



Director's Report to the Commission

March 15-17, 2018

Director's Office

Legislative Update

The Legislature adjourned its 60-day session on schedule March 8. Lawmakers passed supplemental operating, capital and transportation budgets and approved the 2017-19 capital budget, which they weren't able to agree on during last year's 193-day session.

This report summarizes the highlights of the Legislature's actions related to the Washington Department of Fish and Wildlife (Department):

Early in the session, the Legislature developed a policy fix for the Hirst water availability issue, which created gridlock and stalled passage of the capital budget last year. The legislative fix ([SB 6091](#)) allows the development of new wells in areas with watershed plans in place, limits water withdrawals, and establishes a mitigation program, which will fund \$300 million in watershed restoration and enhancement work over the next 15 years. Habitat Program staff worked hard to ensure that the Department will play a significant role in determining appropriate mitigation projects under this new framework. The Legislature provided the Department \$580,000 to carry out its responsibilities under the legislation.

With the Hirst issue resolved, the Legislature was able to pass the 2017-19 capital budget, which provided the Department more than \$57 million for new projects and an additional \$17 million in grants and federal/local authority. It includes \$5 million for forest health and prescribed fire work; over \$20 million for hatchery infrastructure improvements; \$6 million for habitat restoration work; and \$11 million for minor works projects at Department facilities throughout the state. In addition, the Legislature passed a 2018 supplemental capital budget adding another \$3 million to repair and replace fire-damaged facilities at the Scatter Creek Wildlife Area; begin design to relocate the Hurd Creek Hatchery; and complete several minor projects in support of southern resident killer whale recovery.

Because the Legislature spent the first weeks of session on Hirst and the capital budget, less time was available for other issues, and a large number of bills died before the first policy cutoff. Unfortunately, one of the Department's bills that focused on hunter and angler recruitment failed to advance.

However, another of the Department's request bill did win legislative approval. [HB 2649](#), which will streamline rules for complying with the federal Americans with Disabilities Act and reduce barriers for hunters and fishers with disabilities, was approved unanimously by the House and Senate. When lawmakers adjourned, it required only the Governor's signature to become law.

Also of note was the Department's proposed commercial fee bill ([SB 6317](#)) which adjusted non-resident commercial fishing fees and reduced resident fishing guide rates. The Legislature amended the original bill to add a reduction in the fee for small fish dealers and to expand the ceremonial and subsistence fishing rights for Wanapum tribal members to all food fish, instead of just salmon.

Fisheries and Habitat Related Legislation and Budget Items

Carbon Tax: After much deliberation, the Legislature did not approve a carbon tax this session. Supporters of the tax are expected to propose an initiative for the statewide election ballot this fall.

Atlantic Salmon Net Pens: The Legislature spent many hours in committee and on the floor debating the regulatory framework around net pen aquaculture in Washington State. In the end, lawmakers passed HB 2957 to phase out all commercial net pen aquaculture facilities that raise non-native species, such as Atlantic salmon. The bill provides funding (\$65,000) for the Department to work with Ecology to update the state guidance on net pen aquaculture and assist with increased assessments of structural integrity at existing facilities until they are phased out in 2022.

Southern Resident Killer Whale Recovery: Lawmakers did not approve proposed legislation on killer whale recovery, which would have further regulated the speed of marine vessels and prevented vessels from disturbing these endangered marine mammals. However, the operating budget provided significant funding for increased enforcement patrols to reduce marine vessel noise around whales (\$548,000), increased Chinook production to supplement their prey base (\$1.6 million), increased juvenile salmon survival through new fish screens (\$30,000), and funding for the facilitation of a taskforce to identify early actions necessary to recover these iconic species (\$115,000).

Fish Health and Disease: The Legislature provided \$500,000 for the Department to hire an additional veterinarian and epidemiologist to ensure compliance with new federal and state laws related to the veterinarian licensure and environmental health, which require additional on-site coverage at the state's 81 hatchery facilities.

Puget Sound Steelhead Early Marine Survival: The Legislature provided \$790,000 for the last phase of the Puget Sound Steelhead Early Marine Survival Study. This funding will allow the Department to wrap up research into the key limiting factors for steelhead survival in the Puget Sound and begin looking into appropriate management actions to address them.

Halibut: The Legislature passed a bill ([SB 6127](#)) to establish a \$5 halibut catch record card for anglers who buy an annual halibut license. Revenue from the new fee will be used to increase data on angler effort and harvest.

Oil Transport Safety: The Legislature passed [SB 6269](#), which raised the oil spill response tax (\$0.01 per barrel) and the oil spill administration tax (\$0.04 per barrel). The bill requires an update to contingency plans, a large-scale oil spill drill every three years and the establishment of a Salish Sea water forum. The Legislature also provided a one-time fund shift of \$4.7 million from the Oil Spill Prevention Account to the Oil Spill Response Account which will support the Department's oil spill response team.

Lands & Wildlife Management Related Legislation and Budget Items

Wildlife Trafficking: The Legislature provided \$300,000 for the Department to increase investigation and enforcement efforts to combat illegal wildlife trafficking. This funding will enable the agency to implement Initiative 1401, which was approved by 70 percent of Washington voters in 2015 to outlaw the possession and trade of critically endangered wildlife species.

Payments in Lieu of Taxes: The Legislature provided \$22,000 to increase payments to Adams, Asotin, and Lincoln counties whose PILT payments were reduced from the last several year's of legislative policy that capped the Department's PILT payments.

Discover Pass: After much debate on the issue, the Legislature did not pass [HB 2652](#), which would have implemented the first phase of recommendations from the Ruckleshaus assessment on recreational access to state managed recreation lands. The Legislature instead provided \$75,000 for the Department, State Parks, Department of Natural Resources (DNR) and the Office of Financial Management to explore the fiscal and economic effects of the three recommendations outlined in the Ruckleshaus report.

Wildlife Transfer Notice: The Legislature passed [HB 2276](#) to expand public notice requirements when the Department proposes to translocate big game animals or certain carnivores for population enhancement. Wildlife Program staff worked closely with the bill sponsors to ensure this will complement current outreach efforts.

Wolf Translocation: The Legislature did not pass [HB 2771](#), which would have directed the Department to initiate the State Environmental Policy Act (SEPA) process to review the use of translocation as a tool for managing wolves. However, lawmakers approved funding (\$183,000) to enable the Department to begin that process in the coming year, with a status report due on December 31, 2019.

Good Neighbor Authority: The Legislature passed a bill ([SB 6211](#)) to establish a dedicated account for DNR and the Department to deposit federal funds from Good Neighbor Agreements we develop with federal partner agencies. This will allow greater flexibility in land management and will allow the Department to receive additional federal dollars for land management activities.

Human Resources, Administration, and Information Technology-Related Budget and Legislation

Enforcement Records Management: The Legislature provided \$1.4 million to update the Department's outdated enforcement records management system to meet heightened security standards.

Network Infrastructure: The Legislature also provided \$2.5 million for the Department to begin rebuilding the aging IT Network.

Sexual Harassment: The Legislature passed three bills to address workplace sexual harassment. [SB 5996](#) encourages the disclosure and discussion of sexual harassment and sexual assault; [SB 6313](#) clarifies employees' rights around sexual harassment complaints; and [SB 6471](#) requires the state Human Rights Commission to develop model policies to prevent and address sexual harassment. The third bill also encourages agencies to develop affinity groups, similar to the Department's newly formed Diversity and Inclusion Advisory Committee.

Technology and Financial Management / Licensing

2018 Supplemental Capital Budget

The Department received an additional \$2,956,000 in capital budget funding for all three projects in our supplemental capital budget request.

Hurd Creek – Relocate Facilities out of Floodplain. \$800,000 to initiate design and permitting to move critical hatchery facilities to higher ground due to the encroachment of the Dungeness River.

Scatter Creek Wildlife Area Fire Damage. \$1,331,000 to replace facilities and infrastructure that were damaged and destroyed during the wildfire in the Summer of 2017.

Southern Resident Killer Whale Recovery Projects. \$825,000 for hatchery improvements to increase chinook production to support the southern resident killer whale recovery. Up to \$130,000 is provided to support master planning efforts to identify opportunities for increasing salmon production with a focus on the needs of the southern resident killer whale.

Forest Health Capital Funding

With an additional \$5 million in forest health dollars provided in the recently approved legislative capital budget, the Department is hiring additional employees to accomplish more restoration activities on wildlife areas, including both prescribed forest thinning and burning consistent with the state's 20-Year Forest Health Strategic Plan. The

prescribed burn team added three crew members to increase capacity in preparing and accomplishing burns this spring and fall. One vacant statewide forester position has been filled to enhance efforts working on forest inventory, planning and coordination of thinning projects, and monitoring efforts. We are coordinating with the Washington Department of Natural Resources to plan for future projects that will restore forest health, provide habitat for species, and protect human health and safety. Staff members participated in the recent combined prescribed fire council meeting for both Washington and Oregon to look for ways we can work together to achieve our shared goals.

Wildlife Program

Lands 20/20 2017-18 Slate Approved for Pursuit of Funding

The Lands 20/20 2017-18 projects that the Commission was briefed on in February have finished their final review and seven received Director’s approval to pursue funding. The list below contains the approved projects. During the review of public comments, two projects were dropped. These were the Sherman Creek additions (54 acres in Ferry County) and the Green Gulch property (643 acres in Asotin County).

Lands 20/20 Fall 2017 - Funding List

	Acres	County	Cost Est.	Funding	Comments
Region 1					
Goat Mountain Road	43	Columbia	\$200,000	WWRP - CH	
Region 4					
High Bridge Water Access	1.78	Snohomish	\$8,000	Donation	Donation property, need funds to accept/process the transaction
Region 5					
Bickelton Ridge (Simcoe)	256	Klickitat	\$300,000	WWRP - CH	will be included in the greater Simcoe application
Region 6					
Sekiu Water Access	6.5	Clallam	\$400,000	BFP	
Oregon Spotted Frog	415	Thurston	\$600,000	WWRP - CH	Pass-thru Grant or Grants - working with partners
Nemah	103	Pacific	\$1,000,000	WWRP - WA	Acquisition and Development of recreation site
Grayland	1,750	Grays Harbor	\$1,500,000	WWRP - RP	Partial funding still needed

Lands Showcase

The Lands Division is leading an initiative to promote awareness of agency wildlife areas and water access sites, including where they are located, what is special about them, and how to access them. This work will showcase examples of transformative fish, wildlife, and landscape conservation efforts, and where the Department is working in partnership with many outside groups, volunteers, private/public landowners, and nonprofits to manage healthy fish and wildlife populations and the lands they inhabit for decades to come. Wildlife Program staff members built an internal structure with various sub-teams focused on different aspects of the work, including Communications

and Marketing, Story Content Generation, Statewide Recreation Strategy for Department Lands, Lands Recreation Facility Inventory, Lands Web Content, and Visitor Maps. The Wildlife Program is kicking off external engagement in the next few weeks with a survey that will be sent to several distribution lists, including hunting and fishing license purchasers and several stakeholder lists compiled by the Public Affairs and Marketing offices and used for other broad outreach efforts. This survey is aimed at gathering feedback on awareness, perceptions, uses, and avenues of engagement regarding Department lands. It will be paired with focused stakeholder interviews to develop a Market Assessment and Strategy for Department lands. The Department is also looking to increase immediate exposure with monthly stories highlighting work and happenings on Department lands.

Bear Timber Damage Management Program

The Department has worked with forest landowners on bear damage issues for decades. In 2014, the Department made changes in the administration and management of the Bear Timber Damage Management Program (program), tightening the parameters for bear removal and increasing oversight. The annual average number of bears taken under the new program has decreased by 38 percent from 145 to 89. The methods authorized under a permit are designed to maximize the likelihood of removing offending bears, and are not intended to manage bear populations. The Department is constantly looking for ways to improve this program with collaboration from various stakeholder groups.

The Department received correspondence from the Humane Society of the United States (HSUS) early in December expressing concerns regarding the Bear Timber Damage Management Program. Attorneys representing the organization's Animal Protection Litigation office in Washington D.C sent the letter, which outlines concerns with the timber damage bear removal program. The letter states that through permitted activity, the Department is violating the current law and the requirements of the Washington Administrative Procedures Act (APA). In the conclusion of the letter, attorneys state: "We look forward to working collaboratively to improve the program and prevent unnecessary inhumane killing of black bears, but are prepared to take legal action if the department does not swiftly remedy the legal infirmities of the program in advance of the 2018 season."

In September 2017, months prior to receiving the letter, the Department started the process of assembling a diverse stakeholder working group, similar to the Wolf Advisory Group, to collaboratively evaluate and improve the program. At the time of receiving the letter, the Department was in its second round of soliciting bids for professional facilitation services and was evaluating its internal capacity for using staff members expertly trained in conflict transformation.

The Department has since reached out to HSUS in an attempt to identify a suite of changes to the 2018 damage permit season in an effort to bring the stakeholder working group together in a collaborative process while still offering tools to the timber growers

experiencing bear depredation. The communications are ongoing and show real promise of avoiding litigation.

On February 26, the Department received a letter from Lane Powell, a law firm representing the Center for Biological Diversity. The letter similarly asserted that the Department has been operating in violation of both the letter of the law and spirit of Initiatives 655 and 713, as well as the requirements of the APA. It also stated that the Center for Biological Diversity is prepared to bring immediate legal action, including seeking an injunction against the exercise of any permits granted under the program.

The Department is in the process of preparing a response to the most recent letter. The Department is committed to working with all stakeholders to help guide our management of bear timber depredation issues in the future.