

WDFW BUDGET AND POLICY ADVISORY GROUP MEETING SUMMARY

Wednesday, April 5, 2021 1:30pm-4:30pm
Zoom Meeting

BPAG Attendance

Andy Marks, Coastal Conservation Association
Bill Richardson, Rocky Mountain Elk Foundation
Brittany Gallagher, The Nature Conservancy
Butch Smith, Ilwaco Charter Association
David Cloe, Inland NW Wildlife Council
Deborah Jensen, Washington Audubon
Eric Johnson, WA State Assoc. of Counties
George Harris, NW Marine Trade Association
Jess Helsley, Wild Salmon Center
Jonathan Stumpf, Trout Unlimited
Kerston Swartz, Woodland Park Zoo
Mark Pidgeon, Hunters Heritage Council
Mitch Friedman, Conservation Northwest
Mike Petersen, The Lands Council

Rachel Voss, Mule Deer Foundation
Robb Krehbiel, Defenders of Wildlife
Ron Garner, Puget Sound Anglers

WDFW

Kelly Susewind
Nate Pamplin
Tom McBride
Nelson Falkenburg
Morgan Stinson
Kathy Backman
Chalee Batungbacal
Rob Geddis
Carrie McCausland

Welcome, Introductions, Agency Update with Director Susewind

Kelly Susewind provided the Budget and Policy Advisory Group (BPAG) with updates on high-level agency activities. The legislative session is wrapping up and the budget picture is becoming clearer. Kelly is currently participating in the North of Falcon meetings to set the annual salmon fisheries. The forecast this year is not much different from last year, and the opportunities are anticipated to be similar to last year as well.

The grazing season is beginning and with it comes livestock interaction with predators. Kelly noted that this year has included more pre-season coordination than ever before. The Department is working with the Wolf Advisory Group and coordinating with range riders. The Department is working on rule making for the livestock interaction protocols.

The Fish and Wildlife Commission is scheduled for Friday, 4/9/21, to make decisions on the 3-year hunting package, along with a vote on hatchery policy C-3619/C-3624, and consider a repeal of WAC 220-312-020(41)(e)(iii) which prohibits fishing from floating devices on the Hoh River above Morgan's Crossing. The Commission will also consider a proposal on the Hydraulic Code rule to implement ESHB 1261.

The BPAG asked for updates on Southern Resident Killer Whale recovery. Nate commented on ESB5330 regarding commercial whale watching licenses. Other efforts include coordinated efforts with recreational boaters to promote good boating behavior around whales. In addition, the Department received funding through a NOAA Fisheries Endangered Species Act Section 6 grant for killer whales and there is a proviso in the House operating budget focused on hatchery production.

Eric Johnson asked about how the work of WDFW fits in with the Federal Infrastructure Program and the American Rescue Plan particularly regarding fish passage barrier removal. Nate noted that the Department is working with sister natural resource agencies to propose a unified package for both the FFY2022 appropriations and the infrastructure program.

The BPAG also asked about the status of Department revenue over the past year considering Covid-19 impacts. Morgan Stinson noted that after an initial period of uncertainty last spring, overall, revenue was positive.

Legislative Update – Tom McBride

Tom McBride provided the members of the advisory group with an update on the current legislative session.

[SB 5058](#)

Making technical changes to certain natural resources-related accounts. Prime sponsor Senator Rolfes.

In 2020, the Legislature separated the State Wildlife Account into two accounts – one restricted and one non-restricted (flexible). A portion of the personalized license plate revenue was identified for deposit into the newly created Limited Fish and Wildlife Account. This is because revenue may only be spent on “non-consumptive” wildlife uses. Expenditure of these funds was labeled as coming from the Fish, Wildlife, and Conservation Account, the other newly created account. This reference identified the wrong account for expenditures and needs to be changed.

[SB 5146](#)

Authorizing the fish and wildlife commission to indemnify the federal government as a condition of securing certain funds. Prime sponsor Senator Van De Wege.

Some federal agencies require indemnification language in their contracts and WDFW does not have the authority to indemnify federal agencies. The U.S. Army Corps of Engineers is one federal agency that requires indemnification for damages arising from the design, construction, and operation of aquatic ecosystem restoration projects. This bill would amend RCW 77.12.320 and add a new subsection that would allow the commission to indemnify the federal government.

Next hearing: in House Rules

[HB 1172](#)

Recognizing judicially affirmed and treaty-reserved fishing rights and promoting state-tribal cooperative agreements in the management of salmon, trout, and steelhead resources. Prime sponsor Representative Lekanoff.

This bill is a joint WDFW and AGO request. In 1984, Initiative NO. 456 declared that the management of natural resources in Washington be the responsibility of the state alone. It further stated that treaty rights not provided to all citizens were terminated by past congressional action. This initiative was codified into

state law, becoming RCW Chapter 77.110. These statutes do not reflect the State's co-manager relationship with treaty tribes. The statutes are repealed.

Next hearing: in Senate Rules

[SB 5159](#)

Concerning payments in lieu of real property taxes by the department of the fish and wildlife. Prime sponsor Senator Warnick.

This bill would move the payments in lieu of real property taxes to the State Treasurer's office. This is a PILT coalition bill supported by WDFW.

Next hearing: in House Rules

[E2SHB 1117](#)

Promoting salmon recovery through revisions to the state's comprehensive planning framework.

Prime sponsor Representative Lekanoff.

This bill adds salmon recovery as a goal under the Growth Management Act (GMA). It requires the land use element of comprehensive plans adopted under the GMA to include a strategy that achieves net ecological gain (NEG) of salmon habitat. NEG is to be obtained on publicly funded projects within the water resource inventory area. It requires the capital facilities element and transportation element of comprehensive plans adopted under the GMA to include a schedule for elimination of all identified fish passage barriers. It requires the Department of Fish and Wildlife to adopt rules that establish criteria for net ecological gain which certain counties and cities must meet through adoption of comprehensive plans.

Next hearing: in Senate Rules

[E2SHB 1382](#)

Streamlining the environmental permitting process for salmon recovery projects. Prime sponsor Representative Tharinger.

2SHB 1382 creates a new HPA type for fish habitat restoration and enhancement projects, with new notification and application review protocols. WDFW will participate as a member of a new multiagency permit team. Within this new pilot program, local governments will maintain their ability to implement floodplain planning.

Next hearing: in Senate Rules

[SSB 5273](#)

Concerning the replacement of shoreline armoring. Prime sponsor Senator Salomon.

The bill adds language to RCW 77.55.231 that requires a person applying for a Hydraulic Project Approval (HPA) to replace a marine shoreline stabilization or armor structure to use the least impacting 'technically feasible' bank protection alternative. The substitute limits the marine shoreline stabilization replacement projects that must conduct a site assessment and consider the least impactful alternatives to residential projects only.

Next hearing: passed House

[SSB 5381](#)

Addressing fish passage project permit streamlining. Prime sponsor Senator Hobbs.

This bill amends FHEP streamlining of HPA permits to include WDOT fish passage barrier corrections as part of larger projects (not stand alone as current law). It also addresses the National Flood Insurance program and has language on multiagency permit coordination.

Next hearing: in Senate Rules

[2SHB 1168](#)

Concerning long-term forest health and the reduction of wildfire dangers. Prime sponsor Representative Springer.

This bill creates the Wildfire Response, Forest Restoration, and Community Resilience Account for use by state agencies, federally recognized tribes, local governments, fire and conservation districts, forest collaboratives, and small forestland owners, consistent with the 20-year forest health strategic plan, the wildland fire protection 10-year strategic plan, and the 2020 forest action plan. Eligible activities would include fire preparedness activities, fire prevention activities including forest health work (thinning, prescribed burning and postfire recovery), and fire protection activities for homes, properties, and communities.

Next hearing: in Senate Rules

[2SSB 5253](#)

Implementing the recommendations of the pollinator health task force. Prime sponsor Senator Liias. As stated, this bill would implement the recommendations of the pollinator health task force published in [“Recommendations of the Pollinator Health Task Force – for Pollinator Health in Washington”](#) (November 2020).

Next hearing: in House Rules

[SSB 5452](#)

Concerning electric-assisted bicycles. Prime sponsor Senator Cleveland.

This bill provides direction to WDFW (and DNR) to undergo a public process to collect information related to e-bike use on natural surface trails and roads that are limited to non-motorized use to determine where e-bike operation may occur and which classes of e-bikes are acceptable on such roads and trails under the agencies’ management. Requires the public process at a minimum include input from a list of interested parties and user groups and that the agencies report back findings to the Legislature by September 30, 2022. Provides a temporary use of class 1 and 2 e-bikes on current bike authorized trails and roads, if persons have current parking placard for disability.

Next hearing: in House Rules

[HB 1437](#)

Concerning a vessel crewmember license. Prime sponsor Representative MacEwen.

This bill would require a crew person to have valid ID in their possession, prevent ineligible people from obtaining a permit, and grant the Fish and Wildlife Commission authority to add additional permits and authority for rulemaking around insurance, period of validity, use, possession, and the display of licenses.

Next hearing: passed Legislature

[ESB 5330](#)

Regarding commercial whale watching licenses. Prime sponsor Senator Van De Wege.

This bill changes the definition of commercial whale watching (CWW) in RCW 77.65.615 and clarifies licenses for CWW via guided kayak tours. It also waives license and application fees for calendar year 2021 and 2022.

Next hearing: passed out of Senate

[SHB 1508](#)

Concerning the sanitary control of shellfish. Prime sponsor Representative Chapman.

This bill adds a new section to RCW 69.30, providing the Department of Health with the authority to regulate any commercially harvested crab with respect to health and safety in relation to biotoxin contamination. The substitute requires the State Board of Health to adopt the rules regarding commercial crab harvesting, tracking, and recalls, rather than the Department of Health.

Next hearing: in Senate Rules

Budget Update – Morgan Stinson

Morgan Stinson reported that both the Senate and House Budget proposals have been released. State revenue has recovered, and the federal stimulus package bolstered the state's revenue forecast. Neither of the proposed budgets included the reduction options required by the Office of Financial Management last summer. Morgan shared a comparison of House and Senate budget items and discussed how the Department would request alignment in the conference budget.

The capital budget has also passed the House and the Senate and while not as high as the Governor's proposal, it is positive for the Department.

The BPAG had questions about fish passage barrier removal funding and discussed the proviso for buyback of commercial fishing licenses in the Columbia River.

Nate will share copies of the Department's budget conference letters to the BPAG when it is complete.

Strategic Plan Implementation and Community Outreach Update – Rob Geddis and Nate Pamplin

Rob Geddis reviewed the Department focus on near-term actions to implement the strategic plan.

Nate Pamplin reported that to assist in developing a comprehensive strategy for conducting public engagement and outreach activities the Department submitted a Request for Proposal (RFP) through the Washington State Department of Enterprise Services. The Department did not receive any bids for the contract on the original RFP and will repost the search to include contractors beyond the state's master contract list. The RFP will help the Department: 1) conduct a functional assessment of our communication, outreach, and engagement capacity and recommend improvements, and 2) develop an communication and outreach plan that will allow us to achieve the strategy titled, "Engaging Communities Through Conservation and Stewardship" identified in the 25 year strategic plan.

The BPAG affirmed the need to update the Department's branding and image and suggested including a focus on Diversity, Equity, and Inclusion in the plan. As the work progresses members of the BPAG expressed an interest in being engaged in the process.

Closing Remarks – Nate Pamplin

The next meeting will be on May 11, 2021 and the focus will be on preparation for the 2022 legislative session. There will also be an update on the RFP for outreach.

Nate reminded the BPAG that appointments to the advisory group end in June. Nate will reach out to the membership for feedback about how BPAG is functioning and to gauge interest in continuing to serve on the BPAG.