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## **Kootenay Region Angling Regulations Proposed Changes for 2011**

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### **INTRODUCTION**

The following summarizes changes to angling regulations currently under consideration for Kootenay Region. These changes, if approved, will be effective and appear in the Freshwater Fishing Regulations Synopsis April 1, 2011. We welcome and will consider your comments as we finalize changes to the regulations.

Proposals for regulation changes result from requests by rod and gun clubs, other non-government organizations, individual anglers and others with an interest in fish, and technical studies of trends in fish populations and angler use in the region. This document provides some of the background to assist you in understanding the rationale for each regulation change proposal.

### **WHO CAN COMMENT?**

Anyone with an interest in freshwater sport fishing in British Columbia can comment.

### **HOW CAN I COMMENT?**

We will accept comments in a number of forms. Your options are:

- (a) electronically via email to [fishing.surveys@gov.bc.ca](mailto:fishing.surveys@gov.bc.ca);
- (b) conventional mail to the Nelson office of the Ministry of Environment, at the address noted at the top of this document;
- (c) via FAX to Nelson office of the Ministry of Environment at 250-354-6332.

To assist us in getting the best possible information, **please use the forms we provide in this package**. An MS Word file is available from the web site should you wish to use a computer.

### **WHAT IS THE DEADLINE FOR SUBMISSIONS?**

The deadline for submission of comments is August 22, 2010. Comments that you provide later than this date may not be timely enough to be considered in the development of final regulation proposals.

## **HOW WILL THE MINISTRY USE MY COMMENTS?**

Angling regulations meet three main objectives:

- (a) address fish conservation concerns;
- (b) improve the quality of angling by managing angler use and fish harvests; and,
- (c) provide a range angling experiences to meet the diverse expectations of the angling community.

Simplification of regulations is also important. We will consider your comments wherever possible, in light of all three objectives. Ultimately, however, fish conservation receives highest priority in the final decision on any regulation change.

## **PRIVACY POLICY**

The Government of British Columbia is committed to protecting the privacy of people whose personal information is held by government through responsible information management practices. Any personal information provided to the Government of B.C. is collected, used and disclosed in accordance with the Freedom of Information and Protection of Privacy Act or other applicable legislation.

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## Kootenay Region Angling Regulations Proposed Changes for 2011

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**Regulation proposal number:** R4-1

**Location:** 7 streams

**Management Units:** 4-2, 4-7, 4-18, 4-20, 4-24

**Proposal:** The Ministry of Environment is considering region wide removal of fly fishing and artificial fly only regulations. These changes would affect the following waterbodies:

- Kaslo River – (above Keen Creek) (MU 4-18)
- Kootenay Lake – Upper West Arm (MU 4-7)
- Lodgepole Creek (below falls) – Class II water (MU 4-2)
- St. Mary River (below St. Mary Lake) – Class II water (MU 4-20)
- Skookumchuck Creek (between Buhl and Sandown Creeks) – Class II water (MU 4-20)
- White River – Class II water (MU 4-24)
- Wigwam River – Class II water (MU 4-2)

**Rationale:** Fly fishing and artificial fly restrictions originally intended as conservation measures are no longer necessary or effective, due to a suite of other tackle and harvest restrictions, improved fish populations, and improved fly fishing technology (often making this mode of angling more, not less, effective than other angling methods). Rescinding these regulations will not prevent fly angling as an opportunity or artificial flies as legal tackle, but will add new opportunities for other anglers and angling methods, and reduce regulation complexity. The following provides more detail.

An “artificial fly only” regulation first applied to the Upper West Arm of Kootenay Lake in the early 1980s (June 1 - August 31 only) to protect kokanee in the Upper West Arm, prior to spawning. Prior to this designation and at times since, the Ministry closed kokanee to harvest due to low population numbers and associated conservation concerns. At the time, this population was vulnerable to over-harvest and post-hooking mortality through the use of gear. In 1998-99, a bait restriction was added to this regulation.

The West Arm kokanee population has increased and stabilized over the past decade and a sustainable harvest fishery now takes place annually for these stocks. Given current data, the Ministry believes that the use of the current seasonal bait restriction and seasonal kokanee harvest opportunity as a regulatory tool is sufficient to sustainably manage this fishery. If monitoring data supports additional regulations in the future to mitigate conservation concerns, the Ministry will evaluate and recommend changes as required. Likewise, if monitoring data suggest additional kokanee opportunities for summer harvest are sustainable and anglers prefer summer to spring opportunities, the Ministry will consult and implement as applicable.

“Fly fishing only” regulations in the Kootenays began in 1981-82 when a section of the St. Mary River was given this designation. This was followed in 1984-85 on the Wigwam River, 1998-99 on a section of Lodgepole Creek, 2000-01 on a section of Skookumchuck Creek, and, most recently, in 2003-04 on the White River (middle fork only).

The original intent of “fly fishing only” regulations on Kootenay stream fisheries was to create a unique angling opportunity primarily for westslope cutthroat trout, and contribute to conservation goals. These initial regulations followed fishing closures on both the Wigwam and St. Mary Rivers resulting from, among other factors, a period of fisheries management (pre-1980) with

liberal regulations and catch/possession quotas of 8 and 24, respectively. More recently, the implementation of fly only regulations have focused less on conservation and pertain more to social aspects of these fisheries which catered to a specific angler class representative of the growing popularity of fly angling. Most of the waterbodies covered by these more recent regulations focused on blue ribbon westslope cutthroat trout and bull trout stream fisheries.

The artificial fly definition and intent of the fly fishing only regulation have been outdated by advancements in fly fishing technology; specifically, the development of advanced fast sinking lines and rapid evolution in artificial fly composition and materials.

The evolution of regulatory regimes in B.C. and the Kootenays have led to single barbless hook restrictions in all streams (1999-00), extremely restrictive catch and possession quotas on areas that remain open to harvest, catch and release restrictions in many streams all year, trout/char release restrictions from November 1-March 31 to protect fish in overwintering habitats (1994-95), the use of seasonal closures to limit stress on vulnerable stocks during pre-spawning (1994-95) and the implementation of bait bans. In addition, seven East Kootenay watersheds were Classified (Class II) in 2005, resulting in an increased level of compliance/enforcement on these systems and the collection of vital baseline data for fisheries management to monitor and regulate these systems.

With extensive regulations in place to protect westslope cutthroat trout, bull trout, and West Arm kokanee, complemented by increased fish population abundances since the 1980s, there is insufficient biological rationale to justify maintaining “fly fishing only” or “artificial fly only” regulations in the Kootenays. Scientific research does not indicate any biologically significant difference in post-catch mortality between gear and fly anglers using single barbless hooks (required on all streams). In addition, the use of weighted sinking or fast sinking tip fly lines coupled with weighted flies and external barbell-eye jig style flies in various sport fisheries, do not meet the intention of the “fly fishing only” regulation and artificial fly definition.

In short, the Ministry proposes changes that add angling opportunities to more than one angling style, improves simplicity in regulation and enforcement, keeps pace with angling technology, and which maintain or improve conservation, social, and economic benefits.

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**Regulation proposal number:** R4-2

**Location:** Pend d’Oreille River (INCLUDING the reservoirs behind Waneta Dam and Seven Mile Dam)

**Management Unit:** 4-8

**Proposal:** The Ministry of Environment is considering implementing a “bull trout release” regulation for the above noted area.

**Rationale:** The population of Salmo River bull trout has shown signs of significant decline over the last 10 years of monitoring. Recent telemetry studies of Salmo River bull trout have shown high seasonal use of the Pend d’Oreille River, including the reservoir behind Seven Mile Dam. All tributaries to this area, as well as the Salmo River have been closed to harvest of bull trout (a blue listed species) for many years and this proposal will add to these previous closures and protect this vulnerable and declining population across the entire, currently available habitat range.

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**Regulation proposal number:** R4-3

**Location:** Pend d'Oreille River (INCLUDING the reservoirs behind Waneta Dam and Seven Mile Dam)

**Management Unit:** 4-8

**Proposal:** The Ministry of Environment is considering defining the entire Pend d'Oreille River and Reservoirs (Seven Mile and Waneta Reservoirs) from the US/Canada border downstream to Waneta Dam as a "reservoir" or lake.

**Rationale:** Because this stretch of the river is mostly impounded by dams and has little storage capacity, utilities manage it as a run of the river reservoir. Operation of these run of the river systems often results in significant water current present in many areas of the reservoir and identifying which is reservoir and which is river can be difficult for anglers. The proposal will eliminate any confusion around whether stream or lake regulations apply. In combination with bull trout release (proposal R4-2), this suite of regulations will prevent future bull trout harvest, avoid angler confusion and reduce regulation complexity.

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**Regulation proposal number:** R4-4

**Location:** Duck Lake

**Management Unit:** 4-6

**Proposal:** The Ministry of Environment is considering additional angling restrictions to improve the Duck Lake largemouth bass fishery. Options for your consideration and comment include the following:

- a) No change from current regulations.
- b) Reduced daily quota during winter, from 4 bass (only 2 over 40 cm) to 2 bass (only 1 over 40 cm) for the period December 1 – February 28.
- c) Reduced daily quota year round from 4 bass (only 2 over 40 cm) to 2 or 3 bass (only 1 over 40 cm).
- d) Release larger bass (over 40 cm) year round for 1 to 3 years, followed by resumption of current or similar quota regulations.
- e) Continue or rescind the current bass release May 15 – June 15 in combination with any of the above options.

No changes to the power boat restriction or yellow perch daily quota are under consideration.

**Rationale:** Anglers and the District Conservation Officer Service have raised concerns that the growing popularity and observed harvest increase during the winter ice fishery may be affecting the number and size of largemouth bass in Duck Lake. The Duck Lake fishery is well known and appreciated throughout the Pacific Northwest as both a trophy bass and high catch rate fishery, typically during the early spring months. It is one of the first small lakes to become ice free in the region, and can produce significant numbers of large bass. Duck Lake also supports a high participation winter angling experience for many anglers. Finally, it is the only lake in the region that the Ministry manages for a quality, non-native species angling experience. Several

restriction options in this section would reduce bass harvest and so ensure larger adult bass continue to sustain both the traditional spring fishery and the building winter ice fishery, would ensure enough mature bass are surviving to spawn from mid May to mid June, and at the same time allow for continued bass angler enjoyment of Duck Lake.

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**Regulation proposal number:** R4-5

**Location:** Succour Creek

**Management Unit:** 4-36

**Proposal:** The Ministry of Environment is considering rescinding the Succour Creek closure, including the bay of Kinbasket Lake south of signs on lakeshore.

**Rationale:** In 1984, Kinbasket Lake was stocked with 100,000 Premier strain rainbow trout, and from 1985 until 1992 with varying numbers of Gerrard strain rainbow, in an attempt to create or enhance large reservoir rainbow trout fisheries; Succour Creek Bay was one of numerous release locations. Succour Creek was also stocked with varying numbers of kokanee in this era. The closure was established to protect anticipated staging and/or returning rainbow trout, and/or staging kokanee in the bay area off the creek mouth. These stocking efforts did not produce the anticipated success especially for rainbow trout, and were discontinued; therefore, this closure is no longer necessary; rescinding it will reduce regulation and the need for sign maintenance. Succour Creek will remain covered by the regional stream restrictions and closures, and as a tributary to Kinbasket Lake, will also be subject to bull trout release regulations.

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**Regulation proposal number:** R4-6

**Location:** Summit Lake (near Nakusp)

**Management Unit:** 4-17

**Proposal:** The Ministry of Environment is considering further simplification to trout/char daily quota = 2 (Small Lakes Regulatory Suite 1), and rescinding the ice fishing closure, bait ban, and single barbless hook restrictions (i.e. currently Small Lakes Regulatory Suite 2).

**Rationale:** Summit Lake has provided a quality stocked trout fishery since chemical rehabilitation in the mid 1980s. Over the years, the Ministry has tested assorted regulations to maintain the fishery, and several stakeholders have recently challenged the current regulations (Small Lakes Regulatory Suite 2; see page 90 in the 2009-2011 Freshwater Fishing Regulations Synopsis for a complete description of small lake regulatory suites and the simplification strategy). Recent angling reports indicate the fishery is still productive but the catch is dominated by trout smaller than 40 cm, and that larger size class fish are rare. In the mid 2000s, the stocking rate was reduced, and a sterile strain of Pennask rainbow trout chosen, in an attempt to lessen competition for available food resources and allow for better growth rates and larger fish. These adjustments, combined with unregulated production of fertile trout that spawn in the lake's outlet and tributaries, have not had the desired effect and the abundance of trout is likely constraining their growth potential. A winter ice fishery would encourage greater angler participation as well as provide a modest increase in harvest at a time when fish would also potentially have better table quality attributes (known to be "muddy"). For these reasons, we are considering additional simplification to Small Lakes Regulatory Suite 1.

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**Regulation proposal number:** R4-7

**Location:** Summit Lake (near Crowsnest Pass)

**Management Unit:** 4-23

**Proposal:** The Ministry of Environment is considering simplification from Small Lakes Regulatory Suite 3 (trout/char daily quota = 1, none under 50 cm, bait ban, single barbless hook, no ice fishing), to one of the following simpler sets of regulations:

- a) Small Lakes Regulatory Suite 2 (trout/char daily quota = 2, bait ban, single barbless hook, no ice fishing)
- b) Small Lakes Regulatory Suite 1 (trout/char daily = 2)
- c) Regional regulations (trout/char daily quota = 5)

Note that regardless of daily quota = 1, 2, or 5, anglers can only retain 1 trout or char over 50 cm throughout B.C. including the Kootenays.

**Rationale:** Members of the public have advised the Ministry that regulations at this lake are possibly too conservative, and could do more to promote angling opportunities for families and youth, while retaining some restrictions to promote opportunity for larger trout. All of the alternative options we propose provide the possibility to achieve this. You can find options for small lake regulatory suites on page 90 in the 2009-2011 Freshwater Fishing Regulations Synopsis, which details the Ministry's simplification strategy.

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## Kootenay Region Angling Regulations Consultation on Proposed Changes for 2011

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### Consultation Feedback

Thank you for taking the time to document your concerns and suggestions. The information you provide is important to us and will be considered thoroughly. We will not be able to respond individually to each submission.

Contact Information	
Name:	
Address:	
Email:	
Telephone & fax:	
Representing:	Club or organization if applicable; indicate your position (e.g. president, etc.)

Comments on Proposed Changes to Region 4 Regulations		
Regulation Proposal Number	Agree With Proposal? (check one)	Comments and Concerns (attach additional pages if desired)
	yes    _____ med    _____ low    _____ no    _____	
	yes    _____ med    _____ low    _____ no    _____	
	yes    _____ med    _____ low    _____ no    _____	
	yes    _____ med    _____ low    _____ no    _____	
	yes    _____ med    _____ low    _____ no    _____	
	yes    _____ med    _____ low    _____ no    _____	
	yes    _____ med    _____ low    _____ no    _____	



Comments on Proposed Changes to Region 4 Regulations		
Regulation Proposal Number	Agree With Proposal? (check one)	Comments and Concerns (attach additional pages if desired)
<p>Other ideas and concerns not described in the proposals:</p>		