



# PETITION FOR ADOPTION, AMENDMENT, OR REPEAL OF A STATE ADMINISTRATIVE RULE

Print Form

In accordance with [RCW 34.05.330](#), the Office of Financial Management (OFM) created this form for individuals or groups who wish to petition a state agency or institution of higher education to adopt, amend, or repeal an administrative rule. You may use this form to submit your request. You also may contact agencies using other formats, such as a letter or email.

The agency or institution will give full consideration to your petition and will respond to you within 60 days of receiving your petition. For more information on the rule petition process, see Chapter 82-05 of the Washington Administrative Code (WAC) at <http://apps.leg.wa.gov/wac/default.aspx?cite=82-05>.

### CONTACT INFORMATION *(please type or print)*

Petitioner's Name Jim Schmitz/Brian Bennett

Name of Organization Wild Steelhead Coalition

Mailing Address \_\_\_\_\_

City Seattle State WA Zip Code 98116

Telephone \_\_\_\_\_ Email \_\_\_\_\_

### COMPLETING AND SENDING PETITION FORM

- Check all of the boxes that apply.
- Provide relevant examples.
- Include suggested language for a rule, if possible.
- Attach additional pages, if needed.
- Send your petition to the agency with authority to adopt or administer the rule. Here is a list of agencies and their rules coordinators: <http://www.leg.wa.gov/CodeReviser/Documents/RClst.htm>.

### INFORMATION ON RULE PETITION

Agency responsible for adopting or administering the rule: Washington Department of Fish and Wildlife

**1. NEW RULE - I am requesting the agency to adopt a new rule.**

The subject (or purpose) of this rule is: Statewide Protection of Resident Forms of Wild Steelhead

Juvenile wild steelhead (*Oncorhynchus mykiss*), documented to spend one (1) to four (4) or more years as resident fish in Washington State rivers, streams and their tributaries, are otherwise

The rule is needed because: exposed to undocumented and possible critical fishing mortality at this life stage.

The new rule would affect the following people or groups: \_\_\_\_\_

**2. AMEND RULE - I am requesting the agency to change an existing rule.**

List rule number (WAC), if known: \_\_\_\_\_

I am requesting the following change: \_\_\_\_\_

This change is needed because: \_\_\_\_\_

The effect of this rule change will be: \_\_\_\_\_

The rule is not clearly or simply stated: \_\_\_\_\_

**3. REPEAL RULE - I am requesting the agency to eliminate an existing rule.**

List rule number (WAC), if known: \_\_\_\_\_

*(Check one or more boxes)*

It does not do what it was intended to do.

It is no longer needed because: \_\_\_\_\_

It imposes unreasonable costs: \_\_\_\_\_

The agency has no authority to make this rule: \_\_\_\_\_

It is applied differently to public and private parties: \_\_\_\_\_

It conflicts with another federal, state, or local law or rule. List conflicting law or rule, if known: \_\_\_\_\_

It duplicates another federal, state or local law or rule. List duplicate law or rule, if known: \_\_\_\_\_

Other (please explain): \_\_\_\_\_

# WILD STEELHEAD COALITION



## PETITION PROPOSAL

Prepared for: WDFW

Prepared by: Guy Fleischer, WSC Science Advisor

June 1, 2023



## THE RULE IS NEEDED BECAUSE:

Juvenile wild steelhead (*Onchorynchus mykiss*), who are documented to spend one (1) to four (4) or more years as resident fish in Washington State rivers, streams and their tributaries, are otherwise exposed to undocumented and possible critical fishing mortality at this life stage. This rule would target those watersheds with wild steelhead runs, where current wild trout regulations need to fully recognize this key life stage as populations of wild steelhead comprise anadromous, resident, mixed origin fish. Resident males are also thought to be an important contributor to the viability of anadromous steelhead populations.

Current statewide regulations require the release of all wild steelhead (spawners). However, these regulations fall short in that they do not extend this protection to include all freshwater steelhead life stages, other than through some regional emergency regulations and others that fall short (not necessarily providing year-round protection or with size limits that are highly questionable), clearly not recognizing the same need for protection for resident fish as part of any complete management strategy for wild steelhead. Current trout regulations are derived from "*A Basic Fishery Management Strategy For Resident And Anadromous Trout In The Stream Habitats Of The State Of Washington*" (October 1984). Though it was recognized in this report that there is overlap in many watersheds of the various life histories of *O. mykiss*. Size limits and open seasons were offered, and are still in place, even in watersheds with known wild steelhead populations as means to provide summer and fall "trout" fisheries. Given the endangered status of wild steelhead across the State, this is no longer an ethical or wise management option.

From a basic understanding of steelhead population dynamics, reductions in the numbers of young resident rainbow trout can significantly impact the number of returning steelhead adults, particularly at lower population levels, as is the general case now. Furthermore, this also involves any non-anadromous resident *O. mykiss*, as it is documented that these fish are an essential contributor to progeny that eventually become anadromous. Population studies show that each spawning year produces successive year classes that contribute to the resident trout population - adding individuals to those previous year's classes still residing in their natal streams. This reproductive strategy builds up a multi-cohort bank of young wild steelhead and trout in each watershed.

Conserving resident trout, particularly in watersheds with wild steelhead runs, produces genetic integrity that, coupled with preserved or recovered river habitats, will go a long way to ensure viable steelhead populations, particularly in the face of a combination of stresses that include those from inevitable climate change.

We propose adopting a statewide wild trout management strategy of no bait, no-kill, no size limit in rivers and streams with wild steelhead populations. Only when monitoring can establish sufficient numbers of resident wild trout should there be any level of harvest. Also, before specific proposals for individual waters can be developed, any new regulations need to consider that even under

catch-and-release under selective gear rules, there needs to be expected mortality (recent studies show this at least 4-6%). Again, only when monitoring can establish sufficient numbers of wild "trout" should the waters be open for any fishing - particularly in those watersheds habitually under escapement goals for spawning runs.

Mixed stock situations also need to be involved in any management actions developed to protect resident wild steelhead. The Bycatch of resident juvenile steelhead and kelts need to be considered when other river fisheries are conducted.

### Proposed Regulations

- Statewide year-round Catch-and-Release (all size wild trout) in rivers and streams for all watersheds with wild steelhead
- Statewide year-round Selective Gear Rules (all size wild trout) in rivers and streams in all watersheds with wild steelhead
- Closed Waters: Selected sections of rivers designated as Wild Steelhead Gene Banks
- Closed Waters: Watersheds with wild steelhead runs under escapement

**PROTECT**  
WILD STEELHEAD FOR THE FUTURE

