DIRECTOR'S REPORT TO THE
FISH AND WILDLIFE COMMISSION
June 5-6, 2009

FISH AND WILDLIFE GOAL:
ACHIEVE HEALTHY, DIVERSE AND SUSTAINABLE FISH AND WILDLIFE POPULATIONS AND THEIR SUPPORTING HABITATS

California Sea Lions: The Washington Department of Fish and Wildlife (Department) and the Oregon Department of Fish and Wildlife have finished this years' efforts to remove California sea lions that are predating on spring chinook salmon near Bonneville Dam. There were a total of 14 sea lions removed, 4 were permanently re-located to an aquarium in Chicago and a zoo in Texas, and another 10 were euthanized after they did not pass health screening. The most common health problem was a urological virus that typically leads to cancer. This condition is common among older males in the wild population. Preliminary data indicates that the predation rate of salmon reduced this year, indicating that the combined removal of 25 California sea lions over the past two years is reducing the number of salmon impacted at Bonneville Dam.

The 9th Circuit Court of Appeals will conduct a hearing regarding the legal challenge from the Humane Society of the United States later this year. The Federal District Court ruled in favor of the states and NOAA earlier this year and the 9th Circuit denied the Humane Society's emergency motion to stop removal operations while the appeals hearing was pending.

Columbia River Spring Chinook: The U.S. v. Oregon Technical Advisory Committee (TAC) updated the adult spring chinook run to 160,000 compared to a pre-season forecast of 298,900. All non-Indian fisheries that would impact upriver wild spring chinook have been closed due to Endangered Species Act (ESA) conservation limits. The TAC will conduct a scientific investigation of the run prediction methodology, which is primarily driven by the relationship of 3-year old Jack returns as indicators of 4-year old adult abundance the following year. The predictor had a good historical accuracy record, but has been less reliable in recent years. The adult returns were significantly over predicted in 2008 and 2009. The TAC will be challenged with analyzing the meaning of over 70,000 Jacks returning in 2009, which is three times the previous historical record.

Eulachon Proposed Listing Response: The Department submitted a response for the proposed listing of the Southern Distinct Population Segment (DPS) of eulachon to the National Marine Fisheries Service (NMFS) on May 12, 2009. The Department concurs with the proposed threatened listing with the most likely configuration of the population being one DPS south of the Nass River/Dixon entrance. The Department agrees with the biological review team conclusion that recreational fisheries pose a very low to low risk to eulachon, and commercial fisheries pose a low risk due to the implementation of the Washington and Oregon Eulachon Management Plan. However, more information is needed to determine the risk to eulachon bycatch in pink shrimp trawl fisheries with the use of Bycatch Reduction Devices.

Wolf Management: Staff from the Department and Defenders of Wildlife (DOF) toured the Lookout Pack spring home range. DOF is offering assistance in preventing livestock conflict and is also prepared to reimburse ranchers if depredation should occur. The U.S. Forest Service (USFS) is under threat of litigation from a third party concerning the intent to turn cattle out on an allotment that is immediately adjacent to the suspected den site and is on top of last year's rendezvous site. Options are being explored that would rest this pasture for another year and utilize adjacent pastures that were grazed last year without incident. Discussions with USFS staff lead Department staff to believe that the situation can be worked out to everyone's satisfaction. As of May 16, both the male and female continue to stay close to the suspected den site.

St. Helens Wildlife Area Winter Mortality Count: The 2009 winter elk mortality count on the Mount St. Helens Wildlife Area has been completed with the help of Department staff and about 20 Rocky Mountain Elk Foundation volunteers. The preliminary data indicate approximately 35 elk died on the mudflow this winter. Locations of these mortalities will be checked, along with past locations, to verify each carcass/bone pile was from this year's winter.

Cedar River Sockeye Expert Panel: In the spring of 2007, the Department convened an expert panel and charged them to provide independent scientific advice on data sufficiency, address key questions, estimate biological reference points (BRPs) relevant to maximum sustainable production/harvest and population viability, and to describe uncertainties and the associated implications related to those estimates. As part of that project a two-day workshop was organized to present available data to the panel. Participants in the workshop represented the Department, the Muckleshoot Indian Tribe (MIT), the Suquamish Tribe (SIT), the Tulalip Tribes (TIT), the Northwest Indian Fisheries Commission, the University of Washington, Seattle Public Utilities, King County, and the Puget Sound Recreational Enhancement Oversight Committee.

For the first phase of the process the expert panel produced a report assessing data quality and identifying a modeling plan. During the subsequent year, the co-managers (Department, MIT, SIT, and TIT) worked on identifying an agreed-to data set to be used by the panelists.

We are currently in the final phase with an expected receipt of the final report by the end of June 2009. The panel has provided two drafts of their final report, with comments on the second draft being largely editorial in nature for inclusion in the final draft.

Under the current fisheries management plan, sockeye fisheries in Lake Washington are not initiated until a substantial number of sockeye above the escapement goal (350,000) are observed at the Ballard Locks. The BRPs in the current draft plan indicate a reduction in the escapement goal may be warranted. When the final report is available for distribution, we expect to start discussions among the co-managers on utilizing the information in the report to consider modifications to the current fishery management plan.

Razor Clam Update: The day following the completion of the successful 2008-09 recreational razor clam season, the Department's coastal shellfish crew began work on the annual coast-wide razor clam stock assessment as the first step towards determining the 2009-10 season.

As is the normal pattern, this work begins on the Longbeach Peninsula in May, moves to Copalis in late June, then to Mocrocks and Kalaloch in July, and finishing at Twin Harbors in August and September. The Copalis and Mocrocks assessments are conducted jointly with staff from the Quinault Indian Nation. For the Kalaloch assessment we are assisted by Quinault staff and staff from the Hoh Tribe and the Olympic National Park.

Early indications from the Long Beach assessments are that there has been some successful spawning and setting of juvenile razor clams over the last few months. This is good news since the last two years spawning/setting success on this beach has been poor.

Dealing with Sunset Falls Flood Damage: Staff continues to work on resolving the 2009 January flood damage incurred at the Sunset Falls Trap and Haul facility. The release site, which has been used for 50 years, was all but lost during the flood event. The site is a critical component in the operation of the Sunset Falls fishway. A search for an alternate release site has been ongoing for the last several months without success. The current plan is to acquire the necessary permits to use the existing site for this year's operation. Development of a temporary release chute, modifications to the transport tank truck and major work at the fishway intake gate will have to be completed prior to July 15 if the operations at Sunset Falls are to continue.

Close Call at The Dalles: Early on the morning of May 15, 2009, the Oil Spill Team received a report that a fuel barge carrying over two million gallons of gasoline had suffered a large tear in its hull while entering the lock at The Dalles Dam. Initial reports from the scene indicated that the inner hull of the double-hulled barge was intact and that no gasoline had spilled. By late afternoon, it was finally determined that the barge could be safely moved to Pasco for offloading.

W.T. Wooten Wildlife Area – Elk Fence Completed: Staff met with Department of Natural Resources (DNR) staff on the completion of the Wooten Fence. This fence is very well built and will last a long time. The stretch joints and corners are massive and being made from posts that are in the 10" to even 12" range in diameter size. The rock jacks are well loaded with rock – some of the rocks on the jacks are so large that people have wondered how the DNR inmate crews were able to move them.

PUBLIC GOAL:

ENSURE SUSTAINABLE FISH AND WILDLIFE OPPORTUNITIES FOR SOCIAL AND ECONOMIC BENEFIT

Tenth Annual Yakima "Fishing Kids" Event: Over 800 kids participated in this popular youth fishing event at Sarge Hubbard Park Pond near downtown Yakima on Saturday, May 9. The weather was pleasant and the fish cooperated by biting well. Regions 3 and 5 staff had previously stocked about 100 surplus Goldendale Hatchery broodstock (3-6 lbs. each), as well as 2,000 catchables from Naches Hatchery and another 3,000 catchables provided by TroutLodge through the "Cast for Kids" contract. A fair number of large fish were caught by the kids during the event, adding to the excitement. Two Region 3 Fish Management staff and two Enforcement Program staff helped coordinate and supervise the event. District 8 Fish Biologist, Eric Anderson, presented a "Fishing Kids Volunteer" appreciation award to Rod Mitchell from the Fort Simcoe Job Corps for ten years of providing Job Corps volunteers to help run the event and teach the kids how to fish.

Yakima Spring Chinook Fishery Opens: Two sections of the Yakima River opened last week to hatchery spring chinook fishing. Anglers are able to retain two hatchery chinook per day in this mark-selective fishery that targets fish produced by the Cle Elum Hatchery, which is operated by the Yakama Nation (YN). Unlike the mainstem Columbia River and Snake River spring chinook fisheries, the Yakima River sport fishery is not constrained by the ESA wild fish mortality limits because Yakima basin stocks are considered healthy and are not listed under ESA. Since the Cle Elum Hatchery only uses natural-origin fish for broodstock, virtually all hatchery salmon are available for harvest by the sport fishery and the YN's Ceremonial and Subsistence fishery. Unfortunately, for the second consecutive year, the Department was unable to secure YN Tribal Council approval to open a section of the river bordering the Yakama Reservation for non-tribal fishing. This section is highly desirable for salmon fishing, providing some of the best fishing water in the entire river. The YN has treaty-secured exclusive fishing rights to the "reservation boundary reach," and the Department cannot open a fishery in the reach without the YN first agreeing to waive its exclusive fishing rights by adopting a tribal fishing regulation approving a non-tribal sport fishery.

Puget Sound Recreational Shrimp: The Puget Sound recreational shrimp season opened on Saturday, May 2, with good weather and favorable shrimp fishing tides. Most areas of the Sound had record high participation. Marine Area 7 had the largest increase in fishing effort on opening day with 258 boats compared to 92 boats last year. Department biologists counted 510 shrimp pot buoys in Elliott Bay (Marine Area 10) compared to 281 last year and 1,183 buoys were counted in Marine Area 8 versus 858 in 2008. Participation in the Hood Canal recreational shrimp fishery was similar to last year, with 1,358 boats counted on opening day. The higher than expected participation resulted in shorter shrimp seasons for the recreational fishery in 2009. Marine Area 7 season length was reduced by 47%, Area 8 by 25%, and Area 10 by 33%.

Catch rates in the fishery were good throughout the Sound, with the average boat catch bringing about 16 pounds of shrimp. In total, the recreational fishery is expected to catch 120,000 pounds of shrimp in the 2009 season.

Percival Cove: Engineering has reported the completion of a study to determine the environmental impact caused from the operation of the Percival Cove Net Pens. After testing bottom sediments the consultant determined there was no difference between the control sediments and those tested under the net pen location. This testing process was completed to fulfill the requirements of the lease between General Administration and the Department. Engineering will now move on to completing the decommissioning of the Cove operation by removing the hard structures from the Cove area. This work should be accomplished by the end of the summer.

Community Outreach and Education – updates are as follows:

1) Reardan Audubon Lakes: Finishing touches were coordinated by staff for the Recreation and Conservation Office (RCO) trails project at Reardan Audubon Lakes – paving was completed, shrubs planted, and lumber delivered for the blinds. This work was accomplished with help from Master Hunter volunteers in the Lincoln County Conservation District.

2) Mt. St. Helens Wildlife Area – Hall Road Satellite Unit Cleanup: A group of students from Toutle High School offered to help with the cleanup of a portion of this Unit that once was home to a baseball diamond. Some of the structures on site have deteriorated badly and present an unattractive nuisance as well as being an eyesore. The students were joined by some of their parents and spent several hours pulling old lumber to the entrance of the site, which will be hauled away over the next few weeks by the Wildlife Area Manager. This activity was identified as a priority in this year's management plan update and members of the community would like to see the site become a watchable wildlife site.

3) GoHunt Internet Application*:* The GoHunt Internet application has been updated with new layers for the 2009-10 Game Management Unit's elk and deer areas. All of the new large and small format hunt unit maps have been posted on the web. Staff is working on getting the Private Lands Hunting Opportunity data updated to reflect the most current hunting/access agreement contracts and generating a series of GIS digital files (shapefiles) to make available for public download.

FUNDING GOAL:

ENSURE EFFECTIVE USE OF CURRENT AND FUTURE FINANCIAL RESOURCES IN ORDER TO MEET THE NEEDS OF WASHINGTON STATE'S FISH AND WILDLIFE RESOURCE FOR THE BENEFIT OF THE PUBLIC

Conservation Reserve Program (CRP) $3/acre Public Access Incentive: In October 2008, the previous Presidential administration announced that CRP landowners who were enrolled in state-run public access programs would be paid $3/acre as an additional incentive to their annual rental payment. However, this CRP $3/acre public access incentive payment, showed up under "terminations" in the current President's budget which was released on May 7. Justification provided for the cut was that the CRP incentive would have paid farmers whose CRP land is already in state-run programs, which would not have assisted in achieving the goal of creating more access.

COMPETENCE GOAL:
IMPLEMENT PROCESSES THAT PRODUCE SOUND AND PROFESSIONAL DECISIONS, CULTIVATE PUBLIC INVOLVEMENT AND BUILD PUBLIC CONFIDENCE AND AGENCY CREDIBILITY

Website: Posted the Department's new wind power guidelines, updates to the "Section 6" grants website, updated 2009 commercial razor clamming information, an updated deer hair-loss fact sheet, tribal net-fishing schedules, and other materials.

Multi-state Effort Finds Boat with Quagga Mussels: An alert citizen in Utah spotted a boat being towed north on I-15 near Salt Lake City with what appeared to be invasive mussels attached to its outdrive. He only had time to notice the boat name "Hello" before the boat disappeared in heavy traffic. The citizen alerted the Utah Division of Wildlife Resources who activated the 100th Meridian hotline which, in turn, contacted surrounding states of Idaho, Montana, Wyoming, Oregon, and Washington. As part of their response, Idaho contacted every marina in the state to be on the lookout. Based on a web posting by a Priest Lake blogger, a citizen alerted Idaho on May 19, that she had seen the boat in Spokane and provided an address. Within 20 minutes of receiving this information, the Department's Aquatic Invasive Species (AIS) Sergeant requested Region 1 Enforcement Officers to investigate, and they quickly found the boat. The boat owner was cooperative and stated he had just repossessed the boat from Lake Mead in Nevada, a known infested water body. The boat had been in a marina for at least nine months and was heavily infested with Quagga mussels – a prohibited aquatic animal species. The Department seized the boat for further investigation.

On May 21, the AIS Coordinator and the AIS Sergeant traveled to the Spokane office to inspect and decontaminate the boat in coordination with a Department press release announcing the start of mandatory AIS check stations. This event also coincided with the Idaho Governor signing new AIS legislation targeting zebra and quagga mussels. Investigation of the boat confirmed that they were quagga mussels, and the boat was decontaminated using the AIS unit's high-pressure hot water system. Media coverage was extensive with three Spokane TV stations and an associated press reporter whose story was picked up in Spokane, Seattle, and surrounding states. The boat will be returned to the owner and he will be cited for transporting and possessing a prohibited aquatic animal species under RCW 77.15.253, a gross misdemeanor, and fined $500.

Bear Finally Relocated: The elusive black bear that has been seen for weeks and eluded capture from Ballard to Everett appears to have been successfully captured and released. Enforcement Officers and Karelian Bear Dog Colter were called by the Everett Police Department and railroad workers to a current bear sighting under the I-5 bridge near Marine View Drive in North Everett. Officers (with tracking assistance from Colter) found the bear in thick brush/brambles and were able to hit it with an immobilization dart. The bear took off and

was located again with the help of Colter. Officers determined the bear was not showing signs of losing consciousness so they administered a second dose (dart) that successfully anesthetized the animal. The medium male was then brought up the steep hill with the aid of the Everett Fire Department (two ladder trucks) and numerous Officers. Local media was present including two news choppers overhead to document the capture. It went off "text book" style with a successful and safe immobilization, removal, recovery, and release.

DNR Land Exchange: A meeting was facilitated by staff to discuss recent comments by USFWS, RCO, and the National Park Service (NPS) on the Land Exchange Environmental Assessment (EA) draft. NPS deferred the Section 7 Consultation to USFWS, which was also previously agreed to; comments received from the USFWS will require a more detailed effects analysis for each resource area. Staff is working on language for specific parts of the EA and continues to revise map products. Additionally, there was a discussion with Bonneville Power Administration (BPA) staff on addressing BPA mitigation impacts of the exchange and adding text. The draft joint National Environmental Policy Act / State Environmental Policy Act notification letter and postcard and all mailing labels are ready.

SCIENCE GOAL:

PROMOTE DEVELOPMENT AND RESPONSIBLE USE OF SOUND AND OBJECTIVE SCIENCE TO INFORM DECISION-MAKING

Pilot Grazing Project: Utilization monitoring by staff and Washington State University technicians revealed that use targets were reached at the second of the two Pilot Grazing Units, Smoothing Iron, and cattle were removed from the unit. This ends the Pilot Grazing period for 2009. The utilization monitoring was conducted at five sites in the Pintler Creek management unit (four upland sites and one riparian site), and four upland sites in the Smoothing Iron management unit. At Pintler Creek, the continual cool temperatures have limited riparian use and loafing. Most of the use has occurred on hillsides and benches, and was concentrated on Idaho fescue and cheatgrass. Use on Idaho fescue, in several areas across the pasture, met utilization thresholds for livestock removal, and the operator was notified to move cattle out of this unit. Livestock use on the Smoothing Iron unit is concentrated on Idaho fescue, bluebunch wheatgrass, and Cusick's bluegrass.

Staff met with the Smoothing Iron permittee to discuss utilization monitoring techniques and to train the permittee on utilization monitoring techniques in future years. It was apparent that a major factor limiting good use monitoring will be grass identification, particularly on sites where a variety of grass species occur.

Waterfowl Surveys: Breeding waterfowl helicopter surveys continued, and two incidents occurred along new transects that pointed to the need for survey improvements next year. The first incident occurred on May 20, when staff learned that the boat launch parking lot near Fort Spokane is operated by the NPS and is not a good location to re-fuel a helicopter. The parking lot was deserted and assumed to be a State facility, and was the best alternative in the area when the helicopter needed fuel. The NPS does not allow helicopter traffic, except in emergencies.

NPS police responded and quickly sent Department staff on their way. A letter of apology will be drafted to the Fort Spokane National Park for the incident.

The second incident occurred on May 21, when the main rotor of the Robinson R44 clipped a grounding wire over a bridge near the town of Orient. The pilot safely landed the helicopter in a nearby field. The owner of the field transported the pilot to his house to report the incident (there was no cell phone service in Orient). The local utility company was onsite immediately to repair the wire. The Stevens County Sheriff's Department and the Border Patrol responded.

The Federal Aviation Administration (FAA) required the pilot to contact a Robinson Helicopters certified mechanic to go over the helicopter and determine if there was any damage. The pilot also went through a checklist with an Inland Helicopters certified mechanic. No damage was detected and the FAA gave the go-ahead to continue the flight. The crew and the pilot were comfortable with this decision and resumed the survey. These two incidents will result in several improvements for logistics and safety, in conjunction with review by the Department's aircraft safety committee.

Black Oystercatcher Captures: Staff participated in the first week of Black Oystercatcher captures in the San Juan Archipelago. This project, funded in part by the USFWS, will attach VHF radio transmitters to the birds to study winter movements. The crew was assisted by British Columbia Parks staff, who generously shared knowledge relative to catching and radio equipping the birds. Ten birds were caught and equipped.

Obama Administration Reviews Columbia River Biological Opinion: Jane Lubchenko, new head of the National Oceanic and Atmospheric Administration (NOAA), Nancy Sutley, head of the White House Council on Environmental Quality, and others from the Obama Administration held an information gathering meeting in Portland on May 26 regarding the Federal Columbia River Power System (FCRPS) Biological Opinion (BiOp). The morning session focused on technical issues and the afternoon session focused on policy. Casey Baldwin (Conservation Biology Unit/Science Division) was invited to attend as a member of the Interior Columbia Technical Recovery Team (ICTRT). In addition to the ICTRT, other attendees included Independent Scientific Advisory Board (ISAB) members, scientists from the Fish Passage Center, NOAA, USFWS, and Columbia River Inter-Tribal Fish Commission (CRITFC). Jane

Lubchenko opened the meeting with an overview of why they were here and what they hoped to accomplish. She explained that Judge Redden had offered the Obama Administration time to review the BiOp that had been issued early in 2008, and this meeting was to be a "listening session" to learn more about the scientific basis of the BiOp, but no decisions would be made. The technical representatives were asked to address six questions that had been provided to them a few days before:

1. There are differing viewpoints on the jeopardy standard and its application to the 2008 FCRPS BiOp. Please provide your views on the appropriate application of the standard and your rationale, and the appropriate means of measuring whether that standard would be satisfied. *Some of the input from the scientists included statements regarding the inadequacy of the no jeopardy standard based on a weak link to recovery targets and inadequate accounting for uncertainty. Several scientists mentioned that barely meeting replacement (returns per spawner = 1.0) for a highly depressed stock is not enough. Another pointed out that using a trend as a measure of success would almost always yield positive results because they started the trend when populations were at their lowest. Additionally, using a "trend towards recovery" is not sufficient when the rate of increase (slope of the trend) is not defined. The general conclusion was that the no- jeopardy standard was not adequate.*

2. There are differing viewpoints on whether the BiOp adequately takes account of ocean and freshwater effects of climate change. Please provide your views on whether the BiOp adequately takes account of climate change, and the bases for your views. *One scientist stated that the BiOp does include adaptive management for dealing with climate change, but the mechanisms and details of how adaptive management would be implemented were left out. Others commented that some freshwater and variable ocean conditions were modeled, but the connection to climate change was not clear. There was no apparent consensus on this question.*

3. The BiOp relies, in part, on habitat restoration to mitigate for impacts of the hydropower system. There are differing viewpoints, however, in the region on whether this is an appropriate tactic, and whether the BiOp provides sufficient specificity regarding future tributary and estuary habitat improvement projects. Please provide your views of the appropriate role of habitat restoration programs and the methodology in the BiOp and what additional actions could be taken by the Action Agencies regarding habitat restoration. *The consensus was that yes, in many areas habitat restoration and protection are a critical component of recovering listed or depressed stocks, but it is not clear if the BiOp proposes enough and there is uncertainty if the right actions are reasonably certain to occur. Casey raised additional uncertainty questions regarding the methods that the action agencies will use to assign survival credits for actions taken to improve habitat conditions. Questions were raised regarding the legitimacy of using models that had not been peer reviewed.*

4. Compared to operational configuration and actions of the hydropower system proposed in the BiOp, including juvenile fish transportation, what other hydropower system measures would significantly alter the status of the ESA listed species and why? In responding,

please also provide your understanding of the technical and economic feasibility of any such changes. *There was much discussion on this question about spill and transportation, due to the extensive studies that have been conducted. Some panelists pointed out that a lot of progress has been made with the timing of transportation, and it does seem to help survival of steelhead the most (despite a slight increase in stray rates), but that it does not work as well for chinook and its affect on sockeye is uncertain. Several people thought spill was more effective than the BiOp was giving it credit for. Casey pointed out that removal of the lower Snake dams would not help three of the seven evolutionarily significant units (ESUs) in the interior Columbia.*

5. There are a wide range of impacts from salmon and steelhead hatcheries and harvest associated with the FCRPS. Compared to the approach analyzed in the BiOp, what additional actions can be taken by the Action Agencies to ensure that these hatcheries and harvest do not impair the recovery of ESA-listed salmon and steelhead? *One scientist gave an overview of the HSRG approach and general recommendations, and stated that at extremely critical levels hatcheries can help avoid extinction. Generally, problems occur when you try to make hatcheries accomplish two objectives simultaneously, conservation and mitigation. Others agreed and stated that, based on their professional experience and review of the literature; there are very few situations where a hatchery has really contributed to recovery. Panelists stated that historical harvest did a lot of damage but has been reduced and does not appear to be a current major limiting factor.*

6. In addition to the contingencies and performance standards set forth in the BiOp, what alternative actions and decision-making framework could be implemented if the program recommended by the BiOp does not yield the expected benefits? *Several scientists reiterated their earlier points including that habitat actions rarely achieve their intended benefits and are generally still too opportunistic and not prioritized appropriately (requiring more actions to be taken than originally planned for). One scientist restated that the BiOp inadequately accounts for critical uncertainties and key assumptions and that it mentions adaptive management but does not establish a meaningful framework for adaptive management.*

Dr. Lubchenko wrapped up by stating that they had gained a lot of good insight, needed to combine the messages from science talks with the later policy discussions, and thanked everyone for their participation, especially on such short notice.