August 12, 2025

Chair Barbara Baker
WDFW Fish and Wildlife Commission
Natural Resources Building
1111 Washington Street SE
Olympia, WA 98501

RE: Comments on WDFW and FWC Resident Native Trout Harvest Management Policy

Dear Chair Baker and Commissioners:

Trout Unlimited (TU) and Washington Council of Trout Unlimited (WCTU) appreciate the ongoing opportunity to comment on the Washington Department of Fish and Wildlife's (WDFW) development of a Resident Native Trout Harvest Management Policy.

With over 350,000 members and supporters—including thousands of members and volunteers across Washington State—and over 300 staff nationwide, TU is North America's largest nonprofit organization dedicated to the protection, conservation, and restoration of cold-water fish and their watersheds. Our strength is derived from our grassroots members and volunteers working together with staff toward the common goal of ensuring resilient fish populations for future generations. TU is dedicated to using the best available science to guide our efforts, and we have the benefit of applying the expertise of our staff fisheries scientists to support policy and science efforts requiring careful analysis.

As an organization dedicated to conserving, protecting, and restoring North America's cold-water fisheries and their watersheds, we offer the following comments for your consideration of the Resident Native Trout Harvest Management Policy draft.

WDFW committed to developing the Resident Native Trout Harvest Management Policy in response to a petition filed in August 2023 requesting statewide protections on resident forms of wild steelhead (*Oncorhynchus mykiss*) to provide additional conservation benefits for struggling steelhead populations across Washington State. This petition recognized that there are inconsistencies and conflicts between the regulations for the anadromous and freshwater life history forms of *O.* (rainbow trout and steelhead) and requested that WDFW adopt more consistent regulations that ensure that juvenile, resident, and anadromous *O. mykiss* are protected and focus on rebuilding and maintaining sustainable populations. Unfortunately, as written, the Resident Native Trout Harvest Management Policy lacks any meaningful detail, recites vague and obvious generalizations ("maintain consistency with state laws"; develop … appropriate fishing rules"), and fails to address the concerns of the petition or expand protections for native resident trout beyond the current status quo approaches. The Policy is so vague and poorly-detailed as to provide no meaningful policy whatsoever.

WCTU expressed similar concerns previously, as described in the attached comment letter dated August 14, 2024. Oddly, despite WCTU, TU, and other comments, the currently proposed policy is more vague and less detailed than the draft Policy circulated in 2024.

As written, the current Resident Native Trout Harvest Management Policy relies on the stream strategy from 1984 and fails to incorporate the improved scientific understanding that has accumulated over the past 40 years regarding native trout life history dynamics, genetics, food web interactions, or sustainable fisheries practices.

Steelhead and Resident Rainbow Trout populations are interlinked

Rainbow trout and steelhead have a diverse suite of life history strategies, ranging from resident rainbow trout that spend their entire lives in freshwater to anadromous steelhead that undertake extensive marine migrations. While the mechanisms driving anadromy and residency are complex and include genetic, environmental, and physiological variables (McMillan et al. 2007, Kendall et al. 2015), resident rainbow trout can spawn with steelhead, and resident rainbow trout can produce anadromous offspring and vice versa (Zimmerman and Reeves 2000, Zimmerman et al. 2009, Hayes et al. 2012, Courter et al. 2013, Van Doorknik et al. 2013, Berejikian et al. 2014). While the degree to which anadromous and resident populations are interlinked varies, healthy resident rainbow trout populations are essential to the long-term conservation of steelhead populations.

This life history diversity allows *O. mykiss* to weather negative impacts in marine survival and productivity, such as in the Hood Canal watersheds where there appears to be a shift towards residency due to chronically low marine survival, largely attributed to increased predation and the Hood Canal Bridge impeding their migration and attracting predators (Moore et al. 2013). Additionally, resident populations can re-establish anadromy after migration barriers are removed and access to the marine environment has been restored. A clear example of this is the natural reemergence of the summer steelhead population from the resident rainbow trout population in the Elwha River following dam removal (Pess et al. 2024).

Native Cutthroat Trout

While the petition sought to focus on protections for resident *O. mykiss*, WDFW decided to expand the scope of the Policy to include resident cutthroat (*O. clarkii*) populations as well, a decision which we strongly support.

One key reason to include cutthroat in the policy is that harvest fisheries targeting cutthroat trout often result in mortality to other species such as juvenile salmon and steelhead, resident rainbow trout and bull trout, which are readily caught on the same gear as cutthroat trout.

Additionally, similar to the dynamic with resident rainbow trout and steelhead, there is a lack of consistency between the regulations for anadromous coastal cutthroat in marine waters, where fisheries are managed under selective gear and catch-and-release only, and in freshwater, where harvest is allowed. Anadromous coastal cutthroat trout utilize some of the smallest streams for spawning and rearing habitat, and in many cases, these populations are small and easily overharvested and therefore require more conservative management strategies.

Westslope cutthroat trout populations east of the Cascade crest are also in need of improved management strategies, especially those that focus on maintaining larger migratory fish that are crucial to the overall health of the population. These fish often move throughout large watersheds, are particularly susceptible to hook and line angling, and thus inconsistent or liberal harvest regulations can have dramatic impacts on these fish. Idaho recognized these issues with their westslope cutthroat populations long ago, when studying the effects of harvest and catch-and-release fisheries.

A study by Johnson and Bjornn (1978) showed that the adoption of catch and release regulations resulted in a thirteen-fold increase in overall abundance and they also observed that the number of cutthroat over 12" in their sample reaches increased from 1 to 45 over the study period. A recent study by Mallet and Thurow (2021) has shown that the population continues to maintain significantly higher abundances of Cutthroat than it did prior to the adoption of the catch and release regulations. Beyond the benefits for the fish populations, the overall quality of the fisheries has increased due to improved fisheries management strategies.

The Importance of Large-bodied Fish and Repeat Spawners

One of the key holdovers in the Native Trout Policy from the 1984 Stream Strategy is the assumption that ensuring that fish can spawn at least once by using a minimum harvest size is sufficient to maintain healthy populations. However, studies on both resident and anadromous trout and salmon show that larger-bodied individuals dig deeper nests and are more fecund (produce more and larger eggs and larger fry that have higher survival rates) and as such are essential to maintain healthy populations (Jonsson and Jonsson 1999, Bacon et al. 2012, Malick et al. 2023, Leblanc et al. 2023). These larger-bodied fish also often represent fluvial (stream to river) and adfluvial (river to lake) migratory components of the population, and as such, targeting harvest on larger individuals can significantly reduce life history diversity in freshwater populations.

Additionally, many male *O. mykiss* remain in freshwater as they have less to gain than females by migrating to sea (Ohms et al. 2014, Kendall et al. 2015). For example, approximately 75% of the age-2 and older smolts out-migrating from the Duckabush and Hamma Hamma rivers in Hood Canal are female, while approximately 90% of the age-4 older fish remaining in freshwater are male (Marston 2017). In watersheds with a low abundance or female-biased sex ratio, such as the Hood Canal watersheds, large-bodied resident male *O. mykiss* can be important contributors to anadromous populations during spawning, and may be essential to maintaining both the abundance and genetic variability (Araki et al. 2007, Berejikian et al. 2014).

Lack of data

The need for increased protections for resident trout arises from the lack of data on the status of populations across the state. While WDFW monitors most anadromous populations, little to no monitoring occurs on resident populations. The abundance of fish in these populations can be extremely variable and susceptible to drought, changes in prey availability, fire, or other adverse conditions. For example, research on streams with catch-and-release regulations shows that there is substantial variability in annual survival of resident rainbow trout on Washington's Olympic Peninsula, with shifts in climate and stream flow, as well as and the abundance of natural spawning Pacific salmon strongly influencing the overall abundance of resident trout populations (Marston 2017). During downturns in survival and abundance, these trout populations can become much more susceptible to overharvest.

The agency presumes that—despite a chronic lack of data—unless there is a known conservation concern, harvest can occur on resident native trout. This is backward. Unless there is strong evidence and sound data that native trout populations can support harvest, WDFW must manage these fisheries more stringently to prevent harvest of native steelhead and trout.

Policy Inadequacies

Beyond the need to align fisheries management of resident rainbow trout with steelhead management, the current policy is poorly defined and, as such, does not provide any meaningful guidance for native resident trout management. The biggest issues with the policy are the lack of definition or clarity regarding its objectives and the means to achieve those objectives. As written, it is unclear how the policy would effectively impact the *status quo* management or provide any additional protection for resident or anadromous native trout populations.

For example, the policy indicates that "*As a priority, fishing rules should seek to achieve conservation objectives for resident native trout*" and "*consistent with conservation objectives, provide a diversity of recreational fishing opportunity.*" Similarly, the guiding principle that indicates that fishing regulations "are biologically based" lacks a definition and is open to wide interpretation. These statements are mere platitudes and provide no guidance for WDFW staff.

The Policy does not define what these terms or the conservation objectives are or mean, nor does it provide a pathway to define them. If the proposed Policy is adopted and the language is not revised to provide further definition regarding its objectives, it will be essential that, after developing this policy, WDFW commits to developing a management plan that defines these objectives more clearly and concretely, their management strategies, and provides a pathway for implementation.

Also problematic in the policy is the use of flexible terms such as 'should' and 'consider,' which are used in four of the guiding principles. This terminology suggests that these guiding principles are optional and can be discarded at the discretion of fisheries managers.

Conclusion

Thank you for considering our comment carefully. We thank you for the opportunity to comment and would be pleased to discuss our concerns in further detail.

Sincerely,

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Jonathan Stumpf
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Andrew M. Kenefick
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CC: Steve Caromille, Kirt Hughes, Craig Burley, Kelly Cunningham

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August 14, 2024

VIA E-MAIL ONLY

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RE: Washington Fish and Wildlife Commission:
Proposed Resident Native Trout Harvest Management Policy

Dear Mr. Caromile:

On behalf of the Washington Council of Trout Unlimited (WCTU) and our more than 4,500 members across the state, we write to comment on the Washington State Department of Fish and Wildlife's (WDFW) proposed Resident Native Trout Harvest Management Policy. WCTU appreciates the opportunity to address some of our concerns with the policy options described in WDFW's July 2024 summary. https://wdfw.wa.gov/about/commission/policies/native-trout-management (Aug. 8. 2024). We intend to follow the development of this policy and request that we be informed of all opportunities to comment on future policy drafts.

While the policy is currently very skeletal, WCTU has several significant concerns with its overall approach. ***First***, the proposed policy suggests categorizing the "anadromous" areas of the state into three categories:

1. No known conservation concerns for resident native trout.
2. Known conservation concerns for resident native trout.
3. Known conservation concerns for impacts to juvenile salmon/steelhead production, rearing, or outmigration.

The first category combines areas where there is adequate information to conclude that no known conservation concerns exist with other areas where there is insufficient information to determine if native fish are at risk and need greater protection. For watersheds and native fish populations that

have been well studied, it may be appropriate to manage the native trout recreational fishery less stringently. However, for areas where WDFW lacks robust scientific information on the health of the native fish and the threats to them, WDFW cannot and should not assume that maximizing recreational harvest is an appropriate management strategy. WCTU recommends that WDFW split this category into two categories: (1) areas with sufficient information to conclude that there are no known conservation concerns, and (2) areas with insufficient information to conclude that there are no known conservation concerns. By conflating these two categories into one, WDFW ignores the very real possibility that the native fish have significant conservation needs that we have not yet identified. WDFW should bear the burden of proof to study and demonstrate that native fish are not at risk rather than assume so simply because WDFW lacks information that they are at risk.

Second, the third category considers only juvenile salmon and steelhead, ignoring the critical adult life stage. As we have learned from the critical role resident *O. mykiss* played in the resurgence of steelhead runs on the Elwha River, the conservation and restoration of native fish must also address the harvest of adult fish in areas with either known conservation concerns or areas lacking sufficient information to conclude that there are no known conservation concerns. This category should be revised to "Known conservation concerns for impacts to all life stages of salmon/steelhead spawning, rearing, and migration."

Third, the preceding two comments translate into our concerns with the policy options proposed. In those areas with "no known conservation concerns", WDFW should adopt more stringent management measures for those areas that lack sufficient information to determine if native fish are at risk and need greater protection. For example, until and unless WDFW has sufficient information to know whether rainbow trout/steelhead populations in a watershed pose no conservation concerns, WDFW should impose catch-and-release/selective gear restrictions on the recreational fishery. Similarly, the third category, as revised to include all life stages, should be expanded to include stringent management options that address all life stages of native fish.

Fourth, WCTU understands WDFW's logic in dividing the state into two geographic areas, namely those with no or limited connectivity to anadromous zones and those with anadromous zones. While we do not object to this delineation, it is difficult to support it full-heartedly given the well-known experience in the Elwha River watershed where the upstream areas would have been considered "no or limited connectivity" until the two dams were removed, and the entire watershed became an anadromous zone that has seen a remarkable resurgence in steelhead and salmon runs.

Finally, WCTU is concerned with statements suggesting that the management strategies and approaches will be constrained by "WDFW's available budget." WCTU thinks this is backward thinking. WDFW should develop a credible, science-based policy—irrespective of budget—that makes a strong commitment to the conservation and restoration of Washington's native fish. Not only does Washington have legal (*e.g.*, ESA) and treaty obligations, but we also have important recreational, commercial, and legacy reasons for conserving and restoring native fish populations. It is imperative

that WDFW establish a policy with strong commitments to conserving native fish in Washington and that WDFW use that policy to advocate for greater budget resources to carry out these commitments.

Thank you for considering these comments and we look forward to working with WDFW in the development of this policy.

Sincerely,

Andrew M. Kenefick – Chair
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