



P.O. Box 19753 • St. Louis, MO 63144

August 8, 2003

Mr. John Smith, Deputy Director,
Missouri Department of Conservation
P.O. Box 180
Jefferson City, MO 65102.

Dear Mr. Smith:

Our club has recently examined the newly proposed definitions for flies, lures, and baits for the Wildlife Code specified in Missouri's 3 CSR 10-20.805 Section 21, Definitions (trout fishing definitions) and we are writing in opposition to those changes. We understand the need to clarify and simplify these definitions and we sincerely appreciate the MDC's attempt to do so. However, as an organization dedicated to promotion of the sport of flyfishing and to the conservation of our fisheries resources we oppose the new definitions on both accounts.

Under the definition of the Soft Plastic Baits (unscented) the words "without an attached spinner" have been added. This means that on all the trout waters where soft plastic baits were specifically prohibited in the past, that such baits would now be legal as long as they have a spinner attached (no matter how small). This relaxation on the definition soft plastic baits is a colossal setback for the conservation of every one of our most precious trout areas that specifically prohibit soft plastic baits because of the universally accepted fact that such baits result in significantly higher hook mortality rates. Consequently, if this definition change is adapted the anglers of this state will suffer from degraded fish populations in all of our Wild Trout Management Areas, all of our trout areas managed for catch and release fishing, and most of our Special Trout Management Areas (where soft plastic baits are specifically prohibited). Expansion and management of these non-put-and-take trout fisheries is the solution to dealing with trout hatchery production challenges. It is irresponsible for the MDC to adapt new regulations that impedes the successful management of these special trout areas. Please drop the words "without an attached spinner" for the proposed redefinition of soft plastic baits!

As written, we believe enforcement will interpret the definitions to mean that the only thing differentiating an artificial lure from a fly is that a fly is permitted to have only a single-point hook whereas an artificial lure may consist of several-point hook(s) notwithstanding the words "of any material that is... permanently attached to a single point hook..." used in the definition of a fly. If a lure has a treble-hook attached via a spring-clip ring that can be removed and replaced with a single-point hook, it is a far stretch of the imagination that the permanently attached criterion is met. The existing definition of a fly states that a fly has to be "constructed" on a single-point hook and still enforcement liberally interprets that to mean that a flatfish with a treble-hook replaced with a single point hook meets the definition as a fly. We favor using the words "constructed on" a single point hook for the definition of a fly.

We have another major objection to the definitions because it only addresses the conservation significance of terminal tackle. We object to the implication that the fishing method known as flyfishing is defined by the state's definition of a fly.

It is universally accepted that there are very sound conservation reasons for limiting the use of natural and scented baits, soft plastic baits, and lures containing treble hooks on some waters because of the higher mortality rates with those types of terminal tackle. However, some waters of the state are designated as flyfishing only, purely for what the Missouri Department of Conservation refers to as "social considerations". Furthermore these "social considerations" are intended to segregate anglers using different tackle (i.e. fly versus spinning) not simply by their terminal tackle. For example there is no conservational or biological reason for anglers fishing with flies to be prohibited from fishing in zone number 3 at Bennett Springs State Park. Likewise, there is no conservational or biological reason to limit anglers to flies or lures with single-point hooks if they don't intend to release any fish and they are fishing in an area being managed as a put-and-take fishery.

We do believe this rich legacy in Missouri of imposing method restrictions because of "social considerations" on some stream sections is useful. However, we loathe the description "social" in this context and prefer that it be replaced with "sporting". Although the outcome is in effect identical, "sporting considerations" captures the essence of the justification. To the scientific-minded biologist managing a put-and-take fishery it makes no difference how fish are harvested. The fish are stocked to be captured and consumed and it makes no difference to biologists how the fish are caught as long as the environment is not damaged and the fish are not wasted. If all the fish are going to be caught and killed, what difference does it make if they are caught on bait, lures, flies, or by gigging, snagging, or netting? Our point is that sporting considerations is the reason people fish and therefore it's important our state continue to have some regulations to serve that purpose. Otherwise, it would be more efficient for the public to show up at trout park hatcheries and have their allotment of 2.25 fish handed to them. The purpose of the state's Wildlife Code goes beyond allocating the state's wildlife resources; it makes perfect sense for the state to establish fishing regulations for sporting reasons. In Missouri, "sporting considerations" are the reason that "sport" fishes are not permitted to be taken by gigging, snagging, or netting.

For sporting purposes, it is not unreasonable to define sporting methods in terms of other tackle aspects and not just terminal tackle. Sporting methods will continue to further evolve and sporting regulations need to be refined correspondingly, especially within the intensely managed trout parks. Of Missouri's 145 miles of coldwater streams the state apportions the vast majority of its stream-destined trout (over one million) to the 8.2 miles within the trout parks. The Missouri trout parks are amongst the most crowded and heavily stocked fisheries in the world therefore it's not surprising that various zones and regulations have been established to accommodate the diversity of sporting (or if you insist "social") methods. Moreover, the state should feel that it has an ethical obligation to distribute all trout-park fish equitably among anglers that prefer different sporting methods because the fish resources allocated there are so significant. For the same reason, trout park regulations should to be captured within the state Wildlife Code.

Although it's been shown that trout park zones have been established to apportion the stream for the different sporting methods, the lack of method definitions has defaulted in the methods being defined by terminal tackle definitions. This unfortunate precedent has resulted in much confusion within the different fishing method zones of the trout parks. If a spin fisher fishing with bait is offended by a flyfisher fishing alongside him in zone number three (the bait area) at Bennett Springs, does it make any sense that requiring the flyfisher to spray an attractive scent onto their fly will appease the spin fisher? I've witnessed and heard the following scenario played out several times: A first-time flyfishing visitor to a trout park is fishing an area clearly marked with signs stating "Fly Fishing Only". Alongside him steps an angler with spinning gear and starts casting a humongous Johnson's Silver Minnow complete with a twirling spinning blade or something similar. The flyfisher kindheartedly points out the sign designating the area "Fly Fishing Only". The spin fishing replies that he isn't breaking any rules and continues to keep casting. At this point a third party usually steps in, sensing the frustration of the flyfisher, and clarifies the situation. The mediator usually says something to the effect that indeed the spin fisher is correct; explaining that Missouri's regulation writers are apparently completely ignorant of the vast flyfishing literature produced over the last

few hundred years and that in Missouri such techniques are considered flyfishing. The visitor generally mutters something to the effect of, "that's the stupidest thing I've ever heard".

If the state were to regulate field sports and decided to define golf as any field sport where a ball is struck with another piece of equipment do you suppose golfing associations would be offended? Perhaps reallocating some traditional golf courses for traditional field hockey might be necessary, but please don't consider field hockey the same as golf. Likewise, the necessity to restrict some waters to single-point hooks is understandable in order to limit hook mortality but please don't refer to casting Johnson Silver Minnows with spinning gear as flyfishing. Identifying flyfishing as any single-point hook and line method is insulting to the Federation of Fly Fishers (FFF) whose charter is to cultivate and advance the art, science and sport of flyfishing as the most sporting and enjoyable method of angling and the way of fishing most consistent with the preservation and use of game fish resources. Paramount to the FFF's charter is to elevate the standard of integrity, honor, and courtesy of anglers (visit <http://www.fedflyfishers.org/aboutfff.html> to see what the FFF is all about). FFF members abide by a code of ethics that specially respects other angling methods (see <http://www.fedflyfishers.org/codeofethics.htm> to view the FFF Code of Ethics). The FFF has pioneered the practice and promotion of catch and release fishing and such practices have successfully helped fishery managers deal with limited resources throughout the world. Ray Scott, founder of B.A.S.S., has attributed the FFF with their catch and release ethic. Some of these FFF ideals could ease some of Missouri's challenges in managing their limited coldwater resources.

For many years, other states have successfully addressed regulations pertaining to sport fishing methods beyond just considering terminal tackle. A reasonable approach would be to adopt their proven definitions. We recommend the following descriptions to regulate Missouri's flyfishing areas. They are adapted from the regulations in the state of Pennsylvania.

- Fishing may be done with artificial flies and streamers constructed of natural or synthetic materials, so long as all flies are constructed in a normal fashion on a single hook with components wound on or about the hook. Specifically prohibited is the use of molded facsimiles or replicas of insects, earthworms, fish eggs, fish or any invertebrate or vertebrate either singly or in combination with the other materials. Also prohibited are other lures commonly described as spinners, spoons, or plugs made of metals, plastic, wood, rubber or like substances or a combination thereof.
- Fishing must be done with tackle limited to fly rods, fly reels and fly line with a maximum of 18 feet in leader material or monofilament line attached. Spinning, spincast and casting rods and reels are prohibited.
- The use or possession of any natural bait, baitfish or fishbait, and the use of any other device, natural or synthetic, capable of catching fish, other than artificial flies and streamers, is prohibited.

The above fly definition prohibiting the use of molded facsimiles solve many ambiguities with the newly proposed definition of a fly.

We feel that it is important that the state's flyfishing methods be defined such that they are consistent with the sporting methods that the Federation of Fly Fishers is trying to promote. The existing and proposed definitions appear to be designed to impede our efforts and are insensitive to our objectives, which are to promote the sport of flyfishing and improve our fisheries. Please don't equate flyfishing with any single-point-hook lure fishing method!

Sincerely, The Members of Ozark Fly Fishers

Larry Carli
President

Robert Temper
Conservation Chair

Brian Ellis
FFF Southern Council
VP of Communications