



Wild Fish Conservancy

N O R T H W E S T

S C I E N C E E D U C A T I O N A D V O C A C Y

Comments on the Washington Fish and Wildlife Commission (FWC) Draft Resident Native Trout Harvest Management Policy.

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We appreciate the opportunity to provide Comments on the Draft Policy (“Draft”) and the associated WDFW SEPA Determination of Non-Significance (DNS).

Public Notice and Transparency.

Given the demonstrated public interest in this policy and the Department’s stated commitment to increasing public participation in policy development, we are concerned that the public was not adequately notified about the opportunity to comment on the SEPA determination. While WDFW may have technically satisfied the minimum legal requirements for public notice under SEPA, in practice the outreach appears insufficient. As a result, we expect engagement in the SEPA process may be minimal. For example, Wild Fish Conservancy received multiple email notifications about public meetings related to the policy, but no notice of the SEPA process or comment opportunity, which we only discovered days before the deadline. We strongly urge WDFW to work to improve its outreach and ensure that important public comment opportunities are clearly communicated with sufficient lead time to allow meaningful public participation.

The Draft Policy.

The Draft makes clear at the outset that the Draft is focused on ensuring “the recreational fishing opportunities for resident native trout...”. This is somewhat puzzling given that such opportunities

are already ensured and have been for decades. The real intent of the Draft would seem to be concern to “ensure” recreational fishing opportunities when the Department is managing native trout populations for conservation and “sustainability”:

“The purpose of this policy is to provide guidance to staff when developing fishing rules for resident native trout, when appropriate, in a manner that meets conservation objectives of native species and provides sustainable recreational opportunities.”

While this statement of purpose may seem simple and straightforward, it is assuredly not. The statement assumes without any detailed argument or statement of principle(s) that “ensuring” recreational fishing opportunities for native trout is completely consistent and compatible with meeting conservation objectives of native trout species, thereby assuring that it is always possible for WDFW to provide “sustainable recreational opportunities” that meet native trout conservation objectives. This is, at a minimum, not obviously true.

Most importantly, it is impossible to assure such compatibility between fishing opportunities and conservation objectives in the absence of a clear definition of characterization of “sustainability” of native resident fish populations, and associated objective standards for determining that proposed recreational fishing regulations are in fact sustainable. The Fish and Wildlife Commission (FWC) appears to believe that recreational fishing and conservation of native trout populations are inherently compatible. On the contrary, any credible policy must provide scientifically credible and appropriate quantitative measures for determining that a proposed fishing regulation is compatible with the achievement and maintenance of sustainably managed native fish populations. Such compatibility should not be simply presumed (or asserted), but demonstrated as the outcome of a scientifically credible data-driven method for determining sustainability.

Appropriate policy guidance to the Department by the FWC should direct appropriate department staff to first develop scientifically credible conservation standards for native trout populations. Following this, the Department should be directed to evaluate the state of individual native trout populations with respect to the conservation standards; based on such determinations, Department staff should then be directed to evaluate how much fishing mortality applied to specific size and/or

age classes can be sustained by each population.

Further, it is important for policy to recognize that such “compatibility determinations” based on scientifically credible conservation standards will often likely be probabilistic; that is, in specific cases it may not be possible given the data and environmental context to determine with complete certainty that a proposed set of recreational fishing regulations for a given native trout population will assure sustainability of the population (attainment of the conservation standard(s)). Instead, there the outcome of the appropriate staff analysis will be a probability distribution of the consequences of the proposed regulations for the status of the affected population. This state of affairs thus requires a determination of the minimum, threshold, probability of maintaining the sustainable condition of a population in the face of specific fishing regulations. The choice of such a threshold probability reflects how risk-averse (for the population) the management policy is. When population sustainability for the long term (e.g., seven generations) is at issue the policy should place the benefit-of-the-doubt in favor of the population, not the recreational fishing community.

In fact, we suggest that as part of the revised policy, the Commission clearly state that recreational fishing is not an unqualified right, but rather a privilege whose exercise is contingent on the long-term health and viability (i.e., sustainability) of populations that are to be (or might be) affected by any proposed fishing regulation. Appropriate policy guidance to Department staff should be to assure that this is the case with high probability, if not complete certainty.

We recommend that the Department state the outcomes of its analyses in the appropriate canonical form of a regulatory decision rule:

(1) a quantitative target for the desired state of the population, (2) a quantitative (probabilistic) confidence threshold for whether that target is being attained based on the available data, and (3) specification of actions that will be taken if this condition is not met.

Adaptive Management.

The canonical form of a regulatory decision rule stated above highlights the critical importance of the adaptive management of population conservation and fishery regulations for Department

policy. We agree with Goodman (2002) regarding what is required for a conservation policy to be properly adaptive:

“Unfortunately, loose deployment of the vocabulary of adaptive management has at times been advanced as a rhetorical justification for the absence of a real plan or a real commitment. It is as if the mere announcement that there will be a management experiment, and the acknowledgment that the plan actually will be improvised as events unfold somehow dignifies the proceedings. Most assuredly that is not what we want here. By adaptive we mean that future decisions will be guided by future data, but the rules for making those decisions must be fully specified in advance, for the plan to qualify.”

The Draft language on adaptive management fails to meet this elementary requirement for adaptive management, and instead simply reflects the “loose deployment of the vocabulary of adaptive management...” noted by Goodman.

General Principles.

The list of guiding principles listed in the Draft repeats the flaws noted above by bandying about terms without providing appropriate quantitative definitions or criteria, and without directing Department staff to provide appropriate definitions and quantitative (measurable) criteria as an integral process of fleshing out the vague directives from the Commission.

Need for a Revised Approach.

The Commission should abandon the Draft and replace it with a more detailed set of directive to the Department that relevant technical staff develop appropriately detailed analytic procedures for, including appropriately detailed measurable criteria for determining or characterizing the sustainability of current native trout populations, developing and/or evaluating proposed recreational fishing regulations for specific native trout populations that embody the considerations and recommendations not in our comments. Such a detailed procedure should then

form the basis for the development by Department staff and the Commission of an Environmental Impact Statement for further public comment.

The Determination of Nonsignificance (DNS).

The DNS is alarmingly over-simplified and lacking in any appropriate detail. It simply re-states the first two paragraphs of the Draft, and then states that the lead Agency (WDFW) “has determined that this proposal will not have a probable significant adverse impact on the environment and that an environmental impact statement (EIS) is not required under RCW 43.21C.030(2)(c).”

This is not a credible SEPA analysis in support of a DNS.

As with the Draft itself, the DNS should be withdrawn and WDFW should request that the Commission abandon the Draft entirely or replace it with a draft directing the Department to provide an appropriate detailed EIS for evaluating the compatibility of proposed recreational fishing regulations with the sustainable management of native trout populations.

This includes inconsistent application of conservation objectives, failure to enforce key policy guidelines, and lack of transparent adaptive management responsive to monitoring results. Without meaningful implementation, the conservation commitments in this policy risk becoming symbolic rather than functional.

We urge the Department and Commission to accompany this policy with clear accountability measures, transparent performance tracking, and routine public reporting on implementation outcomes. Without such safeguards, this policy—despite its stated goals—may not result in meaningful protection or recovery of resident native trout.

Unclear Oversight of Resident Trout Hatchery Programs.

While this policy establishes principles and guidance for managing recreational fishing and conservation of resident native trout, it does not address the role or oversight of resident trout hatchery programs. This omission is concerning given that resident trout hatcheries exist and operate across Washington State.

Without a clear policy framework to govern hatchery-related impacts—such as ecological interactions, genetic introgression, or competition—it is unclear how the Department intends to achieve the conservation objectives outlined in this policy. We raised this concern in previous public comments related to Policy C-3624, and note that it has not been addressed in the Draft. As written, resident native trout hatchery programs appear to fall outside any clearly defined policy structure. We urge the Department and Fish and Wildlife Commission to either revise this policy to explicitly incorporate guidance for resident trout hatchery management, or, if such a policy already exists, clearly reference how it relates to and interfaces with this one.

Concerns Regarding Past Failed Implementation and Compliance with FWC Policies.

We are deeply concerned that the conservation intent of this proposed native trout policy will not be achieved, given the Department's ongoing pattern of failing to fully implement or comply with existing or former FWC policies. This pattern undermines public trust, weakens conservation outcomes, and calls into question the Department's commitment to policy-driven, science-based resource management.

For example, the FWC suspended the core policy guidelines of the 2009 *Hatchery and Fishery Reform Policy* (C-3619) before the Department completed a formal review and ultimately replaced it with Policy C-3624 in 2021. The Department's final policy implementation report (2020A), released after the policy had already been suspended, found that key components of C-3619 were never implemented, primarily due to a lack of monitoring, data, and program-specific accountability. In parallel, a separate WDFW scientific assessment of hatchery reform science (WDFW 2020B) conducted as part of the same review concluded that many of the original policy's guidelines remained best practices for hatchery reform. In effect, the Department not only failed to implement C-3619, but the Commission replaced it before the Department's own science-based review was complete.

The Anadromous Salmon and Steelhead Hatchery Policy (C-3624), adopted in 2021 to replace Policy C-3619, establishes core requirements including the development of a structured decision-making process via a technical procedures document. This document is intended to serve as a "science-based risk management framework to quantitatively address risks and benefits of hatchery production and incorporates uncertainty in the estimates of the risks and benefits." The policy also mandates the creation of Hatchery Management Plans (HMPs) for every anadromous

salmon and steelhead hatchery program covered under the policy. However, to date, neither the technical procedures document nor the HMPs have been completed, effectively leaving the policy unimplemented despite its formal adoption.

Despite undergoing a thorough years long public review process and completion of a comprehensive Environmental Impact Statement (EIS), the 1997 Wild Salmonid Policy remains largely unimplemented and decades after its adoption, key components have seen little substantive action. In fact, this policy which was never repealed or rescinded is not even listed on WDFW's website as a current or past FWC policy (see <https://wdfw.wa.gov/about/commission/policies>).

These examples collectively illustrate a systemic problem: statewide policies of great public interest are adopted with stated conservation goals and commitments to reduce known risks to wild fish, but too often they are not followed by the necessary implementation, monitoring, or adaptive management to achieve those goals. In the absence of clear accountability and enforcement mechanisms, there is little assurance that this pattern will not be repeated. Without a specific, transparent plan for implementation and oversight, the same fate is likely for this policy.

Citations.

Goodman, D. 2002. Predictive Bayesian Population Viability Analysis: A Logic for Listing Criteria, Delisting Criteria, and Recovery Plans. Chapter 21 in Bessinger, S. R. and D. R.

McCullough (eds.): Population Viability Analysis. The University of Chicago Press.

WDFW, 2020A. WDFW Hatchery and Fishery Reform Policy Implementation Assessment: Final Report, 2009-2019. Available at: <https://wdfw.wa.gov/publications/02133>

WDFW 2020B. A review of hatchery reform science in Washington State. Available at: <https://wdfw.wa.gov/publications/02121>