

Pass Lake Sport Fishing Rules – (Briefing and Public Hearing)

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Summary Sheet

Meeting dates: April 5, 2019

Agenda item: Pass Lake Sport Fishing Rules – (Briefing/Public Hearing)

Presenter(s): Edward Eleazer, Region 4 Fish Program Manager and Justin Spinelli, Fish and Wildlife Biologist

Background summary:

The illegal introduction of Yellow Perch into Pass Lake (Skagit County) is having a detrimental effect on a popular fly fishing only trout fishery. Allowing retention of fish would help control the populations which compete with trout for food and space. Pass Lake (Skagit County) is managed for the trout fishery by planting small young fish in the lake that grow to be fished on the next year.

Staff recommendation:

Adopt sport fishing rules to allow retention all gamefish under statewide general rules, except trout must be released.

Policy issue(s) and expected outcome:

Outreach to fly fishing clubs indicates they were supportive of this sport fishing rule change.

Fiscal impacts of agency implementation:

none

Public involvement process used and what you learned:

Presented findings to three local fly fishing clubs and discussed rule proposal. Some concern was raised that allowing harvest of Yellow Perch may be considered a reward to those who introduced them. However, they do understand that permitting harvest in a water that was previously catch-and-release of all species allows anglers to assist WDFW in suppressing this population and communicates to others that Yellow Perch are not desired in this fishery.

Action requested and/or proposed next steps:

Adopt this rule change and include in the sport fishing rules pamphlet July 2019-June 2020

Draft motion language:

N/A – Briefing only.

Post decision communications plan:

If adopted, the decision will be communicated on the WDFW website in the Current Rule Making section.

Form revised 2-15-18



PROPOSED RULE MAKING

CR-102 (October 2017)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 22, 2019

TIME: 11:02 AM

WSR 19-03-142

Agency: Washington State Department of Fish and Wildlife (WDFW)

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR 18-23-095 on November 20, 2018 ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject) The department is considering amendments to a recreational fishing rule to provide fishing opportunity and address conservation objectives in Pass Lake (Skagit County).

Amended rule:

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

Hearing location(s):

Date: **Time:** **Location:** (be specific) **Comment:**

Date:	Time:	Location:	Comment:
April 5-6, 2019	8:00am	Natural Resources Building 1111 Washington Street SE Olympia, WA 98501	

Date of intended adoption: June 14, 2019 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Scott Bird, WDFW Rules Coordinator
Address: PO Box 43200 Olympia, WA 98501-3200
Email: Rules.Coordinator@dfw.wa.gov
Fax: (360) 902-2155
Other:
By (date) April 4, 2019

Assistance for persons with disabilities:

Contact Delores Noyes
Phone: (360) 902-2349
Fax:
TTY: (360) 902-2207
Email: Delores.Noyes@dfw.wa.gov
Other:
By (date) April 4, 2019

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposal applies to Pass Lake (Skagit County) and will allow the statewide minimum length/daily limit retention of gamefish except all trout must be released..

Reasons supporting proposal: The illegal introduction of warmwater species (Yellow Perch) into Pass Lake (Skagit County) is having a detrimental effect on a popular fly-fishing only trout fishery. Allowing retention of these warmwater fishes would help control the populations which compete with trout for food and space. Pass Lake (Skagit County) is managed for the trout fishery by planting small young fish that over winter in the lake and grow to be fished on the next year.

Statutory authority for adoption: RCWs 77.04.012, 77.04.055, 77.12.045, and 77.12.047

Statute being implemented: RCWs 77.04.012, 77.04.055, 77.12.045, and 77.12.047

Is rule necessary because of a:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Name of proponent: (person or organization) Washington State Department of Fish and Wildlife

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Kelly Henderson	1111 Washington Street, Olympia, WA 98501	360-902-2684
Implementation:	Edward Eleazer	16018 Mill Creek Boulevard, Mill Creek, WA 98012-1541	425-775-1311 ext 109
Enforcement:	Chief Steve Bear	1111 Washington Street, Olympia, WA 98501	360-902-2373

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

No: Please explain: The proposed rule change does not affect hydraulics.

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

RCW 34.05.310 (4)(b)
(Internal government operations)

RCW 34.05.310 (4)(e)
(Dictated by statute)

RCW 34.05.310 (4)(c)
(Incorporation by reference)

RCW 34.05.310 (4)(f)
(Set or adjust fees)

RCW 34.05.310 (4)(d)
(Correct or clarify language)

RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW _____.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

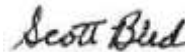
Other:

Date: January 22, 2019

Name: Scott Bird

Title: Rules Coordinator

Signature:



(159) **Pass Lake (Skagit County):**

(a) Fly fishing only.

(b) All motors prohibited.

(c) Game fish: Statewide minimum length/daily limit, except:

Release all ((fish)) trout.

(160) **Perry Creek (Thurston County):** From the mouth to the falls:

(a) Selective gear rules.

(b) Game fish: Statewide minimum length/daily limit, except:

Release cutthroat trout and wild rainbow trout.

(161) **Phillips Lake (Mason County):** Open the fourth Saturday in April through October 31.

(162) **Pilchuck Creek (Snohomish County):** From the mouth to the Pilchuck Falls:

(a) Open the Saturday before Memorial Day through January 31.

(b) From the Saturday before Memorial Day through November 30; selective gear rules.

(c) Game fish: Statewide minimum length/daily limit, except:
Cutthroat trout and wild rainbow trout: Minimum length 14 inches.

(163) **Pilchuck River (Snohomish County):**

(a) From the mouth to 500 feet downstream from the Snohomish City diversion dam: