



Director's Report to the Commission

November 1-3, 2018

Director's Office

Update on Southern Resident Killer Whale (SRKW) Recovery and Task Force

The Task Force met on October 17 and 18 in Tacoma and made substantial progress in adapting and reaching agreement on potential recommendations. These recommendations were out for further Task Force and public comment October 24-29, so that Task Force members could review the feedback in time for their last meeting of Year 1 on November 6 in Puyallup. The Task Force will make final decisions on recommendations to be included in the Year 1 report at the November 6 meeting. The report will be followed by significant efforts during the upcoming legislative session and in Year 2 of the Task Force to move policy and funding requests forward and implement actions that were recommended by the Task Force. More information on the Task Force is available on the Governor's website:

<https://www.governor.wa.gov/issues/issues/energy-environment/southern-resident-killer-whale-recovery-and-task-force>.

Centennial Accord

The 2018 Centennial Accord was hosted by the Suquamish Tribe on September 24. Suquamish Tribe Chairman Leonard Forsman and Governor Jay Inslee gave opening remarks. Some of the topics discussed in the Work Session on Environmental and Natural Resources included suction dredge mining, wildfire disaster, Columbia River Treaty and fish passage, fish passage above Chief Joseph and Grand Coulee dams, SRKW recovery efforts, hatcheries, and culvert implementation.

Makah Visit

On October 8, Department leaders attended a meet-and-greet meeting with Makah Chairman Nathan Tyler, the full Tribal Council, and Makah Natural Resource Program managers in Neah Bay, Washington. The meeting included a brief recap of the Centennial Accord, a presentation on Makah ocean policy, and presentations from each of the Tribe's natural resource and environmental programs. In addition, the group participated in a Science Lab tour and round table discussions on how to improve and build on our intergovernmental relations.

The day concluded with a Memorandum of Understanding signing ceremony. Together, the Department and the Makah Tribe set forth their intentions and expectations for

regular and ongoing government-to-government consultations regarding fisheries, wildlife, and habitat management, and associated enforcement of their respective laws.



(Above) Director Susewind, Department delegation and Makah Tribal Council



(Left) Director Kelly Susewind and Makah Chairman Nate Tyler after signing the MOU

Legislative Update

I am meeting with as many key legislators as possible prior to session to get to know them and the issues important to their constituents and get their input on the Department's budget challenges. I met with Representative Ormsby, Chair of the House Appropriations Committee, on September 19, and Senator Rolfes, Chair of the Senate Ways and Means Committee, on September 26. I also met with Senator Braun on October 30 to talk about the Department's budget, performance audit and long-term revenue plan.

Region 5 Director Kessina Lee hosted a legislative tour of the Shillapoo Wildlife Area on October 24 to show interested local legislators the site and talk about the public process to scope a potential restoration project at the wildlife area.

I had the opportunity to participate in the King of the Reach Derby with many of our Fish and Wildlife Commissioners on October 26. Local, state and federal officials, fishing groups and Grant County Public Utility District participated in the event, collecting broodstock for the hatchery.

The agency is participating in various legislative work sessions during Committee Assembly Days in November and December. We are providing an update on cougar populations and management tools, along with an update on our budget and long-term revenue plan, to the House Agriculture and Natural Resources Committee. We are also participating in a work session of the Senate Transportation Committee, where we will give a presentation regarding fish passage barrier removal with the Washington State Department of Transportation.

Wildlife Program

Wolf Update (as of 10/23/2018)

Togo Pack

No depredations have occurred since September 7. If the Department documents additional wolf depredations on livestock within the ten-month rolling window, the Department may initiate another lethal removal action following the guidelines of the Wolf Plan and 2017 protocol. The livestock producer involved has continued to employ nonlethal deterrence measures.

Old Profanity Territory (OPT) Pack

The Department documented six wolf depredations between September 4 and 12, 2018, by the OPT pack in northern Ferry County. Using the Wolf Plan and 2017 protocol as guidance, I authorized lethal removal of one to two wolves in the pack on September 12. The Department documented six more livestock depredations by the pack between September 12 and September 21, bringing the total to 12.

The Department removed a pup from the pack on September 16 and an adult breeding female on September 28. Following the wolf's removal, the Department estimated the pack included one adult male and one juvenile (i.e., young of the year).

On September 28, the Department initiated an evaluation period to determine whether removing two wolves from the OPT pack changed the pack's behavior and reduced the potential for recurrent wolf depredations on livestock.

The Department documented three additional depredations on livestock between October 5 and October 11, bringing the total to 15 wolf depredations by the OPT pack.

The Wolf Plan and the Department's protocol indicate that the post-removal evaluation period should consider any depredations that take place after one or more wolves are removed from a pack. The Department determined that the October 5 depredation by

the OPT pack (injured calf that subsequently died) contained old injuries as well as new injuries. The new injuries occurred after the initial removal period, allowing for the removal of additional wolves from the pack.

However, I have not made a decision regarding implementing another incremental removal of wolves since the depredations between October 5 and October 11, and I continue to consider the details and complexities of the situation. The Department remains in the evaluation period since the last wolf was removed on September 28.

The U.S. Forest Service allotment where the affected producer grazes his livestock is large and lies entirely within the territory of the OPT pack. The Department is documenting the range-riding operation on the allotment to make sure it is as effective as possible. The Department will continue to work with the affected producer to implement any additional nonlethal deterrence measures.

If the Department documents additional wolf depredations on livestock, the Director will consider that information in determining whether to initiate another lethal removal action.

The livestock producer involved has continued to employ nonlethal deterrence measures. Fox lights have been removed from a salting site because cattle are no longer in the immediate area. The producer continues to remove livestock from the federal grazing allotment.

Smackout Pack

The Department documented three wolf depredations in the last ten months by the Smackout pack in Stevens County: on August 20, 2018, October 14, 2018, and October 21, 2018. The Department is monitoring the situation closely and is working with local livestock producers on additional nonlethal tools to reduce the potential for reoccurring depredations.

Grouse Flats Pack

The Department documented two wolf depredations in the last ten months by the Grouse Flats pack in Asotin and Garfield counties: on August 23, 2018 and September 2, 2018. The Department is monitoring the situation closely and is working with local livestock producers on additional nonlethal tools to reduce the potential for reoccurring depredations.

Enforcement Program

Sea Cucumber Buyer and Harvesters Sentenced

On September 28, a fish buyer and long-time owner of a Fife, Washington seafood business was sentenced in U.S. District Court to two years in federal prison, three years of supervised release, and nearly \$1.5 million in restitution for his scheme to

overharvest and profit on illegally taken sea cucumbers. The sea cucumbers were taken from the Puget Sound and the Strait of Juan de Fuca. The fish buyer pleaded guilty in April 2018, admitting that between August 2014 and November 2016 he conspired with others to underreport the amount of sea cucumbers he purchased from state and tribal harvesters by approximately 250,000 pounds of fresh product. The post-processing market value of the unreported sea cucumbers is nearly \$1.5 million. At sentencing, Chief U.S District Judge Ricardo S. Martinez said, by creating the market for illegal harvesters the fish buyer did “significant damage to sea cucumber populations and habitat that may take years to repair.” The amount of unreported harvest is equal to as much as 20 percent of the total allowed statewide harvest. The conspiracy to underreport harvest included both falsified fish tickets and catch that went completely unreported. The fish buyer frequently paid fishers with cash for their sea cucumbers so there would be no financial record of the total amount harvested and sold.

The investigation was initiated by the Department’s Statewide Investigation Unit (SIU) detectives in 2015 and later joined by agents from the NOAA Office of Law Enforcement. The Department’s Shellfish Manager and staff worked closely with detectives to provide harvest data for the investigation and impact statements for prosecutors. The Fish, Wildlife, and Parks Division of the Attorney General’s Office contributed significantly to the prosecution by preparing and testifying on the restitution agreement. The case was prosecuted by the United States Attorney’s Office in Seattle.

Additionally, on September 20, four state-licensed sea cucumber harvesters pleaded guilty to Unlawful Catch Accounting in Clallam County District Court for their part in the conspiracy to under-report sea cucumber sales to the same fish buyer. The unreported harvest for these four divers was over 10,200 pounds of fresh product. The harvesters pleaded guilty to seven counts of Unlawful Catch Accounting and will have to pay \$13,000 in restitution and perform 240 hours of community service.

Cases involving tribal harvesters were referred to their tribal police departments. The status of these cases is not known.

Illegal Wildlife Trophies Forfeited

In May 2016, Fish and Wildlife Officers from Region 1 began coordinating with the British Columbia Conservation Officer Service (COS) on an investigation involving two Spokane-area brothers who were involved in several illegal hunts in British Columbia and had improperly brought their trophies into Washington State. After a few weeks of online investigation and field work, Department Enforcement Officers secured search warrants for the Spokane residences of the two men. The investigation and search warrants lead to officers discovering of a large number of wildlife law violations in British Columbia, Alberta, Idaho, and Washington, as well as violations of U.S federal law. Officers recovered 25 wildlife trophies, which the two men had unlawfully taken and/or transported in British Columbia and Alberta, and then illegally possessed in Washington State. The value of the wildlife trophies is estimated to be approximately \$192,000. Department Officers filed the case with the Spokane County Prosecutor’s Office, who charged the suspects. The two brothers recently entered into a plea deal with Spokane

County and all of the wildlife trophies were forfeited to the state of Washington. Cases in other jurisdictions are still ongoing.

Habitat Program

Suction Dredging

The Code Revisers Office will publish the proposed suction dredging rule changes in the register on November 21. However, the Department will begin taking formal public comments on or about November 7. All documents will be posted on the Hydraulic Project Approval program rulemaking webpage, including the rules that were sent to the Code Reviser. The Department will send a news release and inform the people on our notification list that we are accepting comments. A briefing and public hearing is planned for the December Commission meeting.

Fish Program

Update on Hatchery Scientific Review Group (HSRG) Review

Background

At the June 13-16, 2018 meeting, the Fish and Wildlife Commission suspended the first three guidelines of the Hatchery and Fishery Reform policy and directed the agency (Director) to conduct a review of all sections and aspects of the Fishery and Hatchery Reform Policy (C-3619).

The review should include:

- Examining performance results since the policy was adopted
- Updating scientific elements
- Update policy language

Considerations from the Commissioners:

- Change the tone and language about the positive value of hatchery programs
- Consider inclusion of the following elements in policy revisions:
 - Add categorical designation for mitigating hatcheries
 - Accommodate for SRKW prey initiatives
 - Account for different levels of hatchery-wild interactions that take into account the evolving (theoretical and empirical) science on genetic risks

Status Update

Staff are moving forward with the Hatchery and Fishery Reform Policy review. Anticipated completion of the review is August 2019.

1. Agency Policy Position and Communication

Immediately following the Commission decision, there were a series of letters and inquiries coming from several sources including the Governor's Office, congressional staff, tribes, federal partners, nongovernmental organizations, and citizens. In parallel to preparing for the review, agency staff responded to letters, briefing requests, and general inquiries.

a. Director letter and policy position statement. Complete - August 2018.

In response to an inquiry from NOAA Regional Administrator Barry Thom, the Director working with the Commission drafted a response letter that serves as agency policy position on the Commission decision.

b. Response to Governor's Office Request. Complete - September 2018.

In response to a Governor's Office request for a briefing on the history of HSRG and the Commission decision, staff prepared an 11-page briefing document and have been working with Governor's Office.

c. Meetings with Regional Recovery Organizations and Lead Entities. Complete - October 2018.

In response to inquiries from regional salmon recovery organization and lead entity watershed groups (comprised of tribes, local elected officials, nongovernmental organizations and citizen groups), staff held a series of in-person meetings in Puget Sound and the Lower Columbia.

2. Project Plan and Working Groups. In Progress. Planned Completion November 2018.

Staff are in the final stages of developing a project plan for the project that assures transparency and independence in the review process.

a. Key products and outcomes include:

i. Science review – update the science

ii. Report – performance evaluation of policy and recommendations for updated policy language

b. Staff are assembling advisory groups to guide the process that will be comprised of both experts from within and outside the agency. This will provide further transparency and independence for the process.