

**DIRECTOR'S REPORT TO THE
FISH AND WILDLIFE COMMISSION**
September 11 - 12, 2009

FISH AND WILDLIFE GOAL:

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

Southeast Washington Bird Predation Issues: Fish Management and Hatchery Division staff in southeast Washington are reporting what appears to be a rapid expansion of white pelicans in the lower Walla Walla River and up the Snake River. Pelicans are now gathering at the entrance to the fish ladder at Lyons Ferry Hatchery, and hatchery personnel have observed them taking adult steelhead from the fish ladder entrance. Fish Management staff have also seen what they describe as "hog lines" of white pelicans in the lower Walla Walla River when flows are decreasing and smolts are trying to migrate out. District 3 staff (Fish, Wildlife, and Enforcement) is researching possible hazing control options.

Proposed Protective Regulations for Killer Whales in the Northwest Region: National Oceanic and Atmospheric Administration (NOAA) Fisheries has recently released proposed Protective Regulations for Killer Whales in the Northwest Region under the Endangered Species Act (ESA) and Marine Mammal Protection Act. Under these proposed regulations vessels are prohibited from approaching closer than 200 yards from killer whales, prohibited from entering a half-mile wide zone along the west shore of San Juan Island from Eagle Point to Mitchell Point, and are prohibited from parking in front of a moving pod of whales. Exceptions are provided for government vessels, research vessels, tribal fishing vessels, and commercial fishing vessels. Recreational fishing vessels are not exempt. The closure zone along the west shore of San Juan Island is an extremely important commercial and recreational salmon fishing area. Comments are due to NOAA by October 27.

Extreme Heat and Fish Losses: Extreme heat and higher than normal water temperatures have exacerbated the presence of fish related diseases - columnaris (microbacteria), *Ichthyophthirius multifiliis* (Ich), and *Infectious Hemotropic Necrosis* (IHN)) resulting in losses in several regions. Regions 4, 5, and 6 in particular have experienced higher than normal losses for steelhead and salmon. Fish are still several months away from release so it remains too early to tell the effect to overall releases. Approximately 15 percent (124,000) of the late coho destined for the Klickitat and 7 percent (25,000) of the early coho destined for the State Acres for Wildlife Enhancement (SAFE) program have perished as a result.

Wolf Management: Lookout Pack: The Washington Department of Fish and Wildlife (Department) and U.S. Forest Service (USFS) staff continue to monitor the Lookout Pack. Over the last three weeks the pack has occupied two rendezvous sites about a half-mile apart. During this time a solicited howling response and a visual observation indicate that the pack currently has a minimum of three pups in this year's litter. The best estimate on adults also remains at three (collared pair and one yearling). Installed cameras have yet to document more than one pup at a time. Efforts continue to set up cameras in an attempt to further document this pack's demographics; however, in the last few days the female has begun moving the pups west and a

major move to the high country may be imminent. Telemetry suggests the male continues to roam far from the pups for days at a time. The details of his travels are yet unknown as USFS has been unable to fly due to fire fighting activity in the area.

Puget Sound Partnership (Partnership) and the Department's Roles in Oil Spill Response and Damage Assessment: Our Spill Team staff met with David Dicks and Michael Grayum of the Partnership to discuss the Department's oil spill program. The Partnership was given new responsibilities following the dismantlement of Washington Oil Spill Advisory Council (OSAC), and is evaluating the State's oil spill programs and their new role in this process. Staff provided an overview of the Department's Spill Team functions, feedback on our previous interactions with the OSAC, and some ideas on issues that need to be addressed as they develop their priorities.

2009-10 Waterfowl and Upland Game Seasons and Rules Pamphlet: The 2009-10 Waterfowl and Upland Game Seasons and Rules pamphlet was posted online. Soon afterward, printed copies were delivered to license vendors and they are now available throughout the state.

2009 Doves Banding Complete: Biologists captured and banded 710 doves this year, similar to last year's effort of 719 doves. Washington met the overall quota of 477 doves, although fell short of the age ratio quotas for eastern Washington – quotas established by the U.S. Fish and Wildlife Service (USFWS) and Pacific Flyway Council. Meeting the age ratio quota is a consistent problem in eastern Washington where juvenile birds are captured at a 5:1 ratio to adults. While this ratio is indicative of good production, capturing adults continues to be a challenge. Band returns from the extended 2008 season indicate a direct recovery rate of 5.3 percent, below the five-year average of 6.6 percent. Initial results indicate the extended season did not result in an increased overall mourning dove harvest in Washington. Dove season opens September 1, and as before, will be a 30-day season.

Bighorn Sheep and Highway 97A Fence Project: Staff continues to be involved in the hazing of bighorn sheep off Highway 97A during construction of the wildlife fence. As was the situation in 2008, a large group of 30 or more bighorn ewes and lambs have localized their activity along the Highway 97A corridor. The sheep are actively feeding in an area near Highway mile 209, which burned in 2008. Their activity patterns are becoming more predictable, with traffic problems occurring during the morning or the early afternoon. While there was a short reprieve from traffic mortalities, the inevitable occurred on August 8, when a ewe was killed at Highway mile 208.5 and again on August 11, when a second ewe (confirmed to be lactating) was killed at Highway mile 209.5.

Washington State Department of Transportation (WSDOT) reports fence construction to be on schedule. They predict that the fence will be completed by the end of September; however, that prediction did not include the installation of cattle guards placed at vehicle entrances. The contracted cattle guards are 16' x 25' in size and should be installed by the end of October. Gaps in the fence will continue to provide opportunities for sheep to enter the roadway until all guards are installed.

The Department anticipates there will continue to be problems with sheep on the roadway until the completion date in late October. By the end of September, rams in the Swakane population will be seeking out ewes at the onset of the rut. In October 2008, as many as 64 bighorns along

Highway 97A were observed during the rut. That concentration coincided with the death of 10+ bighorn sheep, including several mature trophy quality rams. As a result of the high vehicle mortality 2008, District 7 cancelled the Swakane bighorn sheep hunt for 2009. If we are successful in heading off collision mortalities this fall, the re-establishment of a Swakane permit in 2010 is likely.

Pre-Season Deer/Elk Classification Survey: Colville District staff continued annual pre-season classification deer surveys this week and accomplished the Deep Creek, Clayton, and Kelly Hill transects. Spokane District staff ran three deer surveys in North Spokane. It appears the deer were impacted by the severe winter and numbers are down. Staff ran a deer survey in a different part of northern Spokane County. The population appeared good, although there were a few less fawns seen on the West Plains Area. A total of 719 elk were counted to date, with 53 calves/100 cows.

Withrow Wind Proposal: Department staff and Douglas Public Utility District (PUD) met to discuss a revised proposal for the Withrow wind energy project in Douglas County. The Department has previously expressed concerns with the proposal due to degradation and fragmentation of sage grouse habitat in one of the two remaining sage grouse populations in Washington. The Department recommended the PUD revise the project proposal to be located west of Highway 172, as the highway appears to be a barrier to the majority of the Douglas County greater sage grouse population. The outcome of the meeting resulted in planning for pre-assessment surveys in the revised proposal area for sage grouse and Brewer's sparrows. In addition, a review of the PUD's existing data will occur to address potential indirect impacts to sage grouse resulting from this project.

PUBLIC GOAL:

ENSURE SUSTAINABLE FISH AND WILDLIFE OPPORTUNITIES FOR SOCIAL AND ECONOMIC BENEFIT

Commercial Razor Clam: The commercial razor clam fishery on the detached spits in Willapa Bay has concluded. The season opened May 11 and ended June 30. The 51-day season had 164 licensed diggers making 2,350 landings. The total pounds landed were a record high of 245,263 pounds, generating \$401,142 in ex-vessel value to the diggers and subsequently the local economy. The previous record year was in 2008 when 108 diggers participated in a 61-day season and harvested 205,634 pounds worth \$355,705. During the season 315 take home limits were recorded on shellfish receiving tickets, which was 13.4 percent of the total landings. Initially the price paid to the harvesters started at \$1.75-1.80 per pound but dropped two weeks into the season to \$1.60 due to the large volume of clams.

Oyster Reserve Sale: The 2009 Willapa Bay Oyster Reserve sale has largely concluded for the year. All oyster tracts have been harvested while manila clam sales will continue for the next few months. This year we sold 38,798 bushels of oysters, which generated \$130,335. Manila clam sales to date are 13,626 pounds worth \$9,745. Staff is now waiting on the development and survival of oyster larvae in the water so clutching (placing of shell on sale tracts to catch setting oyster larvae) can begin.

Snake River Basin Harvest Forum Kick-Off: Regional and Headquarters staff attended a one-day harvest forum meeting to review Snake River Basin fish harvest management plans being developed by basin co-managers. The meeting was coordinated by the NMFS Hatcheries and Inland Fisheries Branch Chief. Initial forum discussions focused on pending state and tribal harvest management plans being developed for submittal to NMFS for approval under the ESA for federally listed anadromous fish stocks within the Snake River Basin. Future smaller working group meetings will be forthcoming within the next few months, which will incorporate fish management technical staff in refinement of fish harvest plans relative to overall allowable impacts on listed stocks identified by NMFS.

Lyle Falls #5 Fishway Construction Update: The long-anticipated construction of the new fishway, broodstock collection and research, monitoring and evaluation facility at Lyle Falls #5 near the mouth of the Klickitat River will begin the week of August 17. This is also a Yakima/Klickitat Fisheries Project program, approved by the Northwest Power and Conservation Council and Bonneville Power Administration (BPA); and funded with “Columbia River Accord” dollars from BPA. The contractor will mobilize to perform in-water cofferdam construction to isolate/de-water the new fishway exit area and begin rock excavation for the fishway exit channel. In-water work must be completed by the end of September under provisions of the HPA issued by the Department for the fishway construction. Construction on shore will continue through the winter, and final in-water work will be completed during the 2010 summer/fall in-water work window. The new facility will be complete and fully functional in time for the 2011 return of spring chinook.

Wildlife Areas Land Exchange with Department of Natural Resources (DNR): The State Environmental Policy Act was finalized for Phase 1 of the land exchange with DNR. Few comments were received and no concerns were expressed. The exchange will result in the acquisition of approximately 9,019 acres of shrub-steppe and lower elevation forest habitats for the Department and for DNR, and approximately 5,416 acres of higher elevation forest habitat.

Phase 1 involved the exchange of state-purchased lands; staff has commenced preparation of an Environmental Assessment for Phase 2 of the exchange, which involves some of the lands that were required with federal funds. The exchange will result in the acquisition of approximately 19,027 acres of shrub-steppe and lower elevation forest habitats for WDFW and for DNR, approximately 12,424 acres of higher elevation forest habitat. Other phases may follow. (

Skagit Valley – Pheasant Release Site Option: Staff continues to work on pheasant release site options. They have located two possible sites, have an agreement from the lease holders, and are awaiting final agreement from the landowner. One of the lease holders is considering an addition to their other lands in the Skagit valley to a “feel free to hunt” program for waterfowl. Pheasant release sites are difficult to secure as: 1) a relatively large field is necessary; 2) many landowners fear that neighbors or tenants will complain about noise and crowds; and 3) most of the suitable land is already leased to a hunt club or a cattle operation that cannot be relocated this year.

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

Columbia River Basin Projects Coordination: Regional Directors, Region 1, 2 3 and 5 program managers from Habitat and Fish Programs, and Intergovernmental Resource Management staff facilitated a Columbia River projects coordination meeting. Staff participated in very productive discussions on project priorities for BPA funding in FY2010 and beyond. Some of the topics included: 1) FY 2010 BPA funding process; 2) BPA-Corps-WDFW "Estuary MOA"; 3) status of the larger Action Agency-Washington State MOA negotiations; 4) basin-wide M&E coordination; and 5) new role for Steve Vigg as the Columbia Basin Projects Coordinator.

Sea Lion Activities at Bonneville Dam under Marine Mammal Protection Act (MMPA) Section 120 Authorization: Marine Mammal Investigations received notification from the Pacific States Marine Fisheries Commission that a grant for 2010 will be awarded to the Department from NOAA Fisheries. Both the Department and Oregon Department of Fish and Wildlife (ODFW) will receive funding to continue efforts in reducing California sea lion predation on ESA listed salmon at Bonneville Dam. Through this funding, staff from agencies will continue to carry out hazing, capture and removal of problem sea lions identified as part of the MMPA Section 120 authorization. The Department's portion of the grant award will be \$139,000, which is similar to past federal funding for these efforts. ODFW received a similar grant award.

2009-2010 Marine Mammal Stranding: The Department received notification of a new Prescott Marine Mammal Stranding grant from NOAA Fisheries. This grant for \$133,354 (\$100,000 Federal: \$33,354 State match) will fund Department personnel to respond to marine mammal strandings in Washington. Funding under Prescott allows us to continue to participate in the Northwest Marine Mammal Stranding Network. The primary response will be to marine mammal stranding reports in Puget Sound areas (Pierce, Kitsap, Thurston, and King Counties).

State Acres For Wildlife Enhancement (SAFE) criteria: Staff met with the Farm Service Agency (FSA) Programs Chief and the Natural Resources Conservation Service (NRCS) Plant Materials Specialist to review our recommendations for assessing and re-enrolling expiring Conservation Reserve Program (CRP) fields into CRP SAFE. An agreement was reached on methods for vegetation surveys, thresholds for the cover that will determine whether re-seeding needs will occur, and how the re-seeding will be done. A private lands biologist will be met with for a field training session on these methods and criteria.

NRCS Contribution Agreement: An agreement between the Department and NRCS was finalized and signed. NRCS will partially compensate the Department's private lands biologists for technical assistance provided in developing conservation plans for SAFE habitat enrollment.

CRP SAFE represents over \$10 million in federal resources available to rent wheat ground for habitat. If not for the Department's involvement: 1) these resources would go to other states; 2) the land would likely go back into wheat production rather than have the habitat values enhanced and preserved for 10-15 more years; and 3) the opportunity that SAFE preserves to enroll CRP in

hunter access programs would not be there. While this agreement will only focus on SAFE, both parties have agreed it is a stepping stone to an expanded partnership in the future. The goal is to ultimately use NRCS agreements in the future to build the technical service delivery capacity of our private lands staff and provide needed wildlife habitat expertise to NRCS, private landowners, and other partners.

Two-Pole Sales Update: The two-pole endorsement on fishing licenses went on sale August 13, 2009. As of August 19, the Licensing Division reported sales of \$9,220, which does not include transaction or surcharge fees.

COMPETENCE GOAL:

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

Areas 5 and 6 Chinook Selective Fishery: Chinook fishing has been very good in Areas 5 and 6 this summer. Landed catch is estimated at about 6,500 fish through August 2. An extraordinary abundance of blackmouth has been observed in Area 5; unlike anything observed since the selective fisheries began in 2003. We are estimating approximately 5,750 mortalities of unmarked chinook through August 2, compared with our pre-season modeled mortalities for the entire season of 1,177, a five-fold difference. Although this fishery was scheduled to run as a season through August 15 (as opposed to a quota), chinook retention was closed via emergency regulation effective at 12:01 a.m., August 7, to reduce wild chinook encounters and mortalities.

Willapa Bay Oyster Reserve Advisory Board: The Willapa Bay Oyster Reserve Advisory board was established through legislation to make recommendations on management practices and research projects funded by the Oyster Reserve Fund. The board members, appointed by the Director, serve two-year terms. The term of current board members has expired and the Department solicited applications for appointment to the board for the 2009-2011 term. Staff was very fortunate to have the difficult task of choosing from many highly qualified applicants and have considered those for appointment to the board. Based on our experience with this board, its function, and other boards, as well as in consideration of the current budget situation, we elected to maintain the number of board members at six. Board members selected represent small and larger companies involved in the oyster industry as well as companies who utilize the reserves and those who do not participate in sales on the reserve lands.

21st Century Salmon and Steelhead (21CSS) joint Steering Committee and Planning Team Meeting: Wildlife Program, Lands Division staff attended the 21CSS meeting. The planning team membership was recently restructured to represent all programs in the Department, and will be meeting monthly. Initially, the budget shortfalls had curtailed this planning process when the Department had requested from the Legislature \$6 million to implement this strategy. The Fish Program Assistant Director emphasized the importance of the 21CSS process, stating it drives the Department's current biennium, and it must be implemented on a state wide basis in order to be successful. The 2009-11 benchmarks that impact the Lands Division include: 1) the development of Best Management Practices to improve habitat for salmon and steelhead; 2) wildlife area management plan updates should incorporate the needs of salmon and steelhead (riparian, large woody debris, water quality, and quantity; 3) identification of sources and corrective actions of fine sediment to deliver to streams on wildlife areas; 4) providing fish

passage at road crossings on Department forestlands; and 5) an inventory of water rights on wildlife area lands.

Rangeland Lightning Strikes: Hundreds of lightning strikes resulted in numerous rangeland fires including three near Soap Lake and a large fire in the Okanogan on Department lands. Wildlife Enforcement assisted the Okanogan County Sheriff's Office (OCSO) with the evacuation of several homes for the fire in Pleasant Valley. Officers also helped the OCSO with providing notices to evacuate to numerous homes, assisted with traffic control, and responded as requested by the OCSO.

Grant County Archeological Arrest: Enforcement received a call from a Grant County Public Utility Department biologist advising that someone was possibly removing Indian artifacts from federal properties near Beverly on the Columbia River. Upon investigation, Officers located two women using snorkeling equipment to pick up and unlawfully remove several bags of arrowheads and other Indian artifacts from the river bottom, a violation of both state and federal law.

Fish Habitat Enhancement Project: Regional staff, Snohomish County (County), and the Snohomish Farm Bureau have been working to permit a significant fish habitat enhancement project. The proposed project will construct a setback dike on Leque Island near Stanwood in Snohomish County. The result will be the restoration of approximately 80 acres of estuarine habitat and the management of another 100 acres for agriculture and wildlife. The concern is the conversion of designated agriculture land to non-agricultural use. This is a contentious issue involving an appeal of the HPA and the streamlined process used to issue that permit. Presently, the Department is in negotiation with the County and the Farm Bureau to reach compromise and resolution.

SCIENCE GOAL:

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

Fish Science Division's monthly seminar series: A representative of Cramer Fish Science presented a new *Oncorhynchus mykiss* life history model. The model, developed in the Yakima watershed, is an attempt to predict the degree of anadromy and residence in *O. mykiss* populations in response to environmental variables. The general take-home message is that streams with stable hydrographs and cool temperatures will favor the rainbow trout life history, while less hospitable environments favor the steelhead life history.

Also presented was a viability model for the species, which includes the two life histories. The program was well attended by a mix of Department, USFWS, and NOAA staff. Because it was created specifically for the Yakima basin, the model needs considerable refinement to be generally usable over the entire state, but it is an important first step. This model, more fully developed, or another one that synthesizes the growing body of knowledge on the interactions of the life history types, could be very useful for sound conservation planning. The entire session was videotaped. Contact Brenda Alongi (360-902-2800) if you would like a CD.

Oyster Setting In Willapa Bay: Over the past three years Willapa Bay has not had a commercial quantity set of oyster larvae. As part of a study funded by oyster reserve monies to examine the reasons for failed sets, a comprehensive survey of oyster larvae abundance is being undertaken. Researchers from the University of Washington and Department staff are sampling for larvae at numerous locations throughout the estuary in a study designed to better understand the physical and temporal variations of oyster larvae in Willapa Bay. Environmental conditions such as temperature and food availability have improved greatly this year, and oysters have spawned in large numbers. These large numbers currently consist of newly spawned larvae, which require good environmental conditions for 2+ weeks before attaining setting size. The initial spawning of larvae did not grow very well, but subsequent spawning events have fared better.

Coastal Crab Stray and Abandoned Gear Recovery Grant Award: The Department has been awarded a grant from NOAA's Marine Debris Program. These monies will fund a project that will: 1) use charter vessels to remove crab pots that have been lost or abandoned; 2) implement data collection protocols to quantify the amount of gear removed and the species affected by lost and abandoned gear; and 3) develop educational material on the effect of lost and abandoned gear. The total grant award is \$72,000. This grant will certainly play a role in advancing our efforts in addressing this problem.

Western Governors Association (WGA) Crucial Wildlife Habitat Pilot Project: The WGA is coordinating the western states' submittal of pilot projects to the Department of Energy for continued development of a region wide database that defines and maps crucial wildlife habitat (including landscapes important for connectivity). They expect somewhere in the neighborhood of \$3 million dollars to be made available for the states to fund these pilot projects, with perhaps \$200-300,000 available for each state.

New Mazama Pocket Gopher (MPG) Management Recommendations: The Department has recently updated management recommendations for Mazama pocket gopher, a state listed threatened species. Staff sent the updated management recommendations to local jurisdictions in Mason, Thurston, Pierce, and Lewis Counties (where most of the MPG habitat is) and also notified an e-mail list of gopher interested folks (property owners, consultants, federal agencies, and non-profit organizations) who have been involved, directly or indirectly, in gopher management discussion.

The updated recommendations are consistent with our current approach recommending gopher mound surveys, set-asides, and using habitat management plans for gopher protection in the developing landscape. The "new" part of these recommendations is a more thorough, step-by-step description of how to avoid, minimize, and mitigate impacts as well as new resources including a sample set-aside design, a suggested habitat management plan format, a list of Department-trained consultants, a map of gopher habitat in Pierce and Thurston Counties, and additional resource suggestions. Now part of our Priority Habitats and Species (PHS) series of management recommendations, these materials are intended primarily to assist South Sound local governments, landowners, applicants and their consultants working with properties that may have MPG habitat. The recommendations are online at <http://wdfw.wa.gov/hab/phsrecs.htm>, under the section titled "Local or Regional PHS Management Recommendations."

EMPLOYEE GOAL:

CREATE AN AGENCY ENVIRONMENT THAT NURTURES PROFESSIONALISM, ACCOUNTABILITY, ENTHUSIASM, AND DEDICATION IN ORDER TO ATTRACT, DEVELOP, AND RETAIN A WORKFORCE THAT CAN SUCCESSFULLY CARRY OUT THE MANDATE OF THE AGENCY

Tragic Accident near Burlington: Fish and Wildlife Officer Jeff Lee was involved in a fatality accident in Skagit County. A vehicle driven by an 18-year-old driver with two teenage passengers failed to stop at a stop sign at the intersection of the Farm to Market Road and the Josh Wilson Road. Visibility at this intersection is extremely limited and Jeff was unable to take evasive action and a collision occurred. All three teens were members of the Ferndale swim team and were returning home from a swim match. Drugs and alcohol are not suspected of being a contributing factor to the accident. Tragically, one of the teens (a 15-year-old female) died at the scene. The other two teens received minor non life-threatening injuries.

Jeff received multiple and serious injuries. His left arm was broken in three places and also received nerve and substantial tissue damage. He has several broken ribs and also suffered multiple lacerations on his head, arm and leg, including a large laceration (about 6 inches long) on his forehead and upper scalp. After receiving emergency treatment at Harborview, Jeff underwent reconstructive surgery on his arm. After release from the hospital, Jeff will continue his recovery and physical therapy from home. His wife, Jenny, will provide primary care; however, Captain Hebner and Sergeant Heinck are arranging for additional help and care from Jeff's friends and colleagues.

Update on Officer Jeff Lee – Officer Lee was released from the hospital though his broken left arm continues to give him some grief with seepage, swelling and pain. Jeff attended the funeral for Aly Fell, the 15-year-old-girl who was tragically killed in the accident, with Captain Hebner, the Department's Chaplin Mike Neil, and Skagit County Sergeant Jennifer Sheehan-Lee. Aly's family was very gracious and appreciative that Jeff and other representatives attended the funeral.