



Director's Report to the Commission

February 8-10, 2018

Director's Office

Legislative Update

Tuesday February 6th was the 30th day of the legislative session as well as the first fiscal cutoff. The agency's hunting and fishing recruitment bills ([HB 2505](#) / [SB 6198](#)) moved through before cutoff as did our ADA accommodations bill ([HB 2649](#)) and Representative Blake's bill ([HB 2626](#)) which cleans up some of the fees that we didn't get quite right in last year's fee bill. Here are some of the other bills the Department is watching:

Net Pens: Two of the six net pen bills introduced this session are still alive after fiscal cutoff and will continue to be considered by the Legislature. [SB 6086](#) sponsored by Sen Ranker phases out non-native commercial net pen aquaculture by 2022. [HB 2957](#) sponsored by Representative Lytton, was amended to direct Ecology to continue its process to update their *State Guidance for Commercial Net Pen Aquaculture* and requires net pen facilities to conduct structural integrity assessments by a third party engineering firm.

Halibut Bill: Senator Van De Wege's halibut bill ([SB 6127](#)) was amended prior to moving out of policy committee and no longer includes language requiring seasons set in consecutive days, but still establishes a \$5 halibut catch record card to increase data on halibut angler effort and catch.

Wolf Translocation Bill: Representative Kretz's bill ([HB 2771](#)) was voted out of policy committee with significant amendments. The bill would require the Department to; initiate SEPA on wolf translocation, limit translocation to wolves who have not preyed on livestock, require translocations only to areas without established packs, and provide a report to the Legislature by December 31, 2020.

Discover Pass: Representative Fitzgibbon's bill ([HB 2652](#)) which implements the phase one recommendations from the Ruckleshaus assessment on recreational access made it past cutoff. The bill streamlines discounts and exemptions for disabled veterans, applies consistent free days for all state lands, and eliminates the Discover Pass requirement at SnoParks.

Carbon Tax Bill: Sen Carlyle's Carbon Tax Bill ([SB 6203](#)) moved out of policy committee and is being considered by Ways & Means. The bill sets a price per metric ton of carbon emissions to \$10 with a \$2/year annual increase with money going towards:

- Clean energy investment fund and grant program at commerce (50%),
- Rural economic development, and

- Water and natural resources resilience account overseen by Ecology in consultation with WDFW, WSDOT and RCO for carbon sequestration/resilience work (storm water, flood prevention, water supply, fish passage, forest health and ocean acidification) (35% or \$500M/BN)

Orca Whale Recovery: Two of the three bills related to orca whales are still moving: [SB 6099](#) which bans orca capture and captivity, and [SB 6268](#) which increases requirements around vessel speed and requires a report to the Legislature with recommendations on how to address noise pollution around whales by December 1, 2018.

With fiscal cutoff passed, agency staff are now turning their attention to working with budget writers and legislative staff as they begin drafting the supplemental operating budget.

Enforcement Program

Baiting Eagles: Officer Bolton responded to assist a Klickitat County Sheriff's Deputy who had detained three juvenile tribal members near the Klickitat River with a loaded rifle in their vehicle. The deputy was planning to give a warning to the fifteen year old for the loaded rifle, but found that none of the occupants even had a driver's license. Fresh blood and deer hair was found in the car. Officer Bolton and the deputy searched the area for downed wildlife and soon discovered a relatively fresh doe deer on the hillside near where the suspects had parked. Four older deer carcasses in various stages of decomposition were found in the same location. The officers learned that one of the young men shot the doe the night before by using a high-powered spot light. The animal was then placed near the other carcasses in an effort to bait in and shoot eagles. During this stage of the investigation, another juvenile was detected hiding on the hillside above the officers. After disarming the 17-year-old, investigators learned he had been looking for an eagle that he admitted to shooting. The eagle was not recovered.

First Responder: Fish and Wildlife Police are often the first on scene when mayhem, tragedy or emergent incidents occurs. In the Spokane area, Officer King was first on the scene of a suicidal subject who had cut her wrist. He applied a pressure dressing and secured the area and subject until additional aid and units arrived.

In Grant County, a snowstorm during the week brought extremely treacherous road conditions. Officer Steffler responded to a call from the Washington State Patrol involving a rollover collision on State Route 17 where the vehicle plummeted into Lake Lenore. The vehicle was on its top in approximately three feet of water. Officer Steffler and a Grant County Deputy were the first officers on scene and found the vehicle had traveled down a steep embankment. As the officers approached the vehicle, they heard a woman inside screaming for help. Both officers jumped into the lake, breaking through the ice, and were able to pull the passenger out. Despite their valiant efforts, the driver did not survive.

Waterfowl Inspection Reveals Felony Possession: Sergeant Busching observed three people hunting Hiawatha Lake. All three were wearing camouflage clothing, had shotguns and duck calls. As he made his approach, the hunter in the middle jumped up, grabbed his Labrador dog and distanced himself from the group. The hunter's excuse was he did not want the dog to bite the officer. During the license and compliance check, the hunter holding the dog advised he was

not hunting, even though there was a loaded shotgun where he was sitting. The hunter also had a valid hunting license. Sergeant Busching immediately knew something was not right and discovered the hunter was a convicted felon. Although he repeatedly denied ownership or possession of the shotgun, another hunter provided a written statement saying otherwise. The shotgun was seized and charges will be forwarded to the prosecutor's office for felon in possession of a firearm. A license check in Cody revealed the hunter also had modern firearm tags for deer and elk, but claimed he only purchased licenses to support the Department of Fish and Wildlife.

Husband Pays Wife, Closed Season Steelhead, and Running from the Cops: As they drifted by a riverfront residence on the Sol Duc River in a boat, Officer Davidson and Sgt. Rosenberger found three rods with lines in the water. The terminal gear was illegal as well. When the homeowner emerged from his garage, he readily admitted to being in the wrong (only one fishing pole allowed per person). His wife told the officers to write her husband for everything they had, because he made a deal with her that if he got a ticket she could spend the same amount of money on something nice for herself. He was cited for the violations.

Further down-river, a man quickly reeled in his line upon seeing the officers and hid it in a tree denying he had been fishing. When confronted with the fact that he had been caught in the act, the man came clean, telling the officers that he had decided to never buy a fishing license again and that he would just take what was coming to him. The officers cited the man for no license, and using unlawful terminal gear.

Moving the patrol to the Quillayute River, officers encountered two men and a woman fishing with five rods (two extra). The officers made contact with the younger man first, and obtained his identification after finding out that he did not have a fishing license. While the younger man's father and girlfriend were contacted, he decided that he did not want to wait around to see what was going to happen next and ran into the brush. Looking around the camp, Officer Davidson was able to discover two large closed season wild Steelhead hidden in the grass near the party's campfire. The father and girlfriend were questioned and found to be in possession of an under sized cutthroat trout, but refused to admit that they had caught or kept any steelhead. Sgt. Rosenberger pointed out that the man had a large amount of fish blood on his pants, which the man attributed to a cut on his hand. Sgt. Rosenberger mentioned that there was a thing called DNA. He decided that it was finally time to come clean admitting that he had caught one of the steelhead and the son who ran away had caught the other. All five rods being fished were equipped with unlawful fishing gear and were seized for forfeiture. Charges will be filed.

Crab Traffickers Plead Guilty: Officers from North Puget Sound and Detectives Cook and Clementson finally saw some closure with a massive undersize crab trafficking case where tribal crab fishermen sold unreported and undersized crab to two non-Indian seafood companies, various nail salons and restaurants in Whatcom and Skagit Counties. Crab harvested for commercial purposes must be accounted for on mandatory catch documents and meet the minimum size of 6.5". The investigation revealed that about 63,000 pounds of crab were ultimately not counted toward management quotas. In all, 12 non-Indians and businesses were charged with various felony crimes. Bringing the non-treaty portion of the case to a conclusion, the operators of Native American Seafood and Trilogy Shellfish recently agreed to plead guilty to two class C felonies in front of Judge Garrett in Whatcom County. They pled guilty to Attempted Trafficking 1st, which takes it from a class B to a C felony, and Unlawfully Dealing

in Fish - Unlicensed, also a class C felony. They each are going to do 30 days in jail, with an opportunity for alternatives. They also are paying a \$10,000 fine, of which \$5,000 will go to the WDFW reward fund. WDFW Police referred 54 violations with the tribe; however, no dispositions have been received so far.

Unlicensed Fish Dealing: After a large Anacortes non-tribal fish processor failed to comply with several warnings from WDFW personnel regarding the need to obtain a required wholesale dealer license, marine officers teamed with detectives from the investigative unit to serve a search warrant on the business. Detective Willette authored the search warrant with the assistance of Officer Downes. Evidence gathered through the service of the warrant was valuable in determining the scope and magnitude of the illegal activity engaged in by the corporation. Officer Downes will consolidate information received from seized documents and felony-level charges will be filed with the Prosecutors Office as soon as possible. The actions conducted by WDFW caught the corporate president's attention, whom was at the plant at the time. He saw to it that the appropriate paperwork was completed and the license application was submitted to WDFW before the close of the business day. When interviewed he assured Officer Downes that renewal of the required license will be a permanent addition to the "President's List" of yearly tasks.

Wildlife Program

Blue Mountains Helicopter Accident

On Saturday, Jan. 27, a helicopter operated by Hells Canyon Helicopters of Clarkston crashed about 20 miles northwest of Pomeroy in Garfield County. The helicopter was flying under contract with WDFW for a mule deer research project. One of the three crewmembers was killed, and two were injured.

An early report stated the crewmembers were employed by WDFW, but that is not accurate. The crewmembers were employed by the helicopter operator. Hells Canyon Helicopters is one of a handful of contractors in Washington that provide helicopter services to support wildlife management. WDFW works with the company, which was known until recently as Kiwi Air, under the terms of a state master contract.

The accident occurred in rolling rangeland about five miles south of the Snake River. The crew was working with WDFW wildlife biologists to capture and attach radio collars to mule deer does in the beginning stage of a multi-year research project into the animals' movement and survival. The crew was "net-gunning" the deer so they could attach collars, take blood and other biological samples, and take body measurements.

Saturday marked the first day of fieldwork in the Blue Mountains. WDFW staff members on the ground provided directions and research equipment (radio telemetry collars, test tubes for blood samples, etc.) for the helicopter crewmembers. WDFW personnel monitored the operation from the ground and drove a fuel truck to support the flights. A WDFW biologist alerted law enforcement officials when a smartphone app tracking the flight showed the aircraft had stopped moving.

State and local law enforcement agencies, as well as the National Transportation Safety Board are investigating the accident. The Director, as well as other Department staff members, have reached out to the company and the families involved. This link directs you to a website that has been set up to help cover Blake Malo's medical costs. It may also provide updates on his recovery.

Link: <https://www.youcaring.com/blakeandsamanthamalo-1084140>

Wolf Update

Utilizing wolf observation reports from the public and with the availability of winter snow tracking conditions, WDFW biologists worked on surveying new areas for wolf sign. Wolf biologists used fixed wing aircraft, cameras, and track surveys to assess numbers of wolves for the annual wolf report.

Wolf biologists also conducted aerial captures on wolves in the Blue Mountains and in northeast Washington during the week of January 15-20. During this effort, they were able to capture and collar four new wolves from four packs, including Stranger, Goodman, Touchet, and Carpenter Ridge.

Fish Program

Net Pen Investigation Update

The investigation into the cause of the Atlantic salmon net pen failure at Cypress Island during the summer of 2017 has concluded. The Department was a co-author of the investigative report and special appreciation goes to:

- Ray Berg, an engineer with CAMP who provided critical expertise to understanding the engineering aspects of the failure.
- Ken Warheit, fish health lead who provided his expertise and analytical skills to understanding and communicating about the health of both the Atlantic salmon and the risk to native fish.
- Jed Varney, fish veterinarian who provided a comprehensive fish health report of Atlantic salmon and helped us tell the story that these fish were healthy at time of release, have not eaten and are not sexually mature.
- Finally, Andrea Hennings and Amanda Phillips for their expertise counting fish by video which allowed us to document that Cooke Aquaculture released far more fish than reported.

Key Findings:

- The net pens failed due to inadequate net cleaning which precipitated a partial collapse in July.
- The July event precipitated the total collapse in August.
- Cooke understated the number of fish released and overstated the number of fish recovered.
- The escaped salmon are not eating, they are not reproductive, and they pose a low disease risk to native fish.

The report can be found at: <https://www.dnr.wa.gov/atlanticsalmon>