
Kootenay Region Angling Regulations Proposed Changes for 2008-09

INTRODUCTION

The following document summarizes changes to angling regulations currently under consideration for Kootenay Region waters. These changes, if approved, will be effective and appear in the Freshwater Fishing Regulations Synopsis beginning April 1, 2008. 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, and the public at large. Others are developed from technical studies of trends in fish populations and angler use in the region. This document provides some of this background to assist you in understanding the rationale for each regulation change proposal.

WILL THERE BE A PUBLIC MEETING?

Due to poor past attendance, we are not holding public meetings for comment this year; instead, we are asking that you follow the approach this document outlines to contact us with your concerns and recommendations. This will allow you time to discuss with your colleagues and organize your ideas in writing. We hope to hear from a range of people, including those who may otherwise be unable to attend a meeting or are reluctant to speak in public.

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. In order of preference, your options are:

- (a) electronically via email to 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 24, 2007. Comments that you provide later than this date may not be timely enough to be considered in the development of final regulations 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 restricting 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, where simplification improves or at least does not affect these objectives. 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.

Kootenay Region Angling Regulations Proposed Changes for 2008-09

Regulation number: R40809-01

Location: various

Management Unit: all

Proposal: Implement special regulations to control the spread of illegally introduced, non-native fish species. Options under consideration include the following:

- (a) Regionally, angling opportunities will be curtailed for yellow perch, bass and walleye to discourage illegal stocking activities. Options include “no fishing for” or quota = 0 for the species of concern.
- (b) Whenever new instances of illegal stocking are encountered, restrictive measures will be taken, such as a complete angling closure at that location, followed by rehabilitation to remove the non-native species (as and when resources to rehabilitate are available). This approach is planned, and already implemented in one instance, for any circumstances involving northern pike.
- (c) For lakes with a long history of non-native fish presence, consideration will be given to tolerating a fishery with generous daily quotas, to assist in controlling non-native populations and meet the demand for these species with a limited set of opportunities. These lakes include: Alta, Baynes, Bednorski, Haha (may remain closed if, based on current surveys, pike are a continued risk), Hiawatha, Jim Smith, Kikomun Creek Park, Lost, Lund, Saugum, Spring, Suzanne, Tie, Wasa, Windermere, Creston Valley Wildlife Management Area waters (Six Mile Slough, Leach, Kootenay River Canal), French's Slough, Kootenay, Pend d'Oreille system reservoirs, Erie, Lomond and Rykerts.
- (d) In the case of a very limited number of lakes with long established populations of non-native species (e.g. Duck Lake), status quo regulations will be left in place to allow continued fishing opportunity.

Rationale: Illegal transplants of non-native fish species have been a concern for fisheries managers for many years and have recently become a critical issue. Province-wide, there are now over six times as many freshwater systems containing these species than since the earliest reports in the early 1950's. Recent discovery of northern pike in the Haha Lake watershed in the East Kootenay presents a case in point. In this instance, the lake had already been stocked illegally with yellow perch and largemouth bass, and northern pike were apparently added later to take advantage of perch as prey and provide additional angling opportunity.

While such introductions may seem harmless on the surface, they actually pose a tremendous threat to aquatic ecosystems. Impacts to native fish from predation and competition, as well as the transfer of diseases and parasites, are key concerns. Northern pike, for example, can carry parasites that could transfer to kokanee, embedding in the muscle tissue and spoiling their table quality.

Action must be taken to safeguard remaining native fish resources. At the same time, however, costs to remove and prevent the spread of transplanted species are high, and such efforts are not always successful. As a result, options are being considered to proactively discourage illegal transplants. Some of the regulations described in this proposal are a step in that direction. In most cases, the approach would be to restrict angling opportunities to locations where non-

native fish presently occur, and to be highly restrictive when newly established populations are discovered.

Persons responsible for illegal introductions are subject to penalties of up to \$100,000 for a first offence, and subsequent infractions may result in prison terms of up to 12 months. Note that the BC Wildlife Federation is offering a \$10,000 reward for information leading to the successful prosecution of individuals responsible for illegal introductions of fish in BC. Please report any suspicious activity to the Conservation Officer Service (1-877-952-7277).

Regulation number: R40809-01

Location: various

Management Unit: all

Proposal: Modify the trout/char Regional daily catch quota as follows:

Trout/char: 4 but no more than <ul style="list-style-type: none">• 1 over 50 cm• 2 from streams• 1 bull trout	to	Trout/char: 4 but no more than <ul style="list-style-type: none">• 1 <u>rainbow or cutthroat trout</u> over 50 cm• 2 from streams• 1 bull trout
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Rationale: The primary objective of this change is to simplify the regulations. Currently, the Regional trout/char daily limit allows anglers to keep one trout/char (i.e., both species, in combination) over 50 cm. At the same time, large lakes in the region such as Kootenay, Duncan, Slocan, Arrow and others each have a separate regulation permitting both 1 rainbow trout over 50 cm and one bull trout any size. By simply replacing the Regional trout/char limit with the quota currently in place on these large lakes, a line can be removed from 13 water bodies. Cutthroat are included in the revised Regional quota to avoid unwanted liberalization of harvests for rare, large fish of this species.

Although this change appears to offer more harvest opportunities, our assessment suggests the actual change will be negligible. This is because large lakes are the primary location where both large rainbow and bull trout occur together, and the new regional quota simply applies broader coverage of a regulation that already exists on these waters. Replacing these 13 large lake quotas with one new Regional restriction represents a step forward in our objective of providing simpler, more understandable regulations.

Regulation number: WK0809-02

Location: Kootenay Lake – Lower West Arm

Management Unit: 4-7

Proposal: Implement regulations to encourage fair allocation of Kootenay Lake's West Arm kokanee angling opportunities, while helping to meet spawning escapement targets. Options for consideration include the following:

- (a) Allow retention of lower West Arm kokanee only one day a week (every Saturday) all year; or
- (b) Allow lower West Arm kokanee retention from April 1 to January 5, and from February 23 to March 31 (closed from January 5 to February 22).

Rationale: The primary objective of this change is to reduce the harvest of West Arm kokanee to ensure an adequate return of spawners to tributaries in this area. Also, given that the fishery for this stock occurs both in the upper and lower portions of the West Arm, the change will help to fairly distribute the harvest in both management zones.

In the 1970s, harvests of West Arm kokanee were as high as 72,000 fish and returns to spawning grounds exceeded 32,000 fish. Declining returns of spawner in the 1980s forced closure of the fishery in the upper West Arm. Stocks have since partially rebuilt, and a limited harvest has been allowed in that area since 1994. In contrast, the lower West Arm has remained open to kokanee retention through this entire period. In the last few years, the estimated harvest of fish from both the lower and upper West Arm fisheries has been between 5,000 and 10,000 fish while fewer than 10,000 have returned annually to spawn throughout this period.

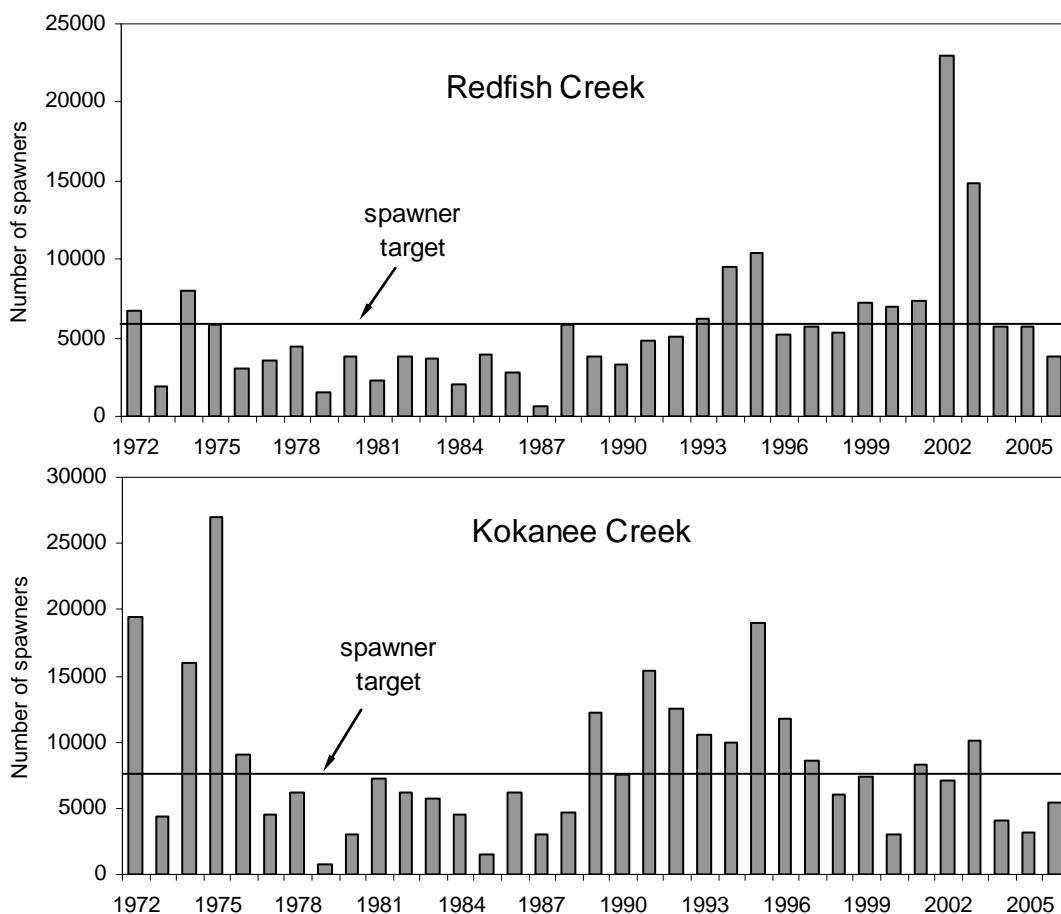


Figure 1. Kootenay Lake West Arm kokanee spawning channel adult returns and targets.

Recently, the difference in management approaches for Kootenay Lake's upper and lower West Arm kokanee fisheries has become a concern. In the late 1990s, a tagging study suggested that at least a portion of the kokanee found in the lower West Arm are part of the same population found in the upper West Arm. This evidence calls into question allowing a year round fishery in the lower West Arm while restricting the upper West Arm fishery to a short annual opening. The year round lower West Arm harvest presents a risk that the number of fish removed will prevent an adequate return of adults to spawning sites. As well, the year round lower West Arm fishery and highly restricted opening in the upper West Arm do not provide a fair distribution of harvest opportunities. Much of the lower West Arm harvest occurs in the middle of the winter, when most anglers are unwilling or unable to participate; the vast majority of the harvest is therefore taken by a very small number of persistent anglers.

The changes in this proposal reflect the need to reduce harvest of West Arm kokanee stocks in the lower West Arm while still providing opportunity for kokanee retention. Depending on the results of these changes in terms of providing adequate spawning escapements, a longer opening of the upper West Arm fishery may be possible.

Regulation number: WK0809-03

Location: Columbia River

Management Unit: 4-8

Proposal: Remove the restriction "burbot release below Keenleyside Dam to Washington State border" and apply the regional catch quota (2 per day) for this species.

Rationale: Following the collapse of burbot in Kootenay Lake, concerns were raised over a potential problem in the Columbia River downstream of Keenleyside Dam. No burbot were documented in the 1992 Columbia creel survey, and the species was rarely encountered in inventory work within this area. A small fishery had existed for this species historically and so a precautionary approach was taken, and lower Columbia River burbot were listed as Endangered (Red Listed) by the BC Conservation Data Centre. Anglers were subsequently restricted from catching and keeping the species in this portion of the Columbia.

More recently, inventory work has been completed to improve our understanding of burbot populations throughout the Region. This information has pointed to a large population in Arrow Lakes Reservoir. The Washington Department of Fish and Wildlife also reports that the species is abundant in Lake Roosevelt. At the same time, a review of historic sport fishery data suggests that burbot in the Columbia below Keenleyside Dam have likely never been present in large numbers. Recent information from BC Hydro's index monitoring program indicate that burbot comprise less than 1% of the sport fish caught in this area. We have concluded that the area in question presently supports a few burbot which stray from large populations in their preferred habitats in the reservoirs upstream and downstream. As such, they do not represent a conservation concern. As a result, the population has been removed from the BC Conservation Data Centre Red List and the angling closure can be removed.



Figure 1. Norns (Pass) Creek joining the Columbia River at Castlegar.

Regulation number: WK0809-04

Location: Columbia River

Management Unit: 4-8

Proposal: Remove the restriction “bull trout release below Keenleyside Dam to Washington State border” and apply the regional catch quota (1 per day) for this species.

Rationale: This restriction was implemented in the 1990s to protect bull trout, which were historically prominent in the Columbia River sport fishery below the Arrow Lakes. Following completion of Keenleyside Dam in the late 1960's, bull trout diminished greatly in abundance in this area. Anglers caught only six in a 1992 survey of the fishery. Despite this decline, bull trout remain very abundant elsewhere in the Columbia within Canada.

A combination of factors likely resulted in the decline of bull trout within the lower Columbia in Canada. Disruption of migratory routes, and changes to flows and temperatures occurred as a result of dam construction. The fish community also shifted, with rainbow trout and walleye increasing dramatically in numbers to fill the changing environment. At the same time, no evidence exists to support the notion that a unique population of bull trout was present in the lower Columbia River prior to dam construction. It is possible, even probable, that these fish were simply part of the larger population from Arrow Lakes Reservoir.

Today, bull trout comprise less than 1% of the sport fish caught in BC Hydro's annual index assessment of the lower Columbia. These fish originate in good part from the Arrow or

Kootenay systems, where very abundant populations exist and sport harvests are allowed. None of the factors affecting their presence in the lower Columbia can be reasonably expected to change in favour of establishing a separate, self-sustaining population at some point in the future. Considering this background, the case to continue to protect bull trout appears weak. The restriction also adds unneeded complexity to the regulations.

Regulation number: WK0809-05

Location: Kootenay River, below Brilliant Dam

Management Unit: 4-8

Proposal: For all sections of the Kootenay River downstream from the Idaho border, apply seasonal closures generally similar to those of the Columbia between Keenleyside Dam and the Washington border. Specifically, the restriction “no fishing below Brilliant Dam: April 1 – June 15” will be removed to allow a spring opening to apply all sections of the Kootenay River downstream from the Idaho border. At the same time, the restriction “trout/char release Nov 1-March 31” will be removed from the area below Brilliant Dam.

Rationale: Modifications outlined in this proposal will provide consistency with regulations on the Columbia River just downstream from this area. Treatment of these adjacent areas with similar restrictions will simplify the regulations and reduce confusion among anglers. As well, the changes will increase angling opportunity. The proposed changes result from discussions with local anglers and biologists involved in the original design of these regulations.



Figure 3. A young bull trout is released.

The April 1 – June 15 fishing closure below Brilliant Dam was designed to protect rainbow trout spawning in the shallows around the Highway 3A bridge. At the time this closure was imposed, several other spawning locations in the lower Columbia/Kootenay system had not yet been discovered. Since then, with the exception of the Norns Creek fan, closures have not been imposed on other mainstem Columbia River spawning areas (small streams such as Blueberry Creek are closed each spring). Despite the lack of protection, harassment of spawners has not been reported as a major issue, and sport fish populations continue to thrive throughout the area. This suggests the lower Kootenay spawning closure can be relaxed without placing fish populations at risk. This change will allow anglers to fish the area below Brilliant Dam year round, including the highly popular Kootenay Eddy area.

The November 1- March 31 trout/char release restriction below Brilliant Dam was designed to protect potentially vulnerable fish during the overwintering period. Again, however, this is not consistent with the management approach taken for the Columbia, despite the proximity of these two river systems and similarities between their sport fisheries and fish populations. Fish populations throughout the two rivers are large and stable, suggesting that some flexibility in the range of harvest rates can be accommodated without great risk. A recent winter survey of angling activity in the area also suggested that fish harvests have increased little over the past 15 years, despite dramatic growth in angling effort. Interest in catch and release angling is a likely contributor to this trend.

Regulation number: WK0809-06

Location: Kootenay Lake – all parts

Management Unit: 4-19

Proposal: Rescind trout/char possession quota = one daily quota, and apply Regional possession quota = two daily quotas.

Rationale: This modification presents a return to the daily and possession quota approach taken on Kootenay Lake prior to 2005-06. The change is being proposed as a result of several considerations. Firstly, returns of Gerrard rainbow trout to the spawning grounds have been very good, reaching levels not observed since the late 1970s - early 1980s (Figure 4). Secondly, nutrient restoration from ongoing fertilization work on both the North and South Arms of Kootenay Lake has resulted in continued improvement of the lake's food web, suggesting that continued favorable responses can be expected in the lake's sport fish populations. At the same time, concerns have been expressed about high predation rates on kokanee from abundant rainbow and bull trout populations; allowing a modest increase in the harvest of predators addresses that consideration. Returning to the standard Regional possession = two daily quotas also simplifies the regulations, removing a line from the synopsis and avoiding possible confusion. Lastly, the change presents additional angling opportunity for visitors to the area, improving the region's recreational attractiveness.

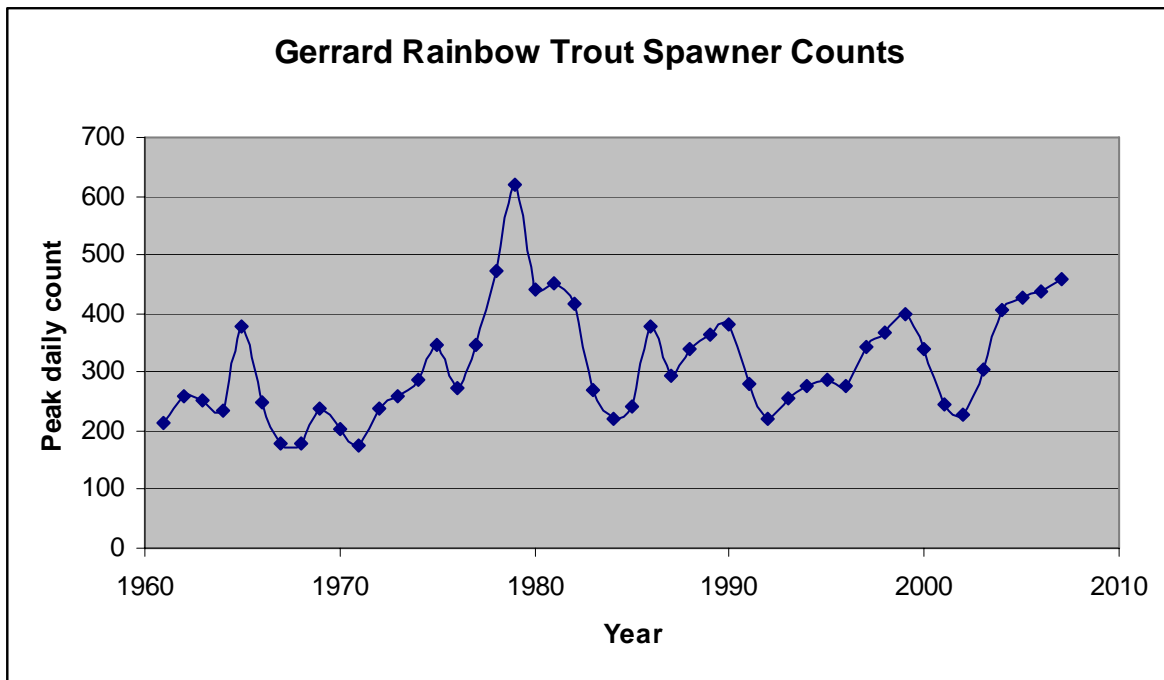


Figure 4. Peak daily counts of Gerrard rainbow trout spawners, 1960-2007.

Regulation number: EK0809-01

Location: Lake Koocanusa

Management Unit: 4-2, 4-3, 4-22

Proposal: Define Lake Koocanusa as the waterbody that is:

- South of the Bailey Bridge (Kikomun Road); and,
- West of the Highway 93 Bridge over the Elk River.

Rationale: Each year, anglers express confusion about the boundary between Lake Koocanusa and the Kootenay River, and whether stream or lake regulations apply to that area. When Lake Koocanusa is at high levels, the area has no perceptible flow and thus does not constitute a “stream” by definition. Regional lake regulations then apply. However, when the lake is at lower levels, flows are sufficient in part or all of the area to meet the definition of “stream” and thus Kootenay River regulations apply. The dividing line between the area of no flow (Lake Koocanusa) and flow (Kootenay River) is constantly shifting, causing frustration among anglers and making enforcement extremely difficult. This proposal would greatly clarify the regulation scheme applying to this stretch of water.

Regulation number: EK0809-02

Location: Goat River

Management Unit: 4-6

Proposal: Remove trout/char 30 cm minimum size restriction and apply the Regional trout/char daily quota = 2 from streams (no size restriction).

Rationale: The Goat River minimum size restriction has been in place since the mid 1980s and was implemented as part of a regional approach to protect westslope cutthroat trout populations from overharvest. At the time, research from other jurisdictions suggested a 30 cm minimum size limit would allow river resident, fish to spawn at least once before reaching harvestable size.

District Conservation Officers, having nearly 40 years of combined knowledge in the Creston area, are very familiar with the system as a result of patrol work and personal angling experience. Over the past several years, their observations indicate the river supports an abundant trout population, and yet fish seldom reach the 30 cm minimum size limit. This is partly related to the river's nutrient regime, which is inadequate to grow large fish. Contributing to small size of these fish is the fact that few are ever harvested, which leads to greater competition for limited food resources. Abundant numbers of fish suggest spawning and rearing habitats have not been severely compromised. Conservation of the population will continue to be assured by the trout/char release section (Goat River mainstem from Leadville to Cameron Creek), which serves as a sanctuary from harvest.

Regulation number: WK0809-03

Location: Moyie River

Management Unit: 4-5

Proposal: Rescind bait ban on Moyie River and tributaries.

Rationale: In recent years, patrol work by District Conservation Officers has indicated that very limited angling pressure takes place on the Moyie River and its tributaries. The bait ban on this system likely contributes to the lack of angling interest by narrowing allowable fishing techniques and discouraging family participation. Removal of the ban would simplify the regulations and accommodate of a greater variety of angling opportunities in the East Kootenay. At the same time, retaining existing bull trout and cutthroat trout release regulations should ensure sufficient protection for these species in this undersubscribed fishery.

Regulation number: EK0809-04

Location: Joseph Creek (including tributaries)

Management Unit: 4-3

Proposal: Implement an “age restricted” fishery for Joseph Creek. At the same time, remove the Class II Classified Waters designation for this stream.

Rationale: Limited habitat capacity, migration barriers and water quantity/quality issues limit Joseph Creek’s capability to support thriving wild trout or char populations. At the same time, Joseph Creek supports large numbers of non-indigenous Eastern brook trout. These fish provide an urban fishing opportunity particularly well-suited to children. This proposal would see implementation of an “age restricted” fishery, which limits angling to those who are less than 16 years of age, or are in possession of a valid non-tidal angling licence indicating either B.C. Senior or B.C. Disabled. A similar situation exists on Coal Creek in Fernie, where this regulation has already been implemented.

Based on the above circumstances, removal of Joseph Creek as a Class II Classified Water was strongly endorsed by all of the Kootenay Regional Quality Waters Management Committee members at their May, 2007 meeting. As a result, Classified status will be removed from this stream at the earliest opportunity (requires Order in Council). This approach would be consistent with other age restricted waterbodies in Class II watersheds in Region 4 (e.g., Coal Creek).

Regulation number: EK0809-05

Location: Haha Lake

Management Unit: 4-3

Proposal: Contingent on 2007 field survey results, rescind current fishing closure on Haha Lake.

Rationale: In summer 2005, anglers reported catching two large northern pike in Haha Lake. Regional Ministry of Environment staff followed up with overnight gill net sets and confirmed the presence of this species. In accordance with Regional policy, a complete angling closure was imposed on this watershed until control or eradication of this non-native species could be completed.

Since the initial discovery of pike, an intensive program has been in place to determine the distribution of pike in the Haha Creek watershed, and to undertake control and/or eradication of the species. Extensive sampling of all habitats produced a total of six pike, all of which were located in Haha Lake. Further investigations in 2007 have not produced additional pike, suggesting the possibility this species has been successfully eliminated from the system. Continued sampling and maintenance of fish traps at the upstream and downstream end of Haha Lake will occur over the next few months to confirm this initial finding.

If no further pike are observed in the Haha watershed, consideration will be given to re-opening the watershed to angling in 2008. If pike are encountered over the next few months, the area will remain closed to angling while options to assess control/eradication options for pike are considered. This approach will be applied consistently in the future to ensure anglers are aware that lakes where transplants have occurred illegally will not be available for use and, at the same time, to reduce the availability of pike for further transplants.



Figure 5. Northern pike captured by gill net during rehabilitation work on Haha Lake, 2006.

Kootenay Region Angling Regulations Consultation on Proposed Changes for 2008-09

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 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 ____	

Comments on Proposed Changes to Region 4 Regulations		
Regulation 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 ____	
Other ideas and concerns not described in the proposals:		