



## Director's Report to the Commission

March 1-2, 2019

### Policy and Public Engagement

#### **Legislative Update**

March 1 is the 47th day of the 105-day legislative session that has been heavy in fish and wildlife-related legislation. Our legislative team is tracking 354 bills that affect WDFW. I have been engaged in our agency's legislative work and have testified for our recreational fishing and hunting license fee bill in both the House and Senate. I have continued to meet with legislators to discuss the agency's budget shortfall and funding request and various policy issues. Additionally, our teams have helped legislative staff, bill sponsors, and constituents develop amendments for bills to improve clarity and ability to implement the intent of the legislation.

Policy committee cut-off was February 22, 2019. Bills that are not necessary to implement the budget must move out of policy committee to continue to navigate the legislative process; those that don't are considered "dead."

Below are additional updates on the agency's request legislation and other bills of interest to the Department.

#### **Agency Request Legislation**

##### **HB 1708/SB 5692**

**Concerning recreational fishing and hunting licenses:** Prime sponsors Representative Blake and Senator Rolfes

The Department's bill to increase recreational fishing and hunting license fees, extend the Columbia River Salmon and Steelhead Endorsement, and improve recruitment of hunters and fishers. The Senate version was scheduled for executive session on February 21. The House version was voted out of committee with a substitution on February 22. These bills are necessary to implement the budget and are not subject to the policy committee cut-off.

##### **HB 1230**

**Broadening the eligibility for a reduced recreational hunting and fishing license rate for resident disabled hunters and fishers:** Prime sponsor Representative Barkis

The bill broadens the eligibility for reduced recreational hunting and fishing licenses for people with permanent disabilities. This bill has had a public hearing and was voted out of committee on February 1 without amendment.

## **Bills of Interest**

### *Personnel*

#### **HB 1217/SB 5481**

**DFW officer bargaining:** Prime sponsors Representative Blake and Senator Warnick

The bills seek to remove fish and wildlife officers from their current bargaining unit, and to establish a new coalition of commissioned officers, detectives, and sergeants of the department of fish and wildlife for the purposes of collective bargaining, including interest arbitration. The House version received a public hearing on January 24. Both bills remain in their policy committee at the end of the policy committee cutoff and will not be moving forward this year.

#### **HB 2037**

**Providing sergeants of the department of fish and wildlife interest arbitration under certain circumstances:** Prime sponsor Representative Sells

This bill seeks to provide interest arbitration provisions to sergeants of the Department if they choose to bargain outside of the coalition. The bill had a public hearing on February 18 and was voted out of committee on February 19.

### *Wildlife Management*

#### **HB 1516/SB 5320**

**Establishing a WDFW directed nonlethal program for the purpose of training dogs:** Prime sponsors Representative Blake and Senator Takko

The Department is working closely with stakeholders on bills to provide non-lethal cougar pursuit training opportunities for houndsmen. The Senate version had a hearing in committee on January 24 and was voted out on January 31 without amendment. The House version was also voted out of committee without amendment on February 15.

#### **HB 1824**

**Addressing the impacts of pinnipeds on populations of threatened southern resident orca prey:** Prime sponsor Representative Young

The bill directs the Department to propose actions to file for lethal take permit applications for the maximum lethal take of pinnipeds allowed under the federal Marine Mammal Protection Act. This bill was voted out of committee with amendments on February 19.

### **HB 1875**

**Concerning wildlife damage to agricultural crops:** Prime sponsor Rep. Eslick

The bill broadens the definition of damaged crops eligible for wildlife compensation from commercial crops to agricultural crops and also doubles the amount of funds available for claims and assessment costs. This bill was voted out of committee with a substitution on February 22.

### **HB 2097**

**Addressing statewide wolf recovery:** Prime sponsor Representative Kretz

The bill directs the Department to review the listing status of the gray wolf as an endangered, threatened, or sensitive species. If the directed review finds that the gray wolf is no longer in danger of failing, declining, or no longer vulnerable to limited numbers, then the Fish and Wildlife Commission shall consider whether a change in listing status is warranted. This bill was voted out of committee with a substitution on February 22.

### *Lands Management*

### **HB 1662/SB 5696**

**Concerning payments in lieu of real property taxes:** Prime sponsors Representative Dent and Senator Warnick

This bill simplifies the PILT process, moves payments to the Treasurer's office budget, and develops a consistent formula to calculate PILT payments. The Senate version is still in committee and was heard in executive session on February 21. The House version was voted out of committee on February 13 without amendments.

### *Fisheries Management*

### **SB 5617**

**Banning the use of nontribal gill nets:** Prime sponsor Senator Salomon

The bill creates a buy-back program for nontribal gill nets that would sunset December 31, 2022, thereby banning the gill net fishery beginning January 1, 2023. This bill had a public hearing on February 12 and was voted out of committee with a substitution on February 21.

### **SB 5871**

**Concerning the Columbia River recreational salmon and steelhead endorsement program:** Prime sponsor Senator Warnick

The bill would extend the Columbia River Salmon and Steelhead Endorsement Program until June 30, 2024. This bill did not have a public hearing and will be heard in executive session at a later date. This bill is necessary to implement the budget and is not subject to the policy committee cut-off.

## *Legislation to Recover Southern Resident Orcas*

### **HB 1578/SB 5578**

**Reducing threats to southern resident killer whales by improving the safety of oil transportation:** Prime sponsors Representative Lekanoff and Senator Van De Wege

The bill aims to improve safety in oil transportation via water by increasing reporting requirements, escort tug requirements, as well as requirements for emergency response vessels. The Senate version passed out of its policy committee with amendments and was scheduled for a public hearing in the fiscal committee on February 21. The House version also passed out of committee with amendments on February 19.

### **HB 1580/SB 5577**

**Concerning the protection of southern resident orca whales from vessels:** Prime sponsors Representative Blake and Senator Rolfes

The bill protects southern resident orca whales from vessel noise and disturbance. This bill legislates the “No-Go Zone” and a “Go Slow” zone around the whales, as well as other vessel-related provisions, in an effort to minimize orca/vessel interactions. Both bills were voted out of committee with a substitution on February 20 and February 21 respectively.

### **HB 1579/SB 5580**

**Implementing recommendations of the southern resident killer whale task force related to increasing habitat and forage fish abundance:** Prime sponsors Representative Fitzgibbon and Senator Rolfes

The bill aims to implement task force recommendations to recover SRKW by increasing habitat, as well as forage fish abundance. The House version was voted out of committee on February 6 without amendment. The Senate version had a public hearing on February 5. The House version was voted out of committee with a substitution and had a public hearing in the fiscal committee on February 20.

## **Website Redesign**

An overhaul of the Department’s website is in its final stages, with staff finalizing content and developing additional features to improve the functionality of the new site. The new website is designed to be easier to use on mobile devices and more accessible to users with disabilities, and relied heavily on user testing and feedback during development. A pre-launch expert review process will take place in early March to test the site for Americans with Disabilities Act compliance and other benchmarks. This review and in-house user testing will inform the new website’s final launch date, which is anticipated in March 2019, pending favorable test outcomes.

## Outreach and Public Engagement

Cross-program staff have reached the public across the state on a wide variety of topics over the last two months. Here are a few of the places they've been:

- **Ag Trade Expo** regarding White Nose Syndrome in bats
- **Bike and Outdoor Expo** in Spokane regarding public lands and things you can do on them
- **Seattle Boat Show** regarding invasive species prevention
- **Puyallup Sportsman Show** regarding ADA accessibility
- **Portland Sportsman Show** regarding ADA accessibility
- **Crappie Fishing 101** event in Region 5
- **Yakima Sportsman Show**
- **Wenatchee Valley Sportsman Show**
- **Amphibians of the PNW** presentation at WET Science Center in Olympia
- **A look at wild abalones Discovery Speaker Series** in Olympia
- **Green River College Mentor Night** in Auburn

## Wildlife Program

### 2018 Progress Report on the Management strategy for the Washington State Department of Fish and Wildlife's Forests

**Total Treatments Since Approved in 2014:** 9,131 acres (7,090 thinned and 2,041 prescribed fire). The Department has about 200,000 acres of forest with about 100,000 acres that need to be actively managed.

**2018 Accomplishments:** 3,203 acres treated

- Total Forest thinning: 2,113 acres (1,549 commercial and 563 non-commercial)
  - Slash piles burned on 800 thinned acres plus 125 acres of new acquisitions
- Prescribed fire: 1,090 acres

### Major Habitat Improvement Goals

- Restore resilient, diverse mosaics associated with historic conditions
- Increase understory plant diversity and browse for wildlife
- Accelerate the development of large trees and mature forests
- Restore priority ecological systems like Oregon white oak

**Wildfire Risk Reduction:** Fuels reduced (60,896 tons) and trees spaced to reduce crown fires.

- 51,517 tons/1,916 truckloads (33 tons or 1.2 truckloads per acre) hauled to mills
- Slash burned in piles: 713 tons on 925 acres
- Prescribed fire: 8,666 tons (8 tons/acre)

**Rural Economic Benefits:** While the purpose of forest thinning is ecological, thinning provides substantial economic benefits to rural economies. The Department sold 7.28 million board feet in 2018. According to the Department of Natural Resources 20-Year Forest Health Strategic Plan, this volume generates an estimated 131 jobs, \$3.8 million in wages, and \$23.3 million in sales.

**Timber Revenue:** The Department’s commercial thinning projects typically do not generate much revenue because they usually focus on removing smaller, less valuable trees. Thanks to favorable market conditions in 2018, however, revenues exceeded harvest costs by \$673,000. Most of the revenue (\$593,000) was reinvested on the wildlife areas to repair old roads, remove excess fuels, plant native species, and block illicit off-road vehicle access. Residual revenue is used to develop future projects.

**Forest treatments by Wildlife Area in 2018**

Wildlife Area Unit	County	Project type(s)
Colockum	Chelan	Burn piles on new acquisition
Grouse Flats	Asotin	Commercially thin dry forest
LeClerc	Pend Oreille	Prescribed fire in previously thinned areas
LT Murray	Kittitas	Com. thin dry forests, supply 4,000 logs for stream restoration
LT Murray	Kittitas	Burn piles on new acquisition
Mt. St. Helens	Cowlitz	Commercially thin dense plantations
Mt. St. Helens	Cowlitz	Non-commercially thin dense plantations
Oak Creek	Yakima	Pre-commercially thin young plantations
Rustler’s Gulch	Pend Oreille	Non-commercially thin dry forest
Scatter Creek	Thurston	Commercially thin to restore oak woodland/prairie
Sherman Creek	Ferry	Commercially thin dry forest and protect buildings from wildfire
Sherman Creek	Ferry	Prescribed fire in previously thinned areas
Sinlahekin	Okanogan	Prescribed fire in previously thinned areas
Soda Springs	Klickitat	Commercially thin to restore oak woodland
Weatherly	Garfield	Commercially thin dry forest

*Wolf Updates*

**Wolf killed in Adams County in “Caught-in-the-Act” Incident**

On the evening of February 4, Department staff members were informed that a ranch employee checking on cattle killed a wolf in northeastern Adams County in a “caught-in-the-act” scenario. The ranch employee noticed cattle running, then saw three wolves chasing the cattle. When the employee yelled at the wolves, two retreated. The remaining wolf paused, then continued to pursue a cow. The ranch employee shot and killed the wolf from approximately 120 yards away.

Department staff were on scene within two hours and Department law enforcement performed an on-site investigation. Based on the preliminary findings, Department law

enforcement indicated that the shooting was lawful and consistent with state regulations. In areas of Washington where wolves are not listed under the federal Endangered Species Act, [WAC 220-440-080](#) states the owner of domestic animals (or an immediate family member, agent, or employee) may kill one gray wolf without a permit issued by the Department Director if the wolf is attacking their domestic animals. The incident occurred outside any known pack territories, and the wolf killed was an unmarked, adult female. The breeding status of the female is unknown.

Department conflict staff members are working with the livestock producer to mitigate future conflict. Staff members are also investigating wolf activity in the vicinity to determine if there is a new wolf pack in the area.

### **Statewide Wolf Capture, Survey, and Management**

Wolf biologists conducted aerial wolf captures with a helicopter in northeast Washington this past month, where they were able to collar a wolf in the Stranger pack, one in the Carpenter Ridge pack, and one in the Goodman Meadows pack. Biologists also conducted two surveys with a small plane to survey packs and conduct counts in northeast Washington and one flight down to the central Cascades to count in the Loup Loup and Teanaway areas. These flights are used to count the number of wolves in the packs where at least one individual in the pack has a radio collar. The flights provide information for the Department's minimum wolf count estimates that will be tallied in the annual report that will be available in early April. A presentation will be given at the April Fish and Wildlife Commission meeting.

Wolf biologists also conducted winter track surveys in the Sherman, Dirty Shirt, Leadpoint, Togo, Salmo, and Lookout packs to get annual minimum counts. They also surveyed areas where recent reports from the public suggest there may be some wolf activity. These areas included the Chiliwist in Okanogan County, the Lake Wenatchee area in Chelan County, and the Tanuem and Stampede Pass areas in Kittitas County. These surveys are generally conducted by snowmobiling the road systems in the area to locate wolf tracks and following the wolf tracks on snowshoes to determine the number of individuals in each of the packs. By monitoring/tracking each area several times over the course of the winter, biologists get an estimate of the minimum number of individuals in the pack.

### **Communication, Coordination, and Stakeholder Engagement**

During January, Department wildlife conflict staff members held "Wolf 101" informational presentations for the Washington Association of Conservation Districts, Asotin and Garfield counties, the Columbia County Conservation District Annual Meeting, the Lincoln County Conservation District, and the Palouse Rock Lake Conservation District Annual Meeting. These presentations included information on wolf identification, statewide and local wolf counts, statewide wolf management objectives, nonlethal deterrent measures, and what to do if wolf depredation of livestock is suspected. Each meeting was attended by between 28-130 people. Additional "Wolf 101" presentations are being planned around the state for proactive outreach and engagement.

## **New Wolf Advisory Group Member Recruitment**

The recruitment process is underway for new Wolf Advisory Group members. At this time, three vacancies are being filled. Interviews have been conducted and we hope to make final selections in the beginning of March.

## **Statewide Preparation for Spring/Summer 2019 Grazing Season**

Department staff members reviewed 2018 grazing season activities and incidents and compiled opportunities for improvements for 2019. A new Department Range Rider request for quotation and additional training opportunities for staff members were some items identified for improvement.

## **Wildlife Program - Hunter Education Division**

Senate Bill 5148 would require the Fish and Wildlife Commission to adopt rules determining the times and manner when hunters must wear either fluorescent orange or fluorescent pink clothing or both. The rules must allow a person hunting to wear either fluorescent orange or fluorescent pink clothing, or both, in order to meet a visible clothing requirement when hunting.

Current rule (WAC 220-414-080) requires the wearing of fluorescent hunter orange while hunting during specific hunting seasons. Adding fluorescent pink does not represent a major policy change.

While fluorescent pink is new to the hunting public, six states now allow the color, and popularity seems to be growing. While fluorescent orange is highly visible in the outdoors, fluorescent pink is also very visible, and possibly more visible in some conditions.

Color blindness does not appear to be a significant consideration relative to the visibility of fluorescent pink. National Eye Institute information indicates fluorescent orange may be more visible than fluorescent pink clothing to individuals with certain types of color blindness, but the opposite may be true for other forms of color blindness. Only 8 percent of men and 0.5 percent of women with Northern European ancestry have the common form of red-green color blindness. Blue-green color blindness is even more rare.

The effect of allowing fluorescent pink on hunter recruitment, retention, and reactivation is unknown, but may make the hunting tradition more welcoming and appealing to some individuals.

The Department testified in support of the bill, which also has support of the Hunters Heritage Council. The bill passed out of the Senate (48 yeas, 0 nays, 1 excused) and has been referred to the House Rural Development, Agriculture, and Natural Resources Committee.



## Habitat Program

### **Nature and Human Health**

Leadership in the Habitat Program has been working to discover and engage with the community that is researching the connection between nature and human health. The fields of human health and environmental health stand to gain mutual benefit from one another. As such, we are working towards developing a presence and connection of the Department's work into these communities while seeking to understand their priorities in a way that helps us be an effective partner.

Habitat Program leadership attended the 2018 Northwest Nature and Health Symposium hosted by the University of Washington's EarthLab in October 2018. Some highlights explored the benefits of nature on childhood development and trauma recovery, among other things. The Department's presence at this symposium was well received and people were gracious for our interest in the evolving field of research as well as the potential benefit we can serve in this community.

Every few months, EarthLab hosts a Nature and Human Health dinner that brings together practitioners, researchers, environmental interests and other interested parties to network and discuss the latest news and research in this field. Habitat Program leadership attended their first dinner in January and plans to attend the next event scheduled on March 12. As staff continue to build an understanding of our role within this network, they look forward to sharing more information with you.

## Capitol and Asset Management Program

### **Tumwater Falls Renovation Project**

We awarded the construction contract for the renovation of the Tumwater Falls Facility to Stellar J Corporation in the amount of \$5.1 million. The contract has begun mobilizing on the site, and we anticipate construction to be completed in October 2019. We are currently planning a groundbreaking ceremony for some time in March 2019. The project scope consists of constructing new adult holding/juvenile rearing ponds, pollution abatement pond, construct a new surface water intake, modify the existing fish ladder, and provide a public fish viewing area.

## Technology and Financial Management / Licensing

### **Silver Lake Fishing Event**

The Department partnered with Silver Cove RV Resort to organize a Crappie Fishing 101 event on Sunday, February 17 in Silver Lake, Washington. Each of the attendees were new to Western Washington crappie fishing. Silver Cove RV Resort generously allowed use of their canals and lodge free of charge, and also provided warm

beverages to the participants. Sportsmen's Warehouse in Kelso donated an abundance of fishing tackle and hand warmers. Kelly Riordan (Sales and Marketing) kicked off the event by covering the rules and regulations for fishing at Silver Lake, proper gear set-up, and cooking practices. He also supplied hands-on support to participants once they were fishing on the canal. Each participant also received a goodie bag filled with a recipe card, fishing guide, stickers, tackle, and more. Using the donated gear from Sportsman's Warehouse and newfound tips and tactics, every angler was able to catch either a black crappie, white crappie, yellow perch, or bluegill. Several participants even caught their limit on white crappie. Overall, the event was overwhelmingly positive. Other Department employees that assisted in making the event a success were Ali Zigerelli and Alex Biswas from the Licensing Division and John Pahutski in the Fish Program.



## Region 2

### Ice Fishing on Lakes in the Region

Significant opportunities for ice fishing exist for those willing to brave the elements. Yellow perch and trout are being caught in several lakes, and walleye fishing success is picking up in the reservoirs of the upper Columbia.

### Region Staff and Director work with Ecology

We continue to work with Department of Ecology and Chelan County on the implementation phase of a new programmatic environment impact statement intended to provide more water for in stream flows in Icicle Creek, known as the *Icicle Strategy*. This small river has a shortage of water, especially in drought years, and the proposed projects have the potential to double flows in the stream during drought years. This will benefit water quality and temperature as well. Department staff are working to ensure that other wildlife and habitat concerns are considered and, where appropriate, adverse impacts mitigated for or projects altered in response to concerns.

## Region 3

### **Yakima Basin Fish and Wildlife Recovery Board Presentation**

Elizabeth Torrey (Region 3 Habitat Biologist), Perry Harvester (Region 3 Habitat Program Manager), Darren Friedel (Region 3 Fish Program Manager), and Rachel Voss (Mule Deer Foundation and BPAG member) presented the Department's 2019-2021 budget proposals to the Yakima Basin Fish and Wildlife Recovery Board on January 23. After the presentation and discussion, the Board approved updating their budget priorities document to a) endorse the overall process and direction the Department has taken to develop their proposed budget, b) support reauthorization of the Columbia River Salmon and Steelhead Endorsement, c) highlight the value of proposed Department funding for Regional Fisheries Enhancement Group support, and d) support the Payment in Lieu of Taxes (PILT) funds to be provided directly to local governments. Subsequent to the meeting, Recovery Board members visited legislators in Olympia and voiced their support for the Department's budget proposals among other Board priorities.

### **Habituated Elk**

In late January, the Department was notified that a habituated elk near Thorp, Washington was entangled in a garden hose. Many locals know this elk as "Buttons." She became well known when photos of her nuzzling wildland firefighters went nationally viral during the Taylor Bridge fire in 2012. The elk managed to free herself of the hose the night before Wildlife Program staff planned to capture her to remove it. During the process of evaluation to capture the elk, it became apparent that there had been many complaints about this elk's routine close interactions with people. For purposes of public safety and the well-being of the animal, the Department decided to remove her from the situation.

The elk was moved to a winter elk feeding area in Yakima County on February 1. This location was selected because: 1) she would be moved behind an elk fence that would deter her from interacting closely with people on private land; 2) she would be put into a location where about 700 elk were staying put for the winter because they were being fed quality food; and, 3) this location would give her time to acclimatize to other elk before spring migration. The elk has remained in the vicinity of the feeding area, staying within a few hundred yards of the large number of elk being fed. However, there has been no evidence that she has intermixed with or interacted with the other elk.

The public's reaction has been a mix of supporters and non-supporters of moving the elk. The Department has continued to share information with interested members of the public. People have continued to attempt to visit the elk. She remains visible almost daily, and people continue to try to get up close to her. Two incidents have occurred where people have scaled the elk fence into a closed area, entered the Department hay barn, and placed hay out for the elk. The Department has been monitoring the elk, and she has been observed feeding regularly. The human intrusions have only served to reduce the likelihood of the elk becoming more focused on elk, and less on people.

With no guarantee that this very habituated elk would be willing to integrate with other elk, Department staff have been exploring the next best viable solution—permanent captivity at a sanctuary, zoo, or wildlife park. The Department has explored 10-12 options for potential captivity across the northwest. All but three facilities declined to take her. Currently, the best option is an AZA accredited zoo. The zoo has other elk, and it is the best option for that reason. The Department is waiting for final word from this zoo.

## Region 5

### **Spring Chinook Season Below Bonneville**

Spring Chinook seasons were set through the joint-state Compact process, with below Bonneville open through April 10 but closed below the Warrior Rock line (just upstream of the Lewis River) as the Cowlitz and Lewis River stocks primarily constrained the lower river. Fisheries from Bonneville up to the Oregon/Washington state line above McNary are open April 1 through May 5. Snake River fisheries are opened through emergency rules and will be discussed at the East of McNary North of Falcon meetings scheduled.

Staff worked in conjunction with the Columbia River Management Unit to coordinate tributary spring Chinook fishery season setting. The Cowlitz and Lewis Rivers will close to salmon retention effective March 1 due to low forecasted returns to these tributaries and lack of harvestable surplus. Forecasts are below hatchery broodstock needs on the Cowlitz and very close to hatchery broodstock needs on the Lewis. The bag limit will be reduced on the Kalama River to one adult salmon effective March 1 due to low forecast and expected harvestable surplus. Steelhead fisheries in all three tributaries (Cowlitz, Lewis and Kalama) will remain open. Discussions continue with the Yakama Nation (co-managers) regarding spring Chinook fishery seasons in the Wind River, Drano Lake (Little White Salmon), and Klickitat Rivers. The Cowlitz River Advisory Group will meet on February 28. Columbia River Salmon and Steelhead Endorsement fee project proposals have been completed for internal review and submittal to the Columbia River Salmon and Steelhead Recreational Advisory Board (CRSSRAB) for Board meeting on February 26.