

**Regional Manager Decision: SFAC Regulation Proposal 2009-01**

**Proposal Title: Clarification of the Regulations Synopsis Pertaining to Angling for Steelhead in Lakes**

**Proponent: Ministry of Environment**

**Proposed Regulation Change:**

Add the following waterbodies to the synopsis, if they are not already present, and add: "Non-retention of rainbow trout over 50 cm".

Aldrich Lake	Zymoetz River watershed
Dennis Lake	Zymoetz River watershed
Kathlyn Lake	Bulkley River watershed
Lakelse Lake	Skeena River watershed
McDonell Lake	Zymoetz River watershed
Oweege Lake	Bell-Irving River watershed

**Summary of issue(s) proposal is to address:**

The Conservation Officer Service has received several complaints regarding anglers harvesting over wintering summer run steelhead from Skeena Region lakes (pers. comm. C.O. Schley). Lake anglers may not be aware that steelhead are present in certain lakes and believe that regional daily catch quotas apply. By definition, all rainbow trout over 50cm, in water bodies where anadromous rainbow trout are found, must be released. Therefore, by adding "non-retention of rainbow trout over 50 cm", the chance of error in regulatory interpretation is reduced.

**Regulatory/ Policy Impediments: *(list & provide details)***

None.

**Existing Regulation & Justification Summary: *(may include biological comments)***

This is an existing regulation. Listing specific water bodies where steelhead presence is known will increase regulation clarity.

The regulations synopsis currently defines steelhead as rainbow trout greater than 50 cm in length in waters where anadromous rainbow trout are found, and all wild steelhead must be released.

<p><b>Management Considerations:</b> <i>(summarize relevant: stock status, life history information, exploitation levels/limits, information or observations from other geographic locations or jurisdictions &amp; relevant examples / references from the literature, social issues)</i></p> <p>Prior to spawning in the spring, some summer-run steelhead will spend up to 10 month overwintering in lakes. Some of these lakes are small, easily accessible and subject to ice fishing effort. This can result in an intentional or unintentional steelhead harvest contrary to regulation that may have conservation implications for small steelhead populations.</p>	
<p><b>Available Options:</b> <i>(where appropriate, incorporate biological information above that supports an alternative approach to achieve the same outcome more effectively)</i></p> <p>N/A</p>	
<p><b>Summary of SFAC Issues and Concerns:</b></p> <p>There were no dissenters from the Skeena Fish Advisory Committee. The committee recommended that the proposal be forwarded to the Regional Manager for approval.</p>	
<p><b>Regional Manager Decision:</b></p> <p>Recommend forwarding to Fish &amp; Wildlife Director for implementation.</p>	
<p><b>Signed by:</b></p>	
Regional Manager	Date

**Regional Manager Decision: SFAC Regulation Proposal 2009-02**

**Proposal Title: Morice River – Fly-fishing Only**

**Proponent: Bill Burkland – Resident Angler – Kitimat, B.C.**

<p><b>Proposed Regulation Change:</b></p> <p>Morice River fly-fishing only – September 1 – December 31</p>
<p><b>Summary of issue(s) proposal is to address:</b></p> <ol style="list-style-type: none"><li>1. Tradition - the Morice River has a well-recognized and supported fly fishery</li><li>2. Conservation – during the later season (mid-October to fees-up) the vast majority of the run is “stacked” in known holding pools. These fish are particularly vulnerable to gear fishers. The concern is multiple hooking injury and mortality.</li></ol>
<p><b>Regulatory/ Policy Impediments: <i>(list &amp; provide details)</i></b></p> <p>None.</p>
<p><b>Existing Regulation &amp; Justification Summary: <i>(may include biological comments)</i></b></p> <p>Fly-fishing only from Gosnell Cr to Lamprey Creek, September 1 – September 30</p>
<p><b>Management Considerations: <i>(summarize relevant: stock status, life history information, exploitation levels/limits, information or observations from other geographic locations or jurisdictions &amp; relevant examples / references from the literature, social issues)</i></b></p> <p>The Fish and Wildlife Branch does not have information to suggest that Morice River steelhead are currently a conservation concern.</p>
<p><b>Available Options: <i>(where appropriate, incorporate biological information above that supports an alternative approach to achieve the same outcome more effectively)</i></b></p> <p>N/A</p>
<p><b>Summary of SFAC Issues and Concerns:</b></p> <p>Much dissention was noted from the Skeena Fish Advisory Committee with the</p>

proposal; only 2 of 13 openly expressed support. The committee recommended that the proposal not be forwarded to the Regional Manager for approval. The primary concern of SFAC members not in support of this proposal was that there should not be priority given by gear-type; if there is a conservation concern, close the fishery.

**Regional Manager Decision:**

Do not recommended forwarding to the Fish and Wildlife Director.

**Signed by:**

Regional Manager

Date

**Regional Manager Decision: SFAC Regulation Proposal 2009-03**

**Proposal Title: Upper Babine River and Nilkitwa Lake Angling Boundary Location Changes**

**Proponent: Ministry of Environment**

**Proposed Regulation Change:**

This proposal is to change the existing regulation to read as follows:

- Fly fishing only (a) from signs posted at the Fort Babine Bridge downstream to 100 m above the adult fish counting fence (including Nilkitwa L.), during open times and (b) from signs about 80 m below the adult fish counting fence to Nichyeskwa Cr. for the period of June 16-Sept 30th.
- Class I Water and Steelhead Stamp mandatory Sept. 1-Oct. 31: from the boundary signs posted near the juvenile fish counting trap located at the outlet of Nilkitwa Lake downstream to the confluence with Skeena River.
- Signage for the Babine River Class I Water and Steelhead Stamp requirement boundary will be located at the same location as the Nilkitwa Lake/ Babine River boundary sign. This will clearly identify the seasonal closure boundary consistent with the regional regulation of no fishing in any stream of the Skeena Watershed from Jan. 1 to June 15.

**Summary of issue(s) proposal is to address:**

Moving the Classified Waters and steelhead stamp to the same seasonal closure boundary at the Nilkitwa Lake outlet will designate a single boundary for all three regulations (regulation simplification/clarification). This proposed "three in one" boundary will also protect overwintering and spawning summer-run steelhead consistent with the timing of protection from angling they receive in all upper Skeena streams.

Moving the upper Babine River Fly fishing boundary to the proposed bridge location makes the signage much easier for anglers to see and simpler for Ministry staff to post and maintain. This proposed new location will increase the area of Regional regulation angling at the outlet of Babine Lake.

**Regulatory/ Policy Impediments: (list & provide details)**

There are no regulatory or policy impediments to this proposed regulation change.

**Existing Regulation & Justification Summary: (may include biological comments)**

Several angling regulations currently apply to the upper Babine River. The portions of the existing regulations proposed to be changed are:

- Fly fishing only (a) from a point 100 m above Fort Babine bridge to 100 m above the adult fish counting fence (including Nilkitkwa L.), during open times and (b) from signs about 80 m below the adult fish counting fence to Nichyeskwa Cr. June 16-Sept. 30.
- Downstream of the juvenile fish counting weir located at the **outlet of Nilkitkwa Lake** to the confluence with Skeena River\*: Class I Water Sept 1-Oct 31 and Steelhead Stamp mandatory Sept 1-Oct 31.
- No fishing in any stream of the Skeena Watershed Jan. 1 – June 15.

The boundaries for these regulations were instituted over a broad period of time as new management initiatives were instituted (i.e. fly fishing only waters, winter angling closure, Classified Waters). Unfortunately the boundaries for these new initiatives were never harmonized over time. In addition, the location of the stream/lake boundary at the Nilkitkwa Lake outlet has never been formally delineated with signage. The end result was that angling for summer- run steelhead was still occurring (intentionally and incidentally) on spawning and pre-spawning fish. This is inconsistent with management of summer run steelhead populations for the upper Skeena and Nass watersheds

**Management Considerations: (summarize relevant: stock status, life history information, exploitation levels/limits, information or observations from other geographic locations or jurisdictions & relevant examples / references from the literature, social issues)**

The importance of the Nilkitkwa Lake outlet and Babine River/Boucher Creek confluence area as a steelhead over wintering and spawning area has been well documented. Beere (1990) identifies that despite the small number of fish radio tagged fish in 1990 (N=15), the data strongly suggest that a very high percentage of Babine River steelhead spawn at the Boucher Creek confluence area located near the Nilkitkwa Lake outlet. In 1995/96, a steelhead telemetry study identified that 35% of 60 steelhead tagged downstream of the DFO adult fish weir, migrated above the weir. More specifically 6 (10% of the total sample) were determined by tracking to have utilized the habitat at the DFO juvenile fish counting trap located at the Nilkitkwa Lake outlet. This location has been historically angled in the late fishing season (November – December) and/or during the resident trout fishery in (April, May and June) and anglers report capturing summer-run steelhead in this area during both periods. The scientific and angler data confirms that this area at the outlet of Nilkitkwa L. is an important area for overwintering and spawning Babine steelhead. A Skeena Region management objective is to protect summer run steelhead from angling during the winter on the Upper Skeena and Nass watersheds. Removing this small but

biologically important area from the general angling season will protect these upper Babine steelhead from anglers during the most vulnerable and sensitive period of their life history. This will also be consistent with the management objects for these same species in the Skeena and Nass Watersheds. Aligning the boundaries for the Steelhead Stamp and Class 1 with the lake outlet boundary will simplify and clarify regulations which is a key objective of the Ministry of Environment's Freshwater Fisheries Program Plan.

Additional concept development, advisory, and consultations were completed with Pierce Clegg (Babine River/Nilkitkwa L. angling guide), Kevin Nixon (Conservation Officer), Doug Eftoda (local angler and Nilkitkwa L. seasonal resident) and Garnet Williams (Councillor, Lake Babine Nation).

**Available Options:** *(where appropriate, incorporate biological information above that supports an alternative approach to achieve the same outcome more effectively)*

There are no other alternatives to consistently protect summer-run steelhead and harmonizing regulations on the upper Babine while maintain angling opportunities for the public. This proposed alternative will meet all these objectives.

**Summary of SFAC Issues and Concerns:**

There were no dissenters from the Skeena Fish Advisory Committee. The committee recommended that the proposal be forwarded to the Regional Manager for approval.

**Regional Manager Decision:**

Recommend forwarding to Fish & Wildlife Director for implementation.

**Signed by:**

Regional Manager

Date