



## Fish and Wildlife Commission Presentation Summary Sheet

---

**Meeting date:** March 15<sup>th</sup>, 2024

**Agenda item:** Fish Lake Fishing Rule Change Petition

**Presenter:** Chad Jackson, Region 2 Fish Program Manager

### **Background summary:**

On January 21<sup>st</sup>, 2024, WDFW received a Petition for Adoption, Amendment, or Repeal of a State Administrative Rule (petition) from a Mr. Hicks. Mr. Hicks is petitioning the Fish and Wildlife Commission (Commission) to change the current fishing rule for non-native yellow perch at Fish Lake (i.e., 25 fish daily bag limit and no minimum size limit) to the statewide general rule (i.e., no daily bag or minimum size limits).

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

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

WDFW performed four additional fish community surveys after the 2002 survey. Two surveys were performed pre-fishing rule change in 2005 and 2009 and two surveys were performed post-fishing rule change in 2016 and 2021. Results from those four surveys showed relative abundances were 2-10X higher than the 2002 results. However, the proportion of preferred-size fish remained low and more-or-less unchanged across all years. WDFW also checked anglers fishing through the ice for approximately 1.5-months from mid-January through February 2012. Approximately 25% of anglers checked harvested a limit of 25 yellow perch and 75% of anglers checked harvested some yellow perch. This suggests anglers potentially could play a role in harvesting more yellow perch to help

improve growth rates and size structure while not negatively impacting the fishery. Based on these results, fish managers concluded the protective daily bag limit was ineffective at increasing the proportion of preferred-size fish and recommended changing the fishing rule for yellow perch at Fish Lake back to the statewide general rule.

WDFW proposed to remove the yellow perch daily bag limit at Fish Lake as part of a statewide package to change all special fishing rules for “panfish” (i.e., yellow perch, bluegill, and crappie) to the statewide general rule during the Fishing Rules Simplification initiative of 2018. There are 14 lakes statewide, including Fish Lake, with special daily bag and/or size limits for panfish. The proposed statewide package was not recommended for adoption due to public opposition over select lakes being changed.

The below staff recommendation requests the Commission accept the petition, but delay rulemaking following the conclusion of the North of Falcon (NOF) rulemaking process. The reason for delaying rulemaking is that the Washington Administrative Code (WAC) 220-312, containing the Fish Lake yellow perch fishing rule, is currently open for NOF salmon fishing rule development. WAC 220-312 will remain open through July. WDFW can commence rulemaking for Fish Lake after the NOF rulemaking process concludes and is filed with the Code Revisor.

**Staff recommendation(s):**

- Recommend the Commission accept the petition and direct WDFW to initiate rulemaking following the conclusion of the NOF rulemaking process.

**Policy issue(s) and expected outcome(s):**

- No policy issue(s).
- Accept the petition and initiate rulemaking following the conclusion of the NOF rulemaking process.

**Fiscal impact(s) of agency implementation:**

- No fiscal impact(s).

**Public involvement process used and what you learned:**

- There was no public involvement process prior to the submission of this petition.
- A public involvement process will occur if rulemaking is initiated.

**Action(s) requested and/or proposed next step(s):**

- Accept the petition and initiate rulemaking following the conclusion of the NOF rulemaking process.
- A fishing rule change for Fish Lake would take effect 30-days after filing of the CR-103 and be reflected in the fall Washington Sport Fishing Rules Correction and Updates sheet.

**Draft motion language:**

- I move to accept the petition for Fish Lake and initiate rulemaking following the conclusion of the NOF rulemaking process.
- Is there a “second”?
- If yes, then:
  - The motion maker discusses the basis for accepting the petition.
  - Other Commissioners may discuss their views on the motion.
  - Amendments, if any, to the original motion may be made.
  - A final motion (original or modified) is identified.
  - Commission votes to approve or deny the motion.

**Post decision communications plan:**

- WDFW will communicate the outcome of the Commission’s decision to the petitioner.

**Figure 1.** Location of Fish Lake (Chelan County).

