anglers checked harvested some yellow perch. This suggests anglers potentially could play a role in harvesting more yellow perch to help improve growth rates and size structure while not negatively impacting the fishery. Based on these results, fish managers concluded the protective daily bag limit was ineffective at increasing the proportion of preferred-size fish and recommended changing the fishing rule for yellow perch at Fish Lake back to the statewide general rule.]

2. Reasons for adopting the rule:

- a. Blue, Park, and Deep Lakes: Extending the current fishing season closure date from September 30 to October 31 will increase recreational angling opportunities at these three lakes later into the fall when trout fishing is very productive. This rule change is consistent with fish management strategies at these three lakes.
Fish Lake: Removing the 25 yellow perch daily bag limit will allow anglers to harvest more fish and improve growth rates. The percent of preferred size yellow perch and overall fishing quality should increase with more harvest.
- b. Blue, Park, and Deep Lakes: Because WDFW change trout stocking strategies from fingerlings to catchables (see Section 1), it is known how many trout have been stocked annually and are available for anglers to harvest. Additionally, WDFW annually perform angler check on opening day to measure catch rates and trout size. Adjustments to maintain fishing quality (if necessary) can be made quickly.
Fish Lake: WDFW performed four fish community surveys, two before the fishing rule change and two after (see Section 1). Post-fishing rule change surveys concluded that yellow perch abundance rebounded substantially (2-10X), yet average size and the percent of preferred size fish remained unchanged. Based off these results, fish managers recommended the yellow perch daily limit be removed to improve growth rates and fishing quality.

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

WDFW held a public comment period from August 8, 2024 through September 10, 2024 (34-days). A virtual public hearing, via ZOOM, was held on September

10, 2024 from 6:00-8:00 PM. The public could submit comments in writing (i.e., snail mail or email), by telephone, electronically/online, and during the public hearing. Accommodations were made available for persons with disabilities to provide comments too. For Blue, Park, and Deeps Lakes, a total of 24 comments were received. Twenty-three comments were for the proposal, zero against, and one other (i.e., unrelated to proposal). For Fish Lake, a total of 26 comments were received. Twenty-four comments were for the proposal, one against, and one other (i.e., unrelated to the proposal). All comments were received electronically through WDFW online comment portal. There were no attendees at the virtual public hearing.