



Director's Report to the Commission

December 7-9, 2017

Director's Office

Diversity and Inclusiveness

Policy: On Monday, December 4, the Executive Management Team reviewed a draft Diversity and Inclusion policy.

Diversity and Inclusion Advisory Committee: Selection of members has been completed, and the first meeting of the Committee is scheduled for December 12 in Ellensburg.

Legislative Update

Committee Assembly Days

On November 13-17, the Legislature was in town for Committee Assembly days. We had various meetings with budget writers and natural resources committee members to talk through our legislative and budget priorities and held three work sessions. We had a work session on our budget proviso and participated in a work session on the Cypress Island net pen collapse and the Ruckleshaus state land recreational access fee assessment. We expect the same committee chairs in the House of Representatives, but new leadership in the Senate due to the changing majority. The Senate Natural Resources and Parks Committee will now include Agriculture and water issues and will be chaired by Senator Kevin Van De Wege. The Ways and Means Committee will be chaired by Senator Christine Rolfes.

Agency Request Legislation and Budget

The agency received approval to move forward with our two bills in the 2018 Legislative Session (Americans with Disabilities Act technical fix and recreational recruitment/retention bill) and both bills are getting a lot of positive feedback from legislators and partner groups.

We have been working with the Office of Financial Management (OFM) and the Governor's Office to answer questions on our budget requests. The Governor's Office has also asked the Washington Department of Fish and Wildlife (Department) to provide details on how to fund a couple of Governor's priorities: orca whale recovery and wildlife trafficking.

The Governor's budget will be released in mid-December.

Guide Proviso

Department staff has been working hard to implement a proviso that was in our budget which directed us to hold meetings with guides and recreational anglers throughout the state and get their feedback on the state of our fisheries and the potential of a limited entry system.

We have held seven public meetings and various smaller workshops with guides and anglers throughout the state. Meetings have been well attended with an average of 50 people at each meeting, with commissioners in attendance at many of them. We also surveyed guides and recreational anglers in order to include those who could not attend the public meetings.

Staff are working to write up the feedback into a report which is due to the Legislature on December 31.

Commercial License Fee Adjustment

The Department's fee bill didn't quite capture the maximum potential non-resident rate for commercial licenses, and we have some legislators interested in helping fix this issue next session.

As you recall, last session the Department was tracking a court case around whether charging non-resident rates was a violation of the interstate commerce clause. The case settled in the Ninth Circuit Court of Appeals, and we found that we could charge a non-resident rate so long as we followed a similar methodology used in the court case. When the Department ran Washington's numbers through the model, we found that we could charge non-residents up to \$385 more than residents.

Legislative Session

The Legislative Session begins January 8 and, since it is a supplemental year, it is only supposed to last 60 days.

Despite it being a short session, there are many big items on the agenda. The Legislature is looking to resolve the Hirst decision, pass a capital budget, make progress on orca and salmon recovery, increase regulatory oversight on net pens, address the court rejection of their McCleary fix, and get out on time so they can begin campaigning for 2018 elections.

Fish Program

Dungeness Crab Harvest

The summer recreational crab fishery was conducted in most areas from July 1 through Labor Day in 2017. Catches were comparable to previous years in the Strait of Juan de Fuca, San Juan Islands, and around Whidbey Island. Catches were below normal in

Central Sound, South Sound and Hood Canal. Winter recreational harvest was closed in these low abundance areas to preserve reproductive potential.

Where there was sufficient quota to support a winter recreational fishery and a commercial fishery, the fisheries were re-opened. Winter recreational fisheries opened on October 7 and close on December 31. The commercial fisheries opened on October 1 and close in early spring 2018, with timing of closures varying by area.

Combined Marine Areas 8-1 and 8-2 (Crab Region 2E), which define waters easterly of Whidbey Island, have a significant Dungeness crab quota of 2.5 million pounds (1.25 million pounds, state and treaty shares of the quota). The summer recreational crab fishery landed 678,586 pounds, estimated from 2017 summer catch record card returns. The state commercial fleet fished in October and landed an additional 360,578 pounds and the winter recreational fishery added about 13,414 pounds, bringing the state total harvest to about 1,052,578 pounds. Total treaty harvest through October was about 913,916 pounds, or about 138,662 pounds behind the state harvest. In October, Treaty managers asked the state to cease harvest in Crab Region 2E through November to close the gap between state and treaty fisheries. The Department compromised and closed the commercial fishery, but kept the recreational fishery open to conform with Fish and Wildlife Commission policy. The treaty tribes now lag the state fishery by about 67,000 pounds and the Department agreed to postpone re-initiation of the state commercial fishery until Dec. 8, 2017 to provide treaty tribes additional opportunity in this area. Historic Crab Region 2E landings and percentage harvest by state and treaty Dungeness crab fisheries are found in the table below:

AREA	Season	STATE			TREATY	TOTAL ALL	PERCENTAGE	
		COM	REC	BOTH			STATE	TREATY
Region 2 East	2007-08	504,688	355,396	860,084	864,293	1,724,377	49.9%	50.1%
	2008-09	542,265	504,500	1,046,765	1,038,675	2,085,440	50.2%	49.8%
	2009-10	565,156	524,380	1,089,536	1,089,097	2,178,633	50.0%	50.0%
	2010-11	612,460	585,281	1,197,741	1,182,553	2,380,294	50.3%	49.7%
	2011-12	473,102	1,034,536	1,507,638	1,491,514	2,999,152	50.3%	49.7%
	2012-13	477,980	638,211	1,116,191	1,203,468	2,319,659	48.1%	51.9%
	2013-14	591,878	689,535	1,281,413	1,287,745	2,569,158	49.9%	50.1%
	2014-15	541,493	863,813	1,405,306	1,440,694	2,846,000	49.4%	50.6%
	2015-16	652,827	1,130,164	1,782,991	1,771,002	3,553,993	50.2%	49.8%
	2016-17	357,290	981,574	1,338,864	1,395,433	2,734,297	49.0%	51.0%
	10 Yr AVG	531,914	730,739	1,262,653	1,276,447	2,539,100	49.7%	50.3%

Progress Report for 2018 Pound Net Evaluation

Bill Tweit had a conference call with Wild Fish Conservancy (WFC) recently (November 28) and we agreed on some next steps, including agency support for WFC funding requests to the National Marine Fisheries Service and foundations, and a path forward

on Endangered Species Act coverage as well as Scientific Collectors Permit, all for their new work on the spring/summer time period. We agreed to begin discussing their proposals for fall fisheries at an in-person meeting on December 18. Subsequent, we have had follow-up conversations with the Oregon Department of Fish and Wildlife. They intend to participate in the December 18 meeting, and have developed an internal team to work with WFC led by Tweit, and including several Fish Program staff (Sippel, Cox, Wadsworth).

Puget Sound Chinook Harvest Management Plan

Overview:

State and treaty tribal co-managers today (December 1, 2017) submitted to NOAA Fisheries updates to a fisheries plan that guides conservation and harvest of Puget Sound chinook salmon throughout their range. NOAA will now begin reviewing the plan before considering it for approval spring of 2019.

Background:

- The plan defines management goals for state and tribal fisheries that have an impact on wild Puget Sound chinook salmon, which are listed for protection under the federal Endangered Species Act (ESA). Under that law, no fisheries affecting Puget Sound chinook can occur without a conservation plan approved by NOAA Fisheries.
- In setting conservation goals within the plan, state and tribal co-managers also consider the impacts to Puget Sound chinook in salmon fisheries in Alaska and British Columbia.
- The updated plan was developed by state and tribal co-managers through court-mediated negotiations that began earlier this year. The negotiations took place under a confidential court process, which limited participation to representatives of the federal government, the Washington Department of Fish and Wildlife, and tribal co-managers.
- The previous plan, approved in 2010, expired in 2014. Since then, state and tribal fisheries have been conducted under annual authorizations – a cumbersome and uncertain process.

Updates to the Plan:

- Updates to the plan are designed to refine the management of state and tribal fisheries to better support efforts to conserve and recover wild Puget Sound chinook salmon stocks, whose numbers have continued to significantly decline since they were listed for protection in 1999.

- Under the updated plan, there will be reductions to state and tribal fisheries in Washington, especially in years with expected low salmon returns. For example, increased protections for wild chinook salmon returning to the Stillaguamish and Snohomish rivers will likely further restrict numerous fisheries because those fish are caught in many areas of Puget Sound.
- Restrictions to state and tribal fisheries throughout Puget Sound will vary annually depending on the abundance of individual salmon stocks projected to return to the Sound's streams each year.
- If NOAA approves the plan, it will guide salmon fishing seasons from 2019-20 to 2028-29 and provide certainty for required federal ESA authorization. That would reduce the risk of having to cancel or delay state salmon fisheries in Puget Sound due to the uncertainty of an annual federal review.
- State and tribal co-managers will use the framework of the plan submitted to NOAA to develop 2018-19 salmon fishing seasons. The season-setting process for those fisheries, known as North of Falcon, begins in late-February. Participants in the annual North of Falcon process include representatives of federal, state and tribal governments and recreational and commercial fishing industries.

Review Process:

- NOAA Fisheries is beginning a review process scheduled through April 2019. The process will include the development of a federal biological opinion (known as a BiOp), which is an assessment of the plan designed to ensure it will not harm the survival and recovery of an ESA-listed species. In addition, NOAA will conduct a National Environmental Policy Act review and develop an Environmental Impact Statement. There will be opportunities for public comment during the review process.

Wildlife Program

Southern Resident Killer Whale Recovery

Southern resident killer whales (southern residents), or orcas, have declined to a 30-year low of 76 whales as of October 2017. Recent science also indicates that many orcas are in poor condition and are struggling to raise calves successfully. Southern residents have continued to deteriorate even in the short time since June 2016, when the Commission decided to uphold the endangered status of killer whales. Despite an active research and recovery program, both NOAA and the Canadian government have also upheld the southern residents' endangered status and recently expressed the need to invest more for recovery. Coordinating conservation actions for this species is complicated, since much of the critical habitat for southern residents spans traditional geo-political and natural resource management boundaries.

Given these dire circumstances, Department staff members are working with the Governor's office and coordinating with U.S., Canadian, state, tribal, and local governments, as well as conservation partners, to ramp up recovery actions. Wildlife, Fish, Habitat and Enforcement programs all play important roles in addressing the primary threats to southern residents. The major threats to southern residents include: lack of prey, high levels of contaminants, disturbance and noise from vessels, and the potential for a catastrophic oil spill. Recent science indicates that reduced availability of Chinook salmon undermines the potential for the southern resident population to successfully reproduce and recover. Presence of contaminants and accumulation of pollutants in our waters are also linked to the decline of southern residents. The potential for a catastrophic oil spill also continues to threaten southern residents and the entire ecosystem of Puget Sound. In addition, increased boat and ship traffic has caused greater underwater noise levels that interfere with critical southern resident feeding and communication.

Habituated Deer at Wildlife Rehabilitation Facility

The overarching goal of wildlife rehabilitators is: *Successful release of wild animals back to the wild that are physically and psychologically fit and able to truly function as wild animals.*

For Heaven's Sake Animal Rescue and Rehabilitation Center (FHS) is a Washington State licensed wildlife rehabilitator located between Olympia and Centralia, near Littlerock. Department staff members have worked with FHS for eight years, and they have had their rehabilitation license since October 2010. In February of 2017, the Department conducted an inspection visit for a third deer mortality which yielded no concerns of habituation. However, in August, the Department received notification of potential license violations from people who volunteered at FHS during 2017. During a re-inspection visit on September 22, the Department documented 14 deer fawns, one elk calf, and two otters that were habituated to humans. This violation was communicated with FHS owners at the time of the inspection and on another visit on September 28 to discuss complaints. The otters were released in early October without consulting with the Department, even though they were asked to do so. A followup visit to discuss the status and future of the deer and elk occurred on November 1.

Department staff members determined that the deer fawns and the elk calf were habituated beyond the point where the animals would have a reasonable chance of surviving if released and could pose a danger to the public. This habituation was in violation of their rehabilitation permit as well as Washington Administrative Code (WAC) 220-450-090 1(h). In search of a potential solution, staff members researched literature and discussed with other states the potential to "re-wild" the animals, but found no support for this approach because it is not possible to accomplish. A decision was made to remove the habituated animals from FHS and the Department searched for potential appropriate facilities, including zoos, Northwest Trek, and Washington State University (WSU), which conducts nutrition studies using tame deer. None of these facilities responded positively at the time, so the Department proceeded with actions to euthanize the animals in accordance with WAC 220-450-170 (2):

Wildlife tamed by, imprinted on, or habituated to humans while at the primary permittee's facility or subpermittee's facility must be humanely euthanized no later than one hundred eighty days following admission to the rehabilitation facility, to protect the public and to protect the animal from human abuse.

Just before the Department took action to collect the deer and elk, the Department contacted the project lead for the WSU nutritional study and she expressed interest in accepting up to six fawns if they met their criteria (i.e. tameness, females, and excellent health only). No other facilities offered their assistance.

On November 9, the Department arrived at FHS to collect the young deer and elk. All animals gathered at the gate of the pasture upon arrival of our staff. Staff removed and later euthanized three male fawns and one elk calf during this effort (returning one female fawn that could potentially go to WSU). These were the most habituated animals on site. Other animals were frightened by the transport trailer and were not captured this day. Staff members left 11 deer remaining at the facility.

While the Department's actions were consistent with available scientific information, the applicable state regulations, and the practices of other states, this action received substantial criticism from some members of the public. FHS, through its attorney, has threatened legal action to prevent further seizures and euthanasia and counsel for the parties are now discussing settlement of the conflict.

On October 26, 2017, the Department posted a Preproposal Statement of Inquiry (CR-101) stating that we are considering rule changes related to wildlife in captivity and wildlife rehabilitation. Our intention is to establish an advisory committee that will likely include the public, rehabilitators, veterinarians, and the Department to review associated WACs and to bring proposed changes to those WACs to the Commission for consideration in mid to late 2018.

Mount Saint Helens Wildlife Area Management Plan Public Workshop

On November 30, Department staff members hosted a public meeting to collect input for the new Mount Saint Helens Wildlife Area Management plan. About 25 community members attended and shared their thoughts about priorities for the area, which is comprised of 18 units in Skamania, Clark, Cowlitz, and Wahkiakum counties, and totals more than 9,600 acres. Comments included recreation use, landscape context and coordinating with other public land management agencies, weed management, and access to the land-locked Hoffstadt Unit. This feedback will be considered during the 9- to 12-month planning process, which in addition to meetings and analysis by an agency multidisciplinary technical team will include advisory committee and future public review when the draft plan is completed. The plan is one of four plans currently being developed, which includes the Blue Mountains, Sunnyside, and Chelan wildlife areas. Since 2014, the Department has completed plans for four other wildlife areas, including Oak Creek, Swanson Lakes, Sinlahekin/Scotch Creek, and Klickitat. The Department will be updating all management plans for the state's 33 wildlife areas, and integrating multiple agency priorities, including ecological integrity monitoring, recreation, and forest management.

Recreation Access Proviso

The Ruckelshaus Center, in partnership with the Department, State Parks and Recreation Commission, the Department of Natural Resources (DNR), and a “Leadership Team” of representatives from user groups, recreation pass holders, veterans, and social/environmental justice and legislative leaders, has developed a final report for improving consistency, equity, and simplicity in recreation access fee systems while accounting for the fiscal health and stability of public land management. The report, due this month and requested by the 2016 Washington State Legislature, includes options and recommendations for improving recreation access fee systems, including the Discover Pass. The Leadership Team developed three packages, including 1) the Pass-Free Package, which is the Leadership’s preferred recommendation based on their seeing it as the best fit with the requirements of the proviso, and would require a fee from all Washington vehicle owners to access to recreation lands; 2) the Two-Vehicle Pass System – building on success of the existing Discover Pass program; and 3) the Single-Vehicle Pass System with reduced fee. While each package presents a different approach to increasing simplicity, consistency, and equity while maintaining agency fiscal health, some elements are consistent across all packages, including further exploration of a combined federal/state pass, a common information portal for state agencies and federal agencies to promote recreation, and consistent free days across all state managed recreation lands.

Washington Cattlemen’s Association Annual Convention

Game Division Manager Anis Aoude, Landscape Conservation Section Manager Wendy Connally, Lands Division Manager Cynthia Wilkerson, and Range Ecologist Jeff Burnham attended and presented at the Annual Convention for the Washington Cattlemen’s Association in Kennewick on November 9. We had a panel discussion about Department land management, diversity species conservation, elk and wolf management, and a more focused conversation about range management in the Public Lands Committee. Discussions were productive and allowed a healthy dialogue.

Real Estate

The Department purchased the last of three small floodplain properties in Yakima County. This 10-acre edge-holding to the Sunnyside Wildlife Area contributes to floodplain restoration, habitat protection, and additional hunting opportunities.

20-Year Forest Health Strategic Plan for Eastern Washington

Department staff attended the launch of the DNR 20-Year Forest Health Plan (Plan) for Eastern Washington in Ellensburg on October 25. Department staff were integral in the development of the strategy, which was created with broad engagement from the timber industry, the conservation community, local communities, and state and federal agencies. The vision of the Plan is “Washington’s forested landscapes are in ecologically functioning and resilient condition and meet the economic and social needs of present and future generations.” The five main goals are to:

1. Accelerate the pace and scale of treatments,
2. Strategically focus work to protect communities and values at risk,
3. Promote rural economic development and use of restoration by-products,
4. Respect and integrate diverse landowner objectives, and
5. Monitor progress and adapt strategies over time to ensure treatment effectiveness.

The work includes a spatial prioritization of treatment areas on a Hydraulic Unit Code 5 watershed basis, which integrates the Department's spatial priorities for terrestrial and aquatic species and habitats. This work was directed by the Legislature, and is tied to annual updates about on-the-ground progress and projections of acres treated and funding required to accomplish that treatment. Department staff who were recognized for their contributions include Terry Jackson (now retired), Clay Sprague (now retired), Richard Tveten, Cynthia Wilkerson, and John Pierce. The Department was also invited to participate in the Advisory Committee that will be working to support the implementation of the Plan. The event and the initial Advisory Committee meeting were well-attended by local legislators as well as all four corners of the legislative leadership.

2017 Forest Management Summary

Staff have compiled the Department's annual forest management figures and the following are worth highlighting. We will be coming to you for a comprehensive update on our forest management work at the February Commission meeting.

In 2017, we harvested about 9 million board feet on Department lands. According to a citation in the recent DNR strategy (Cook et al. 2015), that translates into the following economics on top of the benefits of improved wildlife habitat and reduced wildfire risks.

- 162 jobs
- \$4.7 million in wages
- \$28.8 million in sales

Technology and Financial Management / Licensing

Outreach Event

The Department's Fish Program and Licensing Division partnered with Joint Base Lewis McChord's MWR (morale, welfare and recreation) program and Point Defiance Marina to host a squid fishing clinic and derby on Saturday, November 18 for approximately 30 soldiers and their families.

The purpose of the event was to show the basics of squid jigging and casting techniques. Participants would then get to test their skills during the derby portion. The event started out with approximately 30 minutes of class time where participants learned the basics of squid jigging.

Gene Anderson, the Point Defiance Marina Administrative and Program Assistant, also lent his hand on letting participants know what to look out for around the pier to make sure they didn't lose their tackle. The MWR donated three gift certificates to the Northwest Adventure Center to be used as prizes for the derby. Most participants were successful in catching squid, and even those who weren't successful still had a great time and walked away with smiles on their faces.



At the end of the event, participants were emailed a survey asking about their experience. All participants indicated they enjoyed the squid fishing event and would like to go squid fishing again. They also mentioned that when they go again they will be bringing family and friends along as well. Most asked that the Department do more events like this and for different species.

Enforcement Program

Maintaining Order

One role of officers is to maintain orderly fisheries, and one of the challenges to that occurs in the commercial crab fishery on the coast. A highly competitive affair, each year Enforcement receives complaints that commercial gear has been molested or stolen. This activity is incredibly difficult to police, but recent efforts have helped set a tone of intolerance that hopefully better protects legal fishermen. The case started a year ago when a deckhand on a commercial crab boat came forward and described how he was directed by the operator to steal commercial crab pots while out fishing coastal waters. A Department Enforcement Officer, with help from Quinault tribal officers, discovered over 30 stolen crab pots in the suspect's gear pile. After serving search warrants, one suspect was jailed until trial. A jury recently returned with guilty verdicts for Possession of Stolen Property third degree, Unlawful Commercial Fishing first degree, and Unlawful Interference with Hunting or Fishing Gear in the first degree. Sentencing is still pending. One interesting aspect of the case is that the suspect was convicted of a similar crime in the 1990s. Thanks to the Grays Harbor Prosecutor's Office for their tenacity and support.

Commercial Salmon Fisheries

Officers face many competing responsibilities this time of year, to include marine-based commercial fisheries. The Seattle Marine Detachment participated in a commercial gillnet emphasis patrol. Officers responded to two subjects gillnetting in the closed Marine Area 10 near Kingston. Two men involved in the netting claimed they were Yakama tribal members. The subjects also provided the Officers with a “permit” authorizing them to commercially fish for salmon in the Puget Sound, pursuant to the Boldt Decision (U.S. v Washington). This triggered fairly rigorous case law review, where it was concluded that the Yakama Tribe does not have treaty harvest rights in Puget Sound. This is the second time the Yakama Tribe has attempted to commercially harvest in the Puget Sound under a tribal issued regulation.



The last time was focused on commercial crab fishing. The two subjects later pled guilty to commercial fishing offenses. Their boat, gillnet and fish were seized for forfeiture proceedings. After refusing to provide their fish receiving tickets to Officers, their vehicle was seized for evidence. A search warrant was obtained and served to obtain further evidence. The seized fish were sold to a tender.

Endangered Species Act Protection

Some tributaries are closed to fishing because of low returns and impacts to Endangered Species Act fish. Patrolling these areas are a priority for the Enforcement Program and the dedicated officer presence has resulted in a number of noteworthy cases. One example involves the Methow River in Eastern Washington, where the steelhead season remains closed. The closure didn't deter the man an Officer watched catch and retain a steelhead. When asked to submit the fish for inspection, the person told him he was a tribal member, but he refused to produce identification, and eventually refused to produce the fish. The man absconded to his nearby home. Much later that evening, Sergeants helped serve a search warrant at the residence. Another non-tribal person was implicated in the case, and five steelheads were recovered – all appear to be wild fish under ESA protection.