

2010-2012
Sportfishing Rule Change Proposals
Concise Explanatory Statement



Washington
Department of
FISH and
WILDLIFE

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Statewide Rules

#1. Anti-Snagging Gear Rule

Proposal: "Anti-snagging rule" means:

Except when fishing with a buoyant lure (with no weights added to the line or lure), or trolling from a vessel or floating device, terminal fishing gear is restricted to a lure or bait with one single point hook. Only single point hooks measuring not more than 3/4 inch from point to shank may be used, and all hooks must be attached to or below the lure or bait. Weights may not be attached below or less than 12 inches above the lure or bait.

Explanation: Anglers have expressed concerns that the current anti-snagging rule does not allow the use of floating gear with treble hooks in areas where the rule is applied. They argue that floating gear is not used to snag fish, and it should be exempted from the rule. The proposal allows anglers who are trolling or who are using a floating lure without weight attached to the line to use treble hooks, while still restricting the use of gear that can be used to snag fish.

Testimony:

Several people commented that in order for Quickfish, Flatfish, and other plugs to work properly, they must be fitted with treble hooks. Anglers would no longer be able to use these except when trolling because they are not floating lures.

Several people stated that this rule needs to omit saltwater fishing. *This rule only applies in specific freshwater areas at specific times. See the regulation pamphlet for details.*

Several people were confused about which version of this rule is the right one. *This permanent rule is exactly the same as the emergency rule currently in effect.*

Is a lure that floats off the bottom (in mid-water) a buoyant lure? *(no- to meet the definition of a buoyant lure the lure must float on the surface).*

Staff Recommendation: Adopt as proposed. This rule is only in effect at certain places and times where snagging has occurred in the past. The rule is our best compromise between letting anglers use the gear they would like and limiting the use of gear that is often used for snagging.

Commission Action: Adopted as proposed.

#2. Buoyant Lure Definition

Proposal: A buoyant lure is defined as a lure that floats on the surface of fresh water when no additional weight is applied to the line or lure, and when not being retrieved by a line.

Explanation: This clarifies what is meant by a buoyant lure in the anti-snagging gear rule definition.

Testimony: none.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#3. Trolling Definition

Proposal: Trolling is defined as a method of fishing from a vessel or floating device that is underway and under power.

Explanation: This clarifies what is meant by trolling in the anti-snagging gear rule definition.

Testimony:

One person stated that this rule should include river trolling from drift boats.

Another thought we should add clarification that 'under power' includes under human power i.e. float tube, etc.

Staff Recommendation: Adopt as proposed. This definition was proposed by our enforcement officers as one that was understandable and easy to enforce.

Commission Action: Adopted as proposed.

Legislative Requirements

#4. Definition of Opening Day of Lowland Lake Season

Proposal: Define the opening day of fishing on lowland lakes as the last Saturday in April

Explanation: Substitute House Bill 1778, passed in the 2009 legislative session, states that "d) Except for active duty military personnel serving in any branch of the United States armed forces, the temporary combination fishing license is not valid on game fish species for an eight-consecutive-day period beginning on the opening day of the lowland lake fishing season as defined by rule of the commission." This proposal provides that definition.

Testimony: none.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#5. Areas Where Columbia River Endorsement is Required

Proposal: Beginning January 1, 2010, in addition to a recreational fishing license, a Columbia River salmon and steelhead endorsement is required for a person fifteen years or older to fish for salmon or steelhead in the following areas:

Mainstem Columbia River from the Rocky Point/Tongue Point line to Chief Joseph Dam
Deep River and tributaries
Grays River and tributaries
Skamokawa River and tributaries
Elochoman River and tributaries
Mill Creek and tributaries
Abernathy Creek and tributaries

Germany Creek and tributaries
Coal Creek and tributaries
Cowlitz River and tributaries
Coweeman River and tributaries
Toutle River and tributaries, including North and South Forks
Green River and tributaries
Cispus River and tributaries

Kalama River and tributaries	Alpowa Creek
Lewis River and tributaries, including North and East Forks	Almota Creek
Salmon Creek and tributaries	Tenmile Creek
Washougal River and tributaries	Penawawa Creek
Hamilton Creek and tributaries	Wawawai Canyon Creek
Rock Creek and tributaries	Couse Creek
Wind River and tributaries	Asotin Creek
White Salmon River and tributaries	North Fork Asotin Creek
Klickitat River and tributaries	Tucannon River
Walla Walla River and the following tributaries:	Pataha Creek Tucannon River trib)
Mill Creek	Yakima River
Gardena Creek	Crab Creek
Pine Creek	Sand Hollow Creek
Mud Creek	Whiskey Dick
Dry Creek	Skookumchuck
Touchet River and the following tributaries:	Quilomene Creek
Coppei Creek	Brushy Creek
Whisky Creek	Tekison Creek
North Fork Touchet	Trinidad Creek
Wolf Fork Touchet	Tarpiscan Creek
South Fork Touchet	Colockum Creek
Grande Ronde River and the following tributaries:	Rock Island Creek
Rattlesnake Creek	Stemilt Creek
Cottonwood Creek	Squilchuck Creek
Cougar Creek	Wenatchee River and tributaries
Menachee Creek	Swakane Creek
Grouse Creek	Entiat River and tributaries
Wenaha River	Chelan River
Snake River mainstem – and the following tributaries	Antoine Creek
Palouse River (below the falls)	Methow River and tributaries
Alkali Flat Creek	Okanogan River and tributaries
	Foster Creek

Explanation: Engrossed Substitute Senate Bill 5421 mandates this endorsement as a pilot program with the goal of increasing recreational selective fishing opportunities on the Columbia River and its tributaries. The endorsement is required in the Columbia River and its tributaries from the Rocky Point-Tongue Point line to Chief Joseph Dam. The Department is charged with creating a list of the tributaries where this stamp is required.

The following list is the revised list of areas recommended by the Columbia River Salmon and Steelhead Recreational Anglers Board.

Mainstem Columbia River from the Rocky Point/Tongue Point line to Chief Joseph Dam	Skamokawa Creek (Wahkiakum County)
Deep River (Wahkiakum County)	Elochoman River (Wahkiakum County)
Grays River (Wahkiakum County)	Mill Creek (Lewis County)
Grays River, West Fork	Abernathy Creek (Cowlitz County)
Grays River, East Fork	Germany Creek (Cowlitz County)
	Coal Creek (Cowlitz County)

Cowlitz River (Cowlitz County)
Blue Creek
Lacamas Creek
Mill Creek
Olequa Creek
Tilton River
Mayfield Lake
Riffe Lake
Lake Scanewa
Cispus River (Lewis County)

Coweeman River (Cowlitz County)
Toutle River (Cowlitz County)
 Toutle River, North Fork
 Toutle River, South Fork
 Green River (Cowlitz County)
Kalama River (Cowlitz County)
 Gobar Creek
Lewis River (Clark/Cowlitz Counties)
 Lewis River, North Fork
 Swift Reservoir
 Lewis River, East Fork
 Cedar Creek
Salmon Creek (Clark County)
Washougal River (Clark County)
Washougal River West (North) Fork
 Little Washougal

Camas Slough (Clark County)
Drano Lake (Skamania County)
Hamilton Creek (Skamania County)
Rock Creek (Skamania County)
Wind River (Skamania County)
White Salmon River (Klickitat/Skamania Counties)
Klickitat River (Klickitat County)
Walla Walla River (Walla Walla County)
 Mill Creek (Walla Walla County)
Touchet River (Columbia/Walla Walla Counties)
Grande Ronde River (Asotin County)
Snake River mainstem
 Palouse River (Whitman County) (below the falls)

Tucannon River (Columbia/Garfield County)
Yakima River (Benton, Yakima, Kittitas Counties)
Wenatchee River (Chelan County)
Icicle River (Chelan County)
Lake Wenatchee (Chelan County)
Entiat River (Chelan County)
Methow River (Okanogan County)
Okanogan River (Okanogan County)
Lake Osoyoos (Okanogan County)
Similkameen River (Okanogan County)

Testimony:

Most comments addressed the Endorsement itself, which was a law adopted by the legislature. The proposal itself only addresses the list of Columbia River tributaries where the endorsement would be necessary.

One person noted that the Skookumchuck River should not be on the list. This river was removed from the list.

Staff Recommendation: Adopt the revised list.

Commission Action: Adopted as modified.

#6. Two Pole Endorsement

Proposal: Substitute House Bill 1778 allows the Department to sell a two-pole endorsement, and to adopt rules that state where the endorsement is valid. Anglers who purchase the two-pole endorsement may use up to 2 lines while fishing.

Explanation: The Department proposes to allow anglers to use the two-pole endorsement in all lakes statewide, with exclusions based on the criteria listed below:

- a. Lakes with ESA-listed species present excluded on a case-by-case basis
- b. Lakes connected to anadromous waters during fisheries for anadromous fish
- c. Lakes managed for natural trout production

- d. Juvenile-only lakes
- e. Fly fishing only waters
- f. Lakes with selective gear rules and a reduced daily limit for trout

NOTE: The two pole endorsement is not valid on the Columbia or Snake rivers mainstem, except Lake Roosevelt and Rufus Woods Reservoir.

All other rules such as daily limits, and seasons, remain unchanged. Gear rules apply to the tackle on each line (for instance, 3 hooks are allowed in most areas – this would translate to three hooks on each line). This rule was put in place by emergency rule, beginning August 15, 2009, to allow sale of the two-pole endorsement this summer. The permanent rule would take effect May 1, 2010, along with other proposed rules in this package.

The following lakes are proposed as exceptions – anglers would NOT be allowed to fish with two poles in the lakes listed below. The reason for the exception is listed for each lake.

AMBER LAKE (Spokane Co.)	Selective gear rules
BAYLEY LAKE (Stevens Co.)	Fly Fishing Only
BEAR LAKE (Spokane Co.)	Juvenile anglers
BIG FOUR LAKE (Columbia Co.)	Fly Fishing Only
BROWNS LAKE (Pend Oreille Co.)	Fly Fishing Only
COFFEYPOT LAKE (Lincoln Co.)	Selective gear rules
DAYTON POND (Columbia Co.)	Juvenile anglers
GARFIELD JUVENILE POND (Whitman Co.)	Juvenile anglers
HEADGATE POND (Asotin Co.)	Juvenile anglers
JEFFERSON PARK POND (Walla Walla Co.)	Juvenile anglers
LIONS PARK POND (Walla Walla Co.) (College Place)	Juvenile anglers
LONG LAKE (Ferry Co.)	Fly Fishing Only
LUCKY DUCK POND (Stevens Co.)	Juvenile anglers
MCDOWELL LAKE (Stevens Co.)	Fly Fishing Only
MEDICAL LAKE (Spokane Co.)	Selective gear rules
MUSKEGON LAKE (Pend Oreille Co.)	Selective gear rules
NORTH SILVER LAKE (Spokane Co.)	Selective gear rules
RIGLEY LAKE (Stevens Co.)	Selective gear rules
AENEAS Lake (Okanogan Co.)	Fly Fishing Only
BEDA LAKE (Grant Co.)	Selective gear rules
BIG TWIN LAKE (Okanogan Co.)	Selective gear rules
BLACK LAKE (Okanogan Co.)	ESA fish species present.
BLACKBIRD ISLAND PD (Chelan Co.)	Juvenile anglers
BLUE LAKE (Okanogan Co.) (near Wannacut Lake)	Selective gear rules
BLUE LAKE (Okanogan Co.)(Sinlahekin Creek)	Selective gear rules
BROOKIES LAKES (Grant Co.)	Selective gear rules
CAMPBELL LAKE (Okanogan Co.)	Selective gear rules
CHOPAKA LAKE (Okanogan Co.)	Fly Fishing Only
COUGAR LAKE (Okanogan Co.) (Lost River)	ESA fish species present.
DAVIS LAKE (Okanogan Co.)	Selective gear rules
DRY FALLS LAKE (Grant Co.)	Selective gear rules
DUSTY LAKE (Grant Co.)	Selective gear rules
ELL LAKE (Okanogan Co.)	Selective gear rules
GREEN LAKE (Okanogan Co.)	Selective gear rules
GREEN LAKE, LOWER (Okanogan Co.)	Selective gear rules
GRIMES LAKE (Douglas Co.)	Selective gear rules

Hidden LAKE (Okanogan Co.) (Lost River)	ESA fish species present.
HOMESTEAD LAKE (Grant Co.)	Selective gear rules
LENICE LAKE (Grant Co.)	Selective gear rules
LENORE LAKE (Grant Co.)	Selective gear rules
MERRY LAKE (Grant Co.)	Selective gear rules
NUNNALLY LAKE (Grant Co.)	Selective gear rules
PARA-JUVENILE LAKE (Grant/Adams Co.)	Juvenile anglers
PING POND (Grant Co.)	Juvenile anglers
PIT LAKE (Douglas Co.)	Juvenile anglers
QUAIL LAKE (Adams Co.)	Fly Fishing Only
RAT LAKE (Okanogan Co.)	Selective gear rules
SILVERNAIL LAKE (Okanogan Co.)	Juvenile anglers
WENATCHEE, LAKE (Chelan Co.)	ESA fish species present.
BUMPING LAKE (RESERVOIR) (Yakima Co.)	ESA fish species present.
CLEAR LAKE (Yakima Co.)	ESA fish species present.
COLUMBIA PARK POND (Benton Co.)	Juvenile anglers
EASTON LAKE (Kittitas Co.)	ESA fish species present.
KACHESS LAKE (RESERVOIR) (Kittitas Co.)	ESA fish species present.
KEECHELUS LAKE (RESERVOIR) (Kittitas Co.)	ESA fish species present.
KIWANIS POND (Kittitas Co.)	Juvenile anglers
LEECH LAKE (Yakima Co.) (White Pass area)	Fly Fishing Only
MUD LAKE (Yakima Co.)	Selective gear rules
MYRON LAKE (Yakima Co.)	Selective gear rules
NANEUM POND (Kittitas Co.)	Juvenile anglers
RIMROCK LAKE (RESERVOIR) (Yakima Co.)	ESA fish species present.
SARGE HUBBARD PARK POND (Yakima Co.)	Juvenile anglers
YAKIMA SPORTSMEN'S PARK PONDS (Yakima Co.)	Juvenile anglers
BAKER LAKE (Whatcom Co.)	ESA fish species present.
DIABLO LAKE (Whatcom Co.)	ESA fish species present.
EBEY LAKE (Snohomish Co.) (Little Lake)	Fly Fishing Only
FORTSON MILL POND #2 (Snohomish Co.)	Juvenile anglers
GISSBURG POND, NORTH (Snohomish Co.)	Juvenile anglers
GORGE LAKE (Whatcom Co.)	ESA fish species present.
GRANITE LAKES (Skagit Co.) (near Marblemount)	Native fish concerns
JENNINGS PARK POND (Snohomish Co.)	Juvenile anglers
MILL POND (King Co.) (Auburn)	Juvenile anglers
MONTE CRISTO LAKE (Snohomish Co.)	ESA fish species present.
NORTHERN STATE HOSPITAL POND (Skagit Co.)	Juvenile anglers
OLD FISHING HOLE POND (King Co.) (Kent)	Juvenile anglers
PASS LAKE (Skagit Co.)	Fly Fishing Only
PORTAGE BAY (King Co.)	ESA fish species present.
RATTLESNAKE LAKE (King Co.)	Selective gear rules
RAVENSDALE LAKE (King Co.)	Selective gear rules
ROSS LAKE (RESERVOIR) (Whatcom Co.)	ESA fish species present.
SALMON BAY	ESA fish species present.
SAMMAMISH, LAKE (King Co.)	Potential ESA fish species present.
SPADA LAKE (RESERVOIR) (Snohomish Co.)	Selective gear rules
SQUALICUM LAKE (Whatcom Co.)	Fly Fishing Only
SWANS MILL POND (King Co.)	Same regulation at the creek

UNION, LAKE (King Co.)	ESA fish species present.
VOGLER LAKE (Skagit Co.)	Fly Fishing Only
WASHINGTON SHIP CANAL, LAKE (King Co.) (including Lake Union, Portage Bay, and Salmon Bay) waters east of a north-south line 400' west of the Chittenden Locks to the MontLake Bridge	ESA fish species present.
WASHINGTON, LAKE (King Co.) including that portion of Sammamish River from 68th Ave. NE Bridge downstream	ESA fish species present.
WHATCOM, LAKE (Whatcom Co.) (See DOH Fish Consumption Advisories, page 32)	Native fish concerns
BLUE LAKE (Cowlitz Co.)	Selective gear rules
CASTLE LAKE (Cowlitz Co.)	Selective gear rules
COLDWATER LAKE (Cowlitz Co.)	Selective gear rules
COWLITZ FALLS RESERVOIR	ESA fish species present.
DRANO LAKE (Skamania Co.) (Little White Salmon River) downstream of markers on point of land downstream and across from Little White Salmon National Fish Hatchery and upstream of Hwy. 14 Bridge	ESA fish species present.
FORT BORST PARK POND (Lewis Co.)	Juvenile anglers
LEWIS RIVER POWER CANAL (Cowlitz Co.) and old Lewis River streambed between Swift No.1 Powerhouse and Swift No. 2 Powerhouse	ESA fish species present.
MAYFIELD LAKE (RESERVOIR) (Lewis Co.) from Mayfield Dam to Mossyrock Dam	ESA fish species present.
MERRILL LAKE (Cowlitz Co.)	Fly Fishing Only
PACKWOOD LAKE (Lewis Co.)	Selective gear rules
SCANEWA LAKE (Lewis Co.) (Cowlitz Falls Reservoir)	ESA fish species present.
SILVER LAKE (Cowlitz Co.)	ESA fish species present.
SWIFT RESERVOIR (Skamania Co.) from dam to markers approximately mile below Eagle Cliff Bridge	ESA fish species present.
VANCOUVER LAKE (Clark Co.) and all other waters west of Burlington-Northern Railroad from Columbia River drawbridge near Vancouver downstream to Lewis River	ESA fish species present.
WALUPT LAKE (Lewis Co.)	Selective gear rules
WILLAME LAKE (Lewis Co.)	Selective gear rules
ALDWELL LAKE (Clallam Co.)	Lake will be gone when dams are removed - 2010
ANDERSON LAKE (Jefferson Co.)	Selective gear rules
BEAVER LAKE (Clallam Co.)	Selective gear rules
BRADLEY LAKE (Pierce Co.)	Juvenile anglers
CADY LAKE (Mason Co.)	Fly Fishing Only
CARRIE BLAKE POND (Clallam Co.)	Juvenile anglers
CASES POND (Pacific Co.)	Juvenile anglers
CUSHMAN RESERVOIR (Mason Co.)	ESA fish species present.
DAMON LAKE (Grays Harbor Co.)	Anadromous fish present
DE COURSEY POND (Pierce Co.)	Juvenile anglers

DICKEY LAKE (Clallam Co.)	Anadromous fish present
GIBBS LAKE (Jefferson Co.)	Selective gear rules
HORSESHOE LAKE (Jefferson Co.)	Selective gear rules
KENNEDY CREEK POND (Thurston Co.)	Native fish concerns
KOENEMAN LAKE (Kitsap Co.) (formerly Fern Lake)	Selective gear rules
LINCOLN POND (Clallam Co.)	Juvenile anglers
LONG'S POND (Thurston Co.)	Juvenile anglers
MCLANE CREEK PONDS (Thurston Co.)	Native fish concerns
MIDDLE NEMAH POND (Pacific Co.)	Anadromous fish present
MILL CREEK POND (Grays Harbor Co.)	Juvenile anglers
MOOSES POND (Pacific Co.)	Anadromous fish present
MUNN LAKE (Thurston Co.)	Selective gear rules
OHOP LAKE (Pierce Co.)	Anadromous fish present
OWENS POND (Pacific Co.)	Anadromous fish present
PLEASANT, LAKE (Clallam Co.)	Anadromous fish present
PRICES LAKE (Mason Co.)	Selective gear rules
PROMISED LAND POND (Grays Harbor Co.)	Anadromous fish present
QUIGG LAKE - local name (Grays Harbor Co.) Located at Friends Landing near Montesano.	Anadromous fish present
SHYE LAKE (Grays Harbor Co.)	Anadromous fish present
SOUTH BEND MILL POND (Pacific Co.)	Juvenile anglers
STUMP LAKE (Mason Co.)	Anadromous fish present
SUTHERLAND LAKE (Clallam Co.)	Future anadromy when Elwha dams are removed (2010)
TANWAX LAKE (Pierce Co.)	Anadromous fish present
TEAL LAKE (Jefferson Co.)	Selective gear rules
VANCE CREEK POND #1 (Grays Harbor Co.)	Juvenile anglers
VANCE CREEK POND #2 (Grays Harbor Co.)	Consistency with Pond #1 because of close proximity
WAPATO LAKE (Pierce Co.)	Juvenile anglers
WYNOOCHEE RESERVOIR (Grays Harbor Co.)	Anadromous fish present

Testimony:

Many comments objected to the fee of the endorsement, which was set by the legislature.

Several comments expressed support for the endorsement.

Others thought the 2-pole endorsement should be valid in other areas, such as marine waters.

Modification: Allow the use of two poles in Baker Lake, but continue to limit the endorsement to lakes for now because of concerns over possible impacts to ESA-listed species in streams and marine areas.

Staff Recommendation: Adopt as modified.

Commission Action: Adopted as modified.

Marine Rules

Salmon and other Marine Fish Rules

#7. Unclassified Marine Fish and Invertebrates

Proposal: This proposal would close all harvest of unclassified marine fish and invertebrates.

Explanation: Unclassified marine invertebrates consist of animals such as starfish, sand dollars, shore crabs and unclassified marine fish are animals such as blennies, tubesnouts and tide pool sculpins. Existing regulations prohibit these animals from being taken in a commercial fishery and limit recreational harvest to two unclassified fish (per species) per day and 10 unclassified invertebrates (lower limits exist for moon snails and nudibranchs) The intent of this regulation is to provide additional conservation benefit to these species. The current harvest is not actively managed or monitored. Eliminating harvest would provide a precautionary approach to management of these species. A second benefit would be improved populations of these animals at public beaches to increase non-consumptive use of these resources through viewing, photography and education.

This proposal would not change regulations regarding the collection of shells. For example if this proposal is enacted, no collection of live moon snails would be allowed but a person could still collect the shells of dead moon snails.

Testimony:

Several people felt that the rule was too broad and should only apply to certain species or certain areas where we know there are problems.

Some people objected to the closure because the department does not actively monitor these species.

Others supported the proposal as a precautionary measure to protect animals we do not have information about.

Some people suggested exemptions for species such as pile worms that are commonly used as fishing bait.

Staff Recommendation: Adopt as proposed. The Department feels that a more conservation-based approach is needed in these areas and that we should begin to stress the philosophy that these animals do not need to be collected or harvested to be enjoyed.

Commission Action: Adopted as proposed.

#8. Daily Limit for Other Food Fish

Proposal: For species of food fish for which no daily bag limit has been established, the daily limit would be 2 fish of any species.

Explanation: Under current rules if no daily limit has been established for a species of food fish, there is no limit on the daily take. The proposal would establish a daily limit of two such fish per day with the intent of providing limited harvest opportunity while also providing conservation. Most of the fish affected by this rule change are uncommon in Washington waters and include species such as bonito, white seabass and barracuda. If large numbers of any of these species were to occur in Washington waters in future years, and the resource would support higher rates of harvest, the department could quickly modify the rules through the emergency rule process to increase harvest rates.

Testimony:

Several people noted that this would severely limit the harvest of albacore tuna and mackerel and those we should consider an exemption for these species.

Others noted that the Pacific Fisheries Management Commission should be allowed to manage highly migratory species like tuna.

One person suggested a rule similar to California's (10 fish).

Another liked Oregon's rule of a combined daily limit of 25 fish for all species.

Modification: Do not include albacore, yellowfin, skipjack and northern bluefin tuna and all species of mackerel tuna in this rule change— rules for these species will be addressed through the PFMC process next year.

Staff Recommendation: Adopt as modified.

Commission Action: Adopted as modified.

#9. Lingcod Rules

Proposal: This proposal would align the lingcod seasons and slot limits for spearfishers with those of anglers in Marine areas 5-11 and 13.

Explanation: The Department received several proposals to alter regulations for lingcod fishing in Puget Sound. These suggestions included changing the daily limit; changing the size limit and adjusting the length of the season. Current regulations differ by gear type: anglers have a 1.5 month season with minimum and maximum size limits while spearfishers have no size limit but only a three week season. The Department is proposing that current regulations for angling remain unchanged. The spearfishing season would be increased to match the angling season and minimum (26 inch) and maximum (40 inch) size limits would be in effect for this gear type. The end result would be identical regulations for angling and spearfishing for lingcod. Under the current rules, approximately 25% of the lingcod harvested are less than 26 inches in length. By eliminating this harvest of small fish, the abundance of larger fish should increase over the next few years which will translate into increased numbers of spawning adult lingcod and increased numbers of lingcod available for harvest in the 26 to 40 inch window of opportunity. The harvest of large (over 40 inch) lingcod will be minimally affected as only 1% of the speared lingcod are over this length.

Testimony:

Many people pointed out that it is extremely difficult to estimate the size of fish underwater because of the magnification effect, and did not support applying the slot limit to spear fishers. They expressed concern that speared fish that did not meet the size restrictions would be discarded by divers and wasted.

Others expressed concern over conflicts between divers and anglers if the seasons for both were made the same.

Modification: Apply the slot limit to spearfishers; other states with large dive communities have successfully used a slot limit for spearfishers. To avoid creating more conflicts between gears, leave the seasons for anglers and spearfishers as they are.

Staff Recommendation: Adopt as modified.

Commission Action: Adopted as modified.

NEW PROPOSAL 9A

Proposal: This proposal would change the upper size of the slot limit for lingcod from 40" to 36".

Explanation: Currently, in marine Areas 5—11 and 13 only lingcod between 26" and 40" may be retained by anglers, and there is no size limit for spearfishers. The Department has proposed to apply the same slot limit to both anglers and spearfishers. This additional proposal would change the slot limit to 26" to 36" for both groups. This additional change will afford extra protection to female ling cod, because these fish mature later and at a larger size than the males.

Testimony:

Some people testified in support of this proposal.

Others stated that the decrease in the upper size of the slot limit was not necessary since ling cod populations have shown increases in the past few years, and seem to be well on their way to recovery with the current slot limit.

Others thought that large lingcod can be considered a potential predator of rockfish populations.

Staff Recommendation: Adopt as proposed to provide additional protection for large female ling cod.

Commission Action: Adopted as proposed.

#10. Rockfish and Bottomfish Rules

Proposal: Due to conservation concerns for rockfish species throughout the state, the Department is proposing several changes to the recreational rules for rockfish.

- 1) Marine Area 4 (east of the Bonilla-Tatoosh line) to 13 – closed to the retention of bottomfish in waters deeper than 20 fathoms (120 ft);
- 2) Marine Areas 6- 13 – closed to the retention of rockfish;
- 3) Marine Area 4 (east of the Bonilla-Tatoosh line) – daily limit is 10 black and blue rockfish combined. No other species of rockfish may be retained in Marine Area 5 –daily limit is the first black or blue rockfish caught, except west of Slip Point the daily limit is the first three black or blue rockfish caught. No other species of rockfish may be retained. ~~Spearfishing for rockfish of any species is not allowed.~~ (see new proposal 10A below)

Explanation: The intent of these proposals is to provide increased protection from harvest for rockfish in Puget Sound. Populations of several species of rockfish have been in decline and the Federal Government has proposed that three species of rockfish be listed under the Endangered Species Act; two species (canary and yelloweye) as threatened and one species (bocaccio) as endangered. Additionally, the anatomy of rockfish causes high rates of mortality for fish which are brought to the surface from depth and released. These fish suffer internal damage and death due to expansion of their air bladder. To provide the needed protection, it is necessary to reduce the number of rockfish retained by anglers and to reduce the number of rockfish brought to the surface from depth and released.

The current daily limit for most species of rockfish during open seasons in Puget Sound is one fish (with a larger daily limit in the west end of Area 5 and no retention of canary or yelloweye rockfish allowed anywhere in Puget Sound).

However despite the low limit, approximately 13,000 rockfish are caught and retained annually by anglers in Puget Sound. The majority of these rockfish are caught by anglers fishing for bottomfish such as lingcod and sole.

The Department is also proposing the prohibition of retention of all bottomfish caught in waters deeper than 120 feet. As with the other proposals it is designed to minimize the capture of rockfish from deep water. Salmon fishing would continue to be allowed in deep water but any bottomfish caught during deep water fishing would have to be released. Fishing for bottomfish such as lingcod, soles, flounders and greenling would not be allowed in deep water. However opportunities to fish for these species in shallow water (less than 120 feet) would continue

These proposals also represent a stepped approach to the management of rockfish in Puget Sound. This stepped approach allows higher rates of harvest of black and blue rockfish in the far western end of the Strait of Juan de Fuca, a lesser harvest in the area near Sekiu and no harvest in the remainder of the Sound. The stepped approach follows our knowledge of rockfish abundance and biology and allows harvest when appropriate.

Testimony:

Some people agreed with the proposal or even stated that it was overdue. Some thought that even stricter rules were needed.

Others feared that it will increase fishing pressure in the shallow waters and virtually wipe out bottomfish from these areas.

Some people stated that they knew of many areas where bottomfish were very abundant, and questioned the need for their protection.

Many people testified against the 120 foot depth restriction, stating that the best fishing spots are in deeper water and noted that having to release rockfish caught at depth is wasteful. Also, they felt that this rule would be very difficult to enforce. Some wanted the rule suspended during ling cod season.

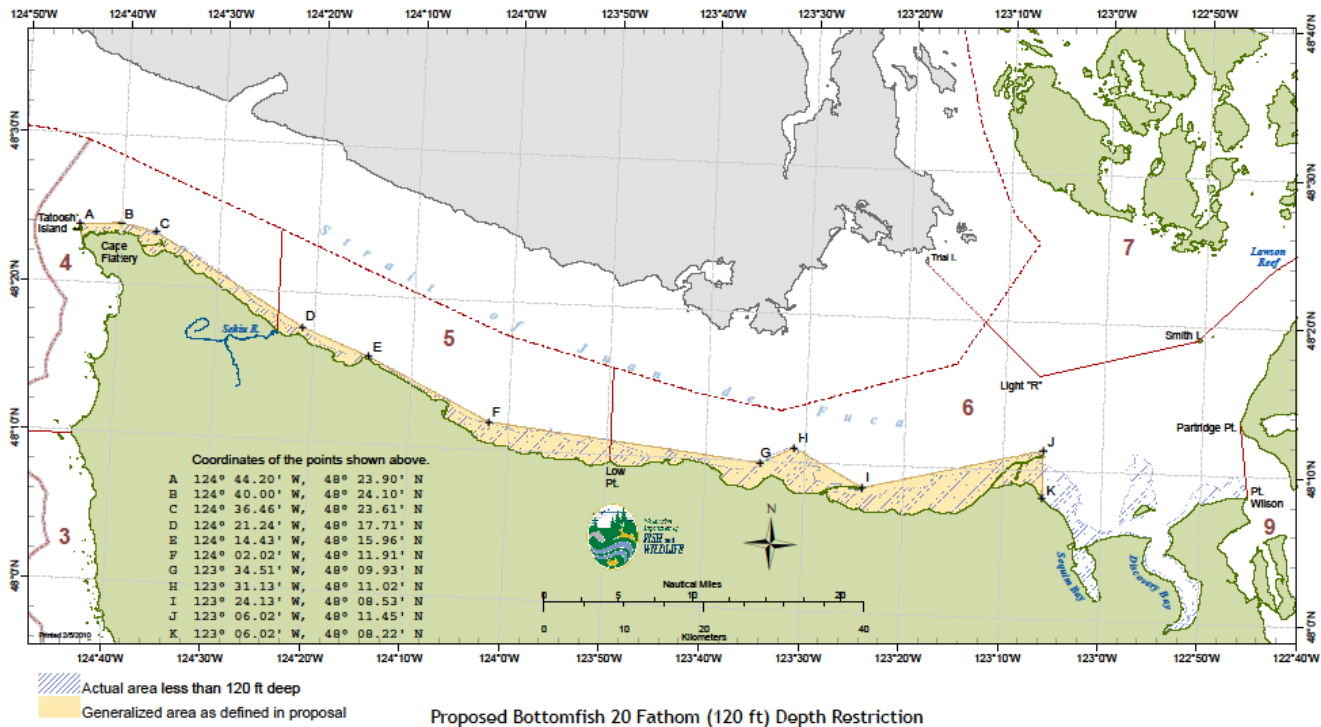
Some people noted that in many areas the daily limit is already only 1 rockfish. They do not see the need to close retention of rockfish entirely.

Some people questioned the daily limit of 10 rockfish in Marine Area 4 and were worried about the increased pressure on black and blue rockfish populations because they are the only species where harvest is allowed.

Some commented on the effect these rules would have on halibut fishing. (Halibut are not included in the bottomfish rules)

Modification:

1) To help anglers identify the area, the 120 foot depth restriction for bottomfish fishing is defined by coordinates as a specific area in part of MA 4, MA5, and part of MA 6. (See map below). In the remainder of MA 6 and MA 7-11 and 13, anglers may only fish for bottomfish in waters shallower than 120 feet (20 fathoms), as in the original proposal. This should help anglers recognize when they are “over the line” and also aid in enforcement of this restriction.



2) MA 6-13: closed to retention of rockfish as per the original proposal.

3) Rockfish daily limit in MA 5 remains as proposed, but in MA 4 east of the Bonilla/Tatoosh line the daily limit is 6 rockfish (black or blue only), providing more protection for these species in the Strait, as requested in testimony. The department is very concerned about rockfish status statewide (see Explanation above), and feels that these restrictions are necessary at this time.

Staff Recommendation: Adopt as modified
Commission Action: Adopted as modified.

NEW PROPOSAL 10 A

Proposal: Allow spearfishing for rockfish in Marine Area 5.

Explanation: This will make the rules for spearfishers the same as those using hook and line.

Testimony:

Several people objected opening the area to spearfishers when rockfish conservation is a concern. One person recommended that MA 5 should remain closed to spearfishers as a sanctuary area for ling cod.

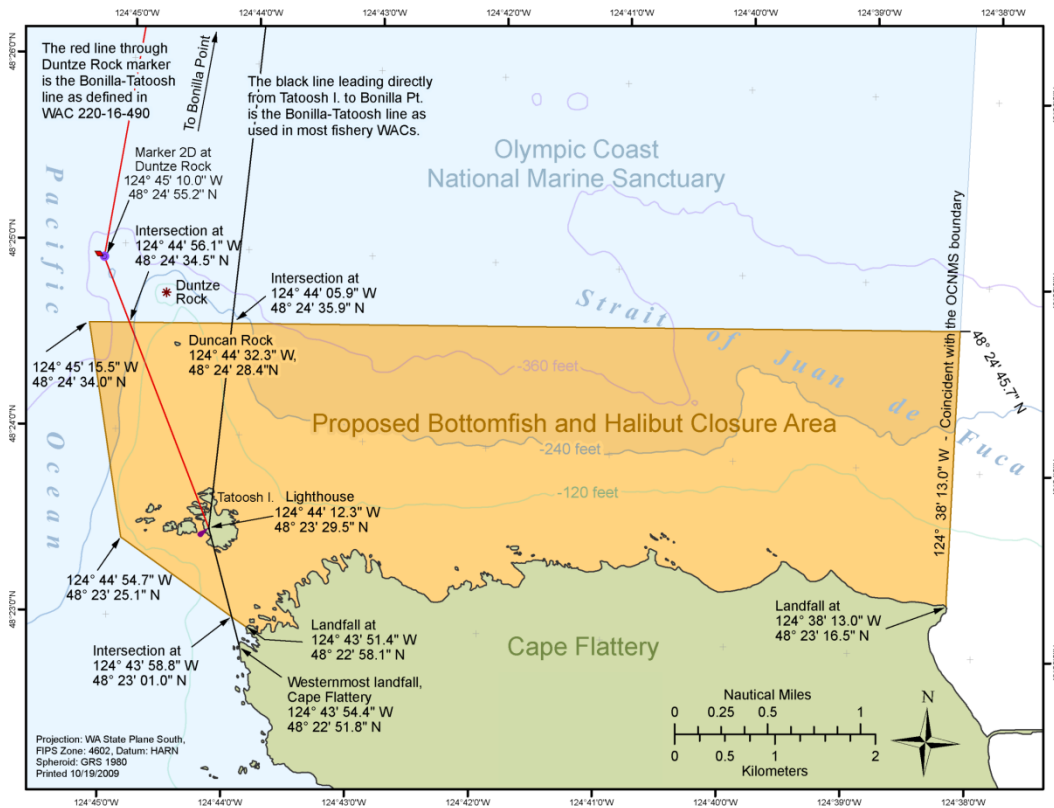
Modification: To avoid gear conflicts, allow spearfishing for rockfish only during the spearfishing season for lingcod (currently May 21- June 15). Since this area is open to hook and line angling for rockfish, allowing spearfishing seems justified.

Staff Recommendation: Adopt as modified.
Commission Action: Adopted as modified.

NEW PROPOSAL 10 B

Proposal: In Marine Area 4 – closed to fishing for halibut and bottomfish in an area defined by straight lines connecting the following specific latitude and longitude coordinates in the order listed: Beginning at 124°38'13.0"W, 48°23'16.5"N, thence to 124°38'13.0"W, 48°24'45.7"N, thence to 124°45'15.5"W, 48°24'34.0"N, thence to 124°44'54.7"W, 48°23'25.1"N, thence to 124°43'54.4"W, 48°22'51.8"N.

Explanation: The proposed closed area for bottomfish and halibut will provide additional protection for rockfish in the area and provide a viewing opportunity for divers. See map below.



Testimony:

Some people recommended that we reduce the catch limit rather than closing the area off. Others noted that proposed closure of the area does not seem supported by any research. Several people noted that the closure of this fishery would create safety issues for many who have smaller boats and do not want to be in the open ocean for safety reasons. Others pointed out the effect it could have on the economy of the local communities, and the fact that this closure might concentrate fishing pressure in other areas. Some people noted that divers have been using this area for a long time and asked why it is necessary to close this area to fishing ? Several people sent testimony in support of the proposal, and in support of a system of Marine Protected Areas. Why Marine Protected Areas (MPA)? *Significantly reduces incidental take 2. Protects old, large female fish: 3. Ultimately creates increased fishing opportunities: 4. Aids enforcement staff: 5. Moves species recovery forward.* Several divers wrote in support of the proposal as a great opportunity to see rockfish and coldwater habitat.

Staff Recommendation: Do not adopt. The Commission has asked staff to create an additional process for this proposal.

Commission Action: Not adopted – staff was instructed to follow through with an additional public process for this proposal.

#11. Hook Rules for Salmon in Marine Areas

Proposal: Require single-point barbless hooks when fishing for salmon from the Columbia River jetty and in Willapa Bay (MA 2-1) and the Westport Boat Basin from August 1 – January 31.

Explanation: This proposal would require single-point barbless hooks for all saltwater salmon fisheries, making saltwater salmon hook rules consistent and easy to follow, while allowing easier release of any salmon not retained

Testimony:

Some wrote in support of this proposal.

Several people noted that no release of salmon required in these areas and questioned the need for a barbless regulation, especially in Willapa Bay.

Staff Recommendation: Adopt as proposed. This restriction will provide some protection for wild chum stocks, and will aid in the release of fish during future selective fisheries.

Commission Action: Adopted as proposed.

#12. Hoodsport Hatchery – ADA Fishing Pier

Proposal: This proposal allows persons who permanently use a wheelchair and/or have a designated harvester card to fish from the ADA-accessible site at the Hoodsport Salmon Hatchery, provided such persons follow all applicable rules and regulations of the adjoining waters of Marine Area 12. Designated harvesters may fish from the ADA-accessible site with persons who permanently use a wheelchair and/or have a designated harvester card, if room allows. However, persons who permanently use a wheelchair have priority over others if the ADA-accessible site becomes overcrowded.

Explanation: The ADA accessible fishing pier was constructed in an area that is currently closed to all fishing. This proposal exempts the fishing pier from that closure and specifies licensing requirements for anglers to fish from the pier.

Testimony: none.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

Shellfish Rules

#13. Dungeness Crab Season and Daily Limit

Proposal: This proposal would reduce the daily limit for Dungeness crab in all Puget Sound marine areas from 5 crab to 4. It would also change the days open each week from Wednesday through Saturday to Friday through Monday in Marine Areas 6, 7, 8-1, 8-2, 9, 10, 11, and 12.

Explanation: The intent of this rule change is to provide recreational crab opportunity for two consecutive weekend days while maintaining catch allocation objectives. We have received many requests from the public to allow crabbing on both Saturday and Sunday.

Testimony:

A huge amount of testimony was received on this proposal.

Many people did not support changing the daily limit to 4 crabs, even with the addition of another weekend day for crabbing.

Some supported the additional weekend day, but not the lowering of the daily limit.

Some suggested Thursday through Sunday for the open days per week.

Some preferred the status quo.

Some supported the proposal.

Some people saw this proposal as giving more crab to the commercial harvesters.

Others noted that in some areas, the recreational crab allocation is not caught even with a 5 crab a day limit, and did not think that this would change even with the addition of another weekend day.

Many argued that the allocation issue between commercial and sport crabbers is the bigger issue here, and it is not being addressed.

Staff Recommendation: Commission was presented with three options:

- 1) Daily limit 4 crabs – open Friday through Monday (proposal above)
- 2) Daily limit 5 crabs – open Wednesday through Saturday (status quo)
- 3) Daily limit 5 crabs – open Friday through Monday

Commission Action: No changes were adopted. The Commission will immediately begin the process of reviewing the current policy on crab harvest allocation. Future recreational seasons will be set in accordance with this policy.

#14. Daily Limit for Rock Scallops

Proposal: This proposal would change the daily limit for rock scallops from 12 to 6.

Explanation: Rock scallops are a popular shellfish harvested by recreational divers. Rock scallops are a slow growing species with limited habitat in Washington waters. The department does not have the capacity to regularly monitor either the harvest or the abundance of this species. The proposed decrease to the daily bag limit is intended to decrease the risk of overexploitation while still maintaining an opportunity for recreational harvest.

Testimony:

One person disagreed that rock scallops were a popular shellfish but agreed with the proposal.

Staff Recommendation: Adopt as proposed.

Commission Action: adopted as proposed.

#15. DNR-85 and South Dougall Point Beaches

Proposal: This proposal re-opens both of these beaches to the recreational harvest of clams and oysters year-round.

Explanation: These two public beaches have been closed due to pollution, but Washington Department of Health has notified our agency that the beaches are no longer polluted and can be re-opened year-round for recreational clam and oyster harvest.

Testimony: none.

Staff Recommendation: Adopt as proposed.

Commission Action: adopted as proposed.

#16. Oakland Bay Oyster Reserve

Proposal: Open all public tidelands in the Oakland Bay Oyster Reserve to recreational clam and oyster harvest year-round except for Dikes 7-17 (which are currently closed and will remain closed, with signage marking the dike boundaries).

Explanation: There is no biological or management reason to keep the other public tidelands within the Oakland Bay Oyster Reserve closed to public harvest, except in the case of Dikes 7-17, which have been closed to sport harvest since the early 1990s, and are currently managed by agreement as a “single-entity” tideland under Squaxin Tribe management. These dikes would remain closed under this rule change, and would be posted with signs.

Testimony: none.

Staff Recommendation: Adopt as proposed.

Commission Action: adopted as proposed.

#17. Potlatch East and Cushman (Saltwater) Park

Proposal: Delete Potlatch East and Cushman (Saltwater) Park from the beach list.

Explanation: Both these former public beaches are now in private ownership. WDFW rules are only applicable to publicly-owned tidelands.

Testimony: none.

Staff Recommendation: Adopt as proposed.

Commission Action: adopted as proposed.

#18. Scientific Name of Native Littleneck Clam

Proposal: In list of classified shellfish, change scientific name of native little neck clam to *Leukoma staminea* (was formerly *Protothaca staminea*).

Explanation: The scientific (Latin) name for the genus of this clam species has been officially changed.

Testimony: none.

Staff Recommendation: Adopt as proposed.

Commission Action: adopted as proposed.

#19. Clam and Oyster Beach Seasons

Clam Season Changes

Ala Spit:

Current Regulation: CLOSED

Proposed Regulation: Open May 1 through May 31

A change in management status will allow this beach to re-open in 2010 with the same month-long season it had in the years prior to 2009.

Belfair State Park:

Current Regulation: Open year-round.

Proposed Regulation: CLOSED.

The state share of clams was overharvested in 2009, and surveys indicate that the resource will not support a sport fishery in 2010.

Frye Cove County Park:

Current Regulation: CLOSED.

Proposed Regulation: Open January 1 through May 15.

This beach was closed in 2009 at the request of Thurston County Parks Dept. when budget cuts forced closure of the park itself. The park has now re-opened, and shellfish harvest on the park beach can resume with the same season it had prior to the closure.

Hope Island State Park:

Current Regulation: Open April 1 through May 31.

Proposed Regulation: Open May 1 through May 31.

Surveys indicate that the butter clam population on this beach has declined, requiring a shorter season in 2010. This proposed season still includes 11 days with tides lower than minus 2.0 feet to accommodate recreational geoduck digging.

Penrose Point State Park:

Current Regulation: Open March 1 through May 31.

Proposed Regulation: CLOSED.

Recreational shellfishing effort in 2009 almost tripled compared to previous years, and the recreational share of clams was consequently overharvested, requiring a closure in 2010.

Point Whitney Tidelands (excluding Lagoon):

Current Regulation: Open March 1 through May 31.

Proposed Regulation: Open March 1 through April 30.

Recreational effort increased in 2009 and the state's share of clams was overharvested, requiring a shorter season in 2010.

Point Whitney Lagoon:

Current Regulation: CLOSED.

Proposed Regulation: Open May 1 through May 31.

Surveys indicate an increase in the clam population, allowing this beach to re-open for recreational harvesting. This proposed season would open the Lagoon immediately following the closure of the Tidelands, which is the customary schedule for these two adjacent beaches.

Port Townsend Ship Canal/Portage Canal:

Current Regulation: January 1 through May 31.

Proposed Regulation: January 1 through June 30.

Surveys indicate an increase in the clam population, allowing for a lengthier season in 2010.

Potlatch DNR Tidelands:

Current Regulation: April 1 through August 31.

Proposed Regulation: April 1 through June 30.

Clam and oyster seasons should coincide on the two Potlatch beaches. Recreational effort in 2009 nearly doubled on the Potlatch beaches compared to previous years, and the resulting shorter oyster season will require a shorter clam season.

Potlatch State Park:

Current Regulation: April 1 through August 31.

Proposed Regulation: April 1 through June 30.

Clam and oyster seasons should coincide on the two Potlatch beaches. Recreational effort in 2009 nearly doubled on the Potlatch beaches compared to previous years, and the resulting shorter oyster season will require a shorter clam season.

Rendsland Creek:

Current Regulation: January 1 through June 30.

Proposed Regulation: Year-round.

This is primarily an oyster beach. Clam surveys and low recreational effort for clams here show that the clam season on this beach can be extended year-round, coinciding with the oyster season.

Sequim Bay State Park:

Current Regulation: Open May 1 through July 31.

Proposed Regulation: Open May 1 through June 30.

Surveys indicate a decrease in the clam population, necessitating a shorter season in 2010.

Triton Cove Tidelands:

Current Regulation: Open May 1 through September 30.

Proposed Regulation: Open June 1 through August 31.

Recreational effort on this beach in 2009 nearly doubled on this beach compared to previous years, and the clam share was overharvested, requiring a shorter season in 2010.

Oyster Season Changes**Ala Spit:**

Current Regulation: CLOSED

Proposed Regulation: Open May 1 through May 31

Oyster season should coincide with the clam season on this beach.

Frye Cove County Park:

Current Regulation: CLOSED.

Proposed Regulation: Open January 1 through May 15.

Oyster season should coincide with the clam season on this beach.

Hope Island State Park:

Current Regulation: Open April 1 through May 31.

Proposed Regulation: Open May 1 through May 31.

Oyster season should coincide with the clam season on this beach.

Penrose Point State Park:

Current Regulation: Open March 1 through May 31.

Proposed Regulation: CLOSED.

Oyster season should coincide with the clam season on this beach.

Port Townsend Ship Canal/Portage Canal:

Current Regulation: January 1 through May 31.

Proposed Regulation: Open January 1 through June 30.

Oyster season should coincide with the clam season on this beach.

Potlatch DNR Tidelands:

Current Regulation: April 1 through August 31.

Proposed Regulation: Open April 1 through June 30.

Recreational effort in 2009 nearly doubled on the Potlatch beaches compared to previous years, and the shorter oyster season on adjacent Potlatch State Park will require a shorter season on this beach.

Potlatch State Park:

Current Regulation: April 1 through August 31.

Proposed Regulation: Open April 1 through June 30.

Recreational effort in 2009 nearly doubled on the Potlatch beaches compared to previous years, and the oyster share was overharvested, requiring a shorter season in 2010.

Testimony: none.

Staff Recommendation: Adopt as proposed.

Commission Action: adopted as proposed.

#20. Standardizing Clam and Oyster Seasons

Proposal: Make recreational oyster seasons the same as the clam seasons on eight public beaches (Pitt Island, Cama Beach State Park, Camano Island State Park, Kayak Point County Park, Purdy Spit County Park, Dungeness Spit/National Wildlife Refuge, Spencer Spit State Park and Brown Point DNR 57-B). The first five will be closed to oyster harvest, Dungeness will be open May 15-Sept. 30, Spencer Spit will be open March 1 – July 31, and Brown Point will be open year-round.

Explanation: Pitt Island, Cama Beach State Park, Camano Island State Park, Kayak Point County Park and Purdy Spit County Park have all been closed to clamming for several years, but are open for oysters year-round. There is very little oyster resource present on these beaches, and this inconsistency with the clam season causes confusion among the public as well as enforcement problems. Spencer Spit and Dungeness Spit have limited (or closed) clam seasons most years, but year-long oyster seasons. Again, this is inconsistent with the clam season, causing confusion among the public and enforcement problems. Brown Point (DNR 57-B) oyster resources can be opened year-round for consistency with the existing year-round clam season.

Testimony: none.

Staff Recommendation: Adopt as proposed.
Commission Action: adopted as proposed.

#21. Silverdale County Park Name Change

Proposal: Change the name of “Silverdale County Park” to “Silverdale Waterfront Park.” This beach is located in Dyes Inlet.

Explanation: The official name for this Kitsap County Park is “Silverdale Waterfront Park.” The name change in the rules and Fishing pamphlet will make the names consistent with the county’s signage, web pages and other publications.

Testimony: none.

Staff Recommendation: Adopt as proposed.
Commission Action: adopted as proposed.

#22. Crayfish Harvest

Proposal: This proposal would allow the harvest of non-native northern crayfish (*Orconectes virilis*) and Louisiana redclaw crayfish (*Procambarus clarkii*) as part of the daily limit of crayfish. All rules currently in place for crayfish (gear rules, season, minimum size, no females with eggs or young etc.) would also apply to these species. The daily limit would be 10 lbs in the shell of all crayfish species combined.

Explanation: Currently, only the native *Pacifastacus* species of crawfish are permitted in recreational harvests. Harvest of Northern Crayfish and Louisiana redclaw crayfish is not currently allowed. These two species have established themselves in lakes and streams in Washington State. Northern crayfish appear to be the predominant species in the Columbia River reservoirs of Lake Roosevelt and Lake Rufus Woods, and have spread to become the predominant species throughout the Columbia Basin Project waters. They appear to be the sole crawfish species in Moses Lake and Crab Creek, and have been found in at least 3 lakes in western Washington. Louisiana redclaw crayfish are known to be established in at least 10 lakes and ponds in western Washington (17% of sampled lakes per Larson and Olden 2008). Allowing harvest of the two species will help to remove these non-native species, while retaining current seasons and size limits provides protection for native species.

Testimony:

Several people wrote or spoke in support of the proposal.

Others noted that they supported the proposal but did not think the daily limit should apply for non-native species.

Modification: Allow harvest of all non-native crayfish species. To continue to protect native crayfish, apply the same season and pot regulations that are currently in place to all species, but no daily limits, size limits or sex restrictions for non-native species. All non-native crayfish must be dead before removing them from the riparian zone and must be kept in a separate container from native crayfish.

Staff Recommendation: Adopt as modified.

Commission Action: Adopted as modified.

Freshwater Rules

#23. Stream Strategy for Puget Sound and Straits

With various fish populations across the State being listed under the Endangered Species Act, (most recently Puget Sound steelhead), a more conservative approach to the regulation of fishing in rivers, streams, and beaver ponds is essential and requires the WDFW to provide as much protection as possible for all life stages of these populations, in particular for rearing juveniles. The difficulty is how to provide protection for these stocks of fish while also offering reasonable recreational opportunity. Currently the standard stream rule opens rivers, streams and beaver ponds to fishing for game fish from the 1st Saturday in June – October 31st, with an

8" minimum size, 2 fish / day limit. Consequently much of the juvenile rearing habitat for resident trout and Dolly Varden and anadromous salmon, steelhead, cutthroat, and Bull Trout is currently open for fishing. As a result, these juvenile salmonids are at risk of being incidentally caught and may not survive being handled and released, especially if bait is used.

A more conservative management strategy to protect these stocks under consideration by the WDFW is to close all rivers, streams, and beaver ponds to fishing except as listed in the Fishing in Washington Rules Pamphlet. Rivers, streams and beaver ponds listed in the pamphlet as open to fishing will be identified for areas where stocks are robust and can support fishing pressure and in areas where reasonable recreational opportunity exists. The primary goal is to protect stocks at certain times of the year and in areas where they are most susceptible to mortality that may be associated with recreational angling. At this time, we are proposing to implement this strategy only in streams that drain into Puget Sound and the Strait of Juan de Fuca. If this strategy is adopted and proves successful, the rest of the state would follow suit during the next regulation change cycle in two years.

The tables in Appendix 1 present all of the fishing opportunity that will be available in the Puget Sound and Strait of Juan de Fuca drainages. Areas open to fisheries are presented by river system unless the waters drain directly to salt water. (If these proposals are adopted there will also be an alphabetical list of open areas placed in the fishing pamphlet). All salmon seasons listed are *last year's* seasons and are subject to change. Since the basic rule in these areas would be "closed unless listed" there are "closed waters" areas that will no longer be highlighted. We are still working on how these would be displayed in the pamphlet. Some of these closed areas are still listed in the tables to clarify the intent of the proposals. The last column in each table is a letter listing, from A-G. These are the reasons for the proposed changes. Rules that remain unchanged will not have a letter in this column. Descriptions of the A-G listings are shown in the table below.

STREAM STRATEGY			
	Steelhead Status	Trout Rules	Fishing/Conservation
A	Resident fish zone	8" minimum size, daily limit 2, bait allowed.	Fishing: resident fish opportunities usually above anadromous zone, hatchery steelhead may be available Conservation: allows most resident trout to spawn once before harvest
B	Resident fish zone/resident fish concerns	8" minimum size, daily limit 2 fish, selective gear rules.	Fishing: resident fish opportunities usually above anadromous zone, hatchery steelhead may be available Conservation: allows most resident trout to spawn once before harvest, reduces catch-and-release mortality associated with use of bait
C	Status good or anadromous fish juvenile presence low	14" minimum size, daily limit 2, bait allowed.	Fishing: resident trout, sea-run cutthroat, salmon, hatchery steelhead Conservation: 14" minimum size protects overwintering steelhead, allows resident trout and sea-run cutthroat to spawn once before retention.
D	Status good or anadromous fish juvenile presence low	14" minimum size, daily limit 2, selective gear rules.	Fishing: resident trout, sea-run cutthroat, salmon, hatchery steelhead Conservation: selective gear rules reduces the catch&release mortality associated with use of bait. 14" minimum size protects overwintering steelhead, allows resident trout and sea-run cutthroat to spawn once before retention.
E	bad	Selective gear rules and catch&release, except ,may retain 2 hatchery steelhead	Fishing: opportunity for harvest of hatchery steelhead, often includes catch&release opportunity for sea-run cutthroat and wild steelhead. Conservation: selective gear rules reduces the catch&release mortality associated with the use of bait. Protection provided for all trout life history stages.
F	bad	Catch&release, selective gear rules	Fishing: no hatchery steelhead present, catch&release opportunity for trout, which may include wild steelhead. Conservation: selective gear rules reduces the C&R mortality associated with the use of bait. Protection provided for all trout life history stages.
G	very bad	CLOSED WATERS	No fishing for any species. Protection provided for all life history stages.

Testimony:

Several people wrote in support of the proposal. Some thought it should go further by closing all fishing in anadromous waters, or require barbless hooks and no bait. Some objected to the proposal because it makes the rules more complicated.

Some people wrote with specific suggestions for changes on a particular stream. Others commented: do not close all the streams that are not listed only close down the rivers with very low stocks.

Several people supported the concept but thought that further review is needed. They recommended putting off adoption of the proposal for a year.

Modifications: Add selective gear rules to Alma Creek, Bacon Creek, Boulder River, Diobsud Creek, Goodell Creek, Ladder Creek, Newhalem Creek, SF Nooksack River from Maple Creek to Nooksack Falls, Squire Creek, Stillaguamish River, and Suiattle River for protection of juvenile anadromous fish. Remove the catch-and-release restriction from All Creek, Cadet Creek, Elliot Creek, and Falls Creek. Clarify fishery boundaries in Buck Creek, Fisher Slough. Adjust end date of fishery to February 15 for steelhead protection in Canyon Creek (SF Stillaguamish), Skykomish River. Adjust opening date of fishery to 1st Saturday in June for Canyon Creek (Whatcom Co), and Fishtrap Creek (Whatcom Co). Allow retention of up to two hatchery steelhead in Hilt Creek. Add 14" minimum size for trout for sea-run cutthroat protection to Hutchinson Creek. Add first Saturday in June through October season and selective gear rules to Straight Creek. Reinstate fisheries in upper SF Stillaguamish River. Add upper boundary to fishery on Sultan River. Add first Saturday in June

through October 31 season to Sumas River. County references were also corrected on several rivers and streams.

Staff Recommendation: Adopt as modified. Staff feels that it is important to provide additional protection to these juvenile fish now, rather than waiting for another rule cycle.

Commission Action: Adopted as modified.

#24. Freshwater Fish not Classified as Food Fish or Game Fish

Proposal: This proposal would close the harvest of freshwater fish not classified as food fish or game fish.

Explanation: This proposal provides protection of unclassified freshwater fish species from overharvest and also would eliminate the ability of an angler to fish in a body of water without a fishing license.

Testimony:

Several people testified in opposition, stating that we should only close the harvest of fish that need to be protected. We should not close the harvest of invasive non-native species.

Staff Recommendation: Adopt as proposed to close the loophole some anglers are exploiting when they claim to be fishing for an unclassified species and do not need to follow season or gear rules.

Commission Action: Adopted as proposed.

#25. Wild Steelhead Retention Seasons

Proposal: This proposal would change the beginning date for wild steelhead retention seasons on coastal streams from December 1 to February 16 – end dates of these fisheries would not be affected.

Explanation: Moving the starting date of the wild steelhead retention date forward to the middle of February is needed in order to protect the early portion of the run. Run timing is one of the important diversity traits of wild steelhead that helps maintain their total annual abundance and distribution. In the past, these early runs were large and known to migrate higher in the watershed during early high flows and occupy spawning areas not often accessed by later running fish.

Testimony:

Nearly all testimony received was in support of this proposal. Some also asked if retention of hatchery steelhead would still be allowed (It will).

One person thought the fishery should be totally closed (no catch-and-release of wild fish) during this time period.

Staff Recommendation: Adopt as proposed. Wild steelhead retention seasons are only allowed in areas where the population is healthy enough to withstand harvest. Annual harvest is limited to no more than one wild fish per angler per year.

Commission Action: Adopted as proposed.

#26. Tiger Muskie Rules

Proposal: This proposal would make it unlawful to use bait while fishing for tiger muskies.

Explanation: Because of the 50" minimum size limit, the tiger muskie fishery is primarily a catch-and-release fishery. Some anglers are concerned about the potential loss of released fish from hooking mortality if bait becomes a common method of fishing for tiger muskie. The use of bait while fishing for northern pike and muskellunge is popular in the Midwest states. The definition of bait includes the use of scent and/or flavor on any terminal lure.

Testimony:

Several people noted they were against this rule because it would not allow them to use scented lures (which meet the legal definition bait)

Others noted that a "no bait" rule for one species would make the rules complicated and hard to enforce.

Others supported the proposed change, pointing out the value of each tiger muskie to the fishery.

Staff Recommendation: Do not adopt. Testimony on this proposal was mixed, and because it only restricts bait for one species, this rule would be difficult to enforce. Many tiger muskie anglers already chose to fish

without bait, but anglers fishing for other species in tiger muskie lakes could be confused as to what is lawful fishing gear.

Commission Action: rule was not adopted.

Sturgeon

#27. Lower Columbia River Sturgeon Rules Above and Below Wauna

Proposal: This proposal allows for adoption of rules for the 2010 white sturgeon fishery in the Columbia River from Bonneville Dam downstream to the overhead powerline crossing of the Columbia River from Cathlamet, Washington to Wauna, Oregon approximately 40 miles upstream from the mouth (commonly referred to as the Wauna powerlines), and from the powerlines downstream to the mouth.

Opening and closing dates for the retention fishery and the specific days of the week that white sturgeon retention are allowed are contingent upon the annual fall-time resource inventory updates and negotiations with the state of Oregon and will be decided at a Joint State Hearing in December or January, and added to the 2010-2011 Sportfishing Rule Proposal package for recommendation to the Commission.

Explanation: Sturgeon in the lower Columbia River and tributaries downstream from Bonneville Dam are managed under the 3-year sturgeon management agreements between Washington and Oregon. Sturgeon population status, fishing seasons, and regulations are reviewed prior to each year of the 3-year agreement. Columbia River Joint State Hearings are held at the end of each year to set following-year seasons and regulations to keep sturgeon harvest within annual guidelines as defined in the Joint State Accord on Columbia River Sturgeon Fishery Management. These rules also maintain concurrent regulations between Washington and Oregon.

Testimony: none.

Staff Recommendation: Rules for these fisheries have not been finalized and will be adopted through another process.

Commission action: None for this process. These rules were developed and adopted through another process.

#28. Columbia River Sturgeon Rules - Bonneville to McNary Dam

Proposal: This proposal is designed to increase the period that retention of white sturgeon is allowed in the three Columbia River reservoirs between Bonneville and McNary dams.

Explanation: White sturgeon harvest in the three reservoirs between Bonneville and McNary dams is managed using annual pool-specific harvest guidelines based on resource inventories updated every three years. The current guidelines of 300 fish for The Dalles Pool and 165 fish for John Day Pool have resulted in short retention seasons of 2.5 to 3.5 months the past two years. Anglers have expressed frustration with the early closures and would like fisheries to last into the warmer summer months if possible.

The existing season structure allows retention 7-days per week starting January 1 and lasts until each harvest guideline is reached. Possible alternatives include starting the retention fishery later in the year, limiting retention to fewer days each week, or a combination of both.

Region 3 and 5 staff, along with staff from ODFW, will convene a public meeting this fall to solicit input from local anglers on potential fishery options.

Testimony: none.

Staff Recommendation: No rule changes are proposed for these fisheries.

Commission action: None.

#29. Upper Columbia River and Lower Snake River Sturgeon Seasons

Proposal: 1) The Columbia River: from McNary Dam to Priest Rapids Dam is currently open to retention of sturgeon year-round. This proposal would limit sturgeon retention in this part of the river to February 1 - July

31; EXCEPT open to retention February 1 – April 30 from the trolley cableway 2.5 miles downstream from Priest Rapids Dam to Priest Rapids Dam. 2) The Snake River: from its mouth to Ice Harbor Dam is currently open to retention of sturgeon year-round. This proposal would limit sturgeon retention in this area of the Snake River to February 1 - July 31; EXCEPT open to retention February 1 – April 30 from the downstream end of Goose Island to Ice Harbor Dam (1.5 miles).

Explanation: White sturgeon harvest in all Columbia River reservoirs downstream of McNary Dam, and in the lower river below Bonneville Dam is managed on a quota system to prevent over-harvest and maintain healthy populations. All upper Columbia R. reservoirs above Priest Rapids Dam are closed to the retention of sturgeon due to low legal-size adult abundance and/or poor juvenile recruitment from natural spawning. McNary Reservoir (i.e. Lake Wallula) and the lower Snake River reservoirs remain open year-round for retention and are not monitored in-season for harvest. Only fall “Young-of-the-Year” (YOY) juvenile surveys are presently conducted in Lake Wallula to assess natural reproduction/juvenile recruitment. These annual surveys indicate that young sturgeon recruit to the population during most years, but in relatively low numbers. Natural production was particularly strong during 1997-99 (high flow years) in some of the reservoirs, but reservoir conditions have not been suitable to produce large recruitments since that time. In 2007 and 2008, WDFW creel staff increased efforts to record incidental catch/harvest of sturgeon associated with the fall Chinook fishery. Consequently, we estimated that 46 percent of the total sturgeon harvest in Lake Wallula occurs during the Hanford Reach fall Chinook fishery from Aug. 16 – Oct. 22

Based on the limited information from the YOY surveys in Lake Wallula, the apparent decline in recruitment to legal size based on Catch Record Card-reported harvest, and the incidental catch and harvest of white sturgeon during the fall Chinook fishery, we are proposing the sturgeon harvest fishery in the Columbia R. between McNary Dam and Priest Rapids Dam be shortened from year-round to a 6-month season. Retention of legal sturgeon would be open from February 1 to July 31, but be restricted to “catch and release only” from August 1 to January 31. A more restrictive 3-month harvest season (Feb. 1 – Apr. 30) is proposed for a “sturgeon spawning sanctuary” area extending 2.5 miles downstream from Priest Rapids Dam. All sturgeon fishing would be closed in the spawning sanctuary during the May 1 – July 31 spawning season, but would be re-open for “catch and release only” from August 1 to January 31. This addresses a conservation need for “oversize” broodstock sturgeon staging just downstream from the dam to spawn in the spring. These rare and valuable brood fish require increased protection from adverse impacts resulting from excess handling in the recreational fishery, including stress induced reproductive failure and mortality.

We also propose a similar reduction in the retention season in the Snake R. from the mouth to Ice Harbor Dam be shortened from year-round to a 6-month season. Retention of legal sturgeon would be open from February 1 to July 31, but be restricted to “catch and release only” from August 1 to January 31. A more restrictive 3-month harvest season (Feb. 1 – Apr. 30) is proposed for a “sturgeon spawning sanctuary” area extending from Ice Harbor Dam downstream 1.5 miles to the downstream end of Goose Island. All sturgeon fishing would be closed in the spawning sanctuary during the May 1 – July 31 spawning season, but would be re-open for “catch and release only” from August 1 to January 31. This addresses a conservation need for “oversize” broodstock sturgeon staging in the spring to spawn in the Ice Harbor Dam tailwater area.

These reductions in the “retention season” would reduce the overall harvest roughly 50%, while still allowing the fishery to be open during some of the months that generate the highest effort (May-September). Prohibiting sturgeon retention during the fall Chinook fishery would reduce legal size harvest. It may also help reduce illegal retention of sub-legal or over-size fish during the fall Chinook fishery by making enforcement easier when angler effort for salmon is very high.

Testimony:

Most people supported the sanctuary concept and recommended a no-fishing season as well as a catch-and-release season.

Modification: Completely close sanctuary areas to sturgeon fishing May 1 – July 31 rather than just closing retention. This will make the season in the Columbia River from Priest Rapids Dam to the trolley cableway and in the Snake River from Ice Harbor Dam to the end of Goose Island open to sturgeon retention February 1 through April 30, closed to fishing for sturgeon May 1 through July 31, and open to catch-and-release fishing season from August 1 to January 31

Staff Recommendation: Adopt as modified.

Commission Action: adopted as modified.

#30. Shad as Sturgeon Bait

Proposal: This proposal would make it unlawful to use shad as bait while fishing for sturgeon.

Explanation: The intent of this proposal is to provide additional protection for adult broodstock white sturgeon. The key to sustaining a healthy lower Columbia River white sturgeon population is to protect and maintain an adequate broodstock population to ensure continued productivity for long-term sustainability of the entire population. Harvest management is focused on maintaining and protecting the broodstock population through a number of regulatory measures, including harvestable size limits and fishing sanctuaries. Adult white sturgeon congregate in the Columbia River downstream from most of the dams, especially from late spring through the summer. Many of these fish are broodstock sized adults that move to these areas to spawn. The timing of these concentrations coincides with the American shad run. Sturgeon feed on shad and anglers have learned to use whole shad as bait in targeting over legal-size fish to catch and release. Large adult sturgeon inhale whole shad and often end up getting hooked so far down the throat that the hook cannot be removed. Staff conducting weekly surveys for dead sturgeon found that up to 40% of oversize sturgeon carcasses contained hooks in the gut.

Previously enacted conservation measures, including the 2006 expansion of the May-July no-sturgeon-fishing spawning sanctuary downstream from Bonneville Dam 6 miles to Navigation Marker 85, have contributed to an apparent decline in mortality, as borne out by a reduction in the number of carcasses observed during surveys since 2006. However, over 25% of carcasses continue to contain hooks.

Incidental handle of broodstock sized sturgeon does occur in fisheries targeting legal-sized fish throughout the year. However, the use of whole shad is a method that is specifically targeting broodstock sized fish during a biologically sensitive time period and is not associated with fishing aimed at the harvestable component of the population. This method of exclusively targeting large broodstock sized sturgeon is especially popular with guides that widely advertise over-sized target fishing trips in late spring and early summer.

The lower Columbia white sturgeon population has likely experienced reduced productivity in recent years due to significant loss of sturgeon (including large adults) to predation by Steller and California sea lions. The magnitude of this additional impact to the broodstock population is unknown. However, it would be prudent to err on the side of caution in managing for sustainability of a viable broodstock population. A prohibition on shad as bait would reduce impacts to broodstock by eliminating a fishing method that is exclusively focused on handling over-sized sturgeon. Sport fishery opportunity can be maintained as focused on legal-sized fish with over-sized as incidental handle as opposed to an advertised exploitable resource.

Testimony:

Several people noted that nothing can be devised to eliminate the hooking of oversize sturgeon except a total closure of the sturgeon fishery.

If one type of bait is restricted, another will be used.

One person suggested requiring circle hooks.

Several people noted that guides are targeting oversized sturgeon.

Staff Recommendation: Do not adopt. Protection of large broodstock will be addressed with area closures – see above proposal.

Commission Action: Proposal was not adopted.

Freshwater Gear Rules

#31. Columbia River Salmon and Steelhead– Single-Point Barbless Hooks

Proposal: This proposal would retain the anti-snagging rule but would also require anglers to use single-pointed barbless hooks (regardless of gear type) when fishing for salmon and steelhead in the Columbia River from the mouth (Buoy 10) to McNary Dam.

Explanation: Neither the current anti-snagging rule, in effect for anglers fishing for salmon or steelhead in the Columbia River from Bonneville Dam to McNary Dam, nor the proposed revision of the anti-snagging rule require the use of barbless hooks, and both rules also allow the use of multiple-point hooks in some instances. This proposal would require single point barbless hooks whenever fishing for salmon or steelhead in the Columbia River, from the mouth to McNary Dam, allowing easier release of any fish not retained.

Testimony:

We received a lot of testimony in opposition of this proposal. Some questioned the need for the proposal and stated that they would not be able to land salmon or steelhead using single barbless hooks.

Others noted the lack of science backing the claim that barbless hooks make it easier to release fish unharmed.

Several people stated that nets are the problem in the Columbia River, not recreational fishers.

Several people asked what Oregon's rule would be in concurrent waters.

We also received testimony in support of requiring barbless hooks for all salmon fisheries and some favoring dropping the anti-snagging rule.

Some supported the ban on treble hooks but not on barbless hooks.

Modification: Allow the use of treble hooks, but ban the use of barbed hooks for salmon and steelhead effective January 1, 2011. Barbless hook rules are routinely required in a variety of fisheries throughout the state of Washington, including both ocean and freshwater fisheries. In fisheries where barbless hook regulations have been implemented WDFW has not observed any significant changes in catch rates in these same fisheries. While studies have not been completed regarding use of barbless hooks and ease of release of fish, it would be difficult to argue that a barbed hook can be removed as easily as a barbless hook. It does make sense that if a barbless hook is easier to remove from a fish, then it is therefore easier to release that fish because the angler spends less time trying to remove the hook. The date of implementation was chosen to be consistent with Oregon's time frame. Oregon is expected to complete their angling regulation process during the fall of 2010 with an implementation date of January 1, 2011. WDFW choose the January 1, 2011 implementation date for this regulation, rather than the normal May 1, 2010 implementation date, to allow Oregon to complete their formal adoption process that is similar to Washington's. WDFW is hopeful that Oregon's process will result in the adoption of a rule that is consistent with the rule recently adopted by WDFW and we can maintain concurrent regulations in the mainstem Columbia River throughout this process. The barbless hook and the anti-snagging regulations are addressing two different issues. The anti-snagging is focusing on reducing illegal harvest or injury to fish resulting from fish being snagged rather than hooked in the mouth. In contrast the barbless hook regulation is intended to facilitate easier release of fish legally hooked in the mouth.

Staff Recommendation: Adopt as modified.

Commission Action: adopted as modified.

#32. Lead-Tackle on Lakes Where Loons Breed

Proposal: This proposal would make it unlawful to use lead weights weighing less than one half ounce or lead jigs measuring less than 1 ½" in the following freshwater lakes: Ferry Lake, Swan Lake, and Long Lake (Ferry County), Pierre Lake (Stevens County), Big Meadow Lake, Yocum Lake and South Skookum Lake (Pend Oreille County), Lost Lake, Blue Lake and Bonaparte Lake (Okanogan County), Calligan Lake, Hancock Lake (King County), and Lake Hozomeen (Whatcom County).

Explanation: Common loons are currently state listed as a sensitive species with significant questions as to the species' population status. Washington has both breeding populations and wintering populations of common loons. Ingestion of small lead fishing gear has been identified as one of the major causes of loon mortality in WA. Lead toxicosis from fishing tackle was responsible for mortalities in 39% of common loon carcasses recovered in Washington from 1996-2008 (Poleschook & Gumm 2008). Over the past few years, an increasing number of manufacturers have begun offering for sale lead-free sinkers and jigs. This is an incremental step in reducing the availability of lead to loons and the proposal is restricted to lakes in Washington where we have documented common loon breeding.

Testimony:

We received a huge amount of testimony both in support and against this proposal.

Some supported banning the use of small lead sinkers on lakes where loons breed. Some noted that just prohibiting lead sinkers on breeding lakes does not make sense and a total statewide ban is needed. Others thought the minimum size allowed should be 1 oz and greater than 1 inch. Many disagreed with the ban stating that the number of loons killed by ingesting lead sinkers is very small. They stated that more science is needed on the subject. Some thought that this would have a large effect on tackle manufacturers. Some stated that good alternatives to lead weights are available at a reasonable price; others stated that they are not. Many people made the leap from the proposed tackle restriction on 13 lakes to a total ban of lead statewide and testified in opposition to such an action. People sent in articles and papers both in support and in opposition to this rule, and several form letters were developed and sent in multiple times.

Staff Recommendation: Do not adopt. The Commission has asked staff to create an additional process for this proposal.

Commission Action: Not adopted – staff was instructed to follow through with an additional public process for this proposal.

Region 1

#33. Mill Creek (Walla Walla Co)

Proposal: Closed waters from 400 ft below Gose Street Bridge to Bennington Dam.

Explanation: The portion from Roosevelt St upstream to Bennington Dam is a flood control channel with a series of weirs. Fish become stranded in the pool below each of the weirs and the lower portion of this reach dewater. Water temperatures become marginal or critical for ESA listed salmonids. Fish are very vulnerable because of the isolation within pools below weirs. WDFW is working with the USACE and others to improve habitat conditions, but to help protect ESA listed fish and improve their survival in poor habitat conditions the fishery should be terminated.

Testimony:

The Snake River Salmon Recovery Board strongly supported this proposal but requests that it be expanded to include all of Mill Creek and its tributaries.

Modification: based on the testimony above, increase the closed area from the mouth to Bennington Dam.

Staff Recommendation: Adopt as modified. The additional protection offered by the closure to juvenile wild steelhead outweighs the opportunity to catch a limited number of hatchery adults in the lower river.

Commission Action: Adopted as modified.

#34. Sherman Creek (Ferry Co)

Proposal: Change from December 1 – August 31 season to standard stream season (1st Saturday in June through October 31)

Explanation: Originally, protection was sought for returning kokanee broodstock collection. The kokanee hatchery program was not successful, partly because the water was too cold. With the discontinuation of this program, the stream should revert to the statewide stream season.

Testimony: none.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#35. Dayton Pond (Columbia Co)

Proposal: Allow anglers with reduced fee licenses or Designated Harvester Cards to fish the Dayton Juvenile Pond along with juveniles.

Explanation: Some individuals from the public have made this request because it provides easy fishing access within town.

Testimony:

One person was opposed to allowing any adults to fish in the pond.

Staff Recommendation: Adopt as proposed. This pond has good access for physically challenged anglers, and the proposal would only allow a limited number of adults to fish along with the kids.

Commission Action: **Adopted as proposed.**

#36. Lake Roosevelt Kokanee Limit

Proposal: Change the kokanee daily limit from 2 fish to 6, no more than 2 with intact adipose fins.

Explanation: Hatchery fish are available for harvest. This will allow anglers to harvest a larger number of these fish, while still limiting the harvest of wild fish to a maximum of 2.

Testimony:

At the Spokane public meeting, it was clarified that this will continue to be a bonus limit, in addition to the normal 5 trout daily limit

Staff Recommendation: Adopt as proposed.

Commission Action: **Adopted as proposed.**

Region 2

#37. Bonaparte Creek (Okanogan Co)

Proposal: add a CLOSED WATERS section to Bonaparte Creek from the mouth to the falls one mile upstream. Retain standard stream season and daily limits.

Explanation: Juvenile and adult steelhead rear and spawn within the proposed closure area and represent the highest density of steelhead usage within the Okanogan River basin.

Testimony: none.

Staff Recommendation: Adopt as proposed.

Commission Action: **Adopted as proposed.**

#38. Columbia Basin Hatchery Creek (Grant Co)

Proposal: Remove the 8" minimum size for trout in the section open only to juveniles and anglers with a reduced fee license or designated harvester card. Retain daily limit of 3 trout.

Explanation: No minimum size is warranted or advised on this put-and-take fishery from the hatchery outflow to the confluence with Rocky Coulee Wasteway. No significant natural production occurs. Most fish are caught with bait, so the mortality on released fish is high.

Testimony: none.

Staff Recommendation: Adopt as proposed.

Commission Action: **Adopted as proposed.**

#39. Icicle River (Chelan Co)

Proposal: This proposal would close the season on the Icicle River above the Leavenworth National Fish Hatchery rack on September 15 rather than October 31.

Explanation: This proposal will provide added protection (in addition to the selective gear rule which is already in place) to the ESA-listed bull trout that have been observed spawning in the Icicle River.

Testimony:

Several people wrote in opposition to the proposal citing lack of bull trout in the river during the time period mentioned and lack of other stream fishing opportunities in the area.

Several people wrote in support of the proposal to provide more protection for bull trout.

One person thought we should institute a year-round closure to protect bull trout.

Modification: Move the end date of the fishery to September 30. Various surveys have provided conflicting information as to the actual number of bull trout in this area, so it was difficult to assess the species status. Generally, bull trout are most vulnerable when staging for spawning, which occurs primarily in October. The fishery end date was set for the end of September to protect bull trout during this period regardless of their population status.

Staff Recommendation: Adopt as modified.

Commission Action: Adopted as modified.

#40. Methow River

Proposal: From County Road 1535 (lower Burma Rd) to Weeman Bridge – add maximum hook size #10 (1/4" gap point to shank) to the catch-and-release fisheries for all game fish. (No change to winter whitefish fishery).

Explanation: Anglers have been targeting steelhead during the trout fishery, which under permit 1554, had to be closed in 2008 early due to approaching steelhead take limits. The small hook size is intended to cut down on this activity and allow the fishery to remain open.

Testimony:

Some people wrote in support of the proposal.

Others supported the effort to keep the fishery open, but questioned whether the gear restriction would cut down on angler impacts to steelhead. Large hooks may actually catch less small fish, so limiting the hook size does not help. Selective gear rules are already in place, and the restriction on bait is significant.

Some people blamed guides who are targeting the steelhead specifically.

Modification: Do not adopt the gear restriction. Address the problem by closing the catch-and-release fishery early (September 15 rather than September 30) from the Lower Burma Road Bridge to McFarland Creek. This will provide protection while the most fish are in the river.

Staff Recommendation: Adopt as modified.

Commission Action: Adopted as proposed.

#41. Buzzard Lake (Okanogan Co)

Proposal: Last Saturday in April – Oct 31 season. Trout daily limit 1. All species: selective gear rules

Explanation: The proposed rules are intended to produce a quality trout fishery.

Testimony:

One person supported, another suggested a season opening in March,

Staff Recommendation: Adopt as proposed. This lake is not recommended for an early opener because weather conditions generally preclude good fishing before April.

Commission Action: Adopted as proposed.

#42. Lake Chelan Lake Trout Rules

Proposal: Open the northern portion of the lake year round to the harvest of lake trout.

Explanation: The proposed regulation change is primarily designed to assist with controlling numbers of lake trout and to be consistent with lake trout regulations in the southern portion of the lake. It will also be consistent with the proposed year-round season for landlocked salmon. Anglers fishing for salmon will frequently catch lake trout.

Testimony: none.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#43. Lake Chelan Salmon Rules

Proposal: Open both the northern and southern portions of the lake to salmon fishing (under landlocked salmon rules) year-round with a daily limit of one salmon and a minimum size of 15”.

Explanation: Efforts to provide a salmon fishery based on triploid summer Chinook stocking have been successful. Triploid salmon stocked specifically for recreational fishing fish now exist in numbers sufficient to open a year-round fishery. This rule is currently in effect by emergency regulation.

Testimony: none.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#44. Cougar Lake (Okanogan Co) Pasayten Wilderness Area

Proposal: add selective gear rules to Cougar Lake.

Explanation: Selective gear rules will help protect larger bull trout that contribute to the downstream population within the Lost River drainage by reducing hook and release mortality. This also makes the rules concurrent with current Black Lake (Pasayten Wilderness Area) to protect bull trout spawning in Lake Creek.

Testimony:

I strongly support this proposal.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#45. Cougar Lake (Okanogan Co) near Winthrop

Proposal: Add a catch-and release season with selective gear rules April 1- August 31, before the current retention fishery.

Explanation: This would provide additional opportunity, while at the same time providing the current fall/winter catch and keep trout season in Cougar Lake. A regulation similar to Davis, Campbell, Rat, and Green lakes would make for some consistency as well as providing another catch-and-release area. Harvest is usually not enough to impact the spring and summer trout fisheries, since we supplement with additional hatchery trout. Winter harvest is fairly low most years.

Testimony:

All testimony was in support of the proposal.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#46. Desert Lakes (Grant Co) Rules

Proposal: Change the rules for Harris, Sedge, Tern, and Dune lakes (Grant Co) from statewide rules to selective gear rules for all species and a daily limit of one trout.

Explanation: Rehabilitation is planned for fall 2009, and thereafter the waters will return to trout fisheries (this rule, if adopted, would not take effect until May 1, 2010). Selective gear rules would be consistent w/ nearby

Beda Lake. The demand for quality waters is high and these walk-in fisheries would be prime candidates as they currently have no other angler-type following.

Testimony:

Two testified in support, one requested catch and release and selective gear rules.

Staff Recommendation: Adopt as proposed. The proposal includes selective gear rules and a one fish limit, which allows for an angler to keep a fish that is mortally injured. Experience has shown that most anglers at these type of waters rarely keep a fish, and even the harvest of one fish per angler would be inconsequential to the total population.

Commission Action: Adopted as proposed.

#47. Enchantment Park Pond (Chelan Co)

Proposal: Change the name of Enchantment Park Pond to Blackbird Island Pond and change the season from year-round, to July 1 – September 30. Retain “juvenile only” designation.

Explanation: The original Enchantment Park Pond, now named Blackbird Island Pond, has been reconstructed for use as both a hatchery steelhead acclimation pond and juvenile angler pond. From mid-March until June 31 the pond will be used for steelhead acclimation. After all steelhead have left the pond, WDFW will stock trout to provide angling opportunity for juvenile anglers (less than 15 years of age). During the month of October any remaining trout will be removed and the ponds will be readied for the next batch of steelhead in the spring.

Testimony: none.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#48. Fish Lake (Chelan Co)

Proposal: Add a daily limit of 25 perch (currently no daily limit for perch).

Explanation: Historically, anglers enjoyed excellent perch fishing throughout the year at Fish Lake. In recent years anglers have expressed concerns about declining harvest opportunities for perch. The WDFW Warm Water Team surveyed the lake in 2001. The results of this study suggested that perch numbers may have declined due to a combination of factors: 1) competition for forage between young of the year perch and the abundantly stocked hatchery trout fingerlings; 2) predation of young perch by hatchery stocked catchable size trout; 3) disease; and 4) over-harvest. The proposed rule change is recommended to control over-harvest.

Testimony: none.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#49. Rufus Woods Lake

Proposal: On the waters of Rufus Woods Lake or within Designated Fishing Areas, which are located and marked as such on the Colville Reservation shoreline, either a Tribal permit or State License is required. A State License is still required when fishing from the Douglas County shoreline. Year-round season. Trout (includes kokanee) – daily limit 2. Other game fish – statewide rules. Any trout caught using bait must be included as part of daily limit. Only uninjured fish caught using artificial lures or flies with single barbless hooks may be released. Closed to fishing for sturgeon.

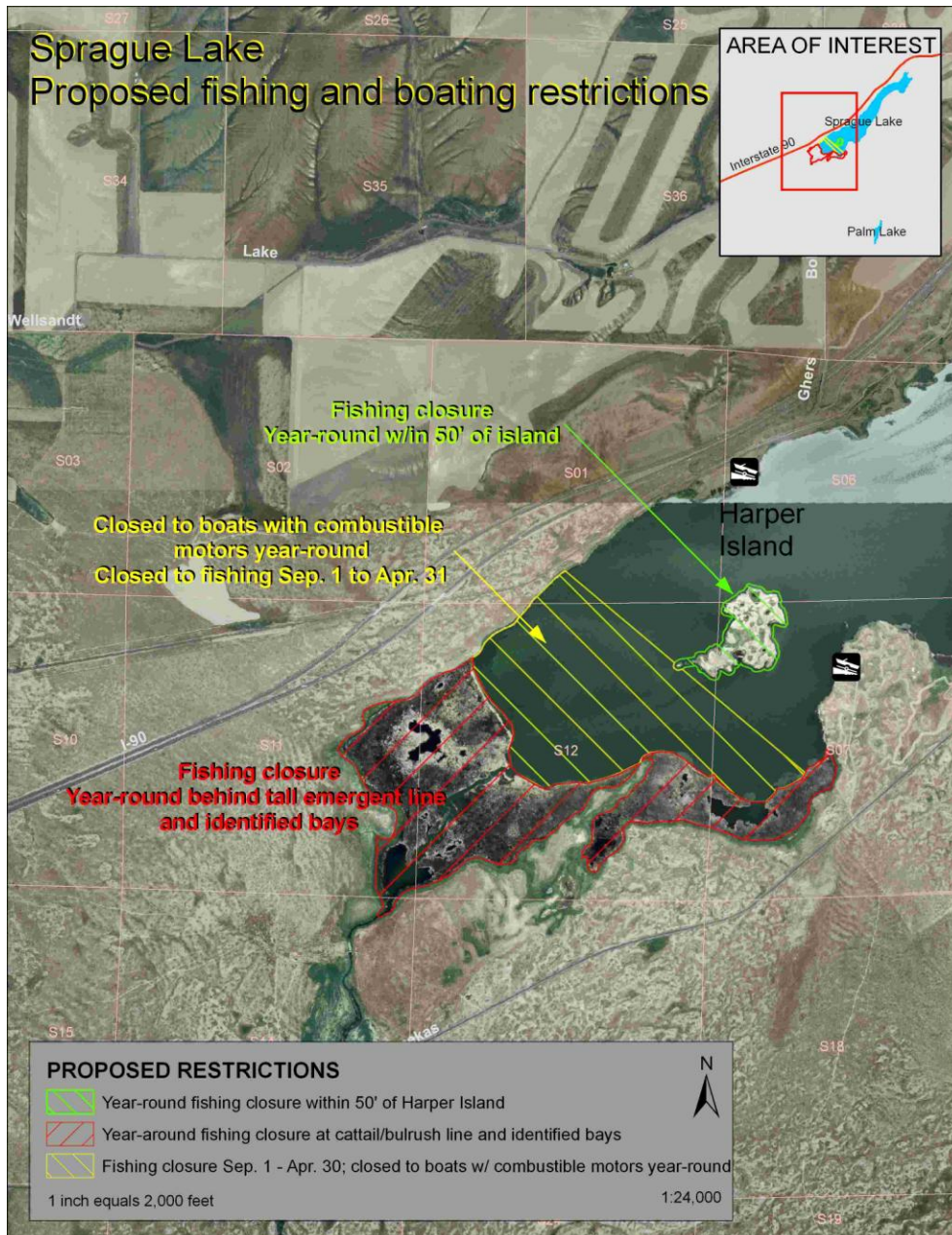
Explanation: These rules are necessary to conform to Colville Tribal regulations for boundary waters, and will allow for better enforcement of rules, reduced hook and release mortality, and enhanced cooperation between Colville Tribal and WDFW personnel.

Testimony:

One person suggested requiring circle hooks rather than artificial lures with barbless hooks.

Staff Recommendation: Adopt as proposed. This rule was negotiated with the Colville Tribe.

Commission Action: Adopted as proposed.



#50. Sprague Lake

Proposal: CLOSED WATERS - Year-round: those waters of Cow Creek, the marsh at the SW end of the lake from the lakeside edge of the reeds to Danekas Rd, the small bay at the SE end of the lake, and those waters within 50' of Harper Island. All waters SW of the SW tip of Harper Island are open to fishing from boats with non-combustible motors only. Proposed Restrictions Sept. 1-April 31: those waters SW of the SW tip of Harper Island closed to fishing. (Figure 1) Note: Closed waters and boat motor restrictions will be indicated by sign and displayed at the public boat launches.

Explanation: The proposed rule change is needed to reduce negative impacts associated with recreational disturbance to breeding waterbirds (particularly grebes and terns) and staging migratory waterfowl (particularly small Canada geese). The Western grebe is a state candidate for listing and populations have been plummeting in recent years. Declines of Western Grebes have been documented on their wintering grounds, particularly in

the Puget Sound region where the Puget Sound Ambient Monitoring Project (PSAMP) and Washington Sea Grant Program have reported 71–95% declines in abundance indices since the 1990s (Coastal Observation and Seabird Survey Team 2009). Sprague Lake is an important breeding area for this species.

Testimony:

One person wrote in support of the proposal.

Modification: After further consultation with our Wildlife program, we recommend to change the start date of the fishing closure in the outer area from September 1 to October 1 and drop the restriction on fishing from a boat with an internal combustion engine. The motor restriction may be addressed by a County rule in the future.

Staff Recommendation: Adopt as modified.

Commission Action: Adopted as modified.

Region 3

#51. Middle Fork Ahtanum Creek (Yakima Co)

Proposal: This proposal would add a CLOSED WATERS section - in the Middle Fork Ahtanum Creek from the A2000 Rd. Bridge at Tree Phones Campground downstream to the A2000 spur road bridge in NE Section 34 (about 3.5 miles).

Explanation: The closed area will protect spawning and rearing bull trout. This rule will establish a long-term conservation zone for protection of this federally listed (ESA) "threatened" species. Resident-type bull trout are struggling to survive in the Ahtanum Cr. basin and need full protection from any indirect (non-targeted) fishing mortality in the primary spawning and rearing area.

Testimony:

The Conservation Committee of the Washington Fly Fishing Club supports -- Proposes a sanctuary zone for bull trout and other spawning species

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#52. Bachelor Creek(Yakima Co)

Proposal: This creek currently has a year-round season and a 5-trout daily limit with no minimum size. This proposal would return Bachelor Creek to the normal stream season (1st Saturday in June – October 31) and normal stream rules for trout (two fish daily limit, minimum size 8").

Explanation: The liberal trout rules, which are geared to lakes, ponds and reservoirs where hatchery fish are stocked, were put in place when WDFW stocked Bachelor Creek. Since stocking stopped, these rules are no longer appropriate for a waterbody that relies on wild trout natural production to support a fishery. The standard season for creeks (1st Sat. in June – Oct. 31) for all species, and the 2 trout daily limit, 8" min. size, are appropriate.

Testimony: none.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#53. Benton County Rivers, Streams, and Beaver Ponds

Proposal: Benton County rivers, streams, and beaver ponds are currently open year-round. This proposal would return these waters to the statewide standard season of the first Saturday in June – October 31.

Explanation: These creeks (Snipes, Spring, Corral and Amon Cr.) support wild resident trout, some steelhead spawning and rearing, and have wild juvenile fall Chinook and coho salmon rearing in the lower reaches. ESA-listed steelhead parr and smolts deserve protection from late fall/early spring fishing mortality provided by delaying the opening of the season until after the smolts have migrated to the Yakima River. The resident trout fishery in these creeks is supported solely by natural production and wild females need an opportunity to spawn once before being subjected to harvest.

Testimony:

One person noted that this should not include the Columbia and Yakima rivers. (Correct – it does not)

One person suggested that since there are ESA-listed fish in these waters and naturally-reproducing rainbows, we should implement selective gear rules for increased protection.

Modification: Add selective gear rules to Snipes, Spring, Corral and Amon creeks for protection of wild steelhead and coho.

Staff Recommendation: Adopt as modified.

Commission Action: Adopted as modified.

#54. Wide Hollow Creek (Yakima Co)

Proposal: This creek currently has a 5-trout daily limit with no minimum size. This proposal would return Wide Hollow Creek to the normal stream rules for trout (two fish daily limit, minimum size 8"). It would also designate Wide Hollow Creek as a "juvenile only" water.

Explanation: WDFW no longer stocks hatchery trout into Wide Hollow Cr. (last stocked in 2005---primarily to benefit juvenile anglers).The liberal trout species rules, which are geared to lakes, ponds and reservoirs where hatchery fish are still stocked, are no longer appropriate for a waterbody that relies on wild trout natural production to support a fishery.

Wide Hollow Cr. is a small, urban stream that flows from West Valley through the City of Yakima and City of Union Gap before entering the Yakima River. It flows through two public parks and the backyards of many private residences, affording youth anglers an opportunity to learn to fish without having to travel out-of-town. In many ways it is similar to Mercer Cr. and Wilson Cr. within the Ellensburg city limits, which have long been designated for "juvenile anglers only". Wide Hollow Cr. is a prime candidate for this same designation.

Testimony: none.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#55. Powerline Lake (Franklin Co)

Proposal: Change trout daily limit from 5 fish to 2.

Explanation: Powerline Lake (50 acres) has recently replaced Railroad Pond as WDFW's Franklin County "quality trout lake" after public access to Railroad Pond was lost. WDFW began stocking triploid rainbow trout in Powerline Lake in 2007. The triploid rainbows appear to survive well and have provided a good fishery throughout the year. Because the number of triploids that can be stocked annually is limited, the statewide standard 5 trout daily limit is excessive and can lead to rapid depletion of the population. No other trout (i.e. standard hatchery "catchables") are stocked during the year. Trout fry are not stocked because Powerline Lake is managed as a "mixed stock" lake, which also supports warmwater fisheries for largemouth bass, black crappie and yellow perch. To spread out distribution of the triploid trout harvest among anglers and to provide for fall fishing opportunity and/or carryovers into the following year, we propose to reduce the daily trout limit to two fish.

Testimony:

One person suggested a daily limit of 1 fish.

Staff Recommendation: Adopt as proposed. We think that the triploids will provide a good fishery with a 2-fish daily limit. If this proves not to be the case, we can lower the limit in the future.

Commission Action: Adopted as proposed.

#56. Wenas Lake

Proposal: return to the standard trout daily limit of 5. (current rule sets a limit of 2 brown trout within the 5 trout daily limit).

Explanation: WDFW no longer stocks hatchery trout (rainbow or brown trout) into Wenas Lake. The special rule limiting the take of brown trout is no longer needed.

Testimony: none.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

Region 4

NOTE: The majority of the proposals for changes to stream fisheries in Region 4 are found in the stream strategy spreadsheets.

Wild Steelhead Protection

The following proposals for earlier closing dates on the Nooksack River and forks, Pilchuck Creek, Pilchuck River, Raging River, Skykomish River, Snohomish River, Snoqualmie River, and Stillaguamish River are all intended to provide more protection for wild steelhead present in these rivers. Most hatchery steelhead will have cleared these areas by the middle of February, so anglers are fishing for wild fish (catch-and-release) until the end of the month under current rules. These proposals are included in the spreadsheets for the proposed new stream strategy, and are also in line with the Statewide Steelhead Management Plan's Recreational Fishery Management Guidelines.

Testimony:

Several people wrote in opposition to the early closure of these rivers, objecting to the loss of fishing opportunity on hatchery fish.

Several people requested more restrictions on tribal harvest of wild steelhead.

#57. Nooksack River, NF,SF,MF (Whatcom Co)

Proposal: This proposal would close the fisheries in the Nooksack River, including the North Fork, Middle Fork and South Fork on February 15 rather than the current February 28.

Testimony:

Several people wrote in support of the proposal.

Others opposed it, stating that there are still hatchery fish (and very few wild fish) in the river to be caught through the end of February and they should be removed.

Staff Recommendation: Adopt as proposed. We feel these measures are necessary for the protection of wild steelhead, while still allowing anglers to harvest hatchery fish through mid-February.

Commission Action: **Adopted as proposed.**

#58. Pilchuck Creek (Snohomish Co)

Proposal: This proposal would close fisheries in Pilchuck Creek from the mouth to the Highway. 9 Bridge on February 15 rather than the current February 28.

Testimony:

All testimony was in support.

Staff Recommendation: Adopt as proposed.

Commission Action: **Adopted as proposed.**

#59. Pilchuck River (Snohomish Co)

Proposal: This proposal would close fisheries in the Pilchuck River from the mouth to 500' downstream of the Snohomish city diversion dam February 15 rather than the current February 28.

Testimony:

All testimony was in support.

Staff Recommendation: Adopt as proposed.

Commission Action: **Adopted as proposed.**

#60. Raging River

Proposal: This proposal would close fisheries on the Raging River on February 15 rather than the current February 28.

Testimony:

All testimony was in support.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#61. Skykomish River

Proposal: This proposal would close fisheries on the Skykomish River from the mouth to the mouth of the Wallace River on February 15 rather than the current February 28.

Testimony:

Most testimony was in support

One person objected to losing time on the river and asked for catch-and-release fisheries for steelhead in March and April to generate revenue from licenses.

Staff Recommendation: Adopt as proposed. We feel these measures are necessary for the protection of wild steelhead, while still allowing anglers to harvest hatchery fish through mid-February. **Commission Action:** Adopted as proposed.

#62. Snohomish River

Proposal: This proposal would close fisheries on the Snohomish River on February 15 rather than the current February 28.

Testimony:

Most testimony was in support

One person objected to losing time on the river and asked for catch-and-release fisheries for steelhead in March and April to generate revenue from licenses.

Staff Recommendation: Adopt as proposed. We feel these measures are necessary for the protection of wild steelhead, while still allowing anglers to harvest hatchery fish through mid-February. **Commission Action:** Adopted as proposed.

#63. Snoqualmie River

Proposal: This proposal would close fisheries on the Snoqualmie River from the mouth to the boat launch at Plumb on February 15 rather than the current February 28.

Testimony:

Most testimony was in support

One person objected to losing time on the river and asked for catch-and-release fisheries for steelhead in March and April to generate revenue from licenses.

Staff Recommendation: Adopt as proposed. We feel these measures are necessary for the protection of wild steelhead, while still allowing anglers to harvest hatchery fish through mid-February. **Commission Action:** Adopted as proposed.

#64. Stillaguamish River

Proposal: This proposal would close fisheries on the Stillaguamish River from Marine Drive to the Forks on February 15 rather than the current February 28.

Testimony:

Most testimony was in support

One person objected to losing time on the river and asked for catch-and-release fisheries for steelhead in March and April to generate revenue from licenses.

Staff Recommendation: Adopt as proposed. We feel these measures are necessary for the protection of wild steelhead, while still allowing anglers to harvest hatchery fish through mid-February. **Commission Action:** Adopted as proposed.

#65. Skagit River

Proposal: This proposal would make three changes in the Skagit River fishing rules: 1) from the mouth to Highway 536, the selective gear rules would be put into place February 15 rather than the current March 1; 2) the retention fishery in all sections of the river from Highway 536 to the Cascade River currently close March 15. This proposal would close these fisheries on February 15. The catch-and-release fisheries from the Dalles Bridge to the Cascade would then begin February 16 instead of the current March 16; 3) From Highway 536 to the Dalles Bridge, Feb 16 – March 15 selective gear rules and catch and release except up to 2 hatchery steelhead may be retained. Lawful to fish from a floating device equipped with a motor, but not while under power.)

Explanation: the February 15 closure of the retention fisheries and earlier application of selective gear rules provide protection for wild stocks (see proposals above). The additional catch-and-release fishery (except up to two hatchery steelhead may be retained) can be offered because of the other measures put in place to protect wild fish.

Testimony:

Most testimony was in support of the proposal.

Others opposed it, stating that there are still hatchery fish (and very few wild fish) in the river to be caught through the end of February and they should be removed. There is already wild steelhead release in effect. One person stated that the rules are already too restrictive and should be relaxed.

Staff Recommendation: Adopt as proposed. We feel these measures are necessary for the protection of wild steelhead, while still allowing anglers to harvest hatchery fish through mid-February. **Commission Action:** Adopted as proposed.

#66. Green/Duwamish River Wild Steelhead

Proposal: This proposal would close the retention of wild steelhead on the Green/Duwamish River.

Explanation: An exception to the statewide wild retention regulation was initially made for the Green because there were substantial numbers of unmarked non-native summer-run steelhead in the Green River. In recent years, catches of unmarked summer-run steelhead have declined substantially.

Testimony:

Testimony was all in support of this proposal.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#67. Beaver Lake (King Co)

Proposal: Change trout daily limit to 5 fish, no more than 2 over 15”.

Explanation: This proposal is intended to spread out the catch of jumbo trout that are planted in Beaver Lake each November, making the fishery last longer into the winter.

Testimony:

Testimony supported the proposal.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#68. Blackman's Lake (Snohomish Co)

Proposal: This proposal would change the daily limit for trout in Blackman's Lake from 5 to 3.

Explanation: The Snohomish Sportsman's club spends thousands of dollars annually stocking Blackman's with triploid trout. A reduction in the bag limit would ensure that the sport fishing community would get the maximum benefit from these fish. Many of the triploids planted weigh several pounds, and provide a satisfactory fishing experience at 3 fish. Blackman's offers three public fishing docks which are utilized by juvenile fishermen and anglers with disabilities. The reduced daily limit would offer anglers a better chance at catching triploids by spreading out the catch.

Testimony:

All testimony supported the proposal.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#69. Monte Cristo Lake (Snohomish Co)

Proposal: This proposal would set the season for Monte Cristo Lake as the first Saturday in June –Aug 31st, and catch-and-release for all species, except up to two hatchery steelhead may be retained.

Explanation: This body of water is essentially a wide pool in the South Fork of the Sauk River. Current rules allow trout harvest in this pool through October, inconsistent with the intent of other regulations on the South Fork Sauk. Regulations were changed on the South Fork Sauk River above Elliot Creek in 1995 to protect Bull Trout, and changed again in 2007 to catch and release, selective gear rules, but this "lake" was not included in the change. This change will make the regulations consistent in the South Fork Sauk River above Elliot Creek.

Testimony: none.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#70. Rattlesnake Lake (King Co)

Proposal: This proposal would change the season on Rattlesnake Lake from the last Saturday in April to October 31 to open year round. The selective gear rules restriction would apply, and the fishery would become catch-and-release for all species.

Explanation: We received several public proposals to make Rattlesnake Lake a catch-and-release fishery, and open to fishing year-round. Some proposals were for a fly-fishing-only lake. We are proposing to retain the selective gear rules restriction, but change to catch-and-release and open year-round.

Testimony:

A large amount of testimony was received in support of the proposal.

One person supported a year round fishery but asked for a one fish limit.

Staff Recommendation: Adopt as proposed. The catch-and-release rule will help this lake develop into a quality fishery by not allowing all the large fish to be harvested.

Commission Action: Adopted as proposed.

Region 5

#71. Green River (Cowlitz Co)

Proposal: This proposal opens the area above Miners Creek to a catch-and-release fishery with selective gear rules.

Explanation: This proposal would create a fishery within the Mt. St. Helens National Volcanic Monument, while providing recreational opportunity in a key recreation area adjacent to Green River Horse Camp and the Green River Trail.

Testimony:

Testimony was in support of the proposal –noted that Eastern brook trout could be retained.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#72. Wind River and Drano Lake Anti-Snagging Rule

Proposal: This proposal would remove the anti-snagging rule from the Wind River from mouth (boundary line/markers) to the Burlington-Northern Railroad Bridge and Drano Lake from the Hwy. 14 Bridge to markers on points of land downstream and across from the Little White Salmon National Fish Hatchery during the spring Chinook fishery (March 16 through June 30.)

Explanation: The Fish and Wildlife Commission recently adopted the replacement of the non-buoyant lure restriction with the anti-snagging rule. Under permanent regulations, both Wind River and Drano Lake had the non-buoyant lure restrictions, which would have become the anti-snagging rule.

During the recent North of Falcon process, the department proposed a test to remove the upcoming anti-snagging rule during the spring Chinook fishery in some areas. Floating lures are commonly trolled in these locations and the new anti-snagging rule would have required anglers to replace them with single pointed hooks.

Based upon public response at the North of Falcon process, the department moved forward with the test. Snagging did not become a problem this spring; therefore the department is proposing to permanently remove the anti-snagging rule during the spring Chinook fishery in these areas.

The anti-snagging rule will still be in place on May 1 on the Wind River from the Burlington-Northern Railroad Bridge upstream. Spring Chinook are susceptible to snagging in the river itself, and during the fall salmon fisheries at Wind River and Drano Lake.

Testimony:

Most testimony was in support of this rule. Some asked for it to be put in effect year-round.

Staff Recommendation: Adopt as proposed. We do observe snagging problems during the fall time frame, but not the spring time frame. Due to the nature of the fishery – gear used and fishing methods employed - the rule is not necessary during the spring time frame. The rule does need to be in effect during the fall time period to protect fall Chinook listed under the federal ESA

Commission Action: Adopted as proposed.

#73. Drano Lake Bank Fishery

Proposal: The area around the outlet of Drano Lake (west of a line projected from the eastern most pillar of the Highway 14 Bridge to a posted marker on the north shore) will be limited to bank fishing only from April 16

through June 30.



Explanation: Over the last several seasons, the department has received numerous concerns about bank and boat interactions near the outlet of Drano Lake during spring Chinook fisheries. Bank fishing is limited in the lake and the outlet is a popular and productive area for both bank and boat anglers. In spring 2008, the department opened the adjacent mainstem Columbia to bank fishing only to provide additional opportunity and reduce conflicts just inside the lake. That effort had only minimal success because of limited access and prevalent windy conditions.

During the recent North of Falcon process, the department proposed a test to reduce the bank and boat conflicts by limiting the immediate area near the outlet of Drano Lake to bank fishing only during the spring Chinook fishery. This was done by emergency rule. A similar bank fishing area at the mouth of the White Salmon River has been successful in reducing bank and boat conflicts. Based upon public response during this test, the department decided to propose making this rule permanent.

NOTE: The remainder of Drano Lake will remain open to fishing from boats and the bank. The bank-only area will be in place only during the spring Chinook fishery. The adjacent mainstem Columbia from Bonneville Dam to the Tower Island power lines (located about 6 miles below The Dalles Dam) remains open to fishing for hatchery salmon, hatchery steelhead, and shad from the bank through April.

Testimony:

Most testimony was in support. One person did not think the rule worked well last year.

Staff Recommendation: Adopt as proposed. Our enforcement officers thought this rule worked well last year when put into effect by emergency rule.

Commission Action: Adopted as proposed.

#74. Merrill Lake (Cowlitz Co)

Proposal: This proposal would add a catch-and-release rule to the fly-fishing-only rules in Merrill Lake.

Explanation: Merrill Lake is a fly-fishing-only lake. It has been stocked with triploid trout, and most fishermen currently practice catch-and-release at this lake. Catch-and-release may also help to curtail some of the poaching going on.

Testimony:

Testimony was all in support of this rule.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#75. Spirit Lake (Cowlitz Co)

Proposal: Open by limited-entry drawing, Saturdays only June 15 - October 31. Catch-and-release and selective gear rules. Fishing from a floating device or from designated bank areas only.

Explanation: This fishery is contingent on the U.S. Forest Service allowing public access. The Department has requested that U.S Forest Service allows access for this limited fishery that would provide anglers with a special fishing opportunity on a population of large trout, and is hopeful that an agreement can be reached.

Testimony:

355 identical Postcards and 13 e-mails received in a campaign against this proposal. They felt the area should be left undisturbed and noted other fishing opportunities nearby. Also felt it would jeopardize the scientific studies to allow anglers into the area. Others sent in testimony echoing one of more of these points.

Many wrote in support of the proposal, and noted that they have been working on trying to get this fishery open for several years.

Staff Recommendation: Do not adopt until agreement can be reached with USFS.

Commission Action: Proposal was not adopted.

#76. Swift Reservoir (Skamania Co)

Proposal: This proposal would extend the end date of the fishery in Swift Reservoir from October 31 to November 30.

Explanation: In the past, the department planted the reservoir annually with 800,000 fingerling rainbow trout. We closed the water after October to reduce handling of these small fish. Several years ago we changed the program to 60,000 catchable sized rainbow trout, planted in the spring before the opener. We have found that these fish have created an additional excellent fall fishery. They have attained additional growth and are providing a high catch rate.

In 2008 the opener of the reservoir was delayed until Memorial Day weekend due to a heavy snowpack and a very low water level. Because of the late opener the season was extended by emergency regulation through November. Anglers found this additional month of fall fishing to be excellent.

Testimony:

Testimony supported this proposal, with one person suggesting having the reservoir open all year. One person cautioned that boat launches will be less available in November.

Staff Recommendation: Adopt as proposed. Boat launch availability will largely be driven by weather conditions. In years with early heavy snowfall access will be limited. There will also be some impact to boat ramps through the drawdowns in preparation for winter flood storage needs. WDFW is attempting to maximize harvest opportunities on rainbow trout stocked specifically to support a sport fishery. A portion of the fish stocked early in the year survive into the late fall and have grown significantly in size. These large size fish provide a high quality fishery late in the year when most other trout fisheries are over. This regulation was tested via an emergency regulation in 2009 and WDFW received a lot of positive comments regarding the fishery, including many requests to continue this season for future years. WDFW did put out a news release in

2009 that described this new fishery and made it clear the availability of boat ramps would be weather dependent.

Commission Action: Adopted as proposed.

#77. Yale Reservoir (Cowlitz Co)

Proposal: This proposal would add landlocked salmon rules to Yale Reservoir.

Explanation: Landlocked Chinook are present in Yale Reservoir. This will allow anglers to harvest them as part of their daily limit of five trout (kokanee limit remains separate).

Testimony:

PacifiCorp is opposed to implementing this regulation at this time – too early in the reintroduction process.

Staff Recommendation: Adopt as proposed. Currently there is no juvenile passage out of Yale Reservoir or adult passage into Yale reservoir. Chinook salmon present in Yale Reservoir are truly landlocked fish, due to the lack of adult or juvenile passage out of the reservoir. Chinook presence in Yale Reservoir is the result of production from the upper basin moving into Yale Reservoir and becoming trapped. These landlocked Chinook salmon are providing no benefit to recovery or reintroduction efforts in the basin at this time. When adult and juvenile passage facilities are completed for Yale Reservoir WDFW expects to eliminate this rule and revert to salmon regulations that are consistent with reintroduction efforts in the basin.

Commission Action: Adopted as proposed.

Region 6

NOTE: The majority of the proposals for changes to stream fisheries in Region 6 are found in the stream strategy spreadsheets.

#78. Hoko River Wild Steelhead (Clallam Co)

Proposal: This proposal would remove the special rule allowing anglers to harvest wild steelhead from the Hoko River.

Explanation: Though escapements to the Hoko River are not yet consistently under the goal of 400, the last two years have been illustrating a trend of declining abundance. Removing wild retention in the Hoko will not result in large savings - sport catch of wild steelhead has also dropped off in recent years, averaging less than 12 fish over the past 4 years. However, this is again an indication of a reduced return of wild steelhead to a small river system, indicating the need for a more cautious management approach.

The small plants of early timed hatchery steelhead into nearby streams in the Strait (Pysht, Clallam, and Lyre) are being terminated by WDFW. The reduced opportunity on hatchery stocks in the area may focus greater fishing pressure on the Hoko wild stock in the future.

Testimony:

Testimony was in support of this proposal. Some also requested no wild steelhead harvest statewide.

Staff Recommendation: Adopt as proposed. Closing harvest of wild steelhead statewide is beyond the scope of this proposal. Areas open to harvest are limited to those with populations that are robust enough to withstand limited harvest, and each angler is limited to no more than one wild fish per year.

Commission Action: Adopted as proposed.

#79. Minter Creek Night Closure (Mason Co)

Proposal: This proposal would add a night closure to Minter Creek during the salmon fishery taking place from the mouth to the fishing boundary markers about 50' downstream of the hatchery rack from November 1 through December 31.

Explanation: This proposal was requested by our enforcement officers who state that: "Poaching at this little creek is very prolific."

Testimony:

Some people testified in support of this proposal, others were unhappy with closing this area at night and didn't feel it was warranted.

Staff Recommendation: As the request came from our Enforcement officers, we recommend that it be adopted as proposed.

Commission Action: Adopted as proposed.

#80. Pysht River Wild Steelhead (Clallam Co)

Proposal: This proposal would remove the special rule allowing anglers to harvest wild steelhead from the Pysht River.

Explanation: In the 21 years prior to 2005, escapement of steelhead to the Pysht in the index areas monitored never failed to meet or exceed the escapement goal of 200. Escapements to these index areas since 2005 (the last four years of data), have all been under the escapement goal. Removing wild retention in the Pysht will not result in large savings - sport catch of wild steelhead has dropped off in recent years, averaging only 4 fish over the past 4 years. However, this is again an indication of a reduced return of an already small stock, and the need for a more cautious management approach.

The small plant of early timed hatchery steelhead into the Pysht River (10,000 smolts) is being terminated by WDFW as a cost saving measure, along with the steelhead plants into the Clallam and Lyre rivers. The reduced opportunity on hatchery stocks in the area may focus greater fishing pressure on the wild stocks in the near future, at a time when they are struggling.

Testimony:

Testimony was in support of this proposal. Some also requested no wild steelhead harvest statewide.

Staff Recommendation: Adopt as proposed. Closing harvest of wild steelhead statewide is beyond the scope of this proposal. Areas open to harvest are limited to those with populations that are robust enough to withstand limited harvest, and each angler is limited to no more than one wild fish per year.

Commission Action: Adopted as proposed.

#81. Gray Wolf River (Clallam Co)

Proposal: This proposal would make the fishery on the Gray Wolf River from the bridge one mile above Dungeness Forks Campground to the Olympic National Park boundary catch-and-release with selective gear rules.

Explanation: This change was put in place this summer by emergency rule for protection of summer steelhead stocks recently listed as "threatened" under ESA. This proposal would make the change a permanent rule. It is also included in the spreadsheets for the proposed new stream strategy.

Testimony:

Testimony was in support of this proposal, but it will need to be enforced.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

Protection for Coastal Steelhead Stocks

The following changes to the Bogachiel, South Fork Calawah, Hoh, and Sol Duc rivers are intended to provide an additional measure of protection to steelhead stocks in these streams. Although coastal stocks were not listed under ESA as those in Puget Sound were, we propose to take a more conservative approach to the management of these stocks as well.

Testimony:

Testimony was in support of these proposals as a group.

#82. Bogachiel River(Clallam Co)

Proposal: This proposal would add selective gear rules on the Bogachiel River from the Highway 101 Bridge to the Olympic National Park boundary from the 1st Saturday in June through November 30.

Testimony:

Testimony was in support of this proposal. Some people also recommended year-round catch-and-release.

Staff Recommendation: Adopt as proposed. Areas open to harvest are limited to those with populations that are robust enough to withstand limited harvest, and each angler is limited to no more than one wild fish per year.

Commission Action: Adopted as proposed.

#83. South Fork Calawah River(Clallam Co)

Proposal: This proposal would add selective gear rules on the South Fork Calawah River from the 1st Saturday in June through November 30.

Testimony:

Testimony was in support of this proposal. Some people also recommended year-round catch-and-release.

Staff Recommendation: Adopt as proposed. Areas open to harvest are limited to those with populations that are robust enough to withstand limited harvest, and each angler is limited to no more than one wild fish per year. **Commission Action:** Adopted as proposed.

#84. Hoh River(Clallam Co)

Proposal: This proposal would make the fishery on the Hoh River from the Highway 101 Bridge to the Olympic National Park boundary selective gear rules and catch-and-release except up to two hatchery steelhead may be retained.

Testimony:

Most testimony was in support of this proposal. Some people also recommended year-round catch-and-release.

One person objected, stating that the Hoh tribe already harvests more than their share and recreational anglers should not be further restricted.

Staff Recommendation: Adopt as proposed. Areas open to harvest are limited to those with populations that are robust enough to withstand limited harvest, and each angler is limited to no more than one wild fish per year.

Commission Action: Adopted as proposed.

#85. Sol Duc River(Clallam Co)

Proposal: This proposal would make the fishery on the Sol Duc River from the Highway 101 Bridge downstream of Snider Creek to the Olympic National Park boundary catch-and-release with selective gear rules except up to two hatchery steelhead may be retained.

Testimony:

Testimony was in support of this proposal. Some people also recommended year-round catch-and-release.

Staff Recommendation: Adopt as proposed. Areas open to harvest are limited to those with populations that are robust enough to withstand limited harvest, and each angler is limited to no more than one wild fish per year.

Commission Action: Adopted as proposed.

#86. Alder Lake Kokanee (Thurston Co)

Proposal: Change the trout daily limit on Alder Lake to: kokanee not included in daily limit. Kokanee daily limit 10. The daily limit for other species of trout would remain at 5.

Explanation: As part of a mitigation program, kokanee are stocked into Alder Lake. The bonus limit seeks to increase interest and participation.

Testimony:

Testimony was in support of this proposal.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#87. Capitol Lake (Thurston Co)

Proposal: This proposal opens Capitol Lake year-round. The rules would include catch and release for trout with selective gear rules for all species except that anglers may use bait and barbless hooks while fishing for salmon Sept. 1st -Oct 15th.

Explanation: Capitol Lake was historically stocked with catchable trout annually but the practice was discontinued in the 1990's. Waters upstream from the lake are managed as a quality catch-and-release fishery. The current rules for the lake are inconsistent with management objectives in the Deschutes River. Catch and release mortality (associated with bait and barbed hooks) of sub-legal fish may be limiting the recruitment of larger fish to the quality fishery. The addition of selective gear rules should lessen this mortality considerably.

Testimony:

Several different people, clubs, and groups testified, all in support of this proposal.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#88. Munn and Susan Lakes (Thurston Co)

Proposal: This proposal would open Munn and Susan lakes to a year-round catch-and-release fishery with selective gear rules.

Explanation: There is currently no year-round selective fishing opportunity on lowland lakes in South Puget Sound (Pierce or Thurston Co.). Creel surveys conducted this year indicated that substantially more anglers participated in the catch-and-release fishery than during the harvest season. Additionally, several of the local fly fishing clubs verbally agreed to purchase fish to be stocked into the lake at various times during the year.

Testimony:

We received a large amount of testimony in support of this proposal, both from individual anglers and from angling groups.

Three people wrote to say that they supported some sort of a kill fishery for part of the year, either for trout or for warmwater fish.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#89. South Sound Lakes (Pierce, Mason, Kitsap Jefferson, and Thurston Co)

Proposal: This proposal would change the trout limit in American, Clear, Carney, Crescent, Kapowsin, Ohop, Rapjohn, Silver, Spanaway, Steilacoom and Tanwax lakes in Pierce County; Aldrich, Benson, Clara, Devereaux, Hatchery, Haven, Howell, Isabella, Island, Kokanee, Lost, Maggie, Nahwatzel, Panhandle, Phillips,

Robbins, Spencer, Tee, Tiger, Trails End, Twin, Wood, and Wooten lakes in Mason County; Buck, Horseshoe, Island, Kitsap, Mission, Panther, Wildcat, and Wye lakes in Kitsap County; Leland, Ludlow, Sandy Shore, Silent, and Tarboo lakes in Jefferson County; and .: Summit, Clear, Ward, Long, Pattison, Hicks, Deep, McIntosh, Black, St. Clair, and Lawrence lakes in Thurston County to: daily limit 5, no more than 2 over 14” may be retained, except no minimum size for kokanee.

Explanation: In response to angler requests for larger fish, WDFW’s Eells Springs Hatchery will begin producing additional jumbo (>14”) rainbow trout in 2010. In order for the overall cost and hatchery space required to remain the same, fewer catchable (8-10”) rainbow trout will be produced. The intent of the proposal is to provide a quality fishing experience, spread out the harvest of the jumbo (>14”) rainbow trout across more anglers, and possibly result in less high-grading (and potential release mortality). The minimum size is not necessary for kokanee because they are planted as fry and enter the fishery as a group that is all much the same size.

Testimony:

Testimony was in support, but noted that the size limit should not apply to kokanee.

Modification: Make it clear that there is not size restriction for kokanee.

Staff Recommendation: Adopt as modified.

Commission Action: Adopted as modified.

#90. Stump Lake (Mason Co)

Proposal: This proposal would make the trout daily limit in Stump Lake 5, with no more than two fish over 15”.

Explanation: The reduced daily limit for 2 fish over 15” from a total daily limit of 5 fish is intended to extend the time these fish are available for harvest.

Testimony: none.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#91. Lake Symington (Kitsap Co)

Proposal: This proposal will add a season from the 1st Saturday in June through Oct 31 to Lake Symington, with selective gear rules for all species, and catch-and-release for trout.

Explanation: Lake Symington and Big Beef Creek above Lake Symington provide spawning and rearing habitat for ESA-listed wild steelhead. The lake is not currently stocked with any hatchery-reared trout. In addition, Big Beef Creek is one of four study streams in the Hood Canal Intensively Monitored Watersheds (IMW) project. The IMW project, conducted by WDFW, is a long-term study that compares salmonid survival before and after restoration. Survey and trapping data are collected annually on Big Beef Creek. Harvest of wild salmonids will affect study outcomes and data quality.

Testimony: none.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#92. Tarboo Lake (Jefferson Co)

Proposal: This proposal would give Tarboo Lake the standard “Opening Day” season of the last Saturday in April through October 31 and remove the landlocked salmon rules.

Explanation: The salmon season was originally implemented because we intended to release surplus coho adults from Quilcene National Fish Hatchery into the lake to provide a fishery. However, due to potential health risks to fish in Tarboo Creek, these releases will not take place. The proposal would return the season to Last Saturday in April – Oct. 31, consistent with other Opening Day lowland lakes in the area.

Testimony: none.

Staff Recommendation: Adopt as proposed.
Commission Action: Adopted as proposed.

Housekeeping

#93. Housekeeping Change to Selective Gear Rules Definition

Proposal: This proposal would remove the restriction of fishing from a floating device equipped with an internal combustion engine from the definition of selective gear rules. All other provisions would remain unchanged. The internal combustion restriction would be added separately to areas where it is currently in force.

Explanation: The selective gear rules definition was developed to include a suite of restrictions that were put in place where to provide a “quality fishing” experience in our fisheries for game fish. However, selective gear rules are now also being used to reduce impacts on non-target species. The restriction on the use of bait, requirement for knotless nets, and requirement for single-point barbless hooks, are all tools that we use to increase the survival of released fish. If this proposal is adopted, areas that currently have the selective gear rule will keep the restriction on fishing from a floating device equipped with an internal combustion engine.

Testimony:

Some people were confused by this proposal, but no one testified against it.

Staff Recommendation: Adopt as proposed.
Commission Action: Adopted as proposed.

#94. References to “Disability License”

Proposal: Remove WAC and pamphlet references to “Disability License” and replace them with “reduced fee license or designated harvester card.”

Explanation: There is no such thing as a “Disability License.” The intent of these rules is to allow anglers who have a reduced fee license or those who have a designated harvester card to be able to fish in the designated areas, and allow these anglers to fish with a hand-operated gate on a dip net while fishing for forage fish.

Testimony: none.

Staff Recommendation: Adopt as proposed.
Commission Action: Adopted as proposed.

Marine Area 8-2 Description

Proposal: Update the reference to the light referenced in the boundary description to refer to light #4 in Camano Island.

Explanation: This is not a change to the boundary; just an update to make sure the correct light is referenced. The correct description of the boundary should read: Area 8-2 (Port Susan and Port Gardner): East of a line from the East Point Light on Whidbey Island to the Saratoga Pass Light #4 on Camano Island (FI red 4 sec.) and north of a line from the south tip of Possession Point 110 degrees true to a shipwreck on the opposite shore.

Testimony: none.

Staff Recommendation: Adopt as proposed.
Commission Action: Adopted as proposed.

#95. Housekeeping Change to Oyster Rules

Proposal: This proposal will remove conflicting language from the rules and make it clear that oysters must be shucked before they are removed from the intertidal zone and the shells replaced on the tidelands at the approximate tide level from which they were taken.

Explanation: Prior to 1998, our sport fishing rules required that all oysters harvested on public tidelands by sport harvesters be shucked. In May 1, 1998, this was changed, and we began requiring harvesters to shuck in Hood Canal (south of Tala Point) and the Pacific coast, but not to shuck in Puget Sound. Suffice it to say this change was very confusing for harvesters and Enforcement, and on May 1, 2002, the F&W Commission (at Fish Program's recommendation) returned to the old "shuck oysters everywhere" rule. This change was effected on May 1, 2002. The rule defining daily limits for shellfish now correctly reads: (5) Oysters: 18 oysters, shucked and the shells left on the beach. However, the old language requiring shucking only in certain areas of the state was also contained in another rule, and due to an oversight the language in that second rule was not deleted in 2002. This proposal will fix this oversight, and retain the rule that requires shucking oysters before their removal from all public tidelands.

Testimony: none.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

#96. Snoqualmie River Housekeeping Proposal

Proposal: Currently, there is a catch-and-release season from November 1 – May 31 in the Snoqualmie River from the Falls upstream, including the North and South Forks. This proposal would change the end date of that fishery to the Friday before the first Saturday in June, to match up with the beginning of the retention fishery on the first Saturday in June.

Explanation: This is a housekeeping change to match the end of the catch-and-release season with the beginning of the retention season.

Testimony: none.

Staff Recommendation: Adopt as proposed.

Commission Action: Adopted as proposed.

Eastside Salmon Proposals

These proposals are not included in this rule making process. Rules for salmon fisheries are adopted through the North of Falcon (PFMC) process. Testimony received during this process has been passed on to the North of Falcon process, where these and other rules will be evaluated and considered for adoption early next year.

Appendix One
