



Director's Report to the Commission

June 14-16, 2018

Diversity Advisory Committee

The Department's Diversity Advisory Committee met for a day and a half in Olympia and made significant progress on setting up the long-term structure for the Department's efforts to be a more equitable, inclusive and diverse workplace. Some of the key discussions and outcomes included:

1. Completed a final draft of a robust charter for the Diversity Advisory Committee. We clarified our vision and goals and the internal structure for decision-making, recruitment of Diversity Advisory Committee members, and roles and responsibilities.
2. We discussed the challenge of sharing the results of harassment investigations in a way that respects the privacy of the victim and witnesses. We talked about how Department management needs to improve how we communicate with staff around investigations. We discussed the ethical dilemma around the competing values of transparency and protecting the privacy of Department staff.
3. The Employee Assistance Program (EAP) presented the resources they provide to Washington state employees and the adult family members that live in the same home. We learned that EAP is a truly wonderful and free resource to help staff and their families. EAP is confidential and the counselors can help staff identify next steps if they feel that harassment or bullying is happening in the workplace to them or others.
4. We also discussed what it means to be a bystander – one who witnesses, but does not take part in harassment, bullying, violence or inappropriate language. The good news is that anyone can be an active bystander, which means that you step forward – see something, say something. This seems particularly relevant for everyone at the Department, and we hope to bring training and tips to more of the agency.
5. Moving forward, we have three areas of focus:
 - a. Recruitment and retention
 - b. Promoting diversity, equity and inclusion agency-wide
 - c. Preventing and addressing sexual harassment, sexual violence and bullying
6. We are interested in feedback from people throughout the agency on these three focus areas, including where we are today with the issue, where we want to go, and actions that might move us in that direction. The next meeting will be July 12 and 13 in Olympia.

Marine Mammal Commission meeting 5/30-31

The Marine Mammal Commission held their annual meeting in Seattle on May 29-31. The Department had numerous staff participate in presentations and panel discussions, including:

- Erik Neatherlin, Chief Fish Scientist, presented some findings from the Early Marine Survival Study and salmon/steelhead management implications.
- Nate Pamplin, Policy Director, participated in a panel on pinniped management in the Columbia River.
- Penny Becker, Killer Whale Policy Lead, presented information about the Governor's Task Force and presented on a panel about management actions that might be undertaken to help recover the endangered Southern Resident Killer Whale population.
- Dan Ayers, Shellfish Biologist, participated in a panel about whale entanglements and the Dungeness crab fishery.

Puget Sound on the Hill Day in Washington, DC

Representatives from state agencies, tribes, and non-governmental organizations attended Puget Sound Day on the Hill in Washington, DC the week of May 21. Given that the President's budget eliminated much of the funding for Puget Sound, the event provides the opportunity for a broad spectrum of entities to highlight the importance of the National Estuary Program, Geographic Program, and Pacific Coastal Salmon Recovery Fund that collectively fund actions essential to the recovery of Puget Sound. More than 60 attendees met with congressmen/women from around the state, the senators, and federal agency leadership to express their support of these programs and articulate the implications of the proposed cuts. Department staff met with management from the U.S. Army Corps of Engineers Headquarters, Assistant Secretary of the Army-Civil Works, and the Office of Management and Budget on the Puget Sound Nearshore Ecosystem Restoration Project in addition to the meetings specific to Puget Sound Day.

Rockfish Stock Status

The Department and the National Marine Fisheries Service have successfully rebuilt three rockfish stocks (darkblotched, Pacific Ocean perch, and bocaccio) on the Pacific coast last year. NOAA Fisheries has officially removed them from the "overfished" list. These stocks have significantly constrained the West Coast trawl fisheries for groundfish and whiting and join canary rockfish, rebuilt in 2016, and widow rockfish, rebuilt in 2014.

There is one overfished rockfish species remaining on the list--yelloweye--which is primarily caught by hook and line gear in areas not accessible by trawl gear. It continues to constrain recreational and commercial line fisheries, but the latest rebuilding plan indicates we will recover the stock 60 years ahead of schedule. Revised

projections anticipate that we will achieve our objective in 2026, compared to a previous rebuilding year of 2086.

This is largely due to the conservation actions taken by the Pacific Fisheries Management Council and that the Department has led. Fisheries managers started rebuilding yelloweye 15 years ago; it has been a long, difficult, process, but was definitely worth it when we can actually see progress and restore these stocks.

Update on Southern Resident Killer Whale Recovery and Task Force

Department staff continue to work with the Governor's office and state agency partners to coordinate with U.S., Canadian, tribal, local governments, stakeholders and conservation partners to ramp up recovery actions for Southern Resident Killer Whales (Southern Residents). We are working to minimize or eliminate the major threats to southern residents: lack of salmon prey, high levels of contaminants, disturbance and noise from vessels, and the potential for a catastrophic oil spill.

The Governor launched his "Southern Resident Killer Whale Recovery and Task Force Executive Order" in mid-March in a ceremony in Seattle. The Executive Order directs state agencies, including the Department, to implement some immediate actions. Some of the actions for the Department included in the Order were increasing education, outreach, and enforcement of vessel regulations, examining the toxin levels in fish food, adjusting fisheries for Chinook and Southern Resident conservation where needed, demonstrating how existing grants for Chinook recovery benefit Southern Resident recovery, and others.

During this time, staff have also been working to ramp up activities that were funded in the 2018 Legislative Session. The Department and other state agencies were provided about \$3 million to support new and ongoing orca recovery efforts, such as reducing the presence of toxic contaminants in Puget Sound, and increasing hatchery production of Chinook salmon and other prey species.

The Executive Order also established a Southern Resident Killer Whale Task Force to focus on securing more resources and policy support for implementing recovery actions. The Puget Sound Partnership and the Department are the two lead state agencies working with the Governor's office on this initiative. The Governor, along with the co-chairs, Stephanie Solien and Dr. Les Purce, kicked off the first Task Force meeting on May 1. The Task Force is a broad group of government representatives (tribal, local, state, federal), stakeholders, scientists, advocates, and other interested parties. Three working groups focused on prey, vessels and toxins also convened in May to begin developing policy, funding, and other recommendations for the first draft Task Force report due October 1 (final November 1).

Center for Biological Diversity lawsuit re: Timber Damage Black Bear Removal Program

On May 31, 2018, the Department was served with a lawsuit filed by Center for Biological Diversity (CBD) challenging the Department's black bear timber damage

program. The bear timber damage program allows timber owners to apply to the Department for permits to use certain methods otherwise generally banned (hounds, trapping, and hunting over bait) to address bears damaging timber. The lawsuit requested declaratory and injunctive relief and was filed in Thurston County Superior Court. In addition to the lawsuit, CBD requested a Preliminary Injunction and a hearing was set for Friday, June 8, 2018.

However, CBD subsequently withdrew their initial motion for a Preliminary Injunction and has indicated they will refile a revised one. At the time of this writing, the Department has not seen the revised lawsuit. If filed soon, we anticipate that the Preliminary Injunction Hearing will be on June 15, 2018, and that the CBD will also request a Temporary Restraining Order (TRO), with the TRO Hearing occurring very soon after that filing. If granted, a TRO would stop the issuance of permits for 14 days, by which time the rescheduled Preliminary Injunction hearing should have also been held.

In the initial motions, the petitioner (CBD) requested “an order under RCW 7.40.010, 43.21C.075, and 34.05.574, and CR 65(a), preliminarily enjoining WDFW from issuing further Permits through the Black Bear Timber Depredation Program, authorizing the hunting of black bears using bait, dogs, and traps until this Court has ruled on whether the issuance of these Permits is lawful” based on the following allegations:

1. WDFW’s Issuance of the Permits Exceeds its Statutory Authority.
2. WDFW’s Issuance of the Permits is Arbitrary and Capricious.
3. WDFW Violated the APA by Adopting “Rules” Without Complying with Statutory Rulemaking Procedures.

Legislative Update

- On April 25, we took Senator Van De Wege, Senator Warnick, Senator Rivers and Representative Wilson to Bonneville Dam to meet with state, federal and tribal fisheries managers and learn about some of the challenges we face in preventing predation of salmon, steelhead and sturgeon on the Columbia River.
- On May 9, we took Senator O’Ban and legislative staff to Minter Creek hatchery to learn about hatchery management and our work with NOAA and other partners to identify ways to increase the prey base for Southern Resident Killer Whales.
- On June 2, we took Representative Fitzgibbon and Representative Peterson to Woodland Park Zoo to see their new wildlife trafficking exhibit and thank them for the help securing funding during the 2018 session. They helped us secure funding for two new officers that are dedicated to investigating wildlife trafficking at both the global and local scale.
- On June 4, we participated in a tour for the Outdoor Recreation Caucus that showcased some of the recreation assets in Wenatchee and Chelan and highlighted partnerships around recreation planning in the area. Many of the state natural resource agencies participated along with over a dozen conservation and recreation-

based organizations, local government officials and Representative Barkis, Representative Steele and Senator Hawkins. Commissioner Graybill did a great job of representing the Department on the tour and presented to the group about the economic contributions of kokanee fishing in Lake Chelan, and salmon and steelhead fishing in the Columbia River.

- On June 13 the House and Senate Agriculture and Natural Resources Committee members, local legislators and legislative staff joined us at the Oak Creek Wildlife Area to talk about elk management, working lands and forest health. Mike Livingston and Region 3 staff did a great job of presenting to the group and fielding questions about land management, work with neighboring landowners, species recovery efforts and prescribed fire.