

# WDFW 1998-1999 Annual Report

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## Guiding WDFW

The operation of the Washington Department of Fish and Wildlife is guided by the Washington Fish and Wildlife Commission and overseen by a team of professional managers. In addition, the Department solicits input on specific activities from citizen advisory groups. The Commission and WDFW managers hold public meetings around the state to gather citizen views on a variety of topics including setting hunting and fishing seasons.

## What Makes Washington State Unique?

Certainly, a large part has to do with its native fish and wildlife resources and the habitat they depend on to survive.

For years, the Washington Department of Fish and Wildlife has been managing those fish and wildlife resources on behalf of citizens and as a legacy for future generations. But as the state continues to grow, so have the challenges facing the Department.

During the past year, the Department has met these challenges by delivering on-the-ground science and expertise to protect and perpetuate healthy fish and wildlife populations and rebuild those that are not. It also has responded to new challenges brought about by federal Endangered Species Act listings of salmon and steelhead by reaching out to other resource managers and citizens to ensure past mistakes are not repeated.

This important resource work occurred at the same time the Department provided a vast array of recreational opportunities for people across the state, activities ranging from clam digging and wildlife viewing to trout fishing and deer hunting. Maintaining these opportunities, and creating new ones, remains one of the Department's highest priorities.

Whether conducting scientific research on an endangered species or setting a fishing season, the Department in 1998-99 remained committed to building strong partnerships. Working with the tribes, local governments, citizen advisory groups, private businesses, farmers, volunteers and others, the Department proved there is strength in numbers. The challenge of preserving fish and wildlife, after all, is a drama that touches each one of us.

Kelly White  
Chairman, Fish and Wildlife Commission

Jeff Koenings, Ph.D.  
Director, Washington Department of Fish and Wildlife

*The mission of the Washington Department of Fish and Wildlife  
is the sound stewardship of fish and wildlife.*

## Fish and Wildlife Commission

The Commission is a panel of nine citizens, each appointed to a six-year term by the governor. The Commission establishes policy and direction for the Department in public meetings held throughout the year.

### Current Commission members:

Kelly White, Chairman  
Russ Cahill, Vice-chairman  
Don Heinicke  
Lisa Pelly  
Dawn Reynolds  
Will Roehl  
Fred Shiosaki  
Bob Tuck  
R. P. Van Gytenbeek

### Former Commissioners who served during the 1998-99 fiscal year:

Pat McMullen  
John McGlenn  
Dean Lydig

## WDFW Management Team

The day-to-day operations of WDFW programs, facilities and activities are guided by a team of managers including:

Jeff Koenings, Ph.D., Director  
Larry Peck, Deputy Director  
Jim Lux, Assistant Director, Business Services  
Lew Atkins, Assistant Director, Fish Program  
Bruce Bjork, Chief, Enforcement Program  
Greg Hueckel, Assistant Director, Habitat Program  
Dave Brittell, Assistant Director, Wildlife Program  
Bruce Smith, Director, Region 1 (retired October, 1999)  
Jeff Tayer, Director, Region 2  
Dale Bambrick, Director, Region 3  
Bob Everitt, Director, Region 4  
Lee Van Tussenbrook, Director, Region 5  
Steve Keller, Director, Region 6

## Citizen Advisory Groups

The Washington Department of Fish and Wildlife seeks advice on activities and operations from a number of citizen panels including:

Wildlife Diversity Advisory Council  
Game Management Advisory Council  
Anadromous and Marine Resources Sport Fishing Advisory Group  
Commercial Fishing Advisory Group  
Coastal Dungeness Crab Advisory Group  
Puget Sound Dungeness Crab Advisory Group  
Inland Fish Policy Advisory Group  
Steelhead and Sea-Run Cutthroat Advisory Committee  
Puget Sound Shrimp Advisory Group  
Regional Fisheries Enhancement Group Citizen Advisory Board  
Distant Waters Advisory Group

## **Protecting Our Resources**

### **Fish Program**

Protecting and restoring the state's fish and shellfish species, while continuing to offer fishing opportunities on healthy stocks, is the focus of WDFW's largest program. Current program initiatives include:

- Salmon recovery
- Marine fish protection
- Harvest and hatchery innovations
- Shellfish and finfish hatchery operation
- Invasive species control

### **Wildlife Program**

Developing guidelines and strategies to promote healthy ecosystems that protect wildlife and habitat, while offering hunting and viewing opportunities for species ranging from elk to waterfowl is the role of the Wildlife Program. Activities extend beyond traditional game management, to address the status and protection of dozens of nongame species. Program activities include:

- Scientific efforts for assessment and protection of threatened, endangered and other species
- Hunting season setting
- Wildlife viewing information

### **Enforcement Program**

Protecting the state's fish and wildlife resources and improving public safety are the dual responsibilities of the Enforcement Program. More than 150 fully commissioned Fish and Wildlife officers provide a host of services including:

- Public education
- Compliance with natural resource laws
- Response to dangerous wildlife complaints
- Public health and safety
- Assistance to local law enforcement agencies

### **Habitat Program**

Preserving the land and water that fish and animals need for survival is the focus of the Habitat Program. To help protect habitat in a rapidly growing state, program biologists, technicians and resource managers:

- Review waterfront construction for hydraulic project approval permits
- Correct culverts and other barriers to fish passage
- Provide technical assistance to local communities
- Respond to oil spills to protect fish and wildlife

### **Business Services**

Efficiently operating department business is the primary function of the Business Services Program. Program administrators are focused on new efforts to:

- Modernize the recreational licensing system
- Upgrade computer and data management
- Improve accounting and other business practices
- Enhance customer service

### **A team at work...**

Scientists who develop data and offer expertise to guide recovery of wild salmon and other species.

Wildlife officers who relocate cougars or black bears that wander too close to humans.

Resource managers who plan hunting, fishing and viewing opportunities to meet the recreational needs of a growing population.

Business managers who monitor revenues and expenditures and oversee licensing and other customer services.

These are just a few of the roles the Washington Department of Fish and Wildlife's 1,600 employees play in protecting the natural resources that state citizens treasure.

Five WDFW programs perform aspects of these vital functions:

- Fish
- Wildlife
- Enforcement
- Habitat
- Business Services

## Count the Ways We Serve Washington Citizens and Natural Resources

In the past year Washington Department of Fish and Wildlife scientists, technicians and other employees worked in a number of ways to manage and protect the state's fish and wildlife resources and habitat for the benefit of Washington residents and future generations.

230 million Salmon, steelhead, trout, and warmwater fish such as bass, perch and walleye were reared at WDFW hatcheries for release into Washington waters.

60 million Hatchery-produced coho and chinook salmon and steelhead were marked so fishers can distinguish them from protected wild fish and fishing can continue in the era of endangered species listings.

10.5 million Angler days of recreation were provided to salmon, steelhead and warmwater fishers statewide.

4.7 million Hunter days of recreation were offered through WDFW management of 55 game species, including elk, deer, bear, cougar, bighorn sheep, mountain goat, moose, waterfowl, upland game birds and small game.

1.6 million State residents enjoyed wildlife viewing, which WDFW promotes through information and participation in wildlife-based festivals statewide.

840,000 Acres of state land were managed by WDFW to provide critical habitat to fish and wildlife and recreational opportunities for citizens.

300,000 Public contacts were made by WDFW's 157 commissioned enforcement officers to educate citizens and ensure compliance with natural resource laws. Those contacts included 927 citizen complaints about cougars and 786 complaints about black bears.

5,359 Hydraulic project approval permits were issued after WDFW habitat biologists reviewed waterfront construction projects to ensure they did not result in a net loss of fish habitat.

720 Community, school and volunteer groups were assisted and advised by WDFW as they worked to restore local watershed restoration and recover wild salmon.

700 Biologists, enforcement officers, customer service specialists, hatchery employees and others worked in field facilities in communities across Washington.

625 Water and land access sites were operated to provide hunting, fishing, wildlife viewing and other recreational activities.

536 Information products including a monthly television show, a re-designed website that draws 3.5 million visits annually, pamphlets, brochures, fact sheets and fair and trade show displays were produced to inform Washington citizens about current recreational opportunities and fish and wildlife issues.

400 Volunteers were trained to aid birds and other animals injured in oil and toxic spills.

102 Fish and wildlife species were monitored by WDFW biologists through research, field surveys and other activities to determine their risk of becoming threatened or endangered.

70 Sites operated by WDFW offered hunting, fishing or wildlife viewing opportunities accessible to the disabled.

59 Fish and Wildlife Commission workshops and meetings offered citizens an opportunity to participate in decision-making on fish and wildlife issues.

25 Shellfish species, such as Dungeness crab, razor clams, oysters and shrimp, were managed for commercial and recreational use.

16 Sites were monitored, under WDFW leadership, to control harmful, invasive species such as green crab.

## Revenues

More than two-thirds of Department funds are dedicated, meaning that by law they must be spent on specific purposes. The other one-third are discretionary funds which are typically used for costs such as salaries, goods and services and equipment. Department fund sources fall into three categories:

**User Fees:** \$30,318,908 (22.8%)

Fishing and hunting license fees (commercial and recreational), federal excise tax proceeds for certain hunting and fishing gear and motorboat fuel; fines and forfeitures and miscellaneous revenue collected from department activities.

**General Fund Revenue:** \$43,340,470 (32.7%)

The portion of the state's General Fund appropriated to the Department. Funds are derived from state tax dollars and the sale of general-obligation bonds.

**All other sources:** \$59,033,196 (44.5%)

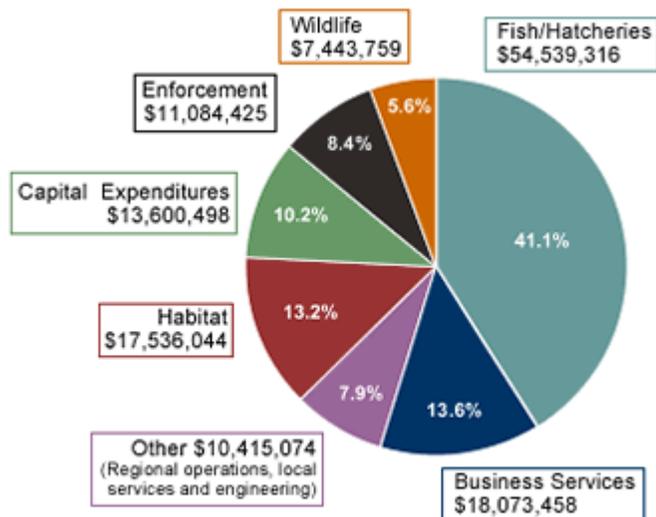
Includes mitigation money for losses of fish and wildlife; all other federal, state and local revenue received by the Department and personalized license plate revenue. Funds in this category are dedicated to specific Department activities.

**Expenses**

**Expenditures:** Fiscal year 1999  
(July 1, 1998 to June 30, 1999)

Operating expenditures were \$119,092,076, spent in five programs.

The capital expenditures were \$13,600,498, for a total of \$132,692,574.



**Summary**

As the Washington Department of Fish and Wildlife moves into a new century its activities increasingly will be focused in several key areas including:

- Providing scientific expertise and leadership to further wild salmon recovery and meet other natural resource management challenges
- Maintaining recreational opportunities and offering new ones that serve the changing interests of a growing population
- Building partnerships with volunteers, local governments, tribes and other natural resource managers to preserve fish and wildlife
- Enhancing customer service through advances such as a modernized recreational licensing system
- Improving business practices and seeking stable funding sources for future department operations

Each of these initiatives presents a difficult set of challenges for the Washington Department of Fish and Wildlife. They take on added complexity against a backdrop of growing human population, dwindling fish and animal habitat, new federal species protection listings, court resource management mandates, inadequate funding and other developments.

We know that change is a certainty—changing habitat, changing public interests and changing demands on natural resources. By re-tooling and refocusing to meet changes, the Washington Department of Fish and Wildlife is moving forward to continue to provide sound stewardship of Washington’s fish and wildlife resources in a new century.

**Litigation 1998-1999**

The Washington Department of Fish and Wildlife works closely with the state Attorney General’s Office to protect Washington’s

**A Century of Change**

1890 First state Fish Commissioner, James Crawford, appointed by Gov. Elisha Ferry

1891 State funds appropriated for salmon hatchery

1895 First state fish hatchery built on the Kalama River

1915 Legislature adopts Game-Fish Code providing for Chief Game Warden and Fish Commissioner

1921 Legislature replaces Fish Commission with Department of Fisheries, including a division of Fisheries and a division of Game and Game Fish

1932 An initiative creates a Department of Fisheries under an appointed director and a Department of Game under a six-member commission

1987 Legislature changes Department of Game to Department of Wildlife with a director appointed by the governor

1994 Legislature merges Department of Wildlife and Department of Fisheries, creating the Washington Department of Fish and Wildlife

1995 A voter referendum places control of WDFW under the Washington Fish and Wildlife Commission, a nine-member citizen panel

fish and wildlife resources. The following is a summary of legal cases involving the Department during the past year.

**State v. Buchanan:**

In June 1999, the state Supreme Court reversed a state appellate court decision and ruled that the geographic scope of Indian treaty hunting rights is limited to open and unclaimed lands within tribal ceded areas and traditional hunting grounds. The state Court of Appeals earlier had ruled that tribal hunting rights secured by the Treaty of Point Elliott were not limited to ceded lands or traditional hunting grounds; consequently, signatory tribes could hunt on open and unclaimed lands throughout the entire Washington territory.

**State v. Pacific International Terminals:**

An August 1999 settlement agreement addressed concerns of the Washington Department of Fish and Wildlife (WDFW) and the state Department of Ecology over a shoreline permit issued by Whatcom County for a deepwater pier near Bellingham. The mitigation agreement addressed the agencies' primary concerns over the pier's impacts to herring spawning and aquatic vegetation.

**Yakima County v. Certain Real Properties:**

In January 1999, the Yakima County Superior Court entered an order denying Yakima County's petition to foreclose against two parcels of property owned by WDFW for failure to pay additional taxes, penalties, and interest the county claimed it was owed under RCW 84.34.108(3). The court denied the motion on the basis that the property was exempt from the additional tax under a different section of the statute.

**Atwood v. WDFW:**

In July 1998, the state Court of Appeals (Division I) confirmed that state regulation of non-Indian fishers could be substantially different than for treaty right fishers. The state Supreme Court denied review of that decision in December 1998. The ruling stemmed from a lawsuit filed by approximately 200 fishers against WDFW and the Fish and Wildlife Commission, alleging state and federal law causes of action based on alleged mismanagement of salmon resources within the state and improprieties in allocating and counting catch between treaty and non-treaty fishers.

**Banning v. WDFW:**

In June 1998, King County Superior Court dismissed a claim that hydraulic project approval laws cause a regulatory taking of real property. The case was appealed to the state Court of Appeals (Division I) and was argued in July 1999. The Department is awaiting the appellate court's decision.

**Cross Cascades Project:**

The Washington Department of Fish and Wildlife was an active participant in hearings regarding the Olympic Pipe Line Company's request for a permit from the Energy Facility Site Evaluation Council (EFSEC) to construct and operate a 230-mile refined oil products pipeline from Woodinville to Pasco. WDFW addressed the proposal's potential construction impacts and the possibility of oil spills on aquatic, wetland, and terrestrial wildlife habitat. Potentially impacted habitats included wetland, shrub-steppe, and several hundred water crossings, including the Snoqualmie, Tolt, Yakima, and Columbia rivers. In June 1999, Olympic withdrew its permit application, shortly after its mainline ruptured and exploded in the Bellingham area.

**U.S. v. Oregon:**

In this on-going case involving the states of Washington and Oregon and tribal parties, as well as the federal government, efforts were made recently to reach a state-tribal agreement on sharing the incidental impacts under the Endangered Species Act for Columbia River fisheries. Although the states and tribes were able to reach an agreement, that agreement was not acceptable to the National Marine Fisheries Service (NMFS). Consequently, the state and tribes will pursue separate procedural pathways to obtain incidental take authorization necessary to support their respective fisheries.

**Condit Dam Relicensing:**

In September 1999, PacifiCorp, the owner and operator of Condit Dam on the White Salmon River, entered into a settlement agreement with the major parties to the relicensing, agreeing to pay up to \$17.15 million for the dam's eventual removal. Under terms of the agreement, the company will be allowed to continue to operate the dam until 2006, when removal will begin.

**Cushman Dam Relicensing:**

The Federal Energy Regulatory Commission (FERC) issued a license in July 1998, following a 24-year re-licensing proceeding. Most of the parties sought rehearing, which FERC denied. The case is now under appeal in a federal court of appeals in Washington, D.C.

**Treaty tribes:**

*Co-managers of natural resources*

Many Washington tribes signed treaties with the United States in the 1850s. The treaties allowed the peaceful settlement of much of western Washington while reserving to the tribes the right to continue to hunt and fish in traditional areas.

A 1974 federal court ruling popularly known as the “Boldt Decision” affirmed the tribes’ fishing rights and established them as fishery co-managers in many parts of the state. Subsequent federal court decisions have affirmed the tribes’ status as co-managers of shellfish and wildlife in many parts of the state.

The state of Washington, in signing the Centennial Accord in 1989, formally recognized the sovereign government-to-government relationship that exists with treaty tribes. The New Millennium Accord, signed in 1999, pledges all the governments to implement the Centennial Accord’s terms on a daily basis.