

**NATIONAL MARINE FISHERIES SERVICE
SECTION 10(a)(1)(B) PERMIT FOR TAKES OF
ENDANGERED/THREATENED SPECIES**

Permit Number: 23193
Permit Type: Incidental Take
Program Name: Wells Hatchery Summer Chinook Artificial Propagation Program
Expiration Date: December 31, 2029

Joint Permit Holder(s):

**Public Utility District No 1 of Douglas
County**
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Contacts:

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Authorization

The Public Utility District No. 1 of Douglas County (Douglas PUD) and Washington State Department of Fish and Wildlife (WDFW) are hereby authorized to take endangered Upper Columbia River (UCR) spring Chinook salmon (*Oncorhynchus tshawytscha*) and threatened UCR steelhead (*Oncorhynchus mykiss*) as a result of the implementation of the artificial propagation program, subject to the provisions of Section 10(a)(1)(B) of the Endangered Species Act (ESA) of 1973 (16 U.S.C 1531 *et seq.*), National Marine Fisheries Service (NMFS) regulations governing ESA-listed species permits (50 CFR Part 222-226), and the conditions hereinafter set forth.

Permit Description

This permit authorizes Douglas PUD and WDFW (hereafter referred to as Permit Holders, and meaning any employee, contractor, or agent of any of the Permit Holders), annual incidental take of naturally produced and artificially propagated ESA-listed juvenile, endangered UCR spring Chinook salmon and threatened UCR steelhead associated in the course of operating the Wells Hatchery summer/fall Chinook salmon artificial propagation program¹. The effects of issuance of this permit on ESA-listed species were analyzed in (NMFS 2017).

¹ There is no incidental take issued under this permit for adult broodstock collection and related activities. Direct take of listed adult spring Chinook salmon and steelhead are addressed in Section 10(a)(1)(A) permits #18925 &

Description of Proposed Hatchery Program

The Wells Hatchery summer/fall Chinook salmon artificial propagation program, as described in section 8 of the HCP agreement and Wells Summer Chinook HGMP (Douglas County Public Utility District 2002), exists to mitigate for lost salmon productivity and harvest, resulting from the inundation of habitat by the Wells Hydroelectric Project (Wells Project). The program intends to supplement unlisted summer Chinook salmon terminal fisheries occurring upstream from the vicinity of Priest Rapids Dam on the mainstem Columbia River and its tributaries through an artificial propagation program, operated and funded by Douglas PUD. The Wells HCP Coordinating Committee (CC) and The Wells HCP Hatchery Committee (HC) through unanimous consent, current data, and best available science/technology, oversee implementation of this program. In addition to specific requirements in the HCP, this hatchery program must comply with the provisions of Section 10(a)(1)(B) of the ESA of 1973 (16 U.S.C. §§ 1531-1543), with NMFS regulations governing ESA-listed species permits (50 CFR Parts 222-224), and with the conditions in this permit. To ensure this program meets the requirements of section 10(a)(1)(B) of the ESA, hatchery operations will be adaptively managed following the framework established in the Wells HCP, on the basis of an extensive monitoring and evaluation plan, and the terms and conditions described in this permit.

This permit clearly delineates the specific roles and responsibilities of the Permit Holders according to their respective obligations and authorities. However, the failure of one Permit Holder to satisfy their conditions may result in the loss of take authorization for all Permit Holders. Under these circumstances, NMFS urges effective collaboration between Permit Holders in carrying out the authorized activities.

The Douglas PUD has an independent responsibility to meet hatchery compensation obligations described in the Wells HCP, program description, and Biological Opinion (NMFS 2017). The Douglas PUD will:

- Provide funding for and/or conduct hatchery operations including broodstock collection, spawning, incubation, and rearing at Wells Hatchery
- Provide for and maintain capacity for the Wells summer Chinook program
- Operate adult traps to include handling of summer/fall Chinook adults for broodstock collection, spawning, adult management, and stock assessment
- Incubate and propagate summer/fall Chinook from the fertilized egg through the fingerling, pre-smolt or smolt life stage at Wells Hatchery
- Release subyearling and yearling summer/fall Chinook salmon into the mainstem Columbia River from Wells Hatchery or elsewhere as directed by the HCP HC or HCP CC
- Provide funding for and/or conduct Monitoring and evaluation (M&E) of the artificial propagation program per the M&E Plan developed by the HCP HC as described in the

#23163, where potential encounters and direct take for the purpose of broodstock collection of UCR spring Chinook salmon and UCR summer steelhead at the Wells adult collection facilities is addressed.

HGMP (DPUD & WDFW, 2013) and in the Wells HCP (Douglas County Public Utility District, 2002)².

- Douglas PUD and WDFW will be co-permit holders for adult management activities up to the point at which summer/fall Chinook salmon are removed from Douglas PUD's trapping and adult-handling facilities and placed in holding containers for distribution to approved recipients.

The WDFW has an independent responsibility and authority to conduct activities necessary to manage fisheries resources of the State of Washington, but are also currently under contract to Douglas PUD to implement components of the M&E program. The WDFW will:

- Be responsible for adult management activities from the point at which fish are removed from Douglas PUD's trapping and adult-handling facilities and placed in holding containers.
- Conduct Hatchery operations associated with trapping and M&E as contracted and/or as necessary for stock assessment
- Develop, coordinate, and implement adult management related (surplussing) plans (where removal at dams, traps, or weirs is required) and activities where and when necessary, with the appropriate co-manager(s) and operators.
- Remove excess (surplus) hatchery Fish produced by the Wells Hatchery summer Chinook program as needed to meet gene-flow, escapement, stray rates, and/or other management objectives through promulgation of recreational fisheries and/or removal at dams, traps, or weirs.

Annual Planning

This Permit provides for ongoing, active adaptive management pursuant to the terms of the HCP (Douglas County Public Utility District 2002), the Wells HGMP (DPUD and WDFW 2013), and the NMFS Biological Opinion (NMFS 2017). Adjustments to the program may be made by the HCP HC or CC, provided any changes are made within the constraints of this permit and subject to the provisions of Section 10(a)(1)(B) of the Endangered Species Act of 1973 (16 U.S.C. §§ 1531-1543), and NMFS regulations governing ESA-listed species permits (50 CFR Parts 222-224). Such program adjustments do not require modification of the permit, provided that any adjustment will not result in a modification in level or type of take in excess of which is allotted in this Permit and/or NMFS biological opinion (NMFS 2017) incidental take statement (ITS). NMFS participates in the HCP HC and CC and notifies parties, in writing, if concerns arise and what steps should be taken to address those concerns (see reporting section below).

Take Description and Levels

Determining precise incidental take levels of ESA-listed species attributable to the complex ecological interactions resulting from hatchery activities is difficult to enumerate. Therefore, as

² Douglas PUD funds and conducts a portion of the M&E activities for this program as specified in the current HCP HC-approved M&E Plan for this program. WDFW, as a contractor to Douglas PUD and co-holder of the permit, currently provides the personnel and equipment for conducting these activities as specified in contracts and supporting documents.

described in the Incidental Take Statement in NMFS (2017), take will be assessed, measured and approximated through the use of take surrogates.

The Wells Hatchery summer/fall Chinook salmon artificial propagation program is allowed incidental take of: juvenile UCR spring Chinook salmon and UCR steelhead as a result of the release of artificially-propagated unlisted juvenile salmon into the natural environment of rearing and emigrating ESA-listed juvenile UCR spring Chinook salmon and UCR steelhead. Take limits and general and specific conditions are described below. Take exceeding the specified levels must be reported as described in section C of this permit.

This permit authorizes the incidental take of ESA-listed species as outlined hereafter. Take will include any of the following: harassment; capture; handling. Take will involve both marked and unmarked ESA listed UCR spring Chinook salmon and/or steelhead.

The basis for authorizing the incidental take of a threatened or endangered species is pursuant to Section 10(a)(1)(B) of the ESA, “[t]he Secretary may permit, under such terms and conditions as he shall prescribe, any take otherwise prohibited by section 9(a)(1)(B) if such taking is incidental to, and not the purpose of, the carrying out of an otherwise lawful activity.”

A. Incidental Take Limits

The incidental take limits described hereinafter are directly from (NMFS 2017) Biological Opinion, section 2.9, Take Statement. Please refer to the Biological Opinion for further information.

NMFS considers juvenile residency (days) in the mainstem Columbia River during emigration a measure of take for the presumed adverse effects of ecological interactions imposed upon listed and/or endangered species resulting from juvenile salmon releases as part of the Douglas PUD’s Wells Hatchery summer/fall Chinook salmon artificial propagation program. As shown in Table 49 in NMFS (2017), the median days of residence for out-migrating juveniles from point of release to McNary Dam is: 41 days for subyearlings and 26.8 days for yearlings. If the median travel time for emigrating juvenile hatchery summer/fall Chinook salmon is found to be 5 days more than the median value identified for the Wells Hatchery program in Table 49 for 3 of the next 5 years of 5-year running medians, take will be considered exceeded. This threshold will be reliably measured using emigration estimates from PIT tag data.

In addition to the take mentioned above, another effect on natural-origin fish can result from hatchery-origin fish that residualize. Residual hatchery fish are those fish that do not emigrate following release. For residualism, the take is indicated by the percentage of summer/fall Chinook salmon from a yearling release group that are observed to be either parr, precociously maturing, or precociously mature prior to release. NMFS considers, for the purpose of measuring take, that no more than 15 percent of program fish from each release group should be observed as having the potential to residualize. The take will be monitored annually for the first

5 years beginning with the 2020 release, then using a running five-year 5 average³ by either of the following methods:

1. Lethal visual assessment that would look for precociously mature fish (through gonadal development); or
2. Non-lethal visual assessment that would look for precociously mature males and parr (as defined by the unlikelihood of a juvenile smolting; i.e., if there is any indication that it would smolt, it would not be considered a parr). For this second method, the nonlethal visual assessments are likely to detect a lower rate of potentially residualizing fish. Adding parr to the sampling would lead to a higher detection rate than visually assessing for precocially mature males alone.

B. Special Conditions

General Handling of ESA-listed Fish

1. The Permit Holders shall apply measures to minimize harm to ESA-listed fish. These measures include, but are not limited to: limits on the duration (hourly, daily, weekly) of trapping; limits on holding time before release; and allowance for free passage through trapping sites when those sites are not actively operated.
2. All ESA-listed species must be handled carefully. Should NMFS determine that a procedure provided for under this permit is no longer acceptable, the Permit Holders must immediately cease such activity after notification by NMFS until NMFS identifies and approves an acceptable substitute procedure.
3. Each ESA-listed fish handled for obtaining biological information must be anesthetized. Anesthetized fish must be allowed to recover (e.g., in a recovery tank) before being released. Fish that are assessed without handling must remain in water, but do not need to be anesthetized.
4. ESA-listed fish must be handled with extreme care and kept in water to the maximum extent possible during sampling and processing procedures. Adequate circulation and replenishment of water in holding units is required. When using methods that capture a mix of species, ESA-listed fish must be processed first. The transfer of ESA-listed fish must be conducted using equipment that adequately holds water during transfer.
5. ESA-listed fish must not be handled when water temperature exceeds 21°C (69.8°F) at the capture site. Trap operation shall cease until either temperature drops below the threshold, or pending further consultation with NMFS to determine if continued trap operation poses substantial risk to ESA-listed species. Under these conditions, ESA-listed fish may only be identified and counted.

³ However, if it is apparent, from numbers observed in years prior to the fifth year, that the average is certain to exceed 15 percent after five years, operators will contact NMFS in the year the likely exceedance is discovered.

6. Visual observation or other non-invasive protocols must be used instead of intrusive sampling methods whenever possible. This is especially appropriate when merely ascertaining the presence of anadromous fish.

Broodstock Collection

7. The Wells Hatchery summer/fall Chinook program collects 602⁴ hatchery-origin broodstock with up to 10% natural-origin broodstock at the Wells Hatchery volunteer channel annually through Broodstock Collection Protocols. The Wells HCP HC must approve inclusion of natural-origin broodstock in excess of 10% of the total broodstock, and collection of natural-origin broodstock from Wells Dam in addition to those captured in the Wells Hatchery volunteer channel. Take is not expected to exceed that analyzed in the NMFS (2017) Biological Opinion.
8. Hatchery-origin adults may be removed at one or more of the following collection locations: Wells volunteer adult collection facility and Wells Dam fishways (subject to limitations on ladder-trapping schedules as determined by the HCP CC).
9. When in operation, trap facilities will be checked and emptied daily, with fish retained for broodstock for holding and spawning, and all other fish removed to the extent practicable.

Gene Flow Management

10. As an identified discretionary measure in NMFS (2017) to minimize or avoid adverse effects of a Proposed Action on listed species or critical habitat, the program will be managed to achieve a low pHOS to the extent practicable.

Fish Culture

11. NMFS recognizes the need for management flexibility. Therefore, changes in fish-culture protocols consistent with best management practices, conforming to the intent of the program, and having no substantial effects on the survival of any ESA-listed species, as approved by the HC, will be permitted upon request.

Juvenile Releases

12. Annually, the Permit Holders shall manage the program to 100 percent of the overall production goal (320,000 yearling; 484,000 sub-yearling) with releases limited to no more than +10 % of the production goal. The 10-percent overage is intended to account for variances in pre-spawn survival, fecundity, and within-hatchery survival, and is not intended as a production target. Consecutive years of overproduction shall trigger an adjustment in the parameters used in the calculation of broodstock targets to reduce over-collection of broodstock.

⁴Values listed are an approximation. Broodstock numbers are calculated annually, using a rolling 5-year average of in-hatchery performance metrics, and reflect a ~ 99% chance of meeting the program production targets.

13. Culling and/or transferring to avoid overproduction may occur at any stage, at the direction and approval of the HC. Transferring any production fish to another program must be approved through fish health personnel and transfers must not result in the exceedance of production targets (by more than 10%) in recipient programs.
14. Adaptive management shall be used for hatchery release strategies to achieve a balanced outcome of adult returns, homing fidelity of adult returns to their release sites, minimization of precocity and residualism rates of hatchery-origin fish, and minimization of ecological interactions between hatchery- and natural-origin juveniles. NMFS is aware that some of the variables cannot be optimized without having undesirable effects on other important variables (e.g., releasing non-migrants could increase residualism rates), and would be involved in these discussions through NMFS's role on the HC. Release of non-migrants should not result in exceedance of the 15% assigned take for residualism for the proportion of the release comprised of fish that are precociously mature or are non-migrants.
15. Douglas PUD shall fund and the applicants shall implement monitoring with a minimum of 10,000 PIT-tags, 5,000 per yearling and sub-yearling releases, for the Wells Hatchery summer/fall Chinook salmon program.
16. The Permit Holders will release appropriately sized hatchery-origin smolts as cited in the NMFS (2017) and determined by the HC, when fish are ready to emigrate directly to the ocean. NMFS (2017) states 50 fpp for sub-yearlings and 10 fpp for yearlings. The release method will incorporate a volitional, forced, or direct plant approach, or other method as approved by the HC. Through year 2025, if the travel time⁵ for emigrating juvenile hatchery summer/fall Chinook salmon to McNary Dam is 5 days longer than the median value (which equates to 50% of the fish) identified in Table 49 of NMFS (2017) (41 days for the Wells yearling program; 27 days for the Wells subyearling program) for each program for 4 of the next 5 years, the Permit Holders will discuss release alternatives with NMFS. Starting with year 2026, if the travel time for emigrating juvenile hatchery summer/fall Chinook salmon to McNary Dam is 5 days longer than the median value for each program for 3 of the previous 5 years of 5-year running medians, the Permit Holder will discuss release alternatives with NMFS.
17. Permit Holders will refine and implement marking schemes, in coordination with the HCP HC and JFP, with the goal of facilitating adult management, broodstock collection, and assessment of hatchery escapement into the wild and contributing to tribal and non-tribal fisheries.
18. In the event of an emergency, such as flooding, water loss to raceways, epizootic outbreak, or vandalism that necessitates early release of summer Chinook to prevent catastrophic mortality, any such release shall be reported within 48 hours to NMFS (see Section C for contact information).

⁵ NMFS recognizes that this metric can be influenced by factors other than hatchery operation

Facilities Operations

19. Permit Holders shall ensure that water intakes into artificial propagation facilities are properly screened in compliance with NMFS 1995 screening criteria and as per the 1996 addendum to those criteria (NMFS 1996) or, in the case of repair or reconstruction, subsequent updates to those criteria (NMFS 2011).
20. Permit Holders shall inspect and monitor the water intake structure screens at their hatchery facilities to determine if listed salmon and steelhead are being harmed or being drawn into the facility; the results of this monitoring shall be included in annual reports.
21. Water withdrawals shall not exceed levels permitted by the Water Use Permits issued to each of the facilities.
22. Permit Holders shall implement fish health policies and guidelines (NWIFC and WDFW 2006) (PNFHPC 1989), or subsequent updates, to minimize the risk of fish disease amplification and transfer, and to ensure that artificially propagated fish would be released in good health.

Monitoring and Evaluation

23. Any activities or methodologies associated with M&E including, but not limited to: PIT tagging, smolt trapping, spawning ground surveys, and redd surveys must be done according to the general guidelines for handling listed fish detailed above.
24. Permit Holders shall monitor within-hatchery fish health, as described in the comprehensive monitoring and evaluation plan.

C. Permit Reporting and Re-authorization Requirements

NMFS contact for all reports and modifications:

Emi Kondo; emi.kondo@noaa.gov
 Anadromous Production and Inland Fisheries Branch
 Sustainable Fisheries Division
 National Marine Fisheries Service, West Coast Region
 1201 N.E. Lloyd Blvd, Suite 1100
 Portland, Oregon 97232
 Phone: (503) 736-4739
 Fax: (503) 872-2737

1. If the authorized level of take as outlined in (NMFS 2017), is exceeded, the Permit Holders must notify the above contact as soon as possible, but no later than two days after the authorized level of take is knowingly exceeded. The Permit Holders must then submit a written report to the above contact describing the circumstances of the unauthorized take within two weeks of take exceedance. Pending review, NMFS may suspend or amend the permit.

2. The Permit Holders will provide advance notice to NMFS of any change in hatchery program operation that potentially increases the amount or extent of take, or results in an effect of take not previously considered
3. Permit Holders shall update and provide to the HC projected hatchery releases and the specific release locations as well as the broodstock plan for the coming year according to the schedules developed and approved by the HC.
4. The Permit Holders shall develop, in coordination with the HC, the reporting responsibilities of each of the joint Permit Holders. At minimum, the following issues should be addressed in annual reports submitted to the HC:

Hatchery Environment Monitoring Reporting

- Number and composition of broodstock for each program component, and dates of collection
- The numbers, pounds, dates, locations, and tag/mark information of released fish; coefficient of variation around the average (target) release size immediately prior to their release
- The percent of program fish from each yearling release group that are precociously mature (through lethal, gonadal development), or the percent of program fish from each yearling release group that are precociously mature male and parr (based on non-lethal visual observation)
- Survival rates of all life stages
- Disease occurrence
- Any problems that may have arisen during hatchery activities and/or any unforeseen effects on listed fish

Natural Environment Monitoring Reporting

- The number and distribution of returning Wells Hatchery summer/fall Chinook salmon adults into ESA-listed UCR spring Chinook populations.
 - Wells summer Chinook salmon program smolt-to-adult survival rate (pre- and post-harvest/ gene-flow management)
 - Post-release out-of-basin migration timing of juvenile program fish by release group to McNary Dam
 - Injuries or mortalities of listed species that result from monitoring and evaluation activities
5. Unless otherwise noted in the specific terms and conditions, reports shall be submitted according to the schedules developed and approved by the HC.
 6. The Permit Holders must provide NMFS with plans for future projects and/or changes in sampling locations or enhancement/research protocols and obtain concurrence from the HC before implementation of such changes.

D. General Conditions

1. The Permit Holders, in implementing the hatchery program authorized by this permit, has/have accepted the terms and conditions of this permit and must ensure compliance by itself and its agents with the provisions of this permit, the applicable regulations, and the ESA.
2. The Permit Holders are responsible for the actions of any individual operating under the authority of this permit. Such actions include operation of adult collection facilities for broodstock collection.
3. The Permit Holders and their agents must possess a copy of this permit when conducting the activities for which a take of ESA-listed species or other exception to ESA prohibitions is authorized.
4. The Permit Holders may not transfer or assign this permit without NMFS' approval to any other person(s), as defined in Section 3(13) of the ESA. This permit ceases to be in force or effective if transferred or assigned to any other person without prior authorization from NMFS.
5. The Permit Holders must obtain any other Federal, state, and local permits/authorizations necessary for the conduct of the activities provided for in this permit.
6. The Permit Holders must coordinate with other co-managers and/or researchers to minimize duplication and/or adverse cumulative effects as a result of the Permit Holder's activities.
7. The Permit Holders must providing advance notice to NMFS of any change in hatchery program operation that potentially increases the amount or extent of take, or results in an effect of take not previously considered.
8. The Permit Holders must providing notice if monitoring reveals an increase in the amount or extent of take, or discovers an effect of the Proposed Action not considered in the Biological Opinion (NMFS 2017).
9. The Permit Holders and/or their agents must allow, upon advance notice, any authorized NMFS employee(s) or any other person(s) designated by NMFS to accompany field personnel during the activities provided for in this permit. The Permit Holders must allow such person(s) to inspect the records and facilities of the Permit Holders and their agents if such records and facilities pertain to ESA-listed species covered by this permit or NMFS' responsibilities under the ESA.
10. Violation of any of the terms and conditions of this permit will subject the Permit Holders, and/or any individual who is operating under the authority of this permit, to penalties as provided for in the ESA.

11. NMFS may amend the provisions of this permit after reasonable notice to the Permit Holders.
12. 50 CFR Section 222.308(d)(8) allows NMFS to charge a reasonable fee to cover the costs of issuing permits under the ESA. NMFS has waived the fee for this permit.
13. NMFS may revoke this permit if the activities are not carried out in accordance with the conditions of the permit or the ESA and its regulations, or if NMFS otherwise determines that the findings made under Section 10(d) of the ESA no longer hold.
14. Any falsification of annual reports or records pertaining to this permit is a violation of this permit.

E. Penalties and Permit Sanctions

1. Any person who violates any provision of this permit is subject to civil and criminal penalties, permit sanctions, and forfeiture as authorized under the ESA and 15 CFR Part 904 [Civil Procedures].
2. All permits are subject to suspension, revocation, modification, and denial in accordance with the provisions of subpart D [Permit Sanctions and Denials] of 15 CFR Part 904.

F. References

- DPUD (Douglas County Public Utility District. 2002. Anadromous Fish Agreement and Habitat Conservation Plan. Wells Hydroelectric Project. FERC License No. 2149. March 26, 2002. Public Utility District No. 1 of Douglas County, U.S. Fish and Wildlife Service, National Marine Fisheries Service, Washington Department of Fish and Wildlife, Confederated Tribes of the Colville Reservation, Yakama Nation, Confederated Tribes of the Umatilla Indian Reservation.
- DPUD, and WDFW. 2013. Wells Hatchery Summer Chinook Program HGMP. May 28, 2013. 374p.
- NMFS. 1996. Juvenile Fish Screen Criteria for Pump Intakes: Addendum. May 9, 1996. NMFS Environmental and Technical Services Division, Portland, Oregon. 4p.
- NMFS. 2011. Anadromous Salmonid Passage Facility Design. July 2011. National Marine Fisheries Service, Northwest Region, Portland, Oregon. 140p.
- NMFS. 2017. Endangered Species Act (ESA) Section 7(a)(2) Biological Opinion and Magnuson-Stevens Fishery Conservation and Management Act Essential Fish Habitat (EFH) Consultation. Four Summer/Fall Chinook Salmon and Two Fall Chinook Salmon Hatchery Programs in the Upper Columbia River Basin. December 26, 2017. NMFS Consultation No.: WCR-2015-3607. 186p.
- NWIFC, and WDFW. 2006. The Salmonid Disease Control Policy of the Fisheries Co-Managers of Washington State. Revised July 2006. 38p.
- PNFHPC. 1989. Model Comprehensive Fish Health Protection Program. Approved September 1989, revised February 2007. PNFHPC, Olympia, Washington. 22p.

G. Signatures:

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Barry A. Thom
Regional Administrator
NMFS West Coast Region

September 10, 2019
Date


~~Shane Bickford~~ Gary R. Ivory
~~Douglas PUD Natural Resource Supervisor~~
General Manager

10.17.19
Date

X 
Kelly Susewind
WDFW Director


Date